

Records of the
Louisiana Constitutional
Convention of 1973:
Journal and Calendar

VOLUME II



VOLUME II

OFFICIAL JOURNAL

OF THE PROCEEDINGS AND CALENDAR OF THE

Constitutional Convention of 1973

of the

STATE OF LOUISIANA

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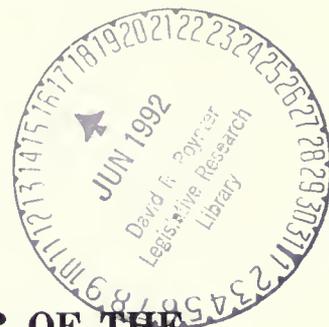
Begun and Held in the City of Baton Rouge, January 5, 1973

BY AUTHORITY

E. L. HENRY
Chairman

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk



OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

EIGHTY-SEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, November 16, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Giarrusso	Perez
Abraham	Ginn	Perkins
Aertker	Goldman	Planchard
Alario	Graham	Pugh
Alexander	Gravel	Rachal
Arnette	Grier	Rayburn
Asseff	Guarisco	Reeves
Avant	Hardee	Riecke
Badeaux	Hayes	Roemer
Bel	Haynes	Sandoz
Bergeron	Heine	Schmitt
Blair	Hernandez	Segura
Bollinger	Jack	Shannon
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Cannon	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leigh	Toomy
D'Gerolamo	Leithman	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vesich
Dennis	Martin	Vick
Drew	Mauberret	Wall
Dunlap	Maybuce	Warren
Duval	Miller	Wattigny
Edwards	Mire	Weiss
Elkins	Morris	Willis
Fayard	Munson	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fulco	Ourso	Zervigon
Gauthier		
Total—124.		

ABSENT

Delegates—		
Anzalone	Fowler	Roy
Derbes	Newton	Thistlethwaite
Deshotels		
Total—7.		

The Chairman announced that there were 124 members present and a quorum.

Prayer

Prayer was offered by Delegate Riecke.

Pledge of Allegiance

Delegate LeBleu led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Tobias, the reading of the Journal was dispensed with.

On motion of Delegate Tobias, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and districts.

Read.

Reported without action by the Committee on the Judiciary.

Delegate Miller moved that the Proposal be withdrawn from the files of the Convention.

As a substitute, Delegate Drew moved that the Proposal be engrossed and passed to its third reading.

Delegate Miller moved to table the substitute motion.

Delegate Drew objected.

By a vote of 23 yeas and 62 nays the Convention refused to table the substitute motion.

The vote recurred on the substitute motion to engross the Proposal and pass it to its third reading.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Graham	Rachal
Alario	Gravel	Rayburn
Avant	Grier	Roemer
Bel	Hardee	Sandoz
Bergeron	Heine	Segura
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Burns	Jackson, J.	Smith
Burson	Juneau	Soniat
Cannon	Kean	Stagg
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chehardy	Kilpatrick	Stovall
Comar	Landrum	Sutherland
Corne	Landry, A.	Tate
D'Gerolamo	Landry, E. J.	Thompson
De Blieux	LeBleu	Toomy
Dennery	Leigh	Ullo
Drew	Leithman	Vesich
Dunlap	McDaniel	Vick
Duval	Morris	Wisham
Elkins	Perkins	Zervigon
Flory	Pugh	
Total—71.		

NAYS

Delegates—		
Mr. Chairman	Gauthier	Planchard
Abraham	Giarrusso	Schmitt
Arnette	Hayes	Tobias
Asseff	Jenkins	Warren
Badeaux	Lambert	Wattigny
Brown	Lanier	Weiss
Conino	Lowe	Willis
Conroy	Miller	Womack
Fulco	Nunez	
Total—26.		

NOT VOTING

Delegates—		
Alexander	Ginn	Ourso
Anzalone	Goldman	Perez
Carmouche	Guarisco	Reeves
Chatelain	Haynes	Riecke
Cowen	Martin	Roy
Dennis	Mauberret	Tapper
Derbes	Maybuce	Thistlethwaite
Deshotels	Mire	Toca
Edwards	Munson	Velazquez
Fayard	Newton	Wall
Fontenot	O'Neill	Winchester
Fowler		
Total—34.		

And the Convention ordered the Proposal engrossed and passed to its third reading.

Delegate Drew moved to reconsider the vote by which the Proposal was ordered engrossed and passed to its third reading, and, on his own motion, the motion to reconsider was laid on the table.

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh, and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Read.

Reported without action by the Committee on the Judiciary.

Delegate Dennis moved that the Proposal be withdrawn from the files of the convention.

As a substitute, Delegate J. Jackson moved that the Proposal be engrossed and passed to its third reading.

Delegate Dennis objected.

The vote recurred on the substitute.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dennery	Leigh
Alario	Drew	Miller
Asseff	Dunlap	Mire
Bel	Flory	Nunez
Bergeron	Gauthier	Perez
Brien	Giarrusso	Perkins
Brown	Gravel	Pugh
Bunson	Hayes	Rachal
Carmouche	Jackson, A.	Schmitt
Casey	Jackson, J.	Segura
Champagne	Juneau	Slay
Chehardy	Kilpatrick	Soniak
Comar	Lambert	Stephenson
Conino	Landrum	Sutherland
D'Gerolamo	Landry, E. J.	Tate

Toca	Vick	Weiss
Toomy	Wall	Wisham
Uilo	Warren	Zervigon
Vesich	Wattigny	
Total—56.		

NAYS

Delegates—		
Aertker	Fulco	McDaniel
Arnette	Ginn	Morris
Avant	Grier	O'Neill
Badeaux	Guarisco	Planchard
Blair	Hardee	Rayburn
Bollinger	Heine	Reeves
Burns	Hernandez	Riecke
Cannon	Jack	Roemer
Chatelain	Jenkins	Sandoz
Conroy	Kean	Singletary
Corne	Kelly	Smith
Cowen	Kilbourne	Stinson
De Blieux	Landry, A.	Stovall
Dennis	Lanier	Thompson
Duval	LeBleu	Willis
Elkins	Lowe	Womack
Total—48.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Ourso
Alexander	Graham	Roy
Anzalone	Haynes	Shannon
Derbes	Leithman	Stagg
Deshotels	Martin	Tapper
Edwards	Mauberret	Thistlethwaite
Fayard	Maybuce	Tobias
Fontenot	Munson	Velazquez
Fowler	Newton	Winchester
Total—27.		

And the Convention ordered the Proposal engrossed and passed to its third reading.

Delegate J. Jackson moved to reconsider the vote by which the Proposal was ordered engrossed and passed to its third reading, and on his own motion, the motion to reconsider was laid on the table.

Unfinished Business

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Section 13. Recognition of Existing Boards and Systems; Consolidation

Section 13. (A) Recognition of Boards and Systems. Parish and city school board systems, in existence on the effective date of this constitution, by virtue of special or local legislative acts or previous constitutional provisions, are hereby recognized, subject to control by and supervision of the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Consolidation. Two or more school systems may be consolidated under procedures enacted by the legislature, subject to approval of a majority of the qualified electors voting in each system affected in an election called for that purpose.

Read.

PAGE 3

87th Days Proceedings—November 16, 1973

Delegate Wall sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Wall, Ginn, Kilpatrick, Henry and Warren to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, between lines 6 and 7, insert the following:

“(B) Ouachita Parish and Monroe City School Systems. The territorial jurisdiction and the ad valorem taxing jurisdiction of the Ouachita Parish School Board shall be the parish of Ouachita excluding the area within the city limits of the city of Monroe as existing on the effective date of this constitution. The territorial jurisdiction and the ad valorem taxing jurisdiction of the Ouachita Parish School Board may be changed only by the legislature or by the separate majority vote of each of the following: (1) electors within the jurisdiction of the Ouachita Parish School Board as defined herein and (2) electors within the territorial and ad valorem taxing jurisdiction of the Monroe City School Board, which encompasses the area within the city limits of the city of Monroe as existing on the effective date of this constitution.

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary.”

AMENDMENT No. 2—

On page 8, between lines 6 and 7, insert the following:

“(B) Ouachita Parish and Monroe City School Systems: board membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. Any member of either board at any time not satisfying the requirements of this Paragraph immediately shall vacate his position. The provisions of this Paragraph shall not become operative until the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary.”

On motion of Delegate Wall the amendments were withdrawn.

Delegate Wall sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Wall, Ginn, Kilpatrick, Henry and Warren to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, between lines 6 and 7, insert the following:

“(B) Ouachita Parish and Monroe City School Systems: board membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. Any member of either board at any time not satisfying the requirements of this Paragraph immediately shall vacate his position. The provisions of this Paragraph shall not become operative until the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary.”

Delegate Wall moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Rayburn
Aertker	Graham	Reeves
Alario	Gravel	Roemer
Arnette	Grier	Sandoz
Asseff	Hardee	Segura
Avant	Hayes	Shannon
Badeaux	Heine	Slay
Bergeron	Hernandez	Smith
Blair	Jack	Soniat
Brien	Jackson, A.	Stagg
Brown	Juneau	Stephenson
Burns	Kean	Stinson
Burson	Kelly	Stovall
Cannon	Kilbourne	Sutherland
Carmouche	Kilpatrick	Thompson
Casey	Landrum	Tobias
Champagne	Landry, A.	Toca
Chehardy	Landry, E. J.	Toomy
Comar	Lanier	Uilo
Conino	LeBleu	Vesich
Cowen	Lowe	Vick
D'Gerolamo	McDaniel	Wall
Dennery	Maybuce	Warren
Dunlap	Miller	Wattigny
Edwards	Mire	Willis
Elkins	Morris	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Womack
Fontenot	Perez	Zervigon
Fulco	Perkins	
Giarrusso	Plancharde	
Total—91.		

NAYS

Delegates—		
Abraham	De Blieux	Leigh
Bel	Dennis	Rachal
Bollinger	Drew	Riecke
Chatelain	Duval	Schmitt
Conroy	Gauthier	Singletary
Corne	Guarisco	Weiss
Total—18.		

NOT VOTING

Delegates—		
Alexander	Jenkins	Pugh
Anzalone	Lambert	Roy
Derbes	Leithman	Tapper
Deshotels	Martin	Tate
Fowler	Mauberret	Thistlethwaite
Goldman	Munson	Velazquez
Haynes	Newton	
Jackson, J.	Ourso	
Total—22.		

And the amendment was adopted.

Delegate Wall moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 13 was read, as amended.

Delegate Hernandez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Arnette	Badeaux
Aertker	Asseff	Bel
Alario	Avant	Bergeron

Blair	Gravel	Rayburn
Bollinger	Grier	Reeves
Brien	Guarisco	Riecke
Brown	Hardee	Roemer
Burns	Hayes	Sandoz
Burson	Heine	Schmitt
Cannon	Hernandez	Segura
Carmouche	Jack	Shannon
Casey	Juneau	Singletary
Champagne	Kean	Slay
Chatelain	Kelly	Smith
Chehardy	Kilbourne	Soniat
Comar	Kilpatrick	Stephenson
Conino	Landrum	Stinson
Corne	Landry, A.	Stovall
Cowen	Landry, E. J.	Sutherland
D'Gerolamo	Lanier	Tate
De Blieux	LeBleu	Thompson
Dennery	Leigh	Toca
Drew	Lowe	Toomy
Dunlap	McDaniel	Ullo
Duval	Maybuce	Vesich
Edwards	Miller	Wall
Elkins	Mire	Warren
Fayard	Morris	Wattigny
Flory	Nunez	Weiss
Fontenot	O'Neill	Willis
Fulco	Perez	Winchester
Gauthier	Perkins	Wisham
Giarrusso	Planchard	Womack
Ginn	Rachal	Zervigon
Graham		
Total—103.		

NAYS

Delegates—		
Abraham	Dennis	Vick
Conroy	Tobias	
Total—5.		

NOT VOTING

Delegates—		
Alexander	Jackson, J.	Ourso
Anzalone	Jenkins	Pugh
Derbes	Lambert	Roy
Deshotels	Leithman	Stagg
Fowler	Martin	Tapper
Goldman	Mauberret	Thistlethwaite
Haynes	Munson	Velazquez
Jackson, A.	Newton	
Total—23.		

And the Chair declared that the above Section was finally passed.

Delegate Hernandez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 14. Appropriations; Boards

Section 14. The legislature shall appropriate funds for the operating and administrative expenses of the boards created pursuant to this Article.

Read.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Juneau, Leithman and Corne to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 12 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. Appropriations
Section 14. Appropriations by the legislature for educational

purposes shall be made to and administered by the appropriation board, agency, or authority and shall be used solely for the operations of the institutions for which designated in the appropriations."

On motion of Delegate Corne the amendment was withdrawn.

Delegate Morris sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Morris to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 12, at the end of the line, add the punctuation and word "; Prohibitions"

AMENDMENT No. 2—

On page 8, line 13, immediately after the number and punctuation "14." and before the word "The" insert "(A)"

AMENDMENT No. 3—

On page 8, between lines 15 and 16, insert the following:
"(B) No appropriation of public funds shall be made to any private or sectarian school, but nothing in this Paragraph shall be construed to prohibit the supplying of free school books, school lunches, school bus transportation or other goods and services which were provided from public funds to children in private or sectarian schools and handicapped persons as of January 1, 1972. The legislature may enact appropriate legislation to permit institutions of higher learning which receive all or part of their support from the state of Louisiana to engage in interstate and intrastate education agreements with other state governments, agencies of other state governments, institutions of higher learning of other state governments and private institutions of higher learning within or outside state boundaries."

Point of Order

Delegate Kelly raised a point of order as to whether the subject matter contained in the amendments were germane to the Section and asked a ruling from the chair.

Ruling of the Chair

The Chair ruled that the amendments were in order at this time.

Appeal From the Ruling of the Chair

Delegate Abraham appealed the ruling of the Chair.

Under the rules the vote recurred on the question of sustaining the Chair.

By a vote of 76 yeas and 26 nays the Chair was sustained.

Motion

Delegate Morris moved to withdraw the amendments.

Delegate Bollinger objected.

By a vote of 82 yeas and 12 nays the amendments were withdrawn.

Motion

Delegate Gravel moved that the Convention recess until 1:15 o'clock P.M.

Delegate Abraham objected.

By a vote of 67 yeas and 22 nays the Convention recessed until 1:15 o'clock P.M.

After Recess

The Convention was called to order at 1:15 o'clock P.M. by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following named Delegates answered to their names:

PRESENT

Delegates— Mr. Chairman	Elkins	Pugh
Abraham	Fayard	Reeves
Aertker	Flory	Riecke
Arnette	Fulco	Roemer
Asseff	Ginn	Sandoz
Avant	Gravel	Segura
Badeaux	Grier	Shannon
Bel	Hardee	Singletary
Bergeron	Hayes	Slay
Bollinger	Hernandez	Smith
Brien	Jackson, A.	Soniat
Burns	Juneau	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Sutherland
Casey	Kilpatrick	Tate
Champagne	Landry, A.	Thompson
Chatelain	Landry, E. J.	Toca
Chehardy	Lanier	Toomy
Comar	LeBleu	Ullo
Conino	Leigh	Velazquez
Conroy	Lowe	Vick
Corne	McDaniel	Wall
Cowen	Martin	Warren
D'Gerolamo	Maybuce	Wattigny
De Blieux	Mire	Weiss
Dennery	Morris	Willis
Drew	O'Neill	Winchester
Dunlap	Perez	Wisham
Duval	Perkins	Zervigou
Total—87.		

ABSENT

Delegates—	Graham	Nunez
Alario	Guarisco	Ourso
Alexander	Haynes	Planchard
Anzalone	Heine	Rachal
Blair	Jack	Rayburn
Brown	Jackson, J.	Roy
Burson	Jenkins	Schmitt
Dennis	Kean	Stinson
Derbes	Lambert	Stovall
Deshotels	Landrum	Tapper
Edwards	Leithman	Thistlethwaite
Fontenot	Maubert	Tobias
Fowler	Miller	Vesich
Gauthier	Munson	Womack
Giarrusso	Newton	
Goldman		
Total—44.		

And the Chairman announced that there were 87 members present and a quorum.

Delegate Morris sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Morris to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 12, at the end of the line, add the punctuation and word “; Prohibitions”

AMENDMENT No. 2—

On page 8, line 13, immediately after the number and punctuation “14.” and before the word “The” insert “(A)”

AMENDMENT No. 3—

On page 8, between lines 15 and 16, insert the following:

“(B) No appropriation of public funds shall be made to any private or sectarian school, but nothing in this Paragraph shall be construed to prohibit the supplying of free school books, school lunches, school bus transportation or other goods and services which were provided from public funds to children in private or sectarian schools and handicapped persons as of January 1, 1972.

AMENDMENT No. 4—

On page 8, immediately after the language added by Amendment No. 3, add the following sentence:

“The legislature may enact appropriate legislation to permit institutions of higher learning which receive all or part of their support from the state of Louisiana to engage in interstate and intrastate education agreements with other state governments, agencies of other state governments, institutions of higher learning of other state governments and private institutions of higher learning within or outside state boundaries.”

Motion

On motion of Delegate Tobias a limit of one hour was set for debate on the above amendments.

Motion

On motion of Delegate Tobias the previous question was ordered on the amendments.

Division of the Question

On request of Delegate Morris a division of the question was ordered.

Delegate Morris moved the adoption of amendments Nos. 1, 2 and 3.

Delegate Gauthier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Jackson, A.	Soniat
Aertker	Jackson, J.	Stagg
Asseff	Kean	Stinson
Avant	Kelly	Sutherland
Burns	Kilpatrick	Tobias
Corne	Landrum	Velazquez
Drew	Morris	Wall
Ginn	Reeves	Warren
Grier	Roemer	Zervigou
Hayes	Singletary	
Heine		
Total—21.		

NAYS

Delegates—	Edwards	O'Neill
Abraham	Elkins	Nunez
Alario	Fayard	Perez
Alexander	Flory	Perkins
Arnette	Fulco	Planchard
Badeaux	Gauthier	Pugh
Bel	Giarrusso	Rachal
Bergeron	Graham	Riecke
Bollinger	Gravel	Sandoz
Brien	Guarisco	Schmitt
Brown	Hardee	Segura
Burson	Jack	Shannon
Cannon	Jenkins	Slay
Carmouche	Juneau	Smith
Casey	Kilbourne	Stephenson
Champagne	Kilpatrick	Thompson
Chatelain	Landry, A.	Toca
Chehardy	Landry, E. J.	Toomy
Comar	Lanier	Ullo
Conino	LeBleu	Vesich
Conroy	Leigh	Vick
Cowen	Leithman	Wattigny
D'Gerolamo	Lowe	Weiss
De Blieux	McDaniel	Willis
Dennery	Martin	Winchester
Dunlap	Maybuce	Wisham
Duval	Mire	
Total—79.		

NOT VOTING

Delegates—	Derbes	Goldman
Mr. Chairman	Deshotels	Haynes
Anzalone	Fontenot	Hernandez
Blair	Fowler	Lambert
Dennis		

Mauberret	Ourso	Tapper
Miller	Rayburn	Tate
Munson	Roy	Thistlethwaite
Newton	Stovall	Womack
Total—27.		

And Amendments No. 1, 2 and 3 were rejected.

Delegate Gauthier moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

On motion of Delegate Morris, and under a suspension of the Rules, Amendment No. 4 was withdrawn.

Passage

Committee Proposal No. 7 Section 14 was read.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Pianchard
Alario	Ginn	Pugh
Alexander	Graham	Rachal
Arnette	Gravel	Rayburn
Badeaux	Guarisco	Reeves
Bel	Hardee	Riecke
Bergeron	Hayes	Sandoz
Bollinger	Heine	Schmitt
Brien	Hernandez	Segura
Brown	Jack	Shannon
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Slay
Cannon	Jenkins	Smith
Carmouche	Juneau	Soniat
Casey	Kean	Stagg
Champagne	Kelly	Stephenson
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Thompson
Comar	Landrum	Toca
Conino	Landry, A.	Toomy
Conroy	Landry, E. J.	Ullo
Corne	Lanier	Velazquez
Cowen	LeBleu	Vesich
D'Gerolamo	Leigh	Warren
De Blieux	Leithman	Wattigny
Dennery	Lowe	Weiss
Dennis	McDaniel	Willis
Dunlap	Martin	Winchester
Edwards	Maybece	Wisham
Elkins	Mire	Zervigon
Fayard	Nunez	
Flory	O'Neill	
Total—100.		

NAYS

Delegates—		
Asseff	Grier	Stinson
Avant	Morris	Tobias
Duval	Roemer	Vick
Total—9.		

NOT VOTING

Delegates—		
Anzalone	Haynes	Roy
Blair	Lambert	Stovall
Derbes	Mauberret	Tapper
Deshotels	Miller	Tate
Drew	Munson	Thistlethwaite
Fontenot	Newton	Wall
Fowler	Ourso	Womack
Goldman		
Total—22.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 15. Appropriations; Higher Education

Section 15. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made to their respective managing boards. The appropriations shall be administered by the managing boards and used solely for the operations of the institution for which designated in the appropriations.

Read.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 21, after the word "solely" delete the remainder of the line and delete line 22 in its entirety and insert in lieu thereof the following:
"as provided by law."

Delegate Rayburn moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Planchard
Abraham	Graham	Pugh
Aertker	Gravel	Rachal
Alario	Grier	Rayburn
Alexander	Guarisco	Reeves
Arnette	Hardee	Riecke
Badeaux	Heine	Roemer
Bel	Hernandez	Sandoz
Bergeron	Jack	Schmitt
Blair	Jackson, A.	Shannon
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Slay
Brown	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Cannon	Kilbourne	Stephenson
Carmouche	Kilpatrick	Stinson
Casey	Lambert	Sutherland
Champagne	Landrum	Tapper
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Thompson
Comar	Lanier	Tobias
Conino	LeBleu	Toca
Conroy	Leigh	Toomy
Corne	Leithman	Ullo
D'Gerolamo	Lowe	Velazquez
De Blieux	McDaniel	Vesich
Dennery	Martin	Vick
Dennis	Mauberret	Wall
Drew	Maybece	Warren
Dunlap	Miller	Wattigny
Duval	Mire	Weiss
Edwards	Morris	Willis
Elkins	Munson	Winchester
Fayard	Nunez	Wisham
Fulco	Ourso	Womack
Gauthier	Perez	Zervigon
Giarrusso	Perkins	
Total—113.		

NAYS

Delegates—		
Asseff	Cowen	Hayes
Avant	Flory	O'Neill
Total—6.		

NOT VOTING

Delegates—		
Anzalone	Fowler	Roy
Derbes	Goldman	Segura
Deshotels	Haynes	Stovall
Fontenot	Newton	Thistlethwaite
Total—12.		

And the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 15 was read as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Perkins
Aertker	Ginn	Planchard
Alario	Graham	Pugh
Alexander	Gravel	Rachal
Arnette	Grier	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hardee	Riecke
Bel	Hayes	Roemer
Bergeron	Heine	Sandoz
Blair	Hernandez	Schmitt
Bollinger	Jack	Shannon
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Burns	Juneau	Smith
Burson	Kean	Soniat
Cannon	Kelly	Stagg
Carmouche	Kilbourne	Stephenson
Champagne	Kilpatrick	Stinson
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Toca
Corne	LeBleu	Toomy
Cowen	Leigh	Ullo
D'Gerolamo	Leithman	Velazquez
De Blieux	Lowe	Vesich
Dennery	McDaniel	Wall
Dennis	Martin	Warren
Drew	Mauberret	Wattigny
Dunlap	Maybuce	Weiss
Duval	Miller	Willis
Edwards	Mire	Winchester
Elkins	Morris	Wisham
Fayard	Munson	Womack
Flory	Nunez	Zervigon
Fulco	Ourso	
Gauthier	Perez	
Total—112.		

NAYS

Delegates—		
Asseff	Jenkins	Tobias
Casey	O'Neill	Vick
Total—6.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Roy
Anzalone	Goldman	Segura
Derbes	Haynes	Stovall
Deshotels	Newton	Thistlethwaite
Fontenot		
Total—13.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) State Funds. State funds for the education of the school children of this state at the elementary and secondary levels shall be derived from the sources and shall be apportioned to the parish and city school boards in the manner hereinafter set forth:

First: After dedication of annual amounts required by this constitution to be deducted from the first moneys available to the State Severance Tax Fund, and after deduction of not to exceed five hundred thousand dollars per annum to pay for the costs of collecting this tax and administering the laws pertaining to the conservation of the natural resources of the state, out of the first moneys comprising the residue then existing in the fund, the legislature 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. After July first of each year, the state treasurer shall set up a fund for the payment of the amounts set forth in Paragraph (A) of this Section. When sufficient funds have accumulated in the fund for the payment of the moneys required for the purposes above mentioned including school books and materials of instruction, then, before the tenth day of each month, the state treasurer shall transfer to a fund in the state treasury designated as the State Elementary and Secondary Education Fund such balances as have accrued.

Second: The proceeds of particular taxes now or hereafter levied by the legislature and dedicated, appropriated, or otherwise made available to the State Elementary and Secondary Education Fund or for the support of public schools.

Third: Such other funds as the legislature has provided or hereafter provides for the education of the school children of Louisiana.

(B) Allocation of Funds. The funds specified in Paragraph (A) hereof shall be apportioned as follows:

(1) Minimum program. There shall be appropriated from the State Public School Fund and from the State General Fund sufficient funds to insure a minimum program of education in all public elementary and secondary schools. The minimum program of education to be maintained in all parish and city school systems shall be established by the State Board of Elementary and Secondary Education. The board shall adopt formulas and procedures for the distribution of these funds to the several school boards.

(2) Other state funds. Any other funds provided by the legislature for the support of public schools shall be apportioned and distributed in accordance with a formula established by the State Board of Elementary and Secondary Education, except as otherwise specifically provided for by the law appropriating the funds.

(3) Other Funds. Any funds for the education of the school children of Louisiana from any other source shall be distributed in the manner determined by the State Board of Elementary and Secondary Education, subject, however, to the terms of the laws governing such funds or the lawful stipulations of the source of the funds.

(C) Local Funds. The local funds for the support of elementary and secondary public schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, and no other parochial or municipal authority except as otherwise specifically provided for in this constitution, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish.

Second: The provisions of Paragraph (C) First above shall not apply to property within a municipality which is exempt from parochial taxation. In lieu of that the governing authority of each of these municipalities shall levy a tax annually and shall collect and pay, to the parish school board in which such municipality is situated, out of the proceeds of the general ad valorem tax for municipal purposes, such an amount as shall equal the rate of five mills levied hereunder by the parish school board.

The provisions of Paragraph (C) First shall not apply to

municipalities which under constitutional or legislative authority are actually operating, maintaining, and supporting a separate city system of public schools. In lieu of such tax, however, the school board in each such municipality shall levy an annual tax of five mills on the dollar on the assessed valuation of all property within the municipality. The proceeds thereof shall be used exclusively for the support of the public schools.

Third: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Fourth: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature. No such tax shall be levied for a period longer than ten years, except that any tax levied to pay the costs of bonds or other debts incurred shall be levied and collected until the principal and interest on the bonds or other debts have been paid.

Fifth: The legislature may provide for additional sources of local support for elementary and secondary schools.

(D) Monroe, Bogalusa; Treatment as Parishes, For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities.

(E) Ouachita Parish. The school board of Ouachita Parish shall not be required to pay to the city of Monroe out of the public funds any per capita for children residing without the limits of said city and who may attend the schools maintained by the city of Monroe under its legislative charter.

Read.

Delegate Zervigon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Zervigon, Aertker, Roemer, Burson and Conroy to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 25 through 29, both inclusive, in their entirety

AMENDMENT No. 2—

On page 8, delete lines 30 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. (A) The legislature 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."

AMENDMENT No. 3—

On page 9, delete lines 19 through 23, both inclusive, in their entirety

AMENDMENT No. 4—

On page 9, delete lines 24 through 26, both inclusive, in their entirety

AMENDMENT No. 5—

On page 9, delete lines 27 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) The legislature shall appropriate sufficient funds to insure a minimum program of education in all public elementary and secondary schools."

AMENDMENT No. 6—

On page 10, delete lines 6 through 17, both inclusive, in their entirety

AMENDMENT No. 7—

On page 10, line 18, at the beginning of the line, delete "(C) Local Funds." and insert in lieu thereof "(C)"

AMENDMENT No. 8—

On page 10, delete lines 21 through 32, both inclusive, and on page 11 strike out lines 1 through 12 in their entirety and insert in lieu thereof the following:

"First: Each parish school board, the parish of Orleans excepted, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city in the manner prescribed by law."

AMENDMENT No. 9—

On page 11, line 13, at the beginning of the line, delete the word "Third" and insert in lieu thereof the word "Second"

AMENDMENT No. 10—

On page 11, line 23, at the beginning of the line, delete the word "Fourth" and insert in lieu thereof the word "Third"

AMENDMENT No. 11—

On page 11, line 31, immediately after the word and punctuation "legislature," delete the remainder of the line and delete line 32, in its entirety and on page 12, delete lines 1 through 3, both inclusive, in their entirety

AMENDMENT No. 12—

On page 12, delete lines 4 and 5, in their entirety

AMENDMENT No. 13—

On page 12, delete line 6 in its entirety, and insert in lieu thereof the following:

"(D) For the"

AMENDMENT No. 14—

On page 12, delete lines 13 through 17, both inclusive, in their entirety

Delegate Zervigon moved the adoption of the amendments.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Pugh
Aertker	Gravel	Rachal
Alexander	Grier	Reeves
Arnette	Guarisco	Riecke
Badeaux	Hardee	Roemer
Bel	Hayes	Sandoz
Bollinger	Jack	Schmitt
Burns	Jackson, A.	Shannon
Burson	Jackson, J.	Singletary
Cannon	Jenkins	Smith
Carmouche	Juneau	Soniat
Casey	Kean	Stagg
Champagne	Kelly	Sutherland
Chatelain	Kilpatrick	Tapper
Conroy	Landrum	Tate
Corne	Landry, A.	Thompson
Cowen	Lanier	Tobias
Dennery	LeBleu	Toomy
Drew	Leithman	Vesich
Dunlap	Lowe	Vick
Duval	McDaniel	Warren
Edwards	Martin	Willis
Elkins	Mire	Wisham
Gauthier	Morris	Zervigon
Ginn	Perez	
Goldman	Perkins	
Total—76.		

NAYS

Delegates—		
Alario	Fulco	Ourso
Asseff	Giarrusso	Planchard
Avant	Heine	Rayburn
Bergeron	Hernandez	Slay
Blair	Kilbourne	Stephenson
Brien	Lambert	Stinson
Chehardy	Landry, E. J.	Toca
Comar	Leigh	Ullo
Conino	Mauberret	Velazquez
D'Gerolamo	Maybuce	Wattigny
De Blieux	Miller	Weiss
Dennis	Munson	Winchester
Fayard	Nunez	Womack
Flory	O'Neill	
Total—41.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Segura
Anzalone	Fowler	Stovall
Brown	Haynes	Thistlethwaite
Derbes	Newton	Wall
Deshotels	Roy	
Total—14.		

And the amendments were adopted.

Delegate Zervigon moved to reconsider the vote by which the amendments were adopted, and on her own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Kean the Convention deferred further action on Committee Proposal No. 7, Section 16, at this time.

Section 17. Tulane University

Section 17. The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created and to be developed in accordance with provisions of the Legislative Act No. 43 approved July 5, 1884.

Read.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, delete lines 28 through 22, both inclusive, in their entirety

Delegate Tobias moved the adoption of the amendment.

Delegate Smith objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Jenkins
Arnette	Flory	Juneau
Avant	Grier	Lanier
Bollinger	Guarisco	Lowe
Cannon	Hardee	Mauberret
Carmouche	Hayes	Miller
Conroy	Haynes	Rachal
Dunlap	Jackson, A.	Reeves
Duval	Jackson, J.	Roemer

Singletary
Slay
Soniak
Tobias
Stagg
Total—38.

Stephenson
Sutherland
Tobias
Vick

Warren
Willis
Zervigon

NAYS

Delegates—		
Mr. Chairman	Dennis	Mire
Aertker	Drew	Munson
Alario	Elkins	Nunez
Alexander	Fulco	Ourso
Asseff	Gauthier	Perkins
Badeaux	Giarrusso	Planchard
Bel	Ginn	Pugh
Bergeron	Goldman	Rayburn
Blair	Gravel	Riecke
Brien	Heine	Sandoz
Brown	Hernandez	Schmitt
Burns	Jack	Shannon
Burson	Kean	Smith
Casey	Kelly	Stinson
Champagne	Kilbourne	Tapper
Chatelain	Kilpatrick	Thompson
Chehardy	Landrum	Toca
Comar	Landry, A.	Toomy
Conino	Landry, E. J.	Ullo
Corne	LeBleu	Velazquez
Cowen	Leigh	Vesich
D'Gerolamo	Leithman	Weiss
De Blieux	McDaniel	Wisham
Dennery	Maybuce	Womack
Total—71.		

NOT VOTING

Delegates—		
Anzalone	Lambert	Segura
Derbes	Martin	Stovall
Deshotels	Morris	Tate
Edwards	Newton	Thistlethwaite
Fontenot	O'Neill	Wall
Fowler	Perez	Wattigny
Graham	Roy	Winchester
Total—23.		

And the amendment was rejected.

Delegate Smith moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 17 was read.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dennis	LeBleu
Aertker	Drew	Leigh
Alario	Duval	Leithman
Alexander	Elkins	Lowe
Asseff	Fayard	McDaniel
Badeaux	Fulco	Mauberret
Bel	Gauthier	Maybuce
Bergeron	Giarrusso	Mire
Blair	Ginn	Morris
Brien	Goldman	Munson
Brown	Gravel	Nunez
Burns	Grier	Ourso
Burson	Hardee	Perkins
Cannon	Hayes	Planchard
Carmouche	Haynes	Pugh
Casey	Heine	Rachal
Champagne	Hernandez	Rayburn
Chatelain	Jack	Reeves
Chehardy	Jackson, J.	Riecke
Comar	Juneau	Sandoz
Conino	Kean	Shannon
Corne	Kelly	Slay
Cowen	Kilbourne	Smith
D'Gerolamo	Kilpatrick	Stagg
De Blieux	Landry, A.	Stinson
Dennery	Landry, E. J.	Sutherland

Tapper	Toomy	Weiss
Tate	Ullio	Wisham
Thompson	Velazquez	Womack
Toca	Vesich	
Total—89.		

NAYS

Delegates—		
Arnette	Jackson, A.	Soniat
Avant	Jenkins	Stephenson
Ecllinger	Lanier	Vick
Conroy	Miller	Warren
Dunlap	Roemer	Wattigny
Flory	Schmitt	Willis
Guarisco	Singletary	Zervigon
Total—21.		

NOT VOTING

Delegates—		
Mr. Chairman	Graham	Roy
Anzalone	Lambert	Segura
Derbes	Landrum	Stovall
Deshotels	Martin	Thistlethwaite
Edwards	Newton	Tobias
Fontenet	O'Neill	Wall
Fowler	Perez	Winchester
Total—21.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Burson the Convention took up Committee Proposal No. 7, Section 16, out of its regular order at this time.

Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) State Funds. State funds for the education of the school children of this state at the elementary and secondary levels shall be derived from the sources and shall be apportioned to the parish and city school boards in the manner hereinafter set forth:

First: After dedication of annual amounts required by this constitution to be deducted from the first moneys available to the State Severance Tax Fund, and after deduction of not to exceed five hundred thousand dollars per annum to pay for the costs of collecting this tax and administering the laws pertaining to the conservation of the natural resources of the state, out of the first moneys comprising the residue then existing in the fund, the legislature 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. After July first of each year, the state treasurer shall set up a fund for the payment of the amounts set forth in Paragraph (A) of this Section. When sufficient funds have accumulated in the fund for the payment of the moneys required for the purposes above mentioned including school books and materials of instruction, then, before the tenth day of each month, the state treasurer shall transfer to a fund in the state treasury designated as the State Elementary and Secondary Education Fund such balances as have accrued.

Second: The proceeds of particular taxes now or hereafter levied by the legislature and dedicated, appropriated, or otherwise made available to the State Elementary and Secondary Education Fund or for the support of public schools.

Third: Such other funds as the legislature has provided or hereafter provides for the education of the school children of Louisiana.

(B) Allocation of Funds. The funds specified in Paragraph (A) hereof shall be apportioned as follows:

(1) Minimum program. There shall be appropriated from the State Public School Fund and from the State General

Fund sufficient funds to insure a minimum program of education in all public elementary and secondary schools. The minimum program of education to be maintained in all parish and city school systems shall be established by the State Board of Elementary and Secondary Education. The board shall adopt formulas and procedures for the distribution of these funds to the several school boards.

(2) Other state funds. Any other funds provided by the legislature for the support of public schools shall be apportioned and distributed in accordance with a formula established by the State Board of Elementary and Secondary Education, except as otherwise specifically provided for by the law appropriating the funds.

(3) Other Funds. Any funds for the education of the school children of Louisiana from any other source shall be distributed in the manner determined by the State Board of Elementary and Secondary Education, subject, however, to the terms of the laws governing such funds or the lawful stipulations of the source of the funds.

(C) Local Funds. The local funds for the support of elementary and secondary public schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, and no other parochial or municipal authority except as otherwise specifically provided for in this constitution, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish.

Second: The provisions of Paragraph (C) First above shall not apply to property within a municipality which is exempt from parochial taxation. In lieu of that the governing authority of each of these municipalities shall levy a tax annually and shall collect and pay, to the parish school board in which such municipality is situated, out of the proceeds of the general ad valorem tax for municipal purposes, such an amount as shall equal the rate of five mills levied hereunder by the parish school board.

The provisions of Paragraph (C) First shall not apply to municipalities which under constitutional or legislative authority are actually operating, maintaining, and supporting a separate city system of public schools. In lieu of such tax, however, the school board in each such municipality shall levy an annual tax of five mills on the dollar on the assessed valuation of all property within the municipality. The proceeds thereof shall be used exclusively for the support of the public schools.

Third: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Fourth: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature. No such tax shall be levied for a period longer than ten years, except that any tax levied to pay the costs of bonds or other debts incurred shall be levied and collected until the principal and interest on the bonds or other debts have been paid.

Fifth: The legislature may provide for additional sources of local support for elementary and secondary schools.

(D) Monroe, Bogalusa; Treatment as Parishes. For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities.

(E) Ouachita Parish. The school board of Ouachita Parish shall not be required to pay to the city of Monroe out of the public funds any per capita for children residing without the limits of said city of and who may attend the schools maintained by the city of Monroe under its legislative charter.

Vice Chairman Casey in the Chair

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Burson, Comar, and Gravel to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 23 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 32, both inclusive, in their entirety and on page 10, delete lines 1 through 32, both inclusive, in their entirety and on page 11, delete lines 1 through 32, both inclusive, in their entirety and on page 12, delete lines 1 through 17, both inclusive, in their entirety and delete floor amendments nos. 1 through 14, proposed by Delegate Zervigon and adopted by the convention on November 16, 1973 and insert in lieu thereof the following:

"Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) The legislature 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.

(B) The legislature shall appropriate sufficient funds to insure a minimum program of education in all public and secondary schools. Such funds as the legislature appropriates shall be equitably allocated to the parish and city school systems according to formulas adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to the time such appropriation is made.

(C) Other Funds. Any funds for the education and benefit of the school children of Louisiana from any other source shall be distributed in the manner determined by the State Board of Elementary and Secondary Education, subject, however, to the terms of the laws appropriating or governing such funds.

(D) The local funds for the support of elementary and secondary public schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city in the manner prescribed by law.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality with supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature.

(E) For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities."

On motion of Delegate Burson the amendment was withdrawn.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Burson, Comar, and Gravel to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 23 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 32, both inclusive, in their entirety and on page 10, delete lines 1 through 32, both inclusive, in their entirety and on page 11, delete lines 1 through 32, both inclusive, in their entirety and on page 12, delete lines 1 through 17, both inclusive, in their entirety and delete floor amendments nos. 1 through 14, proposed by Delegate Zervigon and adopted by the convention on November 16, 1973 and insert in lieu thereof the following:

"Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) The legislature 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.

(B) The legislature shall appropriate sufficient funds to insure a minimum program of education in all public elementary and secondary schools. Such funds as the legislature appropriates shall be equitably allocated to the parish and city school systems according to formulas adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to the time such appropriation is made.

(C) Other Funds. Any funds for the education and benefit of the school children of Louisiana from any other source shall be distributed in the manner determined by the State Board of Elementary and Secondary Education, subject, however, to the terms of the laws appropriating or governing such funds.

(D) The local funds for the support of elementary and secondary public schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city in the manner prescribed by law.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature.

(E) For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities."

On motion of Delegate Burson the amendment was withdrawn.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Burson, Comar, and Gravel to Committee Proposal No. 7 by Delegate Aertker, et al.

PAGE 12

87th Days Proceedings—November 16, 1973

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 23 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 32, both inclusive, in their entirety and on page 10, delete lines 1 through 32, both inclusive, in their entirety and on page 11, delete lines 1 through 32, both inclusive, in their entirety and on page 12, delete lines 1 through 17, both inclusive, in their entirety and delete floor amendments nos. 1 through 14, proposed by Delegate Zervigon and adopted by the convention on November 16, 1973 and insert in lieu thereof the following:

"Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) The legislature 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.

(B) The legislature shall appropriate sufficient funds to insure a minimum foundation program of education in all public elementary and secondary schools. Such funds as the legislature appropriates shall be equitably allocated to the parish and city school systems according to formulas adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to the time such appropriation is made.

(C) The local funds for the support of elementary and secondary public schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city in the manner prescribed by law.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature.

(D) For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities."

Delegate Burson moved the adoption of the amendment.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—		
Abraham	Bel	Burns
Aertker	Bergeron	Burson
Alario	Blair	Cannon
Alexander	Bollinger	Carmouche
Avant	Brlen	Casey
Badeaux	Brown	Champagne

Chatelain	Jackson, A.	Rayburn
Chehardy	Jackson, J.	Reeves
Comar	Jenkins	Riecke
Conino	Juneau	Sandoz
Conroy	Kean	Schmitt
Corne	Kilbourne	Shannon
D'Gerolamo	Lambert	Slay
De Blieux	Landrum	Smith
Dennery	Landry, A.	Stagg
Drew	Landry, E. J.	Sutherland
Dunlap	LeBleu	Tapper
Duval	Leigh	Tate
Edwards	Leithman	Thompson
Elkins	Low	Tobias
Fayard	McDaniel	Toomy
Flory	Mauberret	Ullo
Fulco	Maybuce	Vesich
Gauthier	Miller	Wall
Giarrusso	Mire	Wattigny
Goldman	Morris	Weiss
Graham	Nunez	Willis
Gravel	O'Neill	Winchester
Hayes	Ourso	Wisham
Haynes	Perkins	Womack
Heine	Planchard	Zervigon
Hernandez	Pugh	
Jack	Rachal	
Total—97.		

NAYS

Delegates—		
Arnette	Kelly	Stephenson
Asseff	Lanier	Stinson
Dennis	Roemer	Toca
Grier	Singletary	Velazquez
Guarisco	Soniat	Vick
Hardee		Warren
Total—17.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Perez
Anzalone	Ginn	Roy
Cowen	Kilpatrick	Segura
Derbes	Martin	Stovall
Deshotels	Munson	Thislethwaite
Fontenot	Newton	
Total—17.		

And the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate LeBleu sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate LeBleu to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

At the end of the language added by Convention Floor Amendment No. 1 proposed by Delegate Burson and adopted by The Convention on November 16, 1973, add the following paragraph:

"(E) Revenues derived from Sixteenth Section lands shall not be used in any manner in determining the apportionment of state funds for the support of public schools to parish school boards."

Delegate LeBleu moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—		
Abraham	Arnette	Badeaux
Alario	Asseff	Bergeron

Bollinger	Guarisco	Roemer
Brien	Hardee	Sandoz
Burns	Hernandez	Shannon
Burson	Jack	Singletary
Casey	Juneau	Slay
Champagne	Kelly	Smith
Chatelain	Kilpatrick	Stagg
Chehardy	Landry, A.	Stephenson
Comar	Landry, E. J.	Sutherland
Conino	Lanier	Tapper
Corne	LeBleu	Thompson
Cowen	Leigh	Toomy
D'Gerolamo	Leithman	Ullo
Dennery	McDaniel	Vesich
Duval	Mauberet	Weiss
Fulco	Miller	Willis
Gauthier	Nunez	Winchester
Giarrusso	Perkins	Zervigon
Ginn	Planchard	
Grier	Reeves	

Total—64.

Delegates—

Mr. Chairman	Graham	O'Neill
Aertker	Ourso	Gravel
Alexander	Hayes	Pugh
Avant	Haynes	Rachal
Bel	Heine	Rayburn
Blair	Jackson, A.	Riecke
Brown	Jackson, J.	Schmitt
Cannon	Jenkins	Soniat
Carmouche	Kean	Stinson
Conroy	Lambert	Tobias
De Blieux	Landrum	Velazquez
Drew	Lowe	Vick
Edwards	Maybuce	Wall
Fayard	Mire	Warren
Flory	Morris	Wisham
Goldman		

Total—46.

NAYS

NOT VOTING

Anzalone	Fowler	Segura
Dennis	Kilbourne	Stovall
Derbes	Martin	Tate
Deshotels	Munson	Thistlethwaite
Dunlap	Newton	Toca
Elkins	Perez	Wattigny
Fontenot	Roy	Womack

Total—21.

And the amendment was adopted.

Delegate LeBleu moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Landrum to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

In Convention Floor Amendment No. 1 proposed by Mr. Burson and adopted by the Convention on November 16, 1973, at the end of line 15 of the text, add the following:

"Funds appropriated under such formulas shall include moneys for travel purposes related to educational and learning experiences."

Delegate Landrum moved the adoption of the amendment.

Delegate Duval objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Grier	Planchard
Aertker	Haynes	Rachal
Alario	Jack	Schmitt
Alexander	Jackson, A.	Smith
Bergeron	Jackson, J.	Soniat
Brown	Kelly	Tapper
Chehardy	Kilpatrick	Tate
Conino	Landrum	Velazquez
Dennery	Lanier	Wall
Flory	LeBleu	Warren
Fulco	Maybuce	
Giarrusso	Nunez	
Ginn		

Total—34.

NAYS

Delegates—	Edwards	Perkins
Mr. Chairman	Elkins	Pugh
Abraham	Fayard	Reeves
Arnette	Gauthier	Riecke
Asseff	Goldman	Roemer
Bel	Graham	Sandoz
Blair	Guarisco	Shannon
Bollinger	Hayes	Singletary
Brien	Heine	Stagg
Burns	Hernandez	Stephenson
Burson	Juneau	Stinson
Cannon	Kean	Sutherland
Casey	Lambert	Thompson
Champagne	Landry, A.	Tobias
Chatelain	Landry, E. J.	Toomy
Comar	Leigh	Ullo
Conroy	Lowe	Vesich
Corne	McDaniel	Weiss
Cowen	Mauberet	Willis
D'Gerolamo	Miller	Winchester
De Blieux	Mire	Wisham
Drew	Morris	Womack
Dunlap	Ourso	Zervigon
Duval		

Total—69.

NOT VOTING

Delegates—	Hardee	Rayburn
Anzalone	Jenkins	Roy
Avant	Kilbourne	Segura
Badeaux	Leithman	Slay
Carmouche	Martin	Stovall
Dennis	Munson	Thistlethwaite
Derbes	Newton	Toca
Deshotels	O'Neill	Vick
Fontenot	Perez	Wattigny
Fowler		
Gravel		

Total—28.

And the amendment was rejected.

Delegate Duval moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Leigh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Leigh to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 10, in Floor Amendment No. 1 proposed by Delegates Burson, et al., and adopted by the Convention on November 16, 1973, delete lines 25 through 29, both inclusive, of said floor amendment, in their entirety, and insert in lieu thereof the following:

"First: Each parish school board, the parish of Orleans excepted, and each municipality of municipal school board actually operating, maintaining, or supporting a separate school system of public schools, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation

within the parish or city, as the case may be, in the manner prescribed by law.”

Delegate Leigh moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Perkins
Aertker	Ginn	Planchar
Alario	Goldman	Pugh
Alexander	Graham	Rachal
Arnette	Gravel	Rayburn
Asseff	Grier	Reeves
Avant	Guarisco	Riecke
Badeaux	Hardee	Roemer
Bel	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Blair	Heine	Shannon
Bollinger	Hernandez	Singletary
Brien	Jack	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Tate
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Bileux	Leigh	Velazquez
Dennery	Leithman	Vesich
Dennis	Lowe	Vick
Drew	McDaniel	Wall
Dunlap	Mauberet	Warren
Duval	Maybuce	Weiss
Edwards	Miller	Willis
Elkins	Mire	Winchester
Fayard	Morris	Wisham
Flory	Nunez	Womack
Fulco	O'Neill	Zervigon
Gauthier	Ourso	
Total—113.		

NAYS

Delegates—	
Mr. Chairman	Conroy
Total—2.	

NOT VOTING

Delegates—		
Anzalone	Kilbourne	Roy
Carmouche	Martin	Segura
Derbes	Munson	Stovall
Deshotels	Newton	Thistlethwaite
Fontenot	Perez	Wattigny
Fowler		
Total—16.		

And the amendment was adopted.

Delegate Leigh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 10, in Floor Amendment No. 1 proposed by Delegate Leigh, and adopted by the Convention on November 16, 1973, in line 8 of said floor amendment place a period “.” after the word “be” and delete the remainder of line 8 and delete line 9 in its entirety.

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 16 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Sandoz
Aertker	Gauthier	Singletary
Alario	Hardee	Slay
Alexander	Henandez	Soniat
Avant	Juneau	Stagg
Badeaux	Landry, A.	Stephenson
Bel	Lanier	Tapper
Bergeron	LeBleu	Thompson
Bollinger	Leigh	Toca
Brien	Leithman	Toomy
Burson	Lowe	Ullo
Cannon	McDaniel	Vesich
Champagne	Maybuce	Wall
Chatelain	Miller	Weiss
Comar	Morris	Willis
Conino	Nunez	Winchester
Corne	Planchard	Wisham
Cowen	Pugh	Zervigon
Elkins	Rachal	
Flory	Riecke	
Total—58.		

NAYS

Delegates—		
Mr. Chairman	Goldman	Mire
Arnette	Graham	O'Neill
Asseff	Gravel	Perkins
Blair	Grier	Rayburn
Brown	Guarisco	Reeves
Casey	Hayes	Roemer
Chehardy	Haynes	Schmitt
Conroy	Heine	Shannon
D'Gerolamo	Jack	Smith
De Bileux	Jackson, A.	Stinson
Dennery	Jackson, J.	Sutherland
Drew	Jenkins	Tate
Dunlap	Kean	Tobias
Duval	Kelly	Velazquez
Edwards	Lambert	Vick
Fayard	Landrum	Warren
Giarrusso	Landry, E. J.	Womack
Ginn	Mauberet	
Total—53.		

NOT VOTING

Delegates—		
Anzalone	Fowler	Perez
Burns	Kilbourne	Roy
Carmouche	Kilpatrick	Segura
Dennis	Martin	Stovall
Derbes	Munson	Thistlethwaite
Deshotels	Newton	Wattigny
Fontenot	Ourso	
Total—20.		

Failed to pass. Motion to reconsider pending.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Juneau, Leithman, and

PAGE 15

87th Days Proceedings—November 16, 1973

Corne to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 23, add the following:

"Section 18. Right to Preserve Linguistic and Cultural Heritage

Section 18. All people have the inherent right to preserve, foster and promote their respective historic linguistic and cultural heritage which still exists in substantial form among such people."

Delegate Corne moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Asseff	Gravel	Reeves
Badeaux	Grier	Riecke
Bergeron	Hardee	Sandoz
Blair	Jack	Stephenson
Bollinger	Jackson, J.	Sutherland
Brien	Jenkins	Tapper
Brown	Juneau	Tate
Burns	Kelly	Thompson
Burson	Kilpatrick	Tobias
Champagne	Lambert	Toca
Chatelain	Landrum	Toomy
Chehardy	Landry, A.	Uilo
Comar	Landry, E. J.	Velazquez
Conino	LeBleu	Vesich
Corne	Leithman	Wall
D'Gerolamo	Maybuce	Warren
Dennery	Miller	Willis
Fayard	Mire	Winchester
Fulco	Nunez	Zervigon
Gauthier	Perkins	
Total—65.		

NAYS

Delegates—		
Abraham	Giarrusso	Planchard
Aertker	Graham	Roemer
Arnette	Guarisco	Schmitt
Avant	Hayes	Singletary
Cannon	Haynes	Slay
Casey	Heine	Smith
Conroy	Jackson, A.	Soniat
De Blieux	Kean	Stinson
Drew	Lanier	Vick
Dunlap	Leigh	Weiss
Duval	Lowe	Wisham
Flory	O'Neill	
Total—35.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Pugh
Anzalone	Hernandez	Roy
Bel	Kilbourne	Segura
Carmouche	McDaniel	Shannon
Cowen	Martin	Stagg
Dennis	Mauberret	Stovall
Derbes	Morris	Thistlethwaite
Deshotels	Munson	Wattigny
Edwards	Newton	Womack
Elkins	Ourso	
Fontenot	Perez	
Total—31.		

The amendment not having received a majority vote of the total membership of the Convention, necessary to adopt a Section to a Proposal, was rejected.

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Corne objected to tabling the motion to reconsider.

By a vote of 37 yeas and 59 nays the Convention refused to table the motion to reconsider.

Motion

Delegate Corne insisted on the motion to reconsider the vote by which the amendment was rejected.

Delegate De Bleieux objected.

Motion

Delegate Tobias moved to limit debate on the reconsideration to 10 minutes.

Delegate Abraham objected.

By a vote of 83 yeas and 10 nays the Convention limited the debate on the motion to reconsider to 10 minutes.

Reconsideration

By a vote of 63 yeas and 36 nays the vote by which the amendment was rejected was reconsidered.

FLOOR AMENDMENT

Amendment proposed by Delegates Juneau, Leithman and Corne to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 23, add the following:

"Section 18. Right to Preserve Linguistic and Cultural Heritage

Section 18. All people have the inherent right to preserve, foster and promote their respective historic linguistic and cultural heritage which still exists in substantial form among such people."

Delegate Corne moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	D'Gerolamo	Nunez
Alexander	Dennery	Rachal
Asseff	Dennis	Rayburn
Badeaux	Duval	Riecke
Bergeron	Fayard	Sandoz
Blair	Fulco	Stephenson
Bollinger	Gauthier	Toca
Brien	Ginn	Toomy
Brown	Goldman	Velazquez
Burns	Gravel	Vesich
Burson	Grier	Warren
Chatelain	Jenkins	Willis
Chehardy	Juneau	Winchester
Comar	Kelly	Zervigon
Conino	Lambert	
Corne	LeBleu	
Total—46.		

NAYS

Delegates—		
Mr. Chairman	Cowen	Haynes
Abraham	De Blieux	Heine
Aertker	Drew	Jack
Arnette	Dunlap	Jackson, A.
Avant	Flory	Jackson, J.
Cannon	Giarrusso	Kean
Casey	Graham	Landrum
Champagne	Guarisco	Landry, E. J.
Conroy	Hayes	Lanier

Leigh	Roemer	Sutherland
Lowe	Schmitt	Tapper
Maybuce	Shannon	Thompson
Mire	Singletary	Tobias
O'Neill	Slay	Ullo
Perkins	Smith	Vick
Planchar	Soniat	Weiss
Reeves	Stinson	Wisham

Total—51.

NOT VOTING

Delegates—		
Anzalone	Kilpatrick	Pugh
Bel	Landry, A.	Roy
Carmouche	Leithman	Segura
Derbes	McDaniel	Stagg
Deshotels	Martin	Stovall
Edwards	Mauberet	Tate
Elkins	Miller	Thistlethwaite
Fontenot	Morris	Wall
Fowler	Munson	Wattigny
Hardee	Newton	Womack
Hernandez	Ourso	
Kilbourne	Perez	

Total—34.

And the amendment failed to pass.

Motion

Delegate Arnette moved that the Convention take up other Orders of Business at this time.

As a substitute, Delegate Juneau moved the previous question on the entire subject matter, constituting Committee Proposal No. 7.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Tobias
Bergeron	Guarisco	Toca
Bollinger	Juneau	Toomy
Chatelain	Kelly	Ullo
Chehardy	LeBleu	Vick
Conroy	Leithman	Weiss
Corne	Reeves	Willis
Duval	Roemer	Zervigon
Gauthier	Schmitt	

Total—26.

NAYS

Delegates—		
Mr. Chairman	Dunlap	Lanier
Abraham	Fayard	Leigh
Aertker	Flory	Lowe
Alexander	Fulco	McDaniel
Arnette	Giarrusso	Maybuce
Asseff	Goldman	Mire
Avant	Graham	Morris
Badeaux	Gravel	Nunez
Blair	Grier	Perkins
Brien	Hardee	Planchar
Brown	Hayes	Rachal
Burns	Haynes	Rayburn
Burson	Heine	Riecke
Cannon	Hernandez	Sandoz
Casey	Jack	Shannon
Champagne	Jackson, A.	Singletary
Comar	Jackson, J.	Slay
Conino	Jenkins	Smith
Cowen	Kean	Soniat
D'Gerolamo	Lambert	Stephenson
De Bileux	Landrum	Stinson
Dennery	Landry, A.	Sutherland
Dennis	Landry, E. J.	Tapper

Tate
Thompson
Velazquez
Total—78.

Vesich
Wall
Warren

Winchester
Wisham
Womack

NOT VOTING

Delegates—		
Anzalone	Fowler	Ourso
Bel	Kilbourne	Perez
Carmouche	Kilpatrick	Pugh
Derbes	Martin	Roy
Deshotels	Mauberet	Segura
Drew	Miller	Stagg
Edwards	Munson	Stovall
Elkins	Newton	Thistlethwaite
Fontenot	O'Neill	Wattigny

Total—27.

And the Convention refused to order the previous question on the entire Proposal.

Delegate Arnette insisted upon his motion to take up other orders of business at this time.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result.

YEAS

Delegates—		
Arnette	Jenkins	Sandoz
Asseff	Landrum	Shannon
Brown	Landry, A.	Slay
Burson	Landry, E. J.	Smith
Cannon	Lanier	Soniat
Dennis	LeBleu	Stinson
Giarrusso	Leigh	Tate
Grier	Lowe	Velazquez
Hardee	Mire	Warren
Hayes	Perkins	Willis
Haynes	Planchar	Winchester
Jack	Rayburn	Zervigon
Jackson, J.	Riecke	

Total—38.

NAYS

Delegates—		
Mr. Chairman	Dennery	Maybuce
Abraham	Drew	Morris
Alario	Dunlap	Nunez
Alexander	Duval	Rachal
Avant	Fayard	Reeves
Badeaux	Flory	Roemer
Bergeron	Fulco	Schmitt
Blair	Gauthier	Singletary
Bollinger	Ginn	Stephenson
Brien	Goldman	Sutherland
Burns	Graham	Tapper
Casey	Gravel	Thompson
Champagne	Guarisco	Tobias
Chatelain	Heine	Toca
Chehardy	Hernandez	Toomy
Comar	Jackson, A.	Ullo
Conino	Juneau	Vesich
Conroy	Kean	Vick
Corne	Kelly	Wall
Cowen	Lambert	Weiss
D'Gerolamo	Leithman	Wisham
De Bileux	McDaniel	

Total—65.

NOT VOTING

Delegates—		
Aertker	Kilbourne	Pugh
Anzalone	Kilpatrick	Roy
Bel	Martin	Segura
Carmouche	Mauberet	Stagg
Derbes	Miller	Stovall
Deshotels	Munson	Thistlethwaite
Edwards	Newton	Wattigny
Elkins	O'Neill	Womack
Fontenot	Ourso	
Fowler	Perez	

Total—28.

And the Convention refused to take up other orders of business at this time.

Motion

Delegate Flory insisted at this time on the motion to reconsider the vote by which Committee Proposal No. 7, Section 16, failed to pass.

Delegate LeBleu objected.

Delegate O'Neill moved the previous question.

Delegate Drew objected.

By a vote of 74 yeas and 30 nays the previous question was ordered.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	Mire
Alario	Gauthier	Morris
Alexander	Giarrusso	O'Neill
Arnette	Ginn	Planchar
Avant	Goldman	Rachal
Badeaux	Graham	Rayburn
Bergeron	Gravel	Reeves
Blair	Grier	Sandoz
Bollinger	Guarisco	Shannon
Brien	Hardee	Singletary
Brown	Hayes	Slay
Burns	Haynes	Smith
Burson	Heine	Soniat
Cannon	Hernandez	Stephenson
Champagne	Jack	Tapper
Chatelain	Jackson, A.	Tate
Chehardy	Jackson, J.	Thompson
Comar	Juneau	Toca
Conino	Kean	Toomy
Conroy	Kelly	Ullo
Corne	Lambert	Vesich
Cowen	Landrum	Vick
D'Gerolamo	Landry, A.	Wall
De Blieux	Landry, E. J.	Warren
Dennery	Lanier	Weiss
Dennis	LeBleu	Willis
Dunlap	Leigh	Winchester
Duval	Leithman	Womack
Fayard	McDaniel	Zervigon
Flory	Maybuce	
Total—89.		

NAYS

Delegates—		
Mr. Chairman	Jenkins	Roemer
Abraham	Lowe	Schmitt
Asseff	Nunez	Sutherland
Casey	Perkins	Tobias
Drew	Riecke	Velazquez
Total—15.		

NOT VOTING

Delegates—		
Anzalone	Kilbourne	Pugh
Bel	Kilpatrick	Roy
Carmouche	Martin	Segura
Derbes	Mauberret	Stagg
Deshotels	Miller	Stinson
Edwards	Munson	Stovall
Elkins	Newton	Thistlethwaite
Fontenot	Ourso	Wattigny
Fowler	Perez	Wisham
Total—27.		

And the vote by which Committee Proposal No. 7, Section 16, failed to pass was reconsidered.

Leaves of Absence

Delegate Roy—1 day.
 Delegate Fowler—6 days.
 Delegate Fontenot—2½ days.

Motion

Delegate Arnette moved that the Convention recess until 8:30 o'clock P.M.

As a substitute, Delegate Shannon moved that the Convention do now adjourn until Saturday, November 17, 1973, at 9:00 o'clock A.M.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Maybuce
Aertker	Fulco	Mire
Alario	Gauthier	Morris
Alexander	Giarrusso	Nunez
Asseff	Ginn	Perkins
Avant	Graham	Planchar
Badeaux	Gravel	Rachal
Bergeron	Grier	Rayburn
Blair	Guarisco	Reeves
Brien	Hardee	Riecke
Burns	Hayes	Roemer
Burson	Haynes	Sandoz
Cannon	Heine	Schmitt
Casey	Hernandez	Shannon
Champagne	Jack	Singletary
Chatelain	Jackson, A.	Slay
Chehardy	Jackson, J.	Smith
Comar	Jenkins	Soniat
Conino	Juneau	Stephenson
Conroy	Kean	Tate
Corne	Kelly	Thompson
Cowen	Landrum	Tobias
D'Grolamo	Landry, A.	Toca
De Blieux	Landry, E. J.	Toomy
Dennis	Lanier	Ullo
Drew	LeBleu	Vesich
Dunlap	Leigh	Vick
Duval	Leithman	Winchester
Fayard	Lowe	Zervigon
Total—87.		

NAYS

Delegates—		
Arnette	O'Neill	Velazquez
Bollinger	Stinson	Weiss
Goldman	Sutherland	Willis
Total—9.		

NOT VOTING

Delegates—		
Mr. Chairman	Kilbourne	Roy
Anzalone	Kilpatrick	Segura
Bel	Lambert	Stagg
Brown	McDaniel	Stovall
Carmouche	Martin	Tapper
Dennery	Mauberret	Thistlethwaite
Derbes	Miller	Wall
Deshotels	Munson	Warren
Edwards	Newton	Wattigny
Elkins	Ourso	Wisham
Fontenot	Perez	Womack
Fowler	Pugh	
Total—35.		

Adjournment

And the Convention adjourned until Saturday, November 17, 1973, at 9:00 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Saturday, November 17, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
 Secretary

DAVID R. POYNTER
 Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

EIGHTY-EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, November 17, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Cowen D'Gerolamo De Blieux Dennery Dennis Derbes Drew Dunlap Duval Edwards Elkins Fayard Flory Fulco	Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jack Jackson, A. Jackson, J. Jenkins Juneau Kean Kelly Kilbourne Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leigh Leithman Lowe McDaniel Martin Mauberrret Maybuce Miller Mire Morris Munson Nunez O'Neill Orurso	Perkins Planchard Pugh Rachal Rayburn Reeves Riecke Roemer Roy Sandoz Schmitt Shannon Singletary Slay Smith Soniati Stagg Stephenson Stinson Stovall Sutherland Tapper Tate Tobias Toca Toomy Uilo Velazquez Vesich Vick Wall Warren Wattigny Weiss Willis Winchester Wisham Womack Zervigon
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Total—121.

ABSENT

Delegates— Corne Deshotels Fontenot Fowler	Kilpatrick Newton Perez	Segura Thistlethwaite Thompson
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Total—10.

The Chairman announced that there were 121 members present and a quorum.

Prayer

Prayer was offered by Delegate Heine.

Pledge of Allegiance

Delegate Kean led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Sandoz, the reading of the Journal was dispensed with.

On motion of Delegate Sandoz, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) State Funds. State funds for the education of the school children of this state at the elementary and secondary levels shall be derived from the sources and shall be apportioned to the parish and city school boards in the manner hereinafter set forth:

First: After dedication of annual amounts required by this constitution to be deducted from the first moneys available to the State Severance Tax Fund, and after deduction of not to exceed five hundred thousand dollars per annum to pay for the costs of collecting this tax and administering the laws pertaining to the conservation of the natural resources of the state, out of the first moneys comprising the residue then existing in the fund, the legislature 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. After July first of each year, the state treasurer shall set up a fund for the payment of the amounts set forth in Paragraph (A) of this Section. When sufficient funds have accumulated in the fund for the payment of the moneys required for the purposes above mentioned including school books and materials of instruction, then, before the tenth day of each month, the state treasurer shall transfer to a fund in the state treasury designated as the State Elementary and Secondary Education Fund such balances as have accrued.

Second: The proceeds of particular taxes now or hereafter levied by the legislature and dedicated, appropriated, or otherwise made available to the State Elementary and Secondary Education Fund or for the support of public schools.

Third: Such other funds as the legislature has provided or hereafter provides for the education of the school children of Louisiana.

(B) Allocation of Funds. The funds specified in Paragraph (A) hereof shall be apportioned as follows:

(1) Minimum program. There shall be appropriated from the State Public School Fund and from the State General Fund sufficient funds to insure a minimum program of education in all public elementary and secondary schools. The minimum program of education to be maintained in all

parish and city school systems shall be established by the State Board of Elementary and Secondary Education. The board shall adopt formulas and procedures for the distribution of these funds to the several school boards.

(2) Other state funds. Any other funds provided by the legislature for the support of public schools shall be apportioned and distributed in accordance with a formula established by the State Board of Elementary and Secondary Education, except as otherwise specifically provided for by the law appropriating the funds.

(3) Other Funds. Any funds for the education of the school children of Louisiana from any other source shall be distributed in the manner determined by the State Board of Elementary and Secondary Education, subject, however, to the terms of the laws governing such funds or the lawful stipulations of the source of the funds.

(C) Local Funds. The local funds for the support of elementary and secondary public schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, and no other parochial or municipal authority except as otherwise specifically provided for in this constitution, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish.

Second: The provisions of Paragraph (C) First above shall not apply to property within a municipality which is exempt from parochial taxation. In lieu of that the governing authority of each of these municipalities shall levy a tax annually and shall collect and pay, to the parish school board in which such municipality is situated, out of the proceeds of the general ad valorem tax for municipal purposes, such an amount as shall equal the rate of five mills levied hereunder by the parish school board.

The provisions of Paragraph (C) First shall not apply to municipalities which under constitutional or legislative authority are actually operating, maintaining, and supporting a separate city system of public schools. In lieu of such tax, however, the school board in each such municipality shall levy an annual tax of five mills on the dollar on the assessed valuation of all property within the municipality. The proceeds thereof shall be used exclusively for the support of the public schools.

Third: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Fourth: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature. No such tax shall be levied for a period longer than ten years, except that any tax levied to pay the costs of bonds or other debts incurred shall be levied and collected until the principal and interest on the bonds or other debts have been paid.

Fifth: The legislature may provide for additional sources of local support for elementary and secondary schools.

(D) Monroe, Bogalusa; Treatment as Parishes. For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities.

(E) Ouachita Parish. The school board of Ouachita Parish shall not be required to pay to the city of Monroe out of the public funds any per capita for children residing without

the limits of said city and who may attend the schools maintained by the city of Monroe under its legislative charter.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 7, Section 16, when it adjourned on Friday, November 16, 1973, which was taken up and acted upon as follows:

Motion

Delegate Le Bleu moved to defer action on Committee Proposal No. 7, Section 16, at this time.

Delegate Aertker objected.

By a vote of 28 yeas and 61 nays the Convention refused to defer action on Committee Proposal No. 7, Section 16, at this time.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 23 through 32, both inclusive, in their entirety and delete pages 9, 10, and 11, both inclusive, in their entirety and on page 12, delete lines 1 through 17, both inclusive, in their entirety and delete all floor amendments adopted thereto and insert in lieu thereof the following:

"Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) The legislature 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.

(B) The legislature shall appropriate sufficient funds to insure a minimum foundation program of education in all public elementary and secondary schools. Such funds as the legislature appropriates shall be equitably allocated to the parish and city school systems according to formulas adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to the time such appropriation is made.

(C) The local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, and each municipality or municipal school board actually operating, maintaining or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation, and shall certify such fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature.

(D) For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe in Ouachita Parish and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as parishes."

Motion

Delegate Shannon moved to limit debate on the amendment to one hour.

Delegate Nunez objected.

By a vote of 55 yeas and 41 nays, debate on the amendment was limited to one hour.

Delegate Rayburn moved the adoption of the amendment.

Delegate LeBleu objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Pugh
Abraham	Ginn	Rachal
Aertker	Goldman	Rayburn
Alexander	Graham	Reeves
Anzalone	Gravel	Riecke
Avant	Grier	Roemer
Bel	Hayes	Roy
Blair	Heine	Sandoz
Brien	Jack	Schmitt
Burns	Jackson, J.	Shannon
Cannon	Jenkins	Singletary
Casey	Kean	Slay
Champagne	Kilbourne	Smith
Chehardy	Lambert	Soniat
Comar	Landrum	Stagg
Conino	Landry, E. J.	Stinson
Conroy	Leigh	Stovall
D'Gerolamo	Leithman	Sutherland
De Blieux	Lowe	Tate
Dennery	McDaniel	Toca
Dennis	Martin	Ullo
Derbes	Mauberret	Velazquez
Drew	Maybuce	Vesich
Dunlap	Mire	Warren
Elkins	Morris	Wisham
Flory	O'Neill	Zervigon
Fulco	Perkins	
Total—80.		

NAYS

Delegates—		
Alario	Giarrusso	Stephenson
Arnette	Hardee	Tapper
Asseff	Hernandez	Tobias
Badeaux	Juneau	Toomy
Bergeron	Kelly	Vick
Bollinger	Landry, A.	Wall
Burson	Lanier	Wattigny
Carmouche	LeBleu	Weiss
Chatelain	Miller	Willis
Cowan	Nunez	Winchester
Duval	Planchard	
Total—32.		

NOT VOTING

Delegates—		
Brown	Guarisco	Perez
Corne	Haynes	Segura
Deshotels	Jackson, A.	Thistlethwaite
Edwards	Kilpatrick	Thompson
Fayard	Munson	Womack
Fontenot	Newton	
Fowler	Ourso	
Total—19.		

And the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 16 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Nunez
Abraham	Flory	O'Neill
Aertker	Fulco	Perkins
Alario	Gauthier	Planchard
Alexander	Giarrusso	Pugh
Arnette	Ginn	Rachal
Avant	Goldman	Rayburn
Badeaux	Graham	Reeves
Bel	Gravel	Riecke
Bergeron	Grler	Sandoz
Blair	Hayes	Schmitt
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Burns	Jack	Slay
Cannon	Jackson, J.	Smith
Carmouche	Juneau	Soniat
Casey	Kean	Stagg
Champagne	Kilbourne	Stinson
Chatelain	Lambert	Stovall
Chehardy	Landrum	Sutherland
Comar	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Leigh	Toca
Cowan	Leithman	Toomy
D'Gerolamo	Lowe	Ullo
De Blieux	McDaniel	Velazquez
Dennery	Martin	Vesich
Dennis	Mauberret	Warren
Derbes	Maybuce	Weiss
Drew	Mire	Wisham
Dunlap	Morris	Womack
Duval	Munson	Zervigon
Total—96.		

NAYS

Delegates—		
Anzalone	Lanier	Vick
Asseff	LeBleu	Wall
Burson	Miller	Wattigny
Hardee	Roemer	Willis
Jenkins	Stephenson	Winchester
Kelly	Tobias	
Total—17.		

NOT VOTING

Delegates—		
Brown	Fowler	Ourso
Corne	Guarisco	Perez
Deshotels	Haynes	Roy
Edwards	Jackson, A.	Segura
Fayard	Kilpatrick	Thistlethwaite
Fontenot	Newton	Thompson
Total—18.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Kean moved the previous question on the entire subject matter constituting Committee Proposal No. 7.

Delegate Abraham objected.

By a vote of 60 yeas and 49 nays the previous question was ordered.

Point of Order

Delegate Smith suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Gauthier	Pugh
Abraham	Giarrusso	Rayburn
Aertker	Goldman	Reeves
Alario	Graham	Riecke
Alexander	Gravel	Roemer
Anzalone	Grier	Roy
Arnette	Hardee	Sandoz
Asseff	Hayes	Schmitt
Avant	Heine	Shannon
Badeaux	Hernandez	Singletary
Bel	Jack	Slay
Bergeron	Jackson, J.	Smith
Blair	Jenkins	Soniat
Bollinger	Juneau	Stagg
Brien	Kean	Stephenson
Burns	Kilbourne	Stinson
Burson	Lambert	Stovall
Cannon	Landrum	Sutherland
Carmouche	Landry, A.	Tapper
Casey	Landry, E. J.	Tate
Champagne	Lanier	Tobias
Chehardy	LeBleu	Toca
Comar	Leigh	Toomy
Conino	Leithman	Ullo
Conroy	Lowe	Velazquez
Cowen	McDaniel	Vesich
D'Gerolamo	Martin	Vick
De Blieux	Mauberret	Wall
Dennergy	Maybece	Warren
Derbes	Miller	Wattigny
Drew	Mire	Weiss
Dunlap	Morris	Willis
Duval	Munson	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Perkins	Zervigon
Fulco	Planchar	
Total—110.		

ABSENT

Delegates—		
Brown	Fowler	Newton
Chatelain	Ginn	Ourso
Corne	Guarisco	Perez
Dennis	Haynes	Rachal
Deshotels	Jackson, A.	Segura
Edwards	Kelly	Thistlethwaite
Fontenot	Kilpatrick	Thompson
Total—21.		

And the Chairman announced that there were 110 members present, and a quorum.

Passage

The Proposal was read, as amended.

Delegate Aertker moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Carmouche	Graham
Aertker	Champagne	Gravel
Alexander	Comar	Grier
Avant	Cowen	Hardee
Bel	D'Gerolamo	Hayes
Blair	De Blieux	Haynes
Brien	Edwards	Heine
Burns	Elkins	Hernandez
Burson	Flory	Jack
Cannon	Fulco	Jackson, J.

Jenkins	Mire	Smith
Kean	Morris	Stagg
Kilbourne	Munson	Stephenson
Lambert	O'Neill	Stinson
Landrum	Perkins	Tapper
Landry, A.	Planchar	Tate
Landry, E. J.	Pugh	Toca
Lanier	Rachal	Velazquez
Leigh	Rayburn	Vesich
Lowe	Riecke	Wall
McDaniel	Sandoz	Wattigny
Martin	Shannon	Winchester
Mauberret	Singletary	Wisham
Maybece	Slay	Womack
Total—72.		

NAYS

Delegates—		
Alario	Dunlap	Roy
Anzalone	Duval	Schmitt
Arnette	Fayard	Soniat
Asseff	Gauthier	Stovall
Badeaux	Giarrusso	Sutherland
Bergeron	Ginn	Tobias
Bollinger	Goldman	Toomy
Casey	Juneau	Ullo
Chatelain	Kelly	Vick
Chehardy	LeBleu	Warren
Conino	Leithman	Weiss
Conroy	Miller	Willis
Dennergy	Nunez	Zervigon
Derbes	Reeves	
Drew	Roemer	
Total—43.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Ourso
Brown	Guarisco	Perez
Corne	Jackson, A.	Segura
Dennis	Kilpatrick	Thistlethwaite
Deshotels	Newton	Thompson
Fontenot		
Total—16.		

And the Chair declared that the above Proposal was finally passed.

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Aertker Committee Proposal No. 14, was taken out of its regular order at this time.

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robison, 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.

Read.

Article VII, Section 1. Economic Security, Social Welfare, Unemployment Compensation, and Public Health

Section 1. The legislature shall establish a system of economic security, social welfare, unemployment compensation, and public health.

Read.

Vice-Chairman Casey in the Chair

Delegate Weiss sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Weiss to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 through 18, both inclusive, in their entirety

Delegate Weiss moved the adoption of the amendment.

Delegate Rachal objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Jenkins	Schmitt
Arnette	Kean	Smith
Asseff	Kilbourne	Stagg
Casey	Landry, A.	Stinson
Champagne	Lanier	Sutherland
Chatelain	Lowe	Tobias
Conino	Martin	Toca
Conroy	Nunez	Toomy
Dunlap	O'Neill	Ullo
Elkins	Ourso	Weiss
Fayard	Perkins	Willis
Hardee	Riecke	Winchester
Heine	Roemer	
Jack	Sandoz	
Total—40.		

NAYS

Delegates—		
Aertker	Drew	Mire
Alario	Edwards	Munson
Alexander	Flory	Plancharde
Avant	Fulco	Pugh
Badeaux	Gauthier	Rachal
Blair	Ginn	Reeves
Brien	Goldman	Roy
Burns	Graham	Singletary
Cannon	Grier	Soniat
Carmouche	Hayes	Tate
Chehardy	Haynes	Velazquez
Comar	Hernandez	Vesich
Cowen	Jackson, J.	Vick
D'Gerolamo	Juneau	Warren
De Blieux	Kelly	Wattigny
Dennery	Landrum	Wisham
Dennis	Landry, E. J.	Womack
Derbes	Maybuce	Zervigon
Total—54.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Newton
Anzalone	Guarisco	Perez
Bel	Jackson, A.	Rayburn
Bergeron	Kilpatrick	Segura
Bollinger	Lambert	Shannon
Brown	LeBleu	Slay
Burson	Leigh	Stephenson
Corne	Leithman	Stovall
Deshotels	McDaniel	Tapper
Duval	Mauberret	Thistlethwaite
Fontenot	Miller	Thompson
Fowler	Morris	Wall
Giarrusso		
Total—37.		

And the amendment was rejected.

Delegate Rachal moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 16, immediately after the word "legislature" and before the word "establish" delete the word "shall" and insert in lieu thereof the word "may"

Quorum Call

Delegate Avant suggested an absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Abraham	Dunlap	Perkins
Aertker	Elkins	Plancharde
Alario	Fayard	Pugh
Alexander	Flory	Reeves
Anzalone	Fulco	Riecke
Arnette	Gauthier	Roemer
Asseff	Ginn	Roy
Avant	Goldman	Sandoz
Badeaux	Graham	Schmitt
Bergeron	Grier	Singletary
Blair	Hardee	Smith
Brien	Haynes	Soniat
Burns	Heine	Stagg
Burson	Hernandez	Stinson
Cannon	Jack	Sutherland
Carmouche	Jackson, J.	Tate
Casey	Jenkins	Tobias
Champagne	Juneau	Toca
Chatelain	Kilbourne	Toomy
Chehardy	Landrum	Ullo
Comar	Landry, A.	Velazquez
Conino	Landry, E. J.	Vesich
Conroy	Lanier	Vick
Cowen	Lowe	Warren
D'Gerolamo	Martin	Wattigny
De Blieux	Maybuce	Weiss
Dennery	Mire	Willis
Dennis	Munson	Wisham
Derbes	Nunez	Womack
Drew	O'Neill	Zervigon
Total—91.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, A.	Perez
Bel	Kean	Rachal
Bollinger	Kelly	Rayburn
Brown	Kilpatrick	Segura
Corne	Lambert	Shannon
Deshotels	LeBleu	Slay
Duval	Leigh	Stephenson
Edwards	Leithman	Stovall
Fontenot	McDaniel	Tapper
Fowler	Mauberret	Thistlethwaite
Giarrusso	Miller	Thompson
Gravel	Morris	Wall
Guarisco	Newton	Winchester
Hayes	Ourso	
Total—40.		

And the Vice-chairman announced that there were 91 members present and a quorum.

Delegate Abraham moved the adoption of the amendment.

Delegate Rachal objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Perkins
Anzalone	Fulco	Planchard
Arnette	Goldman	Pugh
Asseff	Graham	Riecke
Badeaux	Hardee	Sandoz
Blair	Hayes	Schmitt
Brien	Heine	Smith
Burson	Jack	Stagg
Cannon	Jenkins	Stinson
Carmouche	Kilbourne	Sutherland
Casey	Landry, A.	Toomy
Champagne	Lanier	Ullo
Conino	Lowe	Wattigny
Conroy	Martin	Weiss
Cowen	Mire	Willis
Drew	Munson	Winchester
Dunlap	Nunez	Womack
Elkins	O'Neill	Zervigon
Total—54.		

NAYS

Delegates—		
Aertker	Flory	Roemer
Alario	Gauthier	Roy
Alexander	Ginn	Singletary
Avant	Grier	Soniat
Burns	Haynes	Tate
Chatelain	Hernandez	Tobias
Chehardy	Jackson, J.	Toca
Comar	Juneau	Velazquez
D'Gerolamo	Landrum	Vesich
De Blieux	Landry, E. J.	Vick
Dennerly	Maybuce	Warren
Dennis	Rachal	Wisham
Derbes	Reeves	
Total—38.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Newton
Bel	Jackson, A.	Ourso
Bergeron	Kean	Perez
Bollinger	Kelly	Rayburn
Brown	Kilpatrick	Segura
Corne	Lambert	Shannon
Deshotels	LeBleu	Slay
Duval	Leigh	Stephenson
Edwards	Leithman	Stovall
Fontenot	McDaniel	Tapper
Fowler	Mauberret	Thistlethwaite
Giarrusso	Miller	Thompson
Gravel	Morris	Wall
Total—41.		

And the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 10, delete the words and punctuation "economic security,"

AMENDMENT No. 2—

On page 1, line 14, delete the words and punctuation "Economic Security,"

AMENDMENT No. 3—

On page 1, line 17, delete the words and punctuation "economic security,"

On motion of Delegate Jenkins the amendments were withdrawn.

Chairman Henry in the Chair

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 18 in its entirety and insert in lieu thereof the following:
"tion, public health, and comprehensive physical and mental health care."

Delegate Flory moved the adoption of the amendment.

Delegate Weiss objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Roy
Alexander	Graham	Sandoz
Avant	Grier	Singletary
Blair	Hayes	Smith
Chatelain	Haynes	Soniat
Chehardy	Hernandez	Tate
Comar	Jack	Tobias
Conino	Jackson, J.	Toca
Cowen	Juneau	Toomy
D'Gerolamo	Landrum	Ullo
De Blieux	Landry, E. J.	Velazquez
Dennerly	Maybuce	Vesich
Dennis	Planchard	Vick
Derbes	Pugh	Warren
Fayard	Rachal	Wisham
Flory	Reeves	Zervigon
Fulco	Riecke	
Total—50.		

NAYS

Delegates—		
Abraham	Dunlap	Martin
Arnette	Elkins	Mire
Asseff	Gauthier	Nunez
Badeaux	Goldman	O'Neill
Bergeron	Hardee	Roemer
Brien	Heine	Stagg
Cannon	Jenkins	Stinson
Casey	Kilbourne	Sutherland
Champagne	Landry, A.	Wattigny
Conroy	Lanier	Weiss
Drew	Lowe	Willis
Total—33.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Ourso
Aertker	Guarisco	Perez
Anzalone	Jackson, A.	Perkins
Bel	Kean	Rayburn
Bollinger	Kelly	Schmitt
Brown	Kilpatrick	Segura
Burns	Lambert	Shannon
Burson	LeBleu	Slay
Carmouche	Leigh	Stephenson
Corne	Leithman	Stovall
Deshotels	McDaniel	Tapper
Duval	Mauberret	Thistlethwaite
Edwards	Miller	Thompson
Fontenot	Morris	Wall
Fowler	Munson	Winchester
Giarrusso	Newton	Womack
Total—48.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, in Floor Amendment No. 1 proposed by Delegate Flory and adopted by the convention on November 17, 1973, delete the word "comprehensive"

Delegate Jenkins moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Reeves
Arnette	Hardee	Riecke
Badeaux	Hayes	Roemer
Blair	Heine	Smith
Brien	Jack	Stagg
Cannon	Jenkins	Stinson
Champagne	Landry, A.	Sutherland
Conino	Lanier	Toca
Conroy	Leithman	Ullo
Drew	Lowe	Vesich
Dunlap	Martin	Wattigny
Elkins	Mire	Weiss
Fayard	Morris	Willis
Gauthier	Nunez	
Goldman	O'Neill	
Total—43.		

NAYS

Delegates—		
Alario	Derbes	Roy
Alexander	Flory	Sandoz
Asseff	Fulco	Singletary
Avant	Ginn	Soniat
Bergeron	Grier	Tate
Casey	Hernandez	Tobias
Chatelain	Jackson, J.	Toomy
Chehardy	Juneau	Velazquez
Comar	Kelly	Vick
Cowen	Landrum	Warren
D'Gerolamo	Landry, E. J.	Wisham
De Blieux	Maybuce	Zervigon
Dennery	Pugh	
Dennis	Rachal	
Total—40.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Perez
Aertker	Guarisco	Perkins
Anzalone	Haynes	Planchard
Bel	Jackson, A.	Rayburn
Bollinger	Kean	Schmitt
Brown	Kilbourne	Segura
Burns	Kilpatrick	Shannon
Burson	Lambert	Slay
Carmouche	LeBleu	Stephenson
Corne	Leigh	Stovall
Deshotels	McDaniel	Tapper
Duval	Maubertret	Thistlethwaite
Edwards	Miller	Thompson
Fontenot	Munson	Wall
Fowler	Newton	Winchester
Giarrusso	Ourso	Womack
Total—48.		

And the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Zervigon moved the previous question on the Section.

Delegate Pugh objected.

By a vote of 18 yeas and 56 nays the Convention refused to order the previous question at this time.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, in Floor Amendment No. 1 proposed by Delegate Flory and adopted by the Convention on November 17, 1973, in line 1 of the text of the amendment after the word "health" delete the comma "," and the word "and" and insert in lieu thereof the word "including"

On motion of Delegate Pugh the amendment was withdrawn.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, in Floor Amendment No. 1 proposed by Delegate Flory and adopted by the Convention on November 17, 1973, in line 1 of the text of the amendment immediately after "tion," and before the word "public" insert the word "and", and after the word "health" delete the comma "," and the word "and" and insert in lieu thereof the word "including"

Delegate Pugh moved the adoption of the amendment.

Delegate Conino objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Ginn	Planchard
Alario	Goldman	Pugh
Alexander	Graham	Rachal
Avant	Grier	Riecke
Badeaux	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Jack	Singletary
Brien	Jackson, J.	Smith
Cannon	Jenkins	Soniat
Casey	Juneau	Stagg
Champagne	Kelly	Sutherland
Chatelain	Kilbourne	Tate
Comar	Landrum	Tobias
Conino	Landry, A.	Toca
Conroy	Landry, E. J.	Toomy
Cowen	Lanier	Ullo
D'Gerolamo	Leithman	Velazquez
De Blieux	Lowe	Vesich
Dennery	Martin	Vick
Dunlap	Maybuce	Warren
Elkins	Mire	Wattigny
Fayard	Morris	Weiss
Flory	Nunez	Willis
Fulco	O'Neill	Wisham
Gauthier	Ourso	Zervigon
Total—75.		

NAYS		
Delegates—		
Asseff	Heine	Roemer
Derbes	Hernandez	Stinson
Drew	Reeves	
Total—8.		

NOT VOTING		
Delegates—		
Mr. Chairman	Fontenot	Newton
Aertker	Fowler	Perez
Anzalone	Giarrusso	Perkins
Arnette	Gravel	Rayburn
Bel	Guarisco	Schmitt
Bollinger	Haynes	Segura
Brown	Jackson, A.	Shannon
Burns	Kean	Slay
Burson	Kilpatrick	Stephenson
Carmouche	Lambert	Stovall
Chehardy	LeBleu	Tapper
Corne	Leigh	Thistlethwaite
Dennis	McDaniel	Thompson
Deshotels	Mauberrert	Wall
Duval	Miller	Winchester
Edwards	Munson	Womack
Total—48.		

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rachal sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rachal to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, after the word "security" and before the word "social" delete the comma "," and insert in lieu thereof the following:
"as defined by the legislature,"

On motion of Delegate Rachal the amendment was withdrawn.

Delegate Rachal sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rachal to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 16, strike out the word "may" added by Convention Floor amendment No. 1 proposed by Delegate Abraham and adopted by the convention on November 17, 1973, and insert in lieu thereof the word "shall" and on page 1, line 17, after the word "security" and before the word "social" delete the comma "," and insert in lieu thereof the following:
"as defined by the legislature,"

Motion

Delegate Avant moved that the Convention do now adjourn until Sunday, November 18, 1973, at 2:00 o'clock P.M.

Delegate Jenkins objected.

By a vote of 25 yeas and 46 nays the Convention refused to adjourn until Sunday, November 18, 1973 at 2:00 o'clock P.M.

Motion

Delegate Jenkins moved to table the entire subject matter.

Delegate Rachal objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Jack	Roemer
Arnette	Jenkins	Roy
Cannon	Juneau	Sandoz
Champagne	Kilbourne	Smith
Conino	Landry, A.	Stagg
Conroy	Lanier	Stinson
Drew	Leithman	Sutherland
Dunlap	Nunez	Tobias
Elkins	O'Neill	Toomy
Fayard	Ourso	Ullo
Hardee	Rachal	Wattigny
Heine	Riecke	Weiss
Total—36.		

NAYS		
Delegates—		
Alexander	Flory	Morris
Asseff	Fulco	Planchard
Avant	Ginn	Pugh
Badeaux	Goldman	Reeves
Bergeron	Graham	Singletary
Blair	Grier	Soniat
Brien	Hayes	Tate
Brown	Hernandez	Toca
Casey	Jackson, J.	Velazquez
Chatelain	Kelly	Vesich
Cowen	Landrum	Vick
D'Gerolamo	Landry, E. J.	Warren
De Blieux	Lowe	Willis
Dennery	Martin	Wisham
Dennis	Maybuce	
Derbes	Mire	
Total—46.		

NOT VOTING		
Delegates—		
Mr. Chairman	Gauthier	Perkins
Aertker	Giarrusso	Rayburn
Alario	Gravel	Schmitt
Anzalone	Guarisco	Segura
Bel	Haynes	Shannon
Bollinger	Jackson, A.	Slay
Burns	Kean	Stephenson
Burson	Kilpatrick	Stovall
Carmouche	Lambert	Tapper
Chehardy	LeBleu	Thistlethwaite
Comar	Leigh	Thompson
Corne	McDaniel	Wall
Deshotels	Mauberrert	Winchester
Duval	Miller	Womack
Edwards	Munson	Zervigon
Fontenot	Newton	
Fowler	Perez	
Total—59.		

And the Convention refused to table the entire subject matter.

Motion

Delegate Landrum moved that the Convention do now take up other orders of business.

Delegate Jenkins objected.

By a vote of 32 yeas and 49 nays the Convention refused to take up other orders of business.

Motion

Delegate Arnette moved the previous question on the entire subject matter.

Delegate Asseff objected.

By a vote of 26 yeas and 52 nays the Convention refused to move the previous question on the entire subject matter at this time.

Motion

Delegate Rachal moved to withdraw the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Planchard
Alario	Fulco	Pugh
Alexander	Gauthier	Rachal
Asseff	Ginn	Sandoz
Avant	Goldman	Singletary
Badeaux	Graham	Soniat
Bergeron	Grier	Stagg
Blair	Hardee	Sutherland
Brien	Hayes	Tate
Brown	Hernandez	Tobias
Casey	Jack	Toca
Comar	Jackson, J.	Toomy
Conino	Juneau	Ullo
Conroy	Kelly	Velazquez
Cowen	Landrum	Vesich
De Blieux	Landry, A.	Vick
D'Gerolamo	Landry, E. J.	Warren
Dennery	Leithman	Wattigny
Dennis	Martin	Weiss
Derbes	Maybece	Willis
Drew	Mire	Winchester
Dunlap	Ourso	Wisham
Total—66.		

NAYS

Delegates—		
Arnette	Jenkins	O'Neill
Cannon	Kilbourne	Reeves
Champagne	Lanier	Riecke
Chatelain	Lowe	Roemer
Elkins	Morris	Smith
Fayard	Nunez	Stinson
Heine		
Total—19.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Rayburn
Aertker	Guarisco	Roy
Anzalone	Haynes	Schmitt
Bel	Jackson, A.	Segura
Bollinger	Kean	Shannon
Burns	Kilpatrick	Slay
Burson	Lambert	Stephenson
Carmouche	LeBleu	Stovall
Chehardy	Leigh	Tapper
Corne	McDaniel	Thistlethwaite
Deshotels	Mauberrret	Thompson
Duval	Miller	Wall
Edwards	Munson	Womack
Fontenot	Newton	Zervigon
Fowler	Perez	
Giarrusso	Perkins	
Total—46.		

And the amendment was withdrawn.

Motion

Delegate O'Neill moved the previous question.

Delegate Rachal objected.

As a substitute Delegate Dennery moved that Convention do now adjourn until Sunday, November 18, 1973, at 2:00 o'clock P.M.

By a vote of 37 yeas and 46 nays the Convention refused to adjourn until Sunday, November 18, 1973, at 2:00 o'clock P.M.

Delegate O'Neill insisted upon his original motion.

Delegate Rachal objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hardee	Reeves
Arnette	Heine	Riecke
Badeaux	Jack	Roemer
Brien	Jenkins	Sandoz
Champagne	Juneau	Smith
Chatelain	Kilbourne	Stagg
Conino	Landry, A.	Stinson
Conroy	Lanier	Sutherland
Cowen	Leithman	Toomy
Drew	Lowe	Ullo
Dunlap	Martin	Wattigny
Elkins	Morris	Weiss
Fayard	Nunez	Willis
Fulco	O'Neill	Winchester
Gauthier	Ourso	
Total—44.		

NAYS

Delegates—		
Alexander	Flory	Pugh
Asseff	Ginn	Rachal
Avant	Goldman	Singletary
Bergeron	Graham	Soniat
Blair	Grier	Tate
Brown	Hayes	Tobias
Cannon	Hernandez	Toca
Casey	Jackson, J.	Velazquez
Comar	Kelly	Vesich
D'Gerolamo	Landrum	Vick
De Blieux	Landry, E. J.	Warren
Dennery	Maybece	Wisham
Dennis	Mire	
Derbes	Planchard	
Total—40.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Perkins
Aertker	Gravel	Rayburn
Alario	Guarisco	Roy
Anzalone	Haynes	Schmitt
Bel	Jackson, A.	Segura
Bollinger	Kean	Shannon
Burns	Kilpatrick	Slay
Burson	Lambert	Stephenson
Carmouche	LeBleu	Stovall
Chehardy	Leigh	Tapper
Corne	McDaniel	Thistlethwaite
Deshotels	Mauberrret	Thompson
Duval	Miller	Wall
Edwards	Munson	Womack
Fontenot	Newton	Zervigon
Fowler	Perez	
Total—47.		

And the previous question was ordered by the Convention.

Committee Proposal No. 14, Section 1 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	D'Gerolamo	Goldman
Alexander	De Blieux	Graham
Avant	Dennery	Grier
Bergeron	Dennis	Hayes
Blair	Derbes	Hernandez
Casey	Fayard	Jackson, J.
Comar	Flory	Juneau
Conroy	Fulco	Kelly
Cowen	Ginn	Landrum

Landry, E. J.	Soniat	Vesich
Maybuce	Stagg	Vick
Pugh	Tate	Warren
Reeves	Tobias	Wattigny
Singletary	Toca	Wisham
Smith	Velazquez	
Total—44.		

NAYS

Delegates—		
Arnette	Heine	Ourso
Asseff	Jack	Planchard
Badeaux	Jenkins	Rachal
Brien	Kilbourne	Riecke
Brown	Landry, A.	Roemer
Cannon	Lanier	Sandoz
Champagne	Leithman	Stinson
Chatelain	Lowe	Sutherland
Conino	Martin	Toomy
Drew	Mire	Ullo
Dunlap	Morris	Weiss
Elkins	Nunez	Willis
Gauthier	O'Neill	Winchester
Hardee		
Total—40.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Perkins
Aertker	Gravel	Rayburn
Alario	Guarisco	Roy
Anzalone	Haynes	Schmitt
Bel	Jackson, A.	Segura
Bollinger	Kean	Shannon
Burns	Kilpatrick	Slay
Burson	Lambert	Stephenson
Carmouche	LeBleu	Stovall
Chehardy	Leigh	Tapper
Corne	McDaniel	Thistlethwaite
Deshotels	Mauberret	Thompson
Duval	Miller	Wall
Edwards	Munson	Womack
Fontenot	Newton	Zervigon
Fowler	Perez	
Total—47.		

Failed to pass. Motion to reconsider pending.

Delegate Flory moved to reconsider the vote by which the Section failed to pass.

Delegate O'Neill moved to table the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Kilbourne	Riecke
Arnette	Landry, A.	Roemer
Brien	Lanier	Sandoz
Cannon	Leithman	Smith
Champagne	Lowe	Stagg
Dunlap	Martin	Stinson
Fayard	Morris	Toomy
Gauthier	Nunez	Ullo
Heine	O'Neill	Weiss
Jack		Willis
Jenkins	Ourso	Winchester
Total—33.	Reeves	

NAYS

Delegates—		
Mr. Chairman	Brown	D'Gerolamo
Alexander	Casey	De Blieux
Asseff	Chatelain	Dennery
Avant	Comar	Dennis
Badeaux	Conino	Derbes
Bergeron	Conroy	Drew
Blair	Cowen	Elkins

Flory	Kelly	Sutherland
Ginn	Landrum	Tate
Goldman	Landry, E. J.	Tobias
Graham	Maybuce	Toca
Grier	Mire	Velazquez
Hardee	Planchard	Vesich
Hayes	Pugh	Vick
Hernandez	Rachal	Warren
Jackson, J.	Singletary	Wattigny
Juneau	Soniat	Wisham
Total—51.		

NOT VOTING

Delegates—		
Aertker	Giarrusso	Perkins
Alario	Gravel	Rayburn
Anzalone	Guarisco	Roy
Bel	Haynes	Schmitt
Bollinger	Jackson, A.	Segura
Burns	Kean	Shannon
Burson	Kilpatrick	Slay
Carmouche	Lambert	Stephenson
Chehardy	LeBleu	Stovall
Corne	Leigh	Tapper
Deshotels	McDaniel	Thistlethwaite
Duval	Mauberret	Thompson
Edwards	Miller	Wall
Fontenot	Munson	Womack
Fowler	Newton	Zervigon
Fulco	Perez	
Total—47.		

And the Convention refused to table the motion to reconsider.

Motion

Delegate Flory moved to return the Proposal to the Calendar subject to call.

Delegate Dunlap objected.

By a vote of 67 yeas and 20 nays the Proposal was returned to the Calendar subject to call.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other orders of business at this time.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

November 17, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlethwaite, Toca, and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE IX. EDUCATION

Preamble

The goal of the public educational system shall be to provide, at all stages of human development, learning environments and experiences that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.

Section 2. Public Educational System

Section 2. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 3. State Superintendent of Public Elementary and Secondary Education

Section 3. (A) Term. Subject to the provisions for appoint-

ment, in lieu of election, as set forth in Article IV, Section 23, there shall be a state superintendent of public education for elementary and secondary education, who shall be elected for a term of four years. The powers, functions, duties, responsibilities, and qualifications of the superintendent shall be fixed by law. In addition, he shall be the administrative head of the Department of Education for the implementation of the policies of the State Board of Elementary and Secondary Education and the laws affecting the schools under its jurisdiction.

Section 4. State Board of Elementary and Secondary Education

Section 4. (A) Creation; Function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law. In the event the office of State Superintendent of Public Elementary and Secondary Education is made appointive, such appointment shall be made by the State Board of Elementary and Secondary Education. The board shall have such other specific powers, duties, and responsibilities as are provided by this constitution or by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees.

(B) Membership; Terms. The board shall consist of three members who shall be appointed by the governor, with the 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.

(C) Vacancies. Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor; however, if at the time the vacancy occurs the unexpired portion of the term of any elected member is more than one year, the vacancy shall be filled by election as provided by law. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.

Section 6. Approval of Private Schools; Effect

Section 6. The board shall, upon application, approve private elementary, secondary, and proprietary schools whose sustained curriculum or specialized course of study is of a quality equal to or better than that prescribed for similar public schools. The certificates issued by private schools so approved shall carry the same privileges as those issued by the state public schools.

Section 7. Board of Regents

Section 7. (A) Board of Regents; establishment. There is created a body corporate known as the Board of Regents. The board shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have such other powers, duties, and responsibilities as are provided in this Section and by law.

(B) Board membership; terms. The board shall consist of fifteen electors appointed by the governor, with the consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. There shall be at least one member, and no more than two members, appointed from each of the several congressional districts.

(C) Board members; per diem and expenses. The members of the Board of Regents, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Trustees for State Colleges and Universities, and any other board created pursuant to this Article shall serve without pay, but the legislature may fix the per diem and expenses to be paid to them.

(D) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

(E) Powers of the Board. (1) The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The board shall have the following

powers, duties, and responsibilities with respect to all public institutions of higher education and post-secondary vocational-technical training and career education:

(a) To revise or eliminate any existing degree program, department of instruction, division, or similar subdivision.

(b) To approve, disapprove, or modify any proposed degree program, department of instruction, division, or similar subdivision.

(c) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution is proposed, or an additional management board for an institution or group of institutions is proposed, or a proposal is made to transfer an existing institution from one board to another, the board shall report its findings and recommendations within one year to the legislature. Only after this written report has been filed, or if no report is filed within one year, the legislature may take affirmative action on such a proposal by vote of two-thirds of the membership of each house.

(d) To formulate and make timely revision of a master plan for higher education and post-secondary vocational-technical training and career education. As a minimum, the plan shall include a formula for the equitable distribution of funds to the institutions of higher education of the state.

(e) To require the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other higher education board hereafter created pursuant to this Article to submit to it, at times specified by it, their annual budget proposals for the operational and capital needs of each institution under the control of each. The Board of Regents shall submit its recommendations on budgets for all institutions of higher education and post-secondary vocational-technical training and career education in the state. It shall recommend priorities for capital construction and improvements.

(F) Powers not vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested in the Board of Regents by this Section are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and to the Board of Trustees for State Colleges and Universities as to the institutions under the control of each or to any board created pursuant to this Article.

Section 8. Board of Trustees for State Colleges and Universities

Section 8. (A) Creation; Powers. There is created a body corporate known as the Board of Trustees for State Colleges and Universities which, subject to the powers vested in the Board of Regents by this Article, shall have:

(1) Supervision and management of all state colleges and universities except those included under the management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Supervisors of Southern University and Agricultural and Mechanical College, and any other board hereafter created pursuant to this Article.

(2) Unless and until the legislature shall provide otherwise, supervision and management of all public institutions of vocational-technical training and career education at post-secondary levels.

(B) Board Membership; Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 9. (A) Creation; Powers. There is created bodies corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and

manage the institutions and statewide agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College and the Southern University Agricultural and Mechanical College system.

(B) Membership; terms. The members of each board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Each board shall be composed of two members from each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Section 11. Boards; Dual Membership Prohibited; Student Membership Authorized

Section 11. (A) No person shall be eligible to simultaneously serve on more than one board created by or pursuant to this Article.

(B) The legislature may provide for the membership of one student on the Board of Trustees for State Colleges and Universities, one student on the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and one student on the Board of Supervisors of Southern University and Agricultural and Mechanical College whose terms shall not exceed one year. No student member shall be eligible to succeed himself. A student member shall enjoy all of the privileges and rights of other board members except the right to vote.

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.

(B) Parish Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent, who need not be a resident of the parish in which he serves.

Section 13. Recognition of Existing Boards and Systems; Consolidation

Section 13. (A) Recognition of Boards and Systems. Parish and city school board systems, in existence on the effective date of this constitution, by virtue of special or local legislative acts or previous constitutional provisions, are hereby recognized, subject to control by and supervision of the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; board membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. Any member of either board at any time not satisfying the requirements of this Paragraph immediately shall vacate his position. The provisions of this Paragraph shall not become operative until the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary.

(B) Consolidation. Two or more school systems may be consolidated under procedures enacted by the legislature, subject to approval of a majority of the qualified electors voting in each system affected in an election called for that purpose.

Section 14. Appropriations; Boards

Section 14. The legislature shall appropriate funds for the operating and administrative expenses of the boards created pursuant to this Article.

Section 15. Appropriations; Higher Education

Section 15. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made to their respective man-

aging boards. The appropriations shall be administered by the managing boards and used solely as provided by law.

Section 16. Funding; Elementary and Secondary Education; Apportionment

Section 16. (A) The legislature 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.

(B) The legislature shall appropriate sufficient funds to insure a minimum foundation program of education in all public elementary and secondary schools. Such funds as the legislature appropriates shall be equitably allocated to the parish and city school systems according to formulas adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to the time such appropriation is made.

(C) The local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, and each municipality or municipal school board actually operating, maintaining or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation, and shall certify such fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature.

(D) For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as parishes.

Section 17. Tulane University

Section 17. The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created and to be developed in accordance with provisions of the Legislative Act No. 43 approved July 5, 1884.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

COMMITTEE NOTICE

Delegate Henry, chairman of the Executive Committee, sent up the following notice:

The Executive Committee will meet on Tuesday, November 20, 1973, at 8:00 o'clock A.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

To discuss general matters relating to the business of the Convention.

Respectfully submitted,

E. L. HENRY,
Chairman of the Executive Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Public Information Committee, sent up the following notice:

PAGE 13

88th Days Proceedings—November 17, 1973

The Public Information Committee will meet on Tuesday, November 20, 1973 after adjournment in Committee Room No. 5 and will consider the following agenda:

AGENDA

To discuss general Committee Business.

Respectfully submitted,

PATRICK JUNEAU,
Chairman of the Public Information Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate Avant moved that the Convention do now adjourn until Monday, November 19, 1973, at 9:00 o'clock A.M.

As a substitute motion, Delegate Abraham moved the Convention adjourn until Sunday, November 18, 1973, at 2:00 o'clock p.m.

The vote recurred on the longest period of adjournment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Avant	De Blieux	Rachal
Blair	Dennis	Riecke
Comar	Elkins	Uilo
Conroy	Haynes	
Total—11.		

NAYS

Delegates—

Mr. Chairman	Goldman	Ourso
Abraham	Graham	Planchard
Alario	Gravel	Pugh
Alexander	Grier	Reeves
Arnette	Hayes	Roemer
Asseff	Heine	Sandoz
Badeaux	Hernandez	Singletary
Bergeron	Jack	Smith
Brien	Jackson, J.	Soniati
Brown	Jenkins	Stagg
Cannon	Juneau	Stinson
Casey	Kelly	Sutherland
Champagne	Kilbourne	Tate
Chatelain	Landrum	Tobias
Conino	Landry, A.	Toca
D'Gerolamo	Landry, E. J.	Toomy
Dennery	Lanier	Velazquez
Derbes	Leithman	Vesich
Drew	Lowe	Warren
Dunlap	Martin	Wattigny
Fayard	Maybuce	Weiss
Flory	Mire	Willis
Fulco	Morris	Winchester
Gauthier	Nunez	Wisham
Ginn	O'Neill	
Total—75.		

NOT VOTING

Delegates—

Aertker	Giarrusso	Perkins
Anzalone	Guarisco	Rayburn
Bel	Hardee	Roy
Bollinger	Jackson, A.	Schmitt
Burns	Kean	Segura
Burson	Kilpatrick	Shannon
Carmouche	Lambert	Slay
Chehardy	LeBleu	Stephenson
Corne	Leigh	Stovall
Cowen	McDaniel	Tapper
Deshotels	Mauberret	Thistlethwaite
Duval	Miller	Thompson
Edwards	Munson	Wall
Fontenot	Newton	Womack
Fowler	Perez	Zervigon
Total—45.		

And the Convention refused to adjourn until Monday, November 19, 1973, at 9:00 o'clock A.M.

Delegate Abraham withdrew his motion to adjourn until Sunday, November 18, 1973, at 2:00 o'clock P.M.

Leaves of Absence

Delegate Corne—5 days.
Delegate Kilpatrick—1 day.
Delegate Thompson—1 day.
Delegate McDaniel—2 days.

Adjournment

Delegate Hernandez moved that the Convention do now adjourn until Sunday, November 18, 1973, at 2:00 o'clock P.M.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Gauthier	O'Neill
Abraham	Ginn	Ourso
Alario	Goldman	Planchard
Alexander	Graham	Pugh
Arnette	Gravel	Reeves
Asseff	Grier	Roemer
Avant	Hayes	Sandoz
Badeaux	Heine	Singletary
Bergeron	Hernandez	Smith
Brien	Jack	Soniati
Brown	Jackson, J.	Stagg
Cannon	Jenkins	Stinson
Casey	Juneau	Tate
Champagne	Kilbourne	Tobias
Chatelain	Landrum	Toca
Conino	Landry, A.	Toomy
Conroy	Landry, E. J.	Uilo
D'Gerolamo	Lanier	Vesich
De Blieux	Leithman	Vick
Dennery	Lowe	Warren
Derbes	Martin	Wattigny
Drew	Maybuce	Weiss
Dunlap	Mire	Willis
Fayard	Morris	Winchester
Flory	Nunez	Wisham
Fulco		
Total—76.		

NAYS

Delegates—

Blair	Kelly	Sutherland
Dennis	Rachal	Velazquez
Haynes		
Total—7.		

NOT VOTING

Delegates—

Aertker	Fowler	Perkins
Anzalone	Giarrusso	Rayburn
Bel	Guarisco	Riecke
Bollinger	Hardee	Roy
Burns	Jackson, A.	Schmitt
Burson	Kean	Segura
Carmouche	Kilpatrick	Shannon
Chehardy	Lambert	Slay
Comar	LeBleu	Stephenson
Corne	Leigh	Stovall
Cowen	McDaniel	Tapper
Deshotels	Mauberret	Thistlethwaite
Duval	Miller	Thompson
Edwards	Munson	Wall
Elkins	Newton	Womack
Fontenot	Perez	Zervigon
Total—48.		

And the Convention adjourned until Sunday, November 18, 1973, at 2:00 o'clock P.M.

And Chairman Henry declared the Convention adjourned to Sunday, November 18, 1973, at 2:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

EIGHTY-NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Sunday, November 18, 1973, Baton Rouge, La.

The Convention was called to order at 2:00 o'clock p.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Ourso
Abraham	Gauthier	Perez
Aertker	Giarrusso	Perknis
Alario	Ginn	Planchard
Alexander	Goldman	Pugh
Anzalone	Graham	Rayburn
Arnette	Gravel	Reeves
Asseff	Grier	Roemer
Avant	Guarisco	Roy
Badeaux	Hardee	Sandoz
Bel	Hayes	Schmitt
Bergeron	Heine	Shannon
Blair	Hernandez	Singletary
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Brown	Juneau	Stagg
Burns	Kean	Stephenson
Cannon	Kilbourne	Stinson
Casey	Kilpatrick	Tate
Champagne	Landrum	Thompson
Chatelain	Landry, A.	Tobias
Chehardy	Landry, E. J.	Toca
Comar	Lanier	Toomy
Conino	LeBleu	Ullo
Conroy	Leithman	Velazquez
Cowen	Lowe	Vesich
D'Gerolamo	Martin	Vick
De Blieux	Maybuce	Warren
Dennerly	Mire	Wattigny
Derbes	Morris	Weiss
Drew	Munson	Willis
Dunlap	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Zervigon
Total—102.		

ABSENT

Delegates—		
Burson	Haynes	Riecke
Carmouche	Jack	Segura
Corne	Jackson, A.	Slay
Dennis	Kelly	Stovall
Deshotels	Lambert	Sutherland
Duval	Leigh	Tapper
Edwards	McDaniel	Thistlethwaite
Elkins	Mauberret	Wall
Fontenot	Miller	Womack
Fowler	Rachal	
Total—29.		

The Chairman announced that there were 102 members present and a quorum.

Prayer

Prayer was offered by Delegate Willis.

Pledge of Allegiance

Delegate Anzalone led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Reeves, the reading of the Journal was dispensed with.

On motion of Delegate Reeves, the Journal of yesterday was adopted.

Regular Order

Delegate and Committee Proposals

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Aertker Committee Proposal Number 18, was taken up out of its regular order at this time.

COMMITTEE PROPOSAL No. 18—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham. A substitute proposal for Committee Proposal No. 13 by Delegate Aertker, et al:

A PROPOSAL

Making provisions for human resources by prohibiting compulsory arbitration.

Read.

Article VII, Section 1. Arbitration

Section 1. The legislature shall pass no laws requiring compulsory arbitration.

Read.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 18 by Delegate Aertker, et al.

Amend engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, after the words and punctuation "Section 1." delete the remainder of the line and delete line 16 in its entirety and insert in lieu thereof the following:

"The legislature may pass such laws as may be proper and necessary to decide differences, with the consent of the parties, by arbitration."

Delegate Flory moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Conino	Fulco
Avant	Conroy	Ginn
Bel	D'Gerolamo	Graham
Bergeron	De Blieux	Gravel
Blair	Dunlap	Jackson, J.
Chehardy	Fayard	Kilpatrick
Comar	Flory	Landry, E. J.

PAGE 2

89th Days Proceedings—November 18, 1973

Martin	Roemer	Toca
Maybuce	Roy	Velazquez
Mire	Singletary	Vesich
Morris	Soniat	Vick
Munson	Stephenson	Warren
Nunez	Tate	Wisham
Ourso	Thompson	
Reeves	Tobias	

Total—43.

NAYS

Delegates—		
Abraham	Giarrusso	Perez
Aertker	Goldman	Perkins
Alario	Grier	Planchard
Anzalone	Guarisco	Pugh
Arnette	Hardee	Rayburn
Asseff	Hayes	Sandoz
Badeaux	Heine	Schmitt
Brien	Hernandez	Shannon
Burns	Jenkins	Smith
Cannon	Juneau	Stagg
Casey	Kean	Stinson
Champagne	Kilbourne	Toomy
Chatelain	Landry, A.	Ullo
Cowen	Lanier	Weiss
Dennery	LeBleu	Willis
Derbes	Leithman	Winchester
Drew	Lowe	Zervigon
Gauthier	O'Neill	

Total—53.

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Rachal
Bollinger	Haynes	Riecke
Brown	Jack	Segura
Burson	Jackson, A.	Slay
Carmouche	Kelly	Stovall
Corne	Lambert	Sutherland
Dennis	Landrum	Tapper
Deshotels	Leigh	Thistlethwaite
Duval	McDaniel	Wall
Edwards	Mauberet	Wattigny
Elkins	Miller	Womack
Fontenot	Newton	

Total—35.

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 18 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 14, in its entirety and insert in lieu thereof the following:

"ARTICLE VII. HUMAN RESOURCES

Section 1. Arbitration"

On motion of Delegate Aertker the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Zervigon moved to return the Proposal to the Calendar.

Delegate Toca objected.

By a vote of 19 yeas and 79 nays the Convention refused to return the Proposal to the Calendar.

Delegate Planchard sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Planchard, Avant, Badeaux, Blair, Champagne, Comar, Conino, Conroy, De Blieux, Drew, Dunlap, Flory, Gauthier, Ginn, Goldman, Hardee, J. Jackson, A. Landry, Lanier, Mire, Rayburn, Reeves, Roemer, Roy, Sandoz, Shannon, Thompson, Toca and Warren to Committee Proposal No. 18 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 10 through 16, both inclusive, in their entirety including all Floor Amendments thereto

Delegate Planchard moved the adoption of the amendment.

Delegate Ullo objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Gauthier	Ourso
Alario	Giarrusso	Perez
Alexander	Ginn	Perkins
Anzalone	Goldman	Planchard
Arnette	Graham	Pugh
Avant	Gravel	Rayburn
Badeaux	Grier	Reeves
Bel	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Heine	Shannon
Burns	Hernandez	Singletary
Cannon	Jackson, J.	Smith
Casey	Juneau	Soniat
Champagne	Kean	Stagg
Chatelain	Kilbourne	Stephenson
Crehardy	Kilpatrick	Tate
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Cowen	Lanier	Velazquez
D'Gerolamo	LeBleu	Vick
De Blieux	Leithman	Warren
Dennery	Martin	Wattigny
Derbes	Maybuce	Weiss
Drew	Mire	Willis
Dunlap	Morris	Winchester
Fayard	Munson	Wisham
Flory	Nunez	Zervigon
Fulco		

Total—88.

NAYS

Delegates—		
Mr. Chairman	Jenkins	Stinson
Abraham	Lowe	Toomy
Asseff	O'Neill	Ullo
Brien	Schmitt	

Total—11.

NOT VOTING

Delegates—		
Brown	Haynes	Riecke
Burson	Jack	Segura
Carmouche	Jackson, A.	Slay
Corne	Kelly	Stovall
Dennis	Lambert	Sutherland
Deshotels	Leigh	Tapper
Duval	McDaniel	Thistlethwaite
Edwards	Mauberet	Vesich
Elkins	Miller	Wall
Fontenot	Newton	Womack
Fowler	Rachal	

Total—32.

And the amendment was adopted.

Delegate Planchard moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate De Blieux moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

	YEAS	
Total—0.		
	NAYS	
Delegates—		
Mr. Chairman	Fulco	Perkins
Abraham	Giarrusso	Planchard
Aertker	Ginn	Pugh
Alexander	Goldman	Rayburn
Anzalone	Graham	Reeves
Arnette	Grier	Roemer
Asseff	Guarisco	Sandoz
Avant	Hardee	Schmitt
Badeaux	Hayes	Shannon
Bel	Heine	Singletary
Bergeron	Hernandez	Slay
Blair	Jackson, J.	Smith
Bollinger	Jenkins	Soniat
Brien	Juneau	Stagg
Burns	Kean	Stephenson
Cannon	Kilbourne	Stinson
Casey	Kilpatrick	Tate
Champagne	Landrum	Thompson
Chatelain	Landry, A.	Tobias
Chehardy	Landry, E. J.	Toca
Comar	Lanier	Toomy
Conino	LeBleu	Ullo
Conroy	Leithman	Velazquez
Cowen	Lowe	Vick
D'Gerolamo	Martin	Warren
De Blieux	Mire	Wattigny
Dennery	Morris	Weiss
Derbes	Munson	Willis
Drew	Nunez	Winchester
Dunlap	O'Neill	Wisham
Fayard	Ourso	Zervigon
Flory	Perez	

Total—95.

NOT VOTING

Delegates—	Gauthier	Newton
Alario	Gravel	Rachal
Brown	Haynes	Riecke
Burson	Jack	Roy
Carmouche	Jackson, A.	Segura
Corne	Kelly	Stovall
Dennis	Lambert	Sutherland
Deshotels	Leigh	Tapper
Duval	McDaniel	Thistlethwaite
Edwards	Mauberret	Veisch
Elkins	Maubout	Wall
Fontenot	Miller	Womack
Fowler		

Total—36.

And the Chair declared that the above Proposal failed to pass.

Delegate De Blieux moved to reconsider the vote by which the above Proposal failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion Delegate Stagg Committee Proposal Number 31, was taken up out of its regular order at this time.

COMMITTEE PROPOSAL No. 31—

Introduced by Delegate Stagg, Chairman, on behalf of the

Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall, and Tapper (Substitute for Committee Proposal No. 19):

A PROPOSAL

Making provisions in the Schedule provisions of the constitution for mandatory reorganization of the executive branch of state government.

Read.

ARTICLE XIV. SCHEDULE

Section I. Mandatory Reorganization of State Government

Section 1. (A) The legislature shall allocate, within not more than twenty departments, the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities within the executive branch, except those allocated by this constitution. Such allocation, which shall not be subject to veto by the governor, shall become operative not later than December 31, 1976.

(B) Should the legislature fail to make such allocation, the governor shall prepare and submit to the legislature at its next session, regular or extraordinary, an allocation in compliance with this section. The legislature, by a majority vote of the elected members of each house, may disapprove such plan but may not substantively amend it. In the event the legislature does not disapprove the plan prior to the sine die adjournment of the session of the legislature at which submitted, the plan shall become effective at twelve o'clock noon on the ninetieth day following sine die adjournment.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 31 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 22 through 32, both inclusive, in their entirety.

Delegate Perez moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

	YEAS	
Delegates—		
Mr. Chairman	Ginn	Ourso
Alario	Grier	Perez
Avant	Guarisco	Planchard
Bergeron	Heine	Rayburn
Blair	Hernandez	Reeves
Bollinger	Jenkins	Roemer
Burns	Juneau	Shannon
Cannon	Kean	Smith
Chatelain	Kilbourne	Thompson
Chehardy	Kilpatrick	Toca
Conino	Landry, A.	Toomy
D'Gerolamo	Landry, E. J.	Ullo
Drew	Lanier	Vick
Fayard	LeBleu	Warren
Flory	Mire	Willis
Fulco	Morris	Winchester
Gauthier	Nunez	
Giarrusso	O'Neill	

Total—52.

NAYS

Delegates—	Badeaux	Comar
Abraham	Bel	Conroy
Alexander	Brien	Cowen
Anzalone	Casey	De Blieux
Arnette	Champagne	Dennery
Asseff		

Derbes	Lowe	Stagg
Dunlap	Maybuce	Stephenson
Goldman	Munson	Tobias
Graham	Pugh	Velazquez
Gravel	Roy	Wattigny
Hardee	Sandoz	Weiss
Hayes	Schmitt	Wisham
Jackson, J.	Singletary	Zervigon
Landrum	Soniat	
Total—41.		

NOT VOTING

Delegates—		
Aertker	Jack	Riecke
Brown	Jackson, A.	Segura
Burson	Kelly	Slay
Carmouche	Lambert	Stinson
Corne	Leigh	Stovall
Dennis	Leithman	Sutherland
Deshotels	McDaniel	Tapper
Duval	Martin	Tate
Edwards	Mauberret	Thistlethwaite
Elkins	Miller	Vesich
Fontenot	Newton	Wall
Fowler	Perkins	Womack
Haynes	Rachal	
Total—38.		

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 31 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 21, after the words and punctuation "December 31," delete the figures "1976" and insert in lieu thereof the figures "1977"

Delegate Rayburn moved the adoption of the amendment.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	D'Gerolamo	Juneau
Abraham	Dennery	Kean
Alario	Derbes	Kilbourne
Alexander	Drew	Kilpatrick
Anzalone	Dunlap	Landrum
Asseff	Fayard	Landry, A.
Avant	Flory	Landry, E. J.
Badeaux	Fulco	Lanier
Bel	Gauthier	LeBleu
Bergeron	Giarrusso	Lowe
Blair	Ginn	Maybuce
Bollinger	Goldman	Mire
Brien	Graham	Morris
Burns	Gravel	Munson
Cannon	Grier	Nunez
Casey	Guarisco	O'Neill
Chatelain	Hardee	Ourso
Chehardy	Hayes	Perez
Comar	Heine	Planchard
Conino	Hernandez	Pugh
Conroy	Jackson, J.	Rayburn
Cowen	Jenkins	Reeves

Roemer	Stephenson	Warren
Roy	Tate	Wattigny
Sandoz	Thompson	Weiss
Schmitt	Tobias	Willis
Shannon	Toca	Winchester
Singletary	Toomy	Wisham
Smith	Ullo	Zervigon
Soniat	Velazquez	
Stagg	Vick	
Total—91.		

NAYS

Delegates—	Champagne	De Blieux
Arnette		
Total—3.		

NOT VOTING

Delegates—		
Aertker	Jack	Riecke
Brown	Jackson, A.	Segura
Burson	Kelly	Slay
Carmouche	Lambert	Stinson
Corne	Leigh	Stovall
Dennis	Leithman	Sutherland
Deshotels	McDaniel	Tapper
Duval	Martin	Thistlethwaite
Edwards	Mauberret	Vesich
Elkins	Miller	Wall
Fontenot	Newton	Womack
Fowler	Perkins	
Haynes	Rachal	
Total—37.		

And the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Dennery and Stagg to Committee Proposal No. 31 by Delegate Dennery, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 15 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) The legislature shall allocate, within not more than twenty departments, including the departments created by this constitution, the functions, powers, duties,"

Delegate Dennery moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	D'Gerolamo	Roemer
Alexander	De Blieux	Sandoz
Anzalone	Dennery	Schmitt
Arnette	Derbes	Stagg
Asseff	Dunlap	Tate
Bel	Goldman	Tobias
Bergeron	Graham	Toca
Brien	Gravel	Velazquez
Brown	Jackson, J.	Wattigny
Casey	Jenkins	Zervigon
Chehardy	Landry, E. J.	
Comar	Pugh	
Total—34.		

NAYS

Delegates—		
Alario	Cannon	Flory
Avant	Champagne	Fulco
Badeaux	Chatelain	Gauthier
Blair	Conino	Giarrusso
Bollinger	Cowen	Ginn
Burns	Drew	Grier

Guarisco	Martin	Smith
Hardee	Maybuce	Soniat
Hayes	Mire	Stephenson
Heine	Morris	Thompson
Hernandez	Munson	Toomy
Juneau	Nunez	Uilo
Kean	O'Neill	Vick
Kelly	Ourso	Warren
Kilbourne	Perez	Weiss
Kilpatrick	Planchard	Willis
Landry, A.	Rayburn	Winchester
Lanier	Reeves	Wisham
LeBleu	Shannon	
Lowe	Singletary	
Total—58.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Rachal
Aertker	Haynes	Riecke
Burson	Jack	Roy
Carmouche	Jackson, A.	Segura
Conroy	Lambert	Slay
Corne	Landrum	Stinson
Dennis	Leigh	Stovall
Deshotels	Leithman	Sutherland
Duval	McDaniel	Tapper
Edwards	Mauberrret	Thistlethwaite
Elkins	Miller	Vesich
Fayard	Newton	Wall
Fontenot	Perkins	Womack
Total—39.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 31 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 21, after the word "than" delete the remainder of the line and all amendments thereto and insert in lieu thereof the following:
"January 1, 1978."

Delegate Pugh moved the adoption of the amendment.

Delegate Anzalone objected.

By a vote of 39 yeas and 44 nays the amendment was rejected.

Delegate Anzalone moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Anzalone, Champagne, and Gravel to Committee Proposal No. 31 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21 and 22, insert the following:
"(B) Should the legislature fail to make such allocation, the governor shall prepare and submit to the legislature at its next regular session, an allocation in compliance with this section. The legislature may disapprove such plan but may not substantively amend it. In the event the legislature does

not disapprove the plan prior to the sine die adjournment of the session of the legislature at which submitted, the plan shall become effective at twelve o'clock noon on the ninetieth day following sine die adjournment."

Point of Order

Delegate Perez raised a point of order and asked a ruling of the Chair as to whether the subject matter contained in the amendment was previously considered by the Convention and therefore out of order at this time.

The Chairman declined to rule the amendment out of order, and, under the rules, put the question to the Convention.

And the Chair announced that the vote was 44 yeas and 44 nays and, under the rules cast his vote, and voted nay.

And the amendment was declared out of order.

Motion

Delegate O'Neill moved the previous question on the Proposal.

Delegate Champagne objected.

By a vote of 10 yeas and 76 nays the Convention refused to order the previous question at this time.

Passage

Committee Proposal No. 31, Section 1 was read, as amended.

Delegate Stagg moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Perez
Abraham	Giarrusso	Planchard
Alario	Ginn	Pugh
Alexander	Goldman	Rayburn
Anzalone	Graham	Reeves
Arnette	Gravel	Roemer
Asseff	Grier	Sandoz
Badeaux	Guarisco	Schmitt
Bel	Hayes	Shannon
Bergeron	Heine	Smith
Blair	Hernandez	Soniat
Bollinger	Jackson, J.	Stagg
Brien	Juneau	Stephenson
Brown	Kean	Tate
Burns	Kelly	Thompson
Cannon	Kilbourne	Tobias
Casey	Kilpatrick	Toca
Chatelain	Landry, A.	Toomy
Comar	Landry, E. J.	Uilo
Conino	Lanier	Velazquez
Cowen	Lowe	Warren
D'Gerolamo	Martin	Wattigny
De Blieux	Mire	Weiss
Dennery	Morris	Willis
Derbes	Munson	Winchester
Drew	Nunez	Wisham
Fulco	Ourso	Zervigon
Total—81.		

NAYS

Delegates—		
Avant	Jenkins	O'Neill
Champagne	LeBleu	Singletary
Dunlap	Maybuce	Vick
Flory		
Total—10.		

NOT VOTING

Delegates—		
Aertker	Duval	Jack
Burson	Edwards	Jackson, A.
Carmouche	Elkins	Lambert
Chehardy	Fayard	Landrum
Conroy	Fontenot	Leigh
Corne	Fowler	Leithman
Dennis	Hardee	McDaniel
Deshotels	Haynes	Mauberrret

Miller	Segura	Thistlethwaite
Newton	Slay	Vesich
Perkins	Stinson	Wall
Rachal	Stovall	Womack
Riecke	Sutherland	
Roy	Tapper	
Total—40.		

And the Chair declared that the above Section was finally passed.

Delegate Stagg moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read as amended.

Delegate Stagg moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Planchard
Abraham	Giarrusso	Pugh
Alario	Ginn	Rayburn
Alexander	Goldman	Reeves
Anzalone	Graham	Roemer
Arnette	Gravel	Sandoz
Asseff	Grier	Schmitt
Badeaux	Guarisco	Shannon
Bel	Hayes	Smith
Bergeron	Heine	Soniata
Blair	Hernandez	Stagg
Bollinger	Jackson, J.	Stephenson
Brien	Juneau	Tate
Brown	Kean	Thompson
Burns	Kelly	Tobias
Cannon	Kilbourne	Toca
Casey	Kilpatrick	Toomy
Chatelain	Landry, A.	Ullo
Comar	Landry, E. J.	Velazquez
Conino	Lanier	Vick
Cowen	Lowe	Warren
D'Gerolamo	Martin	Wattigny
De Blieux	Mire	Weiss
Dennery	Morris	Willis
Derbes	Munson	Winchester
Drew	Nunex	Wisham
Dunlap	Ourso	Zervigon
Fulco	Perez	
Total—83.		

NAYS

Delegates—		
Avant	Jenkins	O'Neill
Champagne	LeBleu	Singletary
Flory	Maybeuce	
Total—8.		

NOT VOTING

Delegates—		
Aertker	Hardee	Riecke
Burson	Haynes	Roy
Carmouche	Jack	Segura
Chehardy	Jackson, A.	Slay
Conroy	Lambert	Stinson
Corne	Landrum	Stovall
Dennis	Leigh	Sutherland
Deshotels	Leithman	Tapper
Duval	McDaniel	Thistlethwaite
Edwards	Maubert	Vesich
Elkins	Miller	Wall
Fayard	Newton	Womack
Fontenot	Perkins	
Fowler	Rachal	
Total—40.		

And the Chair declared that the above Proposal was finally passed.

Delegate Stagg moved to reconsider the vote by which the above Proposal was finally passed.

Proposals Reported by the Committee on Style and Drafting for Final Passage

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton, and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

The following amendments to Committee Proposal No. 3, reported by the Committee on Style and Drafting were taken up and acted upon as follows:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 16, delete the word "DEPARTMENT" and insert in lieu thereof "BRANCH"

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 17 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Legislative Power; Composition; Continuous Body

Section 1. (A) Legislative Power of State. The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives. 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."

AMENDMENT No. 3—

On page 1, delete lines 24 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate.

Amendments No. 2 and 3 were adopted.

AMENDMENT No. 4—

On page 1, delete lines 29 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Sessions

Section 2. (A) Annual Session. The legislature shall meet annually in regular session in the state capital for not more than sixty legislative days during a period of eighty-five calendar days. A legislative day is a calendar day on which either house is in session. No such session shall continue beyond the eighty-fifth calendar day after convening. The legislature shall convene at noon on the third Monday in April. No new matter intended to have the effect of law shall be introduced or received by either house after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. No measure levying a new tax or increasing an

existing tax shall be introduced or enacted during a regular session held in an odd-numbered year."

AMENDMENT No. 5—

On page 2, delete lines 10 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Extraordinary Session. The legislature may be convened at other times by the governor and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. The form of the petition shall be provided by law. At least five days prior to convening the legislature in extraordinary session, the governor or the presiding officers, as the case may be, shall issue a proclamation stating the objects of the session, the date on which it shall convene, and the number of days for which it is convened. The power to legislate shall be limited, under penalty of nullity, to the objects specifically enumerated in the proclamation. The session shall be limited to the number of days stated therein, which shall not exceed thirty calendar days."

AMENDMENT No. 6—

On page 2, delete lines 27 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Emergency Session. The governor may convene the legislature in extraordinary session without prior notice or proclamation in the event of public emergency caused by epidemic, enemy attack, or public catastrophe."

Read.

On motion of Delegate Tate Amendments No. 4, 5 and 6 were adopted.

AMENDMENT No. 7—

On page 2, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. The number of members of the legislature shall be provided by law, but the number of senators shall not exceed thirty-nine and the number of representatives, one hundred five."

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Qualifications; Residence and Domicile Requirements; Term; Vacancies

Section 4. (A) Age; Residence; Domicile. An elector who at the time of qualification as a candidate has attained the age of eighteen years, resided in the state for the preceding two years, and been actually domiciled for the preceding year in the legislative district from which he seeks election is eligible for membership in the legislature."

AMENDMENT No. 9—

On page 3, delete lines 7 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Domicile; Special Provisions. However, at the next regular election for members of the legislature following legislative reapportionment, an elector may qualify as a candidate from any district created in whole or in part from a district existing prior to reapportionment if he was domiciled in that prior district for at least one year immediately preceding his qualification and was a resident of the state for the two years preceding his qualification. The seat of any member who changes his domicile from the district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of retention of domicile to the contrary notwithstanding."

AMENDMENT No. 10—

On page 3, delete lines 27 and 28 in their entirety and insert in lieu thereof the following:

"(C) Term. A member of the legislature shall be elected for a four-year term."

AMENDMENT No. 11—

On page 3, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

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

Read.

On motion of Delegate Tate Amendments No. 8, 9, 10, and 11 were adopted.

AMENDMENT No. 12—

On page 3, delete lines 32 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Legislative Reapportionment; Reapportionment by Supreme Court; Procedure

Section 5. (A) Reapportionment by Legislature. By the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall reapportion the representation in each house as equally as practicable on the basis of population shown by the census."

AMENDMENT No. 13—

On page 4, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Reapportionment by Supreme Court. If the legislature fails to reapportion as required in Paragraph (A), the supreme court, upon petition of any elector, shall reapportion the representation in each house as provided in Paragraph (A)."

AMENDMENT No. 14—

On page 4, delete lines 10 and 11 in their entirety and insert in lieu thereof the following:

"(C) Procedure. The procedure for review and for petition shall be provided by law."

Read.

On motion of Delegate Tate Amendments No. 12, 13, and 14 were adopted.

AMENDMENT No. 15—

On page 4, delete lines 12 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion; Subpoenas; Contempt; Officers

Section 6. (A) Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion. Each house shall be the judge of the qualifications and elections of its members; shall determine its rules of procedure, not inconsistent with the provisions of this constitution; may punish its members for disorderly conduct or contempt; and may expel a member with concurrence of two-thirds of its elected members. Expulsion creates a vacancy in the office."

AMENDMENT No. 16—

On page 4, delete lines 21 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Subpoena Power; Contempt. Each house may compel the attendance and testimony of witnesses and the production of books and papers before it, before any committee thereof, or before joint committees of the houses and may punish those in willful disobedience of its orders for contempt."

AMENDMENT No. 17—

On page 4, delete lines 27 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Officers. Each house shall choose its officers, including a permanent presiding officer selected from its membership. The presiding officers shall be the president of the Senate and the speaker of the House of Representatives. The clerical officers shall be the clerk of the House of Representatives and the secretary of the Senate, each of whom may administer oaths."

Read.

On motion of Delegate Tate Amendments No. 15, 16, and 17 were adopted.

AMENDMENT No. 18—

On page 5, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. A member of the legislature shall be privileged from arrest, except for felony, during his attendance at sessions and committee meetings of his house and while going to and from them. No member shall be questioned elsewhere for any speech in either house."

Read.

On motion of Delegate Tate Amendment No. 18 was adopted.

AMENDMENT No. 19—

On page 5, delete lines 8 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature."

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

On page 5, delete lines 14 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Quorum; Compulsory Attendance; Journal; Adjournment With Consent of Other House

Section 9. (A) Quorum. Not less than a majority of the elected members of each house shall form a quorum to transact business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members."

AMENDMENT No. 21—

On page 5, delete lines 20 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Journal. Each house shall keep a journal of its proceedings and have it published immediately after the close of each session. The journal shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays, with each member's vote published in the journal."

AMENDMENT No. 22—

On page 5, delete lines 26 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Adjournment. When the legislature is in session, neither house shall adjourn for more than three days or to another place without consent of the other house."

Read.

On motion of Delegate Tate Amendments No. 20, 21 and 22 were adopted.

AMENDMENT No. 23—

On page 5, delete lines 31 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. There shall be a legislative auditor responsible solely to the legislature. He shall serve as a fiscal advisor to it and shall perform the duties and functions provided by law related to auditing fiscal records of the state, its agencies, and political subdivisions. He shall be elected by the concurrence of a majority of the elected members of each house and may be removed by the concurrence of two-thirds of the elected members of each house."

Read.

On motion of Delegate Tate Amendment No. 23 was adopted.

AMENDMENT No. 24—

On page 6, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Compensation of Elected Public Officials; Reduction

Section 11. The compensation of an elected public official shall not be reduced during the term for which he is elected."

Read.

On motion of Delegate Tate Amendment No. 24 was adopted.

AMENDMENT No. 25—

On page 6, delete lines 9 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Local or Special Laws; Notice of Intent; Publication

Section 13. No local or special law shall be enacted unless notice of the intent to introduce a bill to enact such a law has been published on two separate days, without cost to the state, in the official journal of the locality where the matter to be affected is situated. The last day of publication shall be at least thirty days prior to introduction of the bill. The notice shall state the substance of the contemplated law, and every such bill shall recite that notice has been given."

Read.

On motion of Delegate Tate Amendment No. 25 was adopted.

AMENDMENT No. 26—

On page 6, delete lines 21 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 27—

On page 6, delete lines 24 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

AMENDMENT No. 28—

On page 6, delete lines 28 through 35, both inclusive, in their entirety and on page 7, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(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."

Read.

Motion

On motion of Delegate Perez the Convention deferred action on the Amendments No. 26, 27, and 28 at this time.

AMENDMENT No. 29—

On page 7, delete lines 4 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. The legislature shall provide for orderly and temporary continuity of state government, in periods of emergency, until normal processes of government can be reestablished in accordance with the constitution and laws of the state; and, except as otherwise provided by this constitution, for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to perform their functions."

Read.

On motion of Delegate Tate Amendment No. 29 was adopted.

AMENDMENT No. 30—

On page 7, delete lines 14 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 16. The style of a law enacted by the legislature shall be, “Be it enacted by the Legislature of Louisiana.” It shall be unnecessary to repeat the enacting clause after the first section of an act.”

Read.

On motion of Delegate Tate Amendment No. 30 was adopted.

Motion

Delegate Perez moved for a suspension of the rules for the purpose of reconsidering the vote by which Section 17 of Committee Proposal No. 3 was adopted. The consideration thereof limited to the consideration of the proposed Perez amendment.

Which motion was agreed to.

Reconsidered

Section 17. Passage of Bills

Section 17. (A) The legislature shall enact no law except by a bill introduced during a session of the legislature, and shall propose no amendment to the constitution except by a joint resolution introduced during a session of the legislature, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object and every bill shall contain a brief title indicative of its object. No action on any matter intended to have the effect of law shall be taken except in open, public meeting.

(B) All bills enacting, amending, or reviving laws shall set forth completely the provisions of the laws enacted, amended, or revived, and no system or code of laws shall be adopted by general reference to such system or code of laws.

(C) No bill shall be amended in its passage through either house so as to make a change not germane to the bill as originally introduced.

(D) Every bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless and until a public hearing has been held on such bill and it has been reported on by a committee.

(E) No bill which has been rejected by either house may again be proposed or considered in the same house during the same session without the consent of a majority of the members elected to the house which rejected it.

(F) No amendments to bills by one house shall be concurred in by the other, nor shall any conference committee report be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote.

(G) No bill shall become law without the concurrence of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. At the request of one-fifth of the members elected to either house, a record vote shall be taken on any other measure or for any other purpose.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 19 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 17. (A) Introduction; Title; Single Object; Public Meetings. The legislature shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution introduced during that session, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting.”

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal 3 Section 17 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Perez
Abraham	Giarrusso	Perkins
Alario	Ginn	Planchar
Alexander	Goldman	Pugh
Arnette	Graham	Rayburn
Asseff	Gravel	Reeves
Avant	Grier	Roemer
Badeaux	Guarisco	Sandoz
Bel	Hayes	Schmitt
Bergeron	Heine	Shannon
Blair	Hernandez	Singletary
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Brown	Juneau	Stagg
Burns	Kean	Stephenson
Cannon	Kelly	Tate
Casey	Kilbourne	Thompson
Chatelain	Kilpatrick	Tobias
Chehardy	Landry, A.	Toca
Comar	Landry, E. J.	Toomy
Conino	Lanier	Velazquez
Cowen	LeBleu	Vick
D'Gerolamo	Lowe	Warren
De Blieux	Martin	Wattigny
Dennery	Maubert	Willis
Drew	Maybuce	Winchester
Dunlap	Mire	Wisham
Flory	Nunez	Zervigon
Fulco	O'Neill	

Total—86.

NAYS

Delegate Champagne
Total—1.

NOT VOTING

Delegates—		
Aertker	Hardee	Riecke
Anzalone	Haynes	Roy
Burson	Jack	Segura
Carmouche	Jackson, A.	Slay
Conroy	Lambert	Stinson
Corne	Landrum	Stovall
Dennis	Leigh	Sutherland
Derbes	Leithman	Tapper
Deshotels	McDaniel	Thistlethwaite
Duval	Miller	Ulo
Edwards	Morris	Vesich
Elkins	Munson	Wall
Fayard	Newton	Weiss
Fontenot	Ourso	Womack
Fowler	Rachal	

Total—44.

And the Chair declared that the above Section was finally passed.

PAGE 10

89th Days Proceedings—November 18, 1973

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 31—

On page 7, delete lines 19 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. (A) Introduction; Title; Single Object; Public Meetings. The legislature shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting."

Read.

On motion of Delegate Tate the amendment was withdrawn.

AMENDMENT No. 32—

On page 7, delete lines 30 through 33, both inclusive, in their entirety and insert thereof the following:

"(B) No General Reference. A bill enacting, amending, or reviving a law shall set forth completely the provisions of the law enacted, amended, or revived. No system or code of laws shall be adopted by general reference to it."

Read.

On motion of Delegate Tate Amendment No. 32 was adopted.

AMENDMENT No. 33—

On page 7, delete lines 34 and 35 in their entirety and on page 8, delete line 1 and insert in lieu thereof the following:

"(C) Germane Amendments. No bill shall be amended in either house to make a change not germane to the bill as introduced."

Read.

On motion of Delegate Tate Amendment No. 33 was adopted.

AMENDMENT No. 34—

On page 8, delete lines 2 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Three Readings. Each bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless a committee has held a public hearing and reported on the bill."

Read.

On motion of Delegate Tate Amendment No. 34 was adopted.

AMENDMENT No. 35—

On page 8, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Rejected Bills; Reconsideration. No bill rejected by either house may again be introduced or considered during the same session by the house which rejected it without the consent of a majority of the members elected to that house."

Read.

On motion of Delegate Tate Amendment No. 35 was adopted.

AMENDMENT No. 36—

On page 8, delete lines 10 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"(F) Concurrence in Amendments. No amendment to a bill

by one house shall be concurred in by the other, and no conference committee report shall be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote."

Read.

On motion of Delegate Tate Amendment No. 36 was adopted.

AMENDMENT No. 37—

On page 8, delete lines 15 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"(G) Majority Vote; Record Vote. No bill shall become law without the favorable vote of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. In either house, a record vote shall be taken on any matter upon the request of one-fifth of the elected members."

Read.

On motion of Delegate Tate Amendment No. 37 was adopted.

AMENDMENT No. 38—

On page 8, delete lines 22 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. (A) Specific Appropriation for One Year. No money shall be withdrawn from the state treasury except through specific appropriation. Except as otherwise provided in this constitution, no appropriation shall be made under the heading of contingencies, nor shall any appropriation be made for longer than one year."

Read.

On motion of Delegate Tate Amendment No. 38 was adopted.

AMENDMENT No. 39—

On page 8, line 28, after "(B)" at the beginning of line 28 and before the word "All" insert "Origin in House of Representatives."

Read.

On motion of Delegate Tate Amendment No. 39 was adopted.

AMENDMENT No. 40—

On page 8, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 40 was adopted.

AMENDMENT No. 41—

On page 9, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(D) Specific Purpose and Amount. All other bills for appropriating money shall be for a specific purpose and amount."

Read.

On motion of Delegate Tate Amendment No. 41 was adopted.

AMENDMENT No. 42—

On page 9, delete lines 3 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Extraordinary Session. Except for expenses of the legislature, a bill appropriating money in an extra-ordinary session convened after final adjournment of the regular session in the last year of the term of office of a governor shall

PAGE 11

89th Days Proceedings—November 18, 1973

require the favorable vote of three-fourths of the elected members of each house."

Read.

On motion of Delegate Tate Amendment No. 42 was adopted.

AMENDMENT No. 43—

On page 9, delete lines 10 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 19. (A) Signing; Delivery. A bill passed by both houses shall be signed by the presiding officers and delivered to the governor, within three days after passage."

Read.

On motion of Delegate Tate Amendment No. 43 was adopted.

AMENDMENT No. 44—

On page 9, delete lines 15 and 16 in their entirety and insert in lieu thereof the following:

"(B) Resolutions. No joint, concurrent, or other resolution shall require the signature or other action of the governor to become effective."

Read.

On motion of Delegate Tate Amendment No. 44 was adopted.

AMENDMENT No. 45—

On page 9, delete lines 18 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 20. (A) Gubernatorial 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."

Read.

On motion of Delegate Tate Amendment No. 45 was adopted.

AMENDMENT No. 46—

On page 9, delete lines 23 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 returned and subsequently approved by two-thirds of the elected members of each house shall become law."

Read.

On motion of Delegate Tate Amendment No. 46 was adopted.

AMENDMENT No. 47—

On page 9, delete lines 32 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Veto Session. The legislature shall meet in veto session in the state capital at noon on the fortieth day following final adjournment of the most recent session, to consider all bills vetoed by the governor. If the fortieth day falls on Sunday, the session shall convene at noon on the succeeding Monday. No veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

No veto session shall be held if a majority of the elected members of either house declare in writing that a veto session is unnecessary. The declaration must be received by the presiding officer of the respective houses at least five days prior to the day on which the veto session is to convene."

Read.

On motion of Delegate Tate Amendment No. 47 was adopted.

AMENDMENT No. 48—

On page 10, delete lines 20 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Only the legislature may suspend a law, and then only by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law. After the effective date of this constitution, every resolution suspending a law shall fix the period of suspension, which shall not extend beyond the sixtieth day after final adjournment of the next regular session."

Read.

On motion of Delegate Tate Amendment No. 48 was adopted.

AMENDMENT No. 49—

On page 10, delete lines 33 through 35, both inclusive, in their entirety and on page 11, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 23. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege; however, the legislature may authorize the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by general law."

Read.

On motion of Delegate Tate Amendment No. 49 was adopted.

AMENDMENT No. 50—

On page 11, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 24. (A) Persons Liable. A state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office, of a felony, malfeasance, or for gross misconduct."

Read.

On motion of Delegate Perez action was deferred on the above amendment at this time.

AMENDMENT No. 51—

On page 11, delete lines 10 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Procedure. Impeachment shall be by the House of Representatives and trial by the Senate, with senators under oath or affirmation for the trial. The concurrence of two-thirds of the elected senators shall be necessary to convict. The Senate may try an impeachment whether or not the House is in session and may adjourn when it deems proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent other action, prosecution, or punishment authorized by law."

Read.

On motion of Delegate Perez action was deferred on the above amendment at this time.

AMENDMENT No. 52—

On page 11, delete lines 19 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 25. Removal by Suit; Officials Subject
Section 25. For the causes enumerated in Paragraph (A) of Section 24 of this Article, the legislature shall provide by general law for the removal by suit of any state, district,

PAGE 12

89th Days Proceedings—November 18, 1973

parochial, ward, or municipal official except the governor, lieutenant governor, and judges of the courts of record."

Read.

On motion of Delegate Tate Amendment No. 52 was adopted.

AMENDMENT No. 53—

On page 11, delete lines 26 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 26. The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal official except judges of the courts of record. The sole issue at a recall election shall be whether the official shall be recalled."

Read.

On motion of Delegate Tate Amendment No. 53 was adopted.

AMENDMENT No. 54—

On page 11, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 27. (A) Full Term. Members of the legislature shall take office thirty days prior to the convening date of the first regular session of each term for which they are elected."

Read.

On motion of Delegate Tate Amendment No. 54 was adopted.

AMENDMENT No. 55—

On page 12, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Filling Vacancy. A person elected to fill a vacancy in an unexpired legislative term shall take office thirty days after the secretary of state promulgates the election returns."

Read.

On motion of Delegate Tate Amendment No. 55 was adopted.

AMENDMENT No. 56—

On page 9, delete lines 23 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 veto 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."

Read.

On motion of Delegate Tate Amendment No. 56 was adopted.

AMENDMENT No. 57—

On page 10, delete lines 14 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate the Convention deferred action on the above amendment at this time.

AMENDMENT No. 58—

On page 11, delete lines 32 through 35, both inclusive, in

their entirety and insert in lieu thereof the following:

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

AMENDMENT No. 59—

On page 12, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Filling Vacancy. 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."

Read.

On motion of Delegate Tate Amendments No. 58 and 59 were adopted.

AMENDMENT No. 60—

On page 3, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 60 was adopted.

Motion

On motion of Delegate Tobias the rules were suspended for the purpose of reconsidering the vote by which Section 4 of Committee Proposal No. 3 was adopted, the consideration thereof limited to the consideration of the proposed Tobias amendment.

Reconsidered

Section 4. Qualifications; Residence Requirements; Term; Vacancies; Salary

Section 4. (A) Every person, who is an elector and has reached the age of eighteen years at the time of qualifications for the office, shall be eligible for membership in the legislature.

(B) No person shall be eligible to membership in the legislature unless at the time of qualification for the office he shall have been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding qualification for office. However, at the next regular election for members of the legislature following the reapportionment of the legislature, a person may qualify for election to either house of the legislature from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election and if he was a resident of the state for at least two years immediately preceding his election. The seat of any member who changes his domicile from the legislative district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.

(C) The members of the legislature shall be elected for terms of four years each.

(D) When a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election, as provided by law.

Read.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 29 through 31, both inclusive, in their entirety and Committee Amendment No. 60 adopted

the Convention on November 18, 1973, and insert in lieu thereof the following:

“(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.”

On motion of Delegate Tobias the amendment was adopted.

Delegate Tobias moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 3, Section 4 was read as amended.

Delegate Tobias moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Planchard
Abraham	Fulco	Pugh
Alario	Gauthier	Rayburn
Alexander	Giarrusso	Reeves
Arnette	Ginn	Roemer
Asseff	Goldman	Sandoz
Avant	Graham	Schmitt
Badeaux	Grier	Shannon
Bel	Guarisco	Singletary
Bergeron	Heine	Smith
Blair	Jenkins	Soniat
Bollinger	Juneau	Stagg
Brien	Kean	Stephenson
Burns	Kelly	Tate
Casey	Kilpatrick	Thompson
Champagne	Landry, A.	Tobias
Chatelain	Landry, E. J.	Toca
Chehardy	Lanier	Toomy
Comar	LeBleu	Velazquez
Conino	Lowe	Vick
Cowen	Mauberet	Warren
D'Gerolamo	Maybuce	Wattigny
De Blieux	Nunez	Willis
Dennery	O'Neill	Winchester
Drew	Perez	Wisham
Dunlap	Perkins	Zervigon
Total—78.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Hardee	Newton
Anzalone	Hayes	Ourso
Brown	Haynes	Rachal
Burson	Hernandez	Riecke
Cannon	Jack	Roy
Carmouche	Jackson, A.	Segura
Conroy	Jackson, J.	Slay
Corne	Kilbourne	Stinson
Dennis	Lambert	Stovall
Derbes	Landrum	Sutherland
Deshotels	Leigh	Tapper
Duval	Leithman	Thistlethwaite
Edwards	McDaniel	Ullo
Elkins	Martin	Vesich
Fayard	Miller	Wall
Fontenot	Mire	Weiss
Fowler	Morris	Womack
Gravel	Munson	
Total—53.		

And the Chair declared that the above Section was finally passed.

Delegate Tobias moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tobias the rules were suspended for the purpose of reconsidering the vote by which Section 14 of Committee Proposal No. 3 was adopted, the consideration thereof being limited to the consideration of the proposed Tobias amendment.

Reconsidered

Section 14. Suits Against the State

Section 14. (A) Neither the state nor any of its agencies or political subdivisions shall be immune from suit and liability in contract or for injury to person or property.

(B) In other cases the legislature may authorize suit to be filed against the state, its agencies and political subdivisions and any concurrent resolution enacted for the purpose shall waive immunity from suit and liability.

(C) The legislature shall provide for a method of procedure and the effects of the judgments which may be rendered in all cases against the state, its agencies and political subdivisions.

(D) Public property and funds shall not be subject to seizure, and no judgment against the state, its agencies or political subdivision shall be exigible, payable, or paid except out of funds appropriated for payment by the state, its agencies or political subdivision against whom judgment is rendered.

Read.

Delegate Tobias sent up floor amendments, which were read as follows:

Minority

FLOOR AMENDMENTS

Amendments proposed by Delegate Tobias to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 21 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 14. (A) No Immunity in Contract and Tort. Neither the state, a state agency, nor a political subdivision shall be immune from suit and liability in contract or for injury to person or property.”

AMENDMENT No. 2—

On page 6, delete lines 24 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Waiver in Other Suits. The legislature may authorize other suits against the state, a state agency, or a political subdivision. A measure authorizing suit shall waive immunity from suit and liability.”

On motion of Delegate Tobias the amendments were adopted.

Delegate Tobias moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 3, Section 14 was read as amended.

Delegate Tobias moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bollinger	Cowen
Abraham	Brien	D'Gerolamo
Alario	Burns	De Blieux
Alexander	Cannon	Dennery
Arnette	Casey	Drew
Asseff	Champagne	Dunlap
Avant	Chatelain	Flory
Badeaux	Chehardy	Fulco
Bergeron	Comar	Gauthier
Blair	Conino	Giarrusso

Ginn	Mauberet	Stagg
Goldman	Maybuce	Stephenson
Graham	Nunez	Tate
Grler	O'Neill	Thompson
Guarisco	Perez	Tobias
Heine	Perkins	Toca
Hernandez	Planchard	Toomy
Jackson, J.	Pugh	Velazquez
Jenkins	Rayburn	Vick
Kean	Reeves	Warren
Kelly	Roemer	Wattigny
Kilpatrick	Sandoz	Willis
Landry, A.	Schmitt	Winchester
Landry, E. J.	Shannon	Wisham
Lanier	Singletary	Zervigon
LeBleu	Smith	
Lowe	Soniat	

Total—79.

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Hardee	Ourso
Anzalone	Hayes	Rachal
Bel	Haynes	Rlecke
Brown	Jack	Roy
Burson	Jackson, A.	Segura
Carmouche	Juneau	Slay
Conroy	Kilbourne	Stinson
Corne	Lambert	Stovall
Dennis	Landrum	Sutherland
Derbes	Leigh	Tapper
Deshotels	Leithman	Thistlethwaite
Duval	McDaniel	Ullo
Edwards	Martin	Vesich
Elkins	Miller	Wall
Fayard	Mire	Weiss
Fontenot	Morris	Womack
Fowler	Munson	
Gravel	Newton	

Total—52.

And the Chair declared that the above Section was finally passed.

Delegate Tobias moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tate Amendments No. 26 and 27 upon which action was previously deferred were taken up and acted upon as follows:

AMENDMENT No. 26—

On page 6, delete lines 21 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 27—

On page 6, delete lines 24 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate, the Amendments were withdrawn.

Motion

On motion of Delegate Tate Amendment Number 28, upon which action was previously deferred was taken up and acted upon as follows:

AMENDMENT No. 28—

On page 6, delete lines 28 through 35, both inclusive, in their entirety and on page 7, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

Motion

On motion of Delegate Tobias the rules were suspended for the purpose of reconsidering the vote by which Section 19 of Committee Proposal No. 3 was adopted, the consideration thereof being limited to the consideration of the proposed Tobias amendment.

Reconsidered

Section 19. Signing of Bills; Delivery to Governor

Section 19. (A) A bill that has been passed by both houses of the legislature shall be signed by the presiding officers of both houses and shall be submitted to the governor for his signature or other action. Delivery to the governor shall be within three days after passage.

(B) No joint, concurrent, or other resolution shall require the signature or other action of the governor.

Read.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 9, delete lines 10 through 14, both inclusive, in their entirety and Committee Amendment No. 43 adopted by the Convention November 19, 1973 and insert in lieu thereof the following:

"Section 19. (A) Signing; Delivery. A bill passed by both houses shall be signed by the presiding officers and delivered to the governor within three days after passage."

On motion of Delegate Tobias the amendment was adopted.

Delegate Tobias moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 3, Section 19 was read, as amended.

Delegate Tobias moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bollinger	Cowan
Abraham	Brien	D'Gerolamo
Alario	Burns	De Blieux
Alexander	Cannon	Dennery
Arnette	Casey	Drew
Asseff	Champagne	Dunlap
Avant	Chatelain	Flory
Badeaux	Chehardy	Fulco
Bergeron	Comar	Gauthier
Biair	Conino	Giarrusso

Ginn	LeBleu	Smith
Goldman	Lowe	Soniat
Graham	Mauberret	Stagg
Grier	Maybece	Stephenson
Guarisco	Nunez	Tate
Hayes	O'Neill	Thompson
Heine	Perez	Tobias
Hernandez	Perkins	Toca
Jackson, J.	Planchard	Toomy
Jenkins	Pugh	Velazquez
Juneau	Rayburn	Vick
Kean	Reeves	Warren
Kelly	Roemer	Wattigny
Kilpatrick	Sandoz	Willis
Landry, A.	Schmitt	Winchester
Landry, E. J.	Shannon	Wisham
Lanier	Singletary	Zervigon
Total—81.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Gravel	Ourso
Anzalone	Hardee	Rachal
Bel	Haynes	Riecke
Brown	Jack	Roy
Burson	Jackson, A.	Segura
Carmouche	Kilbourne	Slay
Conroy	Lambert	Stinson
Corne	Landrum	Stovall
Dennis	Leigh	Sutherland
Derbes	Leithman	Tapper
Deshotels	McDaniel	Thistlethwaite
Duval	Martin	Ullo
Edwards	Miller	Vesich
Elkins	Mire	Wall
Fayard	Morris	Weiss
Fontenot	Munson	Womack
Fowler	Newton	
Total—50.		

And the Chair declared that the above Section was finally passed.

Delegate Tobias moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tate and under a suspension of the rules, the motion to reconsider the vote by which Committee Proposal No. 3, Section 21, was passed, was called from the table.

Reconsidered

Section 21. Effective Date of Laws

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

Read.

Delegate Tate sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tate to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 10, delete lines 14 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 21. All laws shall take effect on the sixtieth day after final adjournment of the session in which they were en-

acted, and shall be published prior thereto in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date."

Delegate Tate moved the adoption of the amendment.

Delegate Bollinger objected.

By a vote of 72 yeas and 8 nays the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegates Pugh and Kean sent up the following Explanation of Vote with respect to the adoption the Amendment proposed by Delegate Tate to Section 21 of Committee Proposal No. 3:

(1) The language "prior thereto" can present the possibility that laws do not become effective due to an inability to publish the same within the prescribed time of sixty days.

(2) To prove the law to be effective you must also prove publication.

Passage

Committee Proposal No. 3, Section 21 was read, as amended.

Delegate Tate moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dunlap	Perez
Abraham	Flory	Perkins
Alario	Fulco	Planchard
Alexander	Gauthier	Rayburn
Arnette	Giarrusso	Reeves
Asseff	Ginn	Roemer
Avant	Goldman	Sandoz
Badeaux	Graham	Schmitt
Bergeron	Grier	Shannon
Blair	Hayes	Singletary
Bollinger	Heine	Smith
Brien	Hernandez	Soniat
Brown	Jackson, J.	Stagg
Burns	Jenkins	Stephenson
Cannon	Juneau	Tate
Casey	Kelly	Thompson
Champagne	Kilpatrick	Tobias
Chatelain	Landry, A.	Toca
Chehardy	Landry, E. J.	Velazquez
Comar	Lanier	Warren
Conino	LeBleu	Wattigny
Cowen	Lowe	Willis
D'Gerolamo	Mauberret	Winchester
De Blieux	Maybece	Wisham
Dennery	Nunez	Zervigon
Drew	O'Neill	
Total—77.		

NAYS

Delegates—	
Kean	Pugh
Total—2.	

NOT VOTING

Delegates—		
Aertker	Fowler	Mire
Anzalone	Gravel	Morris
Bel	Guarisco	Munson
Burson	Hardee	Newton
Carmouche	Haynes	Ourso
Conroy	Jack	Rachal
Corne	Jackson, A.	Riecke
Dennis	Kilbourne	Roy
Derbes	Lambert	Segura
Deshotels	Landrum	Slay
Duval	Leigh	Stinson
Edwards	Leithman	Stovall
Elkins	McDaniel	Sutherland
Fayard	Martin	Tapper
Fontenot	Miller	Thistlethwaite

Toomy	Vick	Weiss
Ullo	Wall	Womack
Vesich		
Total—52.		

And the Chair declared that the above Section was finally passed.

Delegate Tate moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tate Committee Amendment No. 57 upon which action was previously deferred, was taken up and acted upon as follows:

AMENDMENT No. 57—

On page 10, delete lines 14 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

“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.”

Read.

On motion of Delegate Tate the amendment was withdrawn.

Motion

On motion of Delegate Avant under a suspension of the rules the motion to reconsider the vote by which Committee Proposal No. 3, Section 24, was passed, was called from the table.

Reconsidered

Section 24. Impeachment

Section 24. (A) Any state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies, malfeasance, or for gross misconduct during his term of office.

(B) All impeachments shall be by the House of Representatives, and shall be tried by the Senate, whose members shall be upon oath or affirmation for that purpose, and a vote of two-thirds of the senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not, and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent any other action, prosecution, or punishment authorized by statute.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 24. (A) Persons liable. A state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office of a felony or for malfeasance or gross misconduct while in such office.”

On motion of Delegate Avant the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the

amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 3, Section 24 was read.

Delegate Tate moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Perkins
Abraham	Fulco	Planchar
Alario	Gauthier	Pugh
Alexander	Giarrusso	Stayburn
Arnette	Ginn	Reeves
Asseff	Goldman	Roemer
Avant	Graham	Sandoz
Badeaux	Grier	Schmitt
Bergeron	Hayes	Shannon
Blair	Heine	Singletary
Bollinger	Hernandez	Smith
Brien	Jackson, J.	Soniat
Brown	Jenkins	Stagg
Burns	Juneau	Stephenson
Cannon	Kean	Tate
Casey	Kelly	Thompson
Champagne	Kilpatrick	Tobias
Chatelain	Landry, A.	Toca
Chehardy	Landry, E. J.	Toomy
Comar	Lanier	Velazquez
Conino	LeBleu	Warren
Cowen	Lowe	Wattigny
D'Gerolamo	Maybuce	Willis
De Blieux	Nunez	Winchester
Dennery	O'Neill	Wisham
Dunlap	Perez	Zervigon
Total—78.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Guarisco	Ourso
Anzalone	Hardee	Rachal
Bel	Haynes	Riecke
Burson	Jack	Roy
Carmouche	Jackson, A.	Segura
Conroy	Kilbourne	Slay
Corne	Lambert	Stinson
Dennis	Landrum	Stovall
Derbes	Leigh	Sutherland
Deshotels	Leithman	Tapper
Drew	McDaniel	Thistlethwaite
Duval	Martin	Ullo
Edwards	Mauberret	Vesich
Elkins	Miller	Vick
Fayard	Mire	Wall
Fontenot	Morris	Weiss
Fowler	Munson	Womack
Gravel	Newton	
Total—53.		

And the Chair declared that the above Section was finally passed.

Delegate Tate moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tate the following amendment, upon which action was previously deferred, was taken up and acted upon as follows:

AMENDMENT No. 50—

On page 11, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 24. (A) Persons Liable. A state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office, of a felony, malfeasance, or for gross misconduct.”

Read.

On motion of Delegate Tate the amendment was withdrawn.

Motion

On motion of Delegate Tate the following amendment upon which action was previously deferred, was taken up and acted upon as follows:

AMENDMENT No. 51—

On page 11, delete lines 10 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Procedure. Impeachment shall be by the House of Representatives and trial by the Senate, with senators under oath or affirmation for the trial. The concurrence of two-thirds of the elected senators shall be necessary to convict. The Senate may try an impeachment whether or not the House is in session and may adjourn when it deems proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent other action, prosecution, or punishment authorized by law."

Read.

On motion of Delegate Tate Amendment No. 51 was adopted.

Motion

On motion of Delegate Nunez, the Convention altered the Order of Business to take up other Orders of Business at this time.

Proposals

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

November 18, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 31—

Introduced by Delegate Stagg, Chairman, on behalf of the

Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall, and Tapper (A Substitute for Committee Proposal No. 19):

A PROPOSAL

Making provisions in the Schedule provisions of the constitution for mandatory reorganization of the executive branch of state government.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIV. SCHEDULE

Section 1. Mandatory Reorganization of State Government
Section 1. (A) The legislature shall allocate, within not more than twenty departments, the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities within the executive branch, except those allocated by this constitution. Such allocation, which shall not be subject to veto by the governor, shall become operative not later than December 31, 1977.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Leaves of Absence

- Delegate Jack—½ day.
- Delegate Dennis—½ day.
- Delegate Leigh—2½ days.
- Delegate Burson—2½ days.
- Delegate Miller—½ day.
- Delegate Carmouche—1½ days.
- Delegate A. Jackson—3½ days.
- Delegate Haynes—3½ days.
- Delegate Sutherland—1½ days.
- Delegate Rachal—½ day.

Adjournment

Delegate Smith moved that the Convention do now adjourn until Monday, November 19, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Monday, November 19, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

NINTIETH DAY'S PROCEEDINGS

of the Constitutional Convention
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Monday, November 19, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Cowen D'Gerolamo De Billeux Dennery Dennis Drew Dunlap Duval Edwards Fayard Flory Total—107.	Fontenot Fulco Gauthier Giarrusso Ginn Goldman Graham Grier Hardee Hayes Heine Hernandez Jack Jackson, J. Jenkins Juneau Kean Kelly Kilbourne Kilpatrick Landry, A. Landry, E. J. Lanier LeBleu Leithman Lowe McDaniel Martin Maubertret Maybuce Miller Mire Morris Munson Nunez O'Neill	Ourso Perez Perkins Planchard Pugh Rayburn Reeves Riecke Roemer Roy Sandoz Schmitt Segura Singletary Smith Soniata Stagg Stephenson Stinson Stovall Tapper Tate Thompson Tobias Toca Toomy Velazquez Vick Warren Wattigny Willis Winchester Wisham Womack Zervigon
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ABSENT

Delegates— Anzalone Burson Corne Derbes Deshotels Elkins Fowler Gravel Total—24.	Guarisco Haynes Jackson, A. Lambert Landrum Leigh Newton Rachal	Shannon Slay Sutherland Thistlethwaite Ullo Vesich Weiss Wall
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The Chairman announced that there were 107 members present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Champagne led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Pugh, the reading of the Journal was dispensed with.

On motion of Delegate Pugh, the Journal of yesterday was adopted.

Regular Order

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Abraham Delegate Proposal No. 23 was taken up out of its regular order and acted upon as follows:

DELEGATE PROPOSAL No. 23—

Introduced by Delegate Abraham:

A PROPOSAL

Relative to appropriations by the legislature for the state budget.

Read.

Article III, Section 18. Appropriations

Section 18. (F) Total appropriations for the year shall not exceed anticipated annual revenues as projected by the governor in the operating budget.

Read.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Delegate Proposal No. 23 by Delegate Abraham.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 8 in its entirety and insert in lieu thereof the following:

"ARTICLE III, LEGISLATIVE BRANCH

Section 18. Appropriations

* * *

On motion of Delegate Abraham the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh, Stagg, and Abraham to Delegate Proposal No. 23 by Delegate Abraham.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 11 in its entirety and insert in lieu thereof "legislative auditor."

On motion of Delegate Pugh the amendment was withdrawn.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn and De Blieux to Delegate Proposal No. 23 by Delegate Abraham.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 through 11, both inclusive, in their entirety including all Floor Amendments thereto.

Delegate Rayburn moved the adoption of the amendment.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Giarrusso	Perkins
Arnette	Ginn	Planchard
Badeaux	Goldman	Rayburn
Bel	Graham	Reeves
Bergeron	Grier	Riecke
Blair	Hayes	Roemer
Brown	Heine	Roy
Burns	Jenkins	Sandoz
Cannon	Kelly	Schmitt
Casey	Kilbourne	Singletary
Champagne	Kilpatrick	Smith
Chatelain	Landry, A.	Soniat
Chehardy	Landry, E. J.	Stephenson
Comar	Lanier	Stovall
Conino	LeBleu	Tate
Cowen	Leithman	Thompson
D'Gerolamo	Lowe	Tobias
De Blieux	Mauberrret	Toomy
Dennery	Maybuce	Vick
Drew	Morris	Warren
Dunlap	Munson	Wattigny
Flory	Nunez	Winchester
Fulco	O'Neill	Wisham
Gauthier	Perez	
Total—71.		

NAYS

Delegates—		
Abraham	Bollinger	Stagg
Alexander	Brien	Velazquez
Asseff	Pugh	Zervigon
Total—9.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Newton
Aertker	Guarisco	Ourso
Anzalone	Hardee	Rachal
Avant	Haynes	Segura
Burson	Hernandez	Shannon
Carmouche	Jack	Slay
Conroy	Jackson, A.	Stinson
Corne	Jackson, J.	Sutherland
Dennis	Juneau	Tapper
Derbes	Kean	Thistlethwaite
Deshotels	Lambert	Toca
Duval	Landrum	Ullo
Edwards	Leigh	Vesich
Elkins	McDaniel	Wall
Fayard	Martin	Weiss
Fontenot	Miller	Willis
Fowler	Mire	Womack
Total—51.		

And the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

The Proposal was read, as amended.

Delegate De Blieux moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Total—0.

NAYS

Delegates—		
Abraham	Gauthier	Pugh
Alario	Giarrusso	Rayburn
Alexander	Ginn	Reeves
Arnette	Goldman	Riecke
Asseff	Graham	Roemer
Badeaux	Grier	Roy
Bel	Hayes	Sandoz
Bergeron	Heine	Schmitt
Blair	Jenkins	Singletary
Bollinger	Kelly	Smith
Brien	Kilbourne	Soniat
Burns	Kilpatrick	Stagg
Cannon	Landry, A.	Stephenson
Casey	Landry, E. J.	Stovall
Champagne	Lanier	Tapper
Chatelain	LeBleu	Tate
Chehardy	Leithman	Thompson
Comar	Lowe	Tobias
Conino	Mauberrret	Toomy
Cowen	Maybuce	Velazquez
D'Gerolamo	Morris	Vick
De Blieux	Munson	Warren
Dennery	Nunez	Wattigny
Drew	O'Neill	Winchester
Dunlap	Perez	Wisham
Flory	Perkins	Zervigon
Fulco	Planchard	
Total—80.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Mire
Aertker	Gravel	Newton
Anzalone	Guarisco	Ourso
Avant	Hardee	Rachal
Brown	Haynes	Segura
Burson	Hernandez	Shannon
Carmouche	Jack	Slay
Conroy	Jackson, A.	Stinson
Corne	Jackson, J.	Sutherland
Dennis	Juneau	Thistlethwaite
Derbes	Kean	Toca
Deshotels	Lambert	Ullo
Duval	Landrum	Vesich
Edwards	Leigh	Wall
Elkins	McDaniel	Weiss
Fayard	Martin	Willis
Fontenot	Miller	Womack
Total—52.		

And the Chair declared that the above Proposal was rejected.

Delegate De Blieux moved to reconsider the vote by which the above Proposal was rejected, and, on his own motion, the motion to reconsider was laid on the table.

DELEGATE PROPOSAL No. 12—

Introduced by Delegate Dennery:

A PROPOSAL

To provide for uniform compensation to members of all state boards, commissions, and authorities.

Read.

Article IV, Section 1. Compensation

Section 1. The legislature may provide that unsalaried members of any state board, commission, or authority may be compensated for each day devoted to the work of the board, commission, or authority. The amount of compensation, if any, shall be determined by the legislature, and shall be the same for the members of all such boards, commissions, or authorities.

Read.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Delegate Proposal No. 12 by Delegate Dennery.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No 1—

On page 1, delete line 6, in its entirety and at the beginning of line 7 delete "Section 1." and insert in lieu thereof the following:

"ARTICLE IV. EXECUTIVE BRANCH

Section _____ Compensation
Section _____."

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Reeves sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Reeves to Delegate Proposal No. 12 by Delegate Dennery.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 6 through 13, both inclusive, in their entirety

Delegate Reeves moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Pugh
Avant	Graham	Rayburn
Badeaux	Grier	Reeves
Blair	Hayes	Riecke
Bollinger	Heine	Roemer
Brien	Jenkins	Roy
Burns	Kelly	Sandoz
Cannon	Kilbourne	Singletary
Carmouche	Kilpatrick	Smith
Champagne	Landry, A.	Soniat
Chatelain	Landry, E. J.	Stephenson
Chehardy	Lanier	Tapper
Comar	LeBleu	Tate
Conino	Mauberrret	Thompson
Cowen	Morris	Toomy
D'Gerolamo	Munson	Vick
De Blieux	Nunez	Warren
Drew	O'Neill	Wattigny
Dunlap	Perez	Winchester
Flory	Plancharhd	Wisham
Gauthier		
Total—61.		

NAYS

Delegates—		
Abraham	Dennery	Perkins
Alexander	Fulco	Stagg
Arnette	Glarrusso	Stovall
Asseff	Goldman	Tobias
Bel	Leithman	Velazquez
Bergeron	Maybuce	Zervigon
Casey		
Total—19.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Newton
Aertker	Hardee	Ourso
Anzalone	Haynes	Rachal
Brown	Hernandez	Schmitt
Burson	Jack	Segura
Conroy	Jackson, A.	Shannon
Corne	Jackson, J.	Slay
Dennis	Juneau	Stinson
Derbes	Kean	Sutherland
Deshotels	Lambert	Thistlethwaite
Duval	Landrum	Toca
Edwards	Leigh	Ullo
Elkins	Lowe	Vesich
Fayard	McDaniel	Wall
Fontenot	Martin	Weiss
Fowler	Miller	Willis
Gravel	Mire	Womack
Total—51.		

And the amendment was adopted.

Delegate Reeves moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

The Proposal was read.

Delegate De Blieux moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	
Maybuce	Velazquez
Total—2.	

NAYS

Delegates—		
Abraham	Flory	Perkins
Alario	Fulco	Plancharhd
Alexander	Gauthier	Pugh
Arnette	Giarrusso	Reeves
Asseff	Ginn	Riecke
Avant	Goldman	Roemer
Badeaux	Graham	Roy
Bel	Grier	Sandoz
Bergeron	Hayes	Singletary
Bollinger	Heine	Smith
Brien	Jack	Soniat
Burns	Jenkins	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stovall
Casey	Kilpatrick	Tapper
Champagne	Landry, A.	Tate
Chatelain	Landry, E. J.	Thompson
Chehardy	Lanier	Tobias
Comar	LeBleu	Toomy
Conino	Leithman	Vick
Cowen	Mauberrret	Warren
D'Gerolamo	Morris	Wattigny
De Blieux	Munson	Winchester
Dennery	Nunez	Wisham
Drew	O'Neill	Zervigon
Dunlap	Perez	
Total—77.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Ourso
Aertker	Hardee	Rachal
Anzalone	Haynes	Rayburn
Blair	Hernandez	Schmitt
Brown	Jackson, A.	Segura
Burson	Jackson, J.	Shannon
Conroy	Juneau	Slay
Corne	Kean	Stinson
Dennis	Lambert	Sutherland
Derbes	Landrum	Thistlethwaite
Deshotels	Leigh	Toca
Duval	Lowe	Ullo
Edwards	McDaniel	Vesich
Elkins	Martin	Wall
Fayard	Miller	Weiss
Fontenot	Mire	Willis
Fowler	Newton	Womack
Gravel		
Total—52.		

And the Chair declared that the above Proposal was rejected.

Delegate De Blieux moved to reconsider the vote by which the above Proposal was rejected, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Smith moved that the Convention stand at ease until 12:30 o'clock P.M.

Delegate Nunez objected.

As a substitute Delegate Avant moved that the Convention stand at ease until 1:00 o'clock P.M.

Delegate Lanier objected.

The vote recurred on the substitute motion.

By a vote of 62 yeas and 17 nays the Convention stood at ease until 1:00 o'clock P.M.

Motion

On motion of Delegate Leithman Committee Proposal No. 12 was taken up out of its regular order and acted upon as follows:

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

Read.

ARTICLE VII, SECTION 1. PENAL INSTITUTIONS AND CONVICT LABOR

Section 1. (A) State Penal Institutions; Reimbursement of Parish Expense. In parishes in which are located penal institutions of the State of Louisiana, the expenses incurred by the parish arising from crimes committed in such institutions or by the inmates or employees thereof shall be reimbursed by the state.

(B) Convict Labor. No convict sentenced to the state penitentiary shall ever be leased, or hired to any person or persons, or corporation, private or public, or quasipublic. No convict sentenced to the state penitentiary shall ever be employed in any enterprise in competition with private enterprise.

Read.

Delegate Gauthier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Gauthier, Roy and Tobias to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 23, both inclusive, in their entirety.

AMENDMENT No. 2—

On page 1, delete lines 24 through 29, both inclusive, in their entirety.

AMENDMENT No. 3—

On page 1, delete lines 16 and 17, both inclusive, in their entirety.

On motion of Delegate Smith a division of the question was ordered.

Delegate Roy moved the adoption of Amendment No. 2.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fayard	Munson
Alario	Fontenot	Nunez
Arnette	Gauthier	O'Neill
Asseff	Giarrusso	Perez
Badeaux	Ginn	Perkins
Bollinger	Graham	Planchard
Brien	Grier	Pugh
Carmouche	Hardee	Reeves
Casey	Heine	Roemer
Champagne	Jack	Roy
Chatelain	Jackson, J.	Sandoz
Conino	Kean	Segura
Conroy	Kilpatrick	Singletary
Cowen	Lanier	Smith
De Blieux	LeBleu	Soniat
Dennery	Lowe	Stagg
Dennis	Martin	Stephenson
Drew	Mauberrret	Tate
Dunlap	Miller	Tobias
Duval	Mire	Toomy
Edwards	Morris	Willis
Total—63.		

NAYS

Delegates—

Alexander	Hayes	Riecke
Avant	Hernandez	Stovall
Bergeron	Jenkins	Velazquez
Burns	Kilbourne	Vick
Cannon	Landry, A.	Warren
Chehardy	Landry, E. J.	Wattigny
D'Gerolamo	Leithman	Winchester
Flory	McDaniel	Wisham
Fulco	Maybuce	Zervigon
Goldman	Ourso	
Total—29.		

NOT VOTING

Delegates—

Mr. Chairman	Gravel	Shannon
Aertker	Guarisco	Slay
Anzalone	Haynes	Stinson
Bel	Jackson, A.	Sutherland
Blair	Juneau	Tapper
Brown	Kelly	Thistlethwaite
Burson	Lambert	Thompson
Comar	Landrum	Toca
Corne	Leigh	Uilo
Derbes	Newton	Vesich
Deshotels	Rachal	Wall
Elkins	Rayburn	Weiss
Fowler	Schmitt	Womack
Total—39.		

And the amendment was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy moved the adoption of Amendments 1 and 3.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Duval	Miller
Alario	Fayard	Nunez
Arnette	Fontenot	Perkins
Asseff	Gauthier	Pugh
Bollinger	Giarrusso	Reeves
Brien	Ginn	Roy
Casey	Graham	Sandoz
Champagne	Hardee	Segura
Chatelain	Jack	Singletary
Conino	Jackson, J.	Smith
Conroy	Kilpatrick	Soniat
Cowen	LeBleu	Stagg
De Blieux	Leithman	Stovall
Dennery	Lowe	Tate
Dennis	McDaniel	Tobias
Drew	Mauberret	Zervigon
Total—48.		

NAYS

Delegates—		
Alexander	Grier	O'Neill
Avant	Hayes	Ourso
Badeaux	Heine	Perez
Bergeron	Hernandez	Planchard
Burns	Jenkins	Riecke
Cannon	Kean	Roemer
Carmouche	Kilbourne	Stephenson
Chehardy	Landry, A.	Toomy
Comar	Landry, E. J.	Velazquez
D'Gerolamo	Lanier	Vick
Dunlap	Martin	Warren
Edwards	Maybuce	Wattigny
Flory	Mire	Willis
Fulco	Morris	Winchester
Goldman	Munson	Wisham
Total—45.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Slay
Aertker	Haynes	Stinson
Anzalone	Jackson, A.	Sutherland
Bel	Juneau	Tapper
Blair	Kelly	Thistlethwaite
Brown	Lambert	Thompson
Burson	Landrum	Toca
Corne	Leigh	Ullo
Derbes	Newton	Vesich
Deshotels	Rachal	Wall
Elkins	Rayburn	Weiss
Fowler	Schmitt	Womack
Gravel	Shannon	
Total—38.		

And the amendments were adopted.

Delegate Tobias moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh sent up the following explanation of his vote on Committee Proposal No. 12, Section 1, Amendment No. 2, proposed by Delegates Gauthier, et al:

"I voted for Amendment No. 2, because I am of the opinion that Committee Proposal No. 12 is legislative in nature."

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 18, insert the following: "Section 1. Inmate Labor. No person while confined in a state correctional institution shall ever be leased, or hired

by the state to any person or persons, or corporation, private or public, or quasipublic. No such person shall ever be employed in any enterprise in competition with private enterprise, except for the production of goods used or consumed, or maintenance services performed, in state or parish institutions."

On motion of Delegate Flory the amendment was withdrawn.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, beginning on line 18, insert the following: "Section 1. Inmate Labor. No person while confined in a state correctional institution shall ever be leased, or hired by the state to any person, entity, or corporation, nor employed in any public enterprise in competition with private enterprise, except for the production of goods used or consumed, or maintenance services performed, in state or parish institutions. Nothing herein shall be construed as prohibiting the employment of such persons in work release programs authorized by law nor in the manufacture and sale of vehicle license plates."

Delegate Flory moved the adoption of the amendment.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Jackson, J.	Riecke
Avant	Jenkins	Roemer
Bergeron	Kilbourne	Soniat
Burns	Kilpatrick	Stagg
Cannon	Landry, E. J.	Stovall
Carmouche	Leithman	Velazquez
Chehardy	Martin	Vick
Comar	Maybuce	Warren
D'Gerolamo	Mire	Wattigny
Edwards	Munson	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	
Hernandez	Pugh	
Total—37.		

NAYS

Delegates—		
Abraham	Duval	Mauberret
Alario	Fontenot	Miller
Alexander	Fulco	Morris
Arnette	Gauthier	Nunez
Asseff	Giarrusso	Perez
Badeaux	Ginn	Perkins
Bollinger	Goldman	Planchard
Brien	Graham	Reeves
Brown	Grier	Roy
Casey	Hardee	Sandoz
Champagne	Heine	Segura
Chatelain	Jack	Singletary
Conino	Juneau	Smith
Conroy	Kean	Stephenson
Cowen	Landry, A.	Tate
De Blieux	Lanier	Tobias
Dennery	LeBleu	Toomy
Dennis	Lowe	Willis
Dunlap	McDaniel	Zervigon
Total—57.		

NOT VOTING

Delegates—		
Mr. Chairman	Burson	Drew
Anzalone	Corne	Elkins
Bel	Derbes	Fowler
Blair	Deshotels	Gravel

Guarisco	Rachal	Thompson
Hayes	Rayburn	Toca
Haynes	Schmitt	Ullo
Jackson, A.	Shannon	Vesich
Kelly	Slay	Wall
Lambert	Stinson	Weiss
Landrum	Sutherland	Womack
Leigh	Tapper	
Newton	Thistlethwaite	
Total—37.		

Failed to pass.

Delegate Nunez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kilbourne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kilbourne to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, insert the following:
 "Section 1 (A). State Penal Institutions; Reimbursement of Parish Expense. In parishes in which are located penal institutions of the State of Louisiana, the expenses incurred by the parish arising from crimes committed in such institutions or by the inmates thereof shall be reimbursed by the state."

Delegate Kilbourne moved the adoption of the amendment.

Delegate Vick objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Morris
Aertker	Ginn	Munson
Alario	Goldman	Nunez
Alexander	Graham	O'Neill
Avant	Hardee	Ourso
Badeaux	Hayes	Perez
Bergeron	Heine	Planchard
Brown	Hernandez	Pugh
Burns	Jackson, J.	Riecke
Cannon	Jenkins	Roemer
Carmouche	Kean	Sandoz
Chatelain	Kilbourne	Stagg
Chehardy	Landry, A.	Stephenson
Comar	Landry, E. J.	Toomy
Conino	Lanier	Velazquez
D'Gerolamo	Leithman	Warren
Drew	Lowe	Wattigny
Dunlap	McDaniel	Willis
Edwards	Martin	Winchester
Fayard	Mauberret	Wisham
Flory	Maybece	Zervigon
Fulco	Mire	
Total—65.		

NAYS

Delegates—		
Arnette	Duval	Reeves
Asseff	Fontenot	Roy
Bollinger	Gauthier	Singletary
Brien	Grier	Smith
Casey	Jack	Soniat
Champagne	Juneau	Stovall
Conroy	Kilpatrick	Tobias
Cowen	LeBleu	Vick
De Blieux	Miller	
Dennery	Perkins	
Total—28.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Stinson
Anzalone	Jackson, A.	Sutherland
Bel	Kelly	Tapper
Blair	Lambert	Tate
Burson	Landrum	Thistlethwaite
Corne	Leigh	Thompson
Dennis	Newton	Toca
Derbes	Rachal	Ullo
Deshotels	Rayburn	Vesich
Elkins	Schmitt	Wall
Fowler	Segura	Weiss
Gravel	Shannon	Womack
Guarisco	Slay	
Total—38.		

The amendment not having received a vote of a majority of the total membership of the Convention required to add a Section to a Proposal failed to pass.

Motion to reconsider pending.

Delegate Kilbourne moved to reconsider the vote by which the amendment failed to pass.

Delegate Tobias moved to table the motion to reconsider.

By a vote of 18 yeas and 71 nays the Convention refused to table the motion to reconsider.

Delegate Kilbourne insisted upon his motion to reconsider the vote by which the amendment failed to pass at this time.

Delegate Tobias objected.

By a vote of 78 yeas and 18 nays the vote by which the amendment failed to pass was reconsidered.

And the amendment was acted upon as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kilbourne to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, insert the following:
 "Section 1 (A). State Penal Institutions; Reimbursement of Parish Expense. In parishes in which are located penal institutions of the State of Louisiana, the expenses incurred by the parish arising from crimes committed in such institutions or by the inmates thereof shall be reimbursed by the state."

Delegate Kilbourne moved the adoption of the amendment.

Delegate Perkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Drew	Kilpatrick
Aertker	Dunlap	Landry, A.
Alario	Edwards	Landry, E. J.
Alexander	Fayard	Lanier
Arnette	Flory	LeBleu
Avant	Fontenot	Leithman
Badeaux	Fulco	Lowe
Bergeron	Giarrusso	McDaniel
Brien	Ginn	Martin
Brown	Goldman	Mauberret
Burns	Graham	Maybece
Cannon	Grier	Mire
Carmouche	Hardee	Morris
Casey	Heine	Munson
Chatelain	Hernandez	Nunez
Chehardy	Jack	O'Neill
Comar	Jenkins	Ourso
Conino	Juneau	Perez
Cowen	Kean	Perkins
D'Gerolamo	Kilbourne	Planchard

Pugh	Smith	Wattigny
Riecke	Stagg	Willis
Roemer	Stovall	Winchester
Roy	Thompson	Wisham
Sandoz	Toomy	Zervigon
Segura	Velazquez	
Singletary	Warren	
Total—79.		

NAYS

Delegates—	De Blieux	Miller
Asseff	Dennery	Reeves
Bollinger	Duval	Soniat
Champagne	Gauthier	Vick
Conroy		
Total—12.		

NOT VOTING

Delegates—	Haynes	Stephenson
Mr. Chairman	Jackson, A.	Stinson
Anzalone	Jackson, J.	Sutherland
Bel	Kelly	Tapper
Blair	Lambert	Tate
Bureon	Landrum	Thistlethwaite
Corne	Leigh	Tobias
Dennis	Newton	Toca
Derbes	Rachal	Ullo
Deshotels	Rayburn	Vesich
Elkins	Schmitt	Wall
Fowler	Shannon	Weiss
Gravel	Slay	Womack
Guarisco		
Hayes		
Total—40.		

The amendment having received a vote of a majority of the total membership of the Convention, required to add a Section to a Proposal, was adopted.

Delegate Kilbourne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kilbourne to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 16, and immediately before the language added by Convention Floor Amendment No. 1 proposed by Delegate Kilbourne and adopted by the convention on November 19, 1973, insert the following:

“ARTICLE VII. HUMAN RESOURCES

Section 1. Penal Institutions”

On motion of Delegate Kilbourne the amendment was adopted.

Delegate Kilbourne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 12, Section 1 was read, as amended.

Delegate Kean moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Badeaux	Chatelain
Mr. Chairman	Bergeron	Chehardy
Abraham	Brien	Comar
Aertker	Brown	Conino
Alario	Burns	Cowen
Alexander	Cannon	D’Gerolamo
Arnette	Carmouche	Drew
Asseff	Casey	Dunlap
Avant		

Edwards	Kilpatrick	Reeves
Fayard	Landry, A.	Riecke
Flory	Landry, E. J.	Roemer
Fontenot	Lanier	Roy
Fulco	Leithman	Sandoz
Gauthier	Lowe	Segura
Giarrusso	McDaniel	Singletary
Ginn	Martin	Smith
Goldman	Maubernet	Stagg
Graham	Maybuce	Stephenson
Gravel	Miller	Stovall
Grier	Mire	Tate
Hardee	Morris	Thompson
Heine	Munson	Toomy
Hernandez	Nunez	Velazquez
Jack	O’Neill	Warren
Jackson, J.	Ourso	Wattigny
Jenkins	Perez	Willis
Juneau	Perkins	Winchester
Kean	Planchard	Wisham
Kilbourne	Pugh	Zervigon
Total—87.		

NAYS

Delegates—	Dennery	Soniat
Bollinger	Duval	Tobias
Champagne	LeBleu	Vick
Conroy		
De Blieux		
Total—10.		

NOT VOTING

Delegates—	Haynes	Stinson
Anzalone	Jackson, A.	Sutherland
Bel	Kelly	Tapper
Blair	Lambert	Thistlethwaite
Burson	Landrum	Toca
Corne	Leigh	Ullo
Dennis	Newton	Vesich
Derbes	Rachal	Wall
Deshotels	Rayburn	Weiss
Elkins	Schmitt	Womack
Fowler	Shannon	
Guarisco	Slay	
Hayes		
Total—34.		

And the Chair declared that the above Section was finally passed.

Delegate Kean moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Kilbourne moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Drew	Kilbourne
Mr. Chairman	Dunlap	Kilpatrick
Abraham	Edwards	Landry, A.
Aertker	Fayard	Landry, E. J.
Alario	Flory	Lanier
Alexander	Fontenot	Leithman
Arnette	Fulco	Lowe
Avant	Gauthier	McDaniel
Badeaux	Giarrusso	Martin
Bergeron	Ginn	Maubernet
Brien	Goldman	Maybuce
Brown	Graham	Miller
Burns	Gravel	Mire
Cannon	Grier	Morris
Carmouche	Hardee	Munson
Casey	Heine	Nunez
Chatelain	Hernandez	O’Neill
Chehardy	Jack	Ourso
Comar	Jackson, J.	Perez
Conino	Jenkins	Perkins
Cowen	Juneau	Planchard
D’Gerolamo	Kean	Pugh
Drew		
Dunlap		

Reeves	Stagg	Warren
Riecke	Stephenson	Wattigny
Roemer	Stovall	Willis
Roy	Tate	Winchester
Sandoz	Thompson	Wisham
Segura	Toomy	Zervigon
Singletary	Velazquez	
Total—86.		

NAYS

Delegates—	De Blieux	Soniat
Asseff	Duval	Tobias
Bollinger	LeBleu	Vick
Champagne		
Conroy		
Total—10.		

NOT VOTING

Delegates—	Haynes	Smith
Anzalone	Jackson, A.	Stinson
Bel	Kelly	Sutherland
Blair	Lambert	Tapper
Burson	Landrum	Thistlethwaite
Corne	Leigh	Toca
Dennis	Newton	Ullo
Derbes	Rachal	Vesich
Deshotels	Rayburn	Wall
Elkins	Schmitt	Weiss
Fowler	Shannon	Womack
Guarisco	Slay	
Hayes		
Total—35.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Flory Committee Proposal No. 14 was called from the Calendar and taken up as follows:

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

Read.

Article VII, Section 1. Economic Security, Social Welfare, Unemployment Compensation, and Public Health

Section 1. The legislature shall establish a system of economic security, social welfare, unemployment compensation, and public health.

Read.

On motion of Delegate Flory the vote by which Committee Proposal No. 14, Section 1, failed to pass on November 17, 1973, was reconsidered.

Motion

Delegate Riecke moved to limit debate on each amendment to Committee Proposal No. 14, to 5 minutes.

As a substitute Delegate Perez moved to limit debate on each amendment to Committee Proposal No. 14 to 15 minutes.

Delegate De Blieux objected.

The vote recurred on the substitute.

By a vote of 68 yeas and 10 nays the Convention limited debate on each amendment to 15 minutes.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jenkins and Roemer to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 18, both inclusive, in their entirety and all floor amendments thereto.

On motion of Delegate Jenkins the amendment was withdrawn.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1 delete lines 14 through 18, both inclusive in their entirety and all floor amendments thereto and insert the following:

“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.”

Delegate Jenkins moved the adoption of the amendment.

Delegate Zervigon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Nunez
Abraham	Fulco	O'Neill
Alario	Gauthier	Perez
Arnette	Giarrusso	Perkins
Asseff	Graham	Planchard
Badeaux	Hardee	Reeves
Bergeron	Heine	Roemer
Blair	Jenkins	Sandoz
Bollinger	Juneau	Schmitt
Brien	Kilbourne	Smith
Carmouche	Kilpatrick	Stagg
Champagne	Lanier	Stephenson
Chehardy	Leithman	Stinson
Comar	Lowe	Thompson
Conino	McDaniel	Toomy
Conroy	Mauberrret	Toomy
D'Gerolamo	Miller	Wattigny
Drew	Morris	Willis
Dunlap	Munson	Winchester
Duval		
Fayard		
Total—58.		

NAYS

Delegates—	Goldman	Segura
Aertker	Grier	Singletary
Alexander	Hernandez	Soniat
Avant	Jack	Stovall
Brown	Jackson, J.	Tate
Burns	Landry, A.	Tobias
Cannon	Landry, E. J.	Vick
Cowen	LeBleu	Warren
De Blieux	Maybuce	Wisham
Dennery	Mire	Zervigon
Flory	Pugh	
Ginn		
Total—32.		

NOT VOTING

Delegates—	Chatelain	Edwards
Mr. Chairman	Corne	Elkins
Anzalone	Dennis	Fowler
Bel	Derbes	Gravel
Burson	Deshotels	Guarisco
Casey		

Hayes	Newton	Thistlethwaite
Haynes	Ourso	Toca
Jackson, A.	Rachal	Ullo
Kean	Rayburn	Velazquez
Kelly	Roy	Vesich
Lambert	Shannon	Wall
Landrum	Slay	Weiss
Leigh	Sutherland	Womack
Martin	Tapper	
Total—41.		

And the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh sent up the following explanation of his vote on the amendment proposed by Delegate Jenkins to Committee Proposal Number 14, Section 1:

"I voted against the amendment because I believe that to say "may" is to say nothing."

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 16 through 18, both inclusive, in their entirety, including all floor amendments adopted thereto, and insert in lieu thereof the following:

"Section 2. The legislature shall establish a system of social welfare, unemployment compensation, and public health including physical and mental health care. It is also authorized to define and provide for a system of economic security. Mandamus shall not lie for the enforcement of any of the provisions hereof."

Delegate Pugh moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	Pugh
Alexander	Goldman	Schmitt
Avant	Jack	Segura
Casey	Jackson, J.	Soniat
Chatelain	Landry, A.	Stovall
De Blleux	Landry, E. J.	Vick
Dennery	Maybuce	Warren
Flory	Mire	Wisham
Total—25.		

NAYS

Delegates—		
Ayraham	Carmouche	Gauthier
Alario	Champagne	Glarrusso
Arnette	Chehardy	Ginn
Asseff	Comar	Graham
Badeaux	Conino	Grier
Bergeron	Conroy	Hardee
Blair	D'Gerolamo	Heine
Bollinger	Drew	Hernandez
Brien	Dunlap	Jenkins
Brown	Duval	Kilbourne
Burns	Fayard	Kilpatrick
Cannon	Fontenot	Lanier

LeBleu	Perez	Stephenson
Leithman	Perkins	Stinson
Lowe	Plancharad	Thompson
McDaniel	Reeves	Tobias
Maubernet	Riecke	Toomy
Miller	Roemer	Wattigny
Morris	Roy	Willis
Munson	Sandoz	Winchester
Nunez	Singletary	Zervigon
O'Neill	Smith	
Total—64.		

NOT VOTING

Delegates—		
Mr. Chairman	Hayes	Shannon
Anzalone	Haynes	Slay
Bel	Jackson, A.	Stagg
Burson	Juneau	Sutherland
Corne	Kean	Tapper
Cowen	Kelly	Tate
Dennis	Lambert	Thistlethwaite
Derbes	Landrum	Toca
Deshotels	Leigh	Ullo
Edwards	Martin	Velazquez
Elkins	Newton	Vesich
Fowler	Ourso	Wall
Gravel	Rachal	Weiss
Guarisco	Rayburn	Womack
Total—42.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hernandez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Hernandez to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 9, in its entirety and insert in lieu thereof the following:

"Relative to the"

AMENDMENT No. 2—

On page 1, delete lines 14 through 18, both inclusive, including all floor amendments thereto, in their entirety and insert in lieu thereof the following:

"ARTICLE VII. HUMAN RESOURCES

Section 2. Economic and Social Welfare; Unemployment Compensation; Public Health

Section 2. Economic and social welfare, unemployment compensation, and public health, including physical and mental health care are matters of public concern and the legislature shall determine and enact appropriate programs therefor."

Delegate Hernandez moved the adoption of the amendment.

Delegate Roemer objected.

By a vote of 37 yeas and 49 nays the amendment was rejected.

Delegate O'Neill moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, insert the following immediately prior to Amendment No. 1 proposed by Mr. Jenkins and adopted by the Convention on November 19, 1973.

"ARTICLE VII. HUMAN RESOURCES

Section 1. Economic Security; Social Welfare; Unemployment Security; Public Health

PAGE 10

90th Days Proceedings—November 19, 1973

On motion of Delegate Aertker the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 14, Section 1 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	O'Neill
Alario	Giarrusso	Planchard
Alexander	Ginn	Reeves
Arnette	Goldman	Riecke
Avant	Graham	Roemer
Badeaux	Grier	Roy
Bergeron	Hardee	Sandoz
Blair	Heine	Segura
Brien	Hernandez	Singletary
Burns	Jack	Smith
Cannon	Jenkins	Stagg
Carmoushe	Juneau	Stephenson
Casey	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Comar	Landry, E. J.	Thompson
Conino	Leithman	Toomy
Conroy	Lowe	Velazquez
Cowen	McDaniel	Vick
D'Gerolamo	Mauberrret	Warren
Dennery	Miller	Willis
Duval	Mire	Winchester
Fayard	Morris	Wisham
Flory	Munson	Zervigon
Fontenot	Nunez	
Total—71.		

NAYS

Delegates—		
Abraham	Dunlap	Perez
Asseff	Gauthier	Perkins
Bollinger	Jackson, J.	Pugh
Brown	Landry, A.	Schmitt
Champagne	Lanier	Soniat
Chehardy	LeBleu	Tobias
De Blieux	Maybuce	Wattigny
Total—21.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Rayburn
Anzalone	Hayes	Shannon
Bel	Haynes	Slay
Burson	Jackson, A.	Sutherland
Corne	Kean	Tapper
Dennis	Kelly	Tate
Derbes	Lambert	Thistlethwaite
Deshotels	Landrum	Toca
Drew	Leigh	Ullo
Edwards	Martin	Vesich
Elkins	Newton	Wall
Fowler	Ourso	Weiss
Gravel	Rachal	Womack
Total—39.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Aertker moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	O'Neill
Aertker	Gauthier	Perez
Alario	Giarrusso	Perkins
Alexander	Ginn	Planchard
Arnette	Goldman	Reeves
Avant	Graham	Riecke
Badeaux	Grier	Roemer
Bergeron	Hardee	Roy
Blair	Heine	Sandoz
Brien	Hernandez	Schmitt
Brown	Jack	Segura
Burns	Jenkins	Singletary
Cannon	Juneau	Smith
Carmouche	Kilbourne	Stagg
Casey	Kilpatrick	Stephenson
Chatelain	Landry, A.	Stinson
Chehardy	Landry, E. J.	Stovall
Comar	Lanier	Thompson
Conino	LeBleu	Toomy
Conroy	Leithman	Vick
Cowen	Lowe	Warren
D'Gerolamo	McDaniel	Wattigny
Dennery	Mauberrret	Willis
Drew	Miller	Winchester
Duval	Mire	Wisham
Fayard	Morris	Zervigon
Flory	Munson	
Fontenot	Nunez	
Total—82.		

NAYS

Delegates—		
Asseff	Dunlap	Pugh
Bollinger	Jackson, J.	Soniat
Champagne	Maybuce	Tobias
De Blieux		
Total—10.		

NOT VOTING

Delegates—		
Mr. Chairman	Hayes	Shannon
Anzalone	Haynes	Slay
Bel	Jackson, A.	Sutherland
Burson	Kean	Tapper
Corne	Kelly	Tate
Dennis	Lambert	Thistlethwaite
Derbes	Landrum	Toca
Deshotels	Leigh	Ullo
Edwards	Martin	Velazquez
Elkins	Newton	Vesich
Fowler	Ourso	Wall
Gravel	Rachal	Weiss
Guarisco	Rayburn	Womack
Total—49.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other Orders of Business at this time.

Proposals

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

November 19, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

PAGE 11

90th Days Proceedings—November 19, 1973

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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 Expense. In parishes in which are located penal institutions of the State of Louisiana, the expenses incurred by the parish arising from crimes committed in such institutions or by the inmates thereof shall be reimbursed by the state.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973

State of Louisiana

November 19, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled in final form:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton, and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE III. LEGISLATIVE BRANCH

Section 1. Legislative Power; Composition; Continuous Body

Section 1. (A) Legislative Power of State. The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives. 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.

(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.

Section 2. Sessions

Section 2. (A) Annual Session. The legislature shall meet annually in regular session in the state capital for not more than sixty legislative days during a period of eighty-five calendar days. A legislative day is a calendar day on which either house is in session. No such session shall continue beyond the eighty-fifth calendar day after convening. The legislature shall convene at noon on the third Monday in April. No new matter intended to have the effect of law

shall be introduced or received by either house after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. No measure levying a new tax or increasing an existing tax shall be introduced or enacted during a regular session held in an odd-numbered year.

(B) Extraordinary Session. The legislature may be convened at other times by the governor and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. The form of the petition shall be provided by law. At least five days prior to convening the legislature in extraordinary session, the governor or the presiding officers, as the case may be, shall issue a proclamation stating the objects of the session, the date on which it shall convene, and the number of days for which it is convened. The power to legislate shall be limited, under penalty of nullity, to the objects specifically enumerated in the proclamation. The session shall be limited to the number of days stated therein, which shall not exceed thirty calendar days.

(C) Emergency Session. The governor may convene the legislature in extraordinary session without prior notice or proclamation in the event of public emergency caused by epidemic, enemy attack, or public catastrophe.

Section 3. Size

Section 3. The number of members of the legislature shall be provided by law, but the number of senators shall not exceed thirty-nine and the number of representatives, one hundred five.

Section 4. Qualifications; Residence and Domicile Requirements; Term; Vacancies

Section 4. (A) Age; Residence; Domicile. An elector who at the time of qualification as a candidate has attained the age of eighteen years, resided in the state for the preceding two years, and been actually domiciled for the preceding year in the legislative district from which he seeks election is eligible for membership in the legislature.

(B) Domicile; Special Provisions. However, at the next regular election for members of the legislature following legislative reapportionment, an elector may qualify as a candidate from any district created in whole or in part from a district existing prior to reapportionment if he was domiciled in that prior district for at least one year immediately preceding his qualification and was a resident of the state for the two years preceding his qualification. The seat of any member who changes his domicile from the district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of retention of domicile to the contrary notwithstanding.

(C) Term. A member of the legislature shall be elected for a four-year term.

(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.

Section 5. Legislative Reapportionment; Reapportionment by Supreme Court; Procedure

Section 5. (A) Reapportionment by Legislature. By the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall reapportion the representation in each house as equally as practicable on the basis of population shown by the census.

(B) Reapportionment by Supreme Court. If the legislature fails to reapportion as required in Paragraph (A), the supreme court, upon petition of any elector, shall reapportion the representation in each house as provided in Paragraph (A).

(C) Procedure. The procedure for review and for petition shall be provided by law.

Section 6. Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion; Subpoenas; Contempt; Officers

Section 6. (A) Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion. Each house shall be the judge of the qualifications and elections of its members; shall determine its rules of procedure, not inconsistent with the provisions of this constitution; may punish its members for disorderly conduct or contempt; and may expel a member with concurrence of two-thirds of its elected members. Expulsion creates a vacancy in the office.

(B) Subpoena Power; Contempt. Each house may compel the attendance and testimony of witnesses and the production of books and papers before it, before any committee thereof, or before joint committees of the houses and may

punish those in willful disobedience of its orders for contempt.

(C) Officers. Each house shall choose its officers, including a permanent presiding officer selected from its membership. The presiding officers shall be the president of the Senate and the speaker of the House of Representatives. The clerical officers shall be the clerk of the House of Representatives and the secretary of the Senate, each of whom may administer oaths.

Section 7. Privileges and Immunities

Section 7. A member of the legislature shall be privileged from arrest, except for felony, during his attendance at sessions and committee meetings of his house and while going to and from them. No member shall be questioned elsewhere for any speech in either house.

Section 8. Conflict of Interest

Section 8. Legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature.

Section 9. Quorum; Compulsory Attendance; Journal, Adjournment With Consent of Other House

Section 9. (A) Quorum. Not less than a majority of the elected members of each house shall form a quorum to transact business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members.

(B) Journal. Each house shall keep a journal of its proceedings and have it published immediately after the close of each session. The journal shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays, with each member's vote published in the journal.

(C) Adjournment. When the legislature is in session, neither house shall adjourn for more than three days or to another place without consent of the other house.

Section 10. Legislative Auditor

Section 10. There shall be a legislative auditor responsible solely to the legislature. He shall serve as a fiscal advisor to it and shall perform the duties and functions provided by law related to auditing fiscal records of the state, its agencies, and political subdivisions. He shall be elected by the concurrence of a majority of the elected members of each house and may be removed by the concurrence of two-thirds of the elected members of each house.

Section 11. Compensation of Elected Public Officials; Reduction

Section 11. The compensation of an elected public official shall not be reduced during the term for which he is elected.

Section 13. Local or Special Laws; Notice of Intent; Publication

Section 13. No local or special law shall be enacted unless notice of the intent to introduce a bill to enact such a law has been published on two separate days, without cost to the state, in the official journal of the locality where the matter to be affected is situated. The last day of publication shall be at least thirty days prior to introduction of the bill. The notice shall state the substance of the contemplated law, and every such bill shall recite that notice has been given.

Section 14. Suits Against the State

Section 14. (A) No Immunity in Contract and Tort. Neither the state, a state agency, nor a political subdivision 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, a state agency, or a political subdivision. A measure authorizing suit shall waive immunity from suit and liability.

(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 15. Continuity of Government

Section 15. The legislature shall provide for orderly and temporary continuity of state government, in periods of emergency, until normal processes of government can be reestablished in accordance with the constitution and laws of the state; and, except as otherwise provided by this constitution, for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to perform their functions.

Section 16. Style of Laws; Enacting Clause

Section 16. The style of a law enacted by the legislature shall be, "Be it enacted by the Legislature of Louisiana." It shall be unnecessary to repeat the enacting clause after the first section of an act.

Section 17. Passage of Bills

Section 17. (A) Introduction; Title; Single Object; Public Meetings. The legislature shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution introduced during that session, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting.

(B) No General Reference. A bill enacting, amending, or reviving a law shall set forth completely the provisions of the law enacted, amended, or revived. No system or code of laws shall be adopted by general reference to it.

(C) Germane Amendments. No bill shall be amended in either house to make a change not germane to the bill as introduced.

(D) Three Readings. Each bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless a committee has held a public hearing and reported on the bill.

(E) Rejected Bills; Reconsideration. No bill rejected by either house may again be introduced or considered during the same session by the house which rejected it without the consent of a majority of the members elected to that house.

(F) Concurrence in Amendments. No amendment to a bill by one house shall be concurred in by the other, and no conference committee report shall be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote.

(G) Majority Vote; Record Vote. No bill shall become law without the favorable vote of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. In either house, a record vote shall be taken on any matter upon the request of one-fifth of the elected members.

Section 18. Appropriations

Section 18. (A) Specific Appropriation for One Year. No money shall be withdrawn from the state treasury except through specific appropriation. Except as otherwise provided in this constitution, no appropriation shall be made under the heading of contingencies, nor shall any appropriation be made for longer than one year.

(B) Origin in House of Representatives. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

(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.

(D) Specific Purpose and Amount. All other bills for appropriating money shall be for a specific purpose and amount.

(E) Extraordinary Session. Except for expenses of the legislature, a bill appropriating money in an extraordinary session convened after final adjournment of the regular session in the last year of the term of office of a governor shall require the favorable vote of three-fourths of the elected members of each house.

Section 19. Signing of Bills; Delivery to Governor

Section 19. (A) Signing; Delivery. A bill passed by both houses shall be signed by the presiding officers and delivered to the governor within three days after passage.

(B) Resolutions. No joint, concurrent, or other resolution shall require the signature or other action of the governor to become effective.

PAGE 13

90th Days Proceedings—November 19, 1973

Section 20. Signature of Governor on Bills; Veto

Section 20. (A) **Gubernatorial 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.

(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.

(C) **Veto Session.** The legislature shall meet in veto session in the state capital at noon on the fortieth day following final adjournment of the most recent session, to consider all bills vetoed by the governor. If the fortieth day falls on Sunday, the session shall convene at noon on the succeeding Monday. No veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

No veto session shall be held if a majority of the elected members of either house declare in writing that a veto session is unnecessary. The declaration must be received by the presiding officer of the respective houses at least five days prior to the day on which the veto session is to convene.

Section 21. Effective Date of Laws

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 prior thereto in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date.

Section 22. Suspension of Laws

Section 22. Only the legislature may suspend a law, and then only by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law. After the effective date of this constitution, every resolution suspending a law shall fix the period of suspension, which shall not extend beyond the sixtieth day after final adjournment of the next regular session.

Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges

Section 23. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege; however, the legislature may authorize the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by general law.

Section 24. Impeachment

Section 24. (A) **Persons liable.** A state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office of a felony or for malfeasance or gross misconduct while in such office.

(B) **Procedure.** Impeachment shall be by the House of Representatives and trial by the Senate, with senators under oath or affirmation for the trial. The concurrence of two-thirds of the elected senators shall be necessary to convict. The Senate may try an impeachment whether or not the House is in session and may adjourn when it deems proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent other action, prosecution, or punishment authorized by law.

Section 25. Removal by Suit; Officials Subject

Section 25. For the causes enumerated in Paragraph (A) of Section 24 of this Article, the legislature shall provide by general law for the removal by suit of any state, district, parochial, ward, or municipal official except the governor, lieutenant governor, and judges of the courts of record.

Section 26. Recall

Section 26. The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal official except judges of the courts of record. The sole issue at a recall election shall be whether the official shall be recalled.

Section 27. Taking Office

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

(B) **Filling Vacancy.** 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.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

The Proposal contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Motion

On motion of Delegate Perez the Rules were suspended in order to call a meeting of the Committee on Local and Parochial Government, without giving the 24 hour notice required by the Rules of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Tuesday, November 20, 1973, at 10:00 o'clock a.m. in Independence Hall and will consider the following agenda:

AGENDA

To consider proposals before the committee.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Rayburn the Rules were suspended in order to call a meeting of the Committee on Revenue, Finance and Taxation, without giving the 24 hour notice required by the Rules of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Tuesday, November 20, 1973, at 9:30 o'clock a.m. in Committee Room 5 and will consider the following agenda:

AGENDA

To consider proposals before the committee.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Lambert the Rules were suspended in order to call a meeting of the Committee on Natural Resources, without giving the 24 hour notice required by the Rules of the Convention.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources, sent up the following notice:

The Committee on Natural Resources will meet on Tues-

PAGE 14

90th Days Proceedings—November 19, 1973

day, November 20, 1973, at 10:00 a.m. o'clock in the Treaty Room and will consider the following agenda:

AGENDA

Proposals before the Committee.

Respectfully submitted,

LOUIS J. LAMBERT,
Chairman of the Committee on
Natural Resources

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Blair the Rules were suspended in order to call a meeting of the Committee on Legislative Powers and Functions, without giving the 24 hour notice required by the Rules of the Convention.

COMMITTEE NOTICE

Delegate Blair, chairman of the Committee on Legislative Powers and Functions, sent up the following notice:

The Committee on Legislative Powers and Functions will meet on Tuesday, November 20, 1973, at 9:00 o'clock a.m. in the Senate Chamber and will consider the following agenda:

AGENDA

To consider Proposals before the Committee.

Respectfully submitted,

CECIL BLAIR,
Chairman of the Committee on
Legislative Powers and Functions

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Stagg the Rules were suspended in order to call a meeting of the Committee on the Execu-

tive Department, without giving the 24 hour notice required by the Rules of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on the Executive Committee will meet on Tuesday, November 20, 1973, at 10:00 o'clock a.m. in Independence Hall and will consider the following agenda:

AGENDA

To consider proposals before the committee.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
the Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Anzalone—1 day.
Delegate Ullo—1 day.
Delegate Conroy—½ day.
Delegate Bel—½ day.
Delegate Shannon—1 day.
Delegate Duval—½ day.
Delegate Miller—½ day.
Delegate Toca—½ day.
Delegate Rachal—1 day.
Delegate Weiss—2 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Tuesday, November 20, 1973, at 1:00 o'clock P.M.

Which motion was agreed to.

And Vice-Chairman Roy declared the Convention adjourned to Tuesday, November 20, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

NINETY-FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, November 20, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Cowen D'Gerolamo De Blieux Dennery Dennis Drew Dundlap Duval Edwards Elkins Fayard Flory Total—113.	Fontenot Fulco Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Hardee Hayes Heine Hernandez Jack Jackson, J. Jenkins Juneau Kean Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leithman Lowe McDaniel Martin Maubertret Maybuce Miller Mire Morris Munson Newton Nunez	O'Neill Ourso Perez Perkins Planchard Rachal Rayburn Reeves Riecke Roemer Roy Sandoz Schmitt Shannon Singletary Smith Soniart Stagg Stephenson Stinson Stovall Sutherland Tapper Tate Thompson Tobias Toca Toomy Uilo Velazquez Vick Warren Wattigny Willis Winchester Wisham Zervigon
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ABSENT

Delegates— Burson Corne Derbes Deshotels Fowler Guarisco Total—18.	Haynes Jackson, A. Kelly Leigh Pugh Segura	Slay Thistlethwaite Vesich Wall Weiss Womack
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The Chairman announced that there were 113 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Stephenson led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate A. Landry, the reading of the Jour-
nal was dispensed with.

On motion of Delegate A. Landry, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and
read:

Delegate Cecil R. Blair, chairman, on behalf of the Com-
mittee on Legislative Powers and Functions, submitted the
following report:

State of Louisiana
Constitutional Convention
of 1973

November 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Legislative Powers
and Functions to submit the following report:

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery, and Gra-
vel:

A PROPOSAL

Providing for meeting of the legislature for the next three
years following the adoption of this constitution.

Reported with amendments.

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local
and special laws.

Reported favorably.

Respectfully submitted,

CECIL R. BLAIR,
Chairman.

Delegate Tom Stagg, chairman, on behalf of the Com-
mittee on Executive Department, submitted the following
report:

State of Louisiana
Constitutional Convention
of 1973

November 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Executive Department
to submit the following report:

DELEGATE PROPOSAL No. 42—

Introduced by Delegates Dennery and Stovall:

A PROPOSAL

Providing for the lieutenant governor as ombudsman.

Reported favorably.

DELEGATE PROPOSAL No. 49—

Introduced by Delegate Brien:

A PROPOSAL

Providing with respect to consumer education and informa-
tion councils.

Reported with amendments.

Respectfully submitted,

TOM STAGG,
Chairman.

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Aertker Committee Proposal Number 30, was taken up out of its regular order, and acted upon as follows:

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

Read.

Article XIV, Section 1. Board of Regents

Section 1. On the effective date of this constitution, the members of the Louisiana Coordinating Council for Higher Education whose term will not have expired shall become members of the Board of Regents until their respective terms expire. The governor shall appoint such additional members as are required to complete the full membership of the board in accordance with and for the purpose of effectuating the provisions of Article IX, Section 7.

Read.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 15, in its entirety, and insert in lieu thereof the following:

"Education appointed by the governor whose terms have not expired shall become"

Delegate Aertker moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 91 yeas and 9 nays the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 12 in its entirety and at the beginning of line 13, delete "Section 1." and insert in lieu thereof the following:

**"ARTICLE XIV. SCHEDULE
* * ***

Section 2. Board of Regents
Section 2."

On motion of Delegate Aertker the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 30, Section 1 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Newton
Abraham	Giarrusso	Nunez
Aertker	Ginn	O'Neill
Alario	Goldman	Ourso
Alexander	Graham	Perez
Arnette	Gravel	Perkins
Asseff	Grier	Reeves
Avant	Hardee	Riecke
Badeaux	Hayes	Roemer
Bel	Heine	Roy
Bergeron	Hernandez	Sandoz
Brien	Jack	Shannon
Burns	Jackson, J.	Singletary
Cannon	Jenkins	Smith
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Chehardy	Lambert	Sutherland
Comar	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thompson
Cowen	Lanier	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lowe	Ullo
Dennerly	McDaniel	Velazquez
Drew	Maubert	Vick
Duval	Maybuce	Wattigny
Elkins	Miller	Willis
Fayard	Mire	Winchester
Flory	Morris	Wisham
Fowler	Munson	Zervigon
Fulco		
Total—97.		

NAYS

Delegates—		
Anzalone	Planchard	Tobias
Bollinger	Schmitt	Warren
LeBleu	Soniat	
Total—8.		

NOT VOTING

Delegates—		
Blair	Fontenot	Rayburn
Brown	Guarisco	Segura
Burson	Haynes	Slay
Corne	Jackson, A.	Thistlethwaite
Dennis	Kelly	Vesich
Derbes	Leigh	Wall
Deshotels	Martin	Weiss
Dunlap	Pugh	Womack
Edwards	Rachal	
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 2. On the effective date of this constitution, the members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term will not have expired shall become members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until their respective terms expire. The governor shall appoint such additional members as are required in accordance with and for the purpose of effectuating the provisions of Article IX, Section 9.

Read.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 21 and again on line 23, change "Section 2." to "Section 3."

On motion of Delegate Aertker the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 30 Section 2 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Nunez
Aertker	Ginn	O'Neill
Alario	Goldman	Ourso
Arnette	Graham	Perkins
Avant	Gravel	Planchard
Badeaux	Grier	Reeves
Bel	Hardee	Riecke
Blair	Hayes	Roemer
Brien	Heine	Roy
Burns	Hernandez	Sandoz
Cannon	Jack	Singletary
Carmouche	Jackson, J.	Soniat
Champagne	Jenkins	Stagg
Chehardy	Kean	Stephenson
Comar	Kilbourne	Stinson
Conino	Kilpatrick	Stovall
Conroy	Lambert	Sutherland
Cowen	Landrum	Tapper
D'Gerolamo	Landry, A.	Tate
De Blieux	Landry, E. J.	Thompson
Dennery	Lanier	Toca
Drew	Leithman	Ullo
Dunlap	Lowe	Velazquez
Duval	McDaniel	Vick
Elkins	Mauberrret	Wattigny
Fayard	Mire	Willis
Flory	Morris	Winchester
Fowler	Munson	Wisham
Total—84.		

NAYS

Delegates—		
Alexander	Gauthier	Schmitt
Anzalone	Giarrusso	Shannon
Asseff	Juneau	Smith
Bergeron	LeBleu	Tobias
Bollinger	Maybuce	Toomy
Casey	Miller	Warren
Chatelain	Newton	Zervigon
Total—21.		

NOT VOTING

Delegates—		
Abraham	Deshotels	Kelly
Brown	Edwards	Leigh
Burson	Fontenot	Martin
Corne	Guarisco	Perez
Dennis	Haynes	Pugh
Derbes	Jackson, A.	Rachal

Rayburn	Thistlethwaite	Weiss
Segura	Vesich	Womack
Slay	Wall	
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

Section 3. On the effective date of this constitution, each member 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 Education 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 mentioned 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.

Read.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 32 and again on page 2, line 2 change "Section 3." to "Section 4."

On motion of Delegate Aertker the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 30, Section 3 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennery	Kean
Abraham	Dennis	Kilpatrick
Aertker	Drew	Lambert
Alario	Dunlap	Landrum
Alexander	Duval	Landry, A.
Anzalone	Elkins	Landry, E. J.
Arnette	Fayard	Lanier
Avant	Flory	Leithman
Badeaux	Fowler	Lowe
Bel	Fulco	McDaniel
Bergeron	Gauthier	Mauberrret
Blair	Giarrusso	Maybuce
Brien	Ginn	Mire
Burns	Goldman	Morris
Carmouche	Graham	Munson
Casey	Gravel	Newton
Champagne	Grier	Nunez
Chehardy	Hardee	O'Neill
Comar	Hayes	Ourso
Conino	Heine	Perez
Conroy	Jack	Perkins
Cowen	Jackson, J.	Planchard
D'Gerolamo	Jenkins	Reeves
De Blieux	Juneau	Riecke

Roy	Stinson	Velazquez
Sandoz	Stovall	Vick
Shannon	Sutherland	Warren
Singleary	Tapper	Wattigny
Smith	Tate	Willis
Soniat	Thompson	Winchester
Stagg	Toca	Wisham
Stephenson	Ullo	Zervigon
Total—96.		

NAYS

Delegates—		
Asseff	LeBleu	Schmitt
Bollinger	Miller	Tobias
Chatelain	Roemer	Toomy
Total—9.		

NOT VOTING

Delegates—		
Brown	Haynes	Rayburn
Burson	Hernandez	Segura
Cannon	Jackson, A.	Slay
Corne	Kelly	Thistlethwaite
Derbes	Kilbourne	Vesich
Deshotels	Leigh	Wall
Edwards	Martin	Weiss
Fontenot	Pugh	Womack
Guarisco	Rachal	
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 17, add the following section:
"Section 5. Boards; New Appointments.

Section 5. In making new appointments to a board created by Sections 7, 8 or 9 of Article IX, the governor shall consider appropriate representation on the board by graduates of the institutions under the control of the board."

Delegate Conroy moved the adoption of the amendment.

Delegate Wisham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Comar	Juneau
Alario	Conino	Kean
Alexander	Conroy	Lambert
Anzalone	D'Gerolamo	Landrum
Arnette	Dennery	Landry, E. J.
Badeaux	Duval	LeBleu
Bel	Edwards	Leithman
Bergeron	Elkins	Lowe
Blair	Fowler	Mauberret
Burns	Fulco	Mire
Cannon	Gauthier	Munson
Carmouche	Ginn	Nunez
Casey	Hardee	Perez
Champagne	Hernandez	Perkins
Chatelain	Jack	Plancharad
Chehardy	Jackson, J.	Reeves

Riecke	Stagg	Toomy
Roemer	Stovall	Ullo
Roy	Sutherland	Velazquez
Schmitt	Tate	Vick
Shannon	Thompson	Warren
Singleary	Tobias	Winchester
Soniat	Toca	Zervigon
Total—69.		

NAYS

Delegates—		
Abraham	Giarrusso	Maybuce
Asseff	Goldman	Miller
Avant	Graham	Morris
Bollinger	Gravel	Newton
Brien	Grier	O'Neill
Brown	Hayes	Sandoz
Cowen	Heine	Stephenson
De Blieux	Jenkins	Stinson
Drew	Kilbourne	Wattigny
Dunlap	Kilpatrick	Willis
Fayard	Landry, A.	Wisham
Flory	Lanier	
Fontenot	McDaniel	
Total—37.		

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Slay
Burson	Leigh	Smith
Corne	Martin	Tapper
Dennis	Ourso	Thistlethwaite
Derbes	Pugh	Vesich
Deshotels	Rachal	Wall
Guarisco	Rayburn	Weiss
Haynes	Segura	Womack
Jackson, A.		
Total—25.		

The amendment having received the vote of a majority of the total membership of the Convention required to add a Section to a Proposal was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perkins to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 17, in Floor Amendment No. 1 proposed by Delegate Conroy and adopted by the Convention on November 20, 1973, on line 5 of the text of the amendment, immediately after the word "by" and before the words "of the" delete the word "graduates" and insert in lieu thereof the word "alumni"

Delegate Perkins moved the adoption of the amendment.

Delegate Stephenson objected.

By a vote of 92 yeas and 13 nays the amendment was adopted.

Delegate Perkins moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 30 Section 5 was read, as amended.

Delegate Conroy moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Badeaux	Burns
Alario	Bel	Cannon
Alexander	Bergeron	Carmouche
Anzalone	Blair	Casey
Arnette	Brien	Champagne

Chatelain	Landrum	Smith
Chehardy	Landry, E. J.	Soniat
Comar	LeBleu	Stagg
Conino	Leithman	Stephenson
Conroy	Lowe	Stinson
Cowen	Mauberret	Stovall
D'Gerolamo	Mire	Sutherland
Dennery	Munson	Tate
Drew	Nunez	Thompson
Edwards	Ourso	Tobias
Elkins	Perez	Toca
Fowler	Perkins	Toomy
Fulco	Planchard	Ullo
Gauthier	Reeves	Velazquez
Hardee	Riecke	Vick
Hayes	Roemer	Warren
Heine	Roy	Willis
Hernandez	Sandoz	Winchester
Jack	Schmitt	Zervigon
Jackson, J.	Shannon	
Juneau	Singletary	
Total—76.		

NAYS

Delegates—	Fontenot	Landry, A.
Abraham	Giarrusso	Lanier
Asseff	Goldman	McDaniel
Avant	Graham	Maybuce,
Bollinger	Brown	Miller
Brown	De Blieux	Morris
De Blieux	Dunlap	Newton
Dunlap	Duval	O'Neill
Duval	Fayard	Wattigny
Fayard	Flory	Wisham
Flory	Total—30.	

NOT VOTING

Delegates—	Jackson, A.	Slay
Mr. Chairman	Kelly	Tapper
Burson	Kilpatrick	Thistlethwaite
Corne	Leigh	Vesich
Dennis	Martin	Wall
Derbes	Pugh	Weiss
Deshotels	Ginn	Womack
Ginn	Rayburn	
Guarisco	Segura	
Haynes	Total—25.	

And the Chair declared that the above Section was finally passed.

Delegate Conroy moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Aertker moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Cannon	Dennis
Abraham	Carmouche	Drew
Aertker	Casey	Edwards
Alario	Champagne	Elkins
Alexander	Chatelain	Fayard
Arnette	Chehardy	Flory
Avant	Comar	Fowler
Badeaux	Conino	Fulco
Bcl	Conroy	Gauthier
Bergeron	Cowen	Giarrusso
Blair	D'Gerolamo	Ginn
Brien	De Blieux	Goldman
Brown	Dennery	Graham
Burns		

Hardee	Miller	Smith
Hayes	Mire	Stagg
Heine	Morris	Stinson
Hernandez	Munson	Sutherland
Jack	Nunez	Tate
Jackson, J.	Ourso	Thompson
Juneau	Perez	Toca
Kean	Perkins	Ullo
Kilpatrick	Rachal	Velazquez
Landrum	Reeves	Warren
Landry, A.	Riecke	Wattigny
Landry, E. J.	Roemer	Willis
Lanier	Roy	Winchester
Lowe	Sandoz	Wisham
McDaniel	Schmitt	Zervigon
Mauberret	Shannon	
Maybuce	Singletary	
Total—88.		

NAYS

Delegates—	Jenkins	Planchard
Anzalone	Kilbourne	Soniat
Asseff	Lambert	Stephenson
Bollinger	LeBleu	Stovall
Dunlap	Leithman	Tobias
Duval	Newton	Toomy
Fontenot	O'Neill	Vick
Grier		
Total—21.		

NOT VOTING

Delegates—	Jackson, A.	Tapper
Mr. Chairman	Kelly	Thistlethwaite
Burson	Leigh	Vesich
Corne	Martin	Wall
Derbes	Pugh	Weiss
Deshotels	Rayburn	Womack
Gravel	Segura	
Guarisco	Slay	
Haynes	Total—22.	

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Drew Delegate Proposal No. 32 was taken up out of its regular order and acted upon as follows:

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and districts.

Read.

Article V, Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. The present circuits and districts and the number of judges as elected in each circuit are retained, subject to change by two-thirds vote of the elected members in each house of the legislature.

Read.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 32 by Delegate Drew

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 8 in its entirety and insert in lieu thereof the following:

"ARTICLE V.

* * *

Section 9. Courts of Appeal; Circuits and Dis—"

On motion of Delegate Drew the amendment was adopted.

Delegate Drew moved to reconsider the vote by which

PAGE 6

91st Days Proceedings—November 20, 1973

the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Delegate Proposal No. 32 Section 9 was read.

Delegate Drew moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Newton
Alario	Fowler	Nunez
Alexander	Fulco	O'Neill
Anzalone	Gauthier	Perez
Arnette	Giarrusso	Perkins
Asseff	Ginn	Planchard
Avant	Goldman	Rachal
Badeaux	Graham	Reeves
Bel	Gravel	Riecke
Bergeron	Grier	Roemer
Blair	Hardee	Roy
Bollinger	Hayes	Sandoz
Brien	Heine	Shannon
Brown	Hernandez	Singletary
Burns	Jack	Smith
Cannon	Jackson, J.	Soniat
Carnouche	Jenkins	Stagg
Casey	Juneau	Stephenson
Champagne	Kean	Stinson
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Landrum	Tate
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Leithman	Ullo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vick
Dunlap	Mauberrret	Warren
Duval	Maybuce	Wattigny
Edwards	Miller	Willis
Elkins	Mire	Winchester
Fayard	Morris	Wisham
Flory	Munson	Zervigon
Total—105.		

NAYS

Delegates—	
Abraham	Schmitt
Total—2.	

NOT VOTING

Delegates—		
Aertker	Jackson, A.	Segura
Burson	Kelly	Slay
Corne	Lambert	Stovall
Derbes	Leigh	Thistlethwaite
Deshotels	Martin	Vesich
Drew	Ourso	Wall
Guarisco	Pugh	Weiss
Haynes	Rayburn	Womack
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Drew moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Drew moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Ourso
Alario	Gauthier	Perez
Alexander	Giarrusso	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Rachal
Asseff	Graham	Reeves
Avant	Gravel	Riecke
Badeaux	Grier	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Heine	Shannon
Bollinger	Hernandez	Singletary
Brien	Jack	Smith
Brown	Jackson, J.	Soniat
Burns	Jenkins	Stagg
Cannon	Juneau	Stephenson
Carmouche	Kean	Stinson
Casey	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Cowen	LeBleu	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lowe	Ullo
Dennery	McDaniel	Velazquez
Drew	Mauberrret	Vick
Dunlap	Maybuce	Warren
Duval	Miller	Wattigny
Edwards	Mire	Willis
Elkins	Morris	Winchester
Fayard	Munson	Wisham
Flory	Newton	Zervigon
Fontenot	Nunez	
Total—107.		

NAYS

Delegate Schmitt
Total—1.

NOT VOTING

Delegates—		
Aertker	Haynes	Segura
Burson	Jackson, A.	Slay
Champagne	Kelly	Thistlethwaite
Corne	Lambert	Vesich
Dennis	Leigh	Wall
Derbes	Martin	Weiss
Deshotels	Pugh	Womack
Guarisco	Rayburn	
Total—23.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Munson, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate B. B. Rayburn, chairman, on behalf of the Committee on Revenue, Finance and Taxation, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

November 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Revenue, Finance and Taxation to submit the following report:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of

the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Reported with amendments.

Respectfully submitted,

B. B. Rayburn,
Chairman.

Delegate Chalin O. Perez, chairman, on behalf of the Committee on Local and Parochial Government, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

November 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Local and Parochial Government to submit the following report:

COMMITTEE PROPOSAL No. 27—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing with respect to the donation, loan, or pledge of public funds, credit or property.

Reported with amendments.

COMMITTEE PROPOSAL No. 28—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for the office of tax assessor and the Board of Assessors in Orleans Parish.

Reported without action.

COMMITTEE PROPOSAL No. 29—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,

Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for a Revenue Sharing Fund.

Reported without action.

DELEGATE PROPOSAL No. 30—

Introduced by Delegate Lennox:

A PROPOSAL

Relative to levee districts

Reported unfavorably.

DELEGATE PROPOSAL No. 56—

Introduced by Delegate Toomy:

A PROPOSAL

Providing with respect to local officials and employees.

Reported without action.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

November 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aeriker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Motion

On motion of Delegate Lowe the following Report was ordered inserted in the Official Journal:

CONSTITUTIONAL CONVENTION 1973
Comparison of Budgeted and Actual Expenses

	OCTOBER 1973				JANUARY 5, 1973 THROUGH OCTOBER 1973			
	Budget	Actual	Actual		Budget	Actual	Actual	
			Over	Under			Over	Under
Expenses								
Salaries:								
Research	64,300.00	43,409.56		20,890.44	426,716.79	360,964.45		65,752.34
Clerk's Office	22,000.00	18,118.87		3,881.13	93,584.92	73,303.12		20,281.80
Finance	1,600.00	1,315.42		184.58	9,615.92	9,256.26		359.66
Public Information	4,100.00	3,876.98		223.02	22,844.09	21,268.93		1,575.16
Total:	91,900.00	66,720.83		25,179.17	582,761.72	464,792.76		87,968.96
Employer's Fringe Benefit Share								
Teacher's Retirement	265.00	235.38		19.62	2,093.03	2,014.56		78.47
State Retirement	6,475.00	3,726.81		1,748.19	30,960.10	24,704.72		6,245.38
F.I.C.A.	260.00	165.17		84.83	1,256.07	1,126.94		128.13
Group Hospitalization	336.00	292.49		42.51	2,426.32	2,044.47		381.85
Group Life	125.00	91.44		33.56	794.65	597.93		196.62
Workmens' Compensation	417.00			417.00	1,668.00	870.50		1,297.50
Total:	5,867.00	4,511.29		2,346.71	39,187.07	30,859.12		8,327.95
Other Expenses								
Wages—PerDiem	20,000.00	21,630.00	1,630.00		92,000.00	90,910.00		1,090.00
Delegate—Per Diem	133,800.00	107,548.40		26,251.60	712,200.00	575,562.12		136,637.88
Meeting Expense	26,300.00	6,680.00		18,620.00	126,686.96	43,682.71		83,004.24
Postage	900.00	208.33		691.67	7,822.36	5,440.47		2,381.89
Printing	1,600.00	292.90		1,207.10	6,135.93	5,222.38		913.55
Daily Journal	70,000.00	15,894.16		54,106.85	280,000.00	48,375.18		231,624.82
Equipment Rental	15,000.00	17,488.74	2,488.74		72,649.73	62,470.10		10,179.63
Telephones	1,500.00	2,329.96	829.95		9,684.49	13,857.39	4,272.90	
Staff Travel	2,000.00	76.80		1,923.20	9,147.29	2,760.69		6,386.60
Office Supplies	8,000.00	4,160.21		3,839.79	42,743.53	25,042.01		17,701.52
Equipment Purchase					1,033.23	1,033.23		
LSU Renovation					11,799.00	11,799.00		
White House Inn Renovation					5,606.89	5,606.89		
Total:	278,000.00	176,309.48	4,948.69	106,639.21	1,377,409.40	891,762.17	4,272.90	489,920.13
Grand Total:	\$376,757.00	247,541.60	4,948.69	134,164.09	1,969,368.19	1,387,414.05	4,272.90	586,217.04

Respectfully submitted by
HERMAN "MONDAY" LOWE
 Treasurer
 Constitutional Convention 1973

Motion

Delegate Tate moved for a suspension of the rules in order to call a meeting of the Committee on Style and Drafting without giving 24 hours notice as required by the rules.

Delegate Perez objected.

By a vote of 69 yeas and 28 nays and the rules were suspended.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday November 21, 1973, at 9:30 o'clock in the Treaty Room and will consider the following agenda:

AGENDA

To consider the proposals referred to the committee.

Respectfully submitted,

ALBERT TATE,
 Chairman of the Committee on
 Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate Kean moved that the Convention do now adjourn until Wednesday, December 5, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, December 5, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
 Secretary

DAVID R. POYNTER
 Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

OF THE
STATE OF LOUISIANA

NINETY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, December 5, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Flory	Ourso
Abraham	Fontenot	Perez
Aertker	Fowler	Pugh
Alario	Fulco	Rachal
Alexander	Gauthier	Rayburn
Anzalone	Ginn	Reeves
Arnette	Goldman	Riecke
Asseff	Graham	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandoz
Bel	Hardee	Schmitt
Bergeron	Hayes	Segura
Bollinger	Haynes	Shannon
Brien	Heine	Singletary
Brown	Hernandez	Slay
Burns	Jack	Soniat
Burson	Jackson, A.	Stagg
Cannon	Jackson, J.	Stephenson
Carmouche	Jenkins	Stinson
Casey	Juneau	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilbourne	Tapper
Chehardy	Kilpatrick	Tate
Comar	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leithman	Uilo
De Blieux	Lowe	Vick
Dennery	Martin	Warren
Dennis	Mauberrret	Wattigny
Derbes	Maybuce	Weiss
Deshotels	Miller	Willis
Drew	Mire	Winchester
Dunlap	Morris	Wisham
Duval	Munson	Zervigon
Elkins	Newton	Perkins
Edwards	Nunez	Plancharid
Fayard	O'Neill	
Total—119.		

ABSENT

Delegates—		
Blair	Lambert	Velazquez
Giarrusso	Leigh	Vesich
Gravel	McDaniel	Wall
Kean	Smith	Womack
Total—12.		

The Chairman announced that there were 119 members present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Juneau led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Singletary, the reading of the Journal was dispensed with.

On motion of Delegate Singletary, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee Proposals on
Second Reading Reported by Committees**

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Plancharid, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Reported with the following amendments by the Committee on Revenue, Finance and Taxation.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 15 add the following:
"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 Parish where located, at no more than twice the total assessed value of the physical property subject to taxation excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, line 20, after the word "levy" delete the word "taxes" and delete lines 21 through 26, both inclusive, in their entirety, and insert in lieu thereof the following:
"severance taxes, income taxes or taxes on motor fuel."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, line 4, after the word "all" delete the word "other"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, line 17, after the letter "(A)" and before the word "state" delete the word "The" and insert in lieu thereof the following:

"Unless otherwise authorized by this constitution, the"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 5, between lines 24 and 25, insert the following:

"(C) Limited Time for Contesting State Bonds. Bonds, notes, certificates, or other evidence of indebtedness (hereafter referred to collectively as "bonds") shall not be invalid for any irregularity or defect in the proceedings or the issuance and sale thereof, and shall be incontestible in the hands of a bona fide purchaser or holder thereof. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state a notice of intention to issue the bonds and a description thereof and the security therefor and for a period of thirty days only after such publication any person in interest shall have the right to contest the legality of said resolution and any provision therein of the bonds to be issued pursuant thereto and the provisions securing the bonds and the validity of all other provisions and proceedings in connection with the authorization and issuance of the bonds. If such action or proceedings shall not have been instituted within the said 30 day period, no one shall have any right of action to contest the validity of the bonds or the provisions of the resolution pursuant to which the bonds were issued or the security of the bonds or the validity of any other provisions or proceedings in connection with the authorization and issuance of the bonds and all the bonds conclusively shall be presumed to be legal, and no court thereafter shall have authority to inquire into such matters."

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 5, line 30, after the word "as" insert the words "the result of"

AMENDMENT No. 2—

On page 5, line 31, after the word "thereof" insert the words "or of agreements pertaining thereto"

AMENDMENT No. 3—

On page 6, line 5, after the word "as" insert the words "the result of"

AMENDMENT No. 4—

On page 6, line 7, after the word "thereof" insert the words "or of agreements pertaining thereto"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 6, at the end line 2, after the word "legislature" change the period "." to a comma "," and add the following: "and except money received by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 6, line 20, after the word "law" delete the remainder of the line and delete line 21 in its entirety

AMENDMENT No. 2—

On page 6, line 25, after the letter "(C)" delete the remainder of the line and on line 26, delete the words "one year, and the" and insert in lieu thereof the word "The"

AMENDMENT No. 3—

On page 7, at the end of line 2, delete the words "under the head or" and delete line 3 in its entirety and insert in lieu thereof the partial word "ex-"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 7, line 29, after the semicolon ";" delete the remainder of the line and lines 30 and 31, both inclusive, in their entirety, and insert in lieu thereof the following:

"Prohibition of Loan, Pledge, or Donation of Public Property; Exceptions for Public Purpose"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 8, line 22, delete the word "however" and insert in lieu thereof the words "and provided that"

On motion of Delegate Rayburn the amendments were adopted.

On motion of Delegate Rayburn the Proposal, as amended, was ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 27—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shanon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing with respect to the donation, loan, or pledge of public funds, credit or property.

Read.

Reported with the following amendments by the Committee on Local and Parochial Government:

COMMITTEE AMENDMENT

Amendment proposed by Committee on Local and Parochial Government to Committee Proposal No. 27 by Delegate Perez, et al.

Amend printed proposal as follows:

PAGE 3

92nd Days Proceedings—December 5, 1973

AMENDMENT No. 1—

On page 1, delete lines 13 through 32, both inclusive, in their entirety and on page 2, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section —. Management of State Funds; Donation, Loan, or Pledge of Public Credit

Section —. (A) Except as otherwise provided in this constitution, the funds, credit, property or things of value of the state, or of any political subdivision thereof, shall not be loaned, pledged, or donated to or for any person or persons, associations or corporations, public or private, nor shall the state nor any political subdivisions purchase or subscribe to the capital stock or stock of any corporation or association whatever or for any private enterprise.

(B) Nothing contained in this Section shall prevent: (1) intercooperation between the state and its political subdivisions or between political subdivisions, or between the state or its political subdivisions and the United States, or between the state or its political subdivisions and any public or private association or corporation or individual for a public purpose; (2) the use of public funds for programs of social welfare for the aid and support of the needy; (3) contributions of public funds to pension and insurance programs for the benefit of public employees; (4) the legislature by a favorable vote of two-thirds of the elected members of each house from authorizing the loan, pledge, or donation of public funds in the furtherance of facilities and other programs having a public purpose; or (5) the legislature from authorizing the loan or pledge of such funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness.

(C) Funds, credit, property or things of value of the state or of any political subdivision thereof heretofore loaned, pledged, dedicated or granted by the prior laws of this state, or authorized to be loaned, pledged, dedicated or granted by the prior laws and constitution of this state, shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless such authorization is revoked by the legislature by a two-thirds vote of the elected membership of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section."

On motion of Delegate Perez the amendment was adopted.

On motion of Delegate Perez the Proposal, as amended, was ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 28—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for the office of tax assessor and the Board of Assessors in Orleans Parish.

Read.

Reported without action by the Committee on Local and Parochial Government.

On motion of Delegate Perez the Proposal was withdrawn from the files of the Convention.

COMMITTEE PROPOSAL No. 29—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for a Revenue Sharing Fund.

Read.

Reported without action by the Committee on Local and Parochial Government.

On motion of Delegate Perez the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery, and Gravel:

A PROPOSAL

Providing for meeting of the legislature for the next three years following the adoption of this constitution.

Read.

Reported with the following amendments by the Committee on Legislative Powers and Functions:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Legislative Powers and Functions to Delegate Proposal No. 18 by Delegate Blair, et al.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 11, after the word "first" and before the word "regular" change the word "three" to "two"

AMENDMENT No. 2—

On page 1, line 12, after the word "the" and before the word "of" delete the word "adoption" and insert in lieu thereof the following:
"effective date"

On motion of Delegate Stagg the amendments were adopted.

On motion of Delegate Stagg the Proposal, as amended was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Read.

Reported favorably by the Committee on Legislative Powers and Functions.

On motion of Delegate Blair the Proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 30—

Introduced by Delegate Lennox:

A PROPOSAL

Relative to levee districts

Read.

Reported unfavorably by the Committee on Local and Parochial Government.

On motion of Delegate Perez the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 42—

Introduced by Delegates Dennery and Stovall:

A PROPOSAL

Providing for the lieutenant governor as ombudsman.

Read.

Reported favorably by the Committee on Executive Department.

On motion of Delegate Stagg the Proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 49—

Introduced by Delegate Brien:

A PROPOSAL

Providing with respect to consumer education and information councils.

Read.

Reported with the following amendments by the Committee on Executive Department.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Executive Department to Delegate Proposal No. 49 by Delegate Brien.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 11, after the word "which" and before the word "provide" delete the word "shall" and insert in lieu thereof the word "may"

On motion of Delegate Stagg the amendments were adopted.

On motion of Delegate Stagg the Proposal, as amended, was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 56—

Introduced by Delegate Toomy:

A PROPOSAL

Providing with respect to local officials and employees.

Read.

Reported without action by the Committee on Local and Parochial Government.

On motion of Delegate Perez the Proposal was withdrawn from the files of the Convention.

Motion

On motion of Delegate Aertker, the Convention altered the Order of Business to take up Committee Proposal No. 11 at this time.

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wisaham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Read.

Vice Chairman Casey in the Chair

Motion

Delegate Jenkins moved for a suspension of the rules for the purpose of considering Section I of Committee Proposal No. 11 lettered paragraph by lettered paragraph with the view that all rules and precedents of the Convention applicable to Section by Section consideration of Proposals shall be applicable to the consideration of each proposed lettered paragraph of said Section 1 of Committee Proposal No. 11.

Delegate Flory objected.

On motion of Delegate Dennery, the rules were suspended in order to allow debate on the motion for a suspension of the rules.

By a vote of 62 yeas and 27 nays, the rules were suspended for the purpose of considering Section 1 of Committee Proposal No. 11 lettered paragraph by lettered paragraph as hereinabove set forth.

Section 1. Retirement and Survivors' Benefits

Read.

Mr. Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 12 in its entirety and insert in lieu thereof the following:

"ARTICLE VII. HUMAN RESOURCES

Section 1. Retirement and Survivor's Benefits"

On motion of Delegate Aertker the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 1. (A) Retirement System; Public School Employees. The legislature shall provide for the retirement of teachers and other employees of the public educational system through the establishment of a retirement system or systems for employees of the public educational system. Membership in such retirement system or systems shall be a contractual relationship between the employee and employer, the accrued benefits of which shall not be diminished or impaired, and the state guarantees all benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

Read.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 17, delete the word "Membership" and delete lines 18 through 22, in their entirety and insert in lieu thereof the following:

"It also shall provide for the retirement of officers and employees of the state of Louisiana, its agencies and political subdivisions, including persons employed jointly by state and federal agencies other than the military service, through the establishment of a retirement system or systems."

AMENDMENT No. 2—

On page 1, line 13, immediately after "Section 1." and before "Retirement" delete "(A)"

AMENDMENT No. 3—

On page 1, at the beginning of line 14, immediately after the partial word "poyees" change the period "." to a semi-colon and add the following:

"State Officers and Employees."

Delegate De Blieux moved the adoption of the amendments.

Delegate Flory objected.

On motion of Delegate De Blieux and under a suspension of the rules, the amendments were withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, after the word and punctuation "system." delete the remainder of the line and delete lines 18 through 22, both inclusive in their entirety

PAGE 5

92nd Days Proceedings—December 5, 1973

Delegate Conroy moved the adoption of the amendment.

Delegate Hernandez objected.

By a vote of 37 yeas and 56 nays the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Aertker the rules were suspended in order to call a meeting of the Committee on Education and Welfare without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, December 5, 1973, at noon Recess in the Convention Hall and will consider the following agenda:

AGENDA

To consider possible amendments to the Committee's Proposals.

Respectfully submitted,

ROBERT AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 13, after the word and punctuation "System;" delete the remainder of the line and on line 14, delete the partial word and punctuation "poyees." and insert in lieu thereof the following
"State Officers and Public Employees."

AMENDMENT No. 2—

On page 1, delete lines 14 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"The legislature shall provide a retirement system or systems for all public employees of the state and its agencies. It may authorize retirement systems for its political subdivisions. Membership"

AMENDMENT No. 3—

On page 1, at the end of line 20, change the comma "," to a period "." and delete the remainder of the line and delete lines 21 and 22 in their entirety

Delegate De Blieux moved the adoption of the amendments.

Delegate Avant objected.

By a vote of 34 yeas and 47 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lowe sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lowe to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, immediately after "employer," delete the words "the accrued" and delete line 20 in its entirety and insert in lieu thereof the word "and"

Delegate Lowe moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Drew	Newton
Anzalone	Dunlap	Perkins
Arnette	Duval	Roemer
Asseff	Elkins	Sandoz
Badeaux	Fayard	Schmitt
Bel	Fontenot	Singletary
Bergeron	Gauthier	Soniati
Bollinger	Goldman	Stagg
Brien	Graham	Stinson
Brown	Heine	Tate
Casey	Jack	Thompson
Champagne	Jenkins	Tobias
Chatelain	Juneau	Uilo
Comar	Kilbourne	Velazquez
Conroy	Lanier	Weiss
Dennery	LeBleu	Willis
Derbes	Lowe	Zervigon
Deshotels	Mire	

Total—53.

NAYS

Delegates—

Aertker	Grier	Planchard
Alario	Hayes	Reeves
Alexander	Hernandez	Riecke
Avant	Jackson, A.	Segura
Carmouche	Jackson, J.	Slay
Chehardy	Kelly	Stephenson
Conino	Kilpatrick	Sutherland
Corne	Landrum	Thistlethwaite
D'Gerolamo	Landry, E. J.	Toca
De Blieux	Leithman	Toomy
Edwards	Maybuce	Warren
Flory	Morris	Wattigny
Fowler	Munson	Winchester
Fulco	Nunez	Wisham
Ginn	O'Neill	

Total—44.

NOT VOTING

Delegates—

Mr. Chairman	Kean	Rachal
Blair	Lambert	Rayburn
Burns	Landry, A.	Roy
Burson	Leigh	Shannon
Cannon	McDaniel	Smith
Cowen	Martin	Stovall
Dennis	Mauberret	Tapper
Giarrusso	Miller	Vesich
Gravel	Ourso	Vick
Guarisco	Perez	Wall
Hardee	Pugh	Womack
Haynes		

Total—34.

And the amendment was adopted.

Delegate Lowe moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, immediately after the word "employer" change the comma "," to a period "." and delete the word "and" added by Floor Amendment No. 1 proposed by Delegate Lowe and adopted by the Convention on December 5, 1973, and delete lines 21 and 22 in their entirety

Delegate Abraham moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 32 yeas and 73 nays the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Weiss sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Weiss to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 22 and 23, insert the following: "Investment of funds of retirement systems created under the provisions of this Paragraph shall be limited to federal, state, and municipal obligations."

Delegate Weiss moved the adoption of the amendment.

Delegate Mire objected.

By a vote of 8 yeas and 88 nays the amendment was rejected.

Delegate Mire moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 11, Section 1, Paragraph A was read, as amended.

Delegate Aertker moved the final passage of the paragraph.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Corne	Guarisco
Alario	D'Gerolamo	Hayes
Alexander	De Blieux	Haynes
Anzalone	Dennery	Hernandez
Avant	Dennis	Jack
Badeaux	Derbes	Jackson, A.
Bel	Deshotels	Jackson, J.
Bergeron	Drew	Kelly
Bollinger	Dunlap	Kilpatrick
Brien	Elkins	Landrum
Brown	Fayard	Landry, A.
Burson	Flory	Landry, E. J.
Cannon	Fontenot	Lanier
Carmouche	Fulco	LeBleu
Champagne	Gauthier	Leithman
Chatelain	Ginn	Lowe
Chehardy	Goldman	Martin
Comar	Graham	Maybuce
Conino	Grier	Mire

Morris	Sandoz	Thompson
Munson	Singletary	Toca
Nunez	Slay	Toomy
O'Neill	Soniat	Uilo
Perkins	Stagg	Velazquez
Planchar	Stephenson	Warren
Pugh	Stinson	Wattigny
Rachal	Sutherland	Willis
Reeves	Tate	Winchester
Roemer	Thistlethwaite	Wisham
Total—87.		

NAYS

Delegates—		
Abraham	Duval	Schmitt
Arnette	Kilbourne	Tobias
Asseff	Miller	Weiss
Casey	Newton	Zervigon
Conroy	Perez	
Total—14.		

NOT VOTING

Delegates—		
Mr. Chairman	Juneau	Segura
Blair	Kean	Shannon
Burns	Lambert	Smith
Cowen	Leigh	Stovall
Edwards	Lennox	Tapper
Fowler	McDaniel	Vesich
Giarrusso	Mauberet	Vick
Gravel	Ourso	Wall
Hardee	Rayburn	Womack
Heine	Riecke	
Jenkins	Roy	
Total—31.		

And the Chair declared that the above paragraph was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

(B) Retirement System; State Officers and Employees. The legislature shall provide for the retirement of officers and employees of the State of Louisiana, its agencies and political subdivisions, including persons employed jointly by state and federal agencies other than the military service, through the establishment of a retirement system or systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between the employee and employer, the accrued benefits of which shall not be diminished or impaired, and the state or political subdivision shall guarantee any benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

Read.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 24, after the word "shall" and before the word "for" delete the word "provide" and insert in lieu thereof the following: "enact laws providing"

On motion of Delegate Aertker the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lowe sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lowe to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, after the word and punctuation “employer,” delete the remainder of the line and delete line 32 in its entirety and insert in lieu thereof the following: “and the state or”

On motion of Deelgate Lowe the amendment was adopted.

Delegate Lowe moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 25, after the word “Louisiana” and before the word “its” delete the comma “,” and insert in lieu thereof the word “and”

AMENDMENT No. 2—

On page 1, at the end of line 25, delete the word “and” and at the beginning of line 26 delete the words “political subdivisions”

AMENDMENT No. 3—

On page 1, at the end of line 28, add the following: “It may also provide for the retirement of officers and employees of any political subdivision of the state, including persons employed jointly by the state and any political subdivision thereof.”

Delegate Abraham moved the adoption of the amendment.

Delegate Mire objected.

By a vote of 38 yeas and 61 nays the amendment was rejected.

Delegate Mire moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lanier to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 32, after the word “state” delete the word “or” and on page 1, at the beginning of line 1, delete the words “political subdivision”

Delegate Lanier moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 83 yeas and 17 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 30, between the word “be” and the word “a” insert the words “optional and”

On motion of Deletate Perez the amendment was withdrawn.

Passage

Committee Proposal No. 11, Section 1, Paragraph B was read, as amended.

Delegate Aertker moved the final passage of the paragraph.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Alexander
Arnette
Avant
Badeaux
Bel
Bergeron
Brien
Brown
Burson
Cannon
Champagne
Chatelain
Chehardy
Comar
Conino
Corne
D'Gerolamo
Dennery
Derbes
Deshotels
Drew
Dunlap
Duval
Elkins
Fayard
Flory
Fontenot
Fowler
Fulco

Gauthier
Ginn
Goldman
Graham
Grier
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kelly
Killbourne
Kilpatrick
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leithman
Martin
Maybuce
Miller
Morris
Munson
Nunez
O'Neill

Perez
Perkins
Planchard
Pugh
Rachal
Reeves
Rleckce
Robinson
Roemer
Roy
Sandoz
Singletary
Slay
Soniak
Stagg
Stephenson
Stinson
Sutherland
Tate
Thistlethwaite
Thompson
Toca
Toomy
Velazquez
Warren
Wattigny
Weiss
Willis
Winchester
Wisham

Total—90.

NAYS

Delegates—

Anzalone
Asseff
Casey
Conroy
Total—11.

De Blieux
Newton
Schmitt
Tobias

Uilo
Vick
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Abraham
Aertker
Blair
Bollinger
Burns
Carmouche
Cowen
Dennis
Edwards
Giarrusso
Total—31.

Gravel
Guarisco
Kean
Lambert
Landrum
Leigh
Lowe
McDaniel
Mauberrert
Mire

Oruso
Rayburn
Segura
Shannon
Smith
Stovall
Tapper
Vesich
Wall
Womack

And the Chair declared that the above paragraph was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

(C) Financial Security for Surviving Spouses and Children of Law Enforcement Officers in Certain Cases. (1) It is hereby declared to be the public policy of this state, under its police power, to provide for the financial security

of surviving spouses and dependent children of law enforcement officers where such officers suffer death as a result of injury sustained in the course of the performance of official duties or ensuing from any activity while on or off duty engaged in the protection of life or property.

(2) Law enforcement officers, within the meaning of this Section, shall include: all sheriffs and deputy sheriffs in the state employed on a full-time basis; all members of the state police thus employed; those municipal police officers to whom state compensation is or may be paid as provided by law; all enforcement personnel of the Louisiana Wildlife and Fisheries Commission; capitol security police; guards at state-owned hospitals; security officers on the campuses of state-owned colleges and universities; guards at state penal institutions; enforcement personnel of dock boards and levee boards; persons on the payroll of the state or of any political subdivision of the state in training to become a law enforcement officer as defined in this subsection, and other state employees whose primary responsibility is the full-time protection of state property; provided, however, that honorary law enforcement officers, all state probation and parole officers, including juvenile provation and parole officers shall not be construed or interpreted to be such law enforcement officers within the purview of this subsection.

(3) In any case in which a law enforcement officer, as defined by this Section, suffers death, under the conditions described in Paragraph (A), the legislature shall appropriate the sum of ten thousand dollars, which shall be paid to the surviving spouse of such law enforcement officer, and in addition thereto, should such law enforcement officer be survived by minor children, the legislature shall appropriate the sum of five thousand dollars for each of the said minor children, which sum shall be paid to the duly appointed and qualified tutor or other legal representative of said child.

(4) No such payment shall be made until a judgment of a court of competent jurisdiction has become final and such judgment has decreed that the law enforcement officer did suffer death as a result of the conditions described in Paragraph (A) above.

(5) Suit shall be instituted by the attorney general against the legislative auditor in the district court of the parish in which the state capitol is situated in any case where it appears that such a law enforcement officer has suffered death in the circumstances provided by this Section and jurisdiction over such suit is hereby conferred on said court. Any judgment rendered by such court shall be subject to appeal as in other civil matters.

(6) Such suit may be instituted under the laws applicable to declaratory judgments and any such suit shall be regarded as presenting a justifiable controversy between the attorney general and the legislative auditor.

(7) This Section shall be self-operative and no further or additional legislation shall be required to place the provisions hereof in effect.

Read.

Chairman Henry in the Chair

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 4 through 32, and insert the following:

“(C) Compensation for Surviving Spouses and Children of Law Enforcement Officers. The legislature shall establish a system for compensating the surviving spouses and dependent children of law enforcement officers and personnel, as may be defined by law, who suffer death as a result of injury sustained in the performance of official duties or

while engaged in the protection of life or property while on or off duty.”

AMENDMENT No. 2—

On page 3, delete lines 1 through 29, both inclusive, in their entirety.

Delegate Jenkins moved the adoption of the amendment.

Delegate Hernandez objected.

By a vote of 93 yeas and 1 nay the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, in Floor Amendment No. 1, proposed by Delegate Jenkins, and adopted by the Convention on December 5, 1973, on line 3, after the word “system” and before the word “for” insert the following: “, including the expenditure of public funds,”

Delegate Perez moved the adoption of the amendment.

Delegate Conroy objected.

By a vote of 82 yeas and 10 nays the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez, Jack, Warren, Miller, Maybuce, Martin, J. Jackson and Ourso to Committee Proposal No. 11 by Delegate Aertker, et al.

AMENDMENT No. 1—

In Convention floor Amendment No. 1 proposed by Delegate Jenkins and adopted by the Convention on December 5, 1973, on line 6 of the text of the amendment immediately after the word “death” and before the words “as a” insert the following:

“or who suffered death before the effective date of this constitution, but not earlier than July 1, 1972,”

Delegate Velazquez moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alarlo	Comar	Fowler
Alexander	Conino	Gauthier
Anzalone	Conroy	Ginn
Arnette	Corne	Goldman
Asseff	D'Gerolamo	Grier
Avant	Dennery	Hardee
Badeaux	Dennis	Hayes
Bel	Derbes	Haynes
Bergeron	Deshotels	Heine
Brien	Drew	Hernandez
Brown	Dunlap	Jack
Burson	Elkins	Jackson, A.
Cannon	Fayard	Jackson, J.
Casey	Flory	Jenkins
Chatelain	Fontenot	Juneau

Kelly	Rachal	Tobias
Kilbourne	Reeves	Toca
Kilpatrick	Riecke	Toomy
Landrum	Roy	Ullo
Landry, E. J.	Sandoz	Velazquez
LeBleu	Singletary	Vick
Leithman	Slay	Warren
Maybuce	Soniat	Wattigny
Miller	Stagg	Weiss
Morris	Stephenson	Willis
Newton	Stinson	Winchester
Ourso	Sutherland	Wisham
Perez	Tate	Zerzigon
Perkins	Thistlethwaite	
Pugh	Thompson	
Total—88.		

NAYS

Delegates—	Duval	Lanier
Abraham	Graham	Planchard
Bollinger	Guarisco	
Champagne	Landry, A.	
De Blieux		
Total—10.		

NOT VOTING

Delegates—	Kean	Rayburn
Mr. Chairman	Lambert	Roemer
Aertker	Leigh	Schmitt
Blair	Lowe	Segura
Burns	McDaniel	Shannon
Carmouche	Martin	Smith
Chehardy	Mauberrert	Stovall
Cowen	Mire	Tapper
Edwards	Munson	Vesich
Fulco	Nunez	Wall
Giarrusso	O'Neill	Womack
Gravel		
Total—33.		

And the amendment was adopted.

Delegate Velazquez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 4, in Floor Amendment No. 1 proposed by Delegate Jenkins and adopted by the Convention on December 5, 1973, on line 2 of the language added by that amendment after the word "Enforcement" delete the word and punctuation "Officers," and insert in lieu thereof the words and punctuation "Officers and Firemen." and on line 5 of the language added by that amendment after the word "enforcement" delete the word "officers" and insert in lieu thereof the words and punctuation "officers, firemen,"

Delegate Flory moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Bel	Cannon
Abraham	Bergeron	Casey
Alario	Brlen	Champagne
Alexander	Brown	Comar
Asseff	Burson	Conino
Avant		

Conroy	Jack	Roemer
Corne	Jackson, A.	Roy
Cowen	Jackson, J.	Schmitt
De Blieux	Jenkins	Segura
D'Gerolamo	Juneau	Singletary
Dennerly	Kelly	Slay
Derbes	Kilbourne	Soniat
Deshotels	Kilpatrick	Stagg
Drew	Landrum	Stephenson
Dunlap	Landry, E. J.	Stinson
Elkins	LeBleu	Sutherland
Fayard	Leithman	Thistlethwaite
Flory	Lowe	Thompson
Fontenot	Maybuce	Tobias
Fowler	Miller	Toca
Fulco	Morris	Toomy
Gauthier	Newton	Ullo
Ginn	Nunez	Velazquez
Goldman	O'Neill	Vick
Graham	Ourso	Warren
Grier	Perez	Wattigny
Guarisco	Perkins	Weiss
Hardee	Planchard	Winchester
Hayes	Pugh	Wisham
Haynes	Rachal	Zerzigon
Heine	Reeves	
Hernandez	Riecke	
Total—94.		

NAYS

Delegates—	Chatelain	Sandoz
Arnette	Landry, A.	Willis
Badeaux	Lanier	
Bollinger		
Total—8.		

NOT VOTING

Delegates—	Giarrusso	Rayburn
Mr. Chairman	Gravel	Shannon
Aertker	Kean	Smith
Anzalone	Lambert	Stovall
Blair	Leigh	Tapper
Burns	McDaniel	Tate
Carmouche	Chehardy	Vesich
Chehardy	Martin	Wall
Dennis	Mauberrert	Womack
Duval	Mire	
Edwards	Munson	
Total—29.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal 11 Section 1, Paragraph C was read, as amended.

Delegate Flory moved the final passage of the paragraph.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Corne	Graham
Abraham	Cowen	Grier
Alario	De Blieux	Guarisco
Alexander	D'Gerolamo	Hardee
Anzalone	Dennerly	Hayes
Arnette	Dennis	Haynes
Asseff	Derbes	Heine
Avant	Deshotels	Hernandez
Badeaux	Drew	Jack
Bel	Dunlap	Jackson, A.
Bergeron	Duval	Jackson, J.
Bollinger	Elkins	Jenkins
Brien	Fayard	Juneau
Brown	Flory	Kelly
Burson	Fontenot	Kilbourne
Cannon	Fowler	Kilpatrick
Casey	Fulco	Landrum
Champagne	Gauthier	Landry, A.
Chatelain	Ginn	Landry, E. J.
Comar	Goldman	Lanier
Conino		

LeBleu	Riecke	Thompson
Leithman	Roemer	Tobias
Lowe	Roy	Toca
Martin	Sandoz	Toomy
Maybuce	Schmitt	Ullo
Miller	Segura	Velazquez
Morris	Singletary	Vick
O'Neill	Slay	Warren
Ourso	Sonlat	Wattigny
Perez	Stagg	Weiss
Perkins	Stephenson	Willis
Plancharde	Stinson	Winchester
Pugh	Sutherland	Wisbam
Rachal	Tate	
Reeves	Thistlethwaite	
Total—103.		

NAYS

Delegates—		
Conroy	Newton	Zervigon
Total—3.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Shannon
Aertker	Lambert	Smith
Blair	Leigh	Stovall
Burns	McDaniel	Tapper
Carmouche	Mauberrret	Vesich
Chehardy	Mire	Wall
Edwards	Munson	Womack
Giarrusso	Nunez	
Gravel	Rayburn	
Total—25.		

And the Chair declared that the above paragraph was finally passed.

Delegate Flory moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

(D) Retirement Systems; Notice of Intention to Propose Amendments or Change; Publication. No proposal to amend or effect any change in existing laws or provisions of the constitution relating to any retirement system in this state shall be introduced into the legislature unless notice of intention to introduce such proposal shall have been published, without cost to the state, in the official state journal on two separate days, the last day of which is at least thirty days prior to the introduction of such bill into the legislature. The notice shall state the substance of the contemplated law or proposal to amend the constitution. Every such bill shall contain a recital that the notice has been given.

Read.

Passage

Committee Proposal No. 11, Section 1, Paragraph D was read.

Delegate Morris moved the final passage of the paragraph.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Cannon	Drew
Alario	Casey	Dunlap
Alexander	Champagne	Duval
Anzalone	Chatelain	Elkins
Arnette	Comar	Fayard
Asseff	Conino	Flory
Avant	Corne	Fontenot
Badeaux	Cowen	Fowler
Bel	D'Gerolamo	Fulco
Bergeron	De Blieux	Gauthier
Bollinger	Dennery	Ginn
Brien	Derbes	Goldman
Burson	Deshotels	Graham

Grier	Lowe	Stephenson
Guarisco	Martin	Stinson
Hardee	Maybuce	Sutherland
Hayes	Morris	Tate
Haynes	Nunez	Thistlethwaite
Hernandez	O'Neill	Thompson
Jack	Perez	Tobias
Jackson, A.	Perkins	Toca
Jackson, J.	Plancharde	Toomy
Jenkins	Pugh	Ullo
Juneau	Rachal	Velazquez
Kelly	Reeves	Vick
Kilbourne	Riecke	Warren
Kilpatrick	Roemer	Wattigny
Landrum	Sandoz	Weiss
Landry, A.	Schmitt	Willis
Landry, E. J.	Segura	Winchester
Lanier	Singletary	Wisbam
LeBleu	Slay	Zervigon
Leithman	Sonlat	
Total—98.		

NAYS

Delegates—		
Brown	Conroy	Newton
Total—3.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Rayburn
Aertker	Kean	Roy
Blair	Lambert	Shannon
Burns	Leigh	Smith
Carmouche	McDaniel	Stagg
Chehardy	Mauberrret	Stovall
Dennis	Miller	Tapper
Edwards	Mire	Vesich
Giarrusso	Munson	Wall
Gravel	Ourso	Womack
Total—30.		

And the Chair declared that the above paragraph was finally passed.

Delegate Morris moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 11, Section 1 was read, as amended.

Delegate Morris moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fowler	Martin
Alexander	Fulco	Maybuce
Arnette	Gauthier	Morris
Avant	Ginn	Nunez
Badeaux	Goldman	O'Neill
Bel	Graham	Ourso
Bergeron	Grier	Perez
Brien	Guarisco	Perkins
Brown	Hardee	Plancharde
Burson	Hayes	Pugh
Cannon	Haynes	Rachal
Champagne	Heine	Reeves
Chatelain	Hernandez	Riecke
Comar	Jack	Roemer
Conino	Jackson, A.	Roy
Corne	Jackson, J.	Sandoz
Cowen	Juneau	Segura
D'Gerolamo	Kelly	Singletary
Dennery	Kilbourne	Slay
Derbes	Kilpatrick	Sonlat
Deshotels	Landrum	Stagg
Drew	Landry, A.	Stephenson
Dunlap	Landry, E. J.	Stinson
Elkins	Lanier	Sutherland
Fayard	LeBleu	Tate
Flory	Leithman	Thistlethwaite
Fontenot	Lowe	Thompson

PAGE 11

92nd Days Proceedings—December 5, 1973

Toca	Warren	Winchester
Toomy	Wattigny	Wisham
Ullo	Weiss	
Velazquez	Willis	
Total—91.		

NAYS

Delegates—	Conroy	Schmitt
Abraham	De Blieux	Tobias
Anzalone	Duval	Vick
Asseff	Jenkins	Zervigon
Bollinger	Newton	
Casey		
Total—14.		

NOT VOTING

Delegates—	Gravel	Rayburn
Mr. Chairman	Kean	Shannon
Aertker	Lambert	Smith
Blair	Leigh	Stovall
Burns	McDaniel	Tapper
Carmouche	Maubertret	Vesich
Chehardy	Miller	Wall
Dennis	Mire	Womack
Edwards	Giarrusso	
Giarrusso	Munson	
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Morris moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Morris moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Perkins
Mr. Chairman	Ginn	Planchar
Alario	Goldman	Pugh
Alexander	Graham	Rachal
Arnette	Grier	Reeves
Avant	Hardee	Riecke
Badeaux	Hayes	Roemer
Bel	Haynes	Roy
Bergeron	Heine	Sandoz
Brien	Hernandez	Segura
Brown	Jack	Singletary
Burson	Jackson, A.	Slay
Cannon	Jackson, J.	Soniat
Champagne	Juneau	Stagg
Chatelain	Kelly	Stephenson
Comar	Kilbourne	Stinson
Conino	Kilpatrick	Sutherland
Corne	Landrum	Tate
Cowen	Landry, A.	Thistlethwaite
D'Gerolamo	Landry, E. J.	Thompson
Dennery	Lanier	Toca
Dennis	LeBleu	Toomy
Derbes	Leithman	Ullo
Deshotels	Lowe	Velazquez
Drew	Martin	Warren
Dunlap	Maybuce	Wattigny
Elkins	Morris	Weiss
Fayard	Nunez	Willis
Fontenot	O'Neill	Winchester
Flory	Ourso	Wisham
Fowler	Perez	
Fulco		
Total—92.		

NAYS

Delegates—	Asseff	Casey
Abraham	Bollinger	Conroy
Anzalone		

De Blieux	Jenkins	Tobias
Duval	Newton	Vick
Guarisco	Schmitt	Zervigon
Total—15.		

NOT VOTING

Delegates—	Kean	Rayburn
Aertker	Lambert	Shannon
Blair	Leigh	Smith
Burns	McDaniel	Stovall
Carmouche	Maubertret	Tapper
Chehardy	Miller	Vesich
Edwards	Mire	Wall
Giarrusso	Munson	Womack
Gravel		
Total—24.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Jenkins, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Lambert, chairman, on behalf of the Committee on Natural Resources and Environment, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

November 20, 1973, Baton Rouge, La.

To the Chairman and Delegate of the Constitutional Convention:

I am directed by your Committee on Natural Resources and Environment to submit the following report:

COMMITTEE PROPOSAL No. 16—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack:

A PROPOSAL

Making provisions relating to natural resources and environment.

By substitute.

Respectfully submitted,

LOUIS J. LAMBERT, JR.
Chairman.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

December 5, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal have been properly enrolled:

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIV. SCHEDULE

Section 2. Board of Regents

Section 2. On the effective date of this constitution, the members of the Louisiana Coordinating Council for Higher Education appointed by the governor whose terms have not expired shall become members of the Board of Regents until their respective terms expire. The governor shall appoint such additional members as are required to complete the full membership of the board in accordance with and for the purpose of effectuating the provisions of Article IX, Section 7.

Section 3. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 3. On the effective date of this constitution, the members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term will not have expired shall become members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until their respective terms expire. The governor shall appoint such additional members as are required in accordance with and for the purpose of effectuating the provisions of Article IX, Section 9.

Section 4. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

Section 4. On the effective date of this constitution, each member 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 Education 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 mentioned 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.

Section 5. Boards; New Appointments.

Section 5. In making new appointments to a board created by Sections 7, 8 or 9 of Article IX, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

December 5, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal have been properly enrolled:

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and districts.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE V.

Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. The

present circuits and districts and the number of judges as elected in each circuit are retained, subject to change by two-thirds vote of the elected members in each house of the legislature.

Respectfully submitted,
MOISE W. DENNERY
Secretary

Under the Rules, referred to the Committee on Style and Drafting.

Motion

On motion of Delegate Juneau the Rules were suspended in order to call a meeting of the Committee on Public Information without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Thursday, December 6, 1973, at 9:00 o'clock a.m. in Independence Hall and will consider the following agenda:

AGENDA

Dissemination of the Constitution as finally adopted by the Convention.

Respectfully submitted,
PATRICK JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Tate the rules were suspended in order to call a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Thursday, December 6, 1973, at 9:00 o'clock a.m. in the Treaty Room and will consider the following agenda:

AGENDA

To consider the committee's report on the Proposal on Local and Parochial Government.

Respectfully submitted,
ALBERT TATE, JR.,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Vesich—1 Day.	Delegate Kean—3 Days.
Delegate Burns—1 Day.	Delegate Giarrusso—4 Days.
Delegate Gravel—4 Days.	Delegate McDaniel—½ day.
Delegate Blair—1 Day.	Delegate Rayburn—½ day.
Delegate Wall—1 Day.	Delegate Maubertret—½ day.
Delegate Smith—1 Day	Delegate Lambert—4 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, December 6, 1973 at 11:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, December 6, 1973 at 11:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

NINETY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, December 6, 1973, Baton Rouge, La.

The Convention was called to order at 11:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Perez
Abraham	Fowler	Perkins
Aertker	Fulco	Planchard
Alario	Gauthier	Rachal
Alexander	Ginn	Rayburn
Anzalone	Goldman	Reeves
Arnette	Graham	Riecke
Asseff	Grier	Roemer
Avant	Guarisco	Roy
Badeaux	Hardee	Sandoz
Bel	Hayes	Schmitt
Bergeron	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jack	Smith
Burns	Jackson, A.	Soniat
Burson	Jackson, J.	Stagg
Cannon	Jenkins	Stephenson
Carmouche	Juneau	Stinson
Casey	Kelly	Stovall
Champagne	Kilbourne	Sutherland
Chatelain	Kilpatrick	Tapper
Cheharay	Landrum	Tate
Comar	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lowe	Ullo
De Bileux	McDaniel	Velazquez
Dennery	Martin	Vesich
Dennis	Mauberrert	Vick
Derbes	Maybee	Warren
Deshotels	Miller	Wattigny
Drew	Mire	Weiss
Dunlap	Morris	Willis
Duval	Munson	Winchester
Edwards	Newton	Wisham
Elkins	Nunez	Zervigon
Fayard	O'Neill	
Flory	Orso	
Total—121.		

ABSENT

Delegates—		
Blair	Lambert	Wall
Giarrusso	Leigh	Womack
Gravel	Pugh	
Kean	Segura	
Total—10.		

The Chairman announced that there were 121 members present and a quorum.

Prayer

Prayer was offered by Delegate Landrum.

Pledge of Allegiance

Delegate Alario led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Goldman, the reading of the Journal was dispensed with.

On motion of Delegate Goldman, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee Proposals on
Second Reading Reported by Committees**

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 16—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Billinger, Derbes, Elkins, Guidry, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack:

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Reported by substitute by the Committee on Natural Resources.

The title to the substitute was read as follows:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

On motion of Delegate Lambert the substitute was adopted and became Committee Proposal No. 34, by the Committee on Natural Resources, a substitute for Committee Proposal No. 16 by the Committee on Natural Resources.

On motion of Delegate Lambert and under a suspension of the rules, the substitute was ordered engrossed and passed to its third reading.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up Committee Proposal No. 9 at this time.

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny, and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Read.

Section 1. State and City Civil Service

Section 1. (A) Civil Service System; State; Cities.

(1) State Civil Service. "State civil service" means all offices and positions of trust or employment in the employ of the state, or any board, commission, department, independent agency, or other agency thereof, except as otherwise specifically provided in this constitution, and all offices and positions of trust or employment in the employ of joint state and federal agencies administering state or federal funds, or both; joint state and municipal agencies financed by state or municipal funds, or both, except municipal boards of health; joint state and parochial agencies financed by state or parochial funds, or both; irrespective of whether the pay for such offices and positions of trust or employment is to be paid with state, municipal, or parochial funds or with funds contributed jointly by the state and municipalities or parishes involved.

(2) City Civil Service. "City civil service" means all offices and positions of trust or employment in the employ of the city and every board, commission, department, or agency thereof, except as otherwise specifically provided in this constitution.

(B) State Civil Service Commission

(B)(1) Membership. A State Civil Service Commission is created to be composed of five members, who are citizens and qualified electors of the state. Three members of the commission shall constitute a quorum. The five members shall be appointed by the governor for overlapping terms of six years as hereinafter provided. The domicile of the commission shall be in the city of Baton Rouge, Louisiana.

(2) Nominations. The presidents of Loyola University of the South, Centenary College, Tulane University of Louisiana, Louisiana College, and Dillard University each shall nominate three persons, in the order of their preference, and from the three persons so nominated by each, the governor shall appoint one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure governing the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list shall automatically become a member of the commission.

If for any reason nominations are not submitted to the governor by any of the college presidents herein named, within the time herein designated, the vacancy on the commission for the term or the unexpired term resulting from such failure to nominate shall be filled by a majority vote of the other members of the State Civil Service Commission.

(4) Transition. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the expiration of the term of the commissioner nominated by Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as herein provided. The initial term of this Dillard nominee shall be six years.

(5) Removal. A member of the State Civil Service Commission may be removed by the governor for just cause after a copy of the charges against him has been served on him and an opportunity for a public hearing thereon is afforded by his appointing authority.

(6) Compensation. Members of the commission each shall be compensated for each day devoted to the work of the commission. The amount of compensation shall be determined by the legislature.

(C) City Civil Service Commission

(C)(1) Membership. A city civil service commission is created for each city having a population exceeding four hundred thousand. The city civil service commission shall be composed of five members, who are citizens and qualified electors of the city. Three members of the commission shall constitute a quorum. The five members shall serve overlapping terms of six years as hereinafter provided. The

domicile of the commission shall be in the city which it serves.

(2) Nominations. In the city of New Orleans, the presidents of Tulane University of Louisiana, Loyola University of the South, and Dillard University each shall nominate three persons, in the order of their preference, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission. One member shall be appointed by the governing authority of the city. One member shall be an employee within the classified service of the city, elected by classified city employees.

If for any reason nominations are not submitted to the governing authority of the city by any of the college presidents herein named within the time herein designated, the vacancy on the commission for the term or the unexpired term resulting from such failure to nominate shall be filled by a majority vote of the other members of the city civil service commission.

In other cities subject to the provisions of this Section three members of the commission shall be nominated by the presidents of any three universities mentioned in Paragraph (B)(2) in accordance with the procedure therein provided. Commissioners appointed by the governing authority of the city and the classified city employees shall be appointed in accordance with the procedure specified in Paragraph (C)(2).

(3) Vacancies. Vacancies for any cause shall be filled by appointment or election in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list shall automatically become a member of the commission.

The election of the member representing classified city employees shall be called by the governing authority and held at least sixty days prior to the expiration of that term. In the case of a vacancy prior to the expiration of a term in the office of the member representing classified employees, an election to fill the vacancy for the unexpired term shall be held within thirty days after the vacancy occurs.

(4) Transition. Each person who, on the effective date of this constitution, was nominated by Tulane University, Loyola University, or the governing authority of the city on the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Dillard University shall submit three names to the governing authority of the city for appointment to the commission as herein provided. The initial term of this appointee shall be three years. Within thirty days after the effective date of this constitution, the governing authority of the city shall call and hold an election for the member to represent classified city employees. The initial term of the classified employee shall be five years.

In other cities, each member serving on the effective date of this constitution, shall continue in office until the expiration of his term. The governing authorities of such cities shall provide for the election or appointment of additional members and for the implementation of this Section in accordance with provisions hereof.

(5) Removal. A member of the city civil service commission may be removed by the city governing authority for just cause after a copy of the charges against him has been served on him and an opportunity for a public hearing thereon is afforded by his appointing authority.

(6) Compensation. Members of the commission each shall be compensated for each day devoted to the work of the commission. The amount of compensation shall be determined by the governing authority of the city.

(D) Departments; State; City

(D)(1) Department of State Civil Service. A Department of State Civil Service is created in the state government.

(2) Department of City Civil Service. A department of city civil service is created in the city government of each city having a population exceeding four hundred thousand.

(E) Directors; State Service; City Service. The State Civil Service Commission and the city civil service commission shall appoint a director of civil service, who shall be the administrative head of his respective department and

who shall be in the classified service. The director shall be appointed by the appropriate commission from a list of persons determined to be eligible for the position on the basis of merit, efficiency, and fitness, which shall be ascertained by competitive examination, and such other factors as the commission deems advisable. The director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission.

(F) Unclassified and Classified Service. The state civil service and the city civil service are divided into the classified service and the unclassified service. The classified service shall include all officers and employees in the state civil service and the city civil service except:

(1) elected officers and persons appointed to fill vacancies in elective offices; (2) heads of principal departments appointed by the governor, the mayor, or governing authority of the city; (3) city attorneys; (4) members of state and city boards, commissions, and agencies; (5) one private secretary for the president of each college or university, one principal assistant or deputy, one attorney, and one person holding a confidential position to any officer, board, or commission mentioned in (1), (2) and (4), except the Department of State Civil Service and the departments of city civil service, provided no appointing authority shall be required to fill any of these positions with unclassified employees, but may assign the duties of any of them to a classified employee; (6) members of the military or naval forces; (7) the teaching, professional and administrative officers of all schools, colleges and universities of the state, and bona fide students of such institutions employed by any state agency; (8) officers and employees of the legislature and of the offices of the governor, lieutenant governor, attorney general, mayors of the several cities, and city attorneys, and the Board of Liquidation of the City Debt of New Orleans; (9) commissioners of elections and watchers; custodians and deputy custodians of voting machines; (10) all persons employed and deputies selected by sheriffs, clerks of court, police juries, assessors, coroners, recorders of mortgages, registrars of conveyances, district attorneys, constables of city courts, school boards, and courts of record; (11) registrars of voters and one chief deputy for each; (12) persons employed to make or conduct a special inquiry, investigation, examination, or installation if the governor or governing body of the city certifies that such employment is temporary and that the work should not be performed by the employees in the classified service, and if the commission approves such certifications; (13) special counsel and special prosecutors of any appointing authority, notaries public, referees, receivers, and jurors; (14) patient or inmate help in state or city charitable, penal, or correctional institutions; (15) persons temporarily retained or employed by a director of personnel for the purpose of conducting or assisting in examinations; (16) laborers and other workers employed and paid on an hourly, daily, or piecemeal basis, provided the inclusion of such persons in the unclassified service is requested by the appointing authority and approved by the appropriate commission; (17) persons employed to make or conduct a special inquiry, investigation, examination, or installation on behalf of the legislature or a committee thereof; and such persons employed by or on behalf of any other agency of the state or a city, provided that inclusion of such persons in the unclassified service is approved by the appropriate commission; (18) independent contractors employed to render services on a contractual basis, including independent contractual professional service.

(G) Appointment and Promotion

(G)(1) Certification. Permanent appointments and promotions in the classified state service and classified city service shall be made after certification by the appropriate department of civil service under a general system based upon merit, efficiency, length of service, and fitness, which shall be ascertained by competitive examinations insofar as practicable, and employees and officers in the classified service shall be employed from those eligible under such certification. The number to be certified shall be not less than five; however, if more than one vacancy is to be filled, the name of one additional eligible for each vacancy

may be certified and special and different lists may be established in the case of reemployment and reinstatement. The commission shall adopt rules for the method of certification of persons eligible for appointment and promotion and shall provide for appointments defined as emergency and temporary appointments.

(2) Veterans. The Department of State Civil Service and a department of city civil service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States, after having served between the wartime dates of April 6, 1917 and November 11, 1918, both dates inclusive; or between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or who served in the Viet Nam Theater between July 1, 1958 and the 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 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 unremarried widow of each deceased veteran who served in a war period as defined above or in a peacetime campaign or expedition; or to the unremarried parents of any person who died in active wartime or peacetime service or who suffered total and permanent disabilities 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any of the persons enumerated above, and if the ten-point preference is not being utilized by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

(3) Layoffs; Preference Employees; Reinstatement or Preferred Employment Lists. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, the employee or employees in the class involved in the organization unit affected shall be laid off without pay by the appointing authority under such rules and regulations as to selection and priority as may from time to time be adopted by the commission. Provided, that preference employees (ex-members of the armed forces and their dependents as described in (B) of this Section) whose length of service and efficiency ratings are as good as or better than other competing employees shall be retained in preference to all other competing employees; and provided further, that when any or all of the functions of any state agency are transferred to or when any state agency is replaced by some other state agency, or state agencies, all preference employees in the classifications and performing the function or functions transferred or in the state agency which is replaced by some other state agency shall first be transferred to the replacing state agency, or state agencies, for employment in positions for which they are qualified, before such state agency, or state agencies, shall appoint additional employees from eligible lists for such positions. The appointing authority shall give written notice to the director of any proposed layoff a reasonable time before the effective date thereof, and the director shall make such orders relating thereto as he considers necessary to secure compliance with the rules. The name of every regular employee so laid off shall be placed on the appropriate reemployment lists, and said employee shall also be eligible for reinstatement and shall be reinstated in any position in the same class in the same organization unit in which a vacancy exists. If he

cannot be reinstated as hereinabove required, the director shall, upon employee's request to be made within one year from the time of his layoff or the time his position was abolished, place his name on a reinstatement or preferred reemployment list for the class of the position which was abolished or from which the employee was laid off. The appointing authority of the organization unit, during the time such employee's name remains on such lists is prohibited from filling any vacancy in the class in which the employee has reinstatement rights without first offering appointment to, and appointing, if he accepts, the employee who has reinstatement rights in such organization unit.

(H) Disciplinary Action. No person who has gained permanent civil service status in the classified state civil service or the classified city civil service shall be subjected to disciplinary action except for just cause after a copy of the charges against him has been served on him and an opportunity for a public hearing is afforded by his appointing authority. Only one penalty may be assessed for the same offense. No classified employee shall be discriminated against by reason of his political or religious beliefs, sex, or race.

Any classified employee so discriminated against or subjected to such disciplinary action shall have a right of appeal to the appropriate civil service commission. The burden of proof on appeal, as to the facts, shall be on the employer. The appeal to the civil service commission shall be devolutive unless otherwise determined by the commission. The rulings of the commission are subject to review by the court of appeal wherein each commission is located.

(I) Rules and Regulations. The State Civil Service Commission and a city civil service commission are vested with general rule-making powers and subpoena powers for the administration of the classified civil service, including but not limited to rules and regulations relating to employment, promotion, demotion, suspension, reduction in pay, removal, certification, work-test periods, uniform pay plans, classification plans, employment conditions, compensation and disbursements to employees, and generally to carry out and effectuate the objectives and purposes of the merit system of civil service as herein established. These rules and regulations shall have the effect of law. Any matter affecting wages and hours shall become effective and shall have the force of law only after approval of the governor or the governing authority of the city.

(J) Political Activity. No member of any civil service commission shall be a candidate for nomination or election to any public office or hold any other public office or position of public employment whatsoever, the classified employment of the employee elected to the city commission, the office of notary public or a military or naval office, or dean or member of the faculty of any educational institution excepted; nor shall any member of the commission be or have been during a period of six months immediately preceding his appointment a member of any local, state, or national committee of a political party, or an officer or member of a committee in any factional or political club or organization, and each commissioner shall take the oath of office before entering upon the duties of office, and such oath shall include a statement of belief in and desire to support the principles of the merit system.

No member of the State Civil Service Commission or a city civil service commission and no officer or employee in the classified service shall participate or engage in political activity or be a candidate for nomination or election to public office or be a member of any national, state, or local committee of a political party or faction or make or solicit contributions for any political party, faction, or candidate, nor take active part in the management of the affairs of a political party, faction, or candidate or any political campaign except to exercise his right as a citizen to privately express his opinion, to serve as a commissioner or as an official watcher at the polls, and to cast his vote as he desires. No person shall solicit contributions for political purposes from any classified employee or official, nor use or attempt to use his position in state or city civil service to punish or coerce the political action of such person.

Political activity is defined as an effort made to insure the election of a nominee for political office or the support

of a particular political party in an election. There shall be no prohibition against support of issues involving bonded indebtedness, tax referenda, or constitutional amendments, or the participation or membership in an organization which is not a political organization but which may from time to time express its opinion on a political issue.

(K) Violations; Appeals. The State Civil Service Commission and any city civil service commission may investigate violations of this Section and the rules and regulations adopted pursuant hereto. It may impose penalties for violation of this Section or the rules and regulations adopted pursuant hereto in the form of demotion, or suspension, or discharge from the classified service with attendant loss of pay. The rulings of the commission are subject to review in the court of appeal wherein each commission is located.

(L) Penalties. Any person who willfully violates any provision of this Section or of any law enacted pursuant hereto shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

(M) Acquisition of Permanent Status. Each officer and employee who has civil service status in the classified service of the state or city on the effective date of this constitution shall retain such status in the position, class, and rank held on such date and thereafter shall be subject to and be governed by the provisions of this Section and the rules and regulations adopted under the authority hereof.

(N) Existing Laws. All existing laws relating to employees in the classified civil service not inconsistent with this Section are continued in force. Neither the commission of each city nor the governing authority of each city shall exercise any power or authority which is inconsistent or in conflict with any general law. The State Civil Service Commission shall exercise no power or authority which is inconsistent or in conflict with any general law.

(O) Appropriations. Beginning with the regular session that convenes the year 197., the legislature of the state shall then, and at each regular session thereafter, make an appropriation to the State Civil Service Commission and to the Department of Civil Service for each succeeding fiscal year of a sum equal to not less than seven-tenths of one percent of the aggregate payroll of the state classified service for the twelve-month period ending on the first day of March preceding the next regular session as certified to by the State Civil Service Commission.

Each city of the state subject to the provisions of this Section shall make adequate annual appropriations to enable the civil service commission and the civil service department of the city to carry out efficiently and effectively the provisions of this Section.

(P) Acceptance of Act; Other Cities, City and Parish Governed Jointly. Any city, and any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand but not exceeding four hundred thousand, according to the last preceding decennial census of the United States for which the final report of population returns have been printed, published, and distributed by the director of the census may elect and determine to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. This election shall be ordered and held by the city or city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing body of the city or the parish governed jointly with one or more cities under a plan of government as the case may be, calling for such elections; or (b) the presentation to such governing body of a petition signed by qualified electors equal in number to five percent of the qualified registered voters of the city or city-parish, as the case may be, calling for such election.

If a majority of the legal votes cast in such election are in favor of the adoption of the provisions of this Section, then this Section and all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city or city-parish. In such instance, all officers and employees of the city or city-parish or any other subdivision of the state, as the case may be, except those coming within the provisions of Article VII, Section 1 of the Constitution of the State of Louisiana, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain such status and shall thereafter be subject to and governed

by the provisions of this Section and the rules and regulations adopted under the authority of this Section. If a majority of the legal votes cast in such election are against the adoption of the provisions of this Section, the question of adopting the provisions of this Section shall not be resubmitted to the voters of the city or the city-parish, as the case may be, within one year thereafter.

(J) City, Parish Civil Service System; Creation by Legislature, Nothing in this Section shall prevent the establishment by the legislature in one or more parishes of a civil service system applicable to any or all parish employees, including those hereinabove exempted from the state classified service, or the establishment by the legislature of a civil service system in one or more cities having a population of less than four hundred thousand, in any manner now or hereafter provided by law.

Read.

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Flory, Rachal, Toca, Haynes, Wisham, A. Jackson, Wattigny, Segura, Graham, Carmouche, Aertker, and E. J. Landry to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, following the word "Service" and before the period "." insert the word "Commission" and delete the remainder of line 14 and delete lines 15 through 28 of page 1 and in lieu thereof substitute the following:

"There is hereby created and established a State Civil Service Commission to be composed of seven members who are citizens and qualified voters of the State of Louisiana. Five members of the Commission shall constitute a quorum. The seven commissioners shall be appointed by the Governor for a term of four years as follows:

The presidents of Louisiana State University and Agricultural and Mechanical College at Baton Rouge, Louisiana; Centenary College at Shreveport, Louisiana; Louisiana College at Pineville, Louisiana; Southern University at Scottlandville, Louisiana; and Xavier University at New Orleans, Louisiana, shall each nominate three persons, and one member of the commission shall be appointed by the Governor from the three persons nominated by each president. Two members of the commission shall be appointed by the governor by his own selection. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governor from nominations made in like manner by the president (or his successor) of that institution who nominated the member whose place is being filled or by the governor on his own selection in case of a gubernatorial appointee. It shall be the duty of the presidents of Xavier University and Southern University to, within thirty days after the effective date of this constitution, make such nominations, and thereafter within thirty days after any vacancy occurs, it shall be the duty of the presidents of each of said institutions to make such nominations. Within thirty days of the expiration of the terms of the members of said commission previously nominated by the presidents of Loyola University and Tulane University and serving at the effective date of this constitution, it shall be the duty of the governor to fill such vacancy by his own selection.

All appointments as hereinabove provided shall be made by the governor without confirmation by the Senate.

AMENDMENT No. 2—

On page 1, line 29, following the word "Service" and before the punctuation "." insert the word "Commission" and delete the remainder of line 29 and on page 1 delete lines 30 through 32 and on page 2, delete line 1 and in lieu thereof substitute the following:

"There is hereby created and established a city civil service commission for each city having a population in excess of 400,000 according to the latest decennial census of the United States. Each such city civil service commission

shall be composed of five citizens who are qualified voters of the city in which they serve, three of whom shall constitute a quorum. One member of each city civil service commission shall be appointed by the governing authority of the city by its own selection and one member of such commission shall be elected by the employees of the city in the classified service from their membership. In the city of New Orleans the presidents of Tulane University of Louisiana; Loyola University of the South and Dillard University shall each nominate three persons and one member of the commission shall be appointed by the governing authority of the city of New Orleans from the three persons nominated by each president. In other cities subject to the provision of this section, three members of the commission shall be nominated from any of the three universities named in Section 1 in accordance with the procedure therein provided. The terms of the members of the city civil service commission shall be four years. Within thirty days of the effective date of this constitution, it shall be the duty of the president of Dillard University to make such nominations to the governing body of the city of New Orleans. Within thirty days from the effective date of this constitution an election shall be held within the classified service of the city of New Orleans for the purpose of naming a member of said commission. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governing body, or by election, or by nomination as herein provided in the same manner as the original appointments were made, and it shall be the duty of the governing body to make such appointments or conduct such election and of the said presidents to make such nominations within thirty days after the occurrence of any vacancy.

(3) Coverage, Exclusions, Amendments. Except as may be inconsistent with the provisions of this Article, all of the provisions of Article 14, Section 15, of the constitution of 1921 providing for a system of classified civil service for the state and for cities are hereby retained and continued in force and effect. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend, repeal or otherwise modify any of the provisions of Article XIV, Section 15, of the constitution of 1921, which are continued by this Article or amend, repeal or otherwise modify any provision of this Article except that the legislature may not abolish the system of classified civil service in the state and in the cities of over 400,000 population according to the latest decennial census of the United States nor may it include in the classified civil service system of such cities employees of the fire and police departments, who are hereby expressly excluded from said classified service.

AMENDMENT No. 3—

On page 2, delete lines 2 through 32 and delete in their entirety pages 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

Point of Order

Delegate Flory suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Chatelain	Flory
Abraham	Chehardy	Fowler
Alario	Comar	Fulco
Alexander	Conino	Gauthier
Anzalone	Conroy	Ginn
Arnette	Corne	Goldman
Asseff	Cowen	Graham
Avant	D'Gerolamo	Grier
Badeaux	De Blieux	Guarisco
Bel	Dennery	Hardee
Bergeron	Dennis	Hayes
Brien	Derbes	Haynes
Burns	Deshotels	Heine
Burson	Drew	Hernandez
Cannon	Dunlap	Jack
Carmouche	Duval	Jackson, A.
Casey	Edwards	Jackson, J.
Champagne	Elkins	Jenkins

Juneau	Nunez	Stovall
Kelly	Ourso	Sutherland
Kilbourne	Perez	Tate
Kilpatrick	Perkins	Thistlethwaite
Landrum	Planchard	Thompson
Landry, A.	Rachal	Tobias
Landry, E. J.	Reeves	Toca
Lanier	Riecke	Toomy
LeBleu	Roemer	Ullo
Leithman	Roy	Velazquez
Lowe	Sandoz	Vesich
McDaniel	Shannon	Vick
Martin	Singletery	Warren
Mauberret	Slay	Wattigny
Maybe	Smith	Weiss
Miller	Soniat	Willis
Mire	Stagg	Winchester
Morris	Stephenson	Wisham
Newton	Stinson	Zervigon
Total—111.		

ABSENT

Delegates—		
Aertker	Gravel	Rayburn
Blair	Kean	Schmitt
Bollinger	Lambert	Segura
Brown	Leigh	Tapper
Fayard	Munson	Wall
Fontenot	O'Neill	Womack
Giarrusso	Pugh	
Total—20.		

And the Chairman announced that there were 111 members present and a quorum.

On request of Delegate J. Jackson a division of the question was ordered.

Delegate Flory moved the adoption of Amendment No. 1.

Delegate Hernandez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Goldman	Rachal
Alexander	Graham	Reeves
Avant	Guarisco	Roy
Bel	Hayes	Shannon
Brien	Haynes	Singletery
Burson	Jackson, A.	Slay
Cannon	Jackson, J.	Soniat
Carmouche	Kelly	Stephenson
Chehardy	Kilpatrick	Stovall
Comar	Landrum	Tate
Conino	Landry, E. J.	Thompson
Cowen	Leithman	Toca
D'Gerolamo	Lowe	Velazquez
Deshotels	Martin	Vesich
Dunlap	Mauberret	Vick
Edwards	Maybe	Warren
Flory	Mire	Wattigny
Fowler	Morris	Wisham
Gauthier	Newton	
Ginn	Ourso	
Total—58.		

NAYS

Delegates—		
Abraham	Champagne	Drew
Anzalone	Chatelain	Duval
Arnette	Conroy	Elkins
Asseff	Corne	Fontenot
Badeaux	De Blieux	Fulco
Bergeron	Dennery	Grier
Burns	Dennis	Hardee
Casey	Derbes	Heine

Hernandez	Nunez	Stinson
Jack	O'Neill	Sutherland
Jenkins	Perez	Thistlethwaite
Juneau	Perkins	Tobias
Kilbourne	Planchard	Toomy
Landry, A.	Riecke	Ullo
Lanier	Roemer	Weiss
LeBleu	Sandoz	Willis
McDaniel	Smith	Winchester
Miller	Stagg	Zervigon
Total—54.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Schmitt
Aertker	Kean	Segura
Blair	Lambert	Tapper
Bollinger	Leigh	Wall
Brown	Munson	Womack
Fayard	Pugh	
Giarrusso	Rayburn	
Total—19.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Jenkins objected to tabling the motion to reconsider.

By a vote of 51 yeas and 59 nays the Convention refused to table the motion to reconsider.

Delegate Flory moved the adoption of Amendment No. 2.

Delegate Hernandez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Ourso
Avant	Goldman	Rachal
Bergeron	Graham	Reeves
Brien	Guarisco	Roy
Burson	Hayes	Shannon
Cannon	Haynes	Singletery
Carmouche	Jackson, A.	Slay
Chehardy	Jackson, J.	Soniat
Comar	Kelly	Stephenson
Conino	Kilpatrick	Stovall
Cowen	Landrum	Tate
D'Gerolamo	Landry, E. J.	Thompson
De Blieux	Leithman	Toca
Deshotels	Martin	Toomy
Dunlap	Mauberret	Velazquez
Edwards	Maybe	Vesich
Flory	Mire	Vick
Fowler	Morris	Warren
Fulco	Newton	Wattigny
Gauthier	O'Neill	Wisham
Total—60.		

NAYS

Delegates—		
Abraham	Duval	Nunez
Alexander	Elkins	Perez
Anzalone	Fayard	Perkins
Arnette	Fontenot	Planchard
Asseff	Grier	Riecke
Badeaux	Hardee	Roemer
Bel	Heine	Sandoz
Bollinger	Hernandez	Smith
Burns	Jack	Stagg
Casey	Jenkins	Stinson
Champagne	Juneau	Sutherland
Chatelain	Kilbourne	Thistlethwaite
Conroy	Landry, A.	Tobias
Corne	Lanier	Ullo
Dennery	LeBleu	Weiss
Dennis	Lowe	Willis
Derbes	McDaniel	Winchester
Drew	Miller	Zervigon
Total—54.		

NOT VOTING

Delegates— Mr. Chairman Aertker Blair Brown Giarrusso Gravel Total—17.	Kean Lambert Leigh Munson Pugh Rayburn	Schmitt Segura Tapper Wall Womack
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And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Jenkins objected to tabling the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Alario Alexander Avant Bergeron Brien Burson Cannon Carmouche Chehardy Comar Conino Cowen D'Gerolamo Dunlap Edwards Flory Fowler Fulco Gauthier Total—55.	Ginn Goldman Graham Guarisco Hayes Haynes Jackson, A. Jackson, J. Kelly Kilpatrick Landrum Landry, E. J. Leithman Martin Mauberrret Maybuce Mire Morris	Ourso Rachal Reeves Roy Shannon Singletary Slay Sniat Stephenson Tate Thompson Toca Toomy Vesich Vick Warren Wattigny Wisham
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NAYS

Delegates— Abraham Anzalone Arnette Asseff Badeaux Bel Bollinger Burns Casey Champagne Chatelain Conroy Corne De Blieux Dennery Dennis Derbes Deshotels Drew Duval Total—58.	Elkins Fontenot Grier Hardee Heine Hernandez Jack Jenkins Juneau Kilbourne Landry, A. Lanier LeBleu Lowe McDaniel Miller Newton Nunez O'Neill	Perez Perkins Planchard Riecke Roemer Sandoz Smith Stagg Stinson Stovall Sutherland Thistlethwaite Tobias Ullo Willis Winchester Zervigon
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NOT VOTING

Delegates— Mr. Chairman Aertker Blair Brown Fayard Giarrusso Total—18.	Gravel Kean Lambert Leigh Munson Pugh	Rayburn Schmitt Segura Tapper Wall Womack
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And the Convention refused to table the motion to reconsider.

Delegate Flory moved the adoption of Amendment No. 3.

Delegate Hernandez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Alario Avant Bergeron Bollinger Brien Burson Cannon Carmouche Chehardy Comar Conino Cowen D'Gerolamo De Blieux Deshotels Drew Dunlap Duval Edwards Fayard Flory Fowler Total—64.	Fulco Gauthier Ginn Goldman Graham Guarisco Hayes Haynes Jackson, A. Kelly Kilpatrick Landry, A. Landry, E. J. Lanier Leithman Martin Mauberrret Maybuce Mire Newton Nunez	Ourso Rachal Reeves Roy Shannon Singletary Slay Sniat Stephenson Stovall Tate Thompson Toca Toomy Velazquez Vesich Vick Warren Wattigny Weiss Wisham
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NAYS

Delegates— Abraham Alexander Anzalone Arnette Asseff Badeaux Bel Burns Casey Champagne Chatelain Conroy Corne Dennery Dennis Derbes Elkins Total—49.	Fontenot Grier Hardee Heine Hernandez Jack Jackson, J. Jenkins Juneau Kilbourne Landrum LeBleu Lowe McDaniel Miller O'Neill	Perez Perkins Planchard Riecke Roemer Sandoz Smith Stagg Stinson Sutherland Thistlethwaite Tobias Ullo Willis Winchester Zervigon
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NOT VOTING

Delegates— Mr. Chairman Aertker Blair Brown Giarrusso Gravel Total—18.	Kean Lambert Leigh Morris Munson Pugh	Rayburn Schmitt Segura Tapper Wall Womack
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And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Jenkins objected to tabling the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PAGE 8

93rd Days Proceedings—December 6, 1973

YEAS		
Delegates—		
Alario	Gauthier	Rachal
Avant	Ginn	Reeves
Bergeron	Goldman	Roy
Brien	Graham	Shannon
Burson	Guarisco	Singletary
Cannon	Hayes	Slay
Carmouche	Haynes	Soniat
Chehardy	Jackson, A.	Stephenson
Comar	Kilpatrick	Stovall
Conino	Landry, E. J.	Tate
Cowen	Leithman	Thompson
D'Gerolamo	Martin	Toca
De Blieux	Mauberret	Toomy
Dunlap	Mayeuce	Vesich
Edwards	Mire	Vick
Fayard	Morris	Warren
Flory	Newton	Wattigny
Fowler	Nunez	Weiss
Fulco	Ourso	Wisham
Total—57.		

NAYS		
Delegates—		
Mr. Chairman	Duval	Miller
Abraham	Elkins	O'Neill
Alexander	Fontenot	Perez
Anzalone	Grier	Perkins
Arnette	Hardee	Planchard
Asseff	Heine	Riecke
Badeaux	Hernandez	Roemer
Bel	Jack	Sandoz
Bollinger	Jackson, J.	Smith
Burns	Jenkins	Stagg
Casey	Juneau	Stinson
Champagne	Kelly	Sutherland
Chatelain	Kilbourne	Thistlethwaite
Conroy	Landrum	Tobias
Corne	Landry, A.	Ullo
Dennery	Lanier	Velazquez
Dennis	LeBlieu	Willis
Derbes	Lowe	Winchester
Deshotels	McDaniel	Zervigon
Drew		
Total—58.		

NOT VOTING		
Delegates—		
Aertker	Lambert	Schmitt
Blair	Leigh	Segura
Brown	Munson	Tapper
Giarrusso	Pugh	Wall
Gravel	Rayburn	Womack
Kean		
Total—16.		

And the Convention refused to table the motion to reconsider.

Motion

Delegate Jenkins moved to reconsider the vote by which Amendment No. 1 to Committee Proposal No. 9, was passed. Delegate Flory objected.

As a substitute Delegate Smith moved that the vote by which Amendment No. 1 was adopted be deferred until the next Convention day.

Delegate Duval moved the previous question on the reconsideration.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Badeaux	Jack	Slay
Conroy	Jackson, A.	Smith
Duval	Landrum	Soniat
Fulco	LeBlieu	Stinson
Hardee	Miller	Sutherland
Heine	Shannon	Tobias
Hernandez		
Total—19.		

NAYS		
Delegates—		
Abraham	Elkins	O'Neill
Alario	Fayard	Ourso
Alexander	Flory	Perez
Anzalone	Fontenot	Perkins
Arnette	Fowler	Planchard
Asseff	Gauthier	Rachal
Avant	Ginn	Reeves
Bel	Goldman	Riecke
Bergeron	Graham	Roemer
Bollinger	Grier	Roy
Brien	Guarisco	Sandoz
Burns	Hayes	Schmitt
Burson	Haynes	Singletary
Cannon	Jackson, J.	Stephenson
Carmouche	Jenkins	Stovall
Casey	Juneau	Tate
Champagne	Kelly	Thompson
Chatelain	Kilbourne	Toca
Chehardy	Kilpatrick	Toomy
Comar	Landry, A.	Ullo
Conino	Landry, E. J.	Velazquez
Corne	Lanier	Vesich
Cowen	Lowe	Vick
D'Gerolamo	McDaniel	Warren
De Blieux	Martin	Wattigny
Dennery	Mauberret	Weiss
Dennis	Mayeuce	Willis
Deshotels	Mire	Winchester
Drew	Munson	Wisham
Dunlap	Newton	Zervigon
Edwards	Nunez	
Total—92.		

NOT VOTING		
Delegates—		
Mr. Chairman	Kean	Segura
Aertker	Lambert	Stagg
Blair	Leigh	Tapper
Brown	Leithman	Thistlethwaite
Derbes	Morris	Wall
Giarrusso	Pugh	Womack
Gravel	Rayburn	
Total—20.		

And the Convention refused to order the previous question at this time.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Asseff	Fayard	Lanier
Bollinger	Fontenot	McDaniel
Carmouche	Fulco	Smith
Champagne	Grier	Stovall
De Blieux	Heine	Sutherland
Dennis	Hernandez	Tate
Derbes	Jack	Thistlethwaite
Deshotels	Kelly	Ullo
Drew	Kilpatrick	Velazquez
Duval	Landrum	Winchester
Elkins	Landry, A.	
Total—32.		

NAYS		
Delegates—		
Abraham	Alexander	Arnette
Alario	Anzalone	Avant

PAGE 9

93rd Days Proceedings—December 6, 1973

Badeaux	Hardee	Reeves
Bel	Hayes	Riecke
Bergeron	Haynes	Roemer
Brien	Jackson, A.	Roy
Burns	Jackson, J.	Sandoz
Burson	Jenkins	Schmitt
Cannon	Juneau	Shannon
Casey	Kilbourne	Singletary
Chatelain	Landry, E. J.	Slay
Chehardy	LeBleu	Soniat
Comar	Leithman	Stagg
Conino	Lowe	Stephenson
Conroy	Mauberet	Stinson
Corne	Maybuce	Thompson
Cowen	Miller	Tobias
D'Gerolamo	Mire	Toca
Dennery	Morris	Toomy
Dunlap	Munson	Vesich
Edwards	Newton	Vick
Flory	Nunez	Warren
Fowler	O'Neill	Wattigny
Gauthier	Ourso	Weiss
Ginn	Perez	Willis
Goldman	Perkins	Wisham
Graham	Planchard	Zervigon
Guarisco	Rachal	
Total—83.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Rayburn
Aertker	Lambert	Segura
Blair	Leigh	Tapper
Brown	Martin	Wall
Giarrusso	Pugh	Womack
Gravel		
Total—16.		

And the Convention refused to defer the reconsideration of the vote by which Amendment No. 1 to Committee Proposal No. 9, was adopted.

Delegate Jenkins insisted upon the original motion to reconsider the vote by which Amendment No. 1 to Committee Proposal No. 9, was adopted.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fayard	Perez
Abraham	Fulco	Perkins
Anzalone	Goldman	Planchard
Arnette	Grier	Riecke
Asseff	Hardee	Roemer
Badeaux	Heine	Sandoz
Bel	Hernandez	Smith
Bergeron	Jack	Stagg
Bollinger	Jackson, J.	Stinson
Burns	Jenkins	Stovall
Casey	Juneau	Sutherland
Champagne	Kilbourne	Thistlethwaite
Chatelain	Landry, A.	Tobias
Conroy	Lanier	Toomy
Corne	LeBleu	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Weiss
Dennis	Miller	Willis
Derbes	Nunez	Winchester
Drew	O'Neill	Zervigon
Duval		
Elkins		
Total—61.		

NAYS

Delegates—	Alexander	Avant
Alario		

Brien	Guarisco	Roy
Burson	Hayes	Schmitt
Cannon	Haynes	Shannon
Carmouche	Jackson, A.	Singletary
Chehardy	Kelly	Slay
Comar	Kilpatrick	Soniat
Conino	Landrum	Stephenson
Cowen	Landry, E. J.	Tapper
D'Gerolamo	Leithman	Tate
Deshotels	Mauberet	Thompson
Dunlap	Maybuce	Toca
Edwards	Mire	Vesich
Flory	Munson	Vick
Fowler	Newton	Warren
Gauthier	Ourso	Wattigny
Ginn	Rachal	Wisham
Graham	Reeves	
Total—53.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Pugh
Aertker	Kean	Rayburn
Blair	Lambert	Segura
Brown	Leigh	Wall
Fontenot	Martin	Womack
Giarrusso	Morris	
Total—17.		

And the vote by which Amendment No. 1 was adopted was reconsidered.

Motion

Delegate Flory moved to reconsider the vote by which Amendment No. 2 was adopted.

Delegate Toomy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fayard	Perkins
Abraham	Goldman	Planchard
Anzalone	Grier	Riecke
Arnette	Asseff	Roemer
Asseff	Hardee	Sandoz
Badeaux	Heine	Sandoz
Bel	Hernandez	Smith
Bollinger	Jenkins	Stagg
Burns	Juneau	Stinson
Casey	Kelly	Stovall
Champagne	Kilbourne	Sutherland
Chatelain	Landry, A.	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Dennery	Lowe	Tobias
Dennis	McDaniel	Ullo
Derbes	Miller	Weiss
Drew	Nunez	Willis
Duval	O'Neill	Winchester
Elkins	Perez	Zervigon
Total—57.		

NAYS

Delegates—	Fowler	Mire
Alario	Fulco	Munson
Avant	Gauthier	Newton
Bergeron	Ginn	Ourso
Brien	Graham	Rachal
Burson	Guarisco	Reeves
Cannon	Hayes	Roy
Carmouche	Haynes	Schmitt
Chehardy	Jack	Shannon
Comar	Jack	Singletary
Conino	Jackson, A.	Slay
Cowen	Jackson, J.	Soniat
D'Gerolamo	Kilpatrick	Stephenson
De Blieux	Landrum	Tapper
Deshotels	Landry, E. J.	Toca
Dunlap	Leithman	Toomy
Edwards	Mauberet	Velazquez
Flory	Maybuce	

Vesich	Warren	Wisham
Vick	Wattigny	
Total—56.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Morris
Aertker	Gravel	Pugh
Alexander	Kean	Rayburn
Blair	Lambert	Segura
Brown	Leigh	Wall
Fontenot	Martin	Womack
Total—19.		

And the vote by which Amendment No. 2 was adopted was reconsidered,

Motion

Delegate Flory moved to reconsider the vote by which Amendment No. 3 was adopted.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Perkins
Anzalone	Grier	Planchar
Arnette	Hardee	Riecke
Asseff	Heine	Roemer
Badeaux	Hernandez	Sandoz
Bel	Jackson, J.	Smith
Burns	Jenkins	Stagg
Casey	Juneau	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Conroy	Landrum	Tate
Corne	LeBleu	Thistlethwaite
Dennery	Lowe	Tobias
Dennis	McDaniel	Ullo
Derbes	Miller	Weiss
Drew	Nunez	Willis
Elkins	O'Neill	Winchester
Fontenot	Perez	Zervigon
Total—54.		

NAYS

Delegates—		
Alario	Fowler	Ourso
Alexander	Fulco	Rachal
Avant	Gauthier	Reeves
Bergeron	Ginn	Roy
Bollinger	Graham	Schmitt
Brien	Guarisco	Shannon
Burson	Hayes	Singletary
Cannon	Haynes	Slay
Carmouche	Jack	Soniat
Chehardy	Jackson, A.	Stephenson
Comar	Kilpatrick	Tapper
Conino	Landry, A.	Thompson
Cowen	Landry, E. J.	Toca
D'Gerolamo	Lanier	Toomy
De Blieux	Leithman	Velazquez
Deshotels	Maubret	Vesich
Dunlap	Maybuce	Vick
Duval	Mire	Warren
Edwards	Munson	Wattigny
Fayard	Newton	Wisham
Flory		
Total—61.		

NOT VOTING

Delegates—		
Mr. Chairman	Blair	Giarrusso
Aertker	Brown	Gravel

Kean	Morris	Wall
Lambert	Pugh	Womack
Leigh	Rayburn	
Martin	Segura	
Total—16.		

And the Convention refused to reconsider the vote by which Amendment No. 3 was adopted.

Reconsideration

And the Chair announced before it the consideration of Amendment No. 1 and No. 2 proposed by Delegate Flory which were taken up and acted upon as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Flory, Rachal, Toca, Haynes, Wisham, A. Jackson, Wattigny, Segura, Graham, Carmouche, Aertker, and E. J. Landry to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, following the word "Service" and before the period "." insert the word "Commission" and delete the remainder of line 14 and delete lines 15 through 28 of page 1 and in lieu thereof substitute the following:

"There is hereby created and established a State Civil Service Commission to be composed of seven members who are citizens and qualified voters of the State of Louisiana. Five members of the Commission shall constitute a quorum. The seven commissioners shall be appointed by the Governor for a term of four years as follows:

The presidents of Louisiana State University and Agricultural and Mechanical College at Baton Rouge, Louisiana; Centenary College at Shreveport, Louisiana; Louisiana College at Pineville, Louisiana; Southern University at Scotlandville, Louisiana; and Xavier University at New Orleans, Louisiana, shall each nominate three persons, and one member of the commission shall be appointed by the Governor from the three persons nominated by each president. Two members of the commission shall be appointed by the governor by his own selection. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governor from nominations made in like manner by the president (or his successor) of that institution who nominated the member whose place is being filled or by the governor on his own selection in case of a gubernatorial appointee. It shall be the duty of the presidents of Xavier University and Southern University to, within thirty days after the effective date of this constitution, make such nominations, and thereafter within thirty days after any vacancy occurs, it shall be the duty of the presidents of each of said institutions to make such nominations. Within thirty days of the expiration of the terms of the members of said commission previously nominated by the presidents of Loyola University and Tulane University and serving at the effective date of this constitution, it shall be the duty of the governor to fill such vacancy by his own selection.

All appointments as hereinabove provided shall be made by the governor without confirmation by the Senate.

AMENDMENT No. 2—

On page 1, line 29, following the word "Service" and before the punctuation "." insert the word "Commission" and delete the remainder of line 29 and on page 1 delete lines 30 through 32 and on page 2, delete line 1 and in lieu thereof substitute the following:

"There is hereby created and established a city civil service commission for each city having a population in excess of 400,000 according to the latest decennial census of the United States. Each such city civil service commission shall be composed of five citizens who are qualified voters of the city in which they serve, three of whom shall constitute a quorum. One member of each city civil service commission shall be appointed by the governing authority of the city by its own selection and one member of such commission shall be elected by the employees of the city in the classified service from their membership. In the city of New Orleans the presidents of Tulane University of Louisiana; Loyola university of the South and Dillard University shall each nominate three persons and one member of the commission shall be appointed by the governing authority of the city of New Orleans from the three persons nominated by each president. In other cities subject to the provision

of this section, three members of the commission shall be nominated from any of the three universities named in Section 1 in accordance with the procedure therein provided. The terms of the members of the city civil service commission shall be four years. Within thirty days of the effective date of this constitution, it shall be the duty of the president of Dillard University to make such nominations to the governing body of the city of New Orleans. Within thirty days from the effective date of this constitution an election shall be held within the classified service of the city of New Orleans for the purpose of naming a member of said commission. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governing body, or by election, or by nomination as herein provided in the same manner as the original appointments were made, and it shall be the duty of the governing body to make such appointments or conduct such election and of the said presidents to make such nominations within thirty days after the occurrence of any vacancy.

(3) Coverage, Exclusions, Amendments. Except as may be inconsistent with the provisions of this Article, all of the provisions of Article 14, Section 15, of the constitution of 1921 providing for a system of classified civil service for the state and for cities are hereby retained and continued in force and effect. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend, repeal or otherwise modify any of the provisions of Article XIV, Section 15, of the constitution of 1921, which are continued by this Article or amend, repeal or otherwise modify any provision of this Article except that the legislature may not abolish the system of classified civil service in the state and in the cities of over 400,000 population according to the latest decennial census of the United States nor may it include in the classified civil service system of such cities employees of the fire and police departments, who are hereby expressly excluded from said classified service.

Motion

Delegate Abraham moved to take up other Orders of Business at this time.

Delegate Jenkins objected.

By a vote of 67 yeas and 25 nays, the Convention reverted to other Orders of Business.

Mr. Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

December 6, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wis-ham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII. HUMAN RESOURCES

Section 1. Retirement and Survivor's Benefits

Section 1. (A) Retirement System; Public School Employees. The legislature shall provide for the retirement of teachers and other employees of the public educational system through the establishment of a retirement system or systems for employees of the public educational system. Membership in such retirement system or systems shall be a contractual relationship between the employee and employer, and the state guarantees all benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

(B) Retirement System; State Officers and Employees. The legislature shall enact laws providing for the retirement of officers and employees of the State of Louisiana, its agencies and political subdivisions, including persons employed jointly by state and federal agencies other than the military service, through the establishment of a retirement system or systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between the employee and employer, and the state shall guarantee any benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

(C) Compensation for Surviving Spouses and Children of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as may be defined by law, who suffer death or who suffered death before the effective date of this constitution, but not earlier than July 1, 1972, as a result of injury sustained in the performance of official duties or while engaged in the protection of life or property while on or off duty.

(D) Retirement Systems; Notice of Intention to Propose Amendments or Change; Publication. No proposal to amend or effect any change in existing laws or provisions of the constitution relating to any retirement system in this state shall be introduced into the legislature unless notice of intention to introduce such proposal shall have been published, without cost to the state, in the official state journal on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law or proposal to amend the constitution. Every such bill shall contain a recital that the notice has been given.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Leaves of Absence

Delegate Mire—1 Day.
Delegate Winchester—½ Day.

Adjournment

Mr. Abraham moved that the Convention do now adjourn until Friday, December 7, 1973.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, December 7, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

NINETY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, December 7, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Perkins
Aertker	Gauthier	Planchar
Alario	Ginn	Rachal
Alexander	Goldman	Reeves
Anzalone	Graham	Riecke
Arnette	Grier	Roemer
Asseff	Guarisco	Roy
Avant	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bel	Haynes	Segura
Bergeron	Heine	Shannon
Bollinger	Hernandez	Singletary
Brien	Jack	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Juneau	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Comar	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leithman	Toca
Cowen	Lowe	Toomy
D'Gerolamo	McDaniel	Ullo
De Blieux	Martin	Velazquez
Dennery	Mauberret	Vesich
Dennis	Maybuce	Vick
Deshotels	Miller	Warren
Drew	Mire	Wattigny
Dunlap	Morris	Weiss
Duval	Munson	Willis
Elkins	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Womack
Fontenot	Ourso	Zervigon
Total—120.		

ABSENT

Delegates—		
Blair	Gravel	Pugh
Derbes	Kean	Rayburn
Edwards	Lambert	Wall
Giarrusso	Leigh	
Total—11.		

The Chairman announced that there were 120 members present and a quorum.

Prayer

Prayer was offered by Delegate Smith.

Pledge of Allegiance

Delegate Wisham led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Grier, the reading of the Journal was dispensed with.

On motion of Delegate Grier, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Read.

FLOOR AMENDMENTS

Amendments proposed by Delegates Flory, Rachal, Toca, Haynes, Wisham, A. Jackson, Wattigny, Segura, Graham, Carmouche, Aertker, and E. J. Landry, to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, following the word "Service" and before the period "." insert the word "Commission" and delete the remainder of line 14 and delete lines 15 through 28 of page 1 and in lieu thereof substitute the following:

"There is hereby created and established a State Civil Service Commission to be composed of seven members who are citizens and qualified voters of the State of Louisiana. Five members of the Commission shall constitute a quorum. The seven commissioners shall be appointed by the Governor for a term of four years as follows:

The presidents of Louisiana State University and Agricultural and Mechanical College at Baton Rouge, Louisiana; Centenary College at Shreveport, Louisiana; Louisiana College at Pineville, Louisiana; Southern University at Scottlandville, Louisiana; and Xavier University at New Orleans, Louisiana, shall each nominate three persons, and one member of the commission shall be appointed by the Governor from the three persons nominated by each president. Two members of the commission shall be appointed by the governor by his own selection. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governor from nominations made in like manner by the president (or his successor) of that institution who nominated the member whose place is being filled or by the governor on his own selection in case of a gubernatorial appointee. It shall be the duty of the presidents of Xavier University and Southern University to, within thirty days after the effective date of this constitution, make such nominations, and thereafter within thirty days after any vacancy occurs, it shall be the duty of the presidents of each of said institutions to make such nominations. Within thirty days of the expiration of the terms of the members of said commission previously nominated by the presidents of Loyola University and Tulane University and serving at the effective date of this constitution, it shall be the duty of the governor to fill such vacancy by his own selection.

All appointments as hereinabove provided shall be made by the governor without confirmation by the Senate.

PAGE 2

94th Days Proceedings—December 7, 1973

AMENDMENT No. 2—

On page 1, line 29, following the word "Service" and before the punctuation "." insert the word "Commission" and delete the remainder of line 29 and on page 1 delete lines 30 through 32 and on page 2, delete line 1 and in lieu thereof substitute the following:

"There is hereby created and established a city civil service commission for each city having a population in excess of 400,000 according to the latest decennial census of the United States. Each such city civil service commission shall be composed of five citizens who are qualified voters of the city in which they serve, three of whom shall constitute a quorum. One member of each city civil service commission shall be appointed by the governing authority of the city by its own selection and one member of such commission shall be elected by the employees of the city in the classified service from their membership. In the city of New Orleans the presidents of Tulane University of Louisiana; Loyola university of the South and Dillard University shall each nominate three persons and one member of the commission shall be appointed by the governing authority of the city of New Orleans from the three persons nominated by each president. In other cities subject to the provision of this section, three members of the commission shall be nominated from any of the three universities named in Section 1 in accordance with the procedure therein provided. The terms of the members of the city civil service commission shall be four years. Within thirty days of the effective date of this constitution, it shall be the duty of the president of Dillard University to make such nominations to the governing body of the city of New Orleans. Within thirty days from the effective date of this constitution an election shall be held within the classified service of the city of New Orleans for the purpose of naming a member of said commission. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governing body, or by election, or by nomination as herein provided in the same manner as the original appointments were made, and it shall be the duty of the governing body to make such appointments or conduct such election and of the said presidents to make such nominations within thirty days after the occurrence of any vacancy.

(3) Coverage, Exclusions, Amendments. Except as may be inconsistent with the provisions of this Article, all of the provisions of Article 14, Section 15, of the constitution of 1921 providing for a system of classified civil service for the state and for cities are hereby retained and continued in force and effect. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend, repeal or otherwise modify any of the provisions of Article XIV, Section 15, of the constitution of 1921, which are continued by this Article or amend, repeal or otherwise modified any provision of this Article except that the legislature may not abolish the system of classified civil service in the state and in the cities of over 400,000 population according to the latest decennial census of the United States nor may it include in the classified civil service system of such cities employees of the fire and police departments, who are hereby expressly excluded from said classified service.

Read.

The Chairman announced that the Convention had under consideration the amendments to Committee Proposal No. 9 when it adjourned on Thursday, December 6, 1973, which were taken up on reconsideration and acted upon as follows:

On request of Delegate Flory a division of the question was ordered.

Delegate Flory moved the adoption of Amendment No. 1.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Alexander
Avant
Brown
Burson
Carmouche
Chehardy
Comar
D'Gerolamo
Dunlap
Flory
Fowler
Gauthier
Graham
Guarisco
Hayes

Total—46.

Haynes
Jackson, A.
Jackson, J.
Kelly
Kilpatrick
Landrum
Landry, E. J.
Lowe
Mauberrret
Maybuce
Mire
Munson
Newton
Rachal
Reeves

Roy
Schmitt
Segura
Shannon
Slay
Soniati
Stovall
Tate
Toca
Velazquez
Vick
Warren
Wattigny
Wisham
Womack

NAYS

Delegates—

Abraham
Anzalone
Arnette
Asseff
Badeaux
Bel
Bergeron
Bollinger
Brien
Burns
Casey
Champagne
Chatelain
Conino
Conroy
Come
Cowen
De Blieux
Dennery
Dennis
Deshotels

Total—61.

Drew
Duval
Elkins
Fayard
Fontenot
Fulco
Goldman
Grier
Hardee
Heine
Hernandez
Jack
Jenkins
Juneau
Kilbourne
Landry, A.
Lanier
LeBleu
McDaniel
Miller

Nunez
O'Neill
Perez
Perkins
Planchard
Riecke
Roemer
Sandoz
Singletary
Smith
Stagg
Stinson
Sutherland
Tobias
Toomy
Ullo
Weiss
Willis
Winchester
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Aertker
Blair
Cannon
Derbes
Edwards
Giarrusso
Ginn

Total—24.

Gravel
Kean
Lambert
Leigh
Leithman
Martin
Morris
Ourso

Pugh
Rayburn
Stephenson
Tapper
Thistlethwaite
Thompson
Vesich
Wall

And the amendment was rejected.

Delegate Dennery moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory moved the adoption of Amendment No. 2.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Avant
Bergeron
Burson
Chehardy
Comar
Cowen
D'Gerolamo
De Blieux
Dunlap
Fayard

Flory
Fowler
Fulco
Gauthier
Goldman
Graham
Guarisco
Hayes
Haynes
Jack
Jackson, A.

Kilpatrick
Landry, E. J.
Mauberrret
Maybuce
Mire
Munson
Nunez
O'Neill
Rachal
Reeves
Roemer

Roy	Soniat	Vick
Schmitt	Stovall	Warren
Segura	Tate	Wattigny
Shannon	Toca	Wisham
Slay	Toomy	Womack
Total—48.		

NAYS

Delegates—		
Abraham	Drew	Miller
Alexander	Duval	Newton
Anzalone	Elkins	Perez
Arnette	Fontenot	Perkins
Asseff	Ginn	Planchard
Badeaux	Grier	Riecke
Bel	Hardee	Sandoz
Bollinger	Heine	Singletary
Brien	Hernandez	Smith
Burns	Jackson, J.	Stagg
Carmouche	Jenkins	Stinson
Casey	Juneau	Sutherland
Champagne	Kelly	Tobias
Chatelain	Kilbourne	Ullo
Conino	Landrum	Velazquez
Conroy	Landry, A.	Weiss
Corne	Lanier	Willis
Dennery	LeBleu	Winchester
Dennis	Lowe	Zervigon
Deshotels	McDaniel	
Total—59.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Pugh
Aertker	Kean	Rayburn
Blair	Lambert	Stephenson
Brown	Leigh	Tapper
Cannon	Leithman	Thistlethwaite
Derbes	Martin	Thompson
Edwards	Morris	Veslch
Giarrusso	Ourso	Wall
Total—24.		

And the amendment was rejected.

Delegate Dennery moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Dennery to Committee Proposal No. 9 by Delegate Aertker, et al.

FLOOR AMENDMENT

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 32, both inclusive, in their entirety and delete lines 1 through 32 on pages 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, both inclusive, in their entirety and on page 17 delete lines 1 through 2, both inclusive, in their entirety and in lieu thereof insert the following:

(1) State Civil Service. The state civil service includes all offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state and federal, parochial, or municipal agency, except municipal boards of health and local governmental subdivisions, irrespective of what funds are used to pay for such employment.

(2) City Civil Service. The city civil service includes all offices and positions of trust or employment in the employ of each city in the state with over two hundred fifty thousand population, and every instrumentality thereof.

(B) Classified and Unclassified Service. The state and city civil service is divided 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, commission, or authority mentioned in (1), (2), (4), or (5) above, except civil service department; (7) members of the military or naval forces; (8) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state and bona fide students of such institutions employed by any state, parochial, or municipal agency; (9) employees, deputies, and administrative officers of the legislature, of the offices of the governor, lieutenant governor, each mayor and city attorney of the several cities, of police juries, of school boards, of assessors, of all offices provided for in Article V of this Constitution except the offices of clerk of the municipal and traffic courts in New Orleans, of coroners; (10) commissioners of elections, and watchers; custodians and deputy custodians of voting machines.

Additional positions may be added and revoked by rules adopted by a commission.

(C) State Civil Service Commission; Appointment; Nomination. There shall be a State Civil Service Commission, domiciled in Baton Rouge, composed of seven members who are electors of this state, four of whom constitute a quorum.

(1) Appointment. The members shall be appointed by the governor, as hereinafter provided, for terms of six years.

(2) Nominations. The presidents of Centenary College, Dillard University, Louisiana College, Loyola University of the South, St. Mary's Dominican College, Tulane University of Louisiana at New Orleans, and Xavier University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons. One member of the commission shall be appointed by the governor from the three persons nominated by each president. A vacancy for any cause shall be filled by appointment in accordance with the procedure governing the original appointment, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission.

(D) City Civil Service Commission; Appointment; Nomination; Vacancies. There shall be a city civil service commission in each city having a population exceeding two hundred fifty thousand. Each commission shall be composed of three members, who are qualified electors of the city, two of whom constitute a quorum. The members shall serve terms of six years as hereinafter provided. The domicile of each commission shall be in the city which it serves.

(1) New Orleans; Nomination and Appointment. In the city of New Orleans, the presidents of Dillard University, Loyola University of the South, and Tulane University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(2) Other Cities; Nomination and Appointment. In other cities subject to the provisions of this Section, the presidents of three of the universities listed in Paragraph (C) (2), which three universities shall be selected by the governing authority of the respective city, each shall nominate three persons, after giving due consideration to representation of all groups, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission.

(E) Removal. A member of the state or of a city civil

service commission may be removed by the governor or the governing authority for cause after being served with written specifications of the charges against him, and an opportunity for a public hearing thereon is afforded by his appointing authority.

(F) Department of Civil Service; Directors.

(F) (1) State Department. There shall be a Department of State Civil Service in the executive branch of the state government.

(2) City Departments. There shall be a department of city civil service in each city having a population exceeding two hundred fifty thousand.

(3) Directors. Each commission shall appoint a director, after competitive examination, who shall be the administrative head of his department, and who shall be in the classified service. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.

(G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department of civil service under a general system based upon merit, efficiency, and fitness, as ascertained by examination which, so far as practical, shall be competitive. 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 certification of persons eligible for appointment, promotion, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments where certification is not required.

(H) Disciplinary Actions; Appeals. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing; and no classified employee shall be discriminated against by reason of his political or religious beliefs, sex, or race. Any classified employee subjected to such disciplinary action or so discriminated against shall have the right of appeal to the appropriate commission.

The burden of proof on appeal, as to the facts, shall be on the employee.

(I) Prohibitions Against Political Activities. (1) No member of any civil service commission and no officer or employee in the classified service shall participate or engage in political activity; or be a candidate for nomination or election to public office; or be a member of any national, state, or local committee of a political party or faction; or make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, or candidate or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of such classified employee.

(J) Rules; Investigations; Wages and Hours. (1) Rules. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including but not limited to the adoption of rules for the regulation of employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, and all other personnel matters and transactions, the adoption of a uniform pay and classification plan, employment conditions, employee training and safety, compensation and disbursements to employees, and generally to carry out and effectuate the objectives and purposes of the merit system of civil service as herein established.

Each commission shall adopt rules providing for preference in original appointment, layoffs and reinstatements for veterans of the armed forces of the United States who have been honorably discharged or separated from such services or persons who served in said armed forces, as defined by general law, and may adopt rules providing for other veterans' preferences.

Rules adopted pursuant hereto shall have the effect of law. Each commission may impose penalties for violation of its rules by demotion in, or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission is authorized to investigate violations of the provisions of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall become effective and shall have the effect of law only after approval by the governor or the appropriate governing authority.

(K) Penalties. Any person willfully violates any provision of this Section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be final on the facts, but shall be subject to review on any question of law upon appeal to the court of appeal wherein such commission is located, upon application filed with such commission within thirty calendar days after its decision becomes final.

(M) Appropriations. (1) State. Beginning with the regular session then convenes in the year 1975, and at each regular session thereafter, the legislature shall appropriate to the State Civil Service Commission and to the Department of State Civil Service for the succeeding fiscal year a sum equal to not less than seven-tenths of one percent of the aggregate payroll of the state classified service for the twelve-month period ending on the first day of March preceding the next regular session as certified by the State Civil Service Commission.

(2) Cities. Each city subject to the provisions of this Section shall make adequate annual appropriations to enable its civil service commission and department to carry out efficiently and effectively the provisions of this Section.

(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly. Any city having a population exceeding ten thousand but not exceeding two hundred fifty thousand, and any parish, or any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the last preceding decennial federal census for which the final report of population returns have been reported to the president of the United States, may elect to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be upon (1) the adoption of an ordinance by the governing body thereof calling for such elections; or (2) the presentation to such governing body of a petition signed by qualified electors equal in number to five percent of the qualified registered voters of the city, the parish, or the city-parish, as the case may be, calling for such election.

If a majority of the votes cast in such election are in favor of the adoption of the provisions of this Section, all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city, parish, or city-parish. In such instance, all officers and employees of the city, the parish, or the city-parish, or any other subdivision of the state, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain such status and shall thereafter be subject to and governed by the provisions of this Section and the rules and regulations adopted under the authority of this Section. If a majority of the votes cast in such election are against the adoption of the provisions of this Section, the question of adopting the provisions of this Section shall not be resubmitted to the voters of the city, the parish, or the city-parish, as the case may be, within one year thereafter.

(O) City, Parish Civil Service System; Creation. Nothing in this Section shall prevent the establishment by the legislature, or by the respective local governing body, in one or more parishes, of a civil service system applicable to any or all parish employees, including those hereinabove exempted from the state classified service, or the establishment by the legislature, or by the respective local governing

PAGE 5

94th Days Proceedings—December 7, 1973

body, of a civil service system in one or more cities having a population of less than two hundred fifty thousand, in any manner now or hereafter provided by law.

Delegate Kelly moved that the amendment be tabled.

Delegate Chatelain objected.

As a substitute Delegate Guarisco moved that the Convention adjourn until Saturday, December 8, 1973 at 9:00 o'clock A.M.

The vote recurred on the substitute.

By a vote of 46 yeas and 47 nays the Convention refused to adjourn until Saturday, December 8, 1973, at 9:00 o'clock A.M.

Delegate Kelly insisted upon his motion to table the amendments.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Hayes	O'Neill
Avant	Jack	Reeves
Brien	Jackson, A.	Segura
Cannon	Kelly	Slay
Chehardy	Kilpatrick	Sonlat
D'Gerolamo	Landrum	Stovall
Deshotels	Landry, E. J.	Tapper
Dunlap	Mauberrret	Toca
Fayard	Maybuce	Velazquez
Flory	Mire	Vick
Fontenot	Munson	Warren
Graham	Newton	Wattigny
Guarisco	Nunez	Wisham
Total—39.		

NAYS

Delegates—		
Abraham	Champagne	Duval
Alexander	Chatelain	Elkins
Anzalone	Comar	Fulco
Arnette	Conino	Goldman
Asseff	Conroy	Grier
Bel	Corne	Hardee
Bergeron	De Blieux	Hernandez
Burson	Dennery	Jackson, J.
Casey	Drew	Jenkins

Juneau	Planchard	Sutherland
Landry, A.	Rachal	Tate
Lanier	Roemer	Tobias
LeBleu	Sandoz	Toomy
Lowe	Schmitt	Uilo
McDaniel	Singletonary	Weiss
Miller	Smith	Willis
Perez	Stagg	Winchester
Perkins	Stinson	Zervigon
Total—54.		

NOT VOTING

Delegates—		
Mr. Chairman	Gauthier	Ourso
Aertker	Giarrusso	Pugh
Badeaux	Ginn	Rayburn
Blair	Gravel	Riecke
Bollinger	Haynes	Roy
Brown	Heine	Shannon
Burns	Kean	Stephenson
Carmouche	Kilbourne	Thistlethwaite
Cowen	Lambert	Thompson
Dennis	Leigh	Vesich
Derbes	Leithman	Wall
Edwards	Martin	Womack
Fowler	Morris	
Total—38.		

And the Convention refused to table the amendments.

Motion

Delegate Segura moved that the Convention adjourn until Tuesday, December 11, 1973 at 9:30 o'clock A.M.

Delegate Newton objected.

By a viva voce vote the Convention refused to adjourn until Tuesday, December 11, 1973, at 9:30 o'clock A.M.

Leaves of Absence

- Delegate Martin—2 Days.
- Delegate Blair—2 Days.
- Delegate Rayburn—2 Days.
- Delegate Lanier—1 Day.

Adjournment

On motion of Delegate Smith and by standing vote the Convention adjourned until Saturday, December 8, 1973, at 9:00 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Saturday, December 8, 1973, at 9:00 o'clock a.m.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

NINETY-FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, December 8, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Bel Bergeron Bollinger Brien Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne Cowen D'Gerolamo De Blieux Dennery Derbes Deshotels Drew Dunlap Duval Edwards Elkins Total—104.	Flory Fontenot Fulco Gauthier Goldman Graham Grier Guarisco Hardee Hayes Heine Hernandez Jack Jackson, A. Jackson, J. Jenkins Juneau Kelly Kilpatrick Landrum Landry, A. Landry, E. J. Lowe McDaniel Maubertret Maybeuce Miller Mire Morris Munson Newton Nunez O'Neill Ourso Perez	Perkins Planchard Rachal Reeves Riecke Roemer Roy Sandoz Schmitt Segura Shannon Singletary Slay Smith Soniati Stinson Stovall Sutherland Tapper Tate Tobias Toca Toomy Ullo Velazquez Vick Warren Wattigny Weiss Willis Winchester Wisham Womack Zervigon
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ABSENT

Delegates— Badeaux Blair Brown Burns Dennis Fayard Fowler Giarrusso Ginn Total—27.	Gravel Haynes Kean Kilbourne Lambert Lanier LeBleu Leigh Leithman	Martin Pugh Rayburn Stagg Stephenson Thistlethwaite Thompson Vesich Wall
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The Chairman announced that there were 104 members
present and a quorum.

Prayer

Prayer was offered by Delegate Alexander.

Pledge of Allegiance

Delegate Chatelain led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Tobias, the reading of the Journal
was dispensed with.

On motion of Delegate Tobias, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare, and Delegates
Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry,
Robinson, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for
state and city civil service.

Read.

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee
Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 32, both inclusive, in
their entirety and delete lines 1 through 32 on pages 2, 3,
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, both inclusive, in their
entirety and on page 17 delete lines 1 through 2, both in-
clusive, in their entirety and in lieu thereof insert the fol-
lowing:

"(1) State Civil Service. The state civil service includes
all offices and positions of trust or employment in the em-
ploy of the state, or any instrumentality thereof, or any
joint state and federal, parochial, or municipal agency, except
municipal boards of health and local governmental subdivi-
sions, irrespective of what funds are used to pay for such
employment.

(2) City Civil Service. The city civil service includes all
offices and positions of trust or employment in the employ
of each city in the state with over two hundred fifty thou-
sand population, and every instrumentality thereof.

(B) Classified and Unclassified Service. The state and city
civil service is divided 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 ap-
pointed by the governor, the mayor, or the governing au-
thority of a city; (3) city attorneys; (4) registrars of voters;
(5) members of state and city boards, authorities, and com-
missions; (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, commission, or authority mentioned in (1), (2), (4), or
(5) above, except civil service departments; (7) members of
the military or naval forces; (8) teaching and professional
staffs, and administrative officers of schools, colleges, and
universities of the state and bona fide students of such in-
stitutions employed by any state, parochial, or municipal
agency; (9) employees, deputies, and administrative officers

of the legislature, of the offices of the governor, lieutenant governor, each mayor and city attorney of the several cities, of police juries, of school boards, of assessors, of all offices provided for in Article V of this Constitution except the offices of clerk of the municipal and traffic courts in New Orleans, of coroners; (10) commissioners of elections, and watchers; custodians and deputy custodians of voting machines.

Additional positions may be added and revoked by rules adopted by a commission.

(C) State Civil Service Commission; Appointment; Nomination. There shall be a State Civil Service Commission, domiciled in Baton Rouge, composed of seven members who are electors of this state, four of whom constitute a quorum.

(1) Appointment. The members shall be appointed by the governor, as hereinafter provided, for terms of six years.

(2) Nominations. The presidents of Centenary College, Dillard University, Louisiana College, Loyola University of the South, St. Mary's Dominican College, Tulane University of Louisiana at New Orleans, and Xavier University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons. One member of the commission shall be appointed by the governor from the three persons nominated by each president. A vacancy for any cause shall be filled by appointment in accordance with the procedure governing the original appointment, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission.

(D) City Civil Service Commission; Appointment; Nomination; Vacancies. There shall be a city civil service commission in each city having a population exceeding two hundred fifty thousand. Each commission shall be composed of three members, who are qualified electors of the city, two of whom constitute a quorum. The members shall serve terms of six years as hereinafter provided. The domicile of each commission shall be in the city which it serves.

(1) New Orleans; Nomination and Appointment. In the city of New Orleans, the presidents of Dillard University, Loyola University of the South, and Tulane University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(2) Other Cities; Nomination and Appointment. In other cities subject to the provisions of this Section, the presidents of three of the universities listed in Paragraph (C) (2), which three universities shall be selected by the governing authority of the respective city, each shall nominate three persons, after giving due consideration to representation of all groups, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission.

(E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority for cause after being served with written specifications of the charges against him, and an opportunity for a public hearing thereon is afforded by his appointing authority.

(F) Department of Civil Service; Directors.

(F) (1) State Department. There shall be a Department of State Civil Service in the executive branch of the state government.

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civil service in each city having a population exceeding two hundred fifty thousand.

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(G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department of civil service under a general system based upon merit, efficiency, and fitness, as ascertained by examination which, so far as practical, shall be competitive. 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 certification of persons eligible for appointment, promotion, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments where certification is not required.

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The burden of proof on appeal, as to the facts, shall be on the employee.

(I) Prohibitions Against Political Activities. (1) No member of any civil service commission and no officer or employee in the classified service shall participate or engage in political activity; or be a candidate for nomination or election to public office; or be a member of any national, state, or local committee of a political party or faction; or make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, or candidate or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls and to cast his vote as he desires.

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(J) Rules; Investigations; Wages and Hours. (1) Rules. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including but not limited to the adoption of rules for the regulation of employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, and all other personnel matters and transactions, the adoption of a uniform pay and classification plan, employment conditions, employee training and safety, compensation and disbursements to employees, and generally to carry out and effectuate the objectives and purposes of the merit system of civil service as herein established.

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Rules adopted pursuant hereto shall have the effect of law. Each commission may impose penalties for violation of its rules by demotion in, or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission is authorized to investigate violations of the provisions of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall become effective and shall have the effect of law only after approval by the governor or the appropriate governing authority.

(K) Penalties. Any person who willfully violates any provision of this Section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not

more than five hundred dollars or by imprisonment for not more than six months, or both.

(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be final on the facts, but shall be subject to review on any question of law upon appeal to the court of appeal wherein such commission is located, upon application filed with such commission within thirty calendar days after its decision becomes final.

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(2) Cities. Each city subject to the provisions of this Section shall make adequate annual appropriations to enable its civil service commission and department to carry out efficiently and effectively the provisions of this Section.

(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly. Any city having a population exceeding ten thousand but not exceeding two hundred fifty thousand, and any parish, or any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the last preceding decennial federal census for which the final report of population returns have been reported to the president of the United States, may elect to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be upon (1) the adoption of an ordinance by the governing body thereof calling for such elections; or (2) the presentation to such governing body of a petition signed by qualified electors equal in number to five percent of the qualified registered voters of the city, the parish, or the city-parish, as the case may be, calling for such election.

If a majority of the votes cast in such election are in favor of the adoption of the provisions of this Section, all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city, parish, or city-parish. In such instance, all officers and employees of the city, the parish, or the city-parish, or any other subdivision of the state, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain such status and shall thereafter be subject to and governed by the provisions of this Section and the rules and regulations adopted under the authority of this Section. If a majority of the votes cast in such election are against the adoption of the provisions of this Section, the question of adopting the provisions of this Section shall not be resubmitted to the voters of the city, the parish, or the city-parish, as the case may be, within one year thereafter.

(O) City, Parish Civil Service System; Creation. Nothing in this Section shall prevent the establishment by the legislature, or by the respective local governing body, in one or more parishes, of a civil service system applicable to any or all parish employees, including those hereinabove exempted from the state classified service, or the establishment by the legislature, or by the respective local governing body, of a civil service system in one or more cities having a population of less than two hundred fifty thousand, in any manner now or hereafter provided by law.

The Chairman announced that the Convention had under consideration the above amendments to Committee Proposal

No. 9, when it adjourned on Friday, December 7, 1973, which were taken up and acted upon as follows:

Motion

Delegate Smith moved the previous question on the amendment.

Delegate Flory objected.

By a vote of 54 yeas and 33 nays the previous question was ordered.

Delegate Dennery moved the adoption of the amendments.

Delegate Tapper objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Duval	Perkins
Alexander	Elkins	Planchard
Alario	Fulco	Rachal
Anzalone	Gauthier	Riecke
Asseff	Goldman	Roemer
Bel	Grier	Sandoz
Bergeron	Hardee	Schmitt
Bollinger	Hernandez	Singletary
Brien	Jack	Smith
Burson	Jackson, A.	Stinson
Cannon	Jackson, J.	Stovall
Casey	Jenkins	Sutherland
Champagne	Juneau	Tate
Chatelain	Landry, A.	Tobias
Comar	Lowe	Toomy
Conino	McDaniel	Ullo
Conroy	Mauberrret	Velazquez
Corne	Miller	Willis
Dennery	Newton	Winchester
Derbes	O'Neill	Womack
Deshotels	Perez	Zervigon
Drew		
Total—64.		

NAYS

Delegates—		
Aertker	Fontenot	Slay
Avant	Graham	Shannon
Carmouche	Hayes	Soniat
Chehardy	Kilpatrick	Tapper
Cowen	Landry, E. J.	Toca
D'Gerolamo	Maybece	Vick
De Blieux	Morris	Warren
Dunlap	Munson	Wattigny
Flory	Reeves	Wisham
Total—27.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Curso
Arnette	Heine	Pugh
Badeaux	Kean	Rayburn
Blair	Kelly	Roy
Brown	Kilbourne	Segura
Burns	Lambert	Stagg
Dennis	Landrum	Stephenson
Edwards	Lanier	Thistlethwaite
Fayard	LeBleu	Thompson
Fowler	Leigh	Vesich
Giarrusso	Leithman	Wall
Ginn	Martin	Weiss
Gravel	Mire	
Guarisco	Nunez	
Total—40.		

And the amendments were adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Miller in the Chair

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, strike out in its entirety Convention Floor Amendment No. 1 proposed by Mr. Dennery and adopted by the Convention on December 8, 1973.

"Section 1. The provisions of Article XIV, Section 15, of the Constitution of 1921, providing for a system of classified civil service for the state and for cities are hereby retained and continued in force and effect. The legislature, upon a favorable vote of two-thirds of the elected membership of each house, may amend or otherwise modify any provision of Article XIV, Section 15, of the Constitution of 1921, except the legislature may not abolish the system of classified civil service."

Delegate De Blieux moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Avant	Graham	Segura
Bollinger	Kilpatrick	Singletary
Brien	Landry, A.	Slay
Chehardy	McDaniel	Tate
D'Gerolamo	Maubret	Toca
De Blieux	Morris	Wattigny
Duval	Munson	Willis
Flory	Newton	Wisham
Fulco		
Total—25.		

NAYS

Delegates—		
Abraham	Elkins	Perkins
Alario	Fontenot	Planchar
Alexander	Goldman	Rachal
Anzalone	Grier	Riecke
Asseff	Guarisco	Roemer
Bel	Hardee	Sandoz
Bergeron	Hayes	Schmitt
Burson	Hernandez	Shannon
Cannon	Jack	Smith
Carmouche	Jackson, A.	Soniat
Casey	Jackson, J.	Stinson
Champagne	Jenkins	Stovall
Chatelain	Juneau	Sutherland
Comar	Kelly	Tapper
Conino	Landrum	Tobias
Conroy	Landry, E. J.	Toomy
Corne	Lowe	Ullo
Cowen	Maybuce	Velazquez
Dennery	Miller	Vick
Derbes	Mire	Weiss
Deshotels	Nunez	Winchester
Drew	O'Neill	Womack
Dunlap	Perez	Zervigon
Total—69.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Kilbourne
Aertker	Fowler	Lambert
Arnette	Gauthier	Lanier
Badeaux	Giarrusso	LeBleu
Blair	Ginn	Leigh
Brown	Gravel	Leithman
Burns	Haynes	Martin
Dennis	Heine	Ourso
Edwards	Kean	Pugh

Rayburn	Stephenson	Wall
Reeves	Thistlethwaite	Warren
Roy	Thompson	
Stagg	Vesich	
Total—37.		

And the amendment was rejected.

Delegate Dennery moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1 of Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, delete line 1 through 7 of the text of said amendment and insert in lieu thereof the following:

"(1) State Civil Service. The state civil service includes all officers and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency or joint state and municipal agency, irrespective of what funds are used to pay for such employment. It shall not include municipal boards of health or local governmental subdivisions."

On motion of Delegate Perez the amendment was withdrawn.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1 of Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, delete line 1 through 7 of the text of said amendment and insert in lieu thereof the following:

"(1) State Civil Service. The state civil service includes all offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency or joint state and municipal agency, irrespective of what funds are used to pay for such employment. It shall not include municipal boards of health or local governmental subdivisions."

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14 in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 1 of said floor amendment at the end of line 10 delete the word "two" and at the beginning of line 11 delete the words "hundred fifty" and insert in lieu thereof the following:

"four hundred"

Delegate Flory moved the adoption of the amendment.

Delegate Chatelain objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fontenot	Perkins
Alexander	Fulco	Planchar
Anzalone	Graham	Riecke
Asseff	Grier	Roemer
Avant	Guarisco	Sandoz
Bel	Jack	Shannon
Bergeron	Jackson, A.	Singletary
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Burson	Juneau	Stinson
Cannon	Kelly	Stovall
Carmouche	Kilpatrick	Sutherland
Champagne	Landrum	Tate
Comar	Landry, A.	Toca
Conino	Landry, E. J.	Toomy
Conroy	Lowe	Uilo
Cowen	McDaniel	Velazquez
D'Gerolamo	Maybuce	Vick
De Blieux	Mire	Warren
Deshotels	Morris	Wattigny
Drew	Newton	Winchester
Dunlap	Nunez	Wisham
Duval	O'Neill	Zervigon
Flory	Perez	
Total—71.		

NAYS

Delegates—		
Abraham	Derbes	Schmitt
Arnette	Hayes	Tobias
Chatelain	Miller	Weiss
Corne	Rachal	Willis
Dennery		
Total—12.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Ourso
Aertker	Gravel	Pugh
Badeaux	Hardee	Rayburn
Blair	Haynes	Reeves
Brown	Heine	Roy
Burns	Hernandez	Segura
Casey	Kean	Slay
Chehardy	Kilbourne	Stagg
Dennis	Lambert	Stephenson
Edwards	Lanier	Tapper
Elkins	LeBleu	Thistlethwaite
Fayard	Leigh	Thompson
Fowler	Leithman	Vesich
Gauthier	Martin	Wall
Giarrusso	Mauberret	Womack
Ginn	Munson	
Total—48.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

FLOOR AMENDMENT

Amendments proposed by Delegates Flory, Jack and Fulco to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 1 of said floor amendment, at the end of

line 12, after the word and punctuation "thereof." change the period "." to a comma "," and add the following: "except paid firemen and municipal policemen, who are hereby expressly excluded."

On motion of Delegate Flory the amendment was withdrawn.

Delegate Kelly sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Kelly and Roemer to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 2, line 23, following the word "of" and before the word "members" delete the word "seven" and insert in lieu thereof the word "five"

AMENDMENT No. 2—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 2, line 24, following the word and punctuation "state," and before the word "of" delete the word "four" and insert in lieu thereof the word "three"

AMENDMENT No. 3—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 2, delete lines 25 and 26, both inclusive, in their entirety, and insert in lieu thereof the following:

"(1) Appointment; Election. Four members shall be appointed by the governor, as hereinafter provided, for terms of six years. One member shall be an employee in the classified service of the state, elected to the commission by classified state employees. The employee member shall serve a term of six years."

AMENDMENT No. 4—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 2, delete lines 28 through 30, both inclusive, in their entirety, and insert in lieu thereof the following:

"Louisiana College, Xavier University of Louisiana, and Louisiana State University and Agricultural and Mechanical College at Baton Rouge,"

Motion

Delegate Dennery moved that the Convention do now adjourn until Tuesday, December 11, 1973, at 9:00 o'clock A.M.

Delegate Kelly objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Drew	Miller
Anzalone	Dunlap	Mire
Arnette	Duval	Ourso
Asseff	Edwards	Riecke
Bel	Graham	Sandoz
Bergeron	Grier	Segura
Bollinger	Guarisco	Singletary
Burson	Jackson, J.	Sutherland
Casey	Jenkins	Tobias
Comar	Juneau	Uilo
Conino	Landrum	Vick
Dennery	Landry, A.	Willis
Derbes	Lowe	
Total—38.		

NAYS

Delegates—		
Abraham	Avant	Cannon
Alario	Brien	Carmouche

Champagne	Jack	Smith
Chehardy	Jackson, A.	Soniat
Conroy	Kelly	Stinson
D'Gerolamo	Landry, E. J.	Tate
De Blieux	Maybuce	Toca
Deshotels	Newton	Toomy
Flory	Nunez	Velazquez
Fontenot	O'Neill	Warren
Fulco	Roemer	Weiss
Goldman	Schmitt	Wisham
Hayes	Shannon	Zervigon
Total—39.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Planchard
Aertker	Heine	Pugh
Badeaux	Hernandez	Rachal
Blair	Kean	Rayburn
Brown	Kilbourne	Reeves
Burns	Kilpatrick	Roy
Chatelain	Lambert	Slay
Corne	Lanier	Stagg
Cowen	LeBleu	Stephenson
Dennis	Leigh	Stovall
Elkins	Leithman	Tapper
Fayard	McDaniel	Thistlethwaite
Fowler	Martin	Thompson
Gauthier	Mauberrert	Vesich
Giarrusso	Morris	Wall
Ginn	Munson	Wattigny
Gravel	Perez	Winchester
Hardee	Perkins	Womack
Total—54.		

And the Convention refused to adjourn until Tuesday, December 11, 1973, at 9:00 o'clock A.M.

Delegate Kelly moved the adoption of the amendment.

Delegate Alexander objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Arnette	Flory	Ourso
Avant	Fontenot	Roemer
Bollinger	Goldman	Schmitt
Carmouche	Grier	Segura
Chehardy	Guarisco	Shannon
D'Gerolamo	Hayes	Tate
De Blieux	Kelly	Thistlethwaite
Deshotels	Landry, E. J.	Toca
Drew	Maybuce	Vick
Duval	Mire	Warren
Edwards	Nunez	Wisham
Total—33.		

NAYS

Delegates—		
Abraham	Brien	Conroy
Alario	Burson	Dennery
Alexander	Cannon	Derbes
Anzalone	Casey	Dunlap
Asseff	Champagne	Fulco
Bel	Comar	Graham
Bergeron	Conino	Jack

Jackson, A.	Newton	Sutherland
Jackson, J.	O'Neill	Tobias
Jenkins	Rachal	Toomy
Juneau	Riecke	Ullo
Landrum	Sandoz	Velazquez
Landry, A.	Singletary	Weiss
Lowe	Smith	Willis
Miller	Soniat	Zervigon
Morris	Stinson	
Total—47.		

NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Perkins
Aertker	Haynes	Planchard
Badeaux	Heine	Pugh
Blair	Hernandez	Rayburn
Brown	Kean	Reeves
Burns	Kilbourne	Roy
Chatelain	Kilpatrick	Slay
Corne	Lambert	Stagg
Cowen	Lanier	Stephenson
Dennis	LeBleu	Stovall
Elkins	Leigh	Tapper
Fayard	Leithman	Thompson
Fowler	McDaniel	Vesich
Gauthier	Martin	Wall
Giarrusso	Mauberrert	Wattigny
Ginn	Munson	Winchester
Gravel	Perez	Womack
Total—51.		

And the amendments were rejected.

Delegate Alexander moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Leaves of Absence

Delegate Fayard—1 Day.
 Delegate Lanier—1 Day.
 Delegate Leithman—1 Day.
 Delegate Weiss—1 Day.
 Delegate Fowler—1 Day.
 Delegate Badeaux—1 Day.
 Delegate Kilbourne—1 Day.
 Delegate Thompson—1 Day.
 Delegate Dennis—1 Day.
 Delegate Vesich—1 Day.
 Delegate Stagg—1 Day.

Motion

Delegate Casey moved that the Convention do now adjourn until Tuesday, December 11, 1973, at 9:00 o'clock A.M.

Delegate Duval objected.

As a substitute Delegate Alexander moved that the Convention adjourn until Tuesday, December 11, 1973, at 10:00 o'clock A.M.

Delegate Duval objected.

Adjournment

By a vote of 50 yeas and 19 nays the Convention adjourned until Tuesday, December 11, 1973, at 10:00 o'clock A.M.

And Vice-Chairman Miller declared the Convention adjourned to Tuesday, December 11, 1973, at 10:00 o'clock.

MOISE W. DENNERY
 Secretary

DAVID R. POYNTER
 Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

NINETY-SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, December 11, 1973, Baton Rouge, La.

The Convention was called to order at 10:00 a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Comar Conino Corne De Blieux Dennery Derbes Drew Dunlap Duval Edwards Fayard Flory Fontenot Fowler Fulco Total—109.	Gauthier Ginn Goldman Graham Gravel Grier Guarisco Hayes Haynes Heine Jack Jackson, A. Jackson, J. Jenkins Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leithman McDaniel Martin Mauberrret Maybuce Miller Mire Morris Munson Newton Nunez	O'Neill Ourso Perez Perkins Planchard Pugh Rachal Rayburn Reeves Riecke Roemer Schmitt Shannon Singletary Slay Smith Soniart Stagg Stephenson Sutherland Tapper Tate Thistlethwaite Tobias Toca Toomy Ullo Velazquez Vick Warren Wattigny Willis Winchester Wisham Womack Zervigon
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ABSENT

Delegates— Blair Chehardy Conroy Cowen D'Gerolamo Dennis Deshotels Elkins Total—22.	Giarrusso Hardee Hernandez Leigh Lowe Roy Sandoz	Segura Stinson Stovall Thompson Vesich Wall Weiss
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The Chairman announced that there were 109 members
present and a quorum.

Prayer

Prayer was offered by Delegate Alexander.

Pledge of Allegiance

Delegate Dennery led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Bel, the reading of the Journal
was dispensed with.

On motion of Delegate Bel, the Journal of yesterday was
adopted.

Morning Hour

Petitions, Memorials and Communications

The following petitions, memorials and communications
were received and read:

Message from Secretary of State

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

December 10, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

Louis M. Jones, #36 Maryland Drive, New Orleans, as
Delegate to the Constitutional Convention of 1973 (represent-
ing Industry), vice Edward N. Lennox, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

Oath of Office

Mr. Louis M. Jones appeared before the bar of the Con-
vention and took the following oaths of office administered
by Honorable David R. Poynter, Clerk of the House of Rep-
resentatives and Chief Clerk of the Constitutional Conven-
tion:

"I hereby solemnly swear that I will support the constitu-
tion and laws of the United States; that I will well and faith-
fully perform all duties as a member of the convention, and
that I will observe and obey the limitation of authority con-
tained in the Act under which this convention has assembled.
So help me God."

* * *

"I, Louis M. Jones, do solemnly swear that I will support
the Constitution and laws of the United States and the Con-
stitution and laws of this State; and I will faithfully and im-
partially discharge and perform all the duties incumbent
upon me as a delegate to the Constitutional Convention, ac-
cording to the best of my ability and understanding. So help
me God."

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare, and Delegates

Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 9, when it adjourned on Saturday, December 8, 1973, which was taken up and acted upon as follows:

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Champagne, Abraham and Chatelain to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Floor Amendment No. 1, proposed by Delegate Dennery and adopted by the convention on December 7, 1973, on page 2 of said amendment, at the end of line 24, immediately after the word and punctuation "quorum," add the following sentence:

"No more than one member shall be from each congressional district."

Delegate Champagne moved the adoption of the amendment.

Delegate Rachal objected.

By a vote of 63 yeas and 33 nays the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hayes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegates Hayes and Chatelain to Committee Proposal No. 9 by Delegates Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 3, line 8, at the end of the line, add the following:

"Should one of the nominating authorities fail to submit nominees in the time required, or should one of the named institutions cease to exist, the governor shall make the appointment to the commission."

On motion of Delegate Hayes the amendment was adopted.

Delegate Hayes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates A. Jackson and Juneau to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, at the beginning of line 28, delete the words "Dillard University" and insert in lieu thereof the words "Southern University"

AMENDMENT No. 2—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, line 29, after the word and punctuation "South," delete the words "St. Mary's Dominican College" and insert in lieu thereof the following:

"Louisiana State University"

Delegate Juneau moved the adoption of the amendment.

Delegate Zervigon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result.

YEAS

Delegates—		
Anzalone	Ginn	Mire
Avant	Guarisco	Rachal
Cannon	Hayes	Reeves
Chatelain	Haynes	Shannon
Comar	Jackson, A.	Soniat
Drew	Juneau	Tate
Duval	Kelly	Velazquez
Flory	Kilpatrick	Vick
Fowler	Landry, E. J.	Warren
Fulco		
Total—28.		

NAYS

Delegates—		
Abraham	Dennery	Nunez
Aertker	Dunlap	O'Neill
Alario	Fontenot	Plancharde
Alexander	Goldman	Pugh
Arnette	Grier	Riecke
Asseff	Heine	Roemer
Badeaux	Jack	Schmitt
Bel	Jenkins	Singletary
Bergeron	Jones	Smith
Bollinger	Kean	Stagg
Brien	Kilbourne	Sutherland
Burns	Landrum	Thistlethwaite
Burson	Landry, A.	Tobias
Carmouche	Lanier	Toca
Casey	Leithman	Toomy
Champagne	Maybuce	Uilo
Conino	Miller	Willis
De Blieux	Morris	Zervigon
Total—54.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Roy
Blair	Hardee	Sandoz
Brown	Hernandez	Segura
Chehardy	Jackson, J.	Slay
Conroy	Lambert	Stephenson
Corne	LeBleu	Stinson
Cowen	Leigh	Stovall
D'Gerolamo	Lowe	Tapper
Dennis	McDaniel	Thompson
Derbes	Martin	Vesich
Deshotels	Mauberret	Wall
Edwards	Munson	Wattigny
Elkins	Newton	Weiss
Fayard	Ourso	Winchester
Gauthier	Perez	Wisham
Giarrusso	Perkins	Womack
Graham	Rayburn	
Total—50.		

And the amendments were rejected.

Delegate Zervigon moved to reconsider the vote by which the amendments were rejected, and on her own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly, Roemer and A.

PAGE 3

96th Days Proceedings—December 11, 1973

Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2 of said amendment, delete lines 27 through 35, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety, and insert in lieu thereof the following:

“(2) Nominations. The presidents of Centenary College at Shreveport, Louisiana; Louisiana College at Pineville, Louisiana; Louisiana State University at Baton Rouge, Louisiana; Southern University at Scotlandville, Louisiana; Tulane University of Louisiana at New Orleans, Louisiana; and Xavier University at New Orleans, Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons. One member of the commission shall be appointed by the governor 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 procedure or law governing the original appointment or election, and from the same source. Within thirty days”

Delegate Kelly moved the adoption of the amendment.

Delegate Schmitt objected.

By a vote of 36 yeas and 49 nays the amendment was rejected.

Delegate Schmitt moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Asseff sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Asseff to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1, proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, delete lines 27 through 32, both inclusive, in their entirety, and insert in lieu thereof the following:

“(2) Nominations. After giving due consideration to representation of all groups, the presidents of Centenary College, Louisiana College, and University of Southwestern Louisiana, each shall nominate three persons; the presidents of Dillard University and Xavier University of Louisiana, acting jointly, shall nominate three persons; and, the presidents of Tulane University of Louisiana and Loyola University of the South, acting jointly, shall nominate three persons. One mem-”

Delegate Asseff moved the adoption of the amendment.

Delegate Alexander objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fowler	Nunez
Asseff	Fulco	Roemer
Chatelain	Grier	Schmitt
Drew	Kelly	Shannon
Dunlap	Mire	Velazquez
Total—15.		

NAYS

Delegates—		
Abraham	Alexander	Arnette
Alario	Anzalone	Avant

Badeaux	Graham	O'Neill
Bel	Guarisco	Planchard
Bergeron	Hayes	Pugh
Bollinger	Haynes	Rachal
Brien	Heine	Reeves
Brown	Jack	Riecke
Burns	Jackson, A.	Singletary
Burson	Jenkins	Smith
Cannon	Jones	Soniat
Carmouche	Kean	Stagg
Casey	Kilbourne	Sutherland
Champagne	Kilpatrick	Thistlethwaite
Comar	Landrum	Tobias
Conino	Landry, A.	Toca
Corne	Landry, E. J.	Toomy
De Blieux	Lanier	Ullo
Dennery	LeBleu	Vick
Duval	Leithman	Warren
Flory	Maybuce	Willis
Fontenot	Miller	Zervigon
Ginn	Morris	
Goldman	Newton	
Total—70.		

NOT VOTING

Delegates—		
Mr. Chairman	Hernandez	Segura
Blair	Jackson, J.	Slay
Chehardy	Juneau	Stephenson
Conroy	Lambert	Stinson
Cowen	Leigh	Stovall
D'Gerolamo	Lowe	Tapper
Dennis	McDaniel	Tate
Derbes	Martin	Thompson
Deshotels	Mauberret	Vesich
Edwards	Munson	Wall
Elkins	Ourso	Wattigny
Fayard	Perez	Weiss
Gauthier	Perkins	Winchester
Giarrusso	Rayburn	Wisham
Gravel	Roy	Womack
Hardee	Sandoz	
Total—47.		

And the amendment was rejected.

Delegate Alexander moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2 of said floor amendment, line 22, immediately following the partial word and punctuation “nation.” delete the remainder of line 22 and delete lines 23 through 35, both inclusive, in their entirety, including all Convention Floor Amendments adopted thereto and on page 3, delete lines 1 through 8, both inclusive, in their entirety, except the language at the end of line 8 added by Convention Floor Amendment No. 1 proposed by Mr. Hayes and adopted by the Convention on December 11, 1973, and insert in lieu thereof the following:

“There is hereby created and established a State Civil Service Commission to be composed of seven members who are citizens and qualified voters of the State of Louisiana. Five members of the Commission shall constitute a quorum. The seven commissioners shall be appointed by the governor for a term of six years as follows:

The presidents of Louisiana State University and Agricultural and Mechanical College at Baton Rouge, Louisiana; Centenary College at Shreveport, Louisiana; Louisiana College at Pineville, Louisiana; Southern University at Scotlandville, Louisiana; and Xavier University at New Orleans, Louisiana, shall each nominate three persons, and one member of the commission shall be appointed by the governor from the three persons nominated by each president. Two members of the commission shall be elected by the classified

employees of the state as provided by law. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governor from nominations made in like manner by the president (or his successor) of that institution who nominated the member whose place is being filled, and by election, as provided by law, for members representing the classified employees. It shall be the duty of the presidents of Xavier University and Southern University to, within thirty days after the effective date of this constitution, make such nominations, and thereafter within thirty days after any vacancy occurs, it shall be the duty of the presidents of each of said institutions to make such nominations. Within thirty days of the expiration of the terms of the members of said commission previously nominated by the presidents of Loyola University and Tulane University and serving at the effective date of this constitution, an election shall be held, as provided by law, to elect two members to represent the classified employees.

All appointments as hereinabove provided shall be made by the governor without confirmation by the Senate."

Delegate Flory moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Guarisco	Morris
Aertker	Hayes	Rachal
Alexander	Haynes	Reeves
Avant	Jack	Roemer
Cannon	Jackson, A.	Schmitt
Comar	Kelly	Shannon
Flory	Kilpatrick	Soniat
Fowler	Landrum	Toca
Gauthier	Landry, E. J.	Velazquez
Ginn	Maybuce	Vick
Goldman	Mire	Warren
Graham		
Total—34.		

NAYS

Delegates—		
Abraham	De Blieux	Martin
Alario	Dennery	Newton
Anzalone	Drew	Nunez
Arnette	Dunlap	Planchard
Asseff	Duval	Pugh
Badeaux	Fontenot	Riecke
Bel	Fulco	Singletary
Bergeron	Grier	Smith
Bollinger	Heine	Stagg
Brien	Jenkins	Sutherland
Burns	Jones	Tate
Burson	Juneau	Thistlethwaite
Carmouche	Kean	Tobias
Casey	Kilbourne	Toomy
Champagne	Landry, A.	Ullo
Chatelain	Lanier	Wattigny
Conino	LeBleu	Willis
Corne	Leithman	Zervigon
Total—54.		

NOT VOTING

Delegates—		
Blair	Edwards	Leigh
Brown	Elkins	Lowe
Chehardy	Fayard	McDaniel
Conroy	Giarrusso	Mauberret
Cowen	Gravel	Miller
D'Gerolamo	Hardee	Munson
Dennis	Hernandez	O'Neill
Derbes	Jackson, J.	Ourso
Deshotels	Lambert	Perez

Perkins	Stephenson	Wall
Rayburn	Stinson	Weiss
Roy	Stovall	Winchester
Sandoz	Tapper	Wisham
Segura	Thompson	Womack
Slay	Vesich	

Total—44.

And the amendment was rejected.

Delegate Bollinger moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly, Roemer, Bergeron and A. Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2 of said amendment, delete lines 27 through 35, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(2) Nominations. The presidents of Centenary College at Shreveport, Louisiana; Dillard University at New Orleans, Louisiana; Louisiana College at Pineville, Louisiana; Loyola University of the South at New Orleans, Louisiana; Tulane University at New Orleans, Louisiana; and Xavier University at New Orleans, after giving due consideration to representation of all groups, each shall nominate three persons. One member of the commission shall be appointed by the governor 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 procedure or law governing the original appointment or election, and from the same source. Within thirty days"

Delegate Kelly moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Graham	O'Neill
Aertker	Guarisco	Planchard
Alario	Hayes	Pugh
Avant	Haynes	Rachal
Bergeron	Jackson, A.	Reeves
Brown	Kelly	Roemer
Cannon	Kilbourne	Schmitt
Chatelain	Kilpatrick	Shannon
Comar	Landrum	Soniat
Conino	Landry, E. J.	Tate
De Blieux	Leithman	Tobias
Dunlap	Martin	Toca
Flory	Mauberret	Velazquez
Fontenot	Maybuce	Vick
Fowler	Mire	Warren
Gauthier	Morris	Wattigny
Ginn	Nunez	Womack
Goldman		
Total—52.		

NAYS

Delegates—		
Abraham	Bel	Casey
Alexander	Bollinger	Champagne
Anzalone	Brien	Corne
Arnette	Burns	Dennery
Asseff	Burson	Drew
Badeaux	Carmouche	Duval

PAGE 5

96th Days Proceedings—December 11, 1973

Fulco	Landry, A.	Stagg
Grier	Lanier	Sutherland
Heine	LeBleu	Thistlethwaite
Jack	Miller	Toomy
Jenkins	Newton	Ulo
Jones	Riecke	Willis
Juneau	Singletary	Zervigon
Kean	Smith	
Total—41.		

NOT VOTING

Delegates—		
Blair	Hardee	Sandoz
Chehardy	Hernandez	Segura
Conroy	Jackson, J.	Slay
Cowen	Lambert	Stephenson
D'Gerolamo	Leigh	Stinson
Dennis	Lowe	Stovall
Derbes	McDaniel	Tapper
Deshotels	Munson	Thompson
Edwards	Ourso	Vesich
Elkins	Perez	Wall
Fayard	Perkins	Weiss
Giarrusso	Rayburn	Winchester
Gravel	Roy	Wisham
Total—39.		

And the amendment was adopted.

Delegate Kelly moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Avant to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, at the end of line 26, immediately after the word and punctuation "years." add the following:

"No person shall ever be appointed to serve for more than one term of office on the commission."

AMENDMENT No. 2—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 3, line 15, immediately after the word and punctuation "provided." and before the word "The" insert the following sentence:

"No person shall ever be appointed to serve for more than one term of office on a city commission."

Delegate Avant moved the adoption of the amendments.

Delegate Jenkins objected.

By a vote of 30 yeas and 59 nays the amendments were rejected.

Delegate Jenkins moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, line 26, of the text of the amendment, immediately after the word "for" and before the word "terms" insert the word "overlapping"

On motion of Delegate Abraham the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1, proposed by Delegate Kelly, et al., and adopted by the convention on December 11, 1973, on line 13, of said amendment, after the word and punctuation "law." insert the following:

"The elected member shall be ineligible for re-election to the commission."

Delegate Tobias moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Derbes	Miller
Alarfo	Drew	Newton
Arnette	Dunlap	Riecke
Badeaux	Goldman	Singletary
Bergeron	Jenkins	Slay
Casey	Kean	Tobias
Champagne	Kelly	Ulo
Chatelain	Kilbourne	Willis
Corne	Leithman	Zervigon
Total—27.		

NAYS

Delegates—		
Alexander	Heine	Planchard
Asseff	Jack	Pugh
Avant	Jackson, A.	Rachal
Bel	Jackson, J.	Reeves
Bollinger	Jones	Roemer
Brien	Juneau	Shannon
Brown	Kilpatrick	Smith
Burns	Landry, A.	Soniat
Carmouche	Landry, E. J.	Stagg
Conino	Lanier	Tate
Duval	McDaniel	Thistlethwaite
Flory	Martin	Toca
Fontenot	Maubert	Toomy
Fulco	Maybuce	Velazquez
Gauthier	Mire	Vick
Ginn	Morris	Warren
Graham	Munson	Wattigny
Grier	Nunez	Winchester
Guarisco	O'Neill	
Hayes	Ourso	
Total—58.		

NOT VOTING

Delegates—		
Mr. Chairman	De Bleux	Haynes
Aertker	Dennery	Hernandez
Anzalone	Dennis	Lambert
Blair	Deshotels	Landrum
Burson	Edwards	LeBleu
Cannon	Elkins	Leigh
Chehardy	Fayard	Lowe
Comar	Fowler	Perez
Conroy	Giarrusso	Perkins
Cowen	Gravel	Rayburn
D'Gerolamo	Hardee	Roy

Sandoz	Stovall	Wall
Schmitt	Sutherland	Weiss
Segura	Tapper	Wisham
Stephenson	Thompson	Womack
Stinson	Vesich	
Total—47.		

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Casey and Dennery to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, line 27, of the text of the amendment, in Floor Amendment No. 1, proposed by Delegates Kelly, et al., and adopted by the convention on December 11, 1973, on line 6, thereof, immediately after the word and punctuation "Louisiana," and before the word "and" insert the words and punctuation "Louisiana State University and Agricultural and Mechanical College at Baton Rouge, Louisiana;" and on line 11, thereof, immediately after the word and punctuation "president." delete the remainder of the line and delete line 12 in its entirety and on line 13, at the beginning of the line, delete the words and punctuation "their number as provided by law." and on line 14, immediately after the word "appointment" and before the word "in" delete the words "or election" and on line 15, immediately after the word "procedure" and before the word "governing" delete the words "or law" and on line 16, immediately after the word "appointment" and before the punctuation and word ", and" delete the words "or election"

Delegate Casey moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Drew	Riecke
Aertker	Grier	Schmitt
Anzalone	Heine	Stagg
Arnette	Jenkins	Sutherland
Asseff	Jones	Thistlethwaite
Badeaux	Kean	Tobias
Bollinger	Lanier	Toomy
Brien	LeBleu	Ullo
Casey	McDaniel	Willis
Corne	Miller	Winchester
Dennery	Newton	Zervigon
Derbes	Nunez	
Total—35.		

NAYS		
Delegates—		
Mr. Chairman	Chatelain	Fulco
Alario	Comar	Gauthier
Alexander	Conino	Ginn
Avant	De Blieux	Goldman
Bergeron	Dunlap	Graham
Brown	Duval	Guarisco
Burns	Edwards	Hayes
Cannon	Flory	Jack
Carmouche	Fontenot	Jackson, A.
Champagne	Fowler	Jackson, J.

Juneau	Morris	Smith
Kelly	Munson	Soniat
Kilbourne	O'Neill	Stephenson
Kilpatrick	Ourso	Tapper
Landrum	Planchard	Tate
Landry, A.	Pugh	Toca
Landry, E. J.	Rachal	Velazquez
Leithman	Reeves	Vick
Martin	Roemer	Warren
Mauberrret	Shannon	Wattigny
Maybuce	Singletary	Wisham
Mire	Slay	Womack
Total—66.		

NOT VOTING

Delegates—		
Bel	Giarrusso	Roy
Blair	Gravel	Sandoz
Burson	Hardee	Segura
Chehardy	Haynes	Stinson
Conroy	Hernandez	Stovall
Cowen	Lambert	Thompson
D'Gerolamo	Leigh	Vesich
Dennis	Lowe	Wall
Deshotels	Perez	Weiss
Elkins	Perkins	
Fayard	Rayburn	
Total—31.		

And the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, line 18, of the text of the amendment, immediately after the word "machines" change the period "." to a semicolon ";" and add the following: "railroad employers whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal statutory law."

On motion of Delegate Casey the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, line 27, of the text of the amendment, in Floor Amendment No. 1, proposed by Delegates Kelly, et al., and adopted by the convention on December 11, 1973, on line 11, thereof, immediately after the word and punctuation "president." delete the remainder of the line and delete lines 12 through 17, in their entirety and insert in lieu thereof the following:

"One member of the commission shall be appointed by the governor from a list of three nominations made by the president of Louisiana State University and Agricultural and Mechanical College at Baton Rouge, Louisiana, such nominees to be selected from the classified employees of the state. A vacancy for any cause shall be filled by appointment in ac-

PAGE 7

96th Days Proceedings—December 11, 1973

cordance with the procedure governing the original appointment, and from the same source. Within thirty days"

Delegate Abraham moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 27 yeas and 66 nays the amendment was rejected.

Delegate Kelly moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, at the end of line 24 thereof, delete Floor Amendment No. 1, proposed by Delegates Champagne, et al., and adopted by the convention on December 11, 1973, and insert in lieu thereof the following:

"No more than one member shall be appointed from each congressional district."

Delegate Abraham moved the adoption of the amendment.

Delegate Rachal objected.

By a vote of 37 yeas and 51 nays the amendment was rejected.

Delegate Rachal moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Flory and Jack to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 7, 1973, on page 1 of said floor amendment, at the end of line 12, after the word and punctuation "thereof." change the period "." to a comma "," and add the following: "except paid firemen and municipal policemen, who are hereby expressly excluded."

Delegate Jack moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Burns	Fontenot
Aertker	Cannon	Fowler
Alario	Carmouche	Fulco
Asseff	Comar	Gauthier
Avant	Conino	Ginn
Bel	De Blieux	Goldman
Bergeron	Dunlap	Graham
Brien	Fayard	Guarisco
Brown	Flory	Hayes

Haynes	Mire	Soniat
Jack	Newton	Stephenson
Jackson, A.	Nunez	Tapper
Kelly	Planchar	Toca
Kilpatrick	Pugh	Toomy
Landry, A.	Rachal	Warren
Landry, E. J.	Reeves	Wattigny
Lanier	Roemer	Winchester
Leithman	Schmitt	Wisham
Martin	Shannon	Womack
Mauberret	Singletary	
Maybuce	Slay	
Total—61.		

NAYS

Delegates—		
Abraham	Duval	Perez
Alexander	Grier	Riecke
Anzalone	Heine	Smith
Arnette	Jackson, J.	Stagg
Badeaux	Jenkins	Sutherland
Bollinger	Jones	Tate
Casey	Juneau	Thistlethwaite
Champagne	Kean	Tobias
Chatelain	Kilbourne	Ullo
Corne	Landrum	Velazquez
Dennery	LeBleu	Willis
Derbes	McDaniel	Zervigon
Drew	Miller	
Total—38.		

NOT VOTING

Delegates—		
Blair	Gravel	Rayburn
Burson	Hardee	Roy
Chehardy	Hernandez	Sandoz
Conroy	Lambert	Segura
Cowen	Leigh	Stinson
D'Gerolamo	Lowe	Stovall
Dennis	Morris	Thompson
Deshotels	Munson	Vesich
Edwards	O'Neill	Vick
Elkins	Ourso	Wall
Giarrusso	Perkins	Weiss
Total—33.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 3 of said amendment delete lines 9 through 35, both inclusive, in their entirety, and on page 4 of said amendment, delete lines 1 through 9 both inclusive, in their entirety and insert in lieu thereof the following:

"(D) City Civil Service Commission; Nomination; Appointment; Vacancies; Transition. There is hereby created and established a city civil service commission for each city having a population in excess of four hundred thousand according to the latest decennial census of the United States. Each such city civil service commission shall be composed of five citizens who are qualified voters of the city in which they serve, three of whom shall constitute a quorum. One member of each city civil service commission shall be appointed by the governing authority of the city by its own selection and one member of such commission shall be elected by the employees of the city in the classified service from their membership. The terms of the members of the city civil service commission shall be six years.

(1) New Orleans; Nomination and Appointment. In the city of New Orleans the presidents of Tulane University of Louisiana; Loyola University of the South and Dillard University shall each nominate three persons and one member of the commission shall be appointed by the governing

authority of the city of New Orleans from the three persons nominated by each president.

(2) Other Cities; Nomination and Appointment. In other cities subject to the provision of this section, three members of the commission shall be nominated from any of the three universities named in Section 1 in accordance with the procedure therein provided.

(3) Vacancies. Vacancies by expiration of the term of office or otherwise shall be filled by appointment of the governing body, or by election, or by nomination as herein provided in the same manner as the original appointments were made, and it shall be the duty of the governing body to make such appointments or conduct such election and of the said presidents to make such nominations within thirty days after the occurrence of any vacancy.

(4) Transition. Within thirty days of the effective date of this constitution, it shall be the duty of the president of Dillard University to make such nominations to the governing body of the city of New Orleans. Within thirty days from the effective date of this constitution an election shall be held within the classified service of the city of New Orleans for the purpose of naming a member of said commission."

Delegate Flory moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result.

YEAS

Delegates—		
Aertker	Jack	Shannon
Alexander	Jackson, A.	Singletary
Avant	Jackson, J.	Slay
Bergeron	Kelly	Soniat
Comar	Kilpatrick	Stephenson
De Blieux	Landrum	Tate
Dunlap	Landry, E. J.	Toca
Flory	Mauberrret	Velazquez
Fowler	Maybuce	Vick
Fulco	Mire	Warren
Ginn	Morris	Wattigny
Guarisco	Rachal	Wisham
Haynes	Reeves	Womack
Total—39.		

NAYS

Delegates—		
Abraham	Duval	Nunez
Alario	Fayard	Perez
Anzalone	Fontenot	Perkins
Arnette	Gauthier	Planchard
Asseff	Goldman	Pugh
Badeaux	Graham	Riecke
Bel	Grier	Roemer
Bollinger	Hayes	Schmitt
Brien	Jenkins	Smith
Burns	Jones	Stagg
Carmouche	Kean	Sutherland
Casey	Kilbourne	Tapper
Champagne	Landry, A.	Thistlethwaite
Chatelain	Lanier	Tobias
Conino	LeBleu	Toomy
Corne	Leithman	Uilo
Dennery	Miller	Willis
Derbes	Newton	Winchester
Drew		
Total—55.		

NOT VOTING

Delegates—		
Mr. Chairman	Chehardy	Deshotels
Blair	Conroy	Edwards
Brown	Cowen	Elkins
Burson	D'Gerolamo	Giarrusso
Cannon	Dennis	Gravel

Hardee	Martin	Stinson
Heine	Munson	Stovall
Hernandez	O'Neill	Thompson
Juneau	Ourso	Vesich
Lambert	Rayburn	Wall
Leigh	Roy	Weiss
Lowe	Sandoz	Zervigon
McDaniel	Segura	
Total—38.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 3, line 13 of the text of the amendment immediately after the word "of" and before the word "members" delete the word "three" and insert in lieu thereof the word "five" and on line 14 at the beginning of the line delete the word "two" and insert in lieu thereof the word "three" and on line 19 immediately after the word and punctuation "South," and before the words "and Tulane" insert the following:

"St. Mary's Dominican College, Xavier University of Louisiana,"

Delegate J. Jackson moved the adoption of the amendment.

Delegate Lanier objected.

By a vote of 80 yeas and 11 nays the amendment was adopted.

Delegate J. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hayes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hayes to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 4, line 9, at the end of the line, add the following:

"Should one of the nominating authorities fail to submit nominees in the time required, or should one of the named institutions cease to exist, the governing authority of the city shall make the appointment to the commission."

On motion of Delegate Hayes the amendment was adopted.

Delegate Hayes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on Decem-

PAGE 9

96th Days Proceedings—December 11, 1973

ber 8, 1973, on page 3, line 14, of the text of the amendment, at the end of the line, after the word "serve" add the word "overlapping"

On motion of Delegate Abraham the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates A. Jackson, Anzalone and Rachal to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 5, line 2, after the word "than" and before the semicolon ";" delete the word "three" and insert in lieu thereof the word "five"

Delegate Anzalone moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Jackson, A.	Shannon
Anzalone	Jackson, J.	Slay
Avant	Landrum	Soniat
Cannon	Landry, E. J.	Stephenson
Carmouche	McDaniel	Tapper
Dunlap	Maybuce	Tate
Flory	Mire	Velazquez
Ginn	Newton	Vick
Gravel	Ourso	Warren
Guarisco	Pugh	Wisham
Hayes	Rachal	Womack
Haynes	Reeves	
Jack	Schmitt	
Total—37.		

NAYS

Delegates—		
Abraham	Drew	Miller
Alario	Duval	Morris
Alexander	Fayard	Nunez
Arnette	Fontenot	Perez
Asseff	Fowler	Perkins
Badeaux	Fulco	Planchard
Bel	Gauthier	Riecke
Bergeron	Goldman	Roemer
Bollinger	Graham	Singletary
Brien	Grier	Smith
Burns	Jenkins	Stagg
Casey	Jones	Sutherland
Champagne	Kelly	Tobias
Chatelain	Kilbourne	Toca
Comar	Kilpatrick	Toomy
Conino	Landry, A.	Ullo
Corne	Lanier	Wattigny
De Blieux	LeBleu	Willis
Dennery	Leithman	Winchester
Derbes	Martin	
Total—59.		

NOT VOTING

Delegates—		
Aertker	Brown	Chehardy
Blair	Burson	Conroy

Cowen	Juneau	Sandoz
D'Gerolamo	Kean	Segura
Dennis	Lambert	Stinson
Deshotels	Leigh	Stovall
Edwards	Lowe	Thistlethwaite
Elkins	Mauberrret	Thompson
Giarrusso	Munson	Vesich
Hardee	O'Neill	Wall
Heine	Rayburn	Weiss
Hernandez	Roy	Zervigon
Total—36.		

And the amendment was rejected.

Delegate De Blieux moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 4, line 34, immediately after the word and punctuation "efficiency," delete the remainder of the line and insert in lieu thereof the following:

"fitness, and length of service, as"

Delegate Flory moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 44 yeas and 44 nays the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Flory objected to tabling the motion to reconsider.

By a vote of 43 yeas and 48 nays the Convention refused to table the motion to reconsider.

Reconsideration

Delegate Flory moved to reconsider the vote by which the amendment failed to pass.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Jack	Reeves
Alario	Jackson, A.	Shannon
Asseff	Jones	Singletary
Avant	Landry, E. J.	Slay
Bel	McDaniel	Soniat
Brien	Martin	Stephenson
Comar	Mauberrret	Tapper
Dunlap	Maybuce	Tate
Flory	Mire	Toca
Fowler	Morris	Velazquez
Fulco	Nunez	Vick
Ginn	O'Neill	Warren
Goldman	Perez	Wattigny
Graham	Pugh	Winchester
Guarisco	Rachal	Wisham
Haynes	Rayburn	Womack
Total—48.		

NAYS

Delegates—		
Abraham	Arnette	Bollinger
Alexander	Badeaux	Burns
Anzalone	Bergeron	Carmouche

Casey	Grier	Perkins
Champagne	Hayes	Planchard
Chatelain	Jackson, J.	Riecke
Conino	Jenkins	Roemer
Corne	Kelly	Schmitt
De Blieux	Kilbourne	Smith
Dennery	Kilpatrick	Stagg
Derbes	Landrum	Sutherland
Drew	Landry, A.	Tobias
Duval	Lanier	Toomy
Fayard	LeBleu	Ullo
Fontenot	Leithman	Willis
Gauthier	Newton	
Total—47.		

NOT VOTING

Delegates—		
Aertker	Giarrusso	Roy
Blair	Gravel	Sandoz
Brown	Hardee	Segura
Burson	Heine	Stinson
Cannon	Hernandez	Stovall
Chehardy	Juneau	Thistlethwaite
Conroy	Kean	Thompson
Cowen	Lambert	Vesich
D'Gerolamo	Leigh	Wall
Dennis	Lowe	Weiss
Deshotels	Miller	Zervigon
Edwards	Munson	
Elkins	Ourso	
Total—37.		

And the vote by which the amendment was rejected, was reconsidered.

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—
On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 4, line 34, immediately after the word and punctuation "efficiency," delete the remainder of the line and insert in lieu thereof the following:
"fitness, and length of service, as"

Delegate Flory moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Jack	Reeves
Alario	Jackson, A.	Shannon
Asseff	Jones	Singleary
Avant	Landry, E. J.	Slay
Bel	Leithman	Soniat
Brien	McDaniel	Tapper
Carmouche	Martin	Tate
Comar	Mauberrret	Toca
Dunlap	Maybuce	Velazquez
Flory	Mire	Vick
Fowler	Morris	Warren
Fulco	Nunez	Wattigny
Ginn	O'Neill	Winchester
Graham	Perez	Wisham
Guarisco	Pugh	Womack
Hayes	Rachal	
Haynes	Rayburn	
Total—49.		

NAYS

Delegates—		
Abraham	Alexander	Anzalone

Arnette	Fayard	Newton
Badeaux	Fontenot	Perkins
Bergeron	Gauthier	Planchard
Bollinger	Goldman	Riecke
Burns	Grier	Roemer
Casey	Jackson, J.	Schmitt
Champagne	Jenkins	Smith
Chatelain	Kelly	Stagg
Conino	Kilbourne	Sutherland
Corne	Kilpatrick	Tobias
De Blieux	Landrum	Toomy
Dennery	Landry, A.	Ullo
Derbes	Lanier	Willis
Drew	LeBleu	
Duval	Miller	
Total—46.		

NOT VOTING

Delegates—		
Aertker	Giarrusso	Sandoz
Blair	Gravel	Segura
Brown	Hardee	Stephenson
Burson	Heine	Stinson
Cannon	Hernandez	Stovall
Chehardy	Juneau	Thistlethwaite
Conroy	Kean	Thompson
Cowen	Lambert	Vesich
D'Gerolamo	Leigh	Wall
Dennis	Lowe	Weiss
Deshotels	Munson	Zervigon
Edwards	Ourso	
Elkins	Roy	
Total—37.		

And the amendment was adopted.

Delegate Landrum sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Landrum, Tapper and Schmitt to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—
On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 5 of said floor amendment, delete lines 10 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"(H) Appeals. (1) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. Any classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(2) Discrimination. No classified employee shall be discriminated against by reason of his political or religious beliefs, sex, or race. Any classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee."

Delegate Landrum moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Flory	Jenkins
Alexander	Fulco	Kelly
Anzalone	Ginn	Kilpatrick
Avant	Goldman	Landrum
Bel	Graham	Landry, E. J.
Bergeron	Hayes	LeBleu
Brien	Haynes	Leithman
De Blieux	Jackson, A.	McDaniel
Derbes	Jackson, J.	Mauberrret

PAGE 11

96th Days Proceedings—December 11, 1973

Maybuce
Morris
Planchard
Pugh
Rachal
Total—42.

Roemer
Schmitt
Shannon
Soniak
Stephenson

Tapper
Toca
Velazquez
Warren
Womack

NAYS

Delegates—
Abraham
Aertker
Arnette
Asseff
Badeaux
Bollinger
Casey
Champagne
Comar
Conino
Corne
Dennery
Drew
Duval
Total—40.

Fontenot
Fowler
Gauthier
Grier
Jack
Kilbourne
Landry, A.
Lanier
Miller
Mire
Nunez
O'Neill
Perez

Perkins
Riecke
Slay
Smith
Stagg
Sutherland
Tate
Tobias
Toomy
Ullo
Wattigny
Willis
Winchester

NOT VOTING

Delegates—
Mr. Chairman
Blair
Brown
Burns
Burson
Cannon
Carmouche
Chatelain
Chehardy
Conroy
Cowen
D'Gerolamo
Dennis
Deshotels
Dunlap
Edwards
Elkins
Total—50.

Fayard
Giarrusso
Gravel
Guarisco
Hardee
Heine
Hernandez
Jones
Juneau
Kean
Lambert
Leigh
Lowe
Martin
Munson
Newton
Ourso

Rayburn
Reeves
Roy
Sandoz
Segura
Singletary
Stinson
Stovall
Thistlethwaite
Thompson
Vesich
Vick
Wall
Weiss
Wisham
Zervigon

And the amendment was adopted.

Delegate Tapper moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Duval objected to tabling the motion to reconsider.

By a vote of 36 yeas and 40 nays and the Convention refused to table the motion to reconsider.

Reconsideration

Delegate Tapper moved that the vote by which the amendment was adopted be reconsidered on the next Convention Day.

As a substitute, Delegate Duval moved that the vote by which the amendment was adopted be reconsidered at this time.

Delegate Tapper withdrew his motion to reconsider the vote by which the amendment was adopted on the next Convention day.

Delegate Duval insisted upon his motion to reconsider at this time.

Delegate Jenkins objected.

By a vote of 64 yeas and 15 nays the Convention agreed to reconsider at the present time.

Reconsideration

And the Chair announced that the Convention had before it the motion to reconsider the vote by which the amendments were adopted.

Motion

Delegate Duval moved to take up other Orders of Business at this time.

Delegate Arnette objected.

By a vote of 37 yeas and 36 nays the Convention agreed to take up other Orders of Business at this time.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Thursday, December 13, 1973, at 9:00 o'clock A.M. in Committee Room 1 and will consider the following agenda:

AGENDA

Consider the Committee Proposal containing General Government provisions.

Respectfully submitted,

ALPHONSE JACKSON, JR.
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on The Executive Department will meet on Wednesday, December 12, 1973, immediately after adjournment in the Treaty Room of the White House Inn and will consider the following agenda:

AGENDA

To consider the report of the Subcommittee on Style and Drafting affecting Committee Proposal No. 4.

Respectfully submitted,

TOM STAGG
Chairman of the Committee on
The Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Stinson—1 day.
Delegate Sandoz—1 day.
Delegate Conroy—1 day.
Delegate Lowe—1 day.
Delegate Weiss—1 day.
Delegate Roy—½ day.
Delegate Burson—½ day.
Delegate Gravel—½ day.
Delegate Vesich—5 days.
Delegate Stovall—1 day.
Delegate Fulco—2 hours.
Delegate Thompson—1 day.
Delegate Leigh—5 days.
Delegate Guarisco—1 day.
Delegate Dennis—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, December 12, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, December 12, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

NINETY-SEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, December 12, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Alexander	Ginn	Pugh
Anzalone	Goldman	Rachal
Arnette	Graham	Reeves
Asseff	Grier	Riecke
Avant	Guarisco	Roemer
Badeaux	Hayes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Segura
Blair	Jack	Shannon
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Jones	Soniat
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Comar	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	Leithman	Toca
D'Gerolamo	Lowe	Toomy
De Blieux	McDaniel	Ullo
Dennery	Martin	Velazquez
Dennis	Mauberret	Vick
Derbes	Maybuce	Warren
Deshotels	Miller	Wattigny
Drew	Mire	Willis
Dunlap	Morris	Winchester
Duval	Munson	Wisham
Edwards	Newton	Womack
Flory	Nunez	Zervigon
Fontenot	O'Neill	
Total—119.		

ABSENT

Delegates—		
Conroy	Haynes	Vesich
Elkins	Juneau	Wall
Fayard	Leigh	Weiss
Gravel	Rayburn	
Hardee	Schmitt	
Total—13.		

The Chairman announced that there were 119 members present and a quorum.

Prayer

Prayer was offered by Delegate Heine.

Pledge of Allegiance

Delegate Warren led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Alario, the reading of the Journal was dispensed with.

On motion of Delegate Alario, the Journal of yesterday was adopted.

Regular Order
Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Read.

The Chair announced that the Convention had before it a motion to reconsider the vote by which the amendments, proposed by Delegate Landrum to Committee Proposal No. 9, were adopted on yesterday, which was taken up and acted upon as follows:

Reconsideration

Delegate Duval moved to reconsider the vote by which the amendment, proposed by Delegate Landrum to Committee Proposal No. 9, was adopted on yesterday.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Drew	Nunez
Anzalone	Duval	Perez
Arnette	Fowler	Sandoz
Asseff	Gauthier	Singletary
Badeaux	Heine	Smith
Bollinger	Jenkins	Stagg
Burson	Jones	Sutherland
Casey	Kean	Thistlethwaite
Champagne	Landry, A.	Tobias
Comar	Lanier	Toomy
Conino	LeBleu	Wattigny
Corne	Lowe	Willis
Dennery	Miller	Zervigon
Total—39.		

NAYS

Delegates—		
Alario	Cowen	Graham
Alexander	D'Gerolamo	Grier
Avant	De Blieux	Guarisco
Bel	Dunlap	Hayes
Blair	Edwards	Hernandez
Brien	Flory	Jack
Burns	Fulco	Jackson, A.
Cannon	Ginn	Jackson, J.
Carmouche	Goldman	Landrum

Landry, E. J.	Rachal	Tate
Leithman	Reeves	Toca
McDaniel	Riecke	Ullo
Martin	Roemer	Velazquez
Mauberrret	Roy	Vlck
Maybuce	Shannon	Warren
Mire	Slay	Winchester
Morris	Soniat	Wisham
Munson	Stephenson	Womack
Newton	Stovall	
Planchard	Tapper	
Total—58.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Ourso
Aertker	Giarrusso	Perkins
Bergeron	Gravel	Pugh
Brown	Hardee	Rayburn
Chatelain	Haynes	Schmitt
Chehardy	Juneau	Segura
Conroy	Kelly	Stinson
Dennis	Kilbourne	Thompson
Derbes	Kilpatrick	Vesich
Deshotels	Lambert	Wall
Elkins	Leigh	Weiss
Fayard	O'Neill	
Total—35.		

And the Convention refused to reconsider the vote.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 5, line 10, in Floor Amendment No. 1, proposed by Delegate Landrum, and adopted by the convention on December 11, 1973, on line 10, of said floor amendment by Delegate Landrum, after the word "of" and before the word "his" insert the following: "his affiliation or nonaffiliation with any private organization,"

Delegate Jenkins moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Drew	Miller
Anzalone	Duval	Newton
Arnette	Fontenot	Perez
Badeaux	Goldman	Planchard
Bollinger	Grier	Riecke
Brien	Guarisco	Roemer
Burns	Heine	Roy
Burson	Jackson, J.	Sandoz
Carmouche	Jenkins	Smith
Casey	Jones	Stagg
Champagne	Kean	Sutherland
Conino	Landry, A.	Thisthwaite
Corne	Lanier	Tobias
Cowen	LeBleu	Willis
Dennery	Lowe	Zervigon
Derbes	McDaniel	
Total—47.		

NAYS

Delegates—		
Alario	Graham	Reeves
Alexander	Hayes	Singletary
Asseff	Hernandez	Slay
Avant	Jack	Soniat
Bel	Jackson, A.	Stephenson
Bergeron	Kelly	Stovall
Blair	Kilpatrick	Tapper
Cannon	Landrum	Tate
Comar	Landry, E. J.	Toca
D'Gerolamo	Martin	Toomy
De Bileux	Mauberrret	Ullo
Dennis	Maybuce	Vick
Dunlap	Mire	Velazquez
Edwards	Munson	Warren
Flory	Nunez	Winchester
Fowler	O'Neill	Wisham
Fulco	Pugh	Womack
Ginn	Rachal	
Total—53.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Rayburn
Aertker	Hardee	Schmitt
Brown	Haynes	Segura
Chatelain	Juneau	Shannon
Chehardy	Kilbourne	Stinson
Conroy	Lambert	Thompson
Deshotels	Leigh	Vesich
Elkins	Leithman	Wall
Fayard	Morris	Wattigny
Gauthier	Ourso	Weiss
Giarrusso	Perkins	
Total—32.		

And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 5 of said floor amendment, line 25, after the word "public" and before the words "or be" delete the word and punctuation "office;" and insert in lieu thereof the following: "office except to seek election as the classified state employee serving on the State Civil Service Commission;"

Delegate Flory moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Burns	Derbes
Alario	Burson	Dunlap
Alexander	Cannon	Duval
Anzalone	Carmouche	Edwards
Arnette	Champagne	Flory
Asseff	Comar	Fontenot
Avant	Conino	Fowler
Badeaux	Corne	Fulco
Bel	Cowen	Ginn
Bergeron	D'Gerolamo	Goldman
Blair	De Bileux	Graham
Bollinger	Dennery	Grier
Brien	Dennis	Guarisco

PAGE 3

97th Days Proceedings—December 12, 1973

Hayes	Munson	Sutherland
Hernandez	Newton	Tapper
Jack	Nunez	Tate
Jackson, A.	Perez	Thistlethwaite
Jackson, J.	Planchard	Tobias
Jones	Pugh	Toca
Kelly	Rachal	Toomy
Kilpatrick	Roemer	Uilo
Landrum	Roy	Velazquez
Landry, A.	Sandoz	Vick
Landry, E. J.	Shannon	Warren
Lanier	Singletary	Winchester
McDaniel	Slay	Wisham
Martin	Soniat	Womack
Mauberret	Stagg	Zervigon
Miller	Stephenson	
Mire	Stovall	

Total—88.

NAYS

Delegates—	Jenkins	Riecke
Abraham	Kean	Willis
Casey	Lowe	
Heine		

Total—8.

NOT VOTING

Delegates—	Hardee	Perkins
Mr. Chairman	Haynes	Rayburn
Brown	Juneau	Reeves
Chatelain	Kilbourne	Schmitt
Chehardy	Lambert	Segura
Conroy	LeBleu	Smith
Deshotels	Leigh	Stinson
Drew	Leithman	Thompson
Elkins	Maybece	Vesich
Fayard	Morris	Wall
Gauthier	O'Neill	Wattigny
Giarrusso	Ourso	Weiss
Gravel		

Total—36.

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 6 of said floor amendment, between lines 1 and 2 insert the following:

“(3) Political activity is defined as an effort made to insure the election of a candidate for political office or the support of a particular political party in an election. There shall be no prohibition against support of issues in volving bonded indebtedness, tax referenda, or constitutional amendments, or the participation or membership in an organization which is not a political organization but which may from time to time express its opinion on a political issue.”

On motion of Delegate Flory the amendment was withdrawn.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 6 of said floor amendment, between lines 1 and 2 insert the following:

“(3) Political activity is defined as an effort made to support or oppose the election of a candidate for political office or the support of a particular political party in an election. There shall be no prohibition against support of issues involving bonded indebtedness, tax referenda, or constitutional amendments.

Delegate Flory moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Dunlap	Morris
Abraham	Duval	Munson
Aertker	Edwards	Newton
Alario	Flory	Nunez
Alexander	Fowler	Planchard
Anzalone	Fulco	Pugh
Arnette	Ginn	Rachal
Asseff	Goldman	Reeves
Avant	Graham	Riecke
Badeaux	Guarisco	Roy
Bel	Hayes	Sandoz
Bergeron	Heine	Shannon
Blair	Hernandez	Singletary
Bollinger	Jack	Slay
Brien	Jackson, A.	Soniat
Brown	Jackson, J.	Stephenson
Burns	Jones	Sutherland
Cannon	Kean	Tate
Carmouche	Kelly	Thistlethwaite
Casey	Kilpatrick	Toca
Champagne	Landrum	Toomy
Comar	Landry, A.	Uilo
Conino	Landry, E. J.	Velazquez
Corne	Lanier	Vick
Cowen	Lowe	Warren
D'Gerolamo	Martin	Winchester
De Bieux	Mauberret	Wisham
Dennery	Maybece	Womack
Derbes	Miller	Zervigon
Deshotels	Mire	
Drew		

Total—89.

NAYS

Delegates—	LeBleu	Smith
Burson	McDaniel	Stagg
Fontenot	O'Neill	Tobias
Grier	Roemer	Willis
Jenkins		

Total—12.

NOT VOTING

Delegates—	Haynes	Segura
Mr. Chairman	Juneau	Stinson
Chatelain	Kilbourne	Stovall
Chehardy	Lambert	Tapper
Conroy	Leigh	Thompson
Dennis	Leithman	Vesich
Elkins	Ourso	Wall
Fayard	Perez	Wattigny
Gauthier	Perkins	Weiss
Giarrusso	Rayburn	
Gravel	Schmitt	
Hardee		

Total—31.

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Singletary sent up a floor amendment, which was read as follows:

Amendment proposed by Delegates Singletary and Willis to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 6 of said floor amendment, line 22, immediately after the word "shall" and before the word "have" insert the following:
"be published and available to the public and"

On motion of Delegate Singletary the amendment was adopted.

Delegate Singletary moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1, proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 6, line 31, of the text of the amendment, immediately after the word "governor" and before the words "or the" insert the following:
"and the legislature"

Delegate Duval moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Burson	Lanier
Arnette	Casey	LeBleu
Asseff	Champagne	Perez
Badeaux	Deshotels	Shannon
Bergeron	Drew	Singletary
Blair	Duval	Ullo
Bollinger	Landry, A.	Winchester
Total—21.		

NAYS

Delegates—		
Abraham	Ginn	Mire
Alario	Goldman	Morris
Anzalone	Graham	Munson
Avant	Grier	Newton
Bel	Guarisco	Nunez
Brien	Hayes	O'Neill
Brown	Heine	Planchard
Burns	Hernandez	Rachal
Carmouche	Jack	Reeves
Comar	Jenkins	Riecke
Conino	Jones	Roemer
Corne	Kean	Roy
D'Gerolamo	Kelly	Sandoz
De Bleux	Kilpatrick	Slay
Dennery	Landrum	Smith
Dunlap	Landry, E. J.	Soniat
Edwards	Lowe	Stagg
Flory	Martin	Stephenson
Fontenot	Maubert	Sutherland
Fowler	Maybuce	Thistlethwaite
Fulco	Miller	Tobias

Toca	Vick	Wisham
Toomy	Warren	Womack
Velazquez	Willis	Zervigon
Total—72.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Pugh
Aertker	Hardee	Rayburn
Cannon	Haynes	Schmitt
Chatelain	Jackson, A.	Segura
Chehardy	Jackson, J.	Stinson
Conroy	Juneau	Stovall
Cowen	Kilbourne	Tapper
Dennis	Lambert	Tate
Derbes	Leigh	Thompson
Elkins	Leithman	Vesich
Fayard	McDaniel	Wall
Gauthier	Ourso	Wattigny
Giarrusso	Perkins	Weiss
Total—39.		

And the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hernandez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Flory and Hernandez to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14 in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 7, 1973, on page 6, line 14 of the text of the amendment immediately after the word and punctuation "established." add the following:

"Nothing contained herein shall be construed to prevent the legislature from supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety."

Delegate Hernandez moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	Landrum
Alario	Drew	Landry, A.
Alexander	Dunlap	Landry, E. J.
Arnette	Duval	Lanier
Avant	Edwards	LeBleu
Badeaux	Flory	Leithman
Bel	Fontenot	Lowe
Bergeron	Fowler	Martin
Blair	Fulco	Maubert
Bollinger	Gauthier	Maybuce
Brien	Giarrusso	Miller
Brown	Ginn	Mire
Burns	Goldman	Munson
Burson	Graham	Newton
Cannon	Grier	Nunez
Carmouche	Guarisco	O'Neill
Casey	Hayes	Perez
Champagne	Heine	Planchard
Chatelain	Hernandez	Pugh
Chehardy	Jack	Reeves
Comar	Jackson, A.	Riecke
Conino	Jackson, J.	Roemer
Corne	Kean	Roy
Cowen	Kelly	Sandoz
D'Gerolamo	Kilbourne	Segura
Dennis	Kilpatrick	Shannon

Singletary	Tapper	Vick
Slay	Tate	Warren
Smith	Thistlethwaite	Willis
Soniat	Toca	Winchester
Stagg	Toomy	Wisham
Stephenson	Ullo	Womack
Sutherland	Velazquez	
Total—98.		

NAYS

Delegates—		
Asseff	Jenkins	Tobias
De Blieux	Jones	Zervigon
Dennery	Rachal	
Total—8.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Schmitt
Aertker	Juneau	Stinson
Anzalone	Lambert	Stovall
Conroy	Leigh	Thompson
Derbes	McDaniel	Vesich
Elkins	Morris	Wall
Fayard	Ourso	Wattigny
Gravel	Perkins	Weiss
Hardee	Rayburn	
Total—26.		

And the amendment was adopted.

Delegate Hernandez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Emmett Asseff sent up the following explanation of vote with respect to Convention Floor Amendment No. 1 proposed by Delegate Flory et al.:

"Though I feel that it is most unfair to supplement the pay of local police and not supplement the pay of the state police, I voted "no" because the amendment actually opens the door for the legislature to set the pay of the state police. This is contrary to the principle of the civil service system. On the other hand, my amendment directed the State Civil Service Commission to supplement the pay of the state police to the same extent and under the same conditions as the pay of local police is supplemented. This restricts the increase to the supplement set for local police and does not open the door completely to the setting of salaries by the legislature."

Delegate Hernandez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Hernandez, Riecke, Wattigny, Smith, Sutherland and Conino to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in the Floor Amendment proposed by Delegate Dennery and adopted by the Convention on December 7, 1973, on page 6 of said floor amendment, delete lines 15 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Veterans. The Department of State Civil Service and a department of city civil service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States, between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or who served in the Viet Nam Theater between July 1, 1958 and the 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 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 unremarried widow of each deceased veteran who served in a war period as defined above or in a peacetime campaign or expedition; or to the unremarried parents of any person who died in active wartime or peacetime service or who suffered total and permanent disabilities 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any of the persons enumerated above, and if the ten-point preference is not being utilized by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

Layoffs; Preference Employees. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are as good as or better than other competing employees shall be retained in preference to all other competing employees, provided that when any or all of the functions of any state agency are transferred to or when any state agency is replaced by some other state agency, or state agencies, all preference employees in the classifications and performing the function or functions transferred or in the state agency which is replaced by some other state agency shall first be transferred to the replacing state agency, or state agencies, for employment in positions for which they are qualified, before such state agency, or state agencies, shall appoint additional employees from eligible lists for such positions. The appointing authority shall give written notice to the director of any proposed layoff a reasonable time before the effective date thereof, and the director shall make such orders relating thereto as he considers necessary to secure compliance with the rules."

On motion of Delegate Hernandez the amendment was withdrawn.

Delegate Hernandez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Hernandez, Riecke, Wattigny, Smith, Sutherland and Conino to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, in the Floor Amendment proposed by Delegate Dennery and adopted by the Convention on December 7, 1973, on page 6 of said floor amendment, delete lines 15 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Veterans. The Department of State Civil Service and a department of city civil service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States, after having served between the wartime dates of April 6, 1917 and November 11, 1918, both dates inclusive; or between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or who served in the Viet Nam Theater between July 1, 1955 and the 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 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 unremarried widow of each deceased veteran who served in a war period as defined above or in a peacetime campaign or expedition; or to the unremarried parents of any person who died in active wartime or peacetime service or who suffered total and permanent disabilities 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any of the persons enumerated above, and if the ten-point preference is not being utilized by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

Layoffs; Preference Employees. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are as good as or better than other competing employees shall be retained in preference to all other competing employees, provided that when any or all of the functions of any state agency are transferred to or when any state agency is replaced by some other state agency, or state agencies, all preference employees in the classifications and performing the function or functions transferred or in the state agency which is replaced by some other state agency shall first be transferred to the replacing state agency, or state agencies, for employment in positions for which they are qualified, before such state agency, or state agencies, shall appoint additional employees from eligible lists for such positions. The appointing authority shall give written notice to the director of any proposed layoff a reasonable time before the effective date thereof, and the director shall make such orders relating thereto as he considers necessary to secure compliance with the rules."

Delegate Hernandez moved the adoption of the amendment.

Delegate Reeves objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—		
YEAS		
Aertker	Carmouche	Goldman
Alario	Chatelain	Grier
Alexander	Comar	Hardee
Anzalone	Conino	Hayes
Arnette	Corne	Heine
Asseff	D'Gerolamo	Hernandez
Avant	Deshoteis	Jack
Badeaux	Drew	Kelly
Bel	Fowler	Kilbourne
Bergeron	Fulco	Kilpatrick
Blair	Gauthier	Lambert
Burns	Glarrusso	Landry, A.
Burson	Ginn	Landry, E. J.

Lanier	Nunez	Stephenson
LeBleu	O'Neill	Stinson
Leithman	Perez	Sutherland
McDaniel	Perkins	Thompson
Martin	Planchard	Ullo
Morris	Riecke	Velazquez
Munson	Segura	Winchester
Total—60.		

NAYS

Delegates—		
Abraham	Haynes	Schmitt
Bollinger	Jackson, A.	Shannon
Brien	Jackson, J.	Singletary
Cannon	Jenkins	Slay
Casey	Jones	Soniat
Cowen	Lowe	Stagg
De Blieux	Maybuce	Stovall
Dennery	Miller	Thistlethwaite
Derbes	Newton	Tobias
Dunlap	Pugh	Toomy
Duval	Rachal	Vick
Flory	Reeves	Warren
Fontenot	Roemer	Willis
Graham	Roy	Wisham
Guarisco	Sandoz	Zervigon
Total—45.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Smith
Brown	Juneau	Tapper
Champagne	Kean	Tate
Chehardy	Landrum	Toca
Conroy	Leigh	Vesich
Dennis	Mauberret	Wall
Edwards	Mire	Wattigny
Elkins	Ourso	Weiss
Fayard	Rayburn	Womack
Total—27.		

And the amendment was adopted.

Delegate Hernandez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Champagne sent up the following explanation of vote with respect to Convention Floor Amendment No. 1 proposed by Delegate Hernandez, et al.

"As a veteran and strong supporter of veterans interests I regret to have to vote against listing all veterans benefits in the Constitution. I am also committed to a shorter Constitution and feel their interests are adequately covered in the proposal."

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 6 of said amendment, at the end of line 21, immediately after the language added by Floor Amendment No. 1 proposed by Mr. Hernandez, et al., and adopted on December 12, 1973, add the following:

"No rule, regulation, or practice of the commission, any agency or department, or any officer of the state or any political subdivision shall favor or discriminate against any applicant or employee on the basis of his membership or non-membership in any private organization."

Delegate Jenkins moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Miller
Aertker	Gauthier	O'Neill
Anzalone	Giarrusso	Perez
Arnette	Goldman	Perkins
Badeaux	Graham	Planchard
Bollinger	Grier	Riecke
Brien	Hardee	Roemer
Burns	Hayes	Sandoz
Burson	Heine	Schmitt
Casey	Hernandez	Smith
Chatelain	Jenkins	Stagg
Conino	Jones	Stinson
Corne	Kean	Sutherland
Cowen	Kilbourne	Thistlethwaite
Dennery	Landry, A.	Tobias
Drew	Lanier	Ullo
Dunlap	LeBleu	Willis
Duval	Lowe	Winchester
Fontenot	McDaniel	Zervigon
Total—57.		

NAYS

Delegates—		
Alario	Guarisco	Rachal
Alexander	Haynes	Reeves
Asseff	Jack	Roy
Avant	Jackson, A.	Segura
Bel	Kilpatrick	Shannon
Bergeron	Lambert	Singletary
Blair	Landrum	Slay
Carmouche	Landry, E. J.	Soniat
Chehardy	Leithman	Stephenson
Comar	Martin	Stovall
D'Gerolamo	Maybuce	Tapper
De Blieux	Mire	Toomy
Dennis	Munson	Velazquez
Deshotels	Newton	Warren
Flory	Nunez	Wisham
Fulco	Ourso	Womack
Ginn	Pugh	
Total—50.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Tate
Brown	Jackson, J.	Thompson
Cannon	Juneau	Toca
Champagne	Kelly	Vesich
Conroy	Leigh	Vick
Derbes	Mauberret	Wall
Edwards	Morris	Wattigny
Elkins	Rayburn	Weiss
Fayard		
Total—25.		

And the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bergeron sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Bergeron, Alario, Arnette, Badeaux, Bel, Brien, Cannon, Carmouche, Chehardy, Conino, D'Gerolamo, De Blieux, Flory, Giarrusso, Ginn, Goldman, Hayes, A. Jackson, J. Jackson, Kilpatrick, Landrum, A. Landry, E. J. Landry, Lanier, Leithman, Lowe, Maybuce, Miller, O'Neill, Ourso, Pugh, Roemer, Shannon, Toomy, Velazquez and Warren to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 7, delete lines 8, 9, and 10 in their entirety, and insert in lieu thereof the following: "nesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein such commis—"

Delegate Bergeron moved the adoption of the amendment.

Delegate Dennery objected.

By a vote of 80 yeas and 27 nays the amendment was adopted.

Delegate Bergeron moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Shannon to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Floor Amendment No. 1 proposed by Delegate Denery and adopted by the Convention on December 8, 1973, on page 7 of said floor amendment, delete lines 14 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"(M) Appropriations. (1) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable the commission and the department to carry out efficiently and effectively the provisions of this Section, and the amount so appropriated by the legislature shall not be subject to veto by the governor."

Delegate Shannon moved the adoption of the amendment.

Delegate Stagg objected.

By a vote of 67 yeas and 31 nays the amendment was adopted.

Delegate Shannon moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Hayes, the Convention altered the Order of Business to take up other Orders of Business, at this time.

COMMITTEE NOTICE

Delegate Juneau, Chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Friday, December 14, 1973, after adjournment in the Treaty Room and will consider the following agenda:

AGENDA

Publication and distribution of final document.

Respectfully submitted,

PATRICK A. JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Judge Dennis, chairman of the Committee on the Judiciary, sent up the following notice:

The Committee on the Judiciary will meet on Friday,

PAGE 8

97th Days Proceedings—December 12, 1973

December 14, 1973, at 12:00 o'clock Noon in the Treaty Room and will consider the following agenda:

AGENDA

Delegate Proposal 35
Delegate Proposal 62
Delegate Proposal 93
Style and drafting changes in Committee Proposal 21

Respectfully submitted,

JAMES L. DENNIS,
Chairman of the Committee on
the Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate A. Jackson the rules were suspended in order to call a meeting of the Committee on Bill of Rights and Elections without giving the required 24 hours notice.

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on December 14, 1973, at 12:00 o'clock noon in Committee Room 1 and will consider the following agenda:

AGENDA

General Governmental Proposals

Respectfully submitted,

A. JACKSON,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Roemer, Secretary to the Committee on Revenue, Finance and Taxation, the rules were suspended in order to call a meeting of the Committee on

Revenue, Finance and Taxation without giving the required 24 hours notice.

Delegate Roemer, Secretary of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday, December 13, 1973, at 12:00 o'clock noon and will consider the following agenda:

AGENDA

(1) Consideration of Delegate Proposals referred to the Committee as follows: 16, 17, 21, 33, 34, 55, 60, 77, 91, 95.

(2) Consideration of matters pertaining to presentation on the convention floor of provisions of Committee Proposal No. 15.

(3) Approval of report on C.P. 26 for presentation to Committee on Legislative Liasian and Transitional Measures.

Respectfully submitted,

CHARLES E. ROEMER, III,
Secretary of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Conroy—1 day.
Delegate Juneau—2 days.
Delegate Chehardy—½ day.
Delegate Gravel—4 days.
Delegate Mauberret—½ day.
Delegate Weiss—1 day.
Delegate Champagne—3 hours.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, December 13, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned on Thursday, December 13, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

NINETY-EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, December 13, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

Delegates—	PRESENT	
Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Ourso
Aertker	Gauthier	Perez
Alario	Giarrusso	Planchard
Alexander	Ginn	Pugh
Anzalone	Goldman	Rachal
Arnette	Graham	Reeves
Asseff	Grier	Riecke
Avant	Guarisco	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Blair	Heine	Segura
Bollinger	Hernandez	Shannon
Brien	Jack	Singletary
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Lambert	Tate
Conino	Landrum	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lowe	Vick
Dennis	McDaniel	Warren
Derbes	Martin	Wattigny
Deshotels	Maybeuce	Weiss
Drew	Miller	Willis
Dunlap	Mire	Winchester
Duval	Morris	Wisham
Fayard	Munson	Womack
Flory	Newton	Zervigon
Fontenot	Nunez	
Total—119.		

ABSENT

Delegates—		
Burson	Jones	Slay
Edwards	Mauberret	Thistlethwaite
Elkins	Perkins	Vesich
Gravel	Rayburn	Wall
Leigh		
Total—13.		

The Chairman announced that there were 119 members present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Champagne led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Goldman, the reading of the Journal was dispensed with.

On motion of Delegate Goldman, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Read.

The Chair announced that the Convention had under consideration Committee Proposal No. 9, when it adjourned on Wednesday, December 13, 1973, which was taken up and acted upon as follows:

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1, proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 8 of said floor amendment, line 32, after the partial word and punctuation "islature," and before the words "in one or" delete the words and punctuation "or by the respective local governing body,"

Delegate A. Jackson moved the adoption of the amendment.

Delegate Lanier objected.

By a vote of 42 yeas and 34 nays the amendment was adopted.

Delegate A. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Landry sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates A. Landry, Mire, Ourso, Slay, Martin, Perez, Edwards, Mauberret and Winchester to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on Decem-

PAGE 2

98th Days Proceedings—December 13, 1973

ber 8, 1973, on page 8, line 34, after the word and punctuation "employees," delete the remainder of the line in its entirety and on line 35, before the word "or" delete the words "from the state classified service,"

AMENDMENT No. 2—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 9, line 4, at the end of the line, add the following:

"However, nothing in this Paragraph shall permit inclusion in the local civil service of officials and employees listed in Paragraph (B) of this Section."

AMENDMENT No. 3—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 9, at the end of line 4, add the following sentence:

"No law enacted by the legislature establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall be effective in any parish or in any such municipality until approved by ordinance adopted by the governing authority of the affected parish or municipality."

On request of Delegate A. Landry a division of the question was ordered.

Delegate A. Landry moved the adoption of Amendment Nos. 1 and 2.

Delegate Stovall objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Duval	Planchard
Aertker	Flory	Pugh
Alario	Giarrusso	Rachal
Alexander	Ginn	Reeves
Anzalone	Goldman	Riecke
Arnette	Grier	Roemer
Asseff	Guarisco	Roy
Avant	Heine	Sandoz
Badeaux	Hernandez	Segura
Bel	Jackson, A.	Singletary
Bergeron	Jenkins	Soniati
Blair	Kilbourne	Stephenson
Bollinger	Landrum	Stinson
Brien	Landry, A.	Tate
Burns	Landry, E. J.	Thompson
Carmouche	Lanier	Toca
Chatelain	LeBleu	Toomy
Chehardy	Leithman	Ullo
Corne	Lowe	Velazquez
Cowen	McDaniel	Vick
D'Gerolamo	Martin	Willis
Dennery	Maybuce	Winchester
Dennis	Miller	Wisham
Deshotels	Morris	Womack
Drew	Nunez	Zervigon
Dunlap	O'Neill	
Total—77.		

NAYS

Delegates—		
Casey	Hardee	Smith
Champagne	Hayes	Stagg
Conino	Jack	Stovall
Conroy	Schmitt	Sutherland
De Blieux	Shannon	Warren
Fulco		
Total—16.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Newton
Brown	Haynes	Ourso
Burson	Jackson, J.	Perez
Cannon	Jones	Perkins
Comar	Juneau	Rayburn
Derbes	Kean	Slay
Edwards	Kelly	Tapper
Elkins	Kilpatrick	Thistlethwaite
Fayard	Lambert	Tobias
Fontenot	Leigh	Vesich
Fowler	Mauberrret	Wall
Gauthier	Mire	Wattigny
Graham	Munson	Weiss
Total—39.		

And the amendments were adopted.

Delegate A. Landry moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Landry moved the adoption of Amendment No. 3.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Pugh
Aertker	Goldman	Rachal
Anzalone	Grier	Reeves
Arnette	Guarisco	Riecke
Asseff	Heine	Roemer
Badeaux	Hernandez	Roy
Bel	Jack	Sandoz
Blair	Jackson, A.	Segura
Bollinger	Jenkins	Shannon
Brien	Kelly	Singletary
Burns	Kilbourne	Smith
Carmouche	Landrum	Sonlat
Casey	Landry, A.	Stephenson
Chatelain	Landry, E. J.	Stinson
Conino	Lanier	Sutherland
Corne	LeBleu	Thompson
Cowen	Lowe	Toomy
Dennery	McDaniel	Velazquez
Dennis	Martin	Willis
Deshotels	Miller	Winchester
Drew	Morris	Wisham
Dunlap	Nunez	Womack
Duval	O'Neill	Zervigon
Fowler	Planchard	
Total—71.		

NAYS

Delegates—		
Alario	De Blieux	Schmitt
Alexander	Flory	Stagg
Avant	Fulco	Stovall
Bergeron	Ginn	Tate
Champagne	Hardee	Toca
Chehardy	Hayes	Ullo
Conroy	Leithman	Vick
D'Gerolamo	Maybuce	Warren
Total—24.		

NOT VOTING

Delegates—		
Mr. Chairman	Gauthier	Leigh
Brown	Graham	Mauberrret
Burson	Gravel	Mire
Cannon	Haynes	Munson
Comar	Jackson, J.	Newton
Derbes	Jones	Ourso
Edwards	Juneau	Perez
Elkins	Kean	Perkins
Fayard	Kilpatrick	Rayburn
Fontenot	Lambert	Slay

Tapper	Vesich	Wattigny
Thistlethwaite	Wall	Weiss
Tobias		
Total—37.		

And the amendment was adopted.

Delegate A. Landry moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Flory, Fulco, Jack and Nunez to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 8 of said floor amendment, line 30, after the word and punctuation "creation," change the period "." to a semicolon ";" and add the word "Prohibition."

AMENDMENT No. 2—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 9 of said floor amendment delete lines 3 and 4, both inclusive, in their entirety except the language added by Floor Amendments No. 2 and 3 proposed by Delegate A. Landry and adopted by the Convention on December 13, 1973, and insert in lieu thereof the following:

"a population of less than four hundred thousand, in any manner now or hereafter provided by law, except that paid firemen and paid municipal policemen, in a municipality which operates a regularly paid fire and police department and which has a population in excess of thirteen thousand, in all parishes, and in all fire protection districts with paid firemen, are hereby expressly excluded from such civil service system."

Delegate Flory moved the adoption of the amendment.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	Planchard
Alario	Ginn	Pugh
Alexander	Goldman	Rachal
Asseff	Grier	Reeves
Badeaux	Guarisco	Roy
Bel	Hayes	Sandoz
Bergeron	Jack	Segura
Blair	Jackson, A.	Shannon
Brien	Jenkins	Singletary
Brown	Kelly	Soniat
Burns	Kilbourne	Stephenson
Carmouche	Landrum	Thompson
Chehardy	Landry, A.	Toca
Conino	Landry, E. J.	Toomy
Cowen	Lanier	Ullio
D'Gerolamo	LeBleu	Velazquez
De Blieux	Leithman	Vick
Dennis	Lowe	Warren
Deshotels	Maybuce	Winchester
Dunlap	Morris	Wisham
Flory	Munson	Womack
Fowler	Nunez	
Total—65.		

NAYS

Delegates—		
Abraham	Drew	Roemer
Anzalone	Duval	Schmitt
Arnette	Hardee	Smith
Casey	Heine	Stagg
Champagne	Hernandez	Sutherland
Chatelain	Kean	Tobias
Conroy	McDaniel	Willis
Corne	Miller	Zervigon
Dennery	Riecke	
Total—26.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Perez
Avant	Haynes	Perkins
Bollinger	Jackson, J.	Rayburn
Burson	Jones	Slay
Cannon	Juneau	Stinson
Comar	Kilpatrick	Stovall
Derbes	Lambert	Tapper
Edwards	Leigh	Tate
Elkins	Martin	Thistlethwaite
Fayard	Mauberret	Vesich
Fontenot	Mire	Wall
Gauthier	Newton	Wattigny
Giarrusso	O'Neill	Weiss
Graham	Orurso	
Total—41.		

And the amendments were adopted.

Delegate Flory moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Lanier to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 8, of said amendment, delete line 32, in its entirety, including any amendments thereto, and insert in lieu thereof the following: "islature, or by the respective parish governing authority, in one or"

AMENDMENT No. 2—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 9, of said amendment, in line 1, immediately after the word "respective" delete the words "local governing" and at the beginning of line 2, delete "body," and insert in lieu thereof the following: "city governing body,"

Delegate Lanier moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 64 yeas and 32 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by

Delegate Dennery and adopted by the Convention on December 8, 1973, in Floor Amendment No. 3, proposed by Delegates A. Landry, et al., and adopted by the convention on December 13, 1973, line 1, immediately after the word "legislature" and before the word "establishing" insert the following:

"after the effective date of this constitution"

On motion of Delegate Avant the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 9, at the end of line 4, add the following:

"(P) Legislative Authority. The legislature, by the favorable vote of three-fourths of the elected members of each house, may amend or otherwise modify any provision of this Article, except that it may not abolish the system of classified civil service."

On motion of Delegate De Blieux the amendment was withdrawn.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 1, line 12, of said floor amendment delete the language added by Floor Amendment No. 1 proposed by Delegates Flory, et al., and adopted by the Convention on December 11, 1973, and insert in lieu thereof the following: "including firemen and policemen"

Delegate Dennery moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Dennery	LeBleu
Abraham	Dennis	Lowe
Alexander	Derbes	McDaniel
Anzalone	Drew	Miller
Arnette	Duval	Sandoz
Asseff	Grier	Smith
Badeaux	Heine	Stagg
Bollinger	Jenkins	Sutherland
Casey	Kean	Tobias
Champagne	Kilbourne	Willis
Conroy	Landrum	Zervigon
Corne		
Total—33.		

NAYS

Delegates—	Alario	Avant
Aertker		

Bel	Gravel	Rachal
Bergeron	Guarisco	Reeves
Blair	Hardee	Roemer
Brien	Hayes	Schmitt
Brown	Haynes	Segura
Burns	Jack	Shannon
Carmouche	Jackson, A.	Singletary
Chatelain	Kelly	Soniat
Chehardy	Kilpatrick	Stephenson
Comar	Landry, A.	Stinson
Conino	Landry, E. J.	Stovall
Cowen	Lanier	Thompson
D'Gerolamo	Leithman	Toca
De Blieux	Martin	Toomy
Deshotels	Maybee	Ullo
Dunlap	Mire	Velazquez
Fayard	Morris	Vick
Flory	Munson	Warren
Fowler	Newton	Weiss
Fulco	Nunez	Winchester
Ginn	O'Neill	Wisham
Goldman	Plancharde	Womack
Graham	Pugh	
Total—71.		

NOT VOTING

Delegates—	Jones	Roy
Mr. Chairman	Juneau	Slay
Burson	Lambert	Tapper
Cannon	Leigh	Tate
Edwards	Mauberet	Thistlethwaite
Elkins	Ourso	Vesich
Fontenot	Perez	Wall
Gauthier	Perkins	Wattigny
Giarrusso	Rayburn	
Hernandez	Riecke	
Jackson, J.		
Total—28.		

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Champagne moved that the Convention consider in globo the amendment to Committee Proposal No. 9 at this time.

As a substitute Delegate A. Jackson moved that the Convention proceed on Committee Proposal No. 9 by considering the amendments to lettered paragraphs.

Delegate Champagne objected.

The vote recurred on the substitute motion.

By a vote of 77 yeas and 12 nays the Convention agreed to proceed lettered paragraph by lettered paragraph on the proposal.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Casey and J. Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 1, at the end of line 12 of the text of the amendment, delete Floor Amendment No. 1 proposed by Delegates Flory, et al. and adopted by the convention on December 11, 1973, and insert in lieu thereof the following:

"However, paid firemen and municipal policemen may be excluded if a majority of the electors in the city affected voting at an election held for the purpose consent thereto."

On motion of Delegate Casey the amendment was withdrawn.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Casey and J. Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Denery and adopted by the Convention on December 8, 1973, on page 1, at the end of line 12 of the text of the amendment, delete Floor Amendment No. 1 proposed by Delegates Flory, et al. and adopted by the convention on December 11, 1973, and insert in lieu thereof the following:

"However, paid firemen and municipal policemen may be excluded if a majority of the electors in the city affected voting at an election held for the purpose consent thereto, provided said election shall be called by the governing authority of the city affected within one year after the effective date of this constitution."

Delegate Casey moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Derbes	Pugh
Alexander	Drew	Riecke
Anzalone	Dunlap	Sandoz
Arnette	Duval	Schmitt
Asseff	Gauthier	Smith
Badeaux	Grier	Stagg
Bollinger	Guarisco	Stinson
Brien	Hardee	Stovall
Burns	Hernandez	Sutherland
Casey	Jenkins	Tobias
Champagne	Kean	Toomy
Chatelain	Landrum	Ullo
Conroy	Landry, A.	Velazquez
Corne	Lanier	Weiss
Cowen	LeBleu	Willis
Dennery	Miller	Winchester
Dennis	Newton	Zervigon
Total—51.		

NAYS

Delegates—		
Alario	Goldman	Rachal
Avant	Hayes	Reeves
Bergeron	Haynes	Roemer
Blair	Jack	Roy
Cannon	Jackson, A.	Shannon
Carmouche	Kilbourne	Singletary
Comar	Kilpatrick	Soniat
Conino	Lambert	Stephenson
De Blieux	Landry, E. J.	Thompson
Deshotels	Leithman	Toca
Fayard	Maybuce	Vick
Flory	Mire	Warren
Fontenot	Munson	Wattigny
Fowler	Nunez	Wisham
Fulco	O'Neill	Womack
Ginn	Planchard	
Total—47.		

NOT VOTING

Delegates—		
Mr. Chairman	D'Gerolamo	Heine
Aertker	Edwards	Jackson, J.
Bel	Elkins	Jones
Brown	Giarrusso	Juneau
Burson	Graham	Kelly
Chehardy	Gravel	Leigh

Lowe	Perez	Tate
McDaniel	Perkins	Thistlethwaite
Martin	Rayburn	Vesich
Mauberrret	Segura	Wall
Morris	Slay	
Ourso	Tapper	
Total—29.		

And the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Vick sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Vick to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 2, line 12, after the words and punctuation "lieutenant governor," and before the words "each mayor" insert the words "attorney general"

On motion of Delegate Vick the amendment was adopted.

Delegate Vick moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, in Floor Amendment No. 1, proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 2 of said amendment, at the end of line 24, immediately after the word and punctuation "quorum." strike out Convention Floor Amendment No. 1 proposed by Delegate Champagne and adopted by the Convention on December 11, 1973, and insert in lieu thereof the following: "No more than one appointed member shall be from each congressional district."

Delegate Champagne moved the adoption of the amendment.

Delegate Landrum objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Conino	Graham
Alario	Conroy	Grier
Alexander	Corne	Guarisco
Arnette	Cowen	Hardee
Asseff	De Blieux	Hayes
Avant	Dennery	Haynes
Badeaux	Dennis	Hernandez
Bel	Derbes	Jack
Bergeron	Drew	Jackson, A.
Blair	Dunlap	Jenkins
Brien	Fayard	Kean
Burns	Flory	Kilbourne
Carmouche	Fontenot	Kilpatrick
Casey	Fowler	Landry, A.
Champagne	Fulco	Landry, E. J.
Chatelain	Gauthier	Lanier
Chehardy	Ginn	LeBleu
Comar	Goldman	Leithman

Martin	Schmitt	Toca
Maybuce	Shannon	Toomy
Miller	Singletary	Uilo
Mire	Smith	Velazquez
Munson	Sonlat	Vick
O'Neill	Stagg	Wattigny
Planchard	Stephenson	Weiss
Rachal	Stinson	Willis
Reeves	Stovall	Winchester
Riecke	Sutherland	Wisham
Roemer	Tate	Womack
Roy	Thompson	Zervigon
Sandoz	Tobias	
Total—92.		

NAYS

Delegates—		
Landrum	Newton	Warren
Total—3.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Ourso
Aertker	Heine	Perez
Anzalone	Jackson, J.	Perkins
Bollinger	Jones	Pugh
Brown	Juneau	Rayburn
Burson	Kelly	Segura
Cannon	Lambert	Slay
D'Gerolamo	Leigh	Tapper
Deshotels	Low	Thistlethwaite
Duval	McDaniel	Vesich
Edwards	Mauberet	Wall
Elkins	Morris	
Giarrusso	Nunez	
Total—37.		

And the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Flory and Dennery to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 3, at the end of line 11 in said floor amendment, delete the word "two" and at the beginning of line 12 in said floor amendment delete the words "hundred fifty" and insert in lieu thereof the words "four hundred"

AMENDMENT No. 2—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 4, line 22 of said floor amendment after the partial word "ceeding" delete the remainder of the line and insert in lieu thereof the following: "four hundred thousand."

AMENDMENT No. 3—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Denenry and adopted by the convention on December 8, 1973, on page 7, at the end of line 30 in said floor amendment, delete the words "two hundred fifty" and insert in lieu thereof "four hundred"

On motion of Delegate Flory the amendments were adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 3 of said floor amendment, delete lines 27 and 28, both inclusive, in their entirety, and insert in lieu thereof the following:

"dents of any five institutions of higher education in the state, which five institutions shall be selected by the govern—"

On motion of Delegate Dennery the amendment was withdrawn.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 4, line 34, of the text of the amendment, delete Floor Amendment No. 1, proposed by Delegate Flory and adopted by the convention on December 11, 1973, and insert in lieu thereof the following:

"fitness, and experience, as"

Delegate Jenkins moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fontenot	Miller
Anzalone	Fulco	Newton
Arnette	Gauthier	O'Neill
Badeaux	Goldman	Rachal
Bollinger	Grier	Riecke
Casey	Guarisco	Roemer
Champagne	Hardee	Sandoz
Chatelain	Hernandez	Smith
Conroy	Jenkins	Stephenson
Kerne	Kean	Stinson
De Blieux	Kilbourne	Sutherland
Dennery	Kilpatrick	Tobias
Drew	Landry, A.	Willis
Duval	Lanier	Zervigon
Fayard	LeBleu	
Total—44.		

NAYS

Delegates—		
Alario	Fowler	Roy
Alexander	Ginn	Singletary
Asseff	Graham	Sonlat
Avant	Hayes	Stovall
Bel	Haynes	Tate
Bergeron	Jack	Thompson
Blair	Jackson, A.	Toca
Brien	Landry, E. J.	Toomy
Burns	Leithman	Uilo
Cannon	Maybuce	Velazquez
Carmouche	Mire	Vick
Chehardy	Munson	Warren
Comar	Perez	Wattigny
Conino	Planchard	Weiss
Dunlap	Pugh	Winchester
Flory	Reeves	Womack
Total—48.		

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Perkins
Aertker	Jones	Rayburn
Brown	Juneau	Schmitt
Burson	Kelly	Segura
Cowen	Lambert	Shannon
D'Gerolamo	Landrum	Slay
Dennis	Leigh	Stagg
Derbes	Lowe	Tapper
Deshotels	McDaniel	Thistlethwaite
Edwards	Martin	Vesich
Elkins	Mauberrret	Wall
Giarrusso	Morris	Wisham
Gravel	Nunez	
Heine	Ourso	

Total—40.

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates A. Jackson, Lanier and Dennery to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 8, line 34, immediately after the word and punctuation "employees," insert the following: "except teaching and professional staffs, and administrative officers of schools,"

On motion of Delegate A. Jackson the amendment was adopted.

Delegate A. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Newton and Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 6, line 21 of said Dennery amendment, at the end of the last line, of the floor amendment proposed by Delegate Jenkins and adopted by the convention on December 12, 1973, immediately after the words "private" organization" change the period "." to a semicolon ";" and add the following:

"provided that this shall not prohibit any state agency, department or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions or other conditions of employment in a manner not prohibited by any civil service law or valid rule or regulation of a commission."

On motion of Delegate Newton the amendment was withdrawn.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Newton and Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 6, line 21 of said Dennery amendment, at the end of the last line of the floor amendment proposed by Delegate Jenkins and adopted by the convention on December 12, 1973, immediately after the words "private organization" change the period "." to a semicolon ";" and add the following:

"provided that this shall not prohibit any state agency, department or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions or other conditions of employment in a manner not inconsistent with this constitution or any civil service law or valid rule or regulation of a commission."

Delegate Flory moved the adoption of the amendment.

Delegate Drew objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fulco	Reeves
Alexander	Ginn	Roy
Asseff	Graham	Segura
Avant	Guarisco	Shannon
Bergeron	Haynes	Singletary
Blair	Jackson, A.	Soniat
Brien	Jackson, J.	Stephenson
Burns	Landrum	Stovall
Chehardy	Landry, E. J.	Tate
Comar	Leithman	Thompson
Conino	Maybuce	Toca
De Blieux	Mire	Toomy
Dennis	Newton	Velazquez
Dunlap	O'Neill	Vick
Flory	Ourso	Warren
Fontenot	Planchard	Wisham
Fowler	Rachal	Womack

Total—51.

NAYS

Delegates—		
Abraham	Gauthier	Perez
Anzalone	Goldman	Pugh
Arnette	Grier	Riecke
Badeaux	Hardee	Sandoz
Bel	Hayes	Schmitt
Bollinger	Heine	Smith
Carmouche	Hernandez	Stagg
Casey	Jenkins	Stinson
Champagne	Kilbourne	Sutherland
Chatelain	Landry, A.	Tobias
Conroy	Lanier	Ullo
Corne	LeBleu	Wattigny
Cowen	Lowe	Weiss
Derbes	McDaniel	Willis
Drew	Martin	Winchester
Duval	Miller	Zervigon

Total—48.

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Morris
Aertker	Gravel	Munson
Brown	Jack	Nunez
Burson	Jones	Perkins
Cannon	Juneau	Rayburn
D'Gerolamo	Kean	Roemer
Dennery	Kelly	Slay
Deshotels	Kilpatrick	Tapper
Edwards	Lambert	Thistlethwaite
Elkins	Leigh	Vesich
Fayard	Mauberrret	Wall

Total—33.

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Jenkins objected to tabling the motion to reconsider.

By a vote of 51 yeas and 49 nays the motion to reconsider was tabled.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Floor Amendment No. 1, proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 2 of said amendment, line 11, immediately after the words and punctuation "deputies, and" and before the words "officers" strike out the word "administrative"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the convention on December 8, 1973, on page 3 of said floor amendment, delete lines 27 and 28, both inclusive, in their entirety, and insert in lieu thereof the following:
"cents of any five institutions of higher education in the state, which five institutions shall be selected by the govern—"

Delegate J. Jackson moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 69 yeas and 18 nays the amendment was adopted.

Delegate J. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh and De Blieux to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 32, both inclusive, in their entirety, and on pages 2 through 16, both inclusive, delete lines 1 through 32, both inclusive, in their entirety, and on page 17 delete lines 1 and 2 in their entirety, and delete all convention floor amendments previously adopted thereto by the convention, and insert in lieu thereof the following:

"(A) State Civil Service; Creation; Commission. There shall be a system of civil service for employees of the state, which shall be governed by a commission composed of seven mem-

bers who are electors of the state. Four members shall constitute a quorum. No more than one member shall be appointed from each congressional district. The members shall serve overlapping terms of six years and shall be selected as hereinafter provided.

The presidents of Centenary College at Shreveport; Dillard University at New Orleans; Louisiana College at Pineville; Loyola University of Louisiana at New Orleans; Tulane University of Louisiana at New Orleans; and Xavier University at New Orleans each shall nominate three persons after giving consideration to representation of all groups. One member of the commission shall be appointed by the governor 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required or if any of the named institutions ceases to exist, the governor shall make the appointment to the commission. An appointment to fill a vacancy occurring before the expiration of the term shall be for the remainder of the unexpired term.

(B) City Civil Service. There shall be a system of city civil service in each city having a population exceeding four hundred thousand, which shall be governed by a commission composed of five members who are qualified electors of the city. Three members shall constitute a quorum. The domicile of each commission shall be in the city which it serves. The members shall serve overlapping terms of six years, as hereinafter provided.

(1) New Orleans; Nomination and Appointment. In New Orleans, the presidents of Dillard University, Loyola University at New Orleans, St. Mary's Dominican College, Xavier University of Louisiana, and Tulane University of Louisiana, each shall nominate three persons, after giving consideration to representation of all groups. From the three persons nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(2) Other Cities; Nomination and Appointment. In each other city subject to the provisions of this Section, the governing authority thereof shall select three of the universities listed in Paragraph (A), and the president of each university selected shall nominate three persons after giving consideration to representation of all groups. From the three persons nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. If the governing authority of the city fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if named institution ceases to exist, the governing authority of the city shall make the appointment. An appointment to fill a vacancy occurring before the expiration of the term shall be for the remainder of the unexpired term.

(C) Removal. A member of the state or of a city civil service commission may be removed by the governor or by the governing authority of the city, as the case may be, but only for cause and after the appointing authority has served the member with written specifications of the charges against him and given him an opportunity for a public hearing thereon.

(D) Appropriations. (1) State. Beginning with the regular session that convenes in 1975 and at each regular session thereafter, the legislature shall appropriate to the State Civil Service Commission and the Department of State Civil Service, for the succeeding fiscal year, a sum equal to not less than seven-tenths of one percent of the aggregate payroll

of the state classified service for the twelve-month period ending on the first day of March preceding the next regular session, as certified by the State Civil Service Commission.

(2) Cities. Each city subject to the provisions of this Section shall make adequate annual appropriations to enable its service commission and department to carry out efficiently and effectively the provisions of this Section.

(E) Civil Service Code. The provisions presently in effect relating to civil service for state and city employees, except those provisions relating to the membership of the commissions, are hereby continued in effect as a statutory civil service code. The legislature shall have no authority to change any provision thereof except by the favorable vote of three-fourths of the elected members of each house. The legislature shall not abolish the systems of civil service in the state, reduce the amount required to be appropriated in accordance with Paragraph (D) (1), or repeal the provisions of Paragraph (D) (2)."

On motion of Delegate Pugh debate was limited to 30 minutes on the amendment.

Delegate Pugh moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hayes	Sandoz
Arnette	Heine	Schmitt
Bel	Jackson, A.	Segura
Bollinger	Jackson, J.	Singletary
Brien	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kilbourne	Thompson
Chatelain	Landry, A.	Toomy
Corne	Lanier	Ulló
De Blieux	Lowe	Velazquez
Drew	McDaniel	Vick
Duval	Mire	Warren
Fayard	Pugh	Willis
Goldman	Rachal	Wisham
Graham	Reeves	Womack
Guarisco	Roemer	
Total—47.		

NAYS

Delegates—		
Aertker	Flory	Newton
Alario	Fontenot	O'Neill
Alexander	Fowler	Perez
Anzalone	Fulco	Planchard
Asseff	Gauthier	Riecke
Avant	Ginn	Roy
Badeaux	Grier	Shannon
Bergeron	Hardee	Smith
Blair	Hernandez	Stephenson
Burns	Jack	Stinson
Cannon	Jenkins	Stovall
Champagne	Kilpatrick	Sutherland
Chehardy	Landry, E. J.	Tobias
Comar	Leithman	Toca
Conino	Martin	Wattigny
Conroy	Maybuce	Weiss
Dennery	Miller	Winchester
Dennis	Morris	Zervigon
Dunlap		
Total—55.		

NOT VOTING

Delegates—		
Mr. Chairman	D'Gerolamo	Elkins
Brown	Derbes	Giarrusso
Burson	Deshotels	Gravel
Cowen	Edwards	Haynes

Jones	Maubernet	Slay
Kelly	Munson	Tapper
Lambert	Nunez	Tate
Landrum	Ourso	Thistlethwaite
LeBleu	Perkins	Vesich
Leigh	Rayburn	Wall
Total—30.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Alexander, Chatelain and Willis to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 9, in Floor Amendment No. 2 proposed by Delegate Flory and adopted by the Convention on December 13, 1973, on line 2 of said amendment, after the word "law" change the comma "," to a period "." and delete lines 3 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"However, in any municipality having a population in excess of thirteen thousand which has a regularly paid fire and paid municipal fire department, and in all parishes and fire protection districts having paid firemen, the said firemen and policemen are expressly excluded from a civil service system so established unless a majority of the electors therein, in an election held for the purpose, consent to their inclusion. The election shall be held in accordance with the procedure established pursuant to Article VI, Section 26, of this constitution."

Delegate Lanier moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Perez
Alexander	Grier	Pugh
Anzalone	Guarisco	Riecke
Arnette	Hardee	Roemer
Asseff	Heine	Sandoz
Badeaux	Hernandez	Schmitt
Bollinger	Jackson, J.	Segura
Burns	Jenkins	Singletary
Carmouche	Juneau	Smith
Casey	Kean	Stagg
Champagne	Kilbourne	Sutherland
Chatelain	Landrum	Tobias
Conroy	Landry, A.	Toomy
Corne	Lanier	Ulló
Dennery	LeBleu	Velazquez
Drew	McDaniel	Wattigny
Duval	Martin	Willis
Gauthier	Mire	Winchester
Goldman	Morris	Zervigon
Total—57.		

NAYS

Delegates—		
Aertker	Chehardy	Fulco
Alario	Comar	Ginn
Avant	Conino	Hayes
Bel	De Blieux	Haynes
Bergeron	Dunlap	Jack
Blair	Flory	Jackson, A.
Brien	Fontenot	Kilpatrick
Cannon	Fowler	Landry, E. J.

PAGE 10

98th Days Proceedings—December 13, 1973

Leithman	Reeves	Toca
Lowe	Roy	Vick
Maybuce	Shannon	Warren
Newton	Sonlat	Weiss
O'Neill	Stephenson	Wisham
Planchar	Stinson	Womack
Rachal	Thompson	
Total—44.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Ourso
Brown	Gravel	Perkins
Burson	Jones	Rayburn
Cowen	Kelly	Slay
D'Gerolamo	Lambert	Stovall
Dennis	Leigh	Tapper
Derbes	Mauberrret	Tate
Deshotels	Miller	Thistlethwaite
Edwards	Munson	Vesich
Elkina	Nunez	Wall
Fayard		
Total—31.		

And the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lanier to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennery and adopted by the Convention on December 8, 1973, on page 9, in Floor Amendment No. 1 proposed by Delegate Lanier, et al. and adopted by the Convention on December 13, 1973, on line 3 of said amendment, after the word "municipal" and before the word "department" delete the word "fire" and insert in lieu thereof the word "police"

On motion of Delegate Lanier the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Smith the previous question was ordered on the Section.

Delegate Singletary moved that the Convention recess for a period of 10 minutes.

Delegate Jenkins objected.

By a vote of 30 yeas and 60 nays the Convention refused to recess for a period of ten minutes.

Passage

Committee Proposal No. 9, Section 1 was read, as amended.

Delegate Rachal moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Alexander	Badeaux
Abraham	Anzalone	Blair
Aertker	Arnette	Bollinger

Brien	Hardee	Rachal
Burns	Heine	Riecke
Carmouche	Hernandez	Roemer
Casey	Jackson, J.	Sandoz
Champagne	Jenkins	Schmitt
Chatelain	Juneau	Singletary
Comar	Kean	Smith
Conino	Kilpatrick	Stagg
Conroy	Landrum	Stephenson
Corne	Landry, A.	Sutherland
Dennery	Lanier	Thompson
Drew	Leithman	Tobias
Dunlap	Lowe	Toomy
Duval	McDaniel	Ullo
Gauthier	Martin	Velazquez
Goldman	Mire	Weiss
Graham	O'Neill	Willis
Grier	Perez	Winchester
Guarisco	Planchar	Zervigou
Total—66.		

NAYS

Delegates—		
Alario	Fowler	Pugh
Asseff	Fulco	Roy
Avant	Hayes	Segura
Bel	Haynes	Shannon
Bergeron	Jack	Soniat
Cannon	Jackson, A.	Stinson
Chehardy	Kilbourne	Stovall
De Blieux	Landry, E. J.	Toca
Dennis	LeBleu	Warren
Fayard	Maybuce	Wattigny
Flory	Morris	Wisham
Fontenot	Newton	Womack
Total—36.		

NOT VOTING

Delegates—		
Brown	Gravel	Perkins
Burson	Jones	Rayburn
Cowen	Kelly	Reeves
D'Gerolamo	Lambert	Slay
Derbes	Leigh	Tapper
Deshotels	Mauberrret	Tate
Edwards	Miller	Thistlethwaite
Elkins	Munson	Vesich
Giarrusso	Nunez	Vick
Ginn	Ourso	Wall
Total—32.		

Failed to pass.

Motion to reconsider pending.

Explanation of Vote

Delegate De Blieux sent up the following explanation of vote with respect to the adoption of Section 1 of Committee Proposal No. 9 by Delegate Aertker, et al.

"I am a strong advocate of civil service, but because of the numerous amendments and purely legislative material that have been placed into this proposal, without right of the legislature to make any corrections, by any manner of vote, of the errors that may have been made here, I am just opposed to putting the proposal as drafted into the Constitution."

Explanation of Vote

Delegates Pugh and Bel sent up the following explanation of vote with respect to the adoption of Section 1 of Committee Proposal No. 9 by Delegate Aertker, et al.

"As Delegates we took an oath which reads, in part, as follows: 'I will faithfully and impartially discharge all the duties incumbent upon me as a delegate to the Constitutional Convention according to the best of my ability and understanding, so help me God.'

We cannot fulfill this obligation and vote for this monstrosity, with all its jack straw votes."

Motion

On motion of Delegate Jenkins the Convention agreed to consider the reconsideration of the vote by which the Section failed to pass at this time.

Point of Order

Delegate Smith suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	O'Neill
Abraham	Fowler	Perez
Aertker	Fulco	Planchard
Alario	Gauthier	Pugh
Alexander	Goldman	Rachal
Anzalone	Graham	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Roemer
Avant	Hardee	Roy
Badeaux	Hayes	Sandoz
Bel	Haynes	Schmitt
Bergeron	Heine	Segura
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kilbourne	Sutherland
Chatelain	Kilpatrick	Thompson
Chehardy	Landrum	Tobias
Comar	Landry, A.	Toca
Conino	Landry, E. J.	Toomy
Conroy	Lanier	Ullio
Corne	LeBleu	Velazquez
De Blieux	Leithman	Wattigny
Dennerly	Lowe	Weiss
Dennis	McDaniel	Willis
Drew	Martin	Winchester
Dunlap	Maybuce	Wisham
Duval	Mire	Womack
Fayard	Morris	Zervigon
Flory	Newton	
Total—101.		

ABSENT

Delegates—		
Brown	Jones	Rayburn
Burson	Kelly	Slay
Cowen	Lambert	Stephenson
D'Gerolamo	Leigh	Tapper
Derbes	Mauberrert	Tate
Deshotels	Miller	Thistlethwaite
Edwards	Munson	Vesich
Elkins	Nunez	Vick
Giarrusso	Ourso	Wall
Ginn	Perkins	Warren
Gravel		
Total—31.		

The Chair announced that there were 101 Delegates present and a quorum.

Reconsideration

Delegate Jenkins moved to reconsider the vote by which the Section failed to pass.

Delegate Flory objected.

By a vote of 65 yeas and 36 nays the vote by which the Section failed to pass was reconsidered.

Motion

Delegate Tobias moved the previous question on the Section.

Delegate Flory objected.

By a vote of 36 yeas and 55 nays and Convention refused to order the previous question at this time.

Motion

Delegate Anzalone moved to limit debate on passage of Section 1 to 15 minutes.

As a substitute Delegate Alexander moved to limit debate to the Delegates presently on the Chairman's list of speakers.

Delegate Vick objected.

The vote recurred on the substitute.

By a vote of 57 yeas and 37 nays the Convention limited debate to the Delegates presently on the Chairman's list of speakers.

Motion

Delegate Dennis moved that the proposal be returned to the Calendar.

Delegate Champagne objected.

By a vote of 33 yeas and 63 nays the Convention refused to return the proposal to the Calendar.

Motion

Delegate Chatelain moved to adjourn until 9:00 A.M. Friday, December 14, 1973.

Delegate Abraham objected.

By a vote of 19 yeas and 70 nays the Convention refused to adjourn at this time.

Motion

Delegate Juneau moved the previous question on the Section.

Delegate Jenkins objected.

By a vote of 35 yeas and 55 nays and the Convention refused to order the previous question at this time.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Dennerly and adopted by the Convention on December 8, 1973, on page 9, delete Floor Amendment No. 1 proposed by Delegates Lanier, et al. and all floor amendments thereto and restore the language of Convention Floor Amendment No. 1 proposed to said page by Delegate Flory and adopted by the Convention on December 13, 1973

Point of Order

Delegate Schmitt raised the point of order that the amendment was out of order as having been previously considered by the Convention and asked a ruling from the Chair.

The Chair refused to rule on the point of order and put the question to the Convention under the rules.

The question was put to rule the amendment in order at this time.

By a vote of 54 yeas and 39 nays, the Convention declared the amendment in order at this time.

Delegate Flory moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PAGE 12

98th Days Proceedings—December 13, 1973

YEAS

Delegates—		
Aertker	Fulco	Planchard
Alario	Gauthier	Pugh
Alexander	Ginn	Rachal
Asseff	Goldman	Riecke
Avant	Graham	Roy
Badeaux	Guarisco	Sandoz
Bel	Hardee	Segura
Bergeron	Hayes	Shannon
Blair	Haynes	Singletary
Brien	Jack	Smith
Burns	Jackson, A.	Soniat
Cannon	Jackson, J.	Stagg
Champagne	Jenkins	Stephenson
Chatelain	Juneau	Stinson
Chehardy	Kilpatrick	Stovall
Comar	Landrum	Sutherland
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	LeBleu	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lowe	Vick
Dennis	McDaniel	Warren
Drew	Maybuce	Wattigny
Dunlap	Morris	Willis
Fayard	Newton	Winchester
Flory	O'Neill	Wisham
Fontenot	Perez	Womack
Fowler		
Total—85.		

NAYS

Delegates—		
Abraham	Grier	Roemer
Anzalone	Heine	Schmitt
Arnette	Hernandez	Tobias
Bollinger	Kean	Weiss
Casey	Kilbourne	Zervigon
Duval	Miller	
Total—17.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Ourso
Brown	Jones	Perkins
Burson	Kelly	Rayburn
Carmouche	Lambert	Reeves
D'Gerolamo	Leigh	Slay
Derbes	Martin	Tapper
Deshotels	Mauberret	Tate
Edwards	Mire	Thistlethwaite
Elkins	Munson	Vesich
Giarrusso	Nunez	Wall
Total—30.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Tobias moved the previous question on the Section.

As a substitute Delegate Anzalone moved that the Convention do now adjourn sine die.

Delegate Stagg objected.

The vote recurred on the substitute.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Anzalone	Asseff	Miller
Arnette	Hernandez	
Total—5.		

NAYS

Delegates—		
Abraham	Gauthier	Planchard
Aertker	Ginn	Pugh
Alario	Goldman	Riecke
Alexander	Graham	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandoz
Bel	Hardee	Segura
Bergeron	Hayes	Shannon
Blair	Haynes	Singletary
Bollinger	Heine	Smith
Brien	Jack	Soniat
Burns	Jackson, A.	Stagg
Cannon	Jackson, J.	Stephenson
Casey	Jenkins	Stinson
Champagne	Juneau	Stovall
Chatelain	Kean	Sutherland
Chehardy	Kilbourne	Thompson
Comar	Kilpatrick	Tobias
Conino	Landrum	Toca
Conroy	Landry, A.	Toomy
Corne	Landry, E. J.	Ullo
Cowen	Lanier	Velazquez
De Blieux	LeBleu	Vick
Dennery	Leithman	Warren
Dennis	Lowe	Wattigny
Drew	McDaniel	Weiss
Dunlap	Maybuce	Willis
Fayard	Morris	Winchester
Flory	Newton	Wisham
Fontenot	O'Neill	Womack
Fowler	Perez	Zervigon
Fulco		
Total—94.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Perkins
Brown	Jones	Rachal
Burson	Kelly	Rayburn
Carmouche	Lambert	Reeves
D'Gerolamo	Leigh	Schmitt
Derbes	Martin	Slay
Deshotels	Mauberret	Tapper
Duval	Mire	Tate
Edwards	Munson	Thistlethwaite
Elkins	Nunez	Vesich
Giarrusso	Ourso	Wall
Total—33.		

And the Convention refused to adjourn sine die.

Delegate Tobias insisted upon his original motion to order the previous question.

Delegate Schmitt objected.

By a vote of 38 yeas and 59 nays the Convention refused to order the previous question at this time.

Motion

Delegate Smith moved the previous question on the Section.

Delegate Perez objected.

By a vote of 52 yeas and 41 nays the Convention ordered the previous question.

Passage

Committee Proposal No. 9, Section 1, was read, as amended.

Delegate Rachal moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

PAGE 13

98th Days Proceedings—December 13, 1973

YEAS

Delegates—

Mr. Chairman	Fulco	Reeves
Abraham	Gauthier	Riecke
Aertker	Ginn	Roemer
Alario	Goldman	Roy
Alexander	Graham	Sandoz
Anzalone	Guarisco	Segura
Avant	Hardee	Shannon
Badeaux	Haynes	Singletary
Bel	Hernandez	Smith
Bergeron	Jack	Soniat
Blair	Jackson, A.	Stephenson
Brien	Jackson, J.	Stinson
Burns	Jenkins	Stovall
Cannon	Juneau	Sutherland
Casey	Kilpatrick	Thompson
Champagne	Landrum	Tobias
Chatelain	Landry, A.	Toca
Chehardy	Landry, E. J.	Toomy
Comar	Lanier	Ullo
Conino	Leithman	Velazquez
Conroy	Lowe	Wattigny
Cowen	McDaniel	Weiss
Dennery	Maybuce	Willis
Dennis	Morris	Winchester
Dunlap	Newton	Wisham
Flory	O'Neill	Womack
Fontenot	Planchard	Zervigon
Fowler	Rachal	
Total—83.		

NAYS

Delegates—

Arnette	Hayes	Perez
Asseff	Heine	Pugh
Bollinger	Kean	Schmitt
Corne	Kilbourne	Stagg
De Blieux	LeBleu	Vick
Duval	Miller	Warren
Grier		
Total—19.		

NOT VOTING

Delegates—

Brown	Giarrusso	Nunez
Burson	Gravel	Ourso
Carmouche	Jones	Perkins
D'Gerolamo	Kelly	Rayburn
Derbes	Lambert	Slay
Deshotels	Leigh	Tapper
Drew	Martin	Tate
Edwards	Mauberrert	Thistlethwaite
Elkins	Mire	Vesich
Fayard	Munson	Wall
Total—30.		

And the Chair declared that the above Section was finally passed.

Delegate Dennery moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Dennery moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Avant	Brien
Abraham	Badeaux	Burns
Aertker	Bel	Cannon
Alario	Bergeron	Casey
Alexander	Blair	Champagne

Chatelain
Chehardy
Comar
Conino
Conroy
Dennery
Dennis
Dunlap
Flory
Fontenot
Fowler
Fulco
Gauthier
Ginn
Goldman
Graham
Guarisco
Hardee
Haynes
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kilpatrick
Landrum
Landry, A.
Landry, E. J.
Lanier
Leithman
Lowe
McDaniel
Maybuce
Morris
Newton
O'Neill
Planchard
Rachal
Reeves
Riecke
Roemer
Roy
Sandoz
Segura
Shannon
Singletary
Smith
Soniat
Stephenson
Stinson
Stovall
Sutherland
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Wattigny
Weiss
Willis
Winchester
Wisham
Womack
Zervigon
Total—80.

Jenkins
Juneau
Kilpatrick
Landrum
Landry, A.
Landry, E. J.
Lanier
Leithman
Lowe
McDaniel
Maybuce
Morris
Newton
O'Neill
Planchard
Rachal
Reeves
Riecke
Roemer
Roy
Sandoz
Segura

Shannon
Singletary
Smith
Soniat
Stephenson
Stinson
Stovall
Sutherland
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Wattigny
Weiss
Willis
Winchester
Wisham
Womack
Zervigon

NAYS

Delegates—

Anzalone	Grier	Miller
Arnette	Hayes	Perez
Asseff	Heine	Pugh
Bollinger	Hernandez	Schmitt
Corne	Kean	Stagg
De Blieux	Kilbourne	Vick
Drew	LeBleu	Warren
Duval		
Total—22.		

NOT VOTING

Delegates—

Brown	Giarrusso	Nunez
Burson	Gravel	Ourso
Carmouche	Jones	Perkins
Cowen	Kelly	Rayburn
D'Gerolamo	Lambert	Slay
Derbes	Leigh	Tapper
Deshotels	Martin	Tate
Edwards	Mauberrert	Thistlethwaite
Elkins	Mire	Vesich
Fayard	Munson	Wall
Total—30.		

And the Chair declared that the above Proposal was finally passed.

On motion of Delegate Dennery the vote by which the above Proposal was finally passed, was reconsidered.

Explanation of Vote

Delegate De Blieux sent up the following explanation of vote with respect to the adoption of Section 1 of Committee Proposal No. 9 by Delegate Aertker, et al.

"I am a strong advocate of civil service, but because of the numerous amendments and purely legislative material that have been placed into this proposal, without right of the legislature to make any corrections, by any manner of vote, of the errors that may have been made, I am just opposed to putting the proposal as drafted into the Constitution."

Explanation of Vote

Delegate Pugh sent up the following explanation of vote with respect to the adoption of Section 1 of Committee Proposal No. 9 by Delegate Aertker, et al.

"As a Delegate I took an oath which reads in part, as follows: 'I will faithfully and impartially discharge all the duties incumbent upon me as a delegate to the Constitutional Convention according to the best of my ability and understanding, so help me God.'

I cannot fulfill this obligation and vote for this monstrosity, with all its jack straw votes."

Motion

On motion of Delegate Riecke, the Convention altered the Order of Business to take up other Orders of Business at this time.

Delegate Charles E. Roemer, III, Acting chairman, on behalf

PAGE 14

98th Days Proceedings—December 13, 1973

of the Committee on Revenue, Finance and Taxation, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

December 13, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Revenue, Finance and Taxation to submit the following report:

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard:

A PROPOSAL

Making provisions for homestead exemptions.

Reported with amendments.

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

Reported favorably.

Respectfully submitted,

CHARLES E. ROEMER, III,
Acting Chairman.

Notice of Motion

Delegate Jack sent up notice as required by Rule No. 86, that on the next Convention day, he will move to require the Committee on Revenue, Finance and Taxation to return, with or without recommendation, Delegate Proposal No. 21 to the Convention.

Motion

On motion of Delegate A. Jackson the Rules were suspended in order to call a meeting of the Committee on Bill of Rights and Elections without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Friday, December 14, 1973, at the noon recess in Committee Room 1 and will consider the following agenda:

AGENDA

To continue consideration of the General Governmental Provisions

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Stagg the rules were suspended in

order to call a meeting of the Sub-Committee on Alternatives of the Committee on Rules, Credentials and Ethics without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Sub-Committee on Alternatives of the Rules Committee, sent up the following notice:

The Sub-Committee on Alternatives of the Committee on Rules, Credentials and Ethics will meet on Friday, December 14, 1973, at 8:00 o'clock a.m. in the Ante Room and will consider the following agenda:

AGENDA

To consider methods of consideration of Alternatives

Respectfully submitted,

TOM STAGG,
Chairman of the Sub-Committee on Alternatives

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Roemer the Rules were suspended in order to call a meeting of the Committee on Revenue, Finance and Taxation without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Roemer, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Friday, December 14, 1973, at the noon recess in the Assembly Room and will consider the following agenda:

AGENDA

Proposal pending before the Committee.

Respectfully submitted,

CHARLES E. ROEMER, III,
Acting Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Burson—1 day.
Delegate Jones—1 day.
Delegate Thistlethwaite—1 day.
Delegate Nunez—3 hours.

Adjournment

Delegate Riecke moved that the Convention do now adjourn until Friday, December 14, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, December 14, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

NINETY-NINTH DAY'S PROCEEDINGS

of the Constitution Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, December 14, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Nunez
Abraham	Fulco	O'Neill
Aertker	Gauthier	Ourso
Alario	Giarrusso	Perez
Alexander	Ginn	Perkins
Anzalone	Goldman	Planchard
Arnette	Graham	Rachal
Asseff	Gravel	Reeves
Avant	Grier	Riecke
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Segura
Brien	Jack	Shannon
Brown	Jackson, A.	Singletary
Burns	Jackson, J.	Smith
Burson	Jenkins	Soniat
Cannon	Jones	Stagg
Carmouche	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tate
Comar	Lambert	Thistlethwaite
Conino	Landrum	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Uilo
De Blieux	Leithman	Velazquez
Dennery	Lowe	Vick
Dennis	McDaniel	Warren
Deshotels	Martin	Wattigny
Drew	Maubertret	Weiss
Dunlap	Maybee	Willis
Duval	Miller	Winchester
Elkins	Mire	Wisham
Fayard	Morris	Womack
Flory	Munson	Zervigon
Fontenot	Newton	
Total—122.		

ABSENT

Delegates—		
Derbes	Pugh	Vesich
Edwards	Rayburn	Wall
Haynes	Slay	
Leigh	Tapper	
Total—10.		

The Chairman announced that there were 122 members present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate LeBleu led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Bel, the reading of the Journal was dispensed with.

On motion of Delegate Bel, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauherret, Slay and Planchard:

A PROPOSAL

Making provisions for homestead exemptions.

Read.

Reported with the following amendments by the Committee on Revenue, Finance and Taxation:

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Delegate Proposal No. 16 by Delegate Alario, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, after the word "than" and before the word "thousand" delete the word "fifty" and insert in lieu thereof the word "fifteen" and on line 19, after the word "exceeds" and before the partial word "thou-" delete the word "fifty" and insert in lieu thereof the word "fifteen"

On motion of Delegate Alario the amendment was adopted.

On motion of Delegate Alario the Proposal, as amended, was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:
A PROPOSAL
Making provisions prohibiting lotteries.

Read.

Reported favorably by the Committee on Revenue, Finance and Taxation.

On motion of Delegate Planchard the Proposal was ordered engrossed and passed to its third reading.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Rachal Committee Proposal No. 10 was taken up out of its regular order and acted upon as follows.

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Corne, Cowen, Flory, Grier, Landry, Leithman, Robinson, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Read.

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Section 1. (A) Municipal Fire and Police Civil Service. There shall be a classified civil service for fire and police in municipalities which operate a regularly paid fire and police department and which have a population of not less than thirteen thousand according to the latest regular federal census for which the official figures have been made public.

The service shall embrace the positions of employment, the officers, and employees of the municipal fire and police services.

(B) Definitions. The following words and phrases when used in this Section shall have the following meaning unless the context clearly requires otherwise:

(1) "Allocation" means the official determination of the class to which a position in the classified service belongs.

(2) "Appointing authority" means any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal fire and police service.

(3) "Appointment" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.

(4) "Board" means the municipal fire and police civil service board.

(5) "Class" or "class of position" means a definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.

(6) "Classification plan" means all the classes of positions established for the classified service.

(7) "Classified service" means every appointive office and position of trust or employment in the municipal government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Section, and excludes all elective and appointive offices and positions of trust or employment which have a primary duty specifically set forth to be included in the unclassified service by the provisions of this Section.

(8) "Demotion" means a change of an employee in the classified service from a position of one class to a position of a lower class which generally affords less responsibility and pay.

(9) "Department service" means employment in the public service offered and performed separately by the fire and by the police departments of the municipality.

(10) "Eligible" means a person whose name is on a list.

(11) "Employee" means a person legally occupying a position.

(12) "Employment list" or "lists" means a reinstatement employment list, a promotional employment list, a competitive employment list, and a reemployment list.

(13) "Position" means any office and employment in the municipal fire and police services, the duties of which call for services to be rendered by one person.

(14) "Promotion" means a change of an employee in the classified service from a position of one class to a position of a higher class which generally affords increased responsibilities and pay.

(15) "Promotion employment list" or "promotion list" means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required by this Section to be established from the results of a competitive test.

(16) "Promotion test" means a test for positions in a particular class which is not specifically required by this Section to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.

(17) "Reemployment list" means an employment list for the entrance or lowest-ranking class in the classified service, or in any group of classes as may have been grouped

in the classification plan, containing names of regular employees who have been laid off under the "layoff" provisions of this Section. This list shall not be applicable to persons who have resigned or have been discharged.

(18) "Regular employee" or "permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this Section after completing his working test period.

(19) "Reinstatement employment list" or "reinstatement list" means an employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.

(20) "Seniority" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940, shall be construed to mean continuous service and shall be included in the computation of his seniority. Total seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee; but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future compensation.

(21) "Temporary appointment" means the appointment of an employee for limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.

(C) Municipal Fire and Police Civil Service Boards

(C) (1) Composition. A municipal fire and police civil service board is created in the municipal government. The board shall be composed of five members who shall serve without compensation. The board shall have a chairman, vice chairman, and a secretary. The domicile of the board shall be in the municipality it serves.

(2) Eligibility. To be eligible for appointment or to serve as a member of a board a person shall be a citizen of the United States of America, a resident of the municipality in which he is to serve for at least five years next preceding his appointment, and shall, at the time of his appointment, be a qualified voter of the municipality. Any employee while serving as a member of a board shall occupy as a regular employee a position or office lower than that of chief, assistant chief, district chief, or battalion chief of his department. No member of a board shall have been, during a period of six months immediately preceding his appointment, a member of any local, state, or national committee of a political party, or an officer or member of a committee in any factional political club or organization. No member of a board shall be a candidate for nomination or election to any public office or hold any other public office or position of public employment, except that of notary public, a military or naval official office, or that of a municipal fire or police department which is expressly required by the provisions of this Section.

(3) Membership. The members of the board shall be appointed by the governing body as follows:

(a) One shall be appointed by the governing body upon its own nomination.

(b) Two members shall be appointed from a list of four nominees, which shall be furnished within thirty days after receiving such request by the executive head or a legally chartered and established institution of higher education located within the municipality; or, if there is no such institution in the municipality, by the executive head of any such institution of the governing body's choice within the state.

(c) Two members shall be appointed who shall be first nominated and elected by and from the regular employees of the fire and police departments as follows:

One member shall be elected and appointed from the fire department, and one member shall be elected and appointed from the police department. The employee-nominee from each department shall be elected by secret ballot of the regular employees of his respective department at an election to be called and held for that purpose by the chief of

the department. The chief of each department shall call such an election within forty-five days after this Section takes effect in the municipality by posting, for a fifteen-day continuous period immediately preceding the election, a notice thereof on the bulletin board of each station house of his department; and shall officially notify the governing body of the municipality within the ten-day period immediately following the election, the name of the employee-nominee so elected by the regular employees of his department. The chief of the department shall vote in the election only in the case of a tie vote.

(4) Term. The term of office for all members of the board shall be for a period of three years when a municipality adheres to the provisions of this Section. The first member appointed by the governing body of the municipality upon its own nomination shall serve for a period of two years; the first employee members nominated and appointed as provided above shall serve a term of one year. Each member shall serve until his successor has been appointed and qualified.

(5) Vacancies. Upon the term of office expiring for a member of a board, or because of a vacancy in the office of any member thereof, the governing body of a municipality shall appoint a successor in the same manner as the outgoing member was appointed; and such successive appointment shall be made within ninety days immediately following the expiration or vacancy.

(6) Oath. Each member shall take the oath of office before entering upon the duties of his office. His oath shall include a statement to uphold the constitution and laws of Louisiana and of the United States; to administer faithfully and impartially the provisions of this Section and the rules adopted under the authority of this Section.

(7) Removal. Any member of a board shall be liable to removal from office by judgment of the district court of his domicile for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, oppression in office, gross misconduct, or habitual drunkenness. The district attorney of the district wherein the board member resides may institute such suit, and shall do so upon the written request, specifying the charges, of twenty-five citizens and taxpayers of the municipality of which the board member is a resident. The district attorney shall associate in the diligent prosecution of such suit any attorney selected and employed by the citizens and taxpayers.

(8) Organization. The governing body of the municipality shall advise, within and not later than the expiration of the ninety-day period provided for the appointment of the board members, each appointee of his appointment and term of office as a member of the municipal fire and police civil service board; and, an official record thereof shall be placed in the official minutes of the governing body.

New members of the board shall meet within thirty days after their appointment in their first official meeting; take the oath of office; elect a chairman and vice chairman; and transact any other business pertinent at that time. The oath of office shall be administered by the city clerk or by any other person having the legal authority to administer it.

A chairman and vice chairman shall be elected by the members of the board. The term for which either the chairman or vice chairman shall serve as such, shall run concurrently with that for which he was appointed a member of the board; except the term of either office shall terminate upon death of the incumbent, or his resignation from the office or from the board or his removal from the board.

At the discretion of the board, the office of secretary shall be filled:

- (a) By electing one of its members thereto;
- (b) By appointing the city clerk or secretary-treasurer of the municipality to fill such office ex officio;
- (c) By employing and paying on a part-time basis any other person a salary not to exceed twenty dollars per month; or
- (d) By requiring the state examiner to act in such capacity. The board may terminate the term of office of any person serving as its secretary at any time. No person serving as secretary of a board, except a member thereof,

shall have the right to vote in its proceedings. The secretary shall attend the meetings of the board; keep a record of its proceedings; attend to correspondence directed to him, and other correspondence ordered by the chairman; perform other functions assigned to him by the board; and cooperate with the state examiner in a manner that will assist the examiner to carry out effectively the duties imposed upon him by this Section or those functions which may be requested of him by the board.

The board shall meet at any time after its original meeting upon the call of the chairman, who shall give all members of the board due notice thereof. The chairman of the board shall call, and the members of the board shall attend, one regular meeting of the board within each quarterly period of each calendar year. If a chairman fails or refuses to call such quarterly meeting of his board, the members of the board shall meet upon the written call of any two members mailed ten days in advance of the meeting. Four members of the board shall constitute a quorum, and the concurring votes of any three members comprising the quorum of the board shall be sufficient for the decision of all matters to be decided or transacted by it. Meetings of the boards shall be open to the public.

(D) Board; Duties

(D) (1) Represent the public interest in matters of personnel administration in the fire and police services of the said municipal government.

(2) Advise and assist the governing body, mayor, commissioner of public safety, and the chiefs of the fire and police departments of the municipality, with reference to the maintenance and improvement of personnel standards and administration in the fire and police services, and the classified system.

(3) Advise and assist the employees in the classified service with reference to the maintenance, improvement, and administration of personnel matters related to any individual or group of employees.

(4) Make, at the direction of the mayor, commissioner of public safety, chief of either the fire or police department, or upon the written petition of any citizen for just cause, or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of this Section in the said municipal fire and police services; review, and modify or set aside upon its own motion, any of its actions, take any other action which it determines to be desirable or necessary in the public interest, or to carry out effectively the provisions and purposes of this Section.

(5) Conduct investigations and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position or abolition thereof, suspension or dismissal of the officer or employee, in accordance with the provisions of this Section.

(6) Hear and pass upon matters which the mayor, commissioner of public safety, the chiefs of the departments affected by this Section, and the state examiner of municipal fire and police civil service bring before it.

(7) Make, alter, amend, and promulgate rules necessary to carry out effectively the provisions of this Section.

(8) Adopt and maintain a classification plan. The classification plan shall be adopted and maintained by rules of the board.

(9) Make reports to the governing body, either upon its own motion or upon the official request of the governing body, regarding general or special matters of personnel administration in and for the municipal fire and police services of the municipality, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.

(E) Rules. Each board may adopt and execute rules, regulations, and orders necessary or desirable effectively to carry out the provisions of this Section and shall do so when expressly required by this Section. No rule, regulation, or order shall be contrary to, or in violation of, any provisions, purpose, or intent of this Section or contrary to any other provisions of law. The board may amend or repeal any rule or part thereof in the same manner provided herein for the adoption of the rule. All rules shall be applicable to both the fire and police classified services, unless by express provisions therein, it is made applicable to only one of the services.

A board may adopt any rule, either in its proposed or revised form, after holding a public hearing at which any municipal officer, employee, private citizen, and the state examiner shall be given an opportunity to show cause why

the proposed rule, amendment, or any part thereof should not be adopted. Before the board holds this public hearing, it shall furnish at least thirty days notice in advance of the date, time, and place therefor to the mayor, commissioner of public safety, and other municipal commissioner whom the rule may in any way affect, the chief and each station of the departmental service to be affected by the adoption of any such rule, and to the state examiner. A copy of all proposed rules to be discussed at any hearing shall be furnished with all notices. Each notice and copy of a proposed rule furnished the various stations of a respective department shall be posted upon the bulletin board of each station for a period of at least thirty days in advance of the hearing.

Within thirty days after the board has adopted any rule, whether it is a new rule or amendment of an existing rule, or an abolition in whole or part thereof, it shall furnish an official copy thereof to all persons and places set forth above.

Rules adopted under the authority of this Section shall have the force and effect of law.

(F) Personnel

(1) State Examiner. The office of state examiner is created. He shall be a resident and qualified voter of the state. He shall be a person who has had experience in the field of personnel administration. He and the deputy state examiner of the municipal fire and police civil service shall come within and be bound under and amenable to the classified service of the state as established and existing, except no pay plan thereunder shall be applicable to the said state examiner or deputy state examiner. The state examiner and deputy state examiner shall be subject to removal and other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards created by this Section or by any qualified elector of the state, and only after a public hearing by the state commission to be in accordance with rules to be adopted by the said commission.

(2) Deputy State Examiner. The office of deputy state examiner of Municipal Fire and Police Civil Service is created, subject to the supervision and orders of the state examiner; he is authorized and empowered to exercise the authority and perform the duties of the state examiner as herein provided. He shall receive and be paid a salary in the amount fixed by the governor and shall be paid traveling time and living expenses while away from the place of his residence.

(3) The State Civil Service Commission shall exercise no administrative control over the state examiner or deputy state examiner. Its functions and powers relating to this office shall consist solely of the right of appointment, hearing of charges for removal or other disciplinary action legally brought against the incumbents of these offices, and the ordering of their removal or the rendering of such other judgment of a disciplinary nature as it may deem proper after a hearing.

(4) Vacancy. When a vacancy occurs in the office of the said state examiner or deputy state examiner, the State Civil Service Commission shall make a provisional appointment of any person it deems qualified to fill the vacancy until a competitive examination can be given by and under the directions of the State Civil Service Commission; and until a list of persons eligible for appointment to the office can be established. As soon as such list can be and is established, the State Civil Service Commission shall appoint one of the three persons ranking highest upon said eligible list to fill the office; and the person thus appointed shall serve a working test period of six months which shall be considered a portion of the examination. At the termination of such working test period, if successfully completed, the appointee shall become a regular employee as defined in the State Civil Service Law and subject and amenable thereto to the same extent as the original state examiner as hereinbefore set forth and may be subjected to removal or other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission

by any one of the municipal fire and police civil service boards created by this act, or by any qualified elector of the state, and only after a public hearing by the state commission to be held in accordance with rules to be adopted by the State Civil Service Commission.

(G) State Examiner; Location; Salary; Duties

(1) Location. The state examiner shall maintain a suitable office in the city of Baton Rouge. The officer charged by law with the custody of state buildings shall assign suitable office space to the examiner. The examiner shall appoint employees necessary for him to carry out his duties effectively. All of the employees appointed by the state examiner, except persons employed on a temporary basis to conduct or assist in giving examinations, shall be selected by him after certification to him by the State Department of Civil Service of names from eligible lists established by the State Department of Civil Service; and they shall, in all other respects, be covered by the provisions of existing civil service laws and rules and regulations legally adopted by the Department of State Civil Service.

(2) Salary. The state examiner shall serve on a full-time basis. He shall be paid a salary of not less than forty-two hundred dollars per year. He shall be paid for his traveling and living expenses while away from the city of Baton Rouge.

The state examiner shall take the oath of office and furnish bond for the faithful performance of his duties according to law in the sum of five thousand dollars. The premium of the bond shall be paid from the funds appropriated to the state examiner. The state examiner shall be ex officio a notary public for the state at large.

The state examiner may obtain on a contractual or fee basis the services which his office is unable to supply and which are necessary for his compliance with the provisions of this Section.

(3) Duties. The state examiner shall:

(a) Assist the various boards in an advisory capacity in the discharge of their duties.

(b) Prepare and submit a classification plan to each board for its approval, after consultation with the appointing and departmental authorities of the departmental service for which a plan is prepared and submitted, as provided in paragraph (K).

(c) Prepare and administer tests of fitness for original entrance and promotion to applicants for positions in the respective classified service of the municipalities; score the tests and furnish the results to the board for which the tests are given.

(d) Cooperate with the secretary of each board in maintaining a roster of all fire and police civil service employees in which shall be set forth the name of each employee, the class title of position held, the salary or other compensation, any change in class title, and any other necessary data.

(e) Act as secretary of any said board requesting such service.

(f) Assist and cooperate in an advisory manner with the various appointing authorities, department officers, and the classified employees, of the municipalities regarding the duties and obligations imposed upon them by the provisions of this Section.

(g) Encourage employee training in the classified service and, when possible, attend the training courses or parts thereof.

(h) Make annual or biennial reports regarding the work of his office to the governor.

(i) The state examiner may delegate to the deputy state examiner such of the above duties as he may deem expedient.

(H) Appropriations; Facilities for Board. The legislature shall make adequate annual appropriations to enable the state examiner and deputy state examiner to carry out effectively the duties imposed upon them by this Section. The governing body of the municipality shall make adequate annual appropriations to enable the board of the municipality to carry out effectively the duties imposed upon the board and shall furnish the board with office space, furnishings, equipment, and supplies and materials necessary for its operation.

(I) Classified and Unclassified Service

(1) Classified Service. The classified service shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government or with an officer or employee there-

of, and which has as its primary duty and responsibility one of the following:

Fire

(a) The chief and assistant chief; the intradepartmental division, bureau, squad, platoon, and company officers of the fire department.

(b) Fire fighting.

(c) Fire preventions; inspection.

(d) Driving, tillering, and operation of fire apparatus.

(e) Operation and maintenance of radio, fire alarm, or signal system.

(f) Fire department instructors in employee training.

(g) Fire salvage and overhauling services; and first aid.

(h) Automotive or fire apparatus repairs, if such service is operated exclusively by and for either or both the fire or police department.

(i) Secretary to the chief. Departmental records clerk.

(2) Unclassified Service.

(a) All officers, employees, and positions of employment in the municipal government, not having as a principal duty one of the duties hereinabove provided in the classified service.

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices.

(c) Secretaries, stenographers, and all clerical positions not specifically included in the classified service.

(d) Pound keepers, dogcatchers, janitors, porters, elevator operators, chefs, kitchen helpers and workers, mechanics' helpers, car washers, unskilled labor, special guards at schools, or any part-time, or temporary employee.

(e) Any position of employment, the duties of which are included in the classified service, to which the right of employee selection, appointment, supervision, and discharge vested in and with those other than the municipal government or an officer or employee thereof.

(J) Veterans; Reinstatement. Any regular and permanent employee who left a position of the departmental service, which now comes within the classified service, subsequent to May 1, 1940, and entered the armed forces of the United States shall be restored to his position and, thereafter, be subject to the rights and jurisdiction of the classified service created by this Section if he makes application therefor to the appointing authority within sixty days from the date of his honorable discharge or discharge under honorable conditions, and is physically and mentally capable of performing the work of his position to the satisfaction of the appointing authority.

(K) Classification Plan; Allocation; Use

(K) (1) Classification Plan. Each board, as soon as practicable (not to exceed a period of eighteen months) after this Section takes effect in the municipality, shall adopt a classification plan for the fire and police services of the municipality. Each classification plan shall consist of classes to be designated either by standard titles, ranks, or a combination thereof, for all positions included in the classified service for each of the fire and police services. The classification plan may be divided into groups of classes. The various classes of positions shall be arranged in each classification plan so as to show the principal and natural lines of promotion and demotion. The classification plan shall be adopted as rules of the board, in the manner provided by this Section for the adoption of rules. Rules creating the classification plan, future classifications, abolition of any classification, any amendment thereto, or revision thereof shall be adopted by a board only after consultation with the appointing authority, and the state examiner. The original classification plan to be established when this Section takes effect in a municipality shall be prepared, after consultation with the appointing authority, and submitted to the board for its approval and adoption, by the state examiner. The board may amend or revise the classification plans before adopting them. The state examiner shall advise and assist the board in all future classifications when requested to do so.

(2) Allocation of Positions. The board, or chairman thereof subject to the subsequent approval of the board, as soon as practicable (not exceeding forty-five days) after the adoption of a classification plan, after consultation with the appointing authorities concerned, shall allocate each posi-

tion in the classified service to its appropriate class; and thereafter shall likewise allocate each new position created in the service, and, when for the benefit of the service, re-allocate positions from class to class.

Whenever the duties of a position are so changed by the appointing authority that the position in effect becomes one of a different class from that to which it is allocated, the change shall operate to abolish the position and to create a new position of the different class.

Whenever the board finds any change in the duties of any position in the classified service was brought about by the appointing authority to effect a reduction in the classification of any employee because of political, religious or discriminatory reasons, or without just cause, it shall refuse to recognize any such action, and shall order the appointing authority to continue the employee in the position and class with all rights and privileges.

(3) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class, for all purposes having to do with the position as such, and shall be used to the exclusion of all other titles on all pay-rolls, budget estimates, and official records and reports pertaining to the position, except that any abbreviation or code symbol by the board may be used to designate a position of a class. Any other title satisfactory to the appointing authority may be used in official correspondence and in any other connection not having to do with the personnel processes covered by this Section. No employee shall be appointed, employed, or paid under any title other than that of the class to which the position occupied by him is allocated.

(4) Status of Incumbent. Every person employed in the municipal fire and police services for a continuous period of at least six calendar months immediately preceding the date that this Section takes effect in the municipality, who was regularly and permanently appointed to a position coming under the classified service, shall be inducted into and bound under the classified service, the provisions of this Section, and the rules adopted hereunder.

When any position is first allocated hereunder, or is re-allocated to a different class to correct an error in its previous allocation, or because of a change in the duties of a position which has the effect of abolishing the position and creating a new position of another class, the employee and the position may continue to serve therein, with the status and all the rights and privileges he would have had under this Section if he had been originally appointed by examination and certification hereunder to a position of the class to which the position has been allocated or re-allocated. Such employee, however, may be transferred without further tests of fitness or certification to any position of the class to which the position was previously allocated while held by the employee.

Any employee who feels himself aggrieved because of any allocation or change in classification affecting his position shall, upon his request, be heard thereon by the board; and the board shall hear and decide the complaint in any manner deemed proper.

(L) Vacancies; Methods of Filling. Vacancies in positions in the classified service shall be filled by one of the following methods:

- (1) Demotion
- (2) Transfer
- (3) Reinstatement
- (4) Promotional appointment
- (5) Competitive appointment
- (6) Reemployment
- (7) Temporary appointment.

A vacancy shall be considered filled under any of the methods specified above, and employment thereunder effective, as of the date on which the employee enters upon the duties thereof.

(M) Demotion. Demotions of regular employees shall be made by the appointing authority when it becomes necessary to reduce the number of employees in the classified service or in any class therein. Demotions from any class, except for disciplinary action or because of the abolition of an entire class in the classified service, shall be made by demoting employees from lowest to highest in point of total seniority earned in positions of the class plus that earned in any higher classes in the classified service. The names of regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order in which the demotions are made.

(N) Transfer. Any employee may be transferred from any position in the classified service to any other position of the same class within the classified service, at the pleasure of the appointing authority without notice to and confirmation by the board.

Any regular employee so transferred shall have the right of appeal to his board upon the grounds (1) that his transfer was made to a position not included within the class to which his position was previously allocated, or (2) that the position to which he has been transferred is not included within the classified service, or (3) the transfer was made deliberately to discriminate against him.

(O) Reinstatement; Reemployment

(O) (1) Each employee who, during or at the expiration of his working test period of probation following his promotion after being certified from an appropriate employment list, is rejected and refused permanent status in the position and class to which he was promoted, shall be automatically reinstated to the position from which he was promoted without his name being placed upon any list.

(2) All employees whose names appear upon the reinstatement list for a prospective class shall be reinstated in a position thereof, in the reverse order from which their names were placed upon the list, before any other appointment is made therein.

(3) All employees whose names appear upon the reemployment list for a class from which they laid off according to the provisions of paragraph (U) shall be reemployed in a position thereof, or offered such appointment, in the reverse order from which their names were placed upon the list for the class, before any other employment or appointment is made in it.

(4) Any regular employee who resigns from a position in the classified service may, with the prior approval of the board, be reemployed in a position of the class or in a position of any lower class for which he is qualified, provided, that the reemployment is made within four years of the date of resignation, and that no person whose name appears upon either the reinstatement, employment, or reemployment list for a class to which any such person is reemployed is willing to accept an appointment therein. Any person who is reemployed shall be physically fit to perform the duties of the position to which he is appointed. He shall furnish a favorable medical certificate to the appointing authority and the board after a recent examination by a practicing physician.

(P) Employment Lists; Establishment and Maintenance. The board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

(1) Names of regular employees who are demoted from any class for a reason other than disciplinary action shall be placed upon the reinstatement list for the class from which they were demoted in the order in which the demotions were made.

(2) Only the names of regular employees who have been laid off in accordance with provision of paragraph (U) shall be eligible for entry upon the reemployment list. The names of such persons shall be entered upon the reemployment list for the class from which they were laid off in the order in which the layoffs were made.

(3) A name placed upon either the reinstatement or the reemployment list shall remain thereon for a period of four years. The board, however, may remove the name of any person who refuses an offer of employment following a certification from either list.

(4) Names of persons attaining a passing score on a promotion test shall be placed upon the promotion employment list for the class for which they were tested, from highest to lowest, according to their total seniority in the departmental service. The names of persons attaining a passing score on a competitive test shall be placed upon the competitive employment list for the class for which they were tested, from highest to lowest, according to their final test scores.

(5) Any person whose name is placed upon the competitive employment list for the entrance or lowest-ranking class in the classified service who has served in the armed

forces of the United States of America during the times of war, and has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board in any manner it deems advisable.

(6) The minimum and maximum period for which a name may remain upon a promotional and competitive employment list shall be twelve and eighteen months, respectively, for each list.

(7) The employment list for which eligibles are obtained from the results of tests given for that purpose shall be reestablished in the manner further provided in this Section.

(8) When new names are to be placed upon a promotion list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to total seniority in the departmental service. When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to their final test scores.

(Q) Testing Procedure

(Q) (1) Tests; Eligibility Determination. The board shall provide through the state examiner for tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists, as follows:

(a) Official notice of examination shall be posted on the bulletin board in each station of the respective department. The notice shall state (1) class of positions for which tests will be given, (2) whether the tests will be given on a promotional or competitive basis, and (3) the final date on which applications for admission to the tests will be received. The notice shall be posted for a continuous period of thirty days preceding the date for administering the tests. In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published at least four times during the thirty-day period in the official journal of the municipality in which such tests are to be held. This notice of examination need not reveal the exact date on which tests shall be administered, but all applicants shall be advised the date, place, and time to report for an announced test at least five days in advance thereof in any manner the board may prescribe. Each person comprising a group of candidates being tested at a given time for the same class of employment shall be given the same test, and it shall be administered in the same manner to each candidate. No questions shall be framed so as to elicit information concerning the political, factional, or religious opinions or affiliations of any applicant.

(b) All tests shall be restricted to those matters which will fairly test the relative capacity and fitness of the candidates to discharge the duties characteristic of positions of the class to which they seek to be appointed. Tests may include written or oral questions, trials on the performance of work characteristic of the class, inquiries into facts relating to education, experience, or accomplishments in specialized lines of endeavor, or any combination of these and other elements duly related to the purpose of the tests.

(c) Seventy-five percent shall constitute a passing score for all tests administered under the provision of this Section.

(d) Promotional tests for positions in the various classes in the classified service, except those classes in which positions shall be filled only from the competitive list, may be held as the needs of the service require, but must be given at least one time during each successive period of eighteen months.

(e) Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:

(i) Chief of the departmental service.

(ii) The entrance or lowest-ranking class in the classified service.

(iii) The entrance or lowest-ranking class in any group of classes where the various classes have been divided into groups by the classification plan.

(iv) Operation, maintenance, and supervision of radio, fire alarm, police alarm, and other signal systems.

(v) Automotive or fire apparatus mechanics and repairmen.

- (vi) Secretary to the chief.
 - (vii) Departmental records clerk.
 - (viii) For a position in any class in the classified service after reasonable efforts by preceding methods provided by this Section have failed to produce names of persons eligible for regular appointment thereto.
 - (f) All tests required by this Section shall be prepared, administered, and scored by the state examiner in accordance with the provisions of this Section. The results of the tests shall be furnished the board for which the tests have been held as soon as practicable after the tests have been administered. All test questions, answers, and papers shall at all times be kept in the custody of the state examiner, and shall be produced by him and exhibited by him at the domicile of any board upon its written request.
 - (g) The board for which any test is administered may, at any time, up to six months after receiving the results from the state examiner, receive and review any or all parts of the test and the methods used in its grading, in order to determine whether the test was a fair and reasonable one and was fairly graded. If, after the board reviews any test and consults with the state examiner, it concludes that any item or parts of the test were unfair or unreasonable or finds errors in the grading, it may, at its discretion, cause a regrading of the test, and, thereupon, correct or establish the appropriate employment list in accordance with the revised ratings. If the board finds that a fair rating can be determined only from an entire new test, it may cause a new test to be given to all persons taking the previous test and, establish a new employment list for the class from the results of such new test.
 - (h) Each applicant who makes a passing score on a test administered under the provisions of this Section shall be advised, in any manner the board prescribes, of his final grade and relative standing on the list appropriate for the class for which he was tested.
 - (2) Admission to Tests. Admission to tests shall be as follows:
 - (a) Admission to a promotional test shall be limited to regular employees of the class next lower from that for which they are to be examined. However, the rules may provide for admission to be extended to applicants from any one or more of the next lower classes.
 - (b) Admission to competitive tests shall be open to all persons who meet the requirements provided by this Section and the rules.
 - (c) Any applicant admitted to a test shall be a citizen of the United States of America and, if of legal age, shall be a qualified elector of the State of Louisiana.
 - (d) Special requirements or qualifications for admission to tests, or for eligibility for appointment, such as age, education, physical requirements, etc., may be established by the rules adopted by the board, after consultation with the appointing authority. Any applicant must be, at the time of his appointment to a position in the classified service, of good health, good moral character, and of temperate and industrious habits.
 - (e) The board may reject the application of any person for admission to tests of fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who
 - (i) Is found to lack any of the qualifications prescribed, or which may be legally prescribed, as requirements for admission to the tests for the class for which he has applied;
 - (ii) Is physically unfit to perform effectively the duties of a position of the class;
 - (iii) Is addicted to the habitual use of drugs or intoxicating liquors to excess;
 - (iv) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct;
 - (v) Has been dismissed from the respective service for delinquency or misconduct;
 - (vi) Has made a false statement of any material fact; or
 - (vii) Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so.
- Any such facts shall also be considered cause for removal of any employee. The board shall reject any application filed

after the time fixed for closing receipt of applications as announced in the public notice of the tests.

(3) Working Tests. Every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list, except those appointed on a temporary basis, shall be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.

The period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six months nor more than one year. Any employee who has served at least three but less than six months of his working test for any given position may be removed therefrom only with the prior approval of the board, and only upon the grounds that (1) he is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed or (2) his habits and dependability do not merit his continuance therein. Any such employee may appear before the board and present his case before he is removed.

Upon any employee completing his working test, the appointing authority shall so advise the board and furnish a signed statement to the respective employee of its confirmation and acceptance of the employee as a regular and permanent employee in the respective position, or of its refusal to confirm the employee and the reasons therefor. If, at the expiration of an employee's working test period, the appointing authority fails to confirm or reject the employee, such failure to act shall constitute a confirmation. Any employee who is rejected after serving a working test of six months but not more than one year, may appeal to the board only upon the grounds that he was not given a fair opportunity to prove his ability in the position.

The appointing authority may remove, and shall remove upon the order of the board, any employee during his working test period who the board finds, after giving him notice and an opportunity to be heard, was appointed as a result of an error, misrepresentation, or fraud.

In any event where any employee is permitted under this Section to appeal to the board, the decision of the board shall be subject to the judicial review provided by this Section and the appointing authority and employee shall be governed accordingly.

(R) Certification; Appointment

(R) (1) Certification and Appointment. (a) Whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed thirty days, he shall request the board to certify names of persons eligible for appointment to the vacant position. The board shall thereupon certify in writing the names of eligible persons from the appropriate employment list as provided below. No such certification shall be valid for more than thirty days following the date thereof. The appointing authority shall, if he fills the vacancy, make the appointment as provided below.

(b) The board shall first certify the name of the person appearing upon the reinstatement list who is eligible for the first reinstatement in the class of the vacant position. The name of this person and all others appearing upon the reinstatement list for the class shall be certified and offered the appointment in the order provided by paragraph (P) before the vacancy is filled by any subsequent method provided by this Subsection. The appointing authority shall appoint to the vacant position the first person so certified to him who is willing to accept the appointment. If the position is one of a class from which layoffs have been made as provided by paragraph (U) the names of eligible persons appearing upon the reemployment list for the class shall be certified and offered the appointment in the order provided by paragraph (P) before any other appointment is made thereto.

(c) In the event a vacancy cannot be filled by reinstatement, or by reemployment as above provided, the board shall next certify the names of persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or

PAGE 8

99th Days Proceedings—December 14, 1973

more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the persons certified by the board with the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service, and who is willing to accept the appointment, or until each person whose name appears upon the list, has in this order been certified and offered the appointment for the vacancy.

(d) Certification and appointment from the competitive list shall be limited to those conditions and classifications for which the competitive test may be given as provided by paragraph (Q). Upon the appointing authority's request for the certification of eligible persons from which he may fill a vacancy, and if the competitive list is the appropriate list from which the names of eligible persons shall be certified, the board shall certify the names of the persons upon that list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled, any one of the persons so certified to him for the vacancy. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint any one of the remaining persons certified by the board. This procedure shall be followed until the position has been filled by appointment of one of the persons certified from the list and willing to accept the appointment, or until each person whose name appears upon the list has in this manner been certified for the vacancy.

(e) Appointment to any position in the classified service from which the regular employee is away on an authorized leave of absence shall be made in accordance with the provisions of this Subsection.

(f) The appointing authority shall notify the board of the filling of a vacancy as provided in paragraph (Y).

(2) Temporary Appointments. Temporary appointments may be made to positions in the classified service without the appointees acquiring any permanent status therein, as follows:

(a) (i) When a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent, or substitute appointment, the appointing authority may make a provisional appointment of any person whom he deems qualified. When practicable, the appointment should be made by the provisional promotion of any employee of a lower class. A provisional appointment shall not continue for more than three months. No position in the classified service shall be filled by one or more provisional appointments for a period in excess of three consecutive months and successive like periods shall not be permissible. The board may, however, authorize the renewal of such appointment, or authorize such successive appointments for a period not to exceed three additional months whenever it has been impracticable or impossible to establish a list of persons eligible for certification and appointment to a vacancy. Any provisional appointment, if not terminated sooner, shall terminate upon the regular filling of the vacancy in any manner authorized under this Section, and, in any event, within fifteen days after a certification from which a regular, or substitute appointment, as the case may be, can be made under the provisions of this Section. A provisional appointment shall be reported to the board within fifteen days following the appointment.

(ii) During the times of war, and after the board continues to offer tests provided by this Section in an effort to obtain persons eligible for regular and permanent appointment to a position of any class which has been permanently vacated by the regular employee thereof, and it finds it impossible to establish a list of persons qualified for certification and permanent appointment to the position in the classified service, it may authorize the appointing authority to fill the position with a provisional appointee until the appropriate employment list can be established.

(iii) Provisional appointments may be made in any position until a classification plan is prepared and adopted and for such time thereafter as may be required for the preparation

and administration of tests and the establishment of employment lists from the results of the tests. But such special authority shall be valid for a period of not more than eighteen months immediately following the date that this Section takes effect in the municipality.

(b) A substitute appointment may be made to any position in the classified service (1) from which the regular and permanent employee is away on an authorized leave of absence, or (2) from which the regular employee is substituting for some other regular employee who is authorized to be away from his respective position. No position shall be filled by a substitute appointee for a time beyond that for which the regular and permanent incumbent is away on an authorized leave. Whenever such appointment shall continue for not more than thirty days, the appointing authority may appoint thereto any one whom he deems qualified. Substitute appointments made for a period exceeding thirty days shall be made in the same manner as provided in paragraph (R) for the filling of a vacancy by a regular and permanent appointment. Any person employed on a substitute basis shall, for the duration of the temporary employment, enjoy the class title and be entitled to receive the rate of pay for the class and position in which he is employed. The appointing authority shall notify the board within fifteen days following any substitute appointment made for a period to exceed thirty days, the name of the appointee, the class of position filled, the period for which the appointment was made and attach to the notification a signed copy of the leave of absence granted the employee for whom the appointee is substituting.

(c) Emergency appointments of any person may be made at any time the need of the service requires because of any local emergency of a temporary and special nature. No such appointment shall be effective or continued for more than ten days.

(S) Leaves of Absence. The board shall adopt rules to provide for leaves of absence in the various classes of the classified service. Such rules shall provide for annual vacation and sick leaves with pay, and special leaves with or without pay. They may provide for special extended leaves with or without pay or with reduced pay for employees disabled through injury or illness arising out of their employment. The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times with the appointing authority.

(T) Abolition of Positions. Whenever the appointing authority abolishes a position in the classified service and there is no position vacant in the respective class to which the regular employee of the abolished position may be transferred, the employee shall be transferred to any position of the same class which may be held by a provisional employee. If there is no such position he shall be transferred to another position in the respective class, and the holder of that position shall thereupon be demoted in the order provided by paragraph (M).

(U) Layoffs. If, for any reason, the lowest class in the classified service, or the lowest class in a respective group of classes, as grouped by the classification plan, should become overburdened with the number of persons holding positions therein, and a reduction of personnel becomes necessary, the reduction shall be made only by laying off persons without pay. The order of removal shall begin with the person youngest in point of his accumulated total service in the departmental service and shall continue upward until all persons to be removed have been laid off. Layoffs shall be made from positions only within the classes above set forth. The names of persons laid off, the date, the class of position held, and the order in which each person was laid off shall be reported to the board by the appointing authority. The board shall, thereupon, enter such information upon the reemployment list applicable for the class from which each person was removed.

(V) Corrective and Disciplinary Action

(V) (1) The tenure of persons who have been regularly and permanently inducted into positions of the classified service shall be during good behavior. However, the appointing authority may remove any employee from the service, or take such disciplinary action as the circumstances warrant in the manner provided below for any one of the following reasons:

(a) Unwillingness or failure to perform the duties of his position in a satisfactory manner.

(b) The deliberate omission of any act that it was his duty to perform.

(c) The commission or omission of any act to the prejudice of the departmental service or contrary to the public interest or policy.

(d) Insubordination.

(e) Conduct of a discourteous or wantonly offensive nature toward the public; any municipal officer or employee; and, any dishonest, disgraceful, or immoral conduct.

(f) Drinking vinous or spiritous liquors while on duty or reporting for duty while under the influence of liquor.

(g) The use of intoxicating liquors, or habit-forming drug, liquid, or preparation to an extent which precludes the employee from performing the duties of his position in a safe or satisfactory manner.

(h) The conviction of a felony.

(i) Falsely making a statement of any material fact in his application for admission to any test for securing eligibility or appointment to any position in the classified service, or, practicing or attempting to practice fraud or deception in any test.

(j) Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.

(k) Soliciting or receiving any money or valuable thing from any person for any political party or political purpose.

(1) Inducing or attempting to induce by treats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties, or waive any of his rights under the provisions of this Section, or of the rules.

(m) The development of any defect of physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.

(n) The willful violation of any provision of this Section or of any rule, regulation, or order hereunder.

(o) Any other act or failure to act which the board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.

(2) Unless the cause or condition justifies an employee being permanently removed from the service, disciplinary action may extend to suspension without pay for a period not exceeding the aggregate of ninety days in any period of twelve consecutive months, reduction in pay to the rate prevailing for the next lower class, reduction or demotion to a position of any lower class, and to the rate of pay prevailing therefor, or such other less drastic action that may be appropriate under the circumstances. Nothing contained herein shall prevent any employee who is physically unable to perform the duties of his position from exercising his rights of voluntary retirement under any applicable law.

(3) Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, the board may, and shall upon the written request of any qualified elector of the state which sets out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service and, thereupon may render such judgment and order action to be taken by the appointing authority. Such action shall be forthwith taken by the appointing authority.

(4) In every case of corrective or disciplinary action taken against a regular employee of the classified service, the appointing authority shall furnish the employee and the board a statement in writing of the action and the complete reasons therefor.

(W) Appeals by Employees. Any regular employee in the classified service who feels that he has been discharged or subject to any corrective or disciplinary action without just cause, may, within fifteen days after the action, demand in writing, a hearing and investigation by the board to determine the reasonableness of the action. The board shall grant the employee a hearing and investigation within thirty days after receipt of the written request.

All such hearings and investigation conducted by the board pursuant to the provisions of this Section shall be opened to the public. No hearing and investigation shall be held unless both the employee and the appointing authority have been advised at least ten days in advance of

the date, time, and place therefor. If either the appointing authority or the employee fails to appear at the place, and on the day and at the hour fixed for the hearing, the board may decide the issue involved on the basis of the evidence adduced and confined to the question of whether the action taken against the employee was made in good faith for cause set forth in the provisions of this Section. Both the employee and the appointing authority shall be afforded an opportunity to appear before the board, either in person or with counsel, and present evidence to show that the action was or was not taken in good faith for cause as set forth in the provisions of this Section. The board shall have complete charge of any such hearing and investigation, and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto. The procedure followed shall be informal and not necessarily bound by the legalistic rules of evidence. The board shall not be required to have the testimony taken and transcribed, but either the employee or the appointing authority may, at their own expense, make the necessary arrangements therefor. In such cases the board may name any competent shorthand reporter as the official reporter. If the testimony is not taken or transcribed, then the board shall make a written finding of the fact. After such investigation the board may, if the evidence is conclusive, affirm the action of the appointing authority. If they find that the action was not taken in good faith for cause under the provisions of this Section, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, demoted, or discharged, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action. The board may modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay, for a given period. The decision of the board, together with its written finding of fact, if required, shall be certified, in writing, to the appointing authority and shall be forthwith enforced by the appointing authority.

Any employee under classified service and any appointing authority may appeal from any decision of the board, or from any action taken by the board under the provisions of the Section which is prejudicial to the employee or appointing authority. This appeal shall be taken by serving the board, within thirty days after entry of its decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decision, be filed with the designated court. The board shall, within ten days after the filing of the notice of appeal, make, certify, and file the complete transcript, with the designated court, and that court shall thereupon proceed to hear and determine the appeal in a summary manner. This hearing shall be confined to the determination of whether the decision made by the board was made in good faith for cause under the provisions of this Section. No appeal to the court shall be taken except upon these grounds.

(X) Board Powers; Refusal to Testify. The board, and each of its members, shall have the same power and authority to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this Section as is possessed by the district courts of Louisiana. Any person who (1) fails to appear in response to a subpoena, (2) fails to answer any question, except those which may incriminate him, (3) fails to produce any books or papers pertinent to any investigation or hearing, or (4) knowingly gives false testimony therein shall be subject to the penal sections of this Section. In case of contumacy or refusal to obey a subpoena issued to any person, the district court within the jurisdiction of which the investigation is being carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, or resides, or transacts business, upon application of the board, shall have the requisite jurisdiction to issue to the person an order requiring him to appear before the board, its member or agent, and to produce the required evidence or give testimony touching the matter under consideration or in question. Any person failing to obey such order may be punished by the court for contempt.

Any officer or employee in the classified service who willfully refuses or fails to appear before any court, officer, board, body or person properly authorized to conduct any

hearing or inquiry, or any employee or officer, who, having appeared, refuses to testify or answer any relevant question relating to the affairs of government of the municipality or the conduct of any municipal officer or employee, except upon the ground that his testimony or answers would incriminate him, shall, in addition to any other penalty to which he may be subject, forfeit his position, and shall not be eligible for appointment to any position in the classified service for a period of six years.

(Y) Municipal Officers and Employees; Duties. The appointing authority shall report to the board within fifteen days following any appointment or employment in a position in the classified service, unless otherwise provided, the name of the appointee, the title and character of his office or employment and the date the employee commenced work in the position. The appointing authority shall also report the date of and official action in, or knowledge of, any separation, promotion, demotion, suspension, lay-off, reinstatement, or reemployment in the classified section.

(Z) Acts and Activities Prohibited

(Z) (1) Political Activities Prohibited. (a) Political activities by and extending to employees of the classified service are hereby prohibited as follows:

(i) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(ii) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(iii) No employee in the classified service shall, directly or indirectly, pay, or promise to pay, any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of any employee in classified service. The prohibitions of this Subsection shall not be construed as applying to membership dues paid, or contributions made, to nonpolitical employee organizations, pension funds, civic enterprises, the Louisiana Civil Service League, or any similar nonpolitical and nonpartisan organization.

(iv) No employee in the classified service shall (a) be a member of any national, state, or local committee of a political party, (b) be an officer or member of a committee of any factional, political club or organization, (c) be a candidate for nomination or election to public office, (d) make any political speech or public political statement in behalf of any candidate seeking to be elected to public office, or (e) take any part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to privately express his opinion and to cast his vote.

(v) No person elected to public office shall, while serving in the elected office, be appointed to or hold any position in the classified service.

(vi) No appointing authority, or agent or deputy thereof, shall directly or indirectly demote, suspend, discharge, or otherwise discipline, or threaten to demote, suspend, discharge or otherwise discipline, or discriminate against any person in the classified service for the purpose of influencing his vote, support, or other political activity in any election or primary election. No appointing authority, or agent, or deputy thereof, shall use his official authority or influence, by threats, promises or other means, directly or indirectly, to coerce the political action of any employee in the classified service.

(b) The appointing authority shall discharge from the service any employee whom he deems guilty of violating any one or more of the provisions of this Section. The board may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of this Section. The board shall, within thirty days after receiving the written charges, hold a public hearing

and investigate and determine whether such charges are true and correct. If the board should find upon its investigation of any employee that he has violated any of the foregoing provisions, the board shall order the appointing authority to forthwith discharge the guilty employee from the service and the appointing authority shall forthwith discharge the employee.

(c) Whoever violates this Section shall be subject to the penalties provided in paragraph (A-2). In addition any employee in the classified service who is discharged because of violating a foregoing provision shall not again in the classified service for a period of six years from the time of his discharge.

(2) Other Prohibited Acts. No person shall

(a) Make any false statement, certificate, mark, rating, or report with regard to any test certification, or appointment made under any provisions of this Section or commit or attempt to commit any fraud preventing the impartial execution of this Section and the rules.

(b) Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed advantage in, a position in the classified service.

(c) Defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this Section, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

(A-1) Legal Services. If this Section, or its enforcement by the board is called into question in any judicial proceeding, or if any person fails or refuses to comply with the lawful orders or directions of the board, the board may call upon the attorney general, or the chief legal officer of the municipality, or may employ independent counsel to represent it in sustaining this Section and enforcing it. Nothing contained herein shall prevent any municipal officer, employee, or private citizen from taking legal action in the courts to enforce the provisions of this Section or of any rule, order, or other lawful action of the board.

(A-2) Penalties. Whoever willfully violates any provision of this Section or of the rules shall be fined not more than five hundred dollars and shall, for a period of six years, be ineligible for appointment to or employment in any position of the classified service. If he is an officer or employee of the classified service he shall forfeit his office or position.

(A-3) Effect of Other Laws. This Section shall not be rendered ineffective by any general law affecting municipal employees or municipal departments in matters of classified civil service except that the applicability of this Section shall be subject to and governed by the provisions on state and city civil service of the constitution provided, however, that any city and any parish government jointly with one or more cities under a plan of government, having once elected to accept the provisions of state and city civil service of the constitution may subsequently elect and determine to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election, ordered and held for this purpose by the city or parish authorities, as the case may be, in the manner set forth in the provisions on state and city civil service of the constitution, provided further, that no local election or elections pursuant to the provisions of state and city civil service, insofar as they apply to and affect this Section, and no local election or elections pursuant to this Section shall be held more often than once every four years, in any one city.

(A-4) Provisions Self-Operative. The provisions hereof are self-executing and self-operative and the officials designated are authorized to carry the same into effect.

(A-5) Effective Date of Provisions. Any system of municipal fire and police civil service under Act 102 of 1944, as amended, or under the provisions of Sections 2471 through 2508 of Title 33 of the Louisiana Revised Statutes of 1950 or under any provision of the Constitution of 1921, which is in force on the effective date of this constitution, is continued in effect under the provisions of this Section.

The rights of any person under Act 102 of 1944, as amended, and under the above sections of the revised statutes which exist on the effective day of this constitution are continued in effect. Every rule, classification, plan, or allocation established under the above provisions which is in force on the effective day of this amendment

PAGE 11

99th Days Proceedings—December 14, 1973

is continued in effect until it is amended or repealed by the proper authority under this Section.

Read.

Delegate Bergeron sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bergeron to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, following the word and punctuation "Section 1 (A)" delete the remainder of line 12 and delete lines 13 through 21 both inclusive, in their entirety and insert in lieu thereof the following:

"There is hereby created and established a system of fire and police civil service which, notwithstanding any other provision of this article, shall be applicable to all municipalities with a population in excess of thirteen thousand which operate a regularly paid fire and municipal police department and all parishes and all fire protection districts which operate a regularly paid fire department. Except as may be inconsistent with the provisions of this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921, are hereby retained and continued in force and effect as statutes. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend or otherwise modify any of said provisions of Article XIV, Section 15.1 of the 1921 Constitution except that the legislature may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department.

Point of Order

Delegate Lanier suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Elkins	Planchard
Alario	Flory	Rachal
Alexander	Fontenot	Reeves
Arnette	Fowler	Roemer
Asseff	Fulco	Sandoz
Avant	Gauthier	Shannon
Badeaux	Goldman	Smith
Bel	Grier	Soniat
Bergeron	Guarisco	Stagg
Blair	Hardee	Stephenson
Bollinger	Hayes	Stinson
Brien	Hernandez	Stovall
Burns	Jack	Sutherland
Cannon	Jackson, A.	Tate
Carmouche	Jenkins	Thistlethwaite
Casey	Jones	Thompson
Champagne	Juneau	Tobias
Comar	Kilbourne	Toca
Conino	Landrum	Toomy
Conroy	Landry, A.	Uilo
Corne	Landry, E. J.	Velazquez
Cowen	Lanier	Warren
D'Gerolamo	LeBleu	Wattigny
De Blieux	Lowe	Weiss
Dennery	Martin	Willis
Deshotels	Maybuce	Wisham
Drew	Miller	Zervigon
Dunlap	Mire	
Duval	Morris	
Total—85.		

ABSENT

Delegates—		
Abraham	Heine	Perkins
Aertker	Jackson, J.	Pugh
Anzalone	Kean	Rayburn
Brown	Kelly	Riecke
Burson	Kilpatrick	Roy
Chatelain	Lambert	Schmitt
Chehardy	Leigh	Segura
Dennis	Leithman	Singletary
Derbes	McDaniel	Slay
Edwards	Mauberret	Tapper
Fayard	Munson	Vesich
Giarrusso	Newton	Vick
Ginn	Nunez	Wall
Graham	O'Neill	Winchester
Gravel	Ourso	Womack
Haynes	Perez	
Total—47.		

And the Chairman announced that there were 85 delegates present, and a quorum.

Delegate Bergeron moved the adoption of the amendment.

Delegate Juneau objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fowler	Perez
Alario	Ginn	Reeves
Avant	Goldman	Roemer
Bel	Hayes	Roy
Bergeron	Jack	Shannon
Blair	Jackson, A.	Soniat
Cannon	Kelly	Stephenson
Carmouche	Kilpatrick	Stinson
Chehardy	Lambert	Stovall
Comar	Landry, E. J.	Tate
Conino	Martin	Thompson
D'Gerolamo	Mauberret	Toca
De Blieux	Maybuce	Toomy
Deshotels	Mire	Warren
Dunlap	Munson	Wattigny
Elkins	Nunez	Wisham
Flory		Womack
Fontenot	O'Neill	
Total—52.		

NAYS

Delegates—		
Abraham	Gauthier	Miller
Alexander	Graham	Perkins
Arnette	Grier	Planchard
Asseff	Guarisco	Riecke
Badeaux	Hardee	Sandoz
Bollinger	Heine	Schmitt
Brien	Hernandez	Singletary
Burns	Jackson, J.	Smith
Burson	Jenkins	Stagg
Casey	Jones	Sutherland
Champagne	Juneau	Thistlethwaite
Chatelain	Kean	Tobias
Conroy	Kilbourne	Uilo
Corne	Landrum	Velazquez
Dennery	Landry, A.	Weiss
Drew	Lanier	Willis
Duval	LeBleu	Winchester
Fulco	Lowe	Zervigon
Total—54.		

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Leithman
Anzalone	Fayard	McDaniel
Brown	Giarrusso	Newton
Cowen	Gravel	Morris
Dennis	Haynes	Ourso
Derbes	Leigh	Pugh

Rachal	Slay	Vick
Rayburn	Tapper	Wall
Segura	Vesich	
Total—26.		

And the amendment was rejected.

Delegate Juneau moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Bergeron objected to laying the motion to reconsider on the table.

By a vote of 60 yeas and 46 nays the motion to reconsider was tabled.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Dennery to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 16, after the word "thousand" and before the word "according" insert the words "nor more than four hundred thousand"

AMENDMENT No. 2—

On page 1, at the end of line 21, after the word and punctuation "services." add the following:

"However, in cities over four hundred thousand, if a majority of the electors voting at an election held for the purpose consent thereto, the paid firemen and municipal policemen may be included in the municipal fire and police civil service."

AMENDMENT No. 3—

On page 1, delete lines 22 through 32, both inclusive, in their entirety

AMENDMENT No. 4—

On pages 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 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 and 46, delete lines 1 through 32, both inclusive, in their entirety

AMENDMENT No. 5—

On page 47, delete line 1 in its entirety and on line 2, delete the paragraph enumeration "(A-5)" and insert in lieu thereof "(B)"

On motion of Delegate Dennery the amendment was withdrawn.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Dennery and Flory to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, following the word and punctuation "Section 1. (A)" delete the remainder of line 12 and delete lines 13 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"There is hereby created and established a system of fire and police civil service which shall be applicable to all municipalities with a population in excess of thirteen thousand which operate a regularly paid fire and municipal police department and all parishes and all fire protection districts which operate a regularly paid fire department. Except as may be inconsistent with the provisions of this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921, are hereby retained and continued in force and effect as statutes. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend or otherwise modify any of said provisions of Article XIV, Section 15.1 of

the 1921 Constitution except that the legislature may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department. However, in municipalities with a population in excess of four hundred thousand paid firemen and municipal policemen shall be included if a majority of the electors in the city affected voting at an election held for the purpose consent thereto, provided said election shall be called by the governing authority of the city affected within one year after the effective date of this constitution."

AMENDMENT No. 2—

Delete lines 1 through 32, both inclusive, in their entirety, on pages 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 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, and 46 and on page 47, delete lines 1 through 16, both inclusive, in their entirety.

On motion of Delegate Flory the amendments were withdrawn.

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Dennery, Flory, Chate-lain, Alexander, Avant, Bel, Blair, Bollinger, Burns, Burson, Cannon, Carmouche, Champagne, Conino, Cowen, De Blieux, Duval, Fontenot, Fowler, Fulco, Ginn, Goldman, Graham, Jack, Juneau, A. Landry, E. J. Landry, Lanier, Mire, Munson, Rachal, Reeves, Roemer, Roy, Sandoz, Stag, Thompson, Velazquez and Wattigny to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, following the word and punctuation "Section 1. (A)" delete the remainder of line 12 and delete lines 13 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"There is hereby created and established a system of classified fire and police civil service which shall be applicable to all municipalities with a population in excess of thirteen thousand which operate a regularly paid fire and municipal police department and all parishes and all fire protection districts which operate a regularly paid fire department. Except as may be inconsistent with the provisions of this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921, are hereby retained and continued in force and effect as statutes. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend or otherwise modify any of said provisions of Article XIV, Section 15.1 of the 1921 Constitution except that the legislature may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department. However, in municipalities with a population in excess of four hundred thousand paid firemen and municipal policemen shall be included if a majority of the electors in the city affected voting at an election held for the purpose consent thereto, said election shall be called by the governing authority of the city affected within one year after the effective date of this constitution."

AMENDMENT No. 2—

Delete lines 1 through 32, both inclusive, in their entirety, on pages 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 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, and 46 and on page 47, delete lines 1 through 16, both inclusive, in their entirety.

Delegate Flory moved the adoption of the amendments.

Delegate Deshotels objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Nunez
Alario	Fontenot	Perez
Alexander	Fowler	Perkins
Arnette	Fulco	Planchard
Asseff	Gauthier	Rachal
Avant	Giarrusso	Reeves
Badeaux	Ginn	Roemer
Bel	Goldman	Roy
Bergeron	Graham	Sandoz
Blair	Guarisco	Schmitt
Bollinger	Hardee	Shannon
Brien	Hayes	Singletary
Brown	Heine	Soniat
Burns	Jack	Stagg
Burson	Jackson, A.	Stephenson
Cannon	Jones	Stinson
Carmouche	Juneau	Stovall
Casey	Kelly	Sutherland
Champagne	Kilbourne	Tate
Chatelain	Kilpatrick	Thistlethwaite
Comar	Lambert	Thompson
Conino	Landry, A.	Toca
Conroy	Landry, E. J.	Toomy
Corne	Lanier	Velazquez
Cowen	Lowe	Vick
D'Gerolamo	McDaniel	Warren
De Blieux	Martin	Wattigny
Dennery	Mauberret	Willis
Dennis	Maybuce	Winchester
Drew	Miller	Wisham
Dunlap	Mire	Zervigon
Duval	Munson	
Elkins	Newton	
Total—97.		

NAYS

Delegates—		
Abraham	Landrum	Toblas
Deshotels	LeBleu	Ullo
Grier	O'Neill	Weiss
Jackson, J.	Riecke	
Jenkins	Smith	
Total—13.		

NOT VOTING

Delegates—		
Aertker	Hernandez	Segura
Anzalone	Kean	Slay
Chehardy	Leigh	Tapper
Derbes	Leithman	Vesich
Edwards	Morris	Wall
Fayard	Ourso	Womack
Gravel	Pugh	
Haynes	Rayburn	
Total—22.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, in Floor Amendment No. 1 proposed by Delegate Dennery, et al., and adopted by the Convention on December 14, 1973 on page 1 of said floor amendment at the end of line 7, add the following:

“Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Police and Fire Civil Ser-

vice Board under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination which, so far as practical, shall be competitive.”

Delegate Schmitt moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Riecke
Alexander	Grier	Roemer
Anzalone	Hayes	Sandoz
Arnette	Hernandez	Schmitt
Asseff	Jackson, J.	Stagg
Badeaux	Jones	Stovall
Brien	Juneau	Sutherland
Burns	Kelly	Thistlethwaite
Champagne	Kilpatrick	Toblas
Chatelain	Landrum	Toomy
Conroy	Landry, A.	Ullo
Corne	Lanier	Velazquez
De Blieux	Lowe	Wattigny
Dennery	Maybuce	Weiss
Deshotels	Nunez	Willis
Drew	Planchard	Winchester
Elkins	Rachal	Zervigon
Gauthier		
Total—52.		

NAYS

Delegates—		
Alario	Fontenot	Munson
Avant	Fulco	Newton
Bel	Ginn	O'Neill
Bergeron	Graham	Perez
Blair	Gravel	Roy
Brown	Guarisco	Shannon
Burson	Jack	Singletary
Cannon	Jackson, A.	Smith
Carmouche	Jenkins	Soniat
Casey	Lambert	Stinson
Comar	Landry, E. J.	Tate
Conino	Leithman	Thompson
D'Gerolamo	Martin	Toca
Dunlap	Mauberret	Warren
Flory	Morris	Wisham
Total—45.		

NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Pugh
Aertker	Haynes	Rayburn
Bollinger	Heine	Reeves
Chehardy	Kean	Segura
Cowen	Kilbourne	Slay
Dennis	LeBleu	Stephenson
Derbes	Leigh	Tapper
Duval	McDaniel	Vesich
Edwards	Miller	Vick
Fayard	Mire	Wall
Fowler	Ourso	Womack
Giarrusso	Perkins	
Total—35.		

And the amendment was adopted.

Delegate Schmitt moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, in Floor Amendment No. 1 proposed by

PAGE 14

99th Days Proceedings—December 14, 1973

Delegate Dennery, et al., and adopted by the convention on December 14, 1973, at the end of the text of said amendment, add a new paragraph:

"Nothing in Article VII, Section 1 of this constitution authorizing cities or other political subdivisions to be placed under the provisions of said article whether by election, act of the legislature, or ordinance of the local governing authority shall be construed as authorizing the inclusion therein of firemen and policemen in any municipality having a population in excess of thirteen thousand and less than four hundred thousand and which operates a regularly paid fire and municipal police department or in any parish of fire protection district which operates a regularly paid fire department, which said firemen and policemen are hereby expressly excluded from any such system."

Delegate Avant moved the adoption of the amendment.

Delegate Grier objected.

By a vote of 88 yeas and 9 nays the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, in Floor Amendment No. 1 proposed by Delegate Dennery, et al., and adopted by the convention on December 14, 1973, at the end of the text of said amendment, add a new paragraph:

"(B) Prohibitions Against Political Activities, Article XIV, Section 15.1 (34) of the 1921 Constitution is retained and continued in force and effect."

Delegate Jenkins moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Giarrusso	O'Neill
Alario	Ginn	Perez
Arnette	Gravel	Perkins
Asseff	Hernandez	Planchard
Avant	Jack	Rachal
Brown	Jackson, J.	Riecke
Carmouche	Jenkins	Sandoz
Casey	Jones	Singletary
Chatelain	Juneau	Stagg
Comar	Kean	Stinson
Conino	Kilpatrick	Stovall
Conroy	Landrum	Sutherland
Corne	Landry, E. J.	Thistlethwaite
Cowen	LeBleu	Tobias
D'Gerolamo	Leithman	Toomy
Dennery	Lowe	Ullio
Deshotels	McDaniel	Weiss
Drew	Morris	Willis
Elkins	Munson	Winchester
Flory	Nunez	Zervigon
Fulco		
Total—61.		

NAYS

Delegates—		
Alexander	Fontenot	Roemer
Anzalone	Gauthier	Roy
Badeaux	Goldman	Schmitt
Bel	Graham	Shannon
Bergeron	Grier	Smith
Blair	Guarisco	Soniat
Bollinger	Hayes	Thompson
Brien	Jackson, A.	Toca
Burns	Lanier	Velazquez
Champagne	Maybuce	Vick
De Blieux	Mire	Warren
Dunlap	Newton	Wattigny
Duval	Ourso	Wisham
Fayard	Reeves	
Total—41.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Pugh
Aertker	Heine	Rayburn
Burson	Kelly	Segura
Cannon	Kilbourne	Slay
Chehardy	Lambert	Stephenson
Dennis	Landry, A.	Tapper
Derbes	Leigh	Tate
Edwards	Martin	Vesich
Fowler	Mauberret	Wall
Hardee	Miller	Womack
Total—30.		

And the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 10, Section 1 was read, as amended.

Delegate Rachal moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Duval	Martin
Aertker	Elkins	Perkins
Alexander	Fayard	Riecke
Anzalone	Goldman	Roemer
Arnette	Graham	Sandoz
Asseff	Grier	Schmitt
Badeaux	Hayes	Smith
Bollinger	Hernandez	Stagg
Brien	Jackson, A.	Stinson
Burns	Jackson, J.	Stovall
Burson	Jones	Sutherland
Casey	Juneau	Thistlethwaite
Champagne	Kean	Thompson
Chatelain	Landrum	Velazquez
Conroy	Landry, A.	Weiss
Corne	Lanier	Willis
De Blieux	Lowe	Winchester
Dennery	McDaniel	Zervigon
Drew		
Total—55.		

NAYS

Delegates—		
Alario	Dunlap	Landry, E. J.
Avant	Flory	LeBleu
Bel	Fontenot	Leithman
Bergeron	Fulco	Mauberret
Blair	Gauthier	Maybuce
Brown	Giarrusso	Mire
Cannon	Ginn	Morris
Carmouche	Gravel	Newton
Comar	Guarisco	Nunez
Conino	Jack	O'Neill
Cowen	Jenkins	Ourso
D'Gerolamo	Kilpatrick	Perez
Deshotels	Lambert	Planchard

Rachal	Soniat	Ullo
Reeves	Tate	Vick
Roy	Tobias	Warren
Shannon	Toca	Wattigny
Singletary	Toomy	Wisham
Total—54.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Segura
Chehardy	Kelly	Slay
Dennis	Kilbourne	Stephenson
Derbes	Leigh	Tapper
Edwards	Miller	Vesich
Fowler	Munson	Wall
Hardee	Pugh	Womack
Haynes	Rayburn	
Total—23.		

Failed to pass.

Motion to reconsider pending.

Motion

Delegate Flory moved that the vote by which the Section failed to pass be reconsidered on the next Convention Day.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fayard	Newton
Alario	Flory	Nunez
Alexander	Fulco	O'Neill
Avant	Gauthier	Perez
Bel	Ginn	Perkins
Bergeron	Graham	Planchard
Blair	Gravel	Roy
Brown	Jack	Segura
Burns	Jackson, A.	Shannon
Burson	Jenkins	Singletary
Carmouche	Jones	Soniat
Casey	Kilpatrick	Stinson
Comar	Lambert	Tate
Conino	Landry, E. J.	Thompson
Cowen	Leithman	Tobias
D'Gerolamo	McDaniel	Toca
Dennis	Mauberrret	Vick
Deshotels	Maybuce	Warren
Drew	Mire	Wattigny
Dunlap	Morris	Wisham
Elkins	Munson	Zervigon
Total—63.		

NAYS

Delegates—		
Abraham	Grier	Riecke
Anzalone	Guarisco	Roemer
Arnette	Hayes	Sandoz
Asseff	Heine	Schmitt
Bollinger	Hernandez	Smith
Brien	Jackson, J.	Stagg
Cannon	Juneau	Sutherland
Champagne	Kean	Thistlethwaite
Chatelain	Landrum	Toomy
Conroy	Landry, A.	Ullo
Corne	Lanier	Velazquez
De Blieux	LeBleu	Weiss
Duval	Lowe	Willis
Fontenot	Rachal	Winchester
Goldman		
Total—43.		

NOT VOTING

Delegates—		
Mr. Chairman	Chehardy	Derbes
Badeaux	Dennery	Edwards

Fowler	Martin	Stephenson
Giarrusso	Miller	Stovall
Hardee	Ourso	Tapper
Haynes	Pugh	Vesich
Kelly	Rayburn	Wall
Kilbourne	Reeves	Womack
Leigh	Slay	
Total—26.		

And the Convention agreed to reconsider the vote by which the Section failed to pass, on the next Convention Day.

On motion of Delegate Rachal the Proposal was returned to the Calendar.

Motion

On motion of Delegate Roemer Committee Proposal No. 15 was taken up out of its regular order and acted upon as follows:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

ARTICLE XI. REVENUE AND FINANCE

Section 1. Power to Tax, Public Purpose

Section 1. The power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be imposed for public purposes only.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, immediately after the word and numeral "Section 1." delete the word "The" and insert in lieu thereof the following: "Except as otherwise provided in this constitution, the"

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 1 was read, as amended.

Delegate Lowe moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bergeron	Chatelain
Abraham	Blair	Comar
Aertker	Bollinger	Conino
Alario	Brien	Conroy
Alexander	Brown	Corne
Anzalone	Burns	Cowen
Arnette	Burson	D'Gerolamo
Asseff	Cannon	De Blieux
Avant	Carmouche	Dennery
Badeaux	Casey	Dennis
Bel	Champagne	Deshotels

Drew	Landrum	Shannon
Dunlap	Landry, A.	Singletary
Duval	Landry, E. J.	Smith
Elkins	Lanier	Soniat
Fayard	LeBleu	Stagg
Flory	Leithman	Stinson
Fulco	Lowe	Stovall
Gauthier	McDaniel	Sutherland
Ginn	Mauberet	Tate
Goldman	Maybuce	Thistlethwaite
Graham	Mire	Tobias
Gravel	Morris	Toca
Grier	Munson	Toomy
Guarisco	Newton	Ullo
Hayes	Nunez	Velazquez
Heine	O'Neill	Vick
Hernandez	Perez	Warren
Jack	Perkins	Wattigny
Jackson, A.	Planchard	Weiss
Jackson, J.	Rachal	Willis
Jones	Riecke	Winchester
Juneau	Roemer	Wisham
Kean	Roy	Zervigon
Kilpatrick	Sandoz	
Lambert	Schmitt	
Total—106.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Chehardy	Kelly	Segura
Derbes	Kilbourne	Slay
Edwards	Leigh	Stephenson
Fontenot	Martin	Tapper
Fowler	Miller	Thompson
Giarrusso	Ourso	Vesich
Hardee	Pugh	Wall
Haynes	Rayburn	Womack
Jenkins	Reeves	
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Lowe moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax and any increase in an existing tax and any repeal of an existing exemption from a tax shall require the favorable vote of two-thirds of the members elected to each house of the legislature, as evidenced by a record vote. A like vote shall be necessary for the adoption of amendments to bills proposing the same and to reports of conference committees.

Read.

Delegate Smith sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Smith to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 22, immediately after the word "legislature" delete the comma "," and insert in lieu thereof a period "." and delete the remainder of line 22 and all of lines 23 through 25, both inclusive, in their entirety

On motion of Delegate Smith the amendment was adopted.

Delegate Smith moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 22, after the period "." added by Floor Amendment No. 1 proposed by Delegate Smith and adopted by the Convention on December 14, 1973, insert the following:

"Notwithstanding any other provision of this constitution, any law imposing taxes may define or specify the subject, amount, or provisions of such tax by reference to laws of the United States as then existing or thereafter amended, and may prescribe exceptions or modifications thereto."

Delegate Conroy moved the adoption of the amendment.

Delegate Jack objected.

By a vote of 32 yeas and 70 nays the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Smith sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Smith to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, immediately after the word "tax" strike out the word "and" and insert in lieu thereof "or"

AMENDMENT No. 2—

On page 1, line 20, immediately after the word "tax", strike out the word "and" and insert in lieu thereof "or"

On motion of Delegate Smith the amendments were adopted.

Delegate Smith moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 2 was read, as amended.

Delegate Smith moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Corne	Jackson, J.
Abraham	D'Gerolamo	Jenkins
Aertker	De Blieux	Jones
Alario	Dennery	Kean
Alexander	Dennis	Kilpatrick
Anzalone	Deshotels	Lambert
Arnette	Drew	Landrum
Asseff	Dunlap	Landry, A.
Avant	Duval	Landry, E. J.
Badeaux	Elkins	Lanier
Bel	Fayard	LeBleu
Bergeron	Flory	Lowe
Blair	Fulco	McDaniel
Bollinger	Gauthier	Mauberet
Brien	Giarrusso	Maybuce
Brown	Ginn	Miller
Burns	Goldman	Mire
Burson	Graham	Morris
Cannon	Gravel	Newton
Carmouche	Grier	Nunez
Casey	Guarisco	O'Neill
Champagne	Hayes	Perez
Chatelain	Heine	Perkins
Comar	Hernandez	Planchard
Conino	Jack	Rachal
Conroy	Jackson, A.	Reeves

Riecke	Stagg	Velazquez
Roemer	Stinson	Vick
Roy	Stovall	Warren
Sandoz	Sutherland	Wattigny
Schmitt	Thistlethwaite	Weiss
Segura	Thompson	Willis
Shannon	Tobias	Winchester
Singletary	Toca	Zervigon
Smith	Toomy	
Soniat	Ullo	
Total—106.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Chehardy	Kelly	Slay
Cowen	Kilbourne	Stephenson
Derbes	Leigh	Tapper
Edwards	Leithman	Tate
Fontenot	Martin	Vesich
Fowler	Munson	Wall
Hardee	Ourso	Wisham
Haynes	Pugh	Womack
Juneau	Rayburn	
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Smith moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Collection and Refund of Taxes

Section 3. The collection of taxes shall not be restrained, and procedures shall be provided for the recovery of illegal taxes paid.

Read.

Delegate McDaniel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roemer to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 28, immediately after the word "provided" insert the words "by law"

On motion of Delegate McDaniel the amendment was adopted.

Delegate McDaniel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Singletary sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Singletary to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 26 through 29, both inclusive, in their entirety including all floor amendments thereto and insert in lieu thereof the following:

"Section 3. Collection of Taxes; Process to Restrain; Refunds

Section 3. The legislature shall provide against the issuance of process to restrain the collection of any tax and for a complete and adequate remedy for the prompt recovery by every taxpayer of any illegal tax paid by him."

On motion of Delegate Singletary the amendment was adopted.

Delegate Singletary moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 3, was read as amended.

Delegate McDaniel moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Newton
Abraham	Flory	Nunez
Alario	Fulco	O'Neill
Alexander	Gauthier	Perez
Anzalone	Ginn	Perkins
Arnette	Goldman	Planchard
Asseff	Graham	Rachal
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bel	Guarisco	Roemer
Bergeron	Hayes	Roy
Blair	Heine	Sandoz
Bollinger	Hernandez	Schmitt
Brien	Jack	Segura
Brown	Jackson, A.	Singletary
Burns	Jackson, J.	Smith
Burson	Jenkins	Soniat
Cannon	Jones	Stagg
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Lambert	Thistlethwaite
Conino	Landrum	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lowe	Vick
Dennis	McDaniel	Warren
Deshotels	Martin	Wattigny
Drew	Maubertret	Willis
Dunlap	Maybuce	Winchester
Duval	Mire	Zervigon
Elkins	Morris	
Total—104.		

NAYS

Delegates—		
Giarrusso	Miller	Shannon
Total—3.		

NOT VOTING

Delegates—		
Aertker	Kelly	Stephenson
Chehardy	Kilbourne	Tapper
Comar	Leigh	Tate
Derbes	Munson	Vesich
Edwards	Ourso	Wall
Fontenot	Pugh	Weiss
Fowler	Rayburn	Wisham
Hardee	Slay	Womack
Haynes		
Total—25.		

And the Chair declared that the above Section was finally passed.

Delegate McDaniel moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State

Section 4. (A) Equal and uniform taxes may be levied upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual income tax rate on the first ten thousand dollars of tax-

able income for single return or twenty thousand dollars of taxable income for joint return shall not exceed two percent.

(B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such 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 additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 Parish where located, at no more than twice the total assessed value of the physical property subject to taxation excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

(C) Political subdivisions of the state shall not levy severance taxes, income taxes or taxes on motor fuel.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year, and the amount of severance tax on all natural resources severed from the soil or water so remitted shall not exceed two hundred thousand dollars to any parish for any year.

Read.

On motion of Delegate Roemer the Convention deferred action on Section 4.

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.

Read.

On motion of Delegate Casey the Convention limited debate on the above Section to a period of one hour.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 8 through 13, both inclusive, in their entirety.

Motion

Delegate Riecke moved the previous question on the amendment.

Delegate Landrum objected.

By a vote of 22 yeas and 66 nays the Convention refused to order the previous question, at this time.

Delegate Newton moved the adoption of the amendment.

Delegate Champagne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Duval	Newton
Aertker	Fayard	Perkins
Arnette	Goldman	Roemer
Bollinger	Jones	Sandoz
Burson	Juneau	Smith
Casey	Landrum	Stovall
Chatelain	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Tobias
Corne	Lowe	Warren
Cowen	Martin	Weiss
De Blieux	Miller	Zervigon
Dennis		

Total—34.

NAYS

Delegates—

Alario	Ginn	O'Neil
Alexander	Graham	Perez
Anzalone	Gravel	Planchar
Asseff	Grier	Rachal
Avant	Guarisco	Reeves
Badeaux	Hayes	Riecke
Bel	Heine	Roy
Bergeron	Hernandez	Schmitt
Blair	Jack	Segura
Brien	Jackson, A.	Shannon
Brown	Jenkins	Singletary
Burns	Kean	Soniat
Cannon	Kilpatrick	Stagg
Carmouche	Lambert	Stinson
Champagne	Landry, A.	Sutherland
Comar	LeBleu	Thompson
Conino	Leithman	Toca
D'Gerolamo	McDaniel	Toomy
Deshotels	Mauberret	Ullio
Dunlap	Maybuce	Velazquez
Elkins	Mire	Wattigny
Flory	Morris	Willis
Fulco	Nunez	Winchester
Giarrusso		

Total—70.

NOT VOTING

Delegates—

Mr. Chairman	Haynes	Slay
Chehardy	Jackson, J.	Stephenson
Dennery	Kelly	Tapper
Derbes	Kilbourne	Tate
Drew	Leigh	Vesich
Edwards	Munson	Vick
Fontenot	Ourso	Wall
Fowler	Pugh	Wisham
Gauthier	Rayburn	Womack
Hardee		

Total—28.

And the amendment was rejected.

Delegate Champagne moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hayes sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Hayes to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 10, after the words "tax of" and before the word "dollars" delete the word "three" and insert in lieu thereof the word "six"

AMENDMENT No. 2—

On page 3, between lines 13 and 14, add the following: "There shall be three dollars of the annual six dollars license tax dedicated to the Louisiana State Penitentiary and

PAGE 19

99th Days Proceedings—December 14, 1973

shall be used only for the administration and improvements of said penitentiary."

Delegate Hayes moved the adoption of the amendments.

Delegate Champagne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Alexander	Kean	Stovall
Avant	Landry, E. J.	Velazquez
Dennis	Maybece	Warren
Flory	Miller	Weiss
Hayes	Newton	Willis
Heine	O'Neill	Zervigon
Jenkins	Rachal	
Total—20.		
NAYS		
Delegates—		
Abraham	Dunlap	Nunez
Aertker	Duval	Perez
Alario	Elkins	Perkins
Anzalone	Fulco	Planchar
Asseff	Giarrusso	Reeves
Badeaux	Ginn	Riecke
Bel	Goldman	Roemer
Bergeron	Garham	Roy
Blair	Gravel	Sandoz
Bollinger	Grier	Schmitt
Brien	Guarisco	Segura
Brown	Hernandez	Shannon
Burns	Jackson, A.	Singletary
Burson	Jones	Smith
Cannon	Juneau	Soniat
Carmouche	Kilpatrick	Stagg
Casey	Landrum	Stinson
Champagne	Landry, A.	Sutherland
Chatelain	Lanier	Thistlethwaite
Comar	LeBleu	Thompson
Conino	Leithman	Tobias
Conroy	Lowe	Toca
Corne	McDaniel	Toomy
D'Gerolamo	Martin	Ullo
De Blieux	Mauberret	Wattigny
Dennery	Mire	Winchester
Deshotels	Morris	
Total—80.		
NOT VOTING		
Delegates—		
Mr. Chairman	Hardee	Rayburn
Arnette	Haynes	Slay
Chehardy	Jack	Stephenson
Ccwen	Jackson, J.	Tapper
Derbes	Kelly	Tate
Drew	Kilbourne	Vesich
Edwards	Lambert	Vick
Fayard	Leigh	Wall
Fontenot	Munson	Wisham
Fowler	Ourso	Womack
Gauthier	Pugh	
Total—32.		

And the amendments were rejected.

Delegate Champagne moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 5 was read.

Delegate Roemer moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Mire
Aertker	Fulco	Morris
Alario	Giarrusso	Nunez
Alexander	Ginn	O'Neill
Anzalone	Graham	Perez
Arnette	Gravel	Perkins
Asseff	Grier	Planchar
Avant	Guarisco	Rachal
Badeaux	Hayes	Reeves
Bel	Heine	Riecke
Bergeron	Hernandez	Roy
Blair	Jack	Sandoz
Brien	Jackson, A.	Schmitt
Brown	Jenkins	Segura
Burns	Jones	Shannon
Cannon	Juneau	Singletary
Carmouche	Kean	Smith
Champagne	Kilpatrick	Soniat
Chatelain	Lambert	Stagg
Comar	Landrum	Stinson
Conino	Landry, A.	Sutherland
Corne	Landry, E. J.	Thompson
D'Gerolamo	Lanier	Toca
Dennery	LeBleu	Toomy
Dennis	Leithman	Ullo
Deshotels	McDaniel	Velazquez
Dunlap	Martin	Wattigny
Duval	Mauberret	Willis
Elkins	Maybece	Winchester
Fayard		
Total—88.		

NAYS

Delegates—		
Abraham	Goldman	Thistlethwaite
Bollinger	Lowe	Tobias
Burson	Miller	Warren
Casey	Newton	Weiss
Conroy	Roemer	Zervigon
De Blieux	Stovall	
Total—17.		

NOT VOTING

Delegates—		
Chehardy	Haynes	Slay
Cowen	Jackson, J.	Stephenson
Derbes	Kelly	Tapper
Drew	Kilbourne	Tate
Edwards	Leigh	Vesich
Fontenot	Munson	Vick
Fowler	Ourso	Wall
Gauthier	Pugh	Wisham
Hardee	Rayburn	Womack
Total—27.		

And the Chair declared that the above Section was finally passed.

Delegate Roemer moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 6. Forestry

Section 6. Forestry shall be practiced in this state, and the legislature shall enact laws therefor.

Read.

Delegate Roemer moved to defer action on Section 6 at this time.

Delegate Lanier objected.

By a vote of 65 yeas and 18 nays the Convention deferred action on Section 6 at this time.

Section 7. State Debt; Full Faith and Credit Obligations

Section 7. (A) Unless otherwise authorized by this constitution, the state shall have no power to contract, directly or through any state board, agency, or commission, the incurring of debt or the issuance of 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 invasion; suppress insurrection; provide

relief from natural catastrophes; refund outstanding indebtedness, but only to obtain a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) If the purpose is to make capital improvements, the nature, location, and if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(C) 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.

(D) The legislature, by two-thirds affirmative vote of the members elected to each house thereof, may propose a state-wide public referendum for the incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

Read.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 20, immediately after the word and punctuation "agency," and before the word "the" delete the words and punctuation "or commission," and insert in lieu thereof the following:

"commission, any quasi-public entity, and private person, or any body created by the legislature,"

On motion of Delegate Brown the amendment was adopted.

Delegate Brown moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 29, immediately after the word and punctuation "adopt," add the following:

"Legislative approval may be obtained only during open session except as otherwise provided in this constitution."

On motion of Delegate Brown the amendment was adopted.

Delegate Brown moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 19, immediately after the word "power" delete the remainder of the line and delete line 20 in its entirety and on line 21, immediately before the word "bonds" delete the words "curing of debt or the issuance of" and insert in lieu thereof the following:

"directly or through any state board, agency, or commission, to incur debt or issue"

On motion of Delegate Gravel the amendment was withdrawn.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 19, immediately after the word "power" delete the remainder of the line and delete line 20 including Floor Amendment No. 1 proposed by Delegate Brown and adopted by the Convention on December 14, 1973, in its entirety and on line 21, immediately before the word "bonds" delete the words "curing of debt or the issuance of" and insert in lieu thereof the following:

"directly or indirectly, or through any state board, agency, commission or otherwise, to incur debt or to issue"

On motion of Delegate Brown the amendment was adopted.

Delegate Brown moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, between lines 10 and 11 insert the following paragraph:

"(E) Nothing contained in this Section shall apply to any levee district or to any political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of such levee district or political subdivision."

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toomy to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete line 26, in its entirety and insert in lieu thereof the following: "edness at the same or at a lower effective rate of interest;"

On motion of Delegate Toomy the amendment was adopted.

Delegate Toomy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 7 was read, as amended.

Delegate Brown moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman Abraham Alario

Alexander	Flory	Perez
Anzalone	Fulco	Planchard
Avant	Giarrusso	Rachal
Badeaux	Ginn	Reeves
Bel	Goldman	Roemer
Bergeron	Gravel	Roy
Blair	Grier	Sandoz
Bollinger	Guarisco	Schmitt
Brien	Hernandez	Segura
Brown	Jack	Singletary
Burson	Jenkins	Smith
Cannon	Juneau	Soniat
Casey	Kelly	Stagg
Chatelain	Kilpatrick	Sutherland
Comar	Landrum	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
D'Gerolamo	LeBleu	Ullo
De Blieux	Lowe	Vick
Deshotels	McDaniel	Warren
Dunlap	Maybece	Wattigny
Duval	Newton	Weiss
Elkins	Nunez	Zervigon

Total—72.

NAYS

Delegates—		
Aertker	Heine	Perkins
Asseff	Jones	Stinson
Burns	Kean	Thistlethwaite
Conino	Lanier	Toomy
Dennery	Miller	Velazquez
Graham	Morris	Willis
Hayes		

Total—19.

NOT VOTING

Delegates—		
Arnette	Haynes	Rayburn
Carmouche	Jackson, A.	Riecke
Champagne	Jackson, J.	Shannon
Chehardy	Kilbourne	Slay
Cowen	Lambert	Stephenson
Dennis	Leigh	Stovall
Derbes	Leithman	Tapper
Drew	Martin	Tate
Edwards	Mauberret	Vesich
Fayard	Mire	Wall
Fontenot	Munson	Winchester
Fowler	O'Neill	Wisham
Gauthier	Ourso	Womack
Hardee	Pugh	

Total—41.

And the Chair declared that the above Section was finally passed.

Delegate Brown moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Roemer, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate A. Jackson, chairman, on behalf of the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention of 1973
December 14, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

DELEGATE PROPOSAL No. 20—

Introduced by Delegate Jack:

A PROPOSAL

Limiting the number of proposed constitutional amendments that may be submitted to the voters at any one election.

Reported unfavorably.

Respectfully submitted,
ALPHONSE JACKSON, JR.,
Chairman.

Delegate Romer, Acting chairman, on behalf of the Committee on Revenue, Finance and Taxation, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

December 14, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Revenue, Finance and Taxation to submit the following report:

DELEGATE PROPOSAL No. 55—

Introduced by Delegate Fontenot:

A PROPOSAL

Making provisions for exemptions from taxation.

Reported without action.

DELEGATE PROPOSAL No. 21—

Introduced by Delegate Jack:

A PROPOSAL

Making provisions for a deduction in state income taxes for federal income tax payments made during the same period.

Reported favorably.

DELEGATE PROPOSAL No. 77—

Introduced by Delegate Robinson:

A PROPOSAL

To provide for the financing of the office of sheriff.

Reported without action.

DELEGATE PROPOSAL No. 33—

Introduced by Delegate Dennis:

A PROPOSAL

Providing for the financing of the judicial system.

Reported without action.

Respectfully submitted,
CHARLES E. ROEMER, III,
Acting Chairman.

Notice of Motion

Delegate Vick sent up notice as required by Rule No. 86, that on the next Convention day, he will move to require the Committee on the Judiciary to return, with or without recommendation, Delegate Proposal No. 44 to the Convention.

Notice of Motion

Delegate Miller sent up notice as required by Rule No. 86, that on the next Convention day, she will move to require the Committee on the Judiciary to return, with or without recommendation, Delegate Proposal No. 35 to the Convention.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

December 14, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny, and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII. HUMAN RESOURCES**Section 1. State and City Civil Service****Section 1. (A) Civil Service System; State; Cities.**

(1) State Civil Service. The state civil service includes all offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency or joint state and municipal agency, irrespective of what funds are used to pay for such employment. It shall not include municipal boards of health or local governmental subdivisions.

(2) City Civil Service. The city civil service includes all offices and positions of trust or employment in the employ of each city in the state with over four hundred thousand population, and every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the city affected voting at an election held for the purpose consent thereto, provided said election shall be called by the governing authority of the city affected within one year after the effective date of this constitution.

(B) Classified and Unclassified Service. The state and city civil service is divided 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, commission, or authority mentioned in (1), (2), (4), or (5) above, except civil service departments; (7) members of the military or naval forces; (8) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state and bona fide students of such institutions employed by any state, parochial, or municipal agency; (9) employees, deputies, and officers of the legislature, of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney of the several cities, of police juries, of school boards, of assessors, of all offices provided for in Article V of this Constitution except the offices of clerk of the municipal and traffic courts in New Orleans, of coroners; (10) commissioners of elections, and watchers; custodians and deputy custodians of voting machines; railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal statutory law.

Additional positions may be added and revoked by rules adopted by a commission.

C. State Civil Service Commission; Appointment; Nomination. There shall be a State Civil Service Commission, domiciled in Baton Rouge, composed of seven members who are electors of this state, four of whom constitute a quorum. No more than one appointed member shall be from each congressional district.

(1) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(2) Nominations. The presidents of Centenary College at Shreveport, Louisiana; Dillard University at New Orleans, Louisiana; Louisiana College at Pineville, Louisiana; Loyola

University of the South at New Orleans, Louisiana; Tulane University at New Orleans, Louisiana; and Xavier University at New Orleans, after giving due consideration to representation of all groups, each shall nominate three persons. One member of the commission shall be appointed by the governor 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission. Should one of the nominating authorities fail to submit nominees in the time required, or should one of the named institutions cease to exist, the governor shall make the appointment to the commission.

(D) City Civil Service Commission; Appointment; Nomination; Vacancies. There shall be a city civil service commission in each city having a population exceeding four hundred thousand. Each commission shall be composed of five members, who are qualified electors of the city, three of whom constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided. The domicile of each commission shall be in the city which it serves.

(1) New Orleans; Nomination and Appointment. In the city of New Orleans, the presidents of Dillard University, Loyola University of the South, St. Mary's Dominican College, Xavier University of Louisiana, and Tulane University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(2) Other Cities; Nomination and Appointment. In other cities subject to the provisions of this Section, the presidents of any five institutions of higher education in the state, which five institutions shall be selected by the governing authority of the respective city, each shall nominate three persons, after giving due consideration to representation of all groups, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission. Should one of the nominating authorities fail to submit nominees in the time required, or should one of the named institutions cease to exist, the governing authority of the city shall make the appointment to the commission.

(E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority for cause after being served with written specifications of the charges against him, and an opportunity for a public hearing thereon is afforded by his appointing authority.

(F) Department of Civil Service; Directors.

(F) (1) State Department. There shall be a Department of State Civil Service in the executive branch of the state government.

(2) City Departments. There shall be a department of city civil service in each city having a population exceeding four hundred thousand.

(3) Directors. Each commission shall appoint a director, after competitive examination, who shall be the administrative head of his department, and who shall be in the classified service. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.

(G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department of civil service under a general system based upon merit, efficiency, fitness, and length of service, as ascer-

tained by examination which, so far as practical, shall be competitive. 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 certification of persons eligible for appointment, promotion, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments where certification is not required.

(H) Appeals. (1) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. Any classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(2) Discrimination. No classified employee shall be discriminated against by reason of his political or religious beliefs, sex, or race. Any classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

(I) Prohibitions Against Political Activities. (1) No member of any civil service commission and no officer or employee in the classified service shall participate or engage in political activity; or be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; or make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, or candidate or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of such classified employee.

(3) Political activity is defined as an effort made to support or oppose the election of a candidate for political office or the support of a particular political party in an election. There shall be no prohibition against support of issues involving bonded indebtedness, tax referenda, or constitutional amendments.

(J) Rules; Investigations; Wages and Hours. (1) Rules. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including but not limited to the adoption of rules for the regulation of employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, and all other personnel matters and transactions the adoption of a uniform pay and classification plan, employment conditions, employee training and safety, compensation and disbursements to employees, and generally to carry out and effectuate the objectives and purposes of the merit system of civil service as herein established. Nothing contained herein shall be construed to prevent the legislature from supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety.

Veterans. The Department of State Civil Service and a department of city civil service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States, after having served between the wartime dates of April 6, 1917 and November 11, 1918, both dates inclusive; or between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or who served in the Viet Nam Theater between July 1, 1958 and the 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 de-

partment 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 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 unmarried widow of each deceased veteran who served in a war period as defined above or in a peacetime campaign or expedition; or to the unmarried parents of any person who died in active wartime or peacetime service or who suffered total and permanent disabilities in active wartime or peacetime service; or the divorced or separated parents of any person who died in war-time or peacetime service or who became totally and permanently disabled in wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any of the persons enumerated above, and if the ten-point preference is not being utilized by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unmarried widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

Layoffs; Preference Employees. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are as good as or better than other competing employees shall be retained in preference to all other competing employees, provided that when any or all of the functions of any state agency are transferred to or when any state agency is replaced by some other state agency, or state agencies, all preference employees in the classifications and performing the function or functions transferred or in the state agency which is replaced by some other state agency shall first be transferred to the replacing state agency, or state agencies, for employment in positions for which they are qualified, before such state agency, or state agencies, shall appoint additional employees from eligible lists for such positions. The appointing authority shall give written notice to the director of any proposed layoff a reasonable time before the effective date thereof, and the director shall make such orders relating thereto as he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, any agency or department, or any officer of the state or any political subdivision shall favor or discriminate against any applicant or employee on the basis of his membership or non-membership in any private organization, provided that this shall not prohibit any state agency, department or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions or other conditions of employment in a manner not inconsistent with this constitution or any civil service law or valid rule or regulation of a commission.

Rules adopted pursuant hereto shall be published and available to the public and have the effect of law. Each commission may impose penalties for violation of its rules by demotion in, or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission is authorized to investigate violations of the provisions of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall become effective and shall have the effect of law only after approval by the governor or the appropriate governing authority.

(K) Penalties. Any person who willfully violates any provision of this Section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to

review on any question of law or fact upon appeal to the court of appeal wherein such commission is located, upon application filed with such commission within thirty calendar days after its decision becomes final.

(M) Appropriations. (1) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable the commission and the department to carry out efficiently and effectively the provisions of this Section, and the amount so appropriated by the legislature shall not be subject to veto by the governor.

(2) Cities. Each city subject to the provisions of this Section shall make adequate annual appropriations to enable its civil service commission and department to carry out efficiently and effectively the provisions of this Section.

(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly. Any city having a population exceeding ten thousand but not exceeding four hundred thousand, and any parish, or any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the last preceding decennial federal census for which the final report of population returns have been reported to the president of the United States, may elect to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be upon (1) the adoption of an ordinance by the governing body thereof calling for such elections; or (2) the presentation to such governing body of a petition signed by qualified electors equal in number to five percent of the qualified registered voters of the city, the parish, or the city-parish, as the case may be, calling for such election.

If a majority of the votes cast in such election are in favor of the adoption of the provisions of this Section, all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city, parish, or city-parish. In such instance, all officers and employees of the city, the parish, or the city-parish, or any other subdivision of the state, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain such status and shall thereafter be subject to and governed by the provisions of this Section and the rules and regulations adopted under the authority of this Section. If a majority of the votes cast in such election are against the adoption of the provisions of this Section, the question of adopting the provisions of this Section shall not be resubmitted to the voters of the city, the parish, or the city-parish, as the case may be, within one year thereafter.

(O) City, Parish Civil Service System; Creation; Prohibition. Nothing in this Section shall prevent the establishment by the legislature, or by the respective parish governing authority, in one or more parishes, of a civil service system applicable to any or all parish employees, except teaching and professional staffs, and administrative officers of schools, or the establishment by the legislature, or by the respective city governing body, of a civil service system in one or more cities having a population of less than four hundred thousand, in any manner now or hereafter provided by law, except that paid firemen and paid municipal policemen, in a municipality which operates a regularly paid fire and police department and which has a population in excess of thirteen thousand, in all parishes, and in all fire protection districts with paid firemen, are hereby expressly excluded from such civil service system. However, nothing in this Paragraph shall permit inclusion in the local civil service of officials and employees listed in Paragraph (B) of this Section. No law enacted by the legislature after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall

be effective in any parish or in any such municipality until approved by ordinance adopted by the governing authority of the affected parish or municipality.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, December 19, 1973 at 5:30 o'clock P.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

1. Review all outstanding delegate proposals.
2. Review reports to Committee on Legislative Liaison and Transitional Measures from Committee on Education and Welfare.

Respectfully submitted,
ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Stagg the rules were suspended in order to call a meeting of the Sub-Committee on Alternatives to the Committee on Rules, Credentials and Ethics without giving the required twenty-four hours notice.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Sub-Committee on Alternatives of the Rules Committee, sent up the following notice:

The Sub-Committee on Alternatives of the Committee on Rules, Credentials and Ethics will meet on Saturday, December 15, 1973, at 8:00 o'clock A.M. in the Ante Room and will consider the following agenda:

AGENDA

To consider methods of consideration of Alternatives.

Respectfully submitted,
TOM STAGG,
Chairman of the Sub-Committee
on Alternatives of the Rules Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Champagne—½ day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Saturday, December 15, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, December 15, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary
DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDREDTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, December 15, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Comar Conino Conroy Corne D'Gerolamo De Blieux Dennery Dennis Deshotels Drew Dunlap Duval Edwards Elkins Fayard Flory Total—115.	Fowler Fulco Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Heine Hernandez Jack Jenkins Jones Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leithman Lowe McDaniel Martin Mauberret Maybuce Miller Mire Morris Munson Newton	Nunez O'Neill Ourso Perez Perkins Planchard Rachal Reeves Riecke Roemer Roy Sandoz Schmitt Segura Shannon Singletary Slay Smith Staggs Stinson Stovall Sutherland Tate Thistlethwaite Tobias Toca Toomy Ullo Velazquez Vick Warren Wattigny Weiss Willis Winchester Wisham Zervigon
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ABSENT

Delegates— Chehardy Cowen Derbes Fontenot Haynes Jackson, A. Total—17.	Jackson, J. Leigh Pugh Rayburn Soniat Stephenson	Tapper Thompson Vesich Wall Womack
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The Chairman announced that there were 115 members
present and a quorum.

Prayer

Prayer was offered by Delegate Roemer.

Pledge of Allegiance

Delegate D'Gerolamo led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Toca, the reading of the Journal
was dispensed with.

On motion of Delegate Toca, the Journal of yesterday was
adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals
were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 20—

Introduced by Delegate Jack:

A PROPOSAL

Limiting the number of proposed constitutional amendments
that may be submitted to the voters at any one election.

Read.

Reported unfavorably by the Committee on Bill of Rights
and Elections.

Delegate Jenkins moved that the Proposal be withdrawn
from the files of the Convention.

As a substitute Delegate Jack moved that the Proposal
be ordered engrossed and passed to its third reading.

Delegate A. Jackson objected.

The vote recurred on the substitute.

By a vote of 47 yeas and 45 nays the Proposal was ordered
engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 21—

Introduced by Delegate Jack:

A PROPOSAL

Making provisions for a deduction in state income taxes
for federal income tax payments made during the same
period.

Read.

Reported favorably by the Committee on Revenue, Finance
and Taxation.

On motion of Delegate Jack the Proposal was ordered en-
grossed and passed to its third reading.

DELEGATE PROPOSAL No. 33—

Introduced by Delegate Dennis:

A PROPOSAL

Providing for the financing of the Judicial system.

Read.

Reported without action by the Committee on Revenue,
Finance and Taxation.

On motion of Delegate Roemer the Proposal was with-
drawn from the files of the Convention.

DELEGATE PROPOSAL No. 55—

Introduced by Delegate Fontenot:

A PROPOSAL

Making provisions for exemptions from taxation.

Read.

Reported without action by the Committee on Revenue,
Finance and Taxation.

On motion of Delegate Roemer the Proposal was with-
drawn from the files of the Convention.

PAGE 2

100th Days Proceedings—December 15, 1973

DELEGATE PROPOSAL No. 77—

Introduced by Delegate Robinson:
A PROPOSAL

To provide for the financing of the office of sheriff.

Read.

Reported without action by the Committee on Revenue, Finance and Taxation.

On motion of Delegate Morris the Proposal was withdrawn from the files of the Convention.

Motion

Delegate Miller moved, under Rule No. 86 and with prior notice having been given, to require the Committee on the Judiciary to return, with or without recommendation, Delegate Proposal No. 35 to the Convention.

Delegate Tate objected.

By a vote of 39 yeas and 53 nays the Convention refused to order the Committee on the Judiciary to return Delegate Proposal No. 35, with or without recommendations, to the Convention.

Motion

Delegate Vick moved, under Rule No. 86 and with prior notice having been given, to require the Committee on the Judiciary to return, with or without recommendation, Delegate Proposal No. 44 to the Convention.

Delegate Drew objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Flory	Roy
Aertker	Fulco	Schmitt
Alexander	Giarrusso	Stagg
Arnette	Goldman	Stovall
Asseff	Hayes	Sutherland
Avant	Jack	Tobias
Bollinger	Jones	Toomy
Brien	Landry, E. J.	Ullo
Brown	Leithman	Velazquez
Casey	Maybuce	Vick
Chatelain	Miller	Warren
Comar	O'Neill	Weiss
Corne	Rachal	Winchester
De Blieux	Reeves	Wisham
Dennery	Roemer	Zervigon
Total—45.		

NAYS

Delegates—

Alario	Ginn	Mauberret
Anzalone	Graham	Mire
Bel	Gravel	Morris
Blair	Grier	Munson
Burns	Hardee	Newton
Carmouche	Heine	Nunez
Champagne	Hernandez	Plancharde
Conino	Jenkins	Sandoz
Conroy	Juneau	Shannon
D'Gerolamo	Kelly	Slay
Deshotels	Kilbourne	Smith
Drew	Kilpatrick	Tate
Dunlap	Lanier	Thistlethwaite
Duval	LeBleu	Toca
Elkins	Low	Wattigny
Fowler	McDaniel	Willis
Gauthier	Martin	
Total—50.		

NOT VOTING

Delegates—
Mr. Chairman
Badeaux

Bergeron	Cannon
Burson	Chehardy

Cowen	Lambert	Singletary
Dennis	Landrum	Soniat
Derbes	Landry, A.	Stephenson
Edwards	Leigh	Stinson
Fayard	Ourso	Tapper
Fontenot	Perez	Thompson
Guarisco	Perkins	Vesich
Haynes	Pugh	Wall
Jackson, A.	Rayburn	Womack
Jackson, J.	Riecke	
Kean	Segura	

Total—37.

And the Convention refused to order the Committee on Judiciary to return Proposal No. 44, with or without recommendations, to the Convention.

Reconsideration

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Called from the Calender.

Read.

On motion of Delegate Flory the vote by which Committee Proposal No. 10, Section 1, failed to pass on yesterday, was reconsidered.

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Read.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, in Floor Amendment No. 1 proposed by Delegate Dennery, et al, and adopted by the convention on December 14, 1973, delete Floor Amendment No. 1 proposed by Delegate Schmitt and adopted by the convention on December 14, 1973, and insert in lieu thereof the following:

"Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the 1921 Constitution."

On motion of Delegate Roy the amendment was withdrawn.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, in Floor Amendment No. 1 proposed by Delegate Dennery, et al, and adopted by the convention on December 14, 1973, delete Floor Amendment No. 1 proposed by Delegate Schmitt and adopted by the convention on December 14, 1973, and insert in lieu thereof the following:

"Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the 1921 Constitution, subject to change by law enacted upon the favorable vote of two-thirds of the elected members of each house of the legislature."

Delegate Flory moved the adoption of the amendment.

Delegate Chatelain objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	Nunez
Aertker	Ginn	O'Neill
Alario	Goldman	Ourso
Alexander	Graham	Perez
Avant	Gravel	Planchard
Bel	Guarisco	Rachal
Bergeron	Hardee	Reeves
Blair	Jack	Roy
Brien	Jenkins	Segura
Brown	Jones	Shannon
Burns	Juneau	Singletary
Burson	Kelly	Slay
Cannon	Kilbourne	Smith
Carmouche	Kilpatrick	Stinson
Champagne	Lambert	Stovall
Comar	Landrum	Tate
Conino	Landry, A.	Tobias
D'Gerolamo	Landry, E. J.	Toca
Dennis	Lanier	Toomy
Deshotels	Leithman	Ullo
Drew	McDaniel	Velazquez
Dunlap	Martin	Vick
Duval	Mauberret	Warren
Elkins	Maybeuce	Wattigny
Flory	Mire	Willis
Fowler	Morris	Winchester
Fulco	Munson	Wisham
Gauthier	Newton	
Total—83.		

NAYS

Delegates—		
Abraham	Dennery	Perkins
Anzalone	Fayard	Riecke
Arnette	Grier	Roemer
Asseff	Hayes	Sandoz
Badeaux	Heine	Schmitt
Bollinger	Hernandez	Stagg
Casey	Kean	Sutherland
Chatelain	LeBleu	Thistlethwaite
Conroy	Lowe	Weiss
Corne	Miller	Zervigon

NOT VOTING

Delegates—		
Chehardy	Jackson, A.	Stephenson
Cowen	Jackson, J.	Tapper
Derbes	Leigh	Thompson
Edwards	Pugh	Vesich
Fontenot	Rayburn	Wall
Haynes	Soniat	Womack
Total—18.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Chatelain to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, in Floor Amendment No. 1 proposed by Delegate Dennery et al., and adopted by the convention on December 14, 1973, delete Floor Amendment No. 1 proposed by Delegate Flory and adopted by the convention on December 15, 1973, and insert in lieu thereof the following:

"Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, and fitness, and which also shall give consideration to length of service."

Motion

Delegate Smith moved the previous question on the entire subject matter.

Delegate Schmitt objected.

By a vote of 58 yeas and 39 nays the previous question was ordered.

Delegate Chatelain moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 35 yeas and 72 nays the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 10, Section 1 was read, as amended.

Delegate Rachal moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Newton
Aertker	Gauthier	Nunez
Alario	Giarrusso	O'Neill
Alexander	Ginn	Ourso
Avant	Goldman	Perez
Badeaux	Graham	Perkins
Bel	Gravel	Planchard
Bergeron	Guarisco	Rachal
Blair	Hardee	Reeves
Bollinger	Heine	Riecke
Brien	Hernandez	Roy
Brown	Jack	Segura
Burns	Jenkins	Shannon
Burson	Jones	Singletary
Cannon	Juneau	Slay
Carmouche	Kean	Smith
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Comar	Kilpatrick	Sutherland
Conino	Lambert	Tate
Conroy	Landrum	Thistlethwaite
D'Gerolamo	Landry, A.	Tobias
De Blieux	Landry, E. J.	Toca
Dennery	Lanier	Toomy
Dennis	Leithman	Velazquez
Deshotels	Lowe	Vick
Drew	McDaniel	Warren
Dunlap	Martin	Weiss
Duval	Mauberret	Willis
Elkins	Maybeuce	Winchester
Fayard	Mire	Wisham
Flory	Morris	
Fowler	Munson	
Total—97.		

NAYS

Delegates—		
Abraham	Grier	Stagg
Anzalone	Hayes	Ullo
Asseff	Miller	Zervigon
Chatelain	Roemer	
Corne	Schmitt	
Total—13.		

NOT VOTING

Delegates—		
Arnette	Edwards	Jackson, J.
Chehardy	Fontenot	LeBleu
Cowen	Haynes	Leigh
Derbes	Jackson, A.	Pugh

PAGE 4

100th Days Proceedings—December 15, 1973

Rayburn	Tapper	Wattigny
Sandoz	Thompson	Womack
Soniat	Vesich	
Stephenson	Wall	
Total—22.		

And the Chair declared that the above Section was finally passed.

Delegate Rachal moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Rachal moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Munson
Abraham	Fowler	Newton
Aertker	Fulco	Nunez
Alario	Gauthier	O'Neill
Alexander	Giarrusso	Ourso
Arnette	Ginn	Perez
Avant	Goldman	Perkins
Badeaux	Graham	Planchard
Bel	Gravel	Rachal
Bergeron	Guarisco	Reeves
Blair	Hardee	Riecke
Bollinger	Heine	Roemer
Brien	Jack	Roy
Brown	Jenkins	Sandoz
Burns	Jones	Segura
Burson	Juneau	Shannon
Cannon	Kean	Singletary
Carmouche	Kelly	Slay
Casey	Kilbourne	Smith
Champagne	Kilpatrick	Stinson
Comar	Lambert	Sutherland
Conino	Landrum	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Tobias
D'Gerolamo	Lanier	Toca
De Blieux	Leithman	Toomy
Denney	Lowe	Velazquez
Dennis	McDaniel	Vick
Deshotels	Martin	Warren
Dunlap	Mauberrret	Weiss
Duval	Maybuce	Willis
Elkins	Mire	Winchester
Fayard	Morris	Wisham
Total—99.		

NAYS

Delegates—		
Asseff	Hernandez	Stagg
Chatelain	LeBleu	Ullo
Grier	Miller	Zervigon
Hayes	Schmitt	
Total—11.		

NOT VOTING

Delegates—		
Anzalone	Jackson, A.	Tapper
Chehardy	Jackson, J.	Thompson
Cowen	Leigh	Vesich
Derbea	Pugh	Wall
Drew	Rayburn	Wattigny
Edwards	Soniat	Womack
Fontenot	Stephenson	
Haynes	Stovall	
Total—22.		

And the Chair declared that the above Proposal was finally passed.

On motion of Delegate Rachal the vote by which the Proposal was finally passed, was reconsidered.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

The Chair announced that the Convention had under consideration Committee Proposal No. 15 when it adjourned on Friday, December 14, 1973, which was taken up and acted upon as follows:

Section 8. State Debt; Interim Emergency Board

Section 8. (A) The Interim Emergency Board hereby is created and shall be composed of the governor, the state treasurer, the legislative auditor, the chairman of the Senate Finance Committee, and the chairman of the House Appropriations Committee, or their designees.

(B) During the interim between sessions of the legislature, whenever it is determined by majority vote of the Interim Emergency Board that an emergency exists, and then only for a purpose for which the legislature may appropriate funds, after having obtained, as provided by law, the written consent of two-thirds of all members elected to each house of the legislature, the Interim Emergency Board may appropriate from the State General Fund, or borrow upon the full faith and credit of the state an amount to care for an emergency, which is an event or occurrence not reasonably anticipated by the legislature.

(C) The aggregate of indebtedness outstanding at any one time and the amount appropriated from the State General Fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Each fiscal year, as a first priority, there hereby is allocated from the State General Fund an amount sufficient to pay any indebtedness incurred during the preceding fiscal year under the authority of this Section.

Read.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 13 through 16, both inclusive, in their entirety, and insert in lieu thereof the following: "created and shall be composed of the governor, the lieutenant governor, the state treasurer, the presiding officers of both houses of the legislature, the chairman of the Senate Finance Committee, and the chairman of the House Appropriations Committee, or their designees."

On motion of Delegate Duval the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegates Alario and Nunez to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, on line 27, after the word and punctuation "legislature." add the following:

"The maximum amount which may be appropriated for any agency during any fiscal year shall not exceed one hundred thousand dollars."

AMENDMENT No. 2—

On page 4, line 31, after the word and "exceed" and before the word "of" delete the word "one-tenth" and insert the word "one-twentieth"

On request of Delegate O'Neill a division of the question ordered.

Delegate Alario moved the adoption of Amendment No. 1.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Miller
Alario	Fowler	Morris
Anzalone	Fulco	Munson
Asseff	Gauthier	Nunez
Avant	Graham	O'Neill
Bel	Guarisco	Perez
Bergeron	Heine	Perkins
Blair	Jenkins	Segura
Bollinger	Juneau	Stinson
Brien	Kean	Toca
Chatelain	Landry, E. J.	Ullo
Comar	Lanier	Velazquez
Conino	Landry, A.	Warren
D'Gerolamo	LeBleu	Weiss
Deshotels	Leithman	Winchester
Dunlap	Maybece	Wisham
Fayard		
Total—49.		

NAYS

Delegates—		
Abraham	Edwards	Roemer
Aertker	Ginn	Sandoz
Alexander	Goldman	Schmitt
Arnette	Gravel	Shannon
Badeaux	Grier	Singletary
Brown	Hardee	Slay
Burns	Hayes	Smith
Burson	Hernandez	Stagg
Cannon	Jack	Sutherland
Casey	Kelly	Tate
Champagne	Kilpatrick	Thistlethwaite
Conroy	Lowe	Tobias
Corne	Mire	Toomy
De Blieux	Newton	Wattigny
Dennery	Planchard	Willis
Dennis	Rachal	Zervigon
Duval	Riecke	
Total—50.		

NOT VOTING

Delegates—		
Carmouche	Haynes	McDaniel
Chehardy	Jackson, A.	Martin
Cowen	Jackson, J.	Mauberret
Derbes	Jones	Ourso
Drew	Kilbourne	Pugh
Elkins	Lambert	Rayburn
Fontenot	Landrum	Reeves
Giarrusso	Leigh	Roy

Soniat	Tapper	Vick
Stephenson	Thompson	Wall
Stovall	Vesich	Womack
Total—33.		

And Amendment No. 1 was rejected.

Delegate Roemer moved to reconsider the vote by which the amendments were rejected, and to lay the motion to reconsider on the table.

Delegate Newton objected to tabling the motion to reconsider.

By a vote of 51 yeas and 47 nays the motion to reconsider was tabled.

Delegate Alario moved the adoption of the Amendment No. 2.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Munson
Alario	Fulco	Nunez
Anzalone	Gauthier	O'Neill
Asseff	Graham	Perez
Avant	Guarisco	Perkins
Bergeron	Heine	Singletary
Bollinger	Jenkins	Stinson
Brien	Juneau	Toca
Chatelain	Kean	Ullo
Conino	Lanier	Warren
D'Gerolamo	LeBleu	Wattigny
Dennery	Leithman	Weiss
Deshotels	Maybece	Willis
Dunlap	Miller	Winchester
Fayard	Morris	Wisham
Total—45.		

NAYS

Delegates—		
Abraham	Edwards	Rachal
Aertker	Elkins	Reeves
Alexander	Fowler	Riecke
Arnette	Ginn	Roemer
Badeaux	Goldman	Sandoz
Bel	Gravel	Schmitt
Blair	Grier	Segura
Brown	Hardee	Shannon
Burns	Hayes	Slay
Burson	Hernandez	Smith
Cannon	Jack	Stagg
Casey	Kelly	Sutherland
Champagne	Kilpatrick	Tate
Comar	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Tobias
Corne	Lowe	Toomy
De Blieux	Mire	Velazquez
Dennis	Newton	Zervigon
Duval	Planchard	
Total—56.		

NOT VOTING

Delegates—		
Carmouche	Kilbourne	Roy
Chehardy	Lambert	Soniat
Cowen	Landrum	Stephenson
Derbes	Leigh	Stovall
Drew	McDaniel	Tapper
Fontenot	Martin	Thompson
Giarrusso	Mauberret	Vesich
Haynes	Ourso	Vick
Jackson, A.	Pugh	Wall
Jackson, J.	Rayburn	Womack
Jones		
Total—31.		

And Amendment No. 2 was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 8 was read, as amended.

Delegate De Blieux moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	O'Neill
Abraham	Flory	Perez
Aertker	Fowler	Perkins
Alario	Fulco	Planchard
Alexander	Gauthier	Rachal
Anzalone	Ginn	Reeves
Arnette	Goldman	Riecke
Avant	Graham	Roemer
Badeaux	Gravel	Sandoz
Bel	Grier	Schmitt
Bergeron	Guarisco	Segura
Blair	Hardee	Shannon
Bollinger	Hayes	Singletary
Brien	Heine	Slay
Brown	Hernandez	Smith
Burns	Jack	Stagg
Burson	Jenkins	Sutherland
Cannon	Juneau	Tate
Casey	Kean	Thistlethwaite
Champagne	Kelly	Tobias
Chatelain	Kilpatrick	Toca
Comar	Landry, A.	Toomy
Conino	Landry, E. J.	Uilo
Conroy	Lanier	Velazquez
Corne	LeBleu	Warren
D'Gerolamo	Leithman	Wattigny
De Blieux	Lowe	Weiss
Dennery	Maybuce	Willis
Dennis	Mire	Winchester
Dunlap	Morris	Wisham
Duval	Munson	Zervigon
Elkins	Newton	
Total—95.		

NAYS

Delegates—		
Asseff	Miller	Stinson
Deshotels	Nunez	
Total—5.		

NOT VOTING

Delegates—		
Carmouche	Jones	Roy
Chehardy	Kilbourne	Soniat
Cowen	Lambert	Stephenson
Derbes	Landrum	Stovall
Drew	Leigh	Tapper
Edwards	McDaniel	Thompson
Fontenot	Martin	Vesich
Giarrusso	Mauberret	Vick
Haynes	Ourso	Wall
Jackson, A.	Pugh	Womack
Jackson, J.	Rayburn	
Total—32.		

And the Chair declared that the above Section was finally passed.

Delegate De Blieux moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Roemer, Committee Proposal No. 15, Section 4, upon which action was previously deferred, was taken up and acted upon as follows:

Motion

Delegate Roemer moved for a suspension of the rules for the purpose of considering Section 4 of Committee Proposal No. 15 lettered paragraph by lettered paragraph with the view that all rules and precedents of the Convention ap-

plicable to Section by Section consideration of Proposals shall be applicable to the consideration of each proposed lettered paragraph of said Section 4 of Committee Proposal No. 15.

Delegate Bollinger objected.

By a vote of 33 yeas and 55 nays the Convention refused to suspend the rules at this time.

Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State

Section 4. (A) Equal and uniform taxes may be levied upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual income tax rate on the first ten thousand dollars of taxable income for single return or twenty thousand dollars of taxable income for joint return shall not exceed two percent.

(B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such 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 additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 Parish where located, at no more than twice the total assessed value of the physical property subject to taxation excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

(C) Political subdivisions of the state shall not levy severance taxes, income taxes or taxes on motor fuel.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year, and the amount of severance tax on all natural resources severed from the soil or water so remitted shall not exceed two hundred thousand dollars to any parish for any year.

Read.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proopsed by Delegate Kean to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 3, 4 and 5 in their entirety and insert in lieu thereof the following:
 "and joint income tax schedule of rates shall never exceed the rates presently set forth in Title 47, Section 32 of the Louisiana Revised Statutes."

Delegate Kean moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Brien	Corne
Alario	Burns	D'Gerolamo
Arnette	Burson	Deshotels
Asseff	Cannon	Dunlap
Avant	Chatelain	Elkins
Bel	Comar	Fayard
Bergeron	Conroy	Fulco

PAGE 7

100th Days Proceedings—December 15, 1973

Hardee	Leithman	Singletary
Hayes	Miller	Smith
Heine	Munson	Stagg
Hernandez	Nunez	Sutherland
Jack	Perez	Thistlethwaite
Jenkins	Rachal	Toomy
Juneau	Reeves	Ullo
Kean	Riecke	Velazquez
Kelly	Sandoz	Weiss
Landry, A.	Schmitt	Willis
Landry, E. J.	Segura	Winchester
LeBleu	Shannon	Wisham
Total—57.		

NAYS

Delegates—		
Aertker	Duval	Maybuce
Alexander	Flory	Mire
Badeaux	Fowler	Newton
Blair	Ginn	Perkins
Bollinger	Goldman	Roemer
Brown	Graham	Slay
Casey	Gravel	Tate
Champagne	Grier	Tobias
Conino	Guarisco	Toca
De Blieux	Kilpatrick	Vick
Dennery	Lanier	Warren
Dennis	Lowe	Zervigon
Total—36.		

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Pugh
Anzalone	Jones	Rayburn
Carmouche	Kilbourne	Roy
Chehardy	Lambert	Soniat
Cowen	Landrum	Stephenson
Derbes	Leigh	Stinson
Drew	McDaniel	Stovall
Edwards	Martin	Tapper
Fontenot	Mauberret	Thompson
Gauthier	Morris	Vesich
Giarrusso	O'Neill	Wall
Haynes	Ourso	Wattigny
Jackson, A.	Planchar	Womack
Total—39.		

And the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 2, immediately after the word "income" change the semicolon ";" to a period "." and delete the remainder of the line and delete lines 3 through 5, both inclusive, in their entirety including all amendments thereto.

Delegate Newton moved the adoption of the amendment.

Delegate Burson objected.

By a vote of 28 yeas and 64 nays the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jack, Smith, Shannon,

Fulco and Velazquez to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 5 after the word and punctuation "statutes." added by Convention Floor Amendment No. 1 proposed by Delegate Kean and adopted by the Convention on December 15, 1973, add the following:

"Federal income taxes paid shall be allowed as a deductible item in computing state income taxes paid during the same period."

Delegate Jack moved the adoption of the amendment.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Rachal
Alexander	Goldman	Reeves
Arnette	Graham	Riecke
Asseff	Grier	Roemer
Avant	Guarisco	Sandoz
Badeaux	Hardee	Segura
Bel	Hayes	Shannon
Bergeron	Hernandez	Singletary
Bollinger	Jack	Slay
Burns	Jenkins	Smith
Burson	Kean	Stagg
Cannon	Kelly	Stinson
Casey	Kilpatrick	Sutherland
Champagne	Landry, A.	Toca
Chatelain	Landry, E. J.	Toomy
Comar	Lanier	Ullo
Corne	LeBleu	Velazquez
D'Gerolamo	Maybuce	Warren
Deshotels	Miller	Weiss
Elkins	Nunez	Willis
Fowler	Perez	Winchester
Fulco	Planchar	Wisham
Total—66.		

NAYS

Delegates—		
Abraham	Dunlap	Morris
Blair	Duval	Newton
Brien	Fayard	Perkins
Conino	Flory	Schmitt
Conroy	Gravel	Tate
De Blieux	Juneau	Thistlethwaite
Dennery	Lowe	Tobias
Dennis	Mire	Zervigon
Total—24.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Ourso
Aertker	Jackson, A.	Pugh
Anzalone	Jackson, J.	Rayburn
Brown	Jones	Roy
Carmouche	Kilbourne	Soniat
Chehardy	Lambert	Stephenson
Cowen	Landrum	Stovall
Derbes	Leigh	Tapper
Drew	Leithman	Thompson
Edwards	McDaniel	Vesich
Fontenot	Martin	Vick
Gauthier	Mauberret	Wall
Giarrusso	Munson	Wattigny
Haynes	O'Neill	Womack
Total—42.		

And the amendment was adopted.

Delegate Jack moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 3, in Floor Amendment No. 1 proposed by Delegate Kean and adopted by the Convention on December 15, 1973, at the beginning of line 1 of the text of the amendment before the word "and" insert the punctuation and word " , corporate"

Delegate Bollinger moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Kean	Stagg
Asseff	LeBleu	Stinson
Bollinger	Newton	Sutherland
Conroy	Perez	Ullo
Goldman	Riecke	Weiss
Hayes	Shannon	Zervigon
Jenkins		
Total—19.		

NAYS

Delegates—		
Alario	Elkins	Mire
Alexander	Fayard	Morris
Arnette	Flory	Nunez
Avant	Fowler	Perkins
Badeaux	Fulco	Planchard
Bergeron	Ginn	Reeves
Blair	Graham	Roemer
Brien	Gravel	Sandoz
Burson	Grier	Schmitt
Cannon	Guarisco	Singletary
Casey	Hardee	Slay
Champagne	Jack	Smith
Chatelain	Juneau	Tate
Comar	Kelly	Thisthethwaite
Conino	Kilpatrick	Tobias
Corne	Landry, A.	Toca
D'Gerolamo	Landry, E. J.	Toomy
De Blieux	Lanier	Velazquez
Dennery	Leithman	Warren
Dennis	Lowe	Willis
Deshotels	Maybuce	Winchester
Dunlap	Miller	Wisham
Duval		
Total—87.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Pugh
Aertker	Hernandez	Rachal
Anzalone	Jackson, A.	Rayburn
Bel	Jackson, J.	Roy
Brown	Jones	Segura
Burns	Kilbourne	Sonlat
Carmouche	Lambert	Stephenson
Chehardy	Landrum	Stovall
Cowen	Leigh	Tapper
Derbes	McDaniel	Thompson
Drew	Martin	Vesich
Edwards	Maubertret	Vick
Fontenot	Munson	Wall
Gauthier	O'Neill	Wattigny
Giarrusso	Ourso	Womack
Haynes		
Total—46.		

And the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which

the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Casey, the Convention altered the Order of Business to take up other Orders of Business at this time.

PROPOSALS

Delegate Dennery, Secretary of the Constitutional Convention of 19173, submits the following report:

Constitutional Convention of 1973
State of Louisiana

December 15, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Corne, Cowen, Flory, Grier, Landry, Leithman, Rachal, Robinson, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Section 1. (A) There is hereby created and established a system of classified fire and police civil service which shall be applicable to all municipalities with a population in excess of thirteen thousand which operate a regularly paid fire and municipal police department and all parishes and all fire protection districts which operate a regularly paid fire department. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the 1921 Constitution, subject to change by law enacted upon the favorable vote of two-thirds of the elected members of each house of the legislature. Except as may be inconsistent with the provisions of this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921, are hereby retained and continued in force and effect as statutes. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend or otherwise modify any of said provisions of Article XIV, Section 15.1 of the 1921 Constitution except that the legislature may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department. However, in municipalities with a population in excess of four hundred thousand paid firemen and municipal policemen shall be included if a majority of the electors in the city affected voting at an election held for the purpose consent thereto, said election shall be called by the governing authority of the city affected within one year after the effective date of this constitution.

Nothing in Article VII, Section 1 of this constitution authorizing cities or other political subdivisions to be placed under the provisions of said article whether by election, act of the legislature, or ordinance of the local governing authority shall be construed as authorizing the inclusion therein of firemen and policemen in any municipality having a population in excess of thirteen thousand and less than four hundred thousand and which operates a regularly paid fire and municipal police department or in any parish or fire protection district which operates a regularly paid fire department, which said firemen and policemen are hereby expressly excluded from any such system.

PAGE 9

100th Days Proceedings—December 15, 1973

(B) Prohibitions Against Political Activities. Article XIV, Section 15.1 (34) of the 1921 Constitution is retained and continued in force and effect.

Respectfully submitted,

MOISE W. DENNERY
Secretary

Under the Rules, referred to the Committee on Style and Drafting.

Leave of Absence

Delegate Chehardy—1 day.

Delegate Cowen—3 days.
Delegate J. Jackson—1 day.
Delegate Soniat—1 day.
Delegate R. Thompson—1 day.

Adjournment

Delegate Casey moved that the Convention do now adjourn until Sunday, December 16, 1973, at 2:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Sunday, December 16, 1973, at 2:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Sunday, December 16, 1973, Baton Rouge, La.

The Convention was called to order at 2:00 o'clock p.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bergeron Blair Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Comar Conino Conroy Corne D'Gerolamo De Blieux Dennery Derbes Dunlap Duval Elkins Fayard Flory Fontenot Fowler Total—109.	Fulco Gauthier Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jackson, A. Jenkins Jones Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Lowe Martin Mauberrret Maybuce Miller Mire Morris Munson Newton Nunez	O'Neill Ourso Perez Perkins Planchard Rachal Reeves Riecke Roemer Sandoz Schmitt Segura Shannon Singletary Slay Smith Soniati Stephenson Stinson Tapper Tate Thisthethwaite Thompson Tobias Toca Toomy Ullo Velazquez Vick Warren Weiss Willis Winchester Wisham Zervigon
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ABSENT

Delegates— Bel Chehardy Cowen Dennis Deshotels Drew Edwards Giarrusso Total—23.	Jack Jackson, J. Leigh Leithman McDaniel Pugh Rayburn Roy	Stagg Stovall Sutherland Vesich Wall Wattigny Womack
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The Chairman announced that there were 109 members present and a quorum.

Prayer

Prayer was offered by Delegate E. J. Landry.

Pledge of Allegiance

Delegate Maybuce led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Bergeron, the reading of the Journal was dispensed with.

On motion of Delegate Bergeron, the Journal of yesterday was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State

Section 4. (A) Equal and uniform taxes may be levied upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual income tax rate on the first ten thousand dollars of taxable income for single return or twenty thousand dollars of taxable income for joint return shall not exceed two percent.

(B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such 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 additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 Parish where located, at no more than twice the total assessed value of the physical property subject to taxation excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

(C) Political subdivisions of the state shall not levy severance taxes, income taxes or taxes on motor fuel.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year, and the amount of severance tax on all natural resources severed from the soil or water so remitted shall not exceed two hundred thousand dollars to any parish for any year.

Read.

The Chair announced that the Convention had under consideration Committee Proposal No. 15, Section 4, when it adjourned on Saturday, December 15, 1973, which was taken up and acted upon as follows:

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 5, in Floor Amendment No. 1 proposed by Delegate Jack and adopted by the convention on December 15, 1973, on line 3 of said amendment delete the period "." at the end of the line and insert in lieu thereof the following punctuation and words:
 " , but the deduction shall not be allowed to corporations."

On motion of Delegate Tobias the amendment was withdrawn.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 5, in Floor Amendment No. 1 proposed by Delegate Jack and adopted by the convention on December 15, 1973, on line 3 of said amendment delete the period "." at the end of the line and insert in lieu thereof the following punctuation and words:
 " , but the deduction need not be allowed to corporations."

Delegate Tobias moved the adoption of the amendment.

Delegate Lowe objected.

By a vote of 19 yeas and 76 nays the amendment was rejected.

Delegate Lowe moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Tobias moved to suspend the Rules for the purpose of calling from the table the motion to reconsider the vote by which the Convention Floor Amendment No. 1 proposed by Delegate Jack was adopted on December 15, 1973.

Delegate Smith objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Derbes	Morris
Aertker	Dunlap	Newton
Badeaux	Duval	Rachal
Blair	Flory	Schmitt
Bollinger	Fontenot	Soniat
Cannon	Gravel	Tate
Carmouche	Guarisco	Thisthethwaite
Conino	Haynes	Tobias
Conroy	Lanier	Velazquez
De Blieux	Lowe	
Total—29.		

NAYS

Delegates—		
Alario	Anzalone	Arnette

Asseff	Hayes	Perkins
Avant	Hernandez	Planchard
Bergeron	Jackson, A.	Reeves
Brien	Jenkins	Riecke
Burns	Jones	Roemer
Burson	Juneau	Sandoz
Casey	Kean	Shannon
Champagne	Kelly	Singletary
Chatelain	Kilbourne	Slay
Comar	Kilpatrick	Smith
Corne	Landry, A.	Stinson
D'Gerolamo	Landry, E. J.	Thompson
Dennery	LeBleu	Toca
Elkins	Martin	Toomy
Fowler	Mauberret	Ullo
Fulco	Maybuce	Warren
Ginn	Miller	Weiss
Goldman	Munson	Willis
Graham	Nunez	Winchester
Grier	O'Neill	Wisham
Hardee	Perez	Zervigon
Total—66.		

NOT VOTING

Delegates—

Mr. Chairman	Heine	Segura
Alexander	Jack	Stagg
Bel	Jackson, J.	Stephenson
Brown	Lambert	Stovall
Chehardy	Landrum	Sutherland
Cowen	Leigh	Tapper
Dennis	Leithman	Vesich
Deshotels	McDaniel	Vick
Drew	Mire	Wall
Edwards	Ourso	Wattigny
Fayard	Pugh	Womack
Gauthier	Rayburn	
Giarrusso	Roy	
Total—37.		

And the Convention refused to suspend the rules.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 32, immediately after "(A)" delete the remainder of the line and on page 2, at the beginning of line 1 delete "upon" and insert in lieu thereof the following:

"The legislature, upon the favorable vote of two-thirds of the elected members of each house, may levy equal and uniform taxes upon individual and corporate"

AMENDMENT No. 2—

On page 2, line 2, immediately after the word "income" change the semicolon ";" to a period "." and delete the remainder of the line and delete lines 3, 4, and 5 in their entirety including all floor amendments adopted thereto and insert in lieu thereof the following:

"The income tax rate, however, shall not exceed twelve percent on any portion of individual or corporate net income."

On request of Delegate Roemer a division of the question was ordered.

Point of Order

Delegate Smith suggested the absence of a quorum and asked for a record vote.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Alexander	Avant
Abraham	Asseff	Badeaux
Aertker	Anzalone	Bergeron
Alario	Arnette	Blair

Bollinger	Guarisco	Planchard
Brien	Hardee	Rachal
Burns	Hayes	Reeves
Burson	Haynes	Riecke
Cannon	Hernandez	Roemer
Carmouche	Jackson, A.	Sandoz
Casey	Jenkins	Schmitt
Champagne	Jones	Shannon
Chatelain	Juneau	Singletary
Comar	Kean	Slay
Conino	Kelly	Smith
Conroy	Kilbourne	Soniat
Corne	Kilpatrick	Stephenson
D'Gerolamo	Lambert	Stinson
De Blieux	Landrum	Tapper
Dennery	Landry, A.	Tate
Derbes	Landry, E. J.	Thisthethwaite
Dunlap	Lanier	Thompson
Duval	LeBleu	Tobias
Elkins	Lowe	Toca
Fayard	Martin	Toomy
Flory	Mauberret	Ullo
Fontenot	Maybuce	Velazquez
Fowler	Miller	Warren
Fulco	Morris	Weiss
Gauthier	Munson	Willis
Ginn	Newton	Winchester
Goldman	Nunez	Wisham
Graham	O'Neill	Zervigon
Gravel	Perez	
Grier	Perkins	
Total—103.		

ABSENT

Delegates—		
Bel	Jack	Segura
Brown	Jackson, J.	Stagg
Chehardy	Leigh	Stovall
Cowen	Leithman	Sutherland
Dennis	McDaniel	Vesich
Deshotels	Mire	Vick
Drew	Ourso	Wall
Edwards	Pugh	Wattigny
Giarrusso	Rayburn	Womack
Heine	Roy	
Total—29.		

And the Chair announced that there were 103 Delegates and a quorum.

Delegate Gravel moved the adoption of Amendment No. 1.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fowler	Newton
Alexander	Ginn	Roemer
Anzalone	Graham	Slay
Avant	Gravel	Soniat
Blair	Guarisco	Stephenson
Bollinger	Haynes	Tapper
Brien	Landry, A.	Tate
Casey	Kelly	Tobias
De Blieux	Kilpatrick	Toomy
Derbes	Landry, E. J.	Warren
Fayard	Lowe	Wisham
Flory	Maybuce	Zervigon
Fontenot	Morris	
Total—39.		

NAYS

Delegates—		
Abraham	Asseff	Burns
Alario	Badeaux	Burson
Arnette	Bergeron	Cannon

Carmouche	Hernandez	Perkins
Champagne	Jackson, A.	Planchard
Chatelain	Jenkins	Rachal
Comar	Jones	Riecke
Conino	Juneau	Sandoz
Conroy	Kean	Schmitt
Corne	Kilbourne	Shannon
D'Gerolamo	Lambert	Singletary
Dennery	Landrum	Smith
Dunlap	Lanier	Stinson
Duval	LeBleu	Thisthethwaite
Elkins	Martin	Thompson
Fulco	Mauberret	Toca
Gauthier	Miller	Ullo
Goldman	Munson	Velazquez
Grier	Nunez	Weiss
Hardee	O'Neill	Willis
Hayes	Perez	Winchester
Total—62.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Segura
Bel	Jackson, J.	Stagg
Brown	Leigh	Stovall
Chehardy	Leithman	Sutherland
Cowen	McDaniel	Vesich
Dennis	Mire	Vick
Deshotels	Ourso	Wall
Drew	Pugh	Wattigny
Edwards	Rayburn	Womack
Giarrusso	Reeves	
Heine	Roy	
Total—31.		

And the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel moved the adoption of Amendment No. 2.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Guarisco	Slay
Anzalone	Haynes	Soniat
Avant	Jackson, A.	Stephenson
Blair	Landry, E. J.	Tapper
Brien	Lowe	Tate
De Blieux	Maybuce	Tobias
Derbes	Morris	Warren
Flory	Newton	Wisham
Fontenot	Rachal	Zervigon
Gravel		
Total—28.		

NAYS

Delegates—		
Abraham	Dunlap	Lambert
Alario	Duval	Landrum
Alexander	Elkins	Landry, A.
Arnette	Fayard	Lanier
Asseff	Fowler	LeBleu
Badeaux	Fulco	Martin
Bergeron	Gauthier	Mauberret
Bollinger	Ginn	Miller
Burns	Goldman	Munson
Burson	Graham	Nunez
Cannon	Grier	O'Neill
Carmouche	Hardee	Perez
Casey	Hayes	Perkins
Champagne	Hernandez	Planchard
Chatelain	Jenkins	Reeves
Comar	Jones	Riecke
Conino	Juneau	Roemer
Conroy	Kean	Sandoz
Corne	Kelly	Schmitt
D'Gerolamo	Kilbourne	Shannon
Dennery	Kilpatrick	Singletary

Smith	Toca	Weiss
Stinson	Toomy	Willis
Thisthethwaite	Ullo	Winchester
Thompson	Velazquez	
Total—74.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Roy
Bel	Jack	Segura
Brown	Jackson, J.	Stagg
Chehardy	Leigh	Stovall
Cowen	Leithman	Sutherland
Dennis	McDaniel	Vesich
Deshotels	Mire	Vick
Drew	Ourso	Wall
Edwards	Pugh	Wattigny
Giarrusso	Rayburn	Womack
Total—30.		

And the amendment was rejected.

Delegate Smith moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 2 through 5, both inclusive, in their entirety, including all floor amendments thereto and insert in lieu thereof the following:
 "ing to the amount of net income. However, the state individual income tax rate on the first ten thousand dollars of taxable income for a single return or twenty thousand dollars of taxable income for a joint return shall not exceed two percent, and any additional tax levied on additional taxable income shall not exceed twelve percent. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes paid for the same period."

Delegate Gravel moved to withdraw the amendment.

Delegate Burson objected.

By a vote of 78 yeas and 13 nays the amendment was withdrawn.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 2 through 5, both inclusive, in their entirety, including all floor amendments thereto and insert in lieu thereof the following:
 "ing to the amount of net income. However, the state income tax rate on the first ten thousand dollars of taxable income for a single return or twenty thousand dollars of taxable income for a joint return shall not exceed two percent, and any additional tax levied on additional taxable income shall not exceed twelve percent. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes paid for the same period."

Delegate Gravel moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Fowler	Reeves
Anzalone	Fulco	Roemer
Avant	Ginn	Shannon
Blair	Graham	Slay
Bollinger	Gravel	Smith
Brien	Grier	Soniat
Casey	Guarisco	Stephenson
Champagne	Haynes	Tate
Chatelain	Jackson, A.	Thompson
De Blieux	Kilpatrick	Vick
Denney	Landrum	Warren
Derbes	Landry, E. J.	Wisham
Duval	Maybuce	Zervigon
Flory	Morris	
Fontenot	Newton	
Total—43.		

NAYS

Delegates—		
Abraham	Goldman	Perez
Aertker	Hardee	Perkins
Alario	Hayes	Plancharde
Arnette	Hernandez	Rachal
Asseff	Jenkins	Riecke
Badeaux	Jones	Sandoz
Bergeron	Juneau	Schmitt
Burns	Kean	Singletary
Burson	Kilbourne	Stinson
Cannon	Lambert	Tapper
Carmouche	Landry, A.	Thistlethwaite
Comar	Lanier	Toca
Conino	LeBleu	Toomy
Conroy	Lowe	Ullo
Corne	Martin	Velazquez
D'Gerolamo	Mauberret	Weiss
Dunlap	Miller	Willis
Elkins	Munson	Winchester
Fayard	Nunez	
Gauthier	O'Neill	
Total—58.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Segura
Bel	Jackson, J.	Stagg
Brown	Kelly	Stovall
Chehardy	Leigh	Sutherland
Cowen	Leithman	Tobias
Dennis	McDaniel	Vesich
Deshotels	Mire	Wall
Drew	Ourso	Wattigny
Edwards	Pugh	Womack
Giarrusso	Rayburn	
Heine	Roy	
Total—31.		

And the amendment was rejected.

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 11, immediately after the word and punctuation "severance," delete the remainder of the line and delete lines 12 through 25, both inclusive, in their entirety

On motion of Delegate Newton the amendment was withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean and Conroy to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 27, after the word "fuel" delete the period "." and insert a comma "," and add the following: "except that the legislature may authorize a local governmental subdivision to levy an income tax, subject to such restrictions as the legislature may impose, with rates not to exceed the schedule of rates for the state income tax, and to be levied and collected in the same manner as the state tax, by an act passed by at least a two-thirds vote of the elected membership of each house of the legislature. No such tax, if authorized, shall be effective until a proposition for imposition thereof is submitted to the electors of the affected local governmental subdivision and approved by a majority of the electors who vote in the election held for that purpose."

Delegate Conroy moved the adoption of the amendment.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Brown	Heine	Rachal
Cannon	Jones	Soniat
Casey	Juneau	Tate
Chatelain	Kean	Vick
Conroy	Lanier	Warren
Dennery	Lowe	Zervigon
Derbes	Miller	
Gravel	Newton	
Total—22.		

NAYS

Delegates—		
Mr. Chairman	Fontenot	Nunez
Abraham	Fowler	O'Neill
Aertker	Gauthier	Perez
Alario	Ginn	Perkins
Alexander	Goldman	Planchard
Anzalone	Graham	Reeves
Asseff	Grier	Riecke
Avant	Guarisco	Roemer
Badeaux	Hardee	Schmitt
Bergeron	Hayes	Shannon
Blair	Haynes	Singletary
Bollinger	Jackson, A.	Slay
Brien	Jenkins	Smith
Burns	Kelly	Stephenson
Burson	Kilbourne	Stinson
Carmouche	Kilpatrick	Tapper
Champagne	Landrum	Thistlethwaite
Conlno	Landry, A.	Thompson
Corne	Landry, E. J.	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Martin	Ullio
Dunlap	Mauberret	Velazquez
Duval	Maybuce	Weiss
Elkins	Mire	Willis
Fayard	Morris	Winchester
Flory	Munson	
Total—77.		

NOT VOTING

Delegates—		
Arnette	Dennis	Giarrusso
Bel	Deshotels	Hernandez
Chehardy	Drew	Jack
Comar	Edwards	Jackson, J.
Cowen	Fulco	Lambert

Leigh	Roy	Tobias
Leithman	Sandoz	Vesich
McDaniel	Segura	Wall
Ourso	Stagg	Wattigny
Pugh	Stovall	Wisham
Rayburn	Sutherland	Womack
Total—33.		

And the amendment was rejected.

Delegate Nunez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Landry sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates A. Landry, Lanier, Bollinger, Ullo, Conino, E. J. Landry, Thistlethwaite, Willis, Alario, Toomy, Planchard, LeBleu, Edwards, Chehardy, Winchester, Sandoz, Nunez, Hardee, Carmouche, D'Gerolamo, Burson, Drew, Badeaux, Chatelain, Kelly, McDaniel, Wattigny, Duval, Cowen, Weiss, Champagne, Gauthier, Juneau, Ourso, Heine, Fulco, Fontenot, Toca, Giarrusso, Corne, Arnette, Martin, Grier, Kilpatrick, Mire, Tapper, Miller, Abraham, Deshotels, Bel, Segura, Fowler, Roy, Mauberret, Brien, Leithman, Lambert, Gravel, Brown, Slay, Dunlap, Riecke, Wisham, Bergeron, Hernandez, Alexander, Reeves and Guarisco to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 6, after the word "exceed" strike out remainder of line 6 and in lieu thereof insert the following: "five hundred thousand dollars to"

Delegate A. Landry moved the adoption of the amendment.

Delegate Anzalone objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Graham	Perez
Abraham	Gravel	Perkins
Alario	Grier	Planchard
Alexander	Guarisco	Rachal
Arnette	Hardee	Reeves
Asseff	Hayes	Riecke
Avant	Haynes	Roemer
Badeaux	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Blair	Jackson, A.	Segura
Bollinger	Jenkins	Shannon
Brien	Jones	Singletary
Brown	Kelly	Slay
Burson	Kilbourne	Smith
Carmouche	Kilpatrick	Soniat
Champagne	Lambert	Stephenson
Chatelain	Landrum	Tapper
Comar	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Corne	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
Dunlap	Martin	Ullo
Duval	Mauberret	Velazquez
Flory	Maybuce	Vick
Fontenot	Miller	Warren
Fowler	Mire	Weiss
Fulco	Munson	Willis
Gauthier	Nunez	Winchester
Ginn	O'Neill	
Goldman	Ourso	
Total—88.		

NAYS

Delegates—		
Aertker	Casey	Dennery
Anzalone	Conroy	Derbes
Cannon	De Blieux	Fayard

Kean	Morris	Stinson
Lowe	Newton	Zervigon
Total—15.		

NOT VOTING

Delegates—		
Bel	Jack	Stovall
Burns	Jackson, J.	Sutherland
Chehardy	Juneau	Tate
Cowen	Leigh	Tobias
Dennis	Leithman	Vesich
Deshotels	McDaniel	Wall
Drew	Pugh	Wattigny
Edwards	Rayburn	Wisham
Elkins	Roy	Womack
Giarrusso	Stagg	
Total—29.		

And the amendment was adopted.

Delegate A. Landry moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 29, after the word and punctuation "tax," and before the word "one-fifth" insert the word "and" and at the end of line 30, delete the comma," and delete line 31 in its entirety and at the beginning of line 32, before the word "shall" delete the words "owned property" and on page 3, between lines 7 and 8, add the following paragraph:

"(E) Ten percent of the royalties from any mineral lease or agreement heretofore or hereafter granted by the state on state owned land and water bottoms or from such lands or water bottoms the title to which is in the public for mineral development shall be remitted by the State Treasurer to the governing authority of the parish from which the minerals were severed to be used by such parish exclusively to construct roads, highways, bridges and tunnels in such parish, and to operate and maintain automobile ferries in such parish. The governing authority of such parish is authorized to fund into general obligation bonds of the parish its portion of the royalties."

On motion of Delegate Bollinger the amendment was withdrawn.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Bollinger and Guarisco to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 29, after the word and punctuation "tax," and before the word "one-fifth" insert the word "and" and at the end of line 30, delete the comma "," and delete line 31 in its entirety and at the beginning of line 32, before the word "shall" delete the words "owned property" and on page 3, between lines 7 and 8 add the following paragraph:

"(E) Ten percent of the royalties from any mineral lease or agreement heretofore or hereafter granted by the state on state owned land and water bottoms or from such lands or water bottoms the title to which is in the public for mineral development shall be remitted by the State Treasurer to the governing authority of the parish from which the minerals were severed to be used by such parish exclusively to construct roads, highways, bridges and tunnels in such parish, and to purchase, operate and maintain ferries in such parish.

The governing authority of such parish is authorized to fund into general obligation bonds of the parish its portion of the royalties."

Delegate Bollinger moved the adoption of the amendment.

Delegate Champagne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Duval	Nunez
Aertker	Fulco	O'Neill
Alario	Guarisco	Perez
Alexander	Heine	Perkins
Arnette	Hernandez	Riecke
Badeaux	Kilbourne	Schmitt
Bollinger	Lambert	Segura
Brien	Landry, A.	Shannon
Carmouche	Landry, E. J.	Tapper
Chatelain	Lanier	Willis
Conino	LeBleu	Winchester
Corne	Martin	
D'Gerolamo	Miller	
Total—37.		

NAYS

Delegates—		
Anzalone	Gauthier	Planchard
Asseff	Ginn	Rachal
Avant	Goldman	Reeves
Bergeron	Graham	Roemer
Blair	Gravel	Sandoz
Brown	Grier	Singletary
Burns	Hardee	Slay
Burson	Hayes	Smith
Cannon	Haynes	Sonlat
Casey	Jackson, A.	Stephenson
Champagne	Jones	Tate
Comar	Juneau	Thistlethwaite
Conroy	Kean	Thompson
De Blieux	Kelly	Toca
Dennery	Kilpatrick	Toomy
Derbes	Landrum	Ullo
Dunlap	Lowe	Velazquez
Elkins	Maybuce	Vick
Fayard	Mire	Warren
Flory	Morris	Weiss
Fontenot	Munson	Wisham
Fowler	Newton	Zervigon
Total—66.		

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Stagg
Bel	Jenkins	Stinson
Chehardy	Leigh	Stovall
Cowen	Leithman	Sutherland
Dennis	McDaniel	Tobias
Deshotels	Mauberret	Vesich
Drew	Ourso	Wall
Edwards	Pugh	Wattigny
Giarrusso	Rayburn	Womack
Jack	Roy	
Total—29.		

And the amendment was rejected.

Delegate Champagne moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez and Kelly to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 5, immediately after the word "all" and before the word "natural" insert the word "other" and on page

3, line 5, immediately after the word "resources" and before the word "severed" insert the following: "except timber"

Delegate Kelly moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 82 yeas and 14 nays the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 7 and 8, insert the following:

"(E) A state revenue limit shall serve as a check on uncontrolled increases in state tax revenues. The state tax revenue limit for any fiscal year shall be twelve percent of state personal income. State personal income is the dollar amount that is reported by the United States Department of Commerce or its successor agency as total income by persons in the State of Louisiana for the calendar year in which the fiscal year commences. State tax revenues include sales, severance, income, gift, inheritance, excise, property, license, fee, corporation franchise and all other taxes, collected by the state during the fiscal year. The legislature shall establish a system whereby all state tax revenues collected in excess of twelve percent of state personal income and the interest thereon shall be placed in a tax surplus fund which shall be used only for annual tax refunds or reductions as provided by law."

On motion of Delegate Jenkins the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 7 and 8, insert the following:

"(E) Individuals, partnerships, companies, and corporations paying royalties or other monies derived from oil, gas, or other minerals shall file with the state annual reports of funds so paid attributable to minerals produced in Louisiana. Such funds which are unclaimed shall be deposited with the treasurer of the state and held or disposed of according to law."

On motion of Delegate Miller the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 15, By Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 7 and 8, insert the following:

"(E) Individuals, partnerships, companies, and corporations paying royalties or other monies derived from oil, gas, or other minerals shall file with the state annual reports of unclaimed funds so paid attributable to minerals produced in

Louisiana. Such funds which are unclaimed shall be deposited with the treasurer of the state and held or disposed of according to law."

Delegate Miller moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Goldman	Munson
Alexander	Grier	Nunez
Anzalone	Hardee	O'Neill
Arnette	Hayes	Perez
Asseff	Haynes	Reeves
Badeaux	Heine	Soniat
Brien	Hernandez	Thompson
Brown	Jones	Velazquez
Burns	Lambert	Vick
Chatelain	Landrum	Warren
Comar	Landry, E. J.	Weiss
Corne	LeBleu	Willis
Elkins	Lowe	Winchester
Fontenot	Maybuce	Wisham
Fulco	Miller	
Ginn	Morris	
Total—46.		

NAYS

Delegates—		
Abraham	Fayard	Mire
Alario	Flory	Newton
Avant	Fowler	Planchard
Blair	Gauthier	Rachal
Bollinger	Graham	Roemer
Burson	Gravel	Shannon
Casey	Guarisco	Singletary
Champagne	Jackson, A.	Slay
Conino	Jenkins	Smith
Conroy	Juneau	Thistlethwaite
D'Gerolamo	Kean	Toca
De Blieux	Kilpatrick	Toomy
Dennery	Landry, A.	Zervigon
Dunlap	Lanier	
Duval	Mauberret	
Total—43.		

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Stagg
Bel	Kilbourne	Stephenson
Bergeron	Leigh	Stinson
Cannon	Leithman	Stovall
Carmouche	McDaniel	Sutherland
Chehardy	Martin	Tapper
Cowen	Ouro	Tate
Dennis	Perkins	Tobias
Derbes	Pugh	Ulio
Deshotels	Rayburn	Vesich
Drew	Riecke	Wall
Edwards	Roy	Wattigny
Giarrusso	Sandoz	Womack
Jack	Schmitt	
Jackson, J.	Segura	
Total—43.		

And the amendment was adopted.

Delegate Miller moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Roemer objected to tabling the motion to reconsider.

By a vote of 31 yeas and 58 nays the Convention refused to table the motion to reconsider.

Reconsideration

Delegate Roemer moved to reconsider the vote by which the amendment was adopted.

Delegate Miller objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Lanier
Abraham	Fayard	Mauberret
Alario	Flory	Mire
Alexander	Fowler	Munson
Avant	Gauthier	Newton
Blair	Ginn	Perez
Bollinger	Graham	Planchard
Burns	Gravel	Rachal
Burson	Guarisco	Roemer
Casey	Hardee	Sandoz
Champagne	Hernandez	Segura
Chatelain	Jackson, A.	Singletery
Conino	Jenkins	Slay
Conroy	Juneau	Tate
Corne	Kean	Thistlethwaite
D'Gerolamo	Kelly	Toca
De Blieux	Kilpatrick	Toomy
Dennery	Landrum	Zervigon
Dunlap	Landry, A.	
Total—56.		

NAYS

Delegates—		
Aertker	Goldman	Nunez
Anzalone	Grier	O'Neill
Arnette	Hayes	Shannon
Asseff	Haynes	Smith
Badeaux	Heine	Soniati
Brien	Jones	Thompson
Brown	Lambert	Velazquez
Cannon	Landry, E. J.	Vick
Comar	LeBleu	Warren
Derbes	Lowe	Weiss
Elkins	Maybuce	Willis
Fontenot	Miller	Winchester
Fulco	Morris	Wisham
Total—39.		

NOT VOTING

Delegates—		
Bel	Leigh	Stephenson
Bergeron	Leithman	Stinson
Carmouche	McDaniel	Stovall
Chehardy	Martin	Sutherland
Cowen	Ourso	Tapper
Dennis	Perkins	Tobias
Deshotels	Pugh	Ullo
Drew	Rayburn	Vesich
Edwards	Reeves	Wall
Giarrusso	Riecke	Wattigny
Jack	Roy	Womack
Jackson, J.	Schmitt	
Kilbourne	Stagg	
Total—37.		

And the vote by which the amendment was adopted, was reconsidered.

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 7 and 8, insert the following:
 "(E) Individuals, partnerships, companies, and corporations paying royalties or other monies derived from oil, gas, or other minerals shall file with the state annual reports of unclaimed funds so paid attributable to minerals produced in

Louisiana. Such funds which are unclaimed shall be deposited with the treasurer of the state and held or disposed of according to law."

Motion

Delegate Zervigon moved the previous question on the amendment.

Delegate Weiss objected.

By a vote of 40 yeas and 42 nays the Convention refused to order the previous question at this time.

Delegate Miller moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result.

YEAS

Delegates—		
Abraham	Fontenot	Morris
Aertker	Fulco	Nunez
Alexander	Goldman	Perez
Anzalone	Grier	Rachal
Arnette	Hayes	Reeves
Asseff	Haynes	Singletery
Badeaux	Heine	Soniati
Brien	Hernandez	Thompson
Brown	Jones	Velazquez
Burns	Landrum	Vick
Cannon	Landry, E. J.	Warren
Comar	LeBleu	Weiss
Corne	Lowe	Willis
Elkins	Maybuce	Winchester
Flory	Miller	Wisham
Total—45.		

NAYS

Delegates—		
Mr. Chairman	Fayard	Mauberret
Alario	Fowler	Mire
Avant	Gauthier	Munson
Blair	Ginn	Newton
Bollinger	Graham	Planchard
Burson	Gravel	Roemer
Casey	Guarisco	Sandoz
Champagne	Jackson, A.	Segura
Chatelain	Jenkins	Shannon
Conino	Juneau	Slay
Conroy	Kean	Smith
D'Gerolamo	Kelly	Tate
De Blieux	Kilpatrick	Thistlethwaite
Dennery	Lambert	Toca
Dunlap	Landry, A.	Toomy
Duval	Lanier	Zervigon
Total—48.		

NOT VOTING

Delegates—		
Bel	Jackson, J.	Schmitt
Bergeron	Kilbourne	Stagg
Carmouche	Leigh	Stephenson
Chehardy	Leithman	Stinson
Cowen	McDaniel	Stovall
Dennis	Martin	Sutherland
Derbes	O'Neill	Tapper
Deshotels	Ourso	Tobias
Drew	Perkins	Ullo
Edwards	Pugh	Vesich
Giarrusso	Rayburn	Wall
Hardee	Riecke	Wattigny
Jack	Roy	Womack
Total—39.		

And the amendment was rejected.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Dennery and Warren to Committee Proposal No. 15 by Delegate Rayburn, et al.

PAGE 9

101st Days Proceedings—December 16, 1973

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 32, after the word "property" and before the word "shall" insert a comma "," and the following: "and three-fourths of all sales taxes"

AMENDMENT No. 2—

On page 3, line 1, after the word "occurs" and before the word "or" insert a comma "," and the following: "in which the taxes are collected,"

AMENDMENT No. 3—

On page 3, line 4, after the word and punctuation "year," and before the word "and" insert the following: "the amount of sales taxes so remitted shall not exceed one million dollars to any parish for any year,"

Delegate Dennery moved the adoption of the amendment.

Delegate Kelly objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Goldman	Rachal
Alario	Jones	Soniat
Alexander	Lowe	Velazquez
Asseff	Mauberret	Vick
Casey	Maybuce	Warren
Comar	Miller	Wisham
D'Gerolamo	Mire	Zervigon
Dennery	Newton	
Total—23.		

NAYS

Delegates—		
Abraham	Fowler	LeBleu
Anzalone	Fulco	Morris
Arnette	Gauthier	Munson
Avant	Ginn	Nunez
Badeaux	Graham	O'Neill
Blair	Gravel	Perez
Bollinger	Grier	Plancharde
Brien	Guarisco	Reeves
Brown	Hardee	Roemer
Burson	Hayes	Sandoz
Cannon	Haynes	Segura
Champagne	Heine	Shannon
Chatelain	Hernandez	Singletary
Conino	Jackson, A.	Slay
Conroy	Jenkins	Smith
Corne	Juneau	Tate
De Blieux	Kean	Thistlethwaite
Dunlap	Kelly	Thompson
Duval	Kilpatrick	Toca
Elkins	Lambert	Toomy
Fayard	Landry, A.	Weiss
Flory	Landry, E. J.	Willis
Fontenot	Lanier	Winchester
Total—69.		

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Stagg
Bel	Kilbourne	Stephenson
Bergeron	Landrum	Stinson
Burns	Leigh	Stovall
Carmouche	Leithman	Sutherland
Chehardy	McDaniel	Tapper
Cowen	Martin	Tobias
Dennis	Ourso	Ullo
Derbes	Perkins	Vesich
Deshotels	Pugh	Wall
Drew	Rayburn	Wattigny
Edwards	Riecke	Womack
Glarusso	Roy	
Jack	Schmitt	
Total—40.		

And the amendment was rejected.

Delegate Kelly moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Chatelain, Gravel and Lanier to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 5, after the language added by Floor Amendment No. 1 proposed by Delegate Jack, et al, and adopted by the convention on December 15, 1973, add the following:

"The tax to be assessed, levied, collected and paid upon the net income of every corporation shall be computed at a rate not to exceed four percentum of the amount of taxable income up to twenty-five thousand dollars. The legislature shall, by law enacted by the favorable vote of two-thirds of the elected members of each house, provide for the rate of taxation on corporate taxable income over the amount of twenty-five thousand dollars, but such rate shall be not less than four nor more than twelve percent of taxable income."

Delegate Chatelain moved the adoption of the amendment.

Delegate Lowe objected.

By a vote of 30 yeas and 62 nays the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, at the beginning of line 5, immediately after the word "all" and before the word "natural" strike out the word "other" added by the floor amendment proposed by Delegates Perez and Kelly and adopted by the convention on December 16, 1973.

Delegate Gravel moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Rachal
Alexander	Fulco	Soniat
Chatelain	Graham	Velazquez
Conroy	Gravel	Vick
De Blieux	Haynes	Warren
Dunlap	Maybuce	Wisham
Flory	Newton	
Total—20.		

NAYS

Delegates—		
Mr. Chairman	Brien	D'Gerolamo
Aertker	Brown	Dennery
Alario	Burns	Duval
Anzalone	Burson	Fayard
Arnette	Cannon	Fontenot
Asseff	Casey	Ginn
Avant	Champagne	Goldman
Badeaux	Comar	Grier
Blair	Conino	Guarisco
Bollinger	Corne	Hardee

PAGE 10

101st Days Proceedings—December 16, 1973

Hayes	LeBleu	Segura
Heine	Mauberet	Shannon
Hernandez	Miller	Singletary
Jackson, A.	Mire	Slay
Jenkins	Morris	Smith
Juneau	Munson	Thistlethwaite
Kean	Nunez	Thompson
Kelly	O'Neill	Toca
Kilpatrick	Perez	Toomy
Landrum	Planchar	Weiss
Landry, A.	Reeves	Willis
Landry, E. J.	Roemer	Winchester
Lanier	Sandoz	Zervigon
Total—69.		

NOT VOTING

Delegates—		
Bel	Jones	Stagg
Bergeron	Kilbourne	Stephenson
Carmouche	Lambert	Stinson
Chehardy	Leigh	Stovall
Cowen	Leithman	Sutherland
Dennis	Lowe	Tapper
Derbes	McDaniel	Tate
Deshotels	Martin	Tobias
Drew	Ourso	Uilo
Edwards	Perkins	Vesich
Elkins	Pugh	Wall
Gauthier	Rayburn	Wattigny
Giarrusso	Riecke	Womack
Jack	Roy	
Jackson, J.	Schmitt	
Total—43.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 4 was read, as amended.

Delegate Roemer moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Miller
Abraham	Gauthier	Mire
Alario	Ginn	Munson
Alexander	Goldman	Nunez
Anzalone	Graham	O'Neill
Arnette	Grier	Perez
Asseff	Guarisco	Planchar
Badeaux	Hardee	Rachal
Bollinger	Hayes	Reeves
Brien	Haynes	Roemer
Brown	Heine	Sandoz
Burns	Hernandez	Segura
Burson	Jackson, A.	Shannon
Cannon	Jenkins	Singletary
Champagne	Jones	Slay
Chatelain	Juneau	Smith
Comar	Kean	Thistlethwaite
Conino	Kelly	Thompson
Conroy	Kilpatrick	Toca
Corne	Landrum	Toomy
D'Gerolamo	Landry, A.	Velazquez
Dunlap	Landry, E. J.	Weiss
Duval	Lanier	Willis
Elkins	LeBleu	Winchester
Fayard	Mauberet	Wisham
Total—75.		

NAYS

Delegates—		
Aertker	Avant	Blair

Casey	Fowler	Soniat
De Blieux	Gravel	Tate
Dennery	Maybuce	Vick
Flory	Morris	Warren
Fontenot	Newton	Zervigon
Total—18.		

NOT VOTING

Delegates—		
Bel	Kilbourne	Schmitt
Bergeron	Lambert	Stagg
Carmouche	Leigh	Stephenson
Chehardy	Leithman	Stinson
Cowen	Lowe	Stovall
Dennis	McDaniel	Sutherland
Derbes	Martin	Tapper
Deshotels	Ourso	Tobias
Drew	Perkins	Uilo
Edwards	Pugh	Vesich
Giarrusso	Rayburn	Wall
Jack	Riecke	Wattigny
Jack, J.	Roy	Womack
Total—39.		

And the Chair declared that the above Section was finally passed.

Delegate Roemer moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Kean, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Flory the rules were suspended for the purpose of calling a meeting of the Subcommittee on Alternatives of the Committee on Rules, Credentials and Ethics without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Sub-Committee on Alternatives of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Sub-Committee on Alternatives of the Committee on Rules, Credentials and Ethics will meet on Monday, December 17, 1973, during the noon recess in the Treaty Room and will consider the following agenda:

AGENDA

To consider methods of consideration of alternatives.

Respectfully submitted,

TOM STAGG,

Chairman of the Sub-Committee on Alternatives of the Committee on Rules, Credentials and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate A. Jackson the rules were suspended for the purpose of calling a meeting of the Committee on Bill of Rights and Elections without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Alphonse Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Monday, December 17, at noon recess in Committee Room 1 and will consider the following agenda:

PAGE 11

101st Days Proceedings—December 16, 1973

AGENDA

To continue consideration of the Proposal on General Government

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Miller the Rules were suspended for the purpose of calling a meeting of the Sub-committee on Site of the Executive Committee without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Miller, chairman of the Sub-Committee on Site Selection of the Executive Committee, sent up the following notice:

The Sub-Committee on Site Selection of the Executive Committee will meet on Monday, December 17, 1973, after adjournment in the Treaty Room and will consider the following agenda:

AGENDA

Site Consideration during January, 1974.

Respectfully submitted,

RUTH LOYD MILLER,
Chairman of the Sub-Committee on
Site Selection of the Executive Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate McDaniel—2 days.
Delegate Bei—3 days.
Delegate Drew—1 day.
Delegate Jack—2 days.
Delegate Chehardy—1 day.
Delegate Leithman—1 day.
Delegate Stagg—1 day.
Delegate Stovall—1 day.
Delegate Dennis—2 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Monday, December 17, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Monday, December 17, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act of the 1972
Regular Session of the Legislature

Monday, December 17, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bergeron Blair Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne D'Gerolamo De Blieux Dennery Derbes Drew Dunlap Duval Edwards Elkins Total—107.	Fayard Flory Fontenot Fowler Fulco Gauthier Giarrusso Ginn Goldman Graham Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jackson, A. Jenkins Jones Juneau Kean Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Lowe Martin Mauberrret Maybuce Miller Mire	Morris Munson Newton Nunez O'Neill Ourso Perez Planchard Rayburn Reeves Roemer Roy Sandoz Segura Singletary Smith Soniat Stagg Stinson Stovall Tapper Tate Thistlethwaite Thompson Tobias Toca Toomy Velazquez Vick Warren Wattigny Willis Winchester Wisham Zervigon
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ABSENT

Delegates— Bel Cowen Dennis Deshotels Gravel Jack Jackson, J. Kelly Leigh Total—25.	Leithman McDaniel Perkins Pugh Rachal Riecke Schmitt Shannon Slay	Stephenson Sutherland Ullo Vesich Wall Weiss Womack
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The Chairman announced that there were 107 members present and a quorum.

Prayer

Prayer was offered by Delegate Casey.

Pledge of Allegiance

Delegate Anzalone led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Goldman, the reading of the Journal was dispensed with.

On motion of Delegate Goldman, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

The Chair announced that the Convention had under consideration Committee Proposal No. 15 when it adjourned on Friday, December 16, 1973, which was taken up and acted upon as follows:

Motion

On motion of Delegate Roemer Committee Proposal No. 15, Section 6, action upon which was previously deferred, was taken up and acted upon as follows:

Section 6. Forestry

Section 6. Forestry shall be practiced in this state, and the legislature shall enact laws therefor.

Read.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lanier to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 14, after the word "Forestry" add a semicolon ";" and the following: "Acreage Taxes; Homestead Exemptions" and between lines 16 and 17 add the following paragraph:

"Acreage taxes and contributions for the benefit of the land may be levied and collected within political subdivisions as heretofore or hereafter authorized by law. These taxes and contributions shall be listed on the assessment rolls as provided by law. However, property occupied as a homestead, as defined in Article XI, Section 1, shall be subject to the homestead exemption from acreage taxes and contributions levied for forestry purposes."

Delegate Lanier moved the adoption of the amendment.

Delegate Thompson objected.

By a vote of 25 yeas and 42 nays the amendment was rejected.

Delegate Thompson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 14 through 16, both inclusive, in their entirety

Delegate Bollinger moved the adoption of the amendment.

Delegate Burns objected.

By a vote of 62 yeas and 5 nays the amendment was adopted.

Delegate Bollinger moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 9. State Debt; Maximum Debt Service Expense for All Purposes

Section 9. The legislature shall enact no law authorizing the incurrence of state debt, whether contracted directly by the state or indirectly through a state board, agency, or commission, if incurrence of the indebtedness would result in total annual debt service requirements on all state obligations, whether outstanding or authorized and unissued, exceeding an amount equal to fifteen percent of the average total revenues from state sources available for debt service for the preceding three years.

Read.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 15, after the period "." add the following sentence:

"Nothing contained herein shall be construed to include the indebtedness of any levee district or political subdivision in the calculation of state debt, unless the full faith and credit of the state is pledged to the payment of the bonds of such levee district or political subdivision."

Delegate Kean moved the adoption of the amendment.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bollinger	Chatelain
Abraham	Brien	Comar
Alario	Burns	Conino
Badeaux	Cannon	Corne
Bergeron	Carmouche	D'Gerolamo
Blair	Casey	Dennery

Drew	Kilbourne	Reeves
Dunlap	Kilpatrick	Roemer
Flory	Landry, A.	Roy
Fontenot	Landry, E. J.	Sandoz
Fulco	Lanier	Singletary
Goldman	LeBleu	Smith
Grier	Lowe	Soniat
Hardee	Martin	Stagg
Hayes	Mauberret	Tapper
Haynes	Miller	Thompson
Heine	Mire	Velazquez
Hernandez	Morris	Warren
Jackson, A.	Nunez	Wattigny
Jenkins	O'Neill	Willis
Jones	Perez	Zervigon
Juneau	Planchard	
Kean	Rayburn	
Total—67.		

NAYS

Delegates—		
Asseff	De Blieux	Guarisco
Champagne		
Total—4.		

NOT VOTING

Delegates—		
Aertker	Ginn	Shannon
Alexander	Graham	Slay
Anzalone	Gravel	Stephenson
Arnette	Jack	Stinson
Avant	Jackson, J.	Stovall
Bel	Kelly	Sutherland
Brown	Lambert	Tate
Burson	Landrum	Thistlethwaite
Chehardy	Leigh	Tobias
Conroy	Leithman	Toca
Cowen	McDaniel	Toomy
Dennis	Maybuce	Ullo
Derbes	Munson	Vesich
Deshotels	Newton	Vick
Duval	Ourso	Wall
Edwards	Perkins	Weiss
Elkins	Pugh	Winchester
Fayard	Rachal	Wisham
Fowler	Riecke	Womack
Gauthier	Schmitt	
Giarrusso	Segura	
Total—61.		

And the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 9 was read, as amended.

Delegate Planchard moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
De Blieux	Fontenot	Smith
Dunlap		
Total—4.		

NAYS

Delegates—		
Mr. Chairman	Casey	Grier
Abraham	Champagne	Guarisco
Alario	Chatelain	Hardee
Anzalone	Comar	Haynes
Asseff	Conino	Heine
Badeaux	Corne	Hernandez
Bergeron	D'Gerolamo	Jackson, A.
Blair	Dennery	Jenkins
Bollinger	Drew	Jones
Brien	Elkins	Juneau
Brown	Flory	Kean
Burns	Fulco	Kilbourne
Carmouche	Goldman	Kilpatrick

Landry, A.	O'Neill	Stagg
Landry, E. J.	Perez	Stovall
Lanier	Planchard	Tapper
LeBleu	Rayburn	Thompson
Lowe	Reeves	Velazquez
Martin	Roemer	Warren
Mauberret	Roy	Wattigny
Miller	Sandoz	Willis
Morris	Singletary	Zervigon
Nunez	Soniat	
Total—68.		

NOT VOTING

Delegates—		
Aertker	Graham	Schmitt
Alexander	Gravel	Segura
Arnette	Hayes	Shannon
Avant	Jack	Slay
Bel	Jackson, J.	Stephenson
Burson	Kelly	Stinson
Cannon	Lambert	Sutherland
Chehardy	Landrum	Tate
Conroy	Leigh	Thistlethwaite
Cowen	Leithman	Tobias
Dennis	McDaniel	Toca
Derbes	Maybuce	Toomy
Deshotels	Mire	Ullo
Duval	Munson	Vesich
Edwards	Newton	Vick
Fayard	Ourso	Wall
Fowler	Perkins	Weiss
Gauthier	Pugh	Winchester
Giarrusso	Rachal	Wisham
Ginn	Riecke	Womack
Total—60.		

And the Chair declared that the above Section failed to pass.

Delegate Nunez moved to reconsider the vote by which the above Section failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Section 10. State Debt; Political Subdivisions of the State; Issuance and Sale of Obligations; State Bonds Commission; Approval Required

Section 10. (A) The State Bond Commission hereby is created and its membership and authority shall be determined by the legislature.

(B) No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the State Bond Commission is obtained.

(C) Limited Time for Contesting State Bonds. Bonds, notes, certificates, or other evidence of indebtedness (hereafter referred to collectively as "bonds") shall not be invalid for any irregularity or defect in the proceedings or the issuance and sale thereof, and shall be incontestible in the hands of a bona fide purchaser or holder thereof. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state a notice of intention to issue the bonds and a description thereof and the security therefor and for a period of thirty days only after such publication any person in interest shall have the right to contest the legality of said resolution and any provision therein of the bonds to be issued pursuant thereto and the provisions securing the bonds and the validity of all other provisions and proceedings in connection with the authorization and issuance of the bonds. If such action or proceedings shall not have been instituted within the said 30 day period, no one shall have any right of action to contest the validity of the bonds or the provisions of the resolution pursuant to which the bonds were issued or the security of the bonds or the validity of any other provisions or proceedings in connection with the authorization and issuance of the bonds and all the bonds conclusively shall be presumed to be legal, and no court thereafter shall have authority to inquire into such matters.

Read.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 26, after the word and punctuation "obtained." insert the following:

"The attorney general shall appoint one assistant who shall be the sole legal representative of the state in all matters relating to the issuance and sale of bonds issued by the state or any of its political subdivisions. The district attorney or district attorneys in the political subdivision affected shall assist the assistant attorney general in matters relating to bonds to be issued and sold by a political subdivision."

On motion of Delegate Miller the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 26, after the word and punctuation "obtained." insert the following:

"The attorney general shall be the legal representative of the state in all matters relating to the issuance and sale of bonds issued by the state. The district attorney or district attorneys in the political subdivision affected shall be the legal representative in matters relating to bonds to be issued and sold by a political subdivision."

Delegate Miller moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Asseff	Goldman	Nunez
Chatelain	Grier	Soniat
Conino	Hardee	Stovall
Corne	Haynes	Tapper
Dunlap	Jenkins	Velazquez
Elkins	Jones	Vick
Flory	Landry, E. J.	Warren
Fulco	Miller	Willis
Total—24.		

NAYS

Delegates—		
Mr. Chairman	Dennery	Morris
Abraham	Fontenot	O'Neill
Alario	Ginn	Perez
Anzalone	Graham	Planchard
Badeaux	Guarisco	Rayburn
Bergeron	Hayes	Reeves
Blair	Heine	Roemer
Bollinger	Hernandez	Roy
Brien	Jackson, A.	Sandoz
Brown	Juneau	Singletary
Burns	Kilbourne	Smith
Burson	Kilpatrick	Stagg
Cannon	Landry, A.	Tate
Carmouche	Lanier	Thompson
Casey	Lowe	Toomy
Champagne	Martin	Wattigny
Comar	Mauberret	Winchester
D'Gerolamo	Mire	Zervigon
De Blieux		
Total—55.		

NOT VOTING

Delegates—		
Aertker	Gravel	Riecke
Alexander	Jack	Schmitt
Arnette	Jackson, J.	Segura
Avant	Kean	Shannon
Bel	Kelly	Slay
Chehardy	Lambert	Stephenson
Conroy	Landrum	Stinson
Cowen	LeBleu	Sutherland
Dennis	Leigh	Thisthethwaite
Derbes	Leithman	Tobias
Deshotels	McDaniel	Toca
Drew	Maybuce	Ullo
Duval	Munson	Vesich
Edwards	Newton	Wall
Fayard	Ourso	Weiss
Fowler	Perkins	Wisham
Gauthier	Pugh	Womack
Giarrusso	Rachal	
Total—53.		

And the amendment was rejected.

Delegate De Bileux moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roemer to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 28, immediately after the word "indebtedness" insert the words "of the state"

On motion of Delegate Roemer the amendment was adopted.

Delegate Roemer moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

ON page 6, line 2, after the word "state" and before the word "a" insert "as provided by law"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15 Section 10 was read, as amended.

Delegate De Bileux moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Alario	Anzalone

Badeaux	Fontenot	Mire
Bergeron	Fulco	Morris
Blair	Ginn	Nunez
Bollinger	Goldman	O'Neill
Brien	Graham	Perez
Brown	Grier	Rayburn
Burns	Guarisco	Reeves
Burson	Hayes	Roemer
Cannon	Haynes	Roy
Carmouche	Heine	Sandoz
Casey	Hernandez	Singletary
Champagne	Jackson, A.	Smith
Chatelain	Jones	Stagg
Chehardy	Juneau	Stovall
Comar	Kilbourne	Tapper
Conino	Kilpatrick	Tate
Corne	Landry, A.	Thompson
D'Gerolamo	Landry, E. J.	Toomy
De Bileux	Lanier	Velazquez
Dennery	LeBleu	Wattigny
Drew	Lowe	Willis
Dunlap	Martin	Winchester
Elkins	Mauberret	Zervigon
Flory	Miller	
Total—74.		

NAYS

Delegates—		
Asseff	Vick	Warren
Sonlat		
Total—4.		

NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Rachal
Aertker	Jack	Riecke
Alexander	Jackson, J.	Schmitt
Arnette	Jenkins	Segura
Avant	Kean	Shannon
Bel	Kelly	Slay
Conroy	Lambert	Stephenson
Cowen	Landrum	Stinson
Dennis	Leigh	Sutherland
Derbes	Leithman	Thisthethwaite
Deshotels	McDaniel	Tobias
Duval	Maybuce	Toca
Edwards	Munson	Ullo
Fayard	Newton	Vesich
Fowler	Ourso	Wall
Gauthier	Perkins	Weiss
Giarrusso	Planchard	Wisham
Gravel	Pugh	Womack
Total—54.		

And the Chair declared that the above Section was finally passed.

Delegate De Bileux moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 11. Collection of State Funds; Bond Security and Redemption Fund

Section 11. All money received by the state or by any state board, agency, or commission, immediately upon receipt, shall be deposited in the state treasury, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise, and except money received by trade or professional associations and then only if excluded by the affirmative vote of two-thirds of the members elected to each house of the legislature, and except money received by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

Subject to contractual obligations existing at the time this constitution is adopted, all state money deposited in the state treasury, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise, shall be credited to a special fund designated as the Bond Security and Redemption Fund. In each fiscal year there hereby is allocated from the Bond Security and Redemption Fund an amount sufficient to pay all obligations, including but not necessarily limited to principal,

interest, premiums, sinking or reserve fund requirements, which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year. Thereafter, all money remaining in the Bond Security and Redemption Fund shall be credited to the State General Fund.

Read.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn and Roemer to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, at the end of line 28, place a comma “,” after the word “associations” and delete the word “and” and delete lines 29 and 30 in their entirety and insert in lieu thereof the following:
“the employment security administration fund or its successor, retirement system funds and”

On motion of Delegate Rayburn the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 22 through 32, both inclusive, in their entirety and on page 7, delete lines 1 and 2, in their entirety

On motion of Delegate Drew the amendment was withdrawn.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 17 and 18 insert the following paragraph:

“Nothing contained in this Section shall apply to any levee district or to any political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of such levee district or political subdivision.”

On motion of Delegate Perez the amendment was withdrawn.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates LeBleu, Rayburn, Munson and Newton to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, immediately after “Thereafter,” and before the word “all” insert the following:
“except as otherwise provided by law.”

On motion of Delegate Rayburn the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 11 was read, as amended.

Delegate Rayburn moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fowler	Mire
Alario	Fulco	Morris
Alexander	Giarrusso	Munson
Anzalone	Ginn	Newton
Arnette	Goldman	Nunez
Avant	Graham	Ourso
Bergeron	Grier	Perez
Blair	Guarisco	Planchard
Bollinger	Hardee	Rayburn
Burns	Hayes	Reeves
Burson	Heine	Roemer
Cannon	Hernandez	Roy
Carmouche	Jackson, A.	Sandoz
Casey	Jones	Singletary
Champagne	Juneau	Stagg
Chatelain	Kilbourne	Tapper
Chehardy	Kilpatrick	Tate
Conino	Lambert	Thisthethwaite
D'Gerolamo	Landry, A.	Thompson
De Blieux	Landry, E. J.	Tobias
Drew	Lanier	Toomy
Dunlap	LeBleu	Velazquez
Elkins	Lowe	Wattigny
Fayard	Martin	Willis
Flory	Mauberret	Winchester
Fontenot	Miller	
Total—77.		

NAYS

Delegates—

Asseff	Soniat	Warren
Dennery	Vick	Zervigon
Derbes		
Total—7.		

NOT VOTING

Delegates—

Mr. Chairman	Haynes	Schmitt
Aertker	Jack	Segura
Badeaux	Jackson, J.	Shannon
Bel	Jenkins	Slay
Brien	Kean	Smith
Brown	Kelly	Stephenson
Comar	Landrum	Stinson
Conroy	Leigh	Stovall
Corne	Leithman	Sutherland
Cowen	McDaniel	Toca
Dennis	Maybuce	Ullo
Deshotels	O'Neill	Vesich
Duval	Perkins	Wall
Edwards	Pugh	Weiss
Gauthier	Rachal	Wisham
Gravel	Riecke	Womack
Total—48.		

And the Chair declared that the above Section was finally passed.

Delegate Rayburn moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 12. Expenditure of State Funds

Section 12. (A) Money shall be drawn from the state trea-

sury only pursuant to an appropriation made in accordance with law.

(B) Total appropriations made by the legislature for any fiscal year shall not be greater than the anticipated revenues of the state.

(C) The legislature shall provide for the publication of a regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(D) Except as otherwise provided in this constitution, no appropriation shall allocate to any object the proceeds of any particular tax or a part or percentage thereof except when required by the federal government for participation in federal programs.

(E) No appropriation shall be made except for public purposes.

Read.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean and Alario to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 28 through 32, both inclusive, in their entirety

Delegate Alario moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 79 yeas and 6 nays the amendment was adopted.

Delegate Alario moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alario to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, at the beginning of line 1, strike out "(E)" and insert in lieu thereof "(D)"

On motion of Delegate Alario the amendment was adopted.

Delegate Alario moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roemer and Alario to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 19, immediately after "(A)" delete the word "Money" and insert the in lieu thereof the following: "Except as otherwise provided in this constitution, money"

On motion of Delegate Roemer the amendment was adopted.

Delegate Roemer moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 12 was read, as amended.

Delegate Alario moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Mire
Aertker	Fontenot	Morris
Alario	Fowler	Munson
Alexander	Fulco	Newton
Anzalone	Giarrusso	Nunez
Arnette	Ginn	Ourso
Asseff	Goldman	Perez
Avant	Graham	Planchard
Badeaux	Grier	Rayburn
Bergeron	Guarisco	Reeves
Blair	Hardee	Roemer
Bollinger	Hayes	Roy
Brien	Haynes	Sandoz
Burns	Heine	Singletary
Burson	Hernandez	Smith
Carmouche	Jackson, A.	Soniat
Casey	Jenkins	Stagg
Champagne	Jones	Stovall
Chatelain	Juneau	Tapper
Chehardy	Kilbourne	Tate
Conino	Kilpatrick	Thistlethwaite
Conroy	Lambert	Thompson
Corne	Landry, A.	Tobias
D'Gerolamo	Landry, E. J.	Toomy
De Blieux	Lanier	Velazquez
Dennery	LeBleu	Warren
Drew	Lowe	Wattigny
Dunlap	Martin	Willis
Elkins	Mauberret	Winchester
Fayard	Miller	Zervigon
Total—90		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Segura
Bel	Kean	Shannon
Brown	Kelly	Slay
Cannon	Landrum	Stephenson
Comar	Leigh	Stinson
Cowen	Leithman	Sutherland
Dennis	McDaniel	Toca
Derbes	Maybuce	Ullo
Deshotels	O'Neill	Vesich
Duval	Perkins	Vick
Edwards	Pugh	Wall
Gauthier	Rachal	Weiss
Gravel	Riecke	Wisham
Jack	Schmitt	Womack
Total—42.		

And the Chair declared that the above Section was finally passed.

Delegate Alario moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

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 submit a general appropriation bill to authorize the proposed ordinary operating expenditures and, if necessary, a bill or bills containing recommendations in the budget for new or additional revenues.

(B) The governor shall submit to each regular session of the legislature a proposed five-year capital outlay program with a request for implementation of the first year of the five-year program. All capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget which shall be adopted by the legislature.

Read.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Casey to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 7, immediately after the word "shall" delete the word "submit" and insert in lieu thereof the words "cause to be submitted"

AMENDMENT No. 2—

On page 8, line 10, immediately after the partial word "mendations" delete the words "in the budget"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 13 was read, as amended.

Delegate Lowe moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Martin
Aertker	Fayard	Mauberret
Alario	Flory	Miller
Alexander	Fontenot	Mire
Anzalone	Fowler	Morris
Arnette	Fulco	Munson
Asseff	Giarrusso	Newton
Avant	Ginn	Nunez
Badeaux	Goldman	Ourso
Bergeron	Graham	Perez
Blair	Grier	Planchard
Bollinger	Guarisco	Rayburn
Brien	Hardee	Roy
Burns	Hayes	Singletary
Burson	Haynes	Smith
Canon	Heine	Soniat
Carmouche	Hernandez	Stagg
Casey	Jackson, A.	Stovall
Champagne	Jenkins	Tapper
Chehardy	Jones	Tate
Conino	Juneau	Thistlethwaite
Conroy	Kilbourne	Toomy
Corne	Kilpatrick	Velazquez
D'Gerolamo	Lambert	Warren
De Blieux	Landry, A.	Wattigny
Dennery	Landry, E. J.	Willis
Derbes	Lanier	Winchester
Drew	LeBleu	Zervigon
Dunlap	Lowe	
Total—86.		

NAYS

Delegate Tobias
Total—1.

NOT VOTING

Delegates—		
Mr. Chairman	Deshotels	Kean
Bel	Duval	Kelly
Brown	Edwards	Landrum
Chatelain	Gauthier	Leigh
Comar	Gravel	Leithman
Cowen	Jack	McDaniel
Dennis	Jackson, J.	Maybuce

O'Neill	Schmitt	Toca
Perkins	Segura	Uilo
Pugh	Shannon	Vesich
Rachal	Slay	Vick
Reeves	Stephenson	Wall
Riecke	Stinson	Weiss
Roemer	Sutherland	Wisham
Sandoz	Thompson	Womack
Total—45.		

And the Chair declared that the above Section was finally passed.

Delegate Lowe moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Roemer action on Committee Proposal No. 15, Section 14 and 15, was deferred at this time.

Section 16. Management of State Funds; Prohibition of Loan, Pledge, or Donation of Public Property; Exceptions for Public Purpose

Section 16. (A) The funds, credit, property or things of value of the state, or of any political corporation thereof, shall not be loaned, pledged, or donated to or for any person or persons, associations or corporations, public or private, nor shall the state nor any political corporation purchase or subscribe to the capital stock or stock of any corporation or association whatever or for any private enterprise.

(B) Nothing contained in this Section shall prevent inter-cooperation between the state and its political corporations or between political corporations, or between the state or its political corporations and the United States, or between the state or its political corporations and any public or private association or corporation or individual for a public purpose.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez, Toomy, and Lanier to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 27 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. Management of State Funds; Donation, Loan, or Pledge of Public Credit

Section 16. (A) Except as otherwise provided in this constitution, the funds, credit, property or things of value of the state, or of any political subdivision thereof, shall not be loaned, pledged, or donated to or for any person or persons, associations or corporations, public or private, nor shall the state nor any political subdivision purchase or subscribe to the capital stock or stock of any corporation or association whatever or for any private enterprise.

(B) Nothing contained in this Section shall prevent: (1) intercooperation between the state and its political subdivisions or between political subdivisions, or between the state or its political subdivisions and the United States, or between the state or its political subdivisions and any public or private association or corporation or individual for a public purpose; (2) the use of public funds for programs of social welfare for the aid and support of the needy; (3) contributions of public funds to pension and insurance programs for the benefit of public employees; (4) the legislature from authorizing the loan or pledge of such funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness.

(C) Funds, credit, property or things of value of the state or of any political subdivision thereof heretofore loaned, pledged, dedicated or granted by the prior laws of this state, or authorized to be loaned, pledged, dedicated or granted by the prior laws and constitution of this state, shall so remain for the full term as provided by the prior

laws and constitution and for the full term as provided by any contract, unless such authorization is revoked by the legislature by a two-thirds vote of the elected membership of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section."

Delegate Perez moved the adoption of the amendment.

Delegate Warren objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dunlap	Miller
Aertker	Elkins	Mire
Alario	Fayard	Morris
Alexander	Flory	Munson
Anzalone	Fontenot	Nunez
Asseff	Fowler	Ourso
Avant	Fulco	Perez
Badeaux	Ginn	Planchard
Bergeron	Goldman	Rayburn
Blair	Graham	Reeves
Bollinger	Grier	Roy
Brien	Guarisco	Smith
Burns	Hardee	Soniat
Burson	Hayes	Stagg
Cannon	Haynes	Stovall
Carmouche	Hernandez	Tate
Casey	Jackson, A.	Thistlethwaite
Chatelain	Jones	Thompson
Chehardy	Juneau	Toomy
Comar	Kilbourne	Velazquez
Conino	Lambert	Vick
Conroy	Landrum	Wattigny
Corne	Landry, A.	Willis
D'Gerolamo	Landry, E. J.	Winchester
De Blieux	Lanier	Wisham
Dennery	LeBleu	Zervigon
Derbes	Lowe	
Drew	Mauberet	
Total—82.		

NAYS

Delegates—		
Champagne	Singletary	Warren
Total—3.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Schmitt
Arnette	Kelly	Segura
Bel	Kilpatrick	Shannon
Brown	Leigh	Slay
Cowen	Leithman	Stephenson
Dennis	McDaniel	Stinson
Deshotels	Martin	Sutherland
Duval	Maybuce	Tapper
Edwards	Newton	Tobias
Gauthier	O'Neill	Toca
Glarrusso	Perkins	Ullo
Gravel	Pugh	Vesich
Heine	Rachal	Wall
Jack	Riecke	Weiss
Jackson, J.	Roemer	Womack
Jenkins	Sandoz	
Total—47.		

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roy and Pugh to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, in Convention Floor Amendment No. 1 proposed by Mr. Perez and adopted by the Convention on December 17, 1973, at the end of line 11 of the text, immediately after the word "enterprise" delete the period "." and insert in lieu thereof the following:

“; however, neither the state nor any political subdivision thereof shall be prohibited from entering into a contract for the purchase of insurance from a mutual company or depositing money in savings and loan associations or savings banks.”

On motion of Delegate Roy the previous question was ordered.

On motion of Delegate Roy, and under a suspension of the rules, the amendment was withdrawn.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Avant to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 13 in Floor Amendment No. 1 proposed by Delegate Perez and adopted by the convention on December 17, 1973, after the word and punctuation "prevent:" delete the remainder of line 13, and delete lines 14 through 18, in their entirety and on line 19, delete the word and punctuation "purpose;”

AMENDMENT No. 2—

On page 8, line 19 in Floor Amendment no. 1 proposed by Delegate Perez and adopted by the convention on December 17, 1973, change the numeral "(2)" to the numeral "(1)" and on line 21 change the numeral "(3)" to the numeral "(2)" and on line 27, change the numeral "(4)" to the numeral "(3)"

AMENDMENT No. 3—

At the end of the Perez amendment adopted by the convention on December 17, 1973, insert an additional Paragraph to read as follows:

“(D) The state and its political corporations may, for a public purpose, engage in cooperative endeavors with each other or with the United States or its agencies, or with any public or private association or corporation or individual.”

On motion of Delegate Avant the amendments were adopted.

Delegate Avant moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 27 in Floor Amendment No. 1 proposed by Delegate Perez and adopted by the Convention on December 17, 1973, at the end of line 27 of the text of the amendment, delete the words "loan or"

AMENDMENT No. 2—

On page 8, line 27 in Floor Amendment No. 1 proposed by Delegate Perez and adopted by the Convention on December 17, 1973, on line 30 of the text of the amendment, immediately after the word "indebtedness" delete the period "." and insert in lieu thereof the following: "to meet public obligations."

On motion of Delegate Jenkins the amendments were adopted.

Delegate Jenkins moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 16 was read, as amended.

Delegate Planchard moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Maybuce
Alario	Fayard	Miller
Alexander	Flory	Mire
Anzalone	Fontenot	Morris
Arnette	Fowler	Nunez
Asseff	Fulco	Ourso
Avant	Gauthier	Planchard
Badeaux	Giarrusso	Rayburn
Bergeron	Ginn	Reeves
Blair	Goldman	Roemer
Bollinger	Graham	Roy
Brien	Grier	Sandoz
Brown	Guarisco	Smith
Burns	Hardee	Soniat
Burson	Hayes	Stagg
Cannon	Heine	Stovall
Carmouche	Hernandez	Tapper
Casey	Jackson, A.	Thistlethwaite
Champagne	Jenkins	Thompson
Chatelain	Jones	Toca
Chehardy	Kilbourne	Toomy
Comar	Kilpatrick	Velazquez
Conino	Lambert	Vick
Conroy	Landrum	Warren
Corne	Landry, A.	Wattigny
D'Gerolamo	Landry, E. J.	Willis
De Blieux	Lanier	Winchester
Dennery	LeBleu	Wisham
Derbes	Lowe	Zervigon
Drew	Martin	
Dunlap	Mauberret	
Total—91.		

NAYS

Delegate Singletary
Total—1.

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Shannon
Aertker	Leigh	Slay
Bel	Leithman	Stephenson
Cowen	McDaniel	Stinson
Dennis	Munson	Sutherland
Deshotels	Newton	Tate
Duval	O'Neill	Tobias
Edwards	Perez	Uilo
Gravel	Perkins	Vesich
Haynes	Pugh	Wall
Jack	Rachal	Weiss
Jackson, J.	Riecke	Womack
Juneau	Schmitt	
Kean	Segura	
Total—40.		

And the Chair declared that the above Section was finally passed.

On motion of Delegate Planchard the vote by which the amendments were adopted was reconsidered.

Motion

On motion of Delegate Roemer, Committee Proposal No. 15,

Section 14, upon which action was previously deferred, was taken up and acted upon as follows:

Section 14. Management of State Funds; Public Record

Section 14. All reports and records of the collection, expenditure, investment, and use of state moneys and all reports and records relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining thereto.

Read.

Passage

Committee Proposal No. 15, Section 14 was read.

Delegate Alario moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Maybuce
Abraham	Flory	Miller
Alario	Fontenot	Mire
Alexander	Fowler	Morris
Anzalone	Fulco	Nunez
Arnette	Gauthier	Ourso
Avant	Giarrusso	Planchard
Badeaux	Ginn	Rayburn
Bergeron	Goldman	Reeves
Blair	Graham	Roemer
Bollinger	Grier	Roy
Brien	Guarisco	Sandoz
Brown	Hayes	Singletary
Burns	Haynes	Smith
Burson	Heine	Soniat
Cannon	Hernandez	Stagg
Carmouche	Jackson, A.	Stovall
Casey	Jenkins	Tapper
Champagne	Jones	Thistlethwaite
Chatelain	Kilbourne	Thompson
Chehardy	Kilpatrick	Toca
Comar	Lambert	Toomy
Conino	Landrum	Velazquez
Conroy	Landry, A.	Vick
Corne	Landry, E. J.	Warren
De Blieux	Lanier	Wattigny
Dennery	LeBleu	Willis
Derbes	Lowe	Winchester
Drew	Martin	Wisham
Dunlap	Mauberret	Zervigon
Total—90.		

NAYS

Delegate Asseff
Total—1.

NOT VOTING

Delegates—		
Aertker	Kean	Segura
Bel	Kelly	Shannon
Cowen	Leigh	Slay
D'Gerolamo	Leithman	Stephenson
Dennis	McDaniel	Stinson
Deshotels	Munson	Sutherland
Duval	Newton	Tate
Edwards	O'Neill	Tobias
Fayard	Perez	Uilo
Gravel	Perkins	Vesich
Hardee	Pugh	Wall
Jack	Rachal	Weiss
Jackson, J.	Riecke	Womack
Juneau	Schmitt	
Total—41.		

And the Chair declared that the above Section was finally passed.

Delegate Alario moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Roemer Committee Proposal No. 15,

Section 15 upon which action was previously deferred was taken up and acted upon as follows:

Section 15. Management of State Funds; Investment

Section 15. All money available for investment in the custody of the state treasurer shall be invested as provided by law.

Read.

Passage

Committee Proposal No. 15, Section 15 was read.

Delegate Alario moved the final passage of the Section

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Mauberret
Abraham	Fayard	Maybuce
Alario	Flory	Miller
Alexander	Fowler	Mire
Anzalone	Fulco	Morris
Arnette	Gauthier	Nunez
Avant	Giarrusso	Ourso
Badeaux	Ginn	Planchard
Bergeron	Goldman	Rayburn
Blair	Graham	Reeves
Bollinger	Grier	Roemer
Brien	Guarisco	Roy
Brown	Hardee	Sandoz
Burns	Hayes	Singletary
Burson	Haynes	Smith
Cannon	Heine	Stagg
Carmouche	Hernandez	Stovall
Casey	Jackson, A.	Tapper
Champagne	Jenkins	Tate
Chatelain	Jones	Thistlethwaite
Chehardy	Kilbourne	Thompson
Comar	Kilpatrick	Toca
Conino	Lambert	Tcomy
Conroy	Landrum	Velazquez
Corne	Landry, A.	Vick
De Blieux	Landry, E. J.	Wattigny
Dennery	Lanier	Willis
Derbes	LeBleu	Winchester
Drew	Lowe	Wisham
Dunlap	Martin	Zervigon
Total—90.		

NAYS

Delegates—		
Asseff	Soniat	Warren
Total—3.		

NOT VOTING

Delegates—		
Aertker	Kean	Schmitt
Bel	Kelly	Segura
Cowen	Leigh	Shannon
D'Gerolamo	Leithman	Slay
Dennis	McDaniel	Stephenson
Deshotels	Munson	Stinson
Duval	Newton	Sutherland
Edwards	O'Neill	Tobias
Fontenot	Perez	Ullo
Gravel	Perkins	Vesich
Jack	Pugh	Wall
Jackson, J.	Rachal	Weiss
Juneau	Riecke	Womack
Total—39.		

And the Chair declared that the above Section was finally passed.

Delegate Alario moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Asseff sent up the following explanation of vote with respect to the question of the adoption of Section 14 and 15 of Committee Proposal No. 15:

"Though I agree with the principles set forth in Section 14 and 15 of Committee Proposal No. 15, I voted "No" because I feel that such material is statutory. It is most unfortunate that some two-thirds of the material included in the proposed Constitution is statutory. I oppose tying unnecessarily the hands of future generations."

Section 17. Release of Obligation to State, Parish or Municipal Corporation; Taxes on Confiscated Property

Section 17. The legislature shall have no power to release or extinguish or to authorize the releasing or extinguishment, in whole or in part, of the indebtedness, liability, or obligation of any corporation or individual to the state, or to any parish or municipal corporation thereof, provided, that the heirs to confiscated property may be released from all taxes due thereon at the date of its reversion to them; and provided that, whenever any immovable property has been forfeited or adjudicated to the state for the nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of the same or dispossess the tax debtor or his heirs, successor, assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that such forfeiture or adjudication was irregular and null or that the property has been redeemed, and the state and its assigns shall be estopped forever from setting up any title to such property by virtue of such forfeiture or adjudication.

Read.

Delegate Jenkins sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 13, after the number and punctuation "17." and before the word "The" insert the letter "(A)"

AMENDMENT No. 2—

On page 9, line 17, after the word and punctuation "thereof," and before the word "provided" insert the following: "provided, that the legislature may establish a system whereby claims by the state or political subdivisions may be compromised, and"

AMENDMENT No. 3—

On page 9, between lines 29 and 30, insert the following: "(B) All taxes and licenses, other than real property taxes, shall prescribe in three years from the thirty-first day of December in the year in which such taxes or licenses are due, but prescription may be interrupted or suspended as provided by law."

On request of Delegate Anzalone a division of the question was ordered.

Delegate Jenkins moved the adoption of Amendment Nos. 1 and 3.

Delegate Conroy objected.

By a vote of 67 yeas and 18 nays the amendments were adopted.

Delegate Jenkins moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins moved the adoption of Amendment No. 2.

Delegate Toomy objected.

By a vote of 45 yeas and 41 nays the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

PAGE 11

102nd Days Proceedings—December 17, 1973

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, between lines 29 and 30, in Floor Amendment No. 3 proposed by Delegate Jenkins and adopted by the Convention on December 17, 1973, immediately after the language added by said amendment, add the following:

"No state, district, parish, or other tax, license, fee or assessment of any kind or nature, with all interest charges and penalties appertaining thereto, imposed, due or collectible, upon any property, minerals or the severance thereof, or due or payable by any person, firm or corporation upon any business operation or activity within the Tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as re-defined in Act 33 of the 1954 Legislature of Louisiana, shall prescribe until three years after the 31st day of December in the year in which the controversy existing between the United States and the State of Louisiana over its said state gulfward boundary shall have been finally resolved and settled in accordance with law; provided, however, no interest charges nor penalties shall be assessed or collected on any such tax, license, fee or assessment if such tax, license, fee or assessment is paid within one year after the 31st day of December in the year in which such controversy is finally resolved and settled."

Delegate Avant moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Mire
Aertker	Flory	Nunez
Alario	Fontenot	Planchard
Alexander	Fowler	Rayburn
Arnette	Fulco	Reeves
Asseff	Gauthier	Roemer
Avant	Ginn	Roy
Bergeron	Goldman	Sandoz
Blair	Graham	Smith
Brien	Grier	Soniat
Burns	Guarisco	Stagg
Burson	Hardee	Stovall
Cannon	Hayes	Tate
Carmouche	Haynes	Thistlethwaite
Casey	Heine	Thompson
Champagne	Hernandez	Toca
Chatelain	Jackson, A.	Velazquez
Chehardy	Kilbourne	Vick
Conino	Landrum	Warren
Conroy	Landry, A.	Wattigny
D'Gerolamo	Landry, E. J.	Willis
De Blieux	LeBleu	Winchester
Dennery	Lowe	Wisham
Derbes	Martin	Zervigon
Dunlap	Maybuce	
Elkins	Miller	
Total—76.		

NAYS

Delegates—		
Badeaux	Duval	Singletary
Bollinger	Lanier	Toomy
Total—6.		

NOT VOTING

Delegates—		
Mr. Chairman	Juneau	Rachal
Anzalone	Kean	Riecke
Bel	Kelly	Schmitt
Brown	Kilpatrick	Segura
Comar	Lambert	Shannon
Corne	Leigh	Slay
Cowen	Leithman	Stepnenson
Dennis	McDaniel	Stinson
Deshotels	Mauberret	Sutherland
Drew	Morris	Tapper
Edwards	Munson	Tobias
Giarrusso	Newton	Ullo
Gravel	O'Neill	Vesich
Jack	Ourso	Wall
Jackson, J.	Perez	Weiss
Jenkins	Perkins	Womack
Jones	Pugh	
Total—50.		

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 17 was read, as amended.

Delegate Conroy moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Martin
Abraham	Fayard	Mauberret
Aertker	Flory	Maybuce
Alexander	Fontenot	Miller
Anzalone	Fowler	Mire
Arnette	Fulco	Morris
Avant	Gauthier	Nunez
Badeaux	Ginn	Ourso
Bergeron	Goldman	Planchard
Bollinger	Graham	Rayburn
Brien	Grier	Reeves
Brown	Guarisco	Roemer
Burns	Hardee	Roy
Burson	Hayes	Sandoz
Cannon	Haynes	Smith
Carmouche	Heine	Soniat
Casey	Hernandez	Stagg
Champagne	Jackson, A.	Stovall
Chatelain	Jenkins	Tate
Chehardy	Kean	Thistlethwaite
Conino	Kilbourne	Thompson
Conroy	Kilpatrick	Toca
Corne	Lambert	Vick
D'Gerolamo	Landry, A.	Warren
De Blieux	Landry, E. J.	Wattigny
Dennery	Lanier	Willis
Derbes	LeBleu	Wisham
Drew	Lowe	Zervigon
Dunlap		
Total—85.		

NAYS

Delegates—		
Alario	Duval	Toomy
Asseff	Landrum	Velazquez
Blair	Singletary	Winchester
Total—9.		

NOT VOTING

Delegates—		
Bel	Gravel	Munson
Comar	Jack	Newton
Cowen	Jackson, J.	O'Neill
Dennis	Jones	Perez
Deshotels	Juneau	Perkins
McDaniel	Kelly	Pugh
Edwards	Leigh	Rachal
Giarrusso	Leithman	Riecke

Schmitt	Stinson	Vesich
Segura	Sutherland	Wall
Shannon	Tapper	Weiss
Slay	Tobias	Womack
Stephenson	Ullo	
Total—38.		

And the Chair declared that the above Section was finally passed.

Delegate Conroy moved to reconsider the vote by which the above Section was finally passed, and, to lay the motion to reconsider on the table.

Delegate Bollinger objected to tabling the motion to reconsider.

By a vote of 64 yeas and 20 nays the motion to reconsider was laid on the table.

Section 18. Legislation to Enable Compliance with Federal Laws and Regulations to Secure Federal Aid in Capital Improvement Projects

Section 18. The legislature may enact legislation to enable the state, its agencies, boards, and commissions, and political subdivisions of the state and their agencies to comply with federal laws and regulations in order to secure federal participation in the cost of capital improvement projects.

Read.

Committee Proposal No. 15, Section 18 was read.

Delegate Goldman moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Maybuce
Abraham	Elkins	Miller
Aertker	Flory	Mire
Alario	Fontenot	Nunez
Alexander	Fowler	Plancharde
Anzalone	Fuico	Rayburn
Arnette	Gauthier	Reeves
Avant	Ginn	Roemer
Badeaux	Goldman	Roy
Bergeron	Graham	Sandoz
Blair	Grier	Singletary
Bollinger	Hayes	Smith
Brien	Haynes	Soniat
Burns	Heine	Stagg
Burson	Hernandez	Stovall
Carmouche	Jackson, A.	Tate
Casey	Jones	Thistlethwaite
Champagne	Kean	Thompson
Chehardy	Kilbourne	Toca
Conino	Lambert	Toomy
Conroy	Landrum	Velazquez
Corne	Landry, A.	Vick
D'Gerolamo	Landry, E. J.	Warren
De Blieux	Lanier	Wattigny
Denney	LeBleu	Willis
Derbes	Lowe	Winchester
Drew	Martin	Wisham
Duniap	Mauberet	Zervigon
Total—84.		

NAYS

Delegates—		
Asseff	Guarisco	Jenkins
Fayard		
Total—4.		

NOT VOTING

Delegates—		
Bel	Cowen	Gravel
Brown	Dennis	Hardee
Cannon	Deshotels	Jack
Chatelain	Edwards	Jackson, J.
Comar	Giarrusso	Juneau

Kelly	Perez	Stinson
Kilpatrick	Perkins	Sutherland
Leigh	Pugh	Tapper
Leithman	Rachai	Tobias
McDaniel	Riecke	Ullo
Morris	Schmitt	Vesich
Munson	Segura	Wall
Newton	Shannon	Weiss
O'Neill	Slay	Womack
Ourso	Stephenson	
Total—44.		

And the Chair declared that the above Section was finally passed.

Delegate Goldman moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate De Blieux moved for a suspension of the rules for the purpose of calling from the table the motion to reconsider the vote by which Committee Proposal No. 15, Section 4, was passed.

Delegate Anzalone objected.

By a vote of 39 yeas and 48 nays the Convention refused to suspend the rules at this time.

Motion

Delegate Roemer moved to suspend the rules for the purpose of calling from the table the motion to reconsider the vote by which Committee Proposal No. 15, Section 7, was passed.

Delegate Drew objected.

By a vote of 60 yeas and 27 nays the motion was called from the table.

On motion of Delegate Zervigon the vote by which Committee Proposal No. 15, Section 7 was passed was reconsidered.

Section 7. State Debt; Full Faith and Credit Obligations

Section 7. (A) Unless otherwise authorized by this constitution, the state shall have no power to contract, directly or through any state board, agency, or commission, the incurring of debt or the issuance of 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 invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness, but only to obtain a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) If the purpose is to make capital improvements, the nature, location, and if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(C) 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.

(D) The legislature, by two-thirds affirmative vote of the members elected to each house thereof, may propose a state-wide public referendum for the incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

Read.

Delegate Zervigon sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Zervigon to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, between line 10 and 11 in Floor Amendment No. 1 proposed by Delegate Perez and adopted by the Convention on December 14, 1973, on line 2 of the text of the amendment

at the beginning of the line, delete the words "or to any political subdivision" and insert in lieu thereof the following: "any political subdivision or local public agency"

Delegate Zervigon moved the adoption of the amendment.

Delegate Conroy objected.

By a vote of 87 yeas and 1 nay the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 7 was read, as amended.

Delegate Roemer moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Maybuce
Abraham	Fayard	Miller
Aertker	Flory	Mire
Alario	Fontenot	Morris
Alexander	Fowler	Nunez
Anzalone	Fulco	Planchar
Arnette	Gauthier	Rayburn
Asseff	Ginn	Reeves
Avant	Goldman	Roemer
Badeaux	Graham	Roy
Bergeron	Grier	Sandoz
Blair	Guarisco	Segura
Bollinger	Hardee	Singletary
Brien	Haynes	Smith
Burns	Heine	Soniat
Burson	Hernandez	Stagg
Cannon	Jackson, A.	Stovall
Carmouche	Jenkins	Tate
Casey	Jones	Thistlethwaite
Champagne	Juneau	Thompson
Chatelain	Kean	Toca
Chehardy	Kilbourne	Toomy
Comar	Kilpatrick	Velazquez
Conino	Lambert	Vick
Conroy	Landrum	Warren
Corne	Landry, A.	Wattigny
D'Gerolamo	Landry, E. J.	Willis
De Blieux	Lanier	Winchester
Dennery	LeBleu	Wisham
Derbes	Lowe	Zervigon
Drew	Martin	
Dunlap	Mauberrret	
Total—94.		

NAYS

Delegate Hayes
Total—1.

NOT VOTING

Delegates—		
Bel	Leithman	Slay
Brown	McDaniel	Stephenson
Cowen	Munson	Stinson
Dennis	Newton	Sutherland
Deshotels	O'Neill	Tapper
Duval	Ourso	Tobias
Edwards	Perez	Uilo
Giarrusso	Perkins	Vesich
Gravel	Pugh	Wall
Jack	Rachal	Weiss
Jackson, J.	Riecke	Womack
Kelly	Schmitt	
Leigh	Shannon	
Total—37.		

And the Chair declared that the above Section was finally passed.

Delegate Roemer moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Reconsideration

On motion of Delegate Dennery the vote by which Committee Proposal No. 15, Section 16, was passed, was reconsidered.

Section 16. Management of State Funds; Prohibition of Loan, Pledge, or Donation of Public Property; Exceptions for Public Purpose

Section 16. (A) The funds, credit, property or things of value of the state, or of any political corporation thereof, shall not be loaned, pledged, or donated to or for any person or persons, associations or corporations, public or private, nor shall the state nor any political corporation purchase or subscribe to the capital stock or stock of any corporation or association whatever or for any private enterprise.

(B) Nothing contained in this Section shall prevent inter-cooperation between the state and its political corporations or between political corporations, or between the state or its political corporations and the United States, or between the state or its political corporations and any public or private association or corporation or individual for a public purpose.

Read.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 27 in Floor Amendment No. 1 proposed by Delegate Perez, et al. and adopted by the convention on December 17, 1973, in line 30, after the amendment proposed by Delegate Jenkins and adopted by the convention on December 17, 1973, and at the end of the line, insert the following: "(4) the legislature by a favorable vote of two-thirds of the elected members of each house from authorizing the loan, pledge, or donation of public funds in the furtherance of facilities and other programs having a public purpose;"

Delegate Dennery moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 26 yeas and 59 nays the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 15, Section 16 was read, as amended.

Delegate Roemer moved the final passage of the Section,

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Casey	Fayard
Aertker	Champagne	Flory
Alario	Chatelain	Fontenot
Alexander	Chehardy	Fowler
Arnette	Comar	Fulco
Asseff	Conino	Gauthier
Avant	Conroy	Ginn
Badeaux	Corne	Goldman
Bergeron	D'Gerolamo	Graham
Blair	De Blieux	Grier
Bollinger	Dennery	Guarisco
Brien	Derbes	Hardee
Burns	Drew	Hayes
Burson	Dunlap	Haynes
Cannon	Duval	Heine
Carmouche	Elkins	Hernandez

Jackson, A.	Martin	Stagg
Jenkins	Mauberret	Stovall
Jones	Maybuce	Tate
Juneau	Mire	Thistlethwaite
Kean	Nunez	Toomy
Kilpatrick	Planchard	Velazquez
Lambert	Rayburn	Vick
Landrum	Roemer	Warren
Landry, A.	Roy	Wattigny
Landry, E. J.	Sandoz	Willis
Lanier	Segura	Winchester
LeBleu	Singletary	Zervigon
Lowe	Smith	
Total—86.		

NAYS

Delegates—		
Anzalone	Morris	Wisham
Miller	Soniat	
Total—5.		

NOT VOTING

Delegates—		
Mr. Chairman	Leithman	Slay
Bel	McDaniel	Stephenson
Brown	Munson	Stinson
Cowen	Newton	Sutherland
Dennis	O'Neill	Tapper
Deshotels	Ourso	Thompson
Edwards	Perez	Tobias
Giarrusso	Perkins	Toca
Gravel	Pugh	Ullo
Jack	Rachal	Vesich
Jackson, J.	Reeves	Wall
Kelly	Riecke	Weiss
Kilbourne	Schmitt	Womack
Leigh	Shannon	
Total—41.		

And the Chair declared that the above Section was finally passed.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 6, add the following Section:

“Section 19. Increase in Taxes

Section 19. Notwithstanding any contrary provision of this constitution, the legislature may increase the individual or joint state income tax rate, the state motor vehicle license tax on automobiles for private use, or the state ad valorem property tax above five and three-fourths mills only by law enacted by the favorable vote of two-thirds of the members elected to each house and approved by a majority of the electors of the state voting in an election called for the purpose.”

Delegate Zervigon moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Dennery	Heine
Alexander	Derbes	Kean
Anzalone	Drew	Kilbourne
Casey	Duval	Lowe
Conroy	Fontenot	Roy
Corne	Fulco	Smith
De Blieux	Gauthier	Soniat
Stovall	Vick	Zervigon
Tate		
Total—25.		

NAYS

Delegates—

Abraham	Flory	Maybuce
Alario	Fowler	Miller
Arnette	Goldman	Mire
Asseff	Graham	Morris
Avant	Grier	Nunez
Badeaux	Guarisco	Planchard
Bergeron	Hardee	Rayburn
Blair	Hayes	Reeves
Bollinger	Haynes	Roemer
Brien	Hernandez	Sandoz
Burns	Jackson, A.	Segura
Burson	Jenkins	Singletary
Cannon	Jones	Stagg
Carmouche	Juneau	Thistlethwaite
Champagne	Kilpatrick	Toca
Chatelain	Lambert	Toomy
Chehardy	Landrum	Velazquez
Comar	Landry, A.	Warren
Conino	Landry, E. J.	Wattigny
D'Gerolamo	Lanier	Willis
Dunlap	LeBleu	Winchester
Elkins	Martin	Wisham
Fayard	Mauberret	
Total—68.		

NOT VOTING

Delegates—		
Mr. Chairman	Leigh	Shannon
Bel	Leithman	Slay
Brown	McDaniel	Stephenson
Cowen	Munson	Stinson
Dennis	Newton	Sutherland
Deshotels	O'Neill	Tapper
Edwards	Ourso	Thompson
Giarrusso	Perez	Tobias
Ginn	Perkins	Ullo
Gravel	Pugh	Vesich
Jack	Rachal	Wall
Jackson, J.	Riecke	Weiss
Kelly	Schmitt	Womack
Total—39.		

And the amendment not having received the majority vote of the total membership of the Convention required to pass a Section to a Proposal failed to pass.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Burson moved the previous question on the entire subject matter.

Delegate De Blieux objected.

By a vote of 41 yeas and 50 nays, the Convention refused to order the previous question at this time.

Motion

Delegate Cannon moved to take up other Orders of Business at this time.

Delegate Champagne objected.

By a vote of 37 yeas and 55 nays the Convention refused to take up other Orders of Business at this time.

Motion

Delegate Burson moved for a suspension of the rules in order to limit introduction of further amendments to Proposal 15, except those presently at the Clerk's desk.

Delegate De Blieux objected.

By a vote of 51 yeas and 38 nays the Convention refused to suspend the rules at this time.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follow:

AMENDMENT No. 1—

On page 10, line 6, insert the following:

"Section 19. The legislature by law enacted by a favorable vote of two-thirds of the elected members of each house may authorize the investment of public funds in bank certificates of deposit, corporate bonds, and savings and loan associations."

On motion of Delegate Dennery the amendment was withdrawn.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 6, insert the following:

"Section 19. The legislature by law enacted by a favorable vote of two-thirds of the elected members of each house may authorize the investment of public funds in bank certificates of deposit and savings and loan associations."

Delegate Dennery moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Drew	Landrum
Aertker	Dunlap	Lowe
Alexander	Elkins	Mauberret
Anzalone	Flory	Maybuce
Asseff	Fulco	Morris
Avant	Gauthier	Planchar
Bergeron	Goldman	Roemer
Brien	Graham	Roy
Burns	Grier	Sandoz
Cannon	Guarisco	Segura
Carmouche	Haynes	Singletary
Casey	Heine	Smith
Chatelain	Hernandez	Soniat
Comar	Jackson, A.	Stagg
Conroy	Jenkins	Tate
Corne	Jones	Velazquez
De Blieux	Juneau	Vick
Dennery	Kean	Warren
Derbes	Kilbourne	Zervigon
Total—57.		

NAYS

Delegates—		
Alario	Fontenot	Reeves
Arnette	Fowler	Stovall
Badeaux	Hayes	Thistlethwaite
Blair	Landry, E. J.	Toca
Bollinger	Lanier	Toomy
Burson	LeBleu	Wattigny
Champagne	Martin	Willis
Chehardy	Miller	Winchester
Conino	Mire	Wisham
D'Gerolamo	Nunez	
Duval	Rayburn	
Total—31.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	McDaniel
Bel	Hardee	Munson
Brown	Jack	Newton
Cowen	Jackson, J.	O'Neill
Dennis	Kelly	Ourso
Deshotels	Kilpatrick	Perez
Edwards	Lambert	Perkins
Fayard	Landry, A.	Pugh
Giarrusso	Leigh	Rachal
Ginn	Leithman	Riecke

Schmitt	Sutherland	Vesich
Shannon	Tapper	Wall
Slay	Thompson	Weiss
Stephenson	Tobias	Womack
Stinson	Ullo	

Total—44.

And the amendment not having received the majority vote of total membership of the Convention required to add a Section to a Proposal, failed to pass.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Burson moved the previous question on the entire subject matter.

As a substitute Delegate De Blieux moved that the Convention adjourn until Tuesday, December 18, 1973, at 9:00 o'clock A.M.

Delegate Burson objected.

The vote recurred on the Substitute.

By a vote of 21 yeas and 68 nays the Convention refused to adjourn until Tuesday, December 18, 1973, at 9:00 o'clock A.M.

Delegate Burson insisted upon his motion for the previous question.

Delegate De Blieux objected.

By a vote of 62 yeas and 27 nays the previous question was ordered on the entire Proposal.

Passage

The Proposal was read, as amended.

Delegate Roemer moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennery	Landry, A.
Abraham	Drew	Landry, E. J.
Alario	Dunlap	Lanier
Alexander	Duval	LeBleu
Anzalone	Elkins	Lowe
Arnette	Fayard	Martin
Asseff	Fontenot	Mauberret
Badeaux	Fulco	Nunez
Bergeron	Gauthier	Planchar
Bollinger	Goldman	Reeves
Brien	Grier	Roemer
Burns	Guarisco	Roy
Burson	Hardee	Sandoz
Carmouche	Heine	Segura
Champagne	Hernandez	Singletary
Chatelain	Jackson, A.	Smith
Chehardy	Jenkins	Stagg
Comar	Jones	Thistlethwaite
Conino	Juneau	Toca
Conroy	Kean	Toomy
Corne	Kilbourne	Willis
D'Gerolamo	Lambert	Winchester
Total—66.		

NAYS

Delegates—		
Aertker	Cannon	De Blieux
Blair	Casey	Derbes
Flory	Maybuce	Tate
Fowler	Miller	Velazquez
Graham	Mire	Vick
Hayes	Morris	Warren
Haynes	Rayburn	Wattigny
Kilpatrick	Soniat	Wisham
Landrum	Stovall	Zervigon
Total—27.		

NOT VOTING

Delegates—		
Avant	Cowen	Edwards
Bel	Dennis	Giarrusso
Brown	Deshotels	Ginn

Gravel	Ourso	Stinson
Jack	Perez	Sutherland
Jackson, J.	Perkins	Tapper
Kelly	Pugh	Thompson
Leigh	Rachal	Tobias
Leithman	Riecke	Uilo
McDaniel	Schmitt	Vesich
Munson	Shannon	Wall
Newton	Slay	Weiss
O'Neill	Stephenson	Womack

Total—41.

Failed to pass.

Motion to reconsider pending.

On motion of Delegate A. Jackson, the Convention altered the Order of Business to take up other Orders of Business at this time.

Reports of Committees

The following reports of Committees were received and read:

Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

December 17, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

COMMITTEE PROPOSAL No. 1—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Providing for general governmental provisions.

Reported By Substitute.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman.

Suspension of the Rules

On motion of Delegate A. Jackson the rules were suspended in order to take up the Proposal contained in the Committee Report at this time.

COMMITTEE PROPOSAL No. 1—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Providing for general governmental provisions.

Read.

Reported by substitute by the Committee on Bill of Rights and Elections.

The title to the substitute was read as follows:

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat Stinson, Vlck and Wall):

A PROPOSAL

Providing for general governmental provisions.

The Substitute was adopted and became Committee Pro-

posal No. 35, substitute for Committee Proposal No. -1, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson, and under a suspension of the rules, the Proposal was ordered engrossed and passed to its third reading.

Motion

On motion of Delegate Stovall the rules were suspended in order to call a meeting of the Committee on Bill of Rights and Elections without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Tuesday, December 18, 1973, at 8:00 o'clock A.M. in the Ante Room and will consider the following agenda:

AGENDA

To consider methods of considering alternatives.

Respectfully submitted,

JAMES L. STOVALL,
Chairman of the Committee on
Rules, Credentials and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate A. Jackson the rules were suspended in order to call a meeting of the Committee on Bill of Rights and Elections without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Tuesday, December 18, 1973, at the Noon Recess in Committee Room 1 and will consider the following agenda:

AGENDA

To consider the Committee's Proposal on Constitutional Amendments.

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections
Respectfully submitted,

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Conroy—½ day.	Delegate O'Neill—½ day.
Delegate Segura—1 day.	Delegate Avant—½ day.
Delegate Rachal—1 day.	Delegate Shannon—1 day.
Delegate Vesich—5 days.	Delegate Aertker—½ day.
Delegate Duval—1 day.	Delegate Cowen—3 days.
Delegate J. Jackson—1 day.	Delegate Leithman—1 day.
Delegate Stinson—1 day.	Delegate Weiss—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Tuesday, December 18, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Tuesday, December 18, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

ONE HUNDRED THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, December 18, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Nunez
Abraham	Fowler	O'Neill
Aertker	Fulco	Ourso
Alario	Gauthier	Perez
Alexander	Giarrusso	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Rachal
Asseff	Graham	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bergeron	Guarisco	Roemer
Blair	Hardee	Roy
Bollinger	Hayes	Sandoz
Brien	Haynes	Schmitt
Burns	Heine	Segura
Burson	Hernandez	Shannon
Cannon	Jack	Singletery
Carmouche	Jackson, A.	Smith
Casey	Jackson, J.	Soniat
Champagne	Jenkins	Stagg
Chatelain	Jones	Stephenson
Chehardy	Juneau	Stinson
Comar	Kean	Stovall
Conino	Kelly	Sutherland
Conroy	Kilbourne	Tapper
Corne	Kilpatrick	Thistlethwaite
Cowen	Lambert	Thompson
D'Gerolamo	Landrum	Tobias
De Blieux	Landry, A.	Toca
Dennergy	Landry, E. J.	Toomy
Dennis	Lanier	Ullo
Derbes	LeBleu	Velazquez
Deshotels	McDaniel	Vick
Drew	Martin	Warren
Dunlap	Mauberret	Wattigny
Duval	Maybuce	Willis
Edwards	Miller	Winchester
Elkins	Mire	Wisham
Fayard	Morris	Womack
Flory	Munson	Zervlgon
Total—120.		

ABSENT

Delegates—		
Bel	Lowe	Tate
Brown	Newton	Vesich
Leigh	Pugh	Wall
Leithman	Slay	Weiss
Total—12.		

The Chairman announced that there were 120 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Corne led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate O'Neill, the reading of the Journal
was dispensed with.

On motion of Delegate O'Neill, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and
read:

Delegate Stovall, chairman, on behalf of the Committee
on Rules, Credentials and Ethics, submitted the following
report:

State of Louisiana
Constitutional Convention
of 1973

December 18, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Rules, Credentials
and Ethics to submit the following report:

COMMITTEE RESOLUTION No. 3—

Introduced by Delegate Stovall, Chairman, on behalf of the
Committee on Rules, Credentials and Ethics, and Delegates
Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire Single-
tery, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional
Convention to provide expressly for submission of alterna-
tive proposals.

Reported by substitute.

Respectfully submitted,

JAMES STOVALL,
Chairman.

Suspension of the Rules

On motion of Delegate Stovall the rules were suspended in
order to take up the Resolution contained in the Committee
Report at this time.

Reports of Committees Lying Over

**Delegate and Committee Resolutions on
Second Reading Reported by Committees**

The following entitled Delegate and Committee Resolutions
were taken up and acted upon as follows:

COMMITTEE RESOLUTION No. 3—

Introduced by Delegate Stovall, Chairman, on behalf of the
Committee on Rules, Credentials and Ethics, and Delegates
Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Single-
tery, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional
Convention to provide expressly for submission of alterna-
tive proposals.

Read.

Reported by substitute by the Committee on Rules, Cre-
dentials and Ethics.

The title to the substitute was read as follows:

COMMITTEE RESOLUTION No. 13—

Introduced by Delegate Stovall, Chairman, on behalf of
the Committee on Rules, Credentials and Ethics (Substitute
for Committee Resolution No. 3, by Delegate Stovall, et al.):

A RESOLUTION

To amend the Standing Rules of the Constitutional Con-
vention to add a new Rule 37.1, to provide expressly for
submission of alternative provisions.

WHEREAS, Act 2 of the 1972 Regular Session provides
for alternative provisions; and

WHEREAS, the Standing Rules are presently silent on the procedure by which alternative provisions may be introduced and considered; and

WHEREAS, the results of the vote of the people on recently proposed constitutions in other states clearly indicate that a constitution submitted to the people with alternatives will include to a greater extent involvement of all voters of Louisiana in the convention; and

WHEREAS, the delegates to CC/73 are desirous that this convention adopt a constitution that will be ratified by the voters.

THEREFORE, BE IT RESOLVED that Rule No. 37.1 is adopted to read as follows:

Rule No. 37.1. Submission of Alternative Provisions

A. Alternative provisions authorized by Act No. 2 of the 1972 Regular Session to be submitted to a vote of the people shall be determined by the convention only in the manner provided below. Notwithstanding Rule No. 42, a delegate may introduce a proposal setting forth a proposed alternative. Such a proposal shall state specifically (1) the text of the alternatives; (2) any deletions of presently adopted paragraphs, or sections, or the like; (3) the effect of the alternative, if adopted by the people, in terms of additions to and deletions from the body of the proposed constitution; and (4) the text of the ballot proposition on the alternative. Any proposal so introduced must bear the names of at least forty delegates. No such proposal may be introduced after January 5, 1974.

B. Except as otherwise provided herein, each such proposal shall follow the order of processing of proposals set forth in Rule No. 44.

C. All proposals setting forth proposed alternatives shall lie over for committee referral until January 6, 1974. On that day, there shall be put to the convention the question of whether to consider further each such proposal. The question of further consideration shall open the main question; i.e., the merits of the alternative proposal. Debate on the question on each proposal shall be limited to thirty minutes, with the time equally divided between proponents and opponents. Each proposal receiving a majority vote of the delegates present and voting in favor of further consideration shall be referred to the appropriate substantive committee under the rules. Any proposal failing to receive such a majority vote shall be deemed withdrawn from the files of the convention.

D. Not later than January 9, 1974, each substantive committee shall report each proposal referred to it to the convention and only in one of the manners specified in Rule No. 61. Any proposal not returned within said time shall be deemed in the possession of the convention, and a motion shall lie to engross and pass the same to third reading.

E. No alternative provision shall be included on the ballot unless approved on final passage by a majority of the membership of the convention, which approval shall be by record vote.

F. No more than six alternative provisions shall be placed on the ballot.

On motion of Delegate Stovall the substitute was adopted.

On motion of Delegate Stovall, and under a suspension of the rules, the resolution was passed to its third reading.

Reconsideration

On motion of Delegate Roemer the vote by which Committee Proposal No. 15 failed to pass on yesterday was reconsidered.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Cheherdy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Returned to the Calendar.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Lambert Committee Proposal No. 34 was taken up out of its regular order and acted upon as follows:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

ARTICLE VIII. NATURAL RESOURCES

Section 1. Natural Resources and Environment; Public Policy

Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished, insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall implement this policy by appropriate legislation.

Read.

Passage

Committee Proposal No. 34, Section 1 was read.

Delegae Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Morris
Abraham	Fowler	Munson
Aertker	Fulco	Nunez
Alario	Gauthier	O'Neill
Alexander	Giarrusso	Perez
Anzalone	Ginn	Planchard
Arnette	Goldman	Rayburn
Asseff	Graham	Reeves
Avant	Grier	Riecke
Badeaux	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Burns	Jack	Smith
Burson	Jackson, A.	Soniat
Casey	Jones	Stagg
Champagne	Juneau	Stinson
Chehardy	Kean	Stovall
Conino	Kelly	Sutherland
Conroy	Kilbourne	Tapper
Corne	Kilpatrick	Thistlethwaite
D'Gerolamo	Lambert	Toblas
De Blieux	Landrum	Toca
Dennery	Landry, A.	Toomy
Dennis	Landry, E. J.	Ullo
Derbes	Lanier	Velazquez
Deshotels	LeBleu	Vick
Drew	McDaniel	Warren
Dunlap	Martin	Wattigny
Duval	Maubert	Willis
Elkins	Maybuce	Winchester
Fayard	Miller	

Total—98.

NAYS

Total—0.

NOT VOTING

Delegates—

Bel	Cannon	Chatelain
Brown	Carmouche	Comar

Cowen	Mire	Tate
Edwards	Newton	Thompson
Fontenot	Ourso	Vesich
Gravel	Perkins	Wall
Haynes	Pugh	Weiss
Jackson, J.	Rachal	Wisham
Jenkins	Schmitt	Womack
Leigh	Segura	Zervigon
Leithman	Slay	
Lowe	Stephenson	
Total—34.		

And the Chair declared that the above Section was finally passed.

Delegate Lambert moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Kelly moved to return Committee Proposal No. 34 to the Calendar.

Delegate DeBlieux objected.

By a vote of 79 yeas and 16 nays Committee Proposal No. 34 was returned to the Calendar.

Motion

Delegate Kelly moved to call from the calendar Committee Proposal No. 15.

Delegate De Blieux objected.

By a vote of 79 yeas and 16 nays Committee Proposal No. 15 was called from the Calendar.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Motion

Delegate O'Neill moved the previous question on the Proposal.

Delegate De Blieux objected.

By a vote of 65 yeas and 33 nays the previous question was ordered.

Passage

The Proposal was read, as amended.

Delegate Roemer moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Burson	Duval
Abraham	Cannon	Elkins
Alario	Carmouche	Fulco
Alexander	Casey	Gauthier
Anzalone	Champagne	Giarrusso
Arnette	Chehardy	Ginn
Asseff	Conino	Goldman
Badeaux	Conroy	Graham
Bergeron	Corne	Grier
Bollinger	D'Gerolamo	Guarisco
Brien	Deshotels	Hardee
Burns	Dunlap	Hayes

Heine	McDaniel	Sandoz
Hernandez	Martin	Shannon
Jack	Mauberret	Singletary
Jenkins	Maybuce	Stagg
Jones	Miller	Stinson
Juneau	Munson	Sutherland
Kean	Nunez	Tapper
Kelly	O'Neill	Thistlethwaite
Kilbourne	Perez	Toca
Lambert	Planchard	Toomy
Landrum	Rachal	Ullo
Landry, A.	Rayburn	Wattigny
Landry, E. J.	Reeves	Willis
Lanier	Riecke	Winchester
LeBleu	Roemer	
Total—80.		

NAYS

Delegates—		
Aertker	Flory	Soniat
Avant	Fowler	Stovall
Blair	Jackson, A.	Tobias
De Blieux	Kilpatrick	Velazquez
Dennery	Morris	Vick
Dennis	Roy	Warren
Fayard		
Total—19.		

NOT VOTING

Delegates—		
Bel	Jackson, J.	Slay
Brown	Leigh	Smith
Chatelain	Leithman	Stephenson
Comar	Lowe	Tate
Cowen	Mire	Thompson
Derbes	Newton	Vesich
Drew	Ourso	Wall
Edwards	Perkins	Weiss
Fontenot	Pugh	Wisham
Gravel	Schmitt	Womack
Haynes	Segura	Zervigon
Total—33.		

And the Chair declared that the above Proposal was finally passed.

Explanation of Vote

Delegate De Blieux sent up the following Explanation of Vote with respect to the question of the final passage of Committee Proposal No. 15:

"I do not believe rates for taxes should be placed in the Constitution. This was done in Section 4 of this Proposal and therefore is legislation which I cannot in good conscience vote for."

Motion

On motion of Delegate Lambert Committee Proposal No. 34 was called from the Calendar.

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Tobias and Asseff to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21 and 22, insert the following: "Section 1.1. (A) The navigable water bodies and bottoms, the sea and its shores, and lands, title to which is in the state,

are hereby declared to be a part of the public domain. Title to lands held by the state, its agencies and political subdivisions, excluding municipalities, is hereby declared to be held in the public domain for the use and benefit of each.

(B) No disposals, contracts, compromises, or leases involving lands or interests therein, of the state and its agencies and political subdivisions, shall be made without the approval of the state's chief legal officer, prior notice, and other safeguards of public interest as prescribed by law.

(C) Neither the lands, or interest therein, in the public domain at the effective date of this constitution shall be subject to loss through prescription. The wrongful act, misfeasance, or nonfeasance of any public official, agent or agency, or employee of the state shall not act to divest the state of its title to property."

On motion of Delegate Miller the amendment was withdrawn.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21 and 22, insert the following: "Section 1.1. Management Policy

Section 1.1. The legislature shall provide for the coordinated management and administration of natural resources owned by the state and for the regulation of other natural resources."

Delegate Derbes moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Derbes	Riecke
Anzalone	Deshotels	Roemer
Bollinger	Duval	Soniatt
Casey	Fayard	Stovall
Conroy	Guarisco	Velazquez
Corne	Juneau	Vick
Dennis	Landrum	Warren
Total—21.		

NAYS

Delegates—		
Abraham	Flory	Maybuce
Aertker	Fontenot	Mire
Alarlo	Fowler	Morris
Arnette	Fulco	Munson
Asseff	Gauthier	Nunez
Avant	Ginn	O'Neill
Badeaux	Goldman	Perez
Bergeron	Graham	Planchar
Blair	Grier	Rachal
Brien	Hardee	Rayburn
Burns	Hayes	Roy
Burson	Haynes	Sandoz
Cannon	Hernandez	Schmitt
Carmouche	Jack	Segura
Champagne	Jackson, A.	Shannon
Chehardy	Jenkins	Singletary
Comar	Jones	Smith
Conino	Kilpatrick	Stagg
D'Gerolamo	Landry, A.	Stinson
De Bleux	Landry, E. J.	Sutherland
Drew	LeBleu	Tapper
Dunlap	McDaniel	Thistlethwaite
Elkins	Martin	Toca

Toomy
Uilo
Total—74.

Wattigny
Willis

Winchester

NOT VOTING

Delegates—
Mr. Chairman
Bel
Brown
Chatelain
Cowen
Dennerly
Edwards
Giarrusso
Gravel
Heine
Jackson, J.
Kean
Kelly
Total—37.

Kilbourne
Lambert
Lanler
Leigh
Leithman
Lowe
Mauberrret
Miller
Newton
Ourso
Perkins
Pugh

Reeves
Slay
Stephenson
Tate
Thompson
Tobias
Vesich
Wall
Weiss
Wisham
Womack
Zervigon

And the amendment not having received the vote of a majority of the total membership of the Convention required to pass a Section failed to pass.

Delegate Lambert moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Section 2. Natural Gas; Public Policy; Interstate and Intrastate Pipelines

Section 2. Natural gas is hereby declared to be affected with a public interest, and natural gas produced in Louisiana shall be made available for utilization within the state as well as to the citizens of other states.

No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline without a certificate of public convenience and necessity issued by the Public Service Commission after due application for such connection and hearing thereon.

Read.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Derbes and Bollinger to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 22 through 32, both inclusive, in their entirety and on page 2, delete lines 1 through 2, both inclusive, in their entirety.

Delegate Derbes moved the adoption of the amendment.

Delegate Drew objected.

By a vote of 36 yeas and 62 nays the amendment was rejected.

Delegate Drew moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 28 through 32, both inclusive, in their entirety and on page 2, delete lines 1 and 2 in their entirety.

Delegate Bollinger moved the adoption of the amendment.

Delegate Fontenot objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Conroy	Jenkins
Alexander	De Blieux	Juneau
Badeaux	Dennery	Kelly
Bollinger	Derbes	Landry, A.
Brien	Duval	Roemer
Burson	Fulco	Stovall
Casey	Guarisco	Thistlethwaite
Champagne	Hayes	Toomy
Total—24.		

NAYS

Delegates—		
Abraham	Fowler	Munson
Aertker	Gauthier	Nunez
Alario	Ginn	Perez
Anzalone	Goldman	Planchar
Arnette	Graham	Rachal
Asseff	Grier	Rayburn
Avant	Hardee	Riecke
Bergeron	Haynes	Roy
Blair	Heine	Sandoz
Burns	Hernandez	Schmitt
Cannon	Jack	Shannon
Carmouche	Jackson, A.	Singletary
Chehardy	Jackson, J.	Smith
Conino	Jones	Stagg
Cowen	Kilbourne	Stinson
D'Gerolamo	Kilpatrick	Sutherland
Dennis	Lambert	Tapper
Deshotels	Landrum	Toca
Drew	Landry, E. J.	Ullio
Dunlap	LeBleu	Velazquez
Elkins	Martin	Warren
Fayard	Maybuce	Wattigny
Flory	Miller	Willis
Fontenot	Mire	
Total—71.		

NOT VOTING

Delegates—		
Bel	McDaniel	Stephenson
Brown	Mauberet	Tate
Chatelain	Morris	Thompson
Comar	Newton	Tobias
Corne	O'Neill	Vesich
Edwards	Ourso	Vick
Giarrusso	Perkins	Wall
Gravel	Pugh	Weiss
Kean	Reeves	Winchester
Lanier	Segura	Wisham
Leigh	Slay	Womack
Leithman	Soniat	Zervigon
Lowe		
Total—37.		

And the amendment was rejected.

Delegate Fontenot moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lambert sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegates Lambert and De Blieux to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 32, after the word "issued" delete the remainder of the line and on page 2, at the beginning of line 1, delete the word "vice Commission" and insert in lieu thereof the words as provided by law"

Delegate Lambert moved the adoption of the amendment.

Delegate Deshotels objected.

By a vote of 76 yeas and 14 nays the amendment was adopted.

Delegate Lambert moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 22 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Oil; Natural Gas; Public Policy; Interstate and Intrastate Pipelines

Section 2. Oil and natural gas are hereby declared to be affected with a public interest, and oil and natural gas produced in Louisiana shall be utilized to the best interest of the state."

On motion of Delegate Drew the amendment was withdrawn.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 26, immediately after the word "utilization" strike out the remainder of the line and strike out line 27 in its entirety, and insert in lieu thereof the following: "to the best interests of the citizens of the state."

Delegate Drew moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Riecke
Alexander	Ginn	Schmitt
Asseff	Grier	Shannon
Avant	Hernandez	Singletary
Burns	Jackson, J.	Soniat
Casey	Jones	Stephenson
Chatelain	Kilbourne	Sutherland
Comar	Landrum	Toca
De Blieux	Landry, E. J.	Toomy
Dennery	LeBleu	Velazquez
Deshotels	Miller	Vick
Drew	Morris	Warren
Flory	Planchar	Womack
Fontenot	Rachal	Zervigon
Fowler		
Total—43.		

NAYS

Delegates—		
Alario	D'Gerolamo	Jackson, J.
Anzalone	Derbes	Jenkins
Badeaux	Dunlap	Juneau
Bergeron	Duval	Kean
Blair	Elkins	Lambert
Bollinger	Gauthier	McDaniel
Brien	Goldman	Martin
Burson	Gravel	Mire
Carmouche	Guarisco	Munson
Champagne	Hardee	Nunez
Conino	Hayes	O'Neill
Conroy	Heine	Perez
Corne	Jack	Reeves

Roemer	Smith	Thompson
Roy	Stagg	Ullo
Sandoz	Stinson	Wattigny
Segura	Thistlethwaite	Willis
Total—51.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Pugh
Aertker	Kelly	Rayburn
Arnette	Kilpatrick	Slay
Bel	Landry, A.	Stovall
Brown	Lanler	Tapper
Cannon	Leigh	Tate
Chehardy	Leithman	Tobias
Cowen	Lowe	Vesich
Dennis	Mauberret	Wall
Edwards	Maybuce	Weiss
Fayard	Newton	Winchester
Giarrusso	Ourso	Wisham
Graham	Perkins	
Total—38.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Singletary sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Singletary to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 25, after the word "interest" place a period "." and delete the remainder of the line and delete lines 26 and 27 in their entirety;

On motion of Delegate Singletary the amendment was adopted.

Delegate Singletary moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 2 and 3, insert the following: "Subsequent to the effective date of this constitution, no petroleum or natural gas produced from lands or water bottoms owned by the state or its political subdivisions shall be marketed outside the state of Louisiana except that in excess of the needs of citizens of the state and manufacturing concerns in this state. This provision shall not impair the obligations of any contract in effect on the effective date of this constitution. The legislature shall implement this Section."

Delegate Avant moved the adoption of the amendment.

Delegate Lambert objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Avant	Burns

Casey	Landrum	Soniat
Chatelain	Landry, E. J.	Velazquez
Elkins	Miller	Vick
Flory	Rachal	Warren
Fontenot	Riecke	Willis
Goldman	Segura	Wisham
Haynes	Shannon	
Total—23.		

NAYS

Delegates—		
Abraham	Fowler	Nunez
Alario	Fulco	O'Neill
Anzalone	Gauthier	Perez
Arnette	Ginn	Planchar
Asseff	Graham	Reeves
Badeaux	Gravel	Roemer
Bergeron	Grier	Roy
Bollinger	Guarisco	Sandoz
Brien	Hardee	Schmitt
Burson	Hayes	Singletary
Cannon	Heine	Smith
Carmouche	Hernandez	Stagg
Champagne	Jack	Stephenson
Chehardy	Jackson, A.	Stinson
Comar	Jackson, J.	Sutherland
Conino	Jenkins	Tapper
Conroy	Jones	Thistlethwaite
Corne	Juneau	Thompson
Cowen	Kean	Toca
D'Gerolamo	Kilbourne	Toomy
De Blieux	Kilpatrick	Ullo
Dennery	Lambert	Wattigny
Dennis	LeBleu	Winchester
Deshotels	Martin	Womack
Drew	Mire	Zervigon
Dunlap	Morris	
Duval	Munson	
Total—79.		

NOT VOTING

Delegates—		
Mr. Chairman	Landry, A.	Perkins
Aertker	Lanier	Pugh
Bel	Leigh	Rayburn
Blair	Leithman	Slay
Brown	Lowe	Stovall
Derbes	McDaniel	Tate
Edwards	Mauberret	Tobias
Fayard	Maybuce	Vesich
Giarrusso	Newton	Wall
Kelly	Ourso	Weiss
Total—30.		

And the amendment was rejected.

Delegate Lambert moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 2 was read, as amended.

Delegate Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Casey	Flory
Abraham	Chatelain	Fontenot
Alario	Chehardy	Fowler
Alexander	Comar	Fulco
Anzalone	Conino	Gauthier
Arnette	Corne	Ginn
Asseff	Cowen	Goldman
Avant	D'Gerolamo	Graham
Badeaux	De Blieux	Gravel
Bergeron	Dennery	Grier
Brien	Dennis	Guarisco
Burns	Drew	Hardee
Burson	Dunlap	Haynes
Cannon	Duval	Heine
Carmouche	Elkins	Hernandez

Jack	Nunez	Stinson
Jackson, A.	Perez	Sutherland
Jackson, J.	Planchard	Tapper
Jones	Rachal	Thistlethwaite
Juneau	Reeves	Thompson
Kean	Riecke	Toca
Kilbourne	Roemer	Toomy
Kilpatrick	Roy	Ullo
Lambert	Sandoz	Velazquez
Landrum	Schmitt	Vick
LeBleu	Segura	Warren
Landry, E. J.	Shannon	Wattigny
Martin	Singletary	Willis
Mire	Smith	Winchester
Morris	Stagg	Wisham
Munson	Stephenson	Womack
Total—93.		

NAYS

Delegates—		
Bollinger	Conroy	Jenkins
Champagne	Hayes	Zervigon
Total—6.		

NOT VOTING

Delegates—		
Aertker	Lanier	Perkins
Bel	Leigh	Pugh
Blair	Leithman	Rayburn
Brown	Lowe	Slay
Derbes	McDaniel	Soniat
Deshotels	Mauberet	Stovall
Edwards	Maybuce	Tate
Fayard	Miller	Tobias
Giarrusso	Newton	Vesich
Kelly	O'Neill	Wall
Landry, A.	Ourso	Weiss
Total—33.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 3. Geopressure-Geothermal Resources

Section 3. The state shall conserve, manage, and regulate the development and utilization of geopressure-geothermal resources for the benefit of all people, including future generations.

Read.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 3 through 7, both inclusive, in their entirety

Delegate Jenkins moved the adoption of the amendment.

Delegate Miller objected.

By a vote of 69 yeas and 33 nays the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 4. Alienation of Water Bottoms

Section 4. The legislature shall neither alienate nor authorize the alienation of the beds of navigable water bodies, except for purposes of reclamation by the riparian owner to

recover land lost through erosion if the reclamation is effected within ten years from the date the erosion occurs. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided herein, no bed of any navigable water body may be reclaimed except for public use.

Read.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 12, immediately after the word "erosion" insert a period "." and delete the remainder of the line and delete line 13 in its entirety

Delegate Bollinger moved the adoption of the amendment.

Delegate Duval objected.

By a vote of 90 yeas and 3 nays the amendment was adopted.

Delegate Bollinger moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 17, delete the period "." after the word "use" and insert the following language: "and then only when authorized by law enacted upon the favorable vote of two-thirds of the elected members of each house of the legislature."

Delegate Avant moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hardee	Segura
Alexander	Hayes	Singletary
Arnette	Haynes	Soniat
Avant	Jackson, A.	Stagg
Burns	Jackson, J.	Stephenson
Burson	Kilbourne	Sutherland
Champagne	Landrum	Thompson
Conroy	Landry, E. J.	Ullo
Cowen	LeBleu	Velazquez
Dunlap	Miller	Vick
Flory	O'Neill	Warren
Fulco	Rachal	Wattigny
Goldman	Roemer	Willis
Graham	Roy	Wisham
Total—42.		

NAYS

Delegates—		
Alario	Carmouche	De Blieux
Anzalone	Casey	Dennery
Asseff	Chatelain	Dennis
Badeaux	Comar	Drew
Bergeron	Conino	Duval
Bollinger	Corne	Elkins
Brien	D'Gerolamo	Fayard

Fontenot	Juneau	Sandoz
Fowler	Kilpatrick	Schmitt
Gauthier	Lambert	Shannon
Ginn	McDaniel	Smith
Grier	Mire	Stinson
Guarisco	Morris	Thistlethwaite
Heine	Nunez	Toca
Hernandez	Perez	Toomy
Jack	Rayburn	Winchester
Jenkins	Reeves	Zervigon
Jones	Riecke	
Total—53.		

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Planchard
Aertker	Landry, A.	Pugh
Bel	Lanier	Slay
Blair	Leigh	Stovall
Brown	Leithman	Tapper
Cannon	Lowe	Tate
Chehardy	Martin	Tobias
Derbes	Mauberret	Vesich
Deshotels	Maybeuce	Wall
Edwards	Munson	Weiss
Giarrusso	Newton	Womack
Gravel	Ourso	
Kean	Perkins	
Total—37.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gauthier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gauthier and Conroy to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 17, after the word "except" delete the remainder of the line and insert in lieu thereof the following: "as provided by law."

Delegate Gauthier moved the adoption of the amendment.

Delegate Velazquez objected.

By a vote of 37 yeas and 60 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 4 was read, as amended.

Delegate Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bollinger	Conroy
Abraham	Brien	Corne
Alario	Burns	De Blieux
Alexander	Burson	Denney
Anzalone	Cannon	Dennis
Arnette	Carmouche	Deshotels
Asseff	Casey	Drew
Avant	Champagne	Dunlap
Badeaux	Chatelain	Duval
Bergeron	Comar	Elkins

Fayard	Kilpatrick	Segura
Flory	Lambert	Shannon
Fontenot	Landrum	Singletary
Fowler	Landry, E. J.	Smith
Fulco	LeBleu	Soniat
Ginn	McDaniel	Stagg
Goldman	Maybeuce	Stephenson
Graham	Miller	Stinson
Gravel	Mire	Sutherland
Grier	Morris	Tapper
Guarisco	Newton	Thistlethwaite
Hardee	Nunez	Thompson
Hayes	O'Neill	Toomy
Haynes	Perez	Ullo
Heine	Perkins	Velazquez
Hernandez	Planchard	Vick
Jack	Rachal	Warren
Jackson, A.	Rayburn	Wattigny
Jackson, J.	Reeves	Willis
Jenkins	Roemer	Winchester
Jones	Roy	Wisham
Juneau	Sandoz	Zervigon
Kilbourne	Schmitt	
Total—98.		

NAYS

Delegates—		
Conino	Gauthier	Toca
D'Gerolamo	Riecke	
Total—5.		

NOT VOTING

Delegates—		
Aertker	Kelly	Pugh
Bel	Landry, A.	Slay
Blair	Lanier	Stovall
Brown	Leigh	Tate
Chehardy	Leithman	Tobias
Cowen	Lowe	Vesich
Derbes	Martin	Wall
Edwards	Mauberret	Weiss
Giarrusso	Munson	Womack
Kean	Ourso	
Total—29.		

And the Chair declared that the above Section was finally passed.

Delegate Lambert moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 5. Reservation of Mineral Rights

Section 5. The mineral rights on all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes.

Read.

Delegate Shannon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Shannon to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 18, add the following: "; Prescription"

AMENDMENT No. 2—

On page 2, line 19, immediately after "Section 5." and before the word "The" insert the following: "(A) Reservation of Mineral Rights."

AMENDMENT No. 3—

On page 2, between lines 22 and 23, add the following: "(B) Prescription. Lands and interests of neither the state nor levee districts shall be lost by prescription."

Delegate Shannon moved the adoption of the amendments.

Delegate Lambert objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fowler	Nunez
Alexander	Fulco	Perez
Anzalone	Gauthier	Perkins
Arnette	Graham	Riecke
Asseff	Gravel	Roy
Avant	Guarisco	Schmitt
Badeaux	Hardee	Segura
Bergeron	Hayes	Shannon
Blair	Haynes	Smith
Bollinger	Heine	Sonlat
Brien	Jackson, A.	Stagg
Burson	Juneau	Stephenson
Cannon	Kean	Tapper
Conino	Kilpatrick	Toca
D'Gerolamo	Landrum	Toomy
De Blieux	Landry, E. J.	Ullio
Deshotels	LeBleu	Warren
Drew	McDaniel	Wattigny
Dunlap	Maybuce	Willis
Duval	Miller	Wisham
Flory		
Total—61.		

NAYS

Delegates—		
Abraham	Goldman	Roemer
Burns	Grier	Sandoz
Carmouche	Jack	Singletary
Casey	Jackson, J.	Stovall
Champagne	Jenkins	Sutherland
Chatelain	Jones	Thistlethwaite
Conroy	Lambert	Thompson
Dennery	Mire	Velazquez
Elkins	Morris	Winchester
Fayard	Planchard	Zervigon
Ginn		
Total—31.		

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Pugh
Aertker	Kilbourne	Rachal
Bel	Landry, A.	Rayburn
Brown	Lanier	Reeves
Chehardy	Leigh	Slay
Comar	Leithman	Stinson
Corne	Lowe	Tate
Cowen	Martin	Tobias
Dennis	Mauberrret	Vesich
Derbes	Munson	Vick
Edwards	Newton	Wall
Fontenot	O'Neill	Weiss
Giarrusso	Ourso	Womack
Hernandez		
Total—40.		

And the amendments were adopted.

Delegate Shannon moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Guarisco sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 22 and 23, and following the language added by Convention Floor Amendment No. 3 proposed by Mr. Shannon and adopted by the Convention on December 18, 1973, add the following:

"A mineral servitude or royalty interest in land reserved

by a vendor shall not expire through the prescription of non-use."

Motion

Delegate Planchard moved that debate on the amendment be limited to fifteen minutes.

Delegate Perez objected.

By a vote of 59 yeas and 24 nays debate on the amendment was limited to fifteen minutes.

Motion

Delegate Duval moved the previous question on the amendment.

Delegate Guarisco objected.

By a vote of 59 yeas and 27 nays the previous question was ordered.

Delegate Guarisco moved the adoption of the amendment.

Delegate Smith objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Conino	Graham	Roy
Dunlap	Guarisco	Segura
Fulco	Jenkins	Winchester
Total—9.		

NAYS

Delegates—		
Mr. Chairman	Elkins	Nunez
Abraham	Fayard	Perez
Alario	Flory	Perkins
Alexander	Fowler	Planchard
Anzalone	Gauthier	Reeves
Arnette	Ginn	Riecke
Asseff	Goldman	Roemer
Avant	Gravel	Sandoz
Badeaux	Grier	Schmitt
Bergeron	Hardee	Shannon
Blair	Hayes	Singletary
Bollinger	Haynes	Smith
Brien	Hernandez	Stagg
Burns	Jack	Stephenson
Burson	Jackson, A.	Stinson
Cannon	Jackson, J.	Stovall
Carmouche	Jones	Sutherland
Casey	Juneau	Tapper
Champagne	Kilbourne	Thistlethwaite
Chatelain	Kilpatrick	Thompson
Conroy	Lambert	Toca
Corne	Landrum	Toomy
D'Gerolamo	Landry, E. J.	Ullio
De Blieux	LeBleu	Velazquez
Dennery	McDaniel	Warren
Dennis	Martin	Wattigny
Deshotels	Maybuce	Willis
Drew	Miller	Wisham
Duval	Mire	Zervigon
Total—87.		

NOT VOTING

Delegates—		
Aertker	Kelly	Pugh
Bel	Landry, A.	Rachal
Brown	Lanier	Rayburn
Chehardy	Leigh	Slay
Comar	Leithman	Sonlat
Cowen	Lowe	Tate
Derbes	Mauberrret	Tobias
Edwards	Morris	Vesich
Fontenot	Munson	Vick
Giarrusso	Newton	Wall
Heine	O'Neill	Weiss
Kean	Ourso	Womack
Total—36.		

And the amendment was rejected.

Delegate Smith moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Burson and Jenkins to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 22 and 23, delete Floor Amendment No. 3 proposed by Delegate Shannon and adopted by the convention on December 18, 1973 in its entirety and insert in lieu thereof the following:

“(B) Prescription. Lands and mineral interests of the state, any school board, and any levee district shall not be lost by prescription.”

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 5 was read, as amended.

Delegate Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Perez
Abraham	Flory	Perkins
Alario	Fowler	Planchard
Alexander	Fulco	Reeves
Anzalone	Gauthier	Riecke
Arnette	Ginn	Roemer
Asseff	Goldman	Roy
Avant	Graham	Sandoz
Badeaux	Gravel	Schmitt
Bergeron	Grier	Shannon
Blair	Guarisco	Singletary
Bollinger	Hardee	Smith
Brien	Hayes	Soniat
Burns	Hernandez	Stagg
Burson	Jackson, A.	Stephenson
Cannon	Jackson, J.	Stinson
Carmouche	Jones	Stovall
Casey	Juneau	Sutherland
Champagne	Kilbourne	Tapper
Chatelain	Kilpatrick	Thompson
Conino	Lambert	Toca
Conroy	Landrum	Toomy
Corne	Landry, E. J.	Ullo
D'Gerolamo	LeBleu	Velazquez
De Bileux	McDaniel	Warren
Dennery	Martin	Wattigny
Deshotels	Maybuce	Willis
Drew	Miller	Winchester
Dunlap	Mire	Wisham
Duval	Nunez	Zervigon
Elkins		

Total—91.

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Cowen	Giarrusso
Bel	Dennis	Haynes
Brown	Derbes	Heine
Chehardy	Edwards	Jack
Comar	Fontenot	Jenkins

Kean	Munson	Tate
Kelly	Newton	Thistlethwaite
Landry, A.	O'Neill	Tobias
Lanier	Ourso	Vesich
Leigh	Pugh	Vick
Leithman	Rachal	Wall
Lowe	Rayburn	Weiss
Mauberrret	Segura	Womack
Morris	Slay	

Total—41.

And the Chair declared that the above Section was finally passed.

Delegate Lambert moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Lambert action was deferred on Committee Proposal No. 34, Sections 6, 7 and 8, at this time.

Section 9. Minerals Beyond Three-Mile Limit

Section 9. All revenues and royalties from minerals located beyond the three-mile limit of the coastal waterways of the state shall be the property of the state. All funds derived therefrom shall be deposited in the state treasury and used in the purchase, retirement, and payment of the bonded indebtedness of the state.

Read.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Derbes and Casey to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 8 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 9. Tidelands Ownership

Section 9. Revenues and royalties obtained from minerals located beyond the three-mile limit of the coastal waterways of the state belong to the state.”

On motion of Delegate Casey the amendment was withdrawn.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 8 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 9. Tidelands Ownership

Section 9. Revenues and royalties obtained from minerals located beyond the seaward boundary of the state belong to the state.”

Delegate Casey moved the adoption of the amendment.

Delegate Kean objected.

By a vote of 88 yeas and 3 nays the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 9 was read, as amended.

Delegate Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

PAGE 11

103rd Days Proceedings—December 18, 1973

YEAS

Delegates— Mr. Chairman Abraham Alario Alexander Anzalone Arnette Avant Badeaux Bergeron Blair Brien Burns Burson Cannon Carmouche Casey Champagne Chatelain Conino Conroy Corne D'Gerolamo De Blieux Dennery Dennis Deshotels Drew Dunlap Elkins Fayard Flory Total—89.	Fowler Fulco Gauthier Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Heine Hernandez Jack Jackson, A. Jackson, J. Jones Juneau Kilbourne Kilpatrick Lambert Landrum Landry, E. J. LeBleu McDaniel Maybee Miller Morris Nunez Perez Perkins	Planchard Reeves Riecke Roemer Roy Sandoz Schmitt Shannon Singletary Smith Soniati Stagg Stephenson Stinson Stovall Sutherland Tapper Thistlethwaite Thompson Toca Toomy Ullo Velazquez Vick Warren Wattigny Willis Winchester Wisham Zervigon
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NAYS

Delegates— Asseff Total—3.	Jenkins	Kean
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NOT VOTING

Delegates— Aertker Bel Bollinger Brown Chehardy Comar Cowen Derbes Duval Edwards Fontenot Giarrusso Haynes Total—40.	Kelly Landry, A. Lanier Leigh Leithman Lowe Martin Maubert Mire Munson Newton O'Neill	Ourso Pugh Rachal Rayburn Segura Slay Tate Tobias Vesich Wall Weiss Womack
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And the Chair declared that the above Section was finally passed.

Delegate Lambert moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 10. Offshore Mineral Revenues; Use of Funds

Section 10. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury. Those funds and the interest from their investment, except the portion otherwise dedicated in this constitution to the Royalty Road Fund or to public education, shall be used by the treasurer in the purchase, retirement, and payment in advance of maturity of the bonded indebtedness of the state.

If any of these funds cannot be so expended within one year, the legislature may annually appropriate for capital improvements, or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.

Read.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Derbes and Casey to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 15 through 29, both inclusive, in their entirety.

On motion of Delegate Casey the amendment was withdrawn.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 17 and 18 in their entirety and at the beginning of line 19, delete the words "the parties"

On motion of Delegate Stagg the amendment was withdrawn.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 21, immediately after the word "constitution" insert a comma "," and delete the remainder of the line and at the beginning of line 22, delete the words and punctuation "Road Fund or to public education,"

On motion of Delegate Gravel the amendment was withdrawn.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, at the end of line 19, delete the word "Those" and delete lines 20 through 29, both inclusive, in their entirety.

Delegate De Blieux moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Avant Blair De Blieux Fayard Flory Fowler Total—17.	Graham Gravel Landrum Maybee Nunez Rayburn	Shannon Singletary Stephenson Vick Warren
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NAYS

Delegates— Abraham Alario	Alexander Anzalone	Arnette Asseff
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Badeaux	Ginn	Reeves
Bergeron	Goldman	Riecke
Brien	Grier	Roemer
Burns	Guarisco	Sandoz
Burson	Hernandez	Schmitt
Cannon	Jack	Smith
Casey	Jackson, A.	Soniat
Champagne	Jackson, J.	Stagg
Chatelain	Jenkins	Stinson
Conino	Jones	Sutherland
Conroy	Juneau	Tapper
Corne	Kilbourne	Thistlethwaite
Cowen	Kilpatrick	Thompson
D'Gerolamo	Lambert	Toca
Dennery	Landry, E. J.	Toomy
Dennis	LeBleu	Ullio
Deshotels	Miller	Velazquez
Drew	Morris	Wattigny
Dunlap	O'Neill	Willis
Elkins	Perez	Winchester
Fulco	Perkins	Wisham
Gauthier	Planchard	Zervigon
Total—72.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Newton
Aertker	Heine	Ourso
Bel	Kean	Pugh
Bollinger	Kelly	Rachal
Brown	Landry, A.	Roy
Carmouche	Lanier	Segura
Chehardy	Leigh	Slay
Comar	Leithman	Stovall
Derbes	Lowe	Tate
Duval	McDaniel	Tobias
Edwards	Martin	Vesich
Fontenot	Mauberrret	Wall
Giarrusso	Mire	Weiss
Hardee	Munson	Womack
Hayes		
Total—43.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Lambert moved to defer further action on Committee Proposal 34, Section 10, at this time.

Delegate Abraham objected.

By a vote of 67 yeas and 18 nays action was deferred on Committee Proposal 34, Section 10, at this time.

Motion

On motion of Delegate Miller, the Convention altered the Order of Business to take up Other Orders of Business at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate A. Jackson, Jr., chairman, on behalf of the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

December 18, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

COMMITTEE PROPOSAL No. 24—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall, and Weiss:

A PROPOSAL

Relative to constitutional revision.

Reported by Substitute.

Respectfully submitted,
ALPHONSE JACKSON, JR.
Chairman.

Suspension of the rules.

On motion of Delegate A. Jackson, the rules were suspended in order to take up the proposal contained in the Committee Reports at this time.

Reports of Committees Lying Over
Delegate and Committee Proposals on
Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals reported by Committees were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Relative to constitutional revision.

On motion of Delegate A. Jackson the substitute was adopted and become Committee Proposal No. 36 by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson, and under a suspension of the rules, the Proposal was ordered engrossed and passed to its third reading.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

December 18, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. REVENUE AND FINANCE

Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided in this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be imposed for public purposes only.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax or any increase in an existing tax or any repeal of an existing exemption from a tax shall require the favorable vote of two-thirds of the members elected to each house of the legislature.

Section 3. Collection of Taxes; Process to Restrain; Re-funds

Section 3. The legislature shall provide against the issuance of process to restrain the collection of any tax and for a complete and adequate remedy for the prompt recovery by every taxpayer of any illegal tax paid by him.

Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State

Section 4. (A) Equal and uniform taxes may be levied upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual and joint income tax schedule of rates shall never exceed the rates presently set forth in Title 47, Section 32 of the Louisiana Revised Statutes. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes paid during the same period.

(B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such 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 additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 Parish where located, at no more than twice the total assessed value of the physical property subject to taxation excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

(C) Political subdivisions of the state shall not levy severance taxes, income taxes or taxes on motor fuel.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year, and the amount of severance tax on all other natural resources except timber severed from the soil or water so remitted shall not exceed five hundred thousand dollars to any parish for any year.

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 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 invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or at a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt. Legislative approval may be obtained only during open session except as otherwise provided in this constitution.

(B) If the purpose is to make capital improvements, the nature, location, and if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(C) 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.

(D) The legislature, by two-thirds affirmative vote of the members elected to each house thereof, may propose a statewide public referendum for the incurrence of debt for

any purpose for which the legislature is not herein authorized to incur debt.

(E) Nothing contained in this Section shall apply to any levee district, any political subdivision or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of such levee district or political subdivision.

Section 8. State Debt; Interim Emergency Board

Section 8. (A) The Interim Emergency Board hereby is created and shall be composed of the governor, the lieutenant governor, the state treasurer, the presiding officers of both houses of the legislature, the chairman of the Senate Finance Committee, and the chairman of the House Appropriations Committee, or their designees.

(B) During the interim between sessions of the legislature, whenever it is determined by majority vote of the Interim Emergency Board that an emergency exists, and then only for a purpose for which the legislature may appropriate funds, after having obtained, as provided by law, the written consent of two-thirds of all members elected to each house of the legislature, the Interim Emergency Board may appropriate from the State General Fund, or borrow upon the full faith and credit of the state an amount to care for an emergency, which is an event or occurrence not reasonably anticipated by the legislature.

(C) The aggregate of indebtedness outstanding at any one time and the amount appropriated from the State General Fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Each fiscal year, as a first priority, there hereby is allocated from the State General Fund an amount sufficient to pay any indebtedness incurred during the preceding fiscal year under the authority of this Section.

Section 10. State Debt; Political Subdivisions of the State; Issuance and Sale of Obligations; State Bond Commission; Approval Required

Section 10. (A) The State Bond Commission hereby is created and its membership and authority shall be determined by the legislature.

(B) No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the State Bond Commission is obtained.

(C) Limited Time for Contesting State Bonds. Bonds, notes, certificates, or other evidence of indebtedness of the state (hereafter referred to collectively as "bonds") shall not be invalid for any irregularity or defect in the proceedings or the issuance and sale thereof, and shall be incontestible in the hands of a bona fide purchaser or holder thereof. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state as provided by law a notice of intention to issue the bonds and a description thereof and the security therefor and for a period of thirty days only after such publication any person in interest shall have the right to contest the legality of said resolution and any provision therein of the bonds to be issued pursuant thereto and the provisions securing the bonds and the validity of all other provisions and proceedings in connection with the authorization and issuance of the bonds. If such action or proceedings shall not have been instituted within the said 30 day period, no one shall have any right of action to contest the validity of the bonds or the provisions of the resolution pursuant to which the bonds were issued or the security of the bonds or the validity of any other provisions or proceedings in connection with the authorization and issuance of the bonds and all the bonds conclusively shall be presumed to be legal, and no court thereafter shall have authority to inquire into such matters.

Section 11. Collection of State Funds; Bond Security and Redemption Fund

Section 11. All money received by the state or by any state board, agency, or commission, immediately upon receipt, shall be deposited in the state treasury, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise, and except money received by trade or professional associations, the employment security administration fund or its successor, retirement system funds and except money received by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

Subject to contractual obligations existing at the time this constitution is adopted, all state money deposited in the state treasury, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise, shall be credited to a special fund designated as the Bond Security and Redemption Fund. In each fiscal year there hereby is allocated from the Bond Security and Redemption Fund an amount sufficient to pay all obligations, including but not necessarily limited to principal, interest, premiums, sinking or reserve fund requirements, which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year. Thereafter, except as otherwise provided by law, all money remaining in the Bond Security and Redemption Fund shall be credited to the State General Fund. Nothing contained in this Section shall apply to any levee district or to any political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of such levee district or political subdivision.

Section 12. Expenditure of State Funds

Section 12. (A) Except as otherwise provided in this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law.

(B) Total appropriations made by the legislature for any fiscal year shall not be greater than the anticipated revenues of the state.

(C) The legislature shall provide for the publication of a regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(D) No appropriation shall be made except for public purposes.

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.

(B) The governor shall submit to each regular session of the legislature a proposed five-year capital outlay program with a request for implementation of the first year of the five-year program. All capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget which shall be adopted by the legislature.

Section 14. Management of State Funds; Public Record

Section 14. All reports and records of the collection, expenditure, investment, and use of state moneys and all reports and records relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining thereto.

Section 15. Management of State Funds; Investment

Section 15. All money available for investment in the custody of the state treasurer shall be invested as provided by law.

Section 16. Management of State Funds; Donation, Loan, or Pledge of Public Credit

Section 16. (A) Except as otherwise provided in this constitution, the funds, credit, property or things of value of the state, or of any political subdivision thereof, shall not be loaned, pledged, or donated to or for any person or persons, associations or corporations, public or private, nor shall the state nor any political subdivision purchase or subscribe to the capital stock or stock of any corporation or association whatever or for any private enterprise.

(B) Nothing contained in this Section shall prevent: (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; (3) the legislature from authorizing the pledge of such funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations.

(C) Funds, credit, property or things of value of the state or of any political subdivision thereof heretofore loaned, pledged, dedicated or granted by the prior laws of

this state, or authorized to be loaned, pledged, dedicated or granted by the prior laws and constitution of this state, shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless such authorization is revoked by the legislature by a two-thirds vote of the elected membership of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section.

(D) The state and its political corporations may, for a public purpose, engage in cooperative endeavors with each other or with the United States or its agencies, or with any public or private association or corporation or individual.

Section 17. Release of Obligation to State, Parish or Municipal Corporation; Taxes on Confiscated Property

Section 17. (A) The legislature shall have no power to release or extinguish or to authorize the releasing or extinguishment, in whole or in part, of the indebtedness, liability, or obligation of any corporation or individual to the state, or to any parish or municipal corporation thereof, provided, that the legislature may establish a system whereby claims by the state or political subdivisions may be compromised, and provided, that the heirs to confiscated property may be released from all taxes due thereon at the date of its reversion to them; and provided that, whenever any immovable property has been forfeited or adjudicated to the state for the nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of the same or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that such forfeiture or adjudication was irregular and null or that the property has been re-deemed, and the state and its assigns shall be estopped forever from setting up any title to such property by virtue of such forfeiture or adjudication.

(B) All taxes and licenses, other than real property taxes, shall prescribe in three years from the thirty-first day of December in the year in which such taxes or licenses are due, but prescription may be interrupted or suspended as provided by law. No state, district, parish, or other tax, license, fee or assessment of any kind or nature, with all interest charges and penalties appertaining thereto, imposed, due or collectible, upon any property, minerals or the severance thereof, or due or payable by any person, firm or corporation upon any business operation or activity within the Tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as re-defined in Act 33 of the 1954 Legislature of Louisiana, shall prescribe until three years after the 31st day of December in the year in which the controversy existing between the United States and the State of Louisiana over its said state gulfward boundary shall have been finally resolved and settled in accordance with law; provided, however, no interest charges nor penalties shall be assessed or collected on any such tax, license, fee or assessment if such tax, license, fee or assessment is paid within one year after the 31st day of December in the year in which such controversy is finally resolved and settled.

Section 18. Legislation to Enable Compliance with Federal Laws and Regulations to Secure Federal Aid in Capital Improvement Projects

Section 18. The legislature may enact legislation to enable the state, its agencies, boards, and commissions, and political subdivisions of the state and their agencies to comply with federal laws and regulations in order to secure federal participation in the cost of capital improvement projects.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Leaves of Absence

Delegate Lowe—½ day.
Delegate Tate—1 day.
Delegate Lanier—½ day.
Delegate Weiss—2 days.
Delegate Leithman—1 day.
Delegate Zervigon—1 day.
Delegate A. Landry—½ day.
Delegate Chatelain—½ day.
Delegate Tate—1 day.

PAGE 15

103rd Days Proceedings—December 18, 1973

Adjournment

Delegate Staggs moved that the Convention do now adjourn until Wednesday, December 19, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, December 19, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

ONE HUNDRED FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, December 19, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Munson
Abraham	Fowler	Nunez
Aertker	Fulco	O'Neill
Alario	Gauthier	Ourso
Alexander	Giarrusso	Perez
Anzalone	Ginn	Perkins
Arnette	Goldman	Planchard
Asseff	Graham	Rachal
Avant	Gravel	Rayburn
Badeaux	Grier	Reeves
Bel	Guarisco	Riecke
Bergeron	Hardee	Roemer
Bollinger	Hayes	Roy
Brien	Haynes	Sandoz
Brown	Heine	Schmitt
Burns	Hernandez	Shannon
Burson	Jack	Singletary
Cannon	Jack Jackson, A.	Smith
Carmouche	Jackson, J.	Soniata
Casey	Jenkins	Stagg
Champagne	Jones	Stephenson
Chatelain	Juneau	Stinson
Chehardy	Kean	Stovall
Comar	Kelly	Sutherland
Conino	Kilbourne	Tapper
Conroy	Kilpatrick	Tate
Corne	Lambert	Thistlethwaite
Cowen	Landrum	Thompson
D'Gerolamo	Landry, A.	Tobias
De Blieux	Landry, E. J.	Toca
Dennery	Lanier	Toomy
Dennis	LeBleu	Ullo
Derbes	Leigh	Velazquez
Deshotels	Leithman	Vick
Drew	Lowe	Warren
Dunlap	McDaniel	Wattigny
Duval	Martin	Willis
Edwards	Maybuce	Winchester
Elkins	Miller	Wisham
Fayard	Mire	Womack
Flory	Morris	Zervigon
Total—123.		

ABSENT

Delegates—		
Blair	Pugh	Veslich
Mauberret	Segura	Wall
Newton	Slay	Weiss
Total—9.		

The Chairman announced that there were 123 members present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Toomy led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Bel, the reading of the Journal was dispensed with.

On motion of Delegate Bel, the Journal of yesterday was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 34 when it adjourned on Tuesday, December 18, 1973, which was taken up and acted upon as follows:

Motion

On motion of Delegate Lambert Committee Proposal No. 34, Section 10, upon which action was previously deferred, was taken up out of its regular order, and acted upon as follows:

Section 10. Offshore Mineral Revenues; Use of Funds

Section 10. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury. Those funds and the interest from their investment, except the portion otherwise dedicated in this constitution to the Royalty Road Fund or to public education, shall be used by the treasurer in the purchase, retirement, and payment in advance of maturity of the bonded indebtedness of the state.

If any of these funds cannot be so expended within one year, the legislature may annually appropriate for capital improvements, or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 21, immediately after the word "otherwise" delete the remainder of the line and at the beginning of the line 22, delete "Road Fund or to public education," and insert in lieu thereof the following:
"allocated or dedicated in this constitution,"

Delegate Champagne moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 64 yeas and 29 nays the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 19, after the words "the parties" and before the word "shall" insert the words "when received"

On motion of Delegate Champagne the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 24, after the words "maturity of" delete the remainder of the line and insert in lieu thereof the following: "then existing bonded indebtedness of the state or invested for such purpose."

Delegate Champagne moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 91 yeas and 1 nay the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 10 was read, as amended.

Delegate Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bollinger	Cowen
Abraham	Brien	D'Gerolamo
Aertker	Burns	De Blieux
Alario	Cannon	Dennery
Alexander	Carmouche	Dennis
Anzalone	Casey	Derbes
Arnette	Champagne	Deshotels
Asseff	Chehardy	Drew
Avant	Comar	Dunlap
Badeaux	Conino	Duval
Bel	Conroy	Elkins
Bergeron	Corne	Flory

Fontenot
Fowler
Fulco
Goldman
Graham
Grier
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jones
Juneau
Kean
Kelly
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Total—102.

Landry, E. J.
Lanier
Leigh
McDaniel
Martin
Maybee
Miller
Mire
Morris
Munson
Newton
Nunez
O'Neill
Perkins
Rayburn
Riecke
Roemer
Roy
Sandoz
Shannon
Singletary
Smith

Soniat
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tate
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vick
Warren
Wattigny
Willis
Winchester
Wisham
Womack
Zervigon

Total—0.

NAYS

NOT VOTING

Delegates—
Blair
Brown
Burson
Chatelain
Edwards
Fayard
Gauthier
Giarrusso
Ginn
Gravel
Total—30.

Guarisco
Jackson, J.
Jenkins
LeBleu
Leithman
Lowe
Mauberret
Ourso
Perez
Planchard

Pugh
Rachal
Reeves
Schmitt
Segura
Slay
Tapper
Vesich
Wall
Weiss

And the Chair declared that the above Section was finally passed.

Section 11. Commissioner of Agriculture

Section 11. The Department of Agriculture shall be headed by a commissioner of agriculture who, notwithstanding Article IV, Section 23, shall be elected every four years for a term of four years by the electors of the state as prescribed by law. The commissioner shall have the powers and perform the duties authorized by this constitution or provided by law. Qualifications of candidates for commissioner of agriculture, in addition to these in Article IV, Section 2(A), shall be provided by law.

Read.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 30, 31, and 32 in their entirety and on page 4, delete lines 1 through 7, both inclusive, in their entirety

Delegate De Blieux moved the adoption of the amendment.

Delegate Corne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Avant	Bollinger
Abraham	Badeaux	Brien
Alexander	Bel	Carmouche
Arnette	Bergeron	Casey

Champagne	Graham	Roy
Chatelain	Gravel	Sandoz
Chehardy	Hardee	Shannon
Comar	Haynes	Soniat
Conino	Jackson, A.	Stagg
Conroy	Jones	Stovall
Cowen	Juneau	Sutherland
D'Gerolamo	Kean	Tate
De Blieux	Landrum	Thistlthwaite
Dennery	Landry, A.	Tobias
Deshotels	Landry, E. J.	Toca
Dunlap	Lanier	Vick
Duval	Derbes	Wattigny
Elkins	McDaniel	Willis
Flory	Maybuce	Wisham
Fontenot	Nunez	Zervigon
Goldman	O'Neill	
Fulco	Riecke	

Total—64.

NAYS

Delegates—	Jack	Rayburn
Aertker	Jenkins	Roemer
Alario	Kelly	Singletary
Anzalone	Kilbourne	Smith
Asseff	Kilpatrick	Stephenson
Burns	Lambert	Stinson
Cannon	Leigh	Thompson
Corne	Martin	Toomy
Drew	Miller	Ullo
Fowler	Mire	Velazquez
Grier	Morris	Warren
Hayes	Munson	Winchester
Heine	Perkins	Womack

NOT VOTING

Delegates—	Jackson, J.	Rachal
Blair	LeBleu	Reeves
Brown	Leithman	Schmitt
Burson	Lowe	Segura
Dennis	Mauberet	Slay
Edwards	Newton	Tapper
Fayard	Ourso	Vesich
Gauthier	Perez	Wall
Giarrusso	Planchard	Weiss
Ginn	Pugh	

Total—29.

And the amendment was adopted.

Delegate De Blieux moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 12. Wildlife and Fisheries Commission

Section 12. The wildlife of the state, including all aquatic life, is hereby placed under the control and supervision of the Louisiana Wildlife and Fisheries Commission, which shall consist of seven members appointed by the governor, six of whom shall serve for a term of six years and one of whom shall serve for a term concurrent with that of the governor. Three shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and three shall be electors from the state at large.

No member who has served for six years or more shall be eligible for reappointment.

The functions, duties, and responsibilities of the commission, and the compensation of its members shall be provided by law.

Read.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Stagg and Abraham to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 8 through 22, both inclusive, in their entirety

Delegate Shannon moved to limit debate on the amendment to fifteen minutes.

Delegate Singletary objected.

By a vote of 64 yeas and 31 nays debate on the amendment was limited to fifteen minutes.

Delegate Stagg moved the adoption of the amendment.

Delegate Hernandez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Dennery	Sutherland
Abraham	Jenkins	Thistlethwaite
Arnette	Landrum	Tobias
Casey	Schmitt	Vick
Champagne	Soniat	Zervigon
Conroy	Stagg	
De Blieux		
Total—17.		

NAYS

Delegates—	Fowler	Mire
Aertker	Fulco	Morris
Alario	Gauthier	Munson
Alexander	Ginn	Nunez
Anzalone	Graham	O'Neill
Asseff	Gravel	Perkins
Avant	Grier	Rayburn
Badeaux	Hardee	Reeves
Bel	Hayes	Riecke
Bergeron	Haynes	Roemer
Bollinger	Heine	Roy
Brien	Hernandez	Sandoz
Brown	Jack	Singletary
Burns	Jackson, A.	Smith
Cannon	Jones	Stephenson
Carmouche	Juneau	Stinson
Chatelain	Kelly	Stovall
Chehardy	Kilbourne	Thompson
Comar	Kilpatrick	Toca
Conino	Lambert	Toomy
Corne	Landry, A.	Ullo
Cowen	Landry, E. J.	Velazquez
D'Gerolamo	Lanier	Warren
Derbes	Leigh	Wattigny
Drew	Lowe	Willis
Dunlap	McDaniel	Winchester
Edwards	Martin	Wisham
Elkins	Maybuce	Womack
Flory		
Fontenot		
Total—86.		

NOT VOTING

Delegates—	Kean	Rachal
Mr. Chairman	LeBleu	Segura
Blair	Leithman	Shannon
Burson	Mauberet	Slay
Dennis	Miller	Tapper
Deshotels	Newton	Tate
Duval	Ourso	Vesich
Fayard	Perez	Wall
Giarrusso	Planchard	Weiss
Guarisco	Pugh	
Jackson, J.		
Total—29.		

And the amendment was rejected.

Delegate Chehardy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 8 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 12. Wildlife and Fisheries Agency
Section 12. There shall be a Wildlife and Fisheries Agency. A director of said agency shall be appointed by the governor, with consent of the Senate, for a term concurrent with the appointing governor. The agency and the director shall have control and supervision of the wildlife of the state, including all aquatic life, and other powers and duties authorized by this constitution or provided by law.”

Motion

Delegate Shannon moved that debate on the amendment be limited to 15 minutes.

Delegate Hernandez objected.

By a vote of 56 yeas and 28 nays the debate on the amendment was limited to 15 minutes.

Delegate Drew moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 26 yeas and 84 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 10, after the word and punctuation “life,” and before the word “hereby” delete the word “is” and insert in lieu thereof the following:
“are recognized as renewable resources, belonging to the people. The right of the citizens of the State to harvest these resources is recognized, subject to private property rights and reasonable regulation, as provided by law, to insure their preservation for the future. They are”

On motion of Delegate Avant the amendment was withdrawn.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegate Duval to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 12, after the word and punctuation “governor,” and before the word “six” insert the following:
“subject to confirmation by the Senate,”

On motion of Delegate Duval the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly and Bergeron to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 16, at the end of the line, delete the word “three” and insert in lieu thereof the word “four”

On motion of Delegate Bergeron the amendment was adopted.

Delegate Bergeron moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burns sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burns to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 17, at the end of the line, immediately after the word “large” delete the period “.” and add the following:
“other than representatives of the commercial fishing and fur-industries.”

Delegate Burns moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—		YEAS
Abraham	Fayard	Perez
Aertker	Flory	Perkins
Alario	Fowler	Planchar
Alexander	Fulco	Rayburn
Anzalone	Gauthier	Riecke
Arnette	Ginn	Roemer
Asseff	Goldman	Roy
Avant	Graham	Sandoz
Badeaux	Grier	Schmitt
Bel	Guarisco	Shannon
Bergeron	Hardee	Smith
Brien	Hayes	Soniat
Brown	Haynes	Stagg
Burns	Hernandez	Stephenson
Burson	Jack	Stinson
Casey	Jackson, A.	Stovall
Champagne	Jenkins	Sutherland
Chatelain	Jones	Tapper
Chehardy	Juneau	Tate
Comar	Kelly	Thistlethwaite
Conino	Kilbourne	Thompson
Conroy	Kilpatrick	Tobias
Corne	Lambert	Toca
Cowen	Landry, A.	Ullio
D'Gerolamo	Landry, E. J.	Velazquez
De Blieux	Leigh	Vick
Dennery	Lowe	Warren
Dennis	McDaniel	Wattigny
Derbes	Martin	Willis
Deshotels	Maybece	Winchester
Drew	Miller	Womack
Duval	Mire	Zervigon
Edwards	Munson	
Elkins	Nunez	
Total—100.		
Delegates—		NAYS
Bollinger	Lanier	Toomy
Landrum	Singletary	
Total—5.		

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Pugh
Blair	Kean	Rachal
Cannon	LeBleu	Reeves
Carmouche	Leithman	Segura
Dunlap	Mauberret	Slay
Fontenot	Morris	Vesich
Giarrusso	Newton	Wall
Gravel	O'Neill	Weiss
Heine	Ourso	Wisham
Total—27.		

And the amendment was adopted.

Delegate Burns moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Brown and Kelly to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 15 through 19, both inclusive, in their entirety, including all floor amendments thereto.

On motion of Delegate Brown the amendment was withdrawn.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Brown and Kelly to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT NO. 1—

On page 4, delete lines 15 through 17, both inclusive, in their entirety including all Floor Amendments thereto.

Motion

Delegate Tobias moved to limit debate on the amendment to 5 minutes.

Delegate Kelly objected.

By a vote of 41 yeas and 37 nays debate on the amendment was limited to 5 minutes.

Delegate Brown moved the adoption of the amendment.

Delegate Bollinger objected.

By a vote of 33 yeas and 68 nays the amendment was rejected.

Delegate Nunez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 13, after the words "serve for" and before the words "of six" delete the words "a term" and insert in lieu thereof the words "overlapping terms"

On motion of Delegate Tobias the amendment was adopted.

Delegate Tobias moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Avant and Ginn to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, at the end of line 8, add the following: "Director"

AMENDMENT No. 2—

On page 4, line 9, immediately after "Section 12." and before the word "The" insert the following:

"(A) Wildlife and Fisheries Commission."

AMENDMENT No. 3—

On page 4, between lines 22 and 23, insert the following:

"(B) Director. The commission shall appoint a director. He must hold a degree in wildlife management or marine biology from an accredited university and have at least five years of wildlife management or marine biology experience as provided by law. However, these qualifications shall not apply to the director serving on the effective date of this constitution."

Motion

Delegate Juneau moved to limit debate on the amendment to five minutes.

Delegate Kelly objected.

By a vote of 48 yeas and 33 nays debate was limited to five minutes on the amendment.

The previous question was ordered on the amendment.

On motion of Delegate Ginn, and under a suspension of the rules, the amendment was withdrawn.

Delegate Ginn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Ginn to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 17 in its entirety and insert in lieu thereof the following:

"shall be selected from a list of names submitted by the Louisiana Wildlife Federation as provided by law."

On motion of Delegate Ginn the amendment was withdrawn.

Motion

Delegate Juneau moved to limit debate on all remaining amendments to Committee Proposal No. 34, Section 12 to thirty minutes.

Delegate Kelly objected.

By a vote of 33 yeas and 50 nays the Convention refused to limit debate on all remaining amendments to Section 12, to thirty minutes.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 17, in Floor Amendment No. 1 proposed by Delegate Burns and adopted by the convention on December

19, 1973, on line 2 of the language added by said amendment, after the word "industries" change the period "." to a comma "," and add the following: "as provided by law."

Delegate Rayburn moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	O'Neill
Alario	Fulco	Perez
Alexander	Giarrusso	Perkins
Asseff	Ginn	Rachal
Avant	Goldman	Rayburn
Badeaux	Graham	Reeves
Bel	Gravel	Riecke
Bergeron	Grier	Roemer
Brien	Hardee	Roy
Brown	Hayes	Schmitt
Burns	Heine	Shannon
Burson	Hernandez	Singletary
Casey	Jackson, A.	Smith
Champagne	Jackson, J.	Stagg
Chatelain	Jenkins	Stinson
Chehardy	Jones	Stovall
Comar	Juneau	Sutherland
Conino	Kelly	Tate
Conroy	Kilbourne	Thistlethwaite
Corne	Lambert	Thompson
Cowen	Landrum	Toca
De Blieux	Landry, E. J.	Toomy
Dennery	Leigh	Ullo
Derbes	Leithman	Velazquez
Deshotels	Lowe	Warren
Drew	McDaniel	Wattigny
Dunlap	Martin	Willis
Duval	Maybuce	Winchester
Edwards	Morris	Wisham
Elkins	Nunez	Womack
Flory		
Total—91.		

NAYS

Delegates—		
Abraham	Jack	Miller
Arnette	Landry, A.	Soniat
Bollinger	Lanier	Zervigon
Total—9.		

NOT VOTING

Delegates—		
Aertker	Haynes	Sandoz
Anzalone	Kean	Segura
Blair	Kilpatrick	Slay
Cannon	LeBleu	Stephenson
Carmouche	Mauberret	Tapper
D'Gerolamo	Mire	Tobias
Dennis	Munson	Vesich
Fayard	Newton	Vick
Fontenot	Ourso	Wall
Gauthier	Planchard	Weiss
Guarisco	Pugh	
Total—32.		

And the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 12 was read, as amended.

Delegate Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Nunez
Abraham	Fowler	O'Neill
Alario	Fulco	Perez
Alexander	Giarrusso	Perkins
Anzalone	Ginn	Rachal
Asseff	Goldman	Rayburn
Avant	Graham	Reeves
Badeaux	Gravel	Riecke
Bel	Grier	Roemer
Bergeron	Hardee	Roy
Bollinger	Hayes	Schmitt
Brien	Haynes	Shannon
Brown	Heine	Singletary
Burns	Hernandez	Smith
Burson	Jack	Stinson
Casey	Jackson, A.	Stovall
Champagne	Jackson, J.	Sutherland
Chatelain	Jones	Tate
Chehardy	Juneau	Thistlethwaite
Comar	Kelly	Thompson
Conino	Kilbourne	Toca
Conroy	Lambert	Toomy
Corne	Landry, A.	Ullo
Cowen	Landry, E. J.	Velazquez
Derbes	Lanier	Warren
Deshotels	Leithman	Wattigny
Drew	Lowe	Willis
Dunlap	McDaniel	Winchester
Duval	Martin	Wisham
Edwards	Maybuce	Womack
Elkins	Morris	
Total—92.		

NAYS

Delegates—		
Arnette	Landrum	Stagg
De Blieux	Leigh	Zervigon
Dennery	Miller	
Jenkins	Soniat	
Total—10.		

NOT VOTING

Delegates—		
Aertker	Kean	Sandoz
Blair	Kilpatrick	Segura
Cannon	LeBleu	Slay
Carmouche	Mauberret	Stephenson
D'Gerolamo	Mire	Tapper
Dennis	Munson	Tobias
Fayard	Newton	Vesich
Fontenot	Ourso	Vick
Gauthier	Planchard	Wall
Guarisco	Pugh	Weiss
Total—30.		

And the Chair declared that the above Section was finally passed.

Delegate Lambert moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 13. Forestry Commission; State Forester

Section 13. (A) Forestry Commission. The practice of forestry is hereby placed under the Louisiana Forestry Commission. The commission shall consist of seven members, five of whom shall be appointed by the governor for overlapping terms of five years each, and two of whom, namely the head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission, shall serve as ex officio members. Two of the members shall be owners or executive managers of interests owning and operating timber lands; one shall be the owner of farmlands interested in reforestation; one shall be a pulp and paper mill owner or executive manager; and the fifth shall be the owner or executive manager of interests manufacturing or treating poles, piling, posts, crossties, or veneer.

(B) State Forester. The commission shall appoint a state forester. He must be a graduate from an accredited school of

forestry and have at least four years of forestry experience, as provided by law.

Read.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 23 through 32, both inclusive, in their entirety, and on page 5, delete lines 1 through 10, both inclusive, in their entirety

Motion

On motion of Delegate Reeves, debate on the above amendment was limited to 15 minutes.

Delegate Abraham moved the adoption of the amendment.

Delegate Hernandez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Flory	Miller
Arnette	Giarrusso	Rachal
Avant	Goldman	Roemer
Brien	Guarisco	Schmitt
Burson	Hayes	Stagg
Conroy	Jackson, A.	Stovall
De Blieux	Jenkins	Thistlethwaite
Dennery	Jones	Vick
Dunlap	Landrum	Zervigon
Duval	Lanier	
Total —29.		

NAYS

Delegates—

Mr. Chairman	Ginn	Perez
Alario	Graham	Perkins
Alexander	Gravel	Rayburn
Anzalone	Grier	Reeves
Asseff	Hardee	Riecke
Badeaux	Heine	Roy
Bel	Hernandez	Shannon
Bergeron	Jack	Singletary
Bollinger	Jackson, J.	Smith
Brown	Juneau	Sonlat
Burns	Kean	Stinson
Casey	Kelly	Sutherland
Champagne	Kilbourne	Thompson
Chatelain	Lambert	Toca
Chehardy	Landry, A.	Toomy
Conino	Landry, E. J.	Ullio
Corne	Leigh	Velazquez
Derbes	Leithman	Warren
Deshotels	Lowe	Wattigny
Drew	McDaniel	Willis
Edwards	Martin	Winchester
Elkins	Maybuce	Wisham
Fowler	Morris	Womack
Fulco	Newton	
Gauthier	Nunez	
Total—73.		

NOT VOTING

Delegates—

Aertker	Cannon	Comar
Blair	Carmouche	Cowen

D'Gerolamo	Mire	Slay
Dennis	Munson	Stephenson
Fayard	O'Neill	Tapper
Fontenot	Ourso	Tate
Haynes	Planchard	Tobias
Kilpatrick	Pugh	Vesich
LeBleu	Sandoz	Wall
Mauberet	Segura	Weiss
Total—30.		

And the amendment was rejected.

Delegate Hernandez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Sandoz sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Sandoz to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 28, immediately after the word and punctuation "each," and before the word "and" insert the words and punctuation "as provided by law,"

AMENDMENT No. 2—

On page 4, line 32, immediately after the word and punctuation "members." delete the remainder of the line and on page 5, delete lines 1 through 6, both inclusive, in their entirety

On motion of Delegate Champagne the amendments were adopted.

Delegate Champagne moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 27, immediately after the word "governor" and before the word "for" insert the words "subject to confirmation by the Senate"

On motion of Delegate Duval the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hernandez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Hernandez, Burns, Kilbourne, Planchard and Grier to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 23, immediately after "13." and before the word "Forestry" insert the following:
"Forestry; Acreage Taxes;"

AMENDMENT No. 2—

On page 4, between lines 23 and 24 insert the following:
"Section 13. (A) Forestry shall be practiced in the state, and the legislature is authorized to make provisions therefor. The legislature may authorize the governing authorities of the parishes to levy acreage taxes, not to exceed two cents per acre, for the purpose of this Section. The provisions of this constitution relative to the exemption of homesteads from taxation, are hereby extended and made applicable to the tax hereby authorized.

PAGE 8

104th Days Proceedings—December 19, 1973

AMENDMENT No. 3—

On page 4, line 24, at the beginning of the line, delete "Section 13. (A)" and insert in lieu thereof "(B)"

AMENDMENT No. 4—

On page 5, line 7, at the beginning of the line, change "(B)" to "(C)"

Delegate Hernandez moved the adoption of the amendments.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fulco	Lowe
Anzalone	Gauthier	McDaniel
Asseff	Giarrusso	Martin
Badeaux	Ginn	Nunez
Bel	Goldman	O'Neill
Brien	Graham	Perez
Brown	Gravel	Rachal
Burns	Grier	Rayburn
Cannon	Hardee	Reeves
Casey	Hayes	Riecke
Chatelain	Haynes	Shannon
Comar	Heine	Singletary
Conino	Hernandez	Smith
Conroy	Jack	Stephenson
Corne	Jenkins	Stinson
Cowen	Jones	Sutherland
Dennis	Juneau	Thompson
Deshotels	Kelly	Willis
Drew	Kilbourne	Winchester
Elkins	Lambert	Wisham
Fayard	Landry, A.	Womack
Fowler	Leigh	
Total—65.		

NAYS

Delegates—		
Abraham	Edwards	Roy
Alexander	Flory	Schmitt
Arnette	Guarisco	Soniat
Avant	Jackson, A.	Stagg
Bergeron	Jackson, J.	Stovall
Burson	Kean	Thistlethwaite
Champagne	Landrum	Toca
Chehardy	Landry, E. J.	Toomy
D'Gerolamo	Lanier	Ullo
De Blieux	Leithman	Velazquez
Dennery	Maybuce	Vick
Derbes	Miller	Warren
Dunlap	Morris	Wattigny
Duval	Roemer	Zervigon
Total—42.		

NOT VOTING

Delegates—		
Mr. Chairman	Mire	Slay
Aertker	Munson	Tapper
Blair	Newton	Tate
Bollinger	Ourso	Tobias
Carmouche	Perkins	Vesich
Fontenot	Planchar	Wall
Kilpatrick	Pugh	Weiss
LeBleu	Sandoz	
Mauberret	Segura	
Total—25.		

And the amendments were adopted.

Delegate Hernandez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hayes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hayes to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 7 through 10, both inclusive, in their entirety including all Floor Amendments thereto

Delegate Hayes moved the adoption of the amendment.

Delegate Hernandez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Nunez
Alexander	Giarrusso	O'Neill
Arnette	Hayes	Rachal
Avant	Haynes	Roemer
Badeaux	Jackson, J.	Schmitt
Bel	Kelly	Stagg
Brien	Landrum	Stovall
Cannon	Landry, A.	Toomy
Casey	Landry, E. J.	Ullo
Comar	Lanier	Velazquez
Conroy	Leithman	Warren
De Blieux	Martin	Winchester
Dennery	Miller	Wisham
Duval	Morris	
Total—41.		

NAYS

Delegates—		
Alario	Fayard	Lowe
Anzalone	Fowler	McDaniel
Asseff	Fulco	Maybuce
Bergeron	Gauthier	Perez
Bollinger	Ginn	Rayburn
Brown	Goldman	Reeves
Burns	Graham	Riecke
Burson	Gravel	Roy
Champagne	Grier	Singletary
Chatelain	Guarisco	Smith
Chehardy	Heine	Soniat
Conino	Hernandez	Stinson
Corne	Jack	Sutherland
Cowen	Jackson, A.	Thistlethwaite
D'Gerolamo	Jenkins	Thompson
Derbes	Juneau	Toca
Deshotels	Kean	Vick
Drew	Kilbourne	Wattigny
Dunlap	Lambert	Willis
Edwards	Leigh	Zervigon
Elkins		
Total—61.		

NOT VOTING

Delegates—		
Mr. Chairman	Mauberret	Shannon
Aertker	Mire	Slay
Blair	Munson	Stephenson
Carmouche	Newton	Tapper
Dennis	Ourso	Tate
Fontenot	Perkins	Tobias
Hardee	Planchar	Vesich
Jones	Pugh	Wall
Kilpatrick	Sandoz	Weiss
LeBleu	Segura	Womack
Total—30.		

And the amendment was rejected.

Delegate Hernandez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34 Section 13 was read, as amended.

Delegate Lambert moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Martin
Alario	Fowler	Maybuce
Anzalone	Fulco	Morris
Asseff	Gauthier	Nunez
Avant	Giarrusso	Perez
Badeaux	Ginn	Perkins
Bel	Goldman	Rachal
Bergeron	Graham	Rayburn
Bollinger	Gravel	Reeves
Brown	Grier	Riecke
Burns	Hardee	Roemer
Cannon	Hayes	Roy
Casey	Haynes	Shannon
Champagne	Heine	Singletary
Chatelain	Hernandez	Smith
Chehardy	Jack	Stephenson
Comar	Jackson, A.	Stinson
Conino	Jackson, J.	Sutherland
Conroy	Jones	Tate
Corne	Juneau	Thompson
Cowen	Kean	Toca
D'Gerolamo	Kelly	Toomy
Dennis	Kilbourne	Ullo
Derbes	Lambert	Velazquez
Deshotels	Landry, A.	Warren
Drew	Landry, E. J.	Wattigny
Dunlap	Lanier	Willis
Duval	Leigh	Winchester
Edwards	Leithman	Wisham
Elkins	Lowe	Womack
Fayard	McDaniel	
Total—92.		

NAYS

Delegates—		
Abraham	Guarisco	Soniat
Alexander	Jenkins	Stagg
Arnette	Landrum	Stovall
Brien	Miller	Thistlethwaite
Burson	O'Neill	Vick
De Blieux	Schmitt	Zervigon
Dennery		
Total—19.		

NOT VOTING

Delegates—		
Aertker	Mire	Segura
Blair	Munson	Slay
Carmouche	Newton	Tapper
Fontenot	Ourso	Tobias
Kilpatrick	Plancharid	Vesich
LeBleu	Pugh	Wall
Mauberrret	Sandoz	Weiss
Total—21.		

And the Chair declared that the above Section was finally passed.

Delegate Lambert moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 14. Public Service Commission

Read.

Motion

Delegate Perkins moved for a suspension of the rules for the purpose of considering Section 14 of Committee Proposal

No. 34 lettered paragraph by lettered paragraph with the view that all rules and precedents of the Convention applicable to Section by Section consideration of Proposals shall be applicable to the consideration of each proposed lettered paragraph of said Section 14 of Committee Proposal No. 34.

Delegate Schmitt objected.

By a vote of 83 yeas and 10 nays the rules were suspended.

Section 14. (A) Composition; Term. There shall be a Public Service Commission which shall consist of five members elected at the time fixed for congressional elections from single member districts established by law for overlapping terms of six years. The commission annually shall elect one of its members as chairman.

Read.

Delegate Ginn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Ginn, Reeves, Kelly, and Roemer to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 13, delete the word "five" and insert in lieu thereof the word "three"

Delegate Ginn moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	Perez
Arnette	Ginn	Perkins
Avant	Grier	Reeves
Bergeron	Haynes	Riecke
Brown	Jackson, A.	Roemer
Burson	Jenkins	Roy
Cannon	Juneau	Soniat
Champagne	Kean	Sutherland
De Blieux	Kelly	Tate
Derbes	Leigh	Tobias
Deshotels	McDaniel	Vick
Duval	Miller	Winchester
Flory	O'Neill	Wisham
Gauthier	Ourso	
Total—41.		

NAYS

Delegates—		
Abraham	Fulco	Nunez
Alario	Goldman	Rachal
Alexander	Graham	Rayburn
Anzalone	Gravel	Schmitt
Asseff	Guarisco	Shannon
Badeaux	Hardee	Singletary
Bel	Hayes	Smith
Bollinger	Heine	Stagg
Brien	Hernandez	Stephenson
Casey	Jack	Stinson
Chatelain	Jackson, J.	Stovall
Chehardy	Jones	Tapper
Comar	Kilbourne	Thistlethwaite
Conino	Lambert	Thompson
Conroy	Landrum	Toca
Corne	Landry, A.	Toomy
D'Gerolamo	Landry, E. J.	Ullo
Dennery	Lanier	Velazquez
Dennis	LeBleu	Warren
Drew	Lowe	Wattigny
Dunlap	Martin	Willis
Elkins	Maybuce	Womack
Fayard	Morris	Zervigon
Total—69.		

PAGE 10

104th Days Proceedings—December 19, 1973

Delegates—

NOT VOTING		
Aertker	Kilpatrick	Pugh
Blair	Leithman	Sandoz
Burns	Mauberet	Segura
Carmouche	Mire	Slay
Cowen	Munson	Vesich
Edwards	Newton	Wall
Fontenot	Planchar	Weiss
Fowler		
Total—22.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Anzalone to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

ON page 5, line 13, immediately after the words "consist of" delete the word "five" and insert in lieu thereof the word "eight"

Delegate Anzalone moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Nunez
Aertker	Gauthier	Perez
Alario	Giarrusso	Perkins
Alexander	Hayes	Rayburn
Anzalone	Haynes	Reeves
Arnette	Jackson, J.	Roemer
Asseff	Jones	Schmitt
Avant	Juneau	Singletary
Bergeron	Kelly	Stovall
Cannon	Kilbourne	Tapper
Casey	Landrum	Toca
Chatelain	Landry, A.	Toomy
Chehardy	LeBleu	Ullo
Conino	Leithman	Warren
Corne	Lowe	Wattigny
D'Gerolamo	Maybuce	Willis
Dennery	Morris	Zervigon
Derbes		
Total—52.		

NAYS

Delegates—		
Mr. Chairman	Dunlap	Jack
Badeaux	Duval	Jackson, A.
Bel	Edwards	Jenkins
Bollinger	Elkins	Kean
Brien	Fayard	Landry, E. J.
Brown	Fulco	Lanier
Burson	Ginn	Leigh
Champagne	Goldman	McDaniel
Comar	Graham	Martin
Conroy	Gravel	Miller
Cowen	Grier	O'Neill
De Blieux	Guarisco	Rachal
Dennis	Hardee	Riecke
Deshotels	Heine	Roy
Drew	Hernandez	Shannon

Smith	Sutherland	Velazquez
Soniak	Tate	Vick
Stagg	Thistlethwaite	Winchester
Stephenson	Thompson	Wisham
Stinson	Tobias	Womack
Total—60.		

NOT VOTING

Delegates—		
Blair	Mauberet	Sandoz
Burns	Mire	Segura
Carmouche	Munson	Slay
Fontenot	Newton	Vesich
Fowler	Ourso	Wall
Kilpatrick	Planchar	Weiss
Lambert	Pugh	
Total—20.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Anzalone to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

ON page 5, line 13, immediately after the word "of" and before the word "members" delete the word "five" and insert in lieu thereof the word "seven"

Delegate Anzalone moved the adoption of the amendment.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Hayes	Reeves
Alexander	Jackson, J.	Roemer
Anzalone	Jones	Schmitt
Arnette	Juneau	Singletary
Asseff	Kelly	Stovall
Avant	Kilbourne	Tapper
Bergeron	Landrum	Toca
Cannon	Leithman	Toomy
Chatelain	Lowe	Ullo
Conino	Maybuce	Velazquez
Corne	Morris	Warren
Derbes	Nunez	Wattigny
Fayard	Perez	Willis
Flory	Perkins	Wisham
Gauthier	Rayburn	Zervigon
Total—45.		

NAYS

Delegates—		
Mr. Chairman	Drew	Jackson, A.
Abraham	Dunlap	Jenkins
Badeaux	Duval	Kean
Bel	Edwards	Landry, A.
Bollinger	Elkins	Landry, E. J.
Brien	Fulco	Lanier
Brown	Giarrusso	LeBleu
Burson	Ginn	Leigh
Casey	Goldman	McDaniel
Champagne	Graham	Martin
Chehardy	Gravel	Miller
Comar	Grier	O'Neill
Conroy	Guarisco	Ourso
Cowen	Hardee	Rachal
D'Gerolamo	Haynes	Riecke
De Blieux	Heine	Roy
Dennery	Hernandez	Shannon
Deshotels	Jack	Smith

PAGE 11

104th Days Proceedings—December 19, 1973

Soniat	Sutherland	Tobias
Stagg	Tate	Vick
Stephenson	Thistlethwaite	Winchester
Stinson	Thompson	Womack
Total—66.		

NOT VOTING

Delegates—		
Aertker	Kilpatrick	Pugh
Blair	Lambert	Sandoz
Burns	Mauberrret	Segura
Carmouche	Mire	Slay
Dennis	Munson	Vesich
Fontenot	Newton	Wall
Fowler	Planchard	Weiss
Total—21.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alexander sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alexander to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, at the end of line 17, after the word and punctuation "chairman," add the following:

"The chairman shall have no vote except to break a tie."

On motion of Delegate Alexander the amendment was withdrawn.

Motion

Delegate Thompson moved the previous question on lettered paragraph A.

Delegate Alexander objected.

By a vote of 13 yeas and 79 nays the Convention refused to order the previous question on paragraph A at this time.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez and Toomy to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, at the end of line 17, add the following:

"Each commissioner serving upon the effective date of this constitution shall be the commissioner for the new district in which he resides and shall serve out the term for which he was chosen."

Delegate Perez moved the adoption of the amendment.

Delegate Deshotels objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Anzalone	Bel
Abraham	Arnette	Bergeron
Alarlo	Asseff	Bollinger
Alexander	Badeaux	Brien

Brown	Haynes	Rayburn
Burson	Heine	Reeves
Cannon	Hernandez	Riecke
Casey	Jack	Roemer
Champagne	Jackson, A.	Roy
Chatelain	Jackson, J.	Schmitt
Chehardy	Jenkins	Shannon
Comar	Jones	Smith
Conino	Juneau	Stagg
Conroy	Kean	Stephenson
Corne	Kelly	Stinson
D'Gerolamo	Kilbourne	Stovall
Dennery	Landrum	Sutherland
Derbes	Landry, A.	Tapper
Deshotels	Landry, E. J.	Tate
Drew	Lanier	Thompson
Dunlap	LeBleu	Thistlethwaite
Duval	Leigh	Tobias
Edwards	Leithman	Toca
Elkins	Lowe	Toomy
Fulco	McDaniel	Ullo
Gauthier	Martin	Velazquez
Giarrusso	Miller	Warren
Ginn	Morris	Wattigny
Goldman	Nunez	Willis
Graham	O'Neill	Winchester
Gravel	Ourso	Wisham
Grier	Perez	Womack
Hardee	Perkins	Zervigon
Total—99.		

NAYS

Delegates—		
Avant	Guarisco	Rachal
De Blieux	Hayes	Singletary
Fayard	Maybuce	Vick
Flory		
Total—10.		

NOT VOTING

Delegates—		
Aertker	Kilpatrick	Sandoz
Blair	Lambert	Segura
Burns	Mauberrret	Slay
Carmouche	Mire	Soniat
Cowen	Munson	Vesich
Dennis	Newton	Wall
Fontenot	Planchard	Weiss
Fowler	Pugh	
Total—23.		

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 14, Paragraph A was read, as amended.

Delegate Perkins moved the final passage of the paragraph.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Corne	Hayes
Alario	Cowen	Haynes
Alexander	D'Gerolamo	Heine
Arnette	Dennery	Hernandez
Asseff	Derbes	Jack
Badeaux	Drew	Jackson, A.
Bel	Dunlap	Jackson, J.
Bergeron	Edwards	Jones
Bollinger	Elkins	Juneau
Brien	Fayard	Kilbourne
Brown	Fulco	Lambert
Cannon	Gauthier	Landrum
Casey	Goldman	Landry, A.
Chatelain	Graham	Landry, E. J.
Chehardy	Gravel	Lanier
Comar	Grier	LeBleu
Conino	Guarisco	Leigh
Conroy	Hardee	Leithman

Lowe	Singletary	Toca
McDaniel	Smith	Toomy
Martin	Soniat	Ullo
Miller	Stagg	Velazquez
Morris	Stephenson	Warren
Ourso	Stinson	Wattigny
Perkins	Stovall	Willis
Rayburn	Tapper	Winchester
Riecke	Tate	Wisham
Roy	Thistlethwaite	Womack
Schmitt	Thompson	Zervigon
Shannon	Tobias	

Total—89.

NAYS

Delegates—		
Mr. Chairman	Flory	Nunez
Anzalone	Giarrusso	O'Neill
Avant	Ginn	Perez
Burson	Jenkins	Reeves
Champagne	Kean	Roemer
De Blieux	Kelly	Sutherland
Deshotels	Maybuce	Vick
Duval		

Total—22.

NOT VOTING

Delegates—		
Aertker	Kilpatrick	Rachal
Blair	Mauberret	Sandoz
Burns	Mire	Segura
Carmouche	Munson	Slay
Dennis	Newton	Vesich
Fontenot	Planchard	Wall
Fowler	Pugh	Weiss

Total—21.

And the Chair declared that the above paragraph was finally passed.

Delegate Perkins moved to reconsider the vote by which

the above paragraph was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

Read.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Gravel to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 18, immediately after "Duties," delete the word "The" and insert in lieu thereof the following: "Except for natural gas, the"

AMENDMENT No. 2—

On page 5, between lines 23 and 24, add the following Paragraph:

"The legislature shall provide for the regulation of natural gas by such regulatory authority as it may designate."

On motion of Delegate Gravel the amendment was withdrawn.

Motion

On motion of Delegate Chatelain, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Lowe a comparison of budgeted and actual expenses of the Constitutional Convention of 1973, for the month of November, 1973, was ordered incorporated in the official Journal as follows:

CONSTITUTIONAL CONVENTION 1973

Comparison of Budgeted and Actual Expenses

	NOVEMBER 1973				JANUARY 5, 1973 THROUGH NOVEMBER 1973			
	Budget	Actual	Over	Under	Budget	Actual	Over	Under
Expenses								
Salaries:								
Research	65,300.00	57,869.21		7,430.79	492,016.79	418,833.66		73,183.13
Clerk's Office	22,000.00	27,655.68	5,655.68		115,584.92	100,958.80		14,626.12
Finance	1,767.50	1,973.13	215.63		11,373.42	11,229.39		144.03
Public Information	4,100.00	6,646.26	2,546.26		26,944.09	27,915.19	971.10	
Total:	93,157.50	94,144.28	8,417.57	7,430.79	645,919.22	558,937.04	971.10	87,953.28
Employer's Fringe Benefit Share								
Teachers' Retirement	255.00	353.07	98.07		2,348.03	2,367.63	19.60	
State Retirement	5,500.00	5,380.68		119.32	36,450.10	30,085.40		6,364.70
F.I.C.A.	250.00	66.83		183.17	1,505.07	1,193.77		311.30
Group Hospitalization	335.00	426.82	91.82		2,761.32	2,471.29		290.03
Group Life	125.00	135.36	10.36		919.56	733.29		186.26
Workmen's Compensation	416.00	741.00	325.00		2,084.00	1,111.50		972.50
Total:	6,881.00	7,103.76	525.25	302.49	46,068.07	37,962.88	19.60	8,124.79
Other Expenses:								
Wages—Per Diem	20,000.00	21,990.00	1,990.00		112,000.00	112,900.00	900.00	
Delegate—Per Diem	133,800.00	90,191.90		43,608.10	846,000.00	665,754.02		180,245.98
Meeting Expense	25,300.00	12,227.73		13,072.27	151,986.95	55,910.44		96,076.51
Postage	900.00	346.43		553.57	8,722.36	5,786.90		2,935.46
Printing	1,500.00	443.27		1,056.73	7,636.93	5,665.65		1,970.28
Daily Journal	70,000.00	14,027.30		55,972.70	350,000.00	62,402.48		287,597.52
Equipment Rental	15,000.00	8,460.83		6,539.17	87,649.73	70,930.93		16,718.80
Telephones	1,500.00	2,398.71	898.71		11,084.49	16,256.10	5,171.61	
Staff Travel	2,000.00	197.70		1,802.30	11,147.29	2,958.39		8,188.90
Office Supplies	8,000.00	6,494.69		2,505.31	50,743.53	30,536.70		20,206.83
Equipment Purchase		881.64	881.64		1,033.23	1,914.87	881.64	
LSU Renovation					11,799.00	11,799.00		
White House Inn Renovation					5,606.89	6,606.89		
Total:	278,000.00	156,660.20	3,770.36	126,110.15	1,655,409.40	1,048,422.37	6,953.26	613,940.28
GRAND TOTAL:	\$378,038.50	257,908.24	12,713.17	132,843.43	2,347,396.69	1,645,322.29	7,943.95	710,018.35

Respectfully submitted by:

HERMAN "MONDAY" LOWE
Treasurer
Constitutional Convention 1973

PAGE 13

104th Days Proceedings—December 19, 1973

Leaves of Absence

Delegate Sandoz—½ day.
Delegate Carmouche—½ day.
Delegate Vesich—Indefinite.
Delegate Blair—1 day.
Delegate Mire—1 day.

Adjournment

Delegate Henry moved that the Convention do now ad-

ourn until Thursday, December 20, 1973, at 9:00, o'clock A.M.

Which motion was agreed to.

And Vice-chairman Casey declared the Convention adjourned to Thursday, December 20, 1973, at 9:00, o'clock.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, December 20, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne Cowen D'Gerolamo De Blieux Dennery Dennis Derbes Deshotels Drew Dunlap Duval Edwards Elkins Fayard Flory Total—121.	Fulco Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jack Jackson, A. Jenkins Jones Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leigh Leithman Lowe McDaniel Martin Maybuce Miller Mire Morris Munson Nunez O'Neill	Ourso Perez Perkins Planchard Rachal Rayburn Reeves Riecke Roemer Roy Schmitt Shannon Singletary Slay Smith Soniat Stagg Stephenson Stinson Stovall Sutherland Tapper Tate Thistlethwaite Thompson Tobias Toca Toomy Ullo Velazquez Vick Warren Wattigny Weiss Willis Winchester Wisham Womack Zervigon
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ABSENT

Delegates— Burns Fontenot Fowler Jackson, J. Total—11.	Mauberrret Newton Pugh Sandoz	Vesich Segura Wall
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The Chairman announced that there were 121 members present and a quorum.

Prayer

Prayer was offered by Delegate Maybuce.

Pledge of Allegiance

Delegate Stephenson led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Wattigny, the reading of the Journal was dispensed with.

On motion of Delegate Wattigny, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Section 14. Public Service Commission

Read.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 34, Section 14, Paragraph B, when it adjourned on Wednesday, December 19, 1973, which was taken up and acted upon as follows:

Motion

On motion of Delegate Miller the Convention deferred action on Committee Proposal No. 34, Section 14, lettered Paragraph B, at this time.

Motion

On motion of Delegate Miller the Convention reverted to Committee Proposal No. 34, Section 1, for the purpose of offering an amendment adding a new Section:

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Asseff, Avant, Derbes, Tobias, Warren, Schmitt, Arnette and Carmouche to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21 and 22, insert the following: "Section 1.1. (A) The navigable water bodies and bottoms, the sea and its shores, and lands, title to which is in the state and its agencies at the effective date of this constitution, are

hereby declared to be a part of the public domain, and for the use, benefit and enjoyment of the people, as provide by law.

(B) No conveyance, contract, compromise, or lease involving lands, minerals, or other interests therein, title to which is in the state or its agencies, shall be made without prior public notice or public bidding, and other safeguards as prescribed by law.

No transfer of a real right or of minerals taken in kind belonging to the state and its agencies which do not comply with such requirements shall henceforth be valid."

On motion of Delegate Miller the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Asseff, Avant, Derbes, Tobias, Warren, Schmitt, Arnette and Carmouche to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21, and 22, insert the following:

"Section 1.1. (A) The navigable water bodies and bottoms, the sea and its shores, and lands, title to which is in the state and its agencies at the effective date of this constitution, are hereby declared to be a part of the public domain, and for the use, benefit and enjoyment of the people, as provided by law.

(B) No conveyance, contract, compromise, or lease involving lands, minerals, or other interests therein, title to which is in the state or its agencies, shall be made without prior public notice or public bidding, and other safeguards as prescribed by law.

No transfer of a real right or of minerals taken in kind belonging to the state or its agencies which does not comply with such requirements shall henceforth be valid."

Delegate Miller moved the adoption of the amendment.

Delegate Tapper objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Nunez
Alario	Goldman	O'Neill
Alexander	Grier	Rachal
Anzalone	Guarisco	Rayburn
Arnette	Hayes	Riecke
Asseff	Heine	Schmitt
Bel	Jenkins	Shannon
Burson	Jones	Soniat
Carmouche	Juneau	Stagg
Champagne	Kean	Stinson
Corne	Kilbourne	Stovall
Cowen	Landrum	Sutherland
D'Gerolamo	Landry, A.	Ullo
De Blieux	Landry, E. J.	Velazquez
Derbes	Lanier	Warren
Deshotels	McDaniel	Wattigny
Drew	Maybuce	Weiss
Elkins	Miller	Willis
Flory	Morris	Winchester
Fulco		
Total—57.		

NAYS

Delegates—		
Aertker	Brien	Chehardy
Badeaux	Cannon	Comar
Bollinger	Casey	Conino

Conroy	Jackson, A.	Singletary
Dennery	LeBleu	Slay
Dunlap	Leigh	Stephenson
Duval	Leithman	Tapper
Graham	Lowe	Thistlethwaite
Gravel	Martin	Toca
Hardee	Reeves	Toomy
Hernandez	Roy	Womack
Jack	Sandoz	Zervigon
Total—36.		

NOT VOTING

Delegates—		
Mr. Chairman	Ginn	Planchard
Avant	Haynes	Pugh
Bergeron	Jackson, J.	Roemer
Blair	Kelly	Segura
Brown	Kilpatrick	Smith
Burns	Lambert	Tate
Chatelain	Mauberet	Thompson
Dennis	Mire	Tobias
Edwards	Munson	Vesich
Fayard	Mewton	Vick
Fontenot	Curso	Wall
Fowler	Perez	Wisham
Gauthier	Perkins	
Total—38.		

And the amendment not having received the vote of a majority of the total membership of the Convention required to add a Section to a proposal failed to pass.

Delegate Tapper moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate O'Neill objected to tabling the motion to reconsider.

By a vote of 56 yeas and 38 nays the Convention refused to table the motion to reconsider.

Reconsideration

Delegate Tapper insisted upon the motion to reconsider the vote by which the amendment failed to pass.

Delegate Singletary objected.

By a vote of 82 yeas and 11 nays the vote by which the amendment failed to pass, was reconsidered.

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Asseff, Derbes, Tobias, Warren, Schmitt, Arnette and Carmouche to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21 and 22, insert the following:

"Section 1.1. (A) The navigable water bodies and bottoms, the sea and its shores, and lands, title to which is in the state and its agencies at the effective date of this constitution, are hereby declared to be a part of the public domain, and for the use, benefit and enjoyment of the people, as provided by law.

(B) No conveyance, contracts, compromise, or lease involving lands, minerals, or other interests therein, title to which is in the state or its agencies, shall be made without prior public notice or public bidding, and other safeguards as prescribed by law.

No transfer of a real right or of minerals taken in kind belonging to the state or its agencies which does not comply with such requirements shall henceforth be valid."

On motion of Delegate Miller the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Asseff, Derbes, Tobias, Warren, Schmitt, Arnette and Carmouche to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21 and 22, insert the following:
 "Section 1.1. Public Lands; Lease, Contract
 No conveyance, contract, compromise, or lease involving lands, minerals, or other interests therein, title to which is in the state or its agencies, shall be made without prior public notice or public bidding, and other safeguards as prescribed by law."

On motion of Delegate Miller the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Asseff, Derbes, Tobias, Warren, Schmitt, Arnette and Carmouche to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 21 and 22, insert the following:
 "Section 1.1. Public Lands; Lease, Contract
 Section 1.1. No conveyance, contract, compromise, or lease involving lands, minerals, or other interests therein, title to which is in the state or its agencies, shall be made without prior public notice or public bidding, or other safeguards as prescribed by law."

Motion

On motion of Delegate Duval debate on the Amendment was limited to 5 minutes.

Delegate Miller moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Maybuce
Aertker	Graham	Miller
Alexander	Grier	O'Neill
Anzalone	Guarisco	Riecke
Arnette	Hayes	Sandoz
Asseff	Hernandez	Schmitt
Badeaux	Jack	Shannon
Bel	Jenkins	Smith
Bollinger	Jones	Soniat
Burson	Juneau	Stagg
Carmouche	Kean	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Landrum	Thistlethwaite
Corne	Landry, A.	Ullo
De Blieux	Landry, E. J.	Velazquez
Duval	Lanier	Warren
Elkins	LeBleu	Weiss
Fulco	Leigh	Willis
Giarrusso	Lowe	Winchester
Ginn	McDaniel	Wisham
Total—60.		

NAYS

Delegates—		
Alario	Cowen	Kilpatrick
Avant	D'Gerolamo	Leithman
Bergeron	Dennery	Martin
Brien	Deshotels	Mire
Cannon	Drew	Nunez
Casey	Dunlap	Reeves
Chehardy	Flory	Roy
Comar	Gravel	Singletary
Conino	Hardee	Slay
Conroy	Jackson, A.	Stephenson

Sutherland
 Tapper
 Total—36.

Toca
 Toomy

Wattigny
 Zervigon

NOT VOTING

Delegates—
 Mr. Chairman
 Blair
 Brown
 Burns
 Dennis
 Derbes
 Edwards
 Fayard
 Fontenot
 Fowler
 Gauthier
 Haynes
 Total—36.

Heine
 Jackson, J.
 Kelly
 Lambert
 Mauberrit
 Morris
 Munson
 Newton
 Ourso
 Perez
 Perkins
 Planchard

Pugh
 Rachal
 Rayburn
 Roemer
 Segura
 Tate
 Thompson
 Tobias
 Vesich
 Vick
 Wall
 Womack

And the amendment not having received the vote of a majority of the total membership of the Convention required to add a Section to a Proposal failed to pass.

Motion

On motion of Delegate Miller the Convention took up Committee Proposal No. 34, Section 6, upon which action was deferred on yesterday.

Section 6. Mineral Rights; Alluvion

Section 6. Mineral rights to land formed or exposed by accretion or dereliction caused principally by acts of man, on a water body the bed of which is owned by the state, are retained by the state.

Read.

Delegate LeBleu sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate LeBleu to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 23 through 27, in their entirety.

Delegate LeBleu moved the adoption of the amendment.

Delegate Miller objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Nunez
Alario	Ginn	O'Neill
Anzalone	Guarisco	Planchard
Badeaux	Hardee	Rachal
Bollinger	Heine	Rayburn
Chatelain	Hernandez	Reeves
Conroy	Jackson, A.	Roemer
Cowen	Jenkins	Roy
Dennis	Juneau	Sandoz
Derbes	Kean	Singletary
Deshotels	Kelly	Slay
Drew	Landry, A.	Stephenson
Dunlap	Lanier	Tapper
Duval	LeBleu	Thistlethwaite
Fayard	Leigh	Winchester
Gauthier	Martin	Wisham
Total—48.		

NAYS

Delegates—		
Aertker	Brien	Chehardy
Alexander	Brown	Comar
Arnette	Burson	Conino
Asseff	Carmouche	Corne
Bel	Casey	D'Gerolamo
Bergeron	Champagne	De Blieux

Dennery	Leithman	Sutherland
Elkins	Lowe	Toca
Flory	McDaniel	Toomy
Fulco	Maybuce	Ullo
Goldman	Miller	Velazquez
Graham	Mire	Vick
Gravel	Riecke	Warren
Grier	Schmitt	Wattigny
Hayes	Shannon	Weiss
Kilbourne	Smith	Willis
Kilpatrick	Soniat	Womack
Landrum	Stinson	Zervigon
Landry, E. J.	Stovall	
Total—56.		

NOT VOTING

Delegates— Mr. Chairman	Jackson, J.	Pugh
Avant	Jones	Segura
Blair	Lambert	Stagg
Burns	Mauberret	Tate
Cannon	Morris	Thompson
Edwards	Munson	Tobias
Fontenot	Newton	Vesich
Fowler	Ourso	Wall
Haynes	Perez	
Jack	Perkins	
Total—28.		

And the amendment was rejected.

Delegate Miller moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Duval objected to laying the motion to reconsider on the table.

By a vote of 31 yeas and 68 nays the Convention refused to table the motion to reconsider.

Reconsideration

Delegate Duval moved to reconsider the vote by which the amendment failed to pass.

Delegate Miller objected.

By a vote of 57 yeas and 46 nays the Convention reconsidered the vote by which the Floor Amendment proposed by Delegate LeBleu failed to pass.

FLOOR AMENDMENT

Amendment proposed by Delegate LeBleu to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 23 through 27, in their entirety

Delegate LeBleu moved the adoption of the amendment.

Delegate Miller objected.

By a vote of 62 yeas and 42 nays the amendment was adopted.

Section 7. Mineral Rights; Erosion

Section 7. Mineral rights to land lost by erosion caused principally by acts of man, on a navigable water body, are retained by the riparian landowner.

Read.

Delegate LeBleu sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate LeBleu to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 28 through 31, both inclusive, in their entirety

Delegate LeBleu moved the adoption of the amendment.

Delegate Brown objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Gauthier	Perez
Alario	Giarrusso	Perkins
Alexander	Ginn	Plancharde
Anzalone	Goldman	Rachal
Arnette	Graham	Rayburn
Asseff	Gravel	Reeves
Badeaux	Guarisco	Riecke
Bel	Hardee	Roemer
Bergeron	Hayes	Sandoz
Bollinger	Hernandez	Schmitt
Brien	Jack	Singletary
Burson	Jackson, A.	Slay
Carmouche	Jenkins	Soniat
Champagne	Juneau	Stagg
Chatelain	Kean	Stephenson
Comar	Kelly	Stinson
Conino	Kilbourne	Sutherland
Conroy	Kilpatrick	Tapper
Corne	Lambert	Thistlethwaite
Cowen	Landrum	Thompson
D'Gerolamo	Landry, A.	Toca
De Blieux	Lanier	Ullo
Dennery	LeBleu	Velazquez
Deshotels	Lowe	Vick
Drew	McDaniel	Warren
Dunlap	Martin	Wattigny
Duval	Maybuce	Weiss
Elkins	Miller	Willis
Fayard	Mire	Winchester
Flory	Nunez	Wisham
Fulco	O'Neill	Zervigon
Total—93.		

NAYS

Delegates—		
Brown	Jones	Shannon
Casey	Landry, E. J.	Smith
Grier		
Total—7.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Pugh
Abraham	Haynes	Roy
Avant	Heine	Segura
Blair	Jackson, J.	Stovall
Burns	Leigh	Tate
Cannon	Leithman	Tobias
Chehardy	Mauberret	Toomy
Dennis	Morris	Vesich
Derbes	Munson	Wall
Edwards	Newton	Womack
Fontenot	Ourso	
Total—32.		

And the amendment was adopted.

Delegate LeBleu moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 8. Royalty Road Fund

Section 8. Ten percent of the royalties from any mineral lease heretofore or hereafter granted by the state shall be placed by the treasurer in a special fund to the credit of the parish from which the mineral was severed. This special fund shall be known as the Royalty Road Fund and shall be used by the state to acquire, construct, and maintain transportation facilities in the parish.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez, Miller and Gravel to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete line 32 in its entirety and on page 3, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. As used in Article XI, Section 4(D), "state-owned property" means 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. The governing authority of a parish may fund its one-tenth of the royalties from mineral leases on such state-owned property into general obligation bonds of the parish in accordance with law. Neither the provisions of this Section nor the provisions of Article XI, Section 4(D) shall apply to those properties comprising the Russell Sage Wildlife and Game Refuge."

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 32, in Floor Amendment No. 1 proposed by Delegates Perez, et al. and adopted by the Convention on December 20, 1973, on line 2 in the text of the amendment, immediately after "Section 8," and before the word "As" insert "(A)" and at the end of the language added by the text of the amendment add the following:

"(B) No conveyance, lease, royalty agreement or unitization agreement involving minerals or mineral rights owned by the State of Louisiana shall be conducted without prior public notice or public bidding."

Point of Order

Delegate Perez suggested that the amendment was out of order in that the subject matter contained therein was not germane to the subject matter of the amendment and asked a ruling from the chair.

Ruling of the Chair

The Chair ruled the amendment out of order at this time.

Passage

Committee Proposal No. 34, Section 8 was read, as amended.

Delegate Miller moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Delegates—, Mr. Chairman, and names of delegates (Asseff, Badaux, Bel, Bergeron, Bollinger, Brien, Brown, Burson, Carmouche, Casey, Champagne, Chatelain, Comar, Conino).

Table with 1 column: Names of delegates (Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Drew, Dunlap, Duval, Elkins, Fayard, Flory, Fulco, Gauthier, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Hernandez, Jack).

Total—95.

Table with 1 column: Delegates—, Leigh, Rachal.

Total—4.

Table with 1 column: Delegates—

Table with 1 column: Names of delegates (Avant, Blair, Burns, Cannon, Chehardy, Derbes, Deshotels, Edwards, Fontenot, Fowler, Giarrusso).

Total—33.

Table with 1 column: Names of delegates (Jackson, A., Jenkins, Jones, Juneau, Kelly, Kilbourne, Kilpatrick, Lambert, Landry, A., Landry, E. J., Lanier, LeBleu, Lowe, McDaniel, Maybeuce, Miller, Mire, Munson, Nunez, O'Neill, Perez, Perkins, Planchard, Rayburn, Reeves).

NAYS

Table with 1 column: Velazquez

NOT VOTING

Table with 1 column: Names of delegates (Haynes, Heine, Jackson, J., Kean, Landrum, Leithman, Martin, Maubert, Morris, Newton, Ourso).

Table with 1 column: Names of delegates (Riecke, Sandoz, Schmitt, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Toca, Ullo, Vick, Wattigny, Willis, Winchester, Wisham, Zervigon).

Table with 1 column: Warren

Table with 1 column: Names of delegates (Pugh, Roemer, Roy, Segura, Stovall, Tobias, Toomy, Vesich, Wall, Weiss, Womack).

And the Chair declared that the above Section was finally passed.

Delegate Miller moved to reconsider the vote by which the above Section was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Aertker, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Aertker the rules were suspended for the purpose of calling a meeting of the Committee on Education and Welfare without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, December 20, 1973, at the noon recess in the Anti-Room and will consider the following agenda:

AGENDA

- 1. Review all outstanding delegate proposals.
2. Review reports to Committee on Legislative Liaison and Transitional Measures from Committee on Education and Welfare.

Respectfully submitted,

ROBERT J. AERTKER, Chairman of the Committee on Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Thursday, December 20, 1973 at noon recess in the Treaty Room, and also on the following dates:

(a) Saturday, December 22, 1973, at 9:30 A.M. in the Treaty Room;

(b) if necessary, Sunday, December 23, 1973, at 9:30 A.M. in the Treaty Room;

(c) Wednesday, January 3, 1974, at 9:30 A.M. in the Treaty Room and will consider the following agenda:

AGENDA

Remaining proposals referred to the Committee.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Unfinished Business, Resumed

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Point of Order

Delegate Miller suggested the absence of a Quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Abraham	Casey	D'Gerolamo
Anzalone	Champagne	Dennery
Asseff	Chatelain	Dennis
Avant	Comar	Derbes
Badeaux	Cónino	Dunlap
Brien	Conroy	Elkins
Brown	Corne	Flory
Burson	Cowen	Fulco

Graham	Miller	Stagg
Gravel	Mire	Stephenson
Grier	Morris	Stinson
Guarisco	Munson	Sutherland
Hardee	O'Neill	Thistlethwaite
Heine	Perez	Thompson
Jack	Perkins	Toca
Jackson, A.	Planchard	Toomy
Jenkins	Rachal	Ullo
Jones	Rayburn	Velazquez
Kilbourne	Reeves	Vick
Kilpatrick	Riecke	Warren
Lambert	Roy	Wattigny
Landry, E. J.	Sandoz	Weiss
Lanier	Schmitt	Willis
LeBleu	Shannon	Winchester
Leigh	Singletary	Wisham
Leithman	Slay	Zervigon
Lowe	Smith	
McDaniel	Soniat	
Total—82.		

ABSENT

Delegates—		
Mr. Chairman	Edwards	Martin
Aertker	Fayard	Maubret
Alario	Fontenot	Maybuce
Alexander	Fowler	Newton
Arnette	Gauthier	Nunez
Bel	Glarrusso	Ourso
Bergeron	Ginn	Pugh
Blair	Goldman	Roemer
Bollinger	Hayes	Segura
Burns	Haynes	Stovall
Cannon	Hernandez	Tapper
Carmouche	Jackson, J.	Tate
Chehardy	Juneau	Tobias
De Blieux	Kean	Vesich
Deshotels	Kelly	Wall
Drew	Landrum	Womack
Duval	Landry, A.	
Total—50.		

And the Chair declared that there were 82 delegates present, and a quorum.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 27 and 28, add the following Section:

"Section 6.1. Public Notice; Public Bidding Requirements
Section 6.1. No conveyance, lease, royalty agreement or unitization agreement involving minerals or mineral rights owned by the State of Louisiana shall be conferred without prior public notice or public bidding."

Delegate Burson moved the adoption of the amendment.

Delegate Leigh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	De Blieux	Hayes
Anzalone	Derbes	Haynes
Arnette	Deshotels	Heine
Asseff	Drew	Jackson, A.
Badeaux	Elkins	Jenkins
Bollinger	Fulco	Juneau
Burson	Ginn	Kelly
Comar	Goldman	Lambert
Conino	Grier	Landry, A.
Corne	Guarisco	Landry, E. J.

Lanier	Reeves	Thistlethwaite
LeBleu	Riecke	Thompson
Lowe	Sandoz	Toomy
McDaniel	Schmitt	Ullo
Maybuce	Shannon	Velazquez
Miller	Soniat	Vick
Nunez	Stagg	Warren
O'Neill	Stinson	Willis
Perkins	Sutherland	Winchester
Planchard	Tapper	Zervigon
Rayburn		
Total—61.		

NAYS

Delegates—		
Alario	Flory	Ourso
Avant	Gauthier	Perez
Bel	Graham	Rachal
Bergeron	Gravel	Roy
Brien	Hardee	Singletary
Brown	Jack	Slay
Casey	Jones	Smith
Champagne	Kilbourne	Stephenson
Chatelain	Kilpatrick	Toca
Conroy	Leigh	Wattigny
D'Gerolamo	Leithman	Weiss
Dennery	Mire	Wisham
Dunlap	Morris	
Edwards	Munson	
Total—40.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Pugh
Aertker	Fontenot	Roemer
Alexander	Fowler	Segura
Blair	Giarrusso	Stovall
Burns	Hernandez	Tate
Cannon	Jackson, J.	Tobias
Carmouche	Kean	Vesich
Chehardy	Landrum	Wall
Cowen	Martin	Womack
Dennis	Mauberret	
Duval	Newton	
Total—31.		

And the amendment not having received the vote of a majority of the total membership of the Convention required to add a Section to a Proposal failed to pass.

Delegate Leigh moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Miller objected to laying the motion to reconsider on the table.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Gravel	Perez
Avant	Hardee	Rachal
Brien	Haynes	Rayburn
Brown	Heine	Reeves
Casey	Jones	Riecke
Champagne	Kilbourne	Roy
Chatelain	Kilpatrick	Singletary
Conroy	Leigh	Slay
Corne	Leithman	Smith
D'Gerolamo	Lowe	Stephenson
Dennery	Mire	Tapper
Drew	Morris	Toca
Edwards	Munson	Ullo
Flory	Nunez	Wattigny
Graham	Ourso	Weiss
Total—45.		

NAYS

Delegates—		
Abraham	Goldman	Sandoz
Anzalone	Grier	Schmitt
Arnette	Guarisco	Shannon
Asseff	Hayes	Soniat
Badeaux	Jack	Stagg
Bel	Jackson, A.	Stinson
Bergeron	Jenkins	Sutherland
Bollinger	Juneau	Thistlethwaite
Burson	Kelly	Thompson
Comar	Lambert	Toomy
Conino	Landry, A.	Velazquez
De Blieux	Landry, E. J.	Vick
Derbes	Lanier	Warren
Deshotels	LeBleu	Willis
Dunlap	McDaniel	Winchester
Elkins	Maybuce	Wisham
Fulco	Miller	Zervigon
Ginn	Planchard	
Total—53.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Perkins
Aertker	Fowler	Pugh
Alexander	Gauthier	Roemer
Blair	Giarrusso	Segura
Burns	Hernandez	Stovall
Cannon	Jackson, J.	Tate
Carmouche	Kean	Tobias
Chehardy	Landrum	Vesich
Cowen	Martin	Wall
Dennis	Mauberret	Womack
Duval	Newton	
Fayard	O'Neill	
Total—34.		

And the Convention refused to table the motion to reconsider the vote by which the amendment failed to pass.

Motion

Delegate Miller moved to reconsider the vote by which the amendment was rejected.

Delegate Liegh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Juneau	Sandoz
Anzalone	Kelly	Schmitt
Arnette	Lambert	Shannon
Asseff	Landrum	Soniat
Badeaux	Landry, A.	Stagg
Bel	Landry, E. J.	Stinson
Bollinger	Lanier	Sutherland
Burson	LeBleu	Thistlethwaite
Comar	Lowe	Thompson
De Blieux	McDaniel	Toomy
Derbes	Maybuce	Ullo
Deshotels	Miller	Velazquez
Fulco	Nunez	Vick
Ginn	O'Neill	Warren
Goldman	Perkins	Weiss
Grier	Planchard	Willis
Hayes	Rayburn	Winchester
Jackson, A.	Reeves	Wisham
Jenkins	Riecke	Zervigon
Total—57.		

NAYS

Delegates—		
Alario	Chehardy	Edwards
Avant	Conino	Elkins
Bergeron	Conroy	Flory
Brien	Corne	Gauthier
Brown	D'Gerolamo	Graham
Casey	Dennery	Gravel
Champagne	Drew	Guarisco
Chatelain	Dunlap	Hardee

Haynes	Mire	Singletary
Heine	Morris	Slay
Jack	Munson	Smith
Jones	Ourso	Stephenson
Kilbourne	Perez	Tapper
Kilpatrick	Rachal	Toca
Leigh	Roy	Wattigny
Leithman		
Total—46.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Pugh
Aertker	Fontenot	Roemer
Alexander	Fowler	Segura
Blair	Giarrusso	Stovall
Burns	Hernandez	Tate
Cannon	Jackson, J.	Tobias
Carmouche	Kean	Vesich
Cowen	Martin	Wall
Dennis	Mauberret	Womack
Duval	Newton	
Total—29.		

And the vote by which the amendment failed to pass was reconsidered.

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 27 and 28, add the following Section:

"Section 6.1 Public Notice; Public Bidding Requirements
Section 6.1. No conveyance, lease, royalty agreement or unitization agreement involving minerals or mineral rights owned by the State of Louisiana shall be conferred without prior public notice or public bidding."

On motion of Delegate Burson the amendment was withdrawn.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 27 and 28, add the following Section:

"Section 6.1. Public Notice; Public Bidding Requirements
Section 6.1. No conveyance, lease, royalty agreement or unitization agreement involving minerals or mineral rights owned by the State of Louisiana shall be conferred without prior public notice or public bidding as shall be provided by law.

Delegate Burson moved the adoption of the amendment.

Delegate Leigh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Bel	Chatelain
Alexander	Bollinger	Comar
Anzalone	Brien	Conino
Arnette	Brown	Conroy
Asseff	Burson	Corne
Badeaux	Champagne	De Blieux

Dennerly	Landry, E. J.	Smith
Derbes	Lanier	Soniat
Deshotels	LeBleu	Stagg
Duval	Lowe	Stinson
Elkins	McDaniel	Sutherland
Fulco	Maybuce	Tapper
Goldman	Miller	Thistlethwaite
Grier	Nunez	Thompson
Guarisco	O'Neill	Toomy
Hayes	Planchar	Ullo
Jack	Rachal	Velazquez
Jackson, A.	Rayburn	Vick
Jenkins	Reeves	Warren
Juneau	Riecke	Wattigny
Kilbourne	Roy	Weiss
Kilpatrick	Sandoz	Willis
Lambert	Schmitt	Winchester
Landrum	Shannon	Wisham
Landry, A.	Singletary	Zervigon
Total—75.		

NAYS

Delegates—		
Alario	Flory	Mire
Avant	Gauthier	Morris
Bergeron	Gravel	Munson
Cannon	Hardee	Ourso
Casey	Haynes	Perez
Chehardy	Heine	Perkins
D'Gerolamo	Jenkins	Slay
Drew	Leigh	Stephenson
Dunlap	Leithman	Toca
Edwards		
Total—28.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Pugh
Aertker	Ginn	Roemer
Blair	Graham	Segura
Burns	Hernandez	Stovall
Carmouche	Jackson, J.	Tate
Cowen	Kean	Tobias
Dennis	Kelly	Vesich
Fayard	Martin	Wall
Fontenot	Mauberret	Womack
Fowler	Newton	
Total—29.		

And the amendment having received the vote of a majority of the total membership of the Convention required to add a section to a proposal was passed.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 6.1 was read.

Delegate Burson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Conino	Grier
Alexander	Conroy	Guarisco
Anzalone	Corne	Hardee
Arnette	D'Gerolamo	Hayes
Asseff	De Blieux	Haynes
Badeaux	Dennerly	Heine
Bel	Derbes	Jack
Bergeron	Deshotels	Jackson, A.
Bollinger	Drew	Jenkins
Brien	Dunlap	Juneau
Brown	Duval	Kilbourne
Burson	Edwards	Kilpatrick
Cannon	Elkins	Lambert
Casey	Fulco	Landrum
Champagne	Gauthier	Landry, A.
Chatelain	Ginn	Landry, E. J.
Chehardy	Goldman	Lanier
Comar	Gravel	LeBleu

Leithman	Reeves	Thisthethwaite
Lowe	Riecke	Thompson
McDaniel	Roy	Toca
Maybuce	Sandoz	Toomy
Miller	Schmitt	Ullo
Mire	Shannon	Velazquez
Morris	Singletary	Vick
Nunez	Slay	Warren
O'Neill	Smith	Wattigny
Ourso	Soniat	Weiss
Perez	Stagg	Willis
Perkins	Stinson	Winchester
Planchard	Sutherland	Wisham
Rachal	Tapper	Zervigon
Rayburn		
Total—97.		

NAYS

Delegates—		
Alario	Flory	Stephenson
Avant	Leigh	
Total—5.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Newton
Aertker	Graham	Pugh
Blair	Hernandez	Roemer
Burns	Jackson, J.	Segura
Carmouche	Jones	Stovall
Cowen	Kean	Tate
Dennis	Kelly	Tobias
Fayard	Martin	Vesich
Fontenot	Maubretet	Wall
Fowler	Munson	Womack
Total—30.		

And the Chair declared that the above Section was finally passed.

Delegate Burson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 14. Public Service Commission

Section 14. (A) Composition; Term. There shall be a Public Service Commission which shall consist of five members elected at the time fixed for congressional elections from single member districts established by law for overlapping terms of six years. The commission annually shall elect one of its members as chairman.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner it was surrendered.

(D) Decisions on Applications, Petitions, and Schedules (1) The commission shall render its final decision on applications, petitions, and proposed rate schedules within twelve months from the date the application, petition, or proposed schedule is filed.

(2) If a decision is not rendered within six months from the filing date of any proposed rate schedule, it shall be deemed to be tentatively approved.

(3) If the proposed schedule results in a rate increase, it may be put into effect, subject to such protective bond or security requirements as may be provided by law, pending final approval, modification, or rejection. If the commission disapproves the proposed increase, in whole or in part, the carrier or utility may place or continue the schedule in effect under the bond or security, subject to any appeal and final action by a court of last resort. Refund claims therefor

in the manner provided by law shall be filed within one year after such final action.

(4) Any utility filing a proposed rate schedule shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene.

(E) Appeals. Should the commission not render its decision within twelve months, an appeal may be taken as if a decision had been rendered. Appeals may be taken by any party or intervenor and must be filed with the district court, within the time provided by law, at the domicile of the commission, with a direct appeal to the supreme court as a matter of right.

(F) Jurisdiction. The commission shall regulate the transportation and sale of natural gas for industrial purposes. This jurisdiction shall not include the right to regulate the terms of any contract or the price of gas; but, regardless of the terms of any contract, shall include the right to curtail and allocate natural gas to industrial and other users to provide adequate supplies for essential human needs and to protect the interests of the public. Gas allocated to any user in the absence of a prior contract shall be sold at rates comparable to those at which such natural gas is then being sold to industrial users.

This paragraph is self-executing, and the commission shall promulgate such orders and regulations necessary to carry out the purpose and intent of this paragraph.

Read.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

Read.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Jenkins to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, at the end of line 23, insert the following: "Such rules, regulations, and practices shall, insofar as practicable, encourage competition and production among the common carriers and public utilities subject to the authority of the commission."

On motion of Delegate Jenkins the amendment was withdrawn.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, at the end of line 23, insert the following: "Such rules, regulations, and procedures shall, insofar as practicable, encourage competition and production among the common carriers and public utilities subject to the authority of the commission."

Delegate Jenkins moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Alario	Anzalone

PAGE 10

105th Days Proceedings—December 20, 1973

Arnette	Dunlap	Shannon
Avant	Flory	Slay
Bollinger	Goldman	Stagg
Brown	Guarisco	Stephenson
Burson	Jenkins	Stinson
Champagne	Juneau	Tate
Chatelain	Kilbourne	Thistlethwaite
Chehardy	Lowe	Thompson
Comar	O'Neill	Weiss
Conino	Reeves	Wisham
Conroy	Riecke	
Deshotels	Sandoz	
Total—37.		

NAYS

Delegates—		
Alexander	Hardee	Munson
Asseff	Hayes	Nunez
Badeaux	Haynes	Ourso
Bel	Heine	Perez
Bergeron	Jack	Planchard
Brien	Jackson, A.	Rachal
Cannon	Jones	Rayburn
Casey	Kean	Roy
Corne	Kilpatrick	Singletary
D'Gerolamo	Lambert	Smith
De Blieux	Landrum	Soniat
Dennery	Landry, A.	Sutherland
Derbes	Landry, E. J.	Tapper
Drew	Lanier	Toomy
Duval	LeBleu	Uilo
Edwarda	Leigh	Velazquez
Elkins	Leithman	Vick
Fulco	McDaniel	Warren
Gauthier	Maybuce	Wattigny
Ginn	Miller	Willis
Gravel	Mire	Winchester
Grier	Morris	Zervigon
Total—65.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Roemer
Aertker	Graham	Schmitt
Blair	Hernandez	Segura
Burns	Jackson, J.	Stovall
Carmouche	Kelly	Tobias
Cowen	Martin	Toca
Dennis	Mauberret	Vesich
Fayard	Newton	Wall
Fontenot	Perkins	Womack
Fowler	Pugh	
Total—30.		

And the amendment was rejected.

Delegate Singletary moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 21, after the word and punctuation "duties," delete the words "and shall" and insert in lieu thereof the following:

"and shall render decisions on applications, petitions, and proposed rate schedules in the manner provided by law. It shall"

On motion of Delegate Abraham the amendment was withdrawn.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 19, after the word "utilities" and before the word "It" delete the words and punctuation "as provided by law."

Delegate Abraham moved the adoption of the amendment.

Delegate Lambert objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Sandoz
Anzalone	Juneau	Shannon
Arnette	Kean	Stagg
Asseff	Lanier	Sutherland
Corne	Miller	Thistlethwaite
Deshotels	Morris	Tobias
Duval	Rachal	Velazquez
Total—21.		

NAYS

Delegates—		
Alario	Goldman	Ourso
Alexander	Gravel	Perez
Avant	Grier	Perkins
Badeaux	Guarisco	Planchard
Bel	Hardee	Rayburn
Bergeron	Hayes	Reeves
Bollinger	Haynes	Riecke
Brien	Hernandez	Roy
Brown	Jack	Schmitt
Burson	Jackson, A.	Singletary
Cannon	Jackson, J.	Slay
Casey	Jenkins	Smith
Champagne	Jones	Soniat
Chatelain	Kilbourne	Stephenson
Chehardy	Kelly	Stinson
Comar	Kilpatrick	Tapper
Conino	Lambert	Tate
Conroy	Landrum	Thompson
D'Gerolamo	Landry, A.	Toca
De Blieux	Landry, E. J.	Toomy
Dennery	LeBleu	Uilo
Derbes	Leigh	Vick
Drew	Leithman	Warren
Dunlap	Lowe	Wattigny
Edwards	McDaniel	Weiss
Elkins	Maybuce	Willis
Flory	Mire	Winchester
Fulco	Nunez	Wisham
Ginn	O'Neill	Zervigon
Total—87.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Newton
Aertker	Fowler	Pugh
Blair	Giarrusso	Roemer
Burns	Graham	Segura
Carmouche	Heine	Stovall
Cowen	Martin	Vesich
Dennis	Mauberret	Wall
Fayard	Munson	Womack
Total—24.		

And the amendment was rejected.

Delegate Lambert moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lambert sent up a floor amendment, which was read as follows:

PAGE 11

105th Days Proceedings—December 20, 1973

FLOOR AMENDMENT

Amendment proposed by Delegates Lambert and Nunez to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, at the end of line 23, add the following:
"Notwithstanding any provision in this Paragraph, the legislature shall provide for the regulation of natural gas by such regulatory authority as it may designate."

Delegate Lambert moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Ginn	Nunez
Alario	Goldman	Ourso
Alexander	Gravel	Perkins
Avant	Grier	Rachal
Badeaux	Guarisco	Rayburn
Bel	Hayes	Reeves
Bergeron	Haynes	Riecke
Brien	Heine	Roy
Brown	Hernandez	Sandoz
Burson	Jack	Schmitt
Cannon	Jackson, A.	Shannon
Casey	Jackson, J.	Slay
Champagne	Jones	Smith
Chatelain	Juneau	Soniata
Chehardy	Kean	Stephenson
Comar	Kelly	Sutherland
Conino	Kilbourne	Tapper
Conroy	Kilpatrick	Tate
Corne	Lambert	Thistlethwaite
D'Gerolamo	Landrum	Thompson
De Blieux	Landry, A.	Toca
Dennerly	Landry, E. J.	Toomy
Derbes	Lanier	Ullo
Dunlap	Leigh	Velazquez
Duval	Leithman	Vick
Edwards	Lowe	Wattigny
Elkins	McDaniel	Weiss
Flory	Maybe	Willis
Fulco	Miller	Winchester
Gauthier	Mire	Wisham
Total—90.		

NAYS

Delegates—		
Anzalone	Hardee	Stagg
Arnette	Jenkins	Stinson
Asseff	O'Neill	Tobias
Bollinger	Planchard	Warren
Deshotels	Singletary	Zervigon
Total—15.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Newton
Aertker	Fowler	Perez
Blair	Giarrusso	Pugh
Burns	Graham	Roemer
Carmouche	LeBleu	Segura
Cowen	Martin	Stovall
Dennis	Mauberret	Vesich
Drew	Morris	Wall
Fayard	Munson	Womack
Total—27.		

And the amendment was adopted.

Delegate Lambert moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 14, Paragraph B, was read, as amended.

Delegate Lambert moved the final passage of the paragraph.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gravel	Rachal
Alario	Grier	Rayburn
Alexander	Guarisco	Reeves
Avant	Hardee	Riecke
Badeaux	Hayes	Roy
Bel	Haynes	Sandoz
Bergeron	Heine	Schmitt
Bollinger	Hernandez	Shannon
Brien	Jack	Singletary
Brown	Jackson, A.	Slay
Burson	Jackson, J.	Smith
Cannon	Jones	Soniata
Casey	Juneau	Stagg
Champagne	Kean	Stephenson
Chatelain	Kelly	Stinson
Chehardy	Kilbourne	Sutherland
Comar	Kilpatrick	Tapper
Conino	Lambert	Tate
Conroy	Landrum	Thistlethwaite
Corne	Landry, A.	Thompson
D'Gerolamo	Landry, E. J.	Tobias
De Blieux	Lanier	Toca
Dennerly	LeBleu	Toomy
Derbes	Leithman	Ullo
Drew	Lowe	Velazquez
Dunlap	McDaniel	Vick
Duval	Maybe	Warren
Edwards	Miller	Wattigny
Elkins	Mire	Weiss
Flory	Nunez	Willis
Fulco	O'Neill	Winchester
Gauthier	Ourso	Wisham
Goldman	Perkins	Zervigon
Goldman	Planchard	
Total—101.		

NAYS

Delegates—		
Anzalone	Asseff	Jenkins
Arnette	Deshotels	Leigh
Total—6.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Perez
Aertker	Giarrusso	Pugh
Blair	Graham	Roemer
Burns	Martin	Segura
Carmouche	Mauberret	Stovall
Cowen	Morris	Vesich
Dennis	Munson	Wall
Fayard	Newton	Womack
Fontenot		
Total—25.		

And the Chair declared that the above paragraph was finally passed.

Delegate Lambert moved to reconsider the vote by which the above paragraph was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner it was surrendered.

Read.

Delegate Cannon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Cannon, O'Neill and Roemer to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 31, after the word and punctuation "sur-rendered." add the following:

"This shall not apply to safety regulations pertaining to the operation of such utilities."

Delegate Cannon moved the adoption of the amendment.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Graham	Perez
Abraham	Gravel	Perkins
Alario	Grier	Planchard
Anzalone	Guarisco	Rachal
Arnette	Hardee	Rayburn
Avant	Hayes	Reeves
Badeaux	Haynes	Riecke
Bel	Heine	Roy
Bergeron	Hernandez	Sandoz
Bollinger	Jack	Schmitt
Brien	Jackson, A.	Shannon
Brown	Jackson, J.	Singletary
Burson	Jenkins	Slay
Cannon	Jones	Smith
Casey	Juneau	Soniat
Champagne	Kean	Stagg
Chatelain	Kelly	Stephenson
Chehardy	Kilbourne	Stinson
Comar	Kilpatrick	Sutherland
Conino	Lambert	Tapper
Conroy	Landry, A.	Tate
Corne	Landry, E. J.	Thistlethwaite
D'Gerolamo	Lanier	Thompson
De Blieux	LeBleu	Toca
Dennery	Leigh	Toomy
Deshotels	Leithman	Ullo
Drew	Lowe	Velazquez
Dunlap	McDaniel	Warren
Duval	Maybuce	Wattigny
Elkins	Miller	Weiss
Flory	Mire	Willis
Fulco	Nunez	Winchester
Gauthier	O'Neill	Wisham
Ginn	Ourso	Zervigon
Goldman		
Total—103.		

NAYS

Delegates—		
Alexander	Derbes	Tobias
Asseff	Fayard	
Total—5.		

NOT VOTING

Delegates—		
Aertker	Fowler	Pugh
Blair	Giarrusso	Roemer
Burns	Landrum	Segura
Carmouche	Martin	Stovall
Cowen	Mauberret	Vesich
Dennis	Morris	Vick
Edwards	Munson	Wall
Fontenot	Newton	Womack
Total—24.		

And the amendment was adopted.

Delegate Cannon moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 14, Paragraph C, was read, as amended.

Delegate Lambert moved the final passage of the paragraph.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Alario	Ginn	Planchard
Alexander	Goldman	Rachal
Anzalone	Graham	Rayburn
Arnette	Gravel	Reeves
Asseff	Grier	Riecke
Avant	Hardee	Roy
Badeaux	Hayes	Sandoz
Bel	Haynes	Schmitt
Bergeron	Heine	Shannon
Bollinger	Hernandez	Singletary
Brien	Jack	Slay
Brown	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jones	Stagg
Casey	Juneau	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kean	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Lambert	Tate
Conino	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
D'Gerolamo	LeBleu	Toca
De Blieux	Leigh	Toomy
Dennery	Leithman	Ullo
Derbes	Lowe	Velazquez
Deshotels	McDaniel	Warren
Drew	Maybuce	Wattigny
Dunlap	Miller	Weiss
Duval	Mire	Willis
Elkins	Nunez	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	Zervigon
Total—105.		

NAYS

Delegates—		
Guarisco	Jenkins	Kelly
Total—3.		

NOT VOTING

Delegates—		
Aertker	Fowler	Pugh
Blair	Giarrusso	Roemer
Burns	Landrum	Segura
Carmouche	Martin	Stovall
Cowen	Mauberret	Vesich
Dennis	Morris	Vick
Edwards	Munson	Wall
Fontenot	Newton	Womack
Total—25.		

And the Chair declared that the above paragraph was finally passed.

Delegate Lambert moved to reconsider the vote by which the above paragraph was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

(D) Decisions on Applications, Petitions, and Schedules

(1) The commission shall render its final decision on applications, petitions, and proposed rate schedules within twelve months from the date the application, petition, or proposed schedule is filed.

(2) If a decision is not rendered within six months from the filing date of any proposed rate schedule, it shall be deemed to be tentatively approved.

(3) If the proposed schedule results in a rate increase, it may be put into effect, subject to such protective bond or security requirements as may be provided by law, pending final approval, modification, or rejection. If the commission

disapproves the proposed increase, in whole or in part, the carrier or utility may place or continue the schedule in effect under the bond or security, subject to any appeal and final action by a court of last resort. Refund claims therefor in the manner provided by law shall be filed within one year after such final action.

(4) Any utility filing a proposed rate schedule shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene.

Read.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 1 through 23, both inclusive, in their entirety, and insert in lieu thereof the following: "The commission shall render decisions on applications, petitions, and proposed rate schedules in the manner prescribed by law."

Delegate Deshotels moved that debate on the amendment be limited to thirty minutes.

As a substitute Delegate Schmitt moved that debate be limited to fifteen minutes for proponents and opponents respectively, of the amendments.

Delegate O'Neill objected.

The vote recurred on the substitute.

By a vote of 52 yeas and 34 nays debate was limited to fifteen minutes for the proponents and fifteen minutes for the opponents of the amendment.

Delegate Abraham moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Nunez
Abraham	Gauthier	Perez
Alario	Ginn	Rayburn
Anzalone	Hayes	Reeves
Burson	Hernandez	Schmitt
De Blieux	Juneau	Slay
Derbes	Kean	Tate
Deshotels	Kelly	Zervigon
Duval	Lambert	
Total—26.		

NAYS

Delegates—		
Alexander	Casey	Flory
Arnette	Champagne	Fulco
Asseff	Chatelain	Goldman
Avant	Chehardy	Graham
Badeaux	Comar	Gravel
Bel	Conino	Grier
Bergeron	Conroy	Guarisco
Bollinger	Corne	Hardee
Brien	D'Gerolamo	Haynes
Brown	Drew	Heine
Cannon	Elkins	Jack

Jackson, A.	Mire	Sutherland
Jackson, J.	O'Neill	Tapper
Jenkins	Ourso	Thistlethwaite
Jones	Perkins	Thompson
Kilbourne	Planchard	Toca
Kilpatrick	Rachal	Toomy
Landrum	Riecke	Uilo
Landry, A.	Roy	Velazquez
Landry, E. J.	Sandoz	Vick
Lanier	Shannon	Warren
LeBleu	Singletary	Wattigny
Leithman	Smith	Weiss
Lowe	Soniart	Willis
McDaniel	Stagg	Winchester
Maybuce	Stephenson	Wisham
Miller	Stinson	
Total—80.		

NOT VOTING

Delegates—		
Aertker	Fontenot	Pugh
Blair	Fowler	Roemer
Burns	Giarrusso	Segura
Carmouche	Leigh	Stovall
Cowen	Martin	Tobias
Dennery	Maubernet	Vesich
Dennis	Morris	Wall
Dunlap	Munson	Wornack
Edwards	Newton	
Total—26.		

And the amendment was rejected.

Delegate Tapper moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 5 through 17, both inclusive, in their entirety.

Motion

On motion of Delegate Derbes further debate on the amendment was limited to 15 minutes.

Delegate Rayburn moved the adoption of the amendment.

Delegate Perkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Nunez
Abraham	Ginn	Perez
Alario	Goldman	Planchard
Anzalone	Graham	Rayburn
Arnette	Hayes	Reeves
Badeaux	Haynes	Sandoz
Bollinger	Hernandez	Schmitt
Burson	Jackson, J.	Slay
Champagne	Juneau	Sutherland
Conroy	Kean	Tate
Corne	Kelly	Thistlethwaite
De Billeux	Kilpatrick	Thompson
Derbes	Lambert	Toomy
Deshotels	Landry, E. J.	Uilo
Drew	LeBleu	Velazquez
Duval	Maybuce	Weiss
Elkins	Mire	Zervigon
Fayard		
Total—52.		

PAGE 14

105th Days Proceedings—December 20, 1973

NAYS

Delegates—		
Alexander	Grier	Perkins
Asseff	Guarisco	Riecke
Avant	Hardee	Roy
Bel	Heine	Shannon
Bergeron	Jack	Singletary
Brien	Jackson, A.	Smith
Brown	Jenkins	Soniat
Casey	Jones	Stagg
Chatelain	Kilbourne	Stephenson
Chehardy	Landrum	Stinson
Comar	Landry, A.	Tapper
Conino	Lanier	Toca
D'Gerolamo	Leithman	Warren
Dennery	Low	Wattigny
Dennis	McDaniel	Willis
Flory	Miller	Winchester
Fulco	O'Neill	Wisham
Gravel	Ourso	
Total—53.		

NOT VOTING

Delegates—		
Aertker	Fowler	Rachal
Blair	Giarrusso	Roemer
Burns	Leigh	Segura
Cannon	Martin	Stovall
Carmouche	Mauberret	Tobias
Cowen	Morris	Vesich
Dunlap	Munson	Vick
Edwards	Newton	Wall
Fontenot	Pugh	Womack
Total—27.		

And the amendment was rejected.

Delegate Duval moved to reconsider the vote by which the amendment was rejected.

Delegate Tapper objected.

Motion

Delegate Duval moved to limit debate on the motion to reconsider to 15 minutes.

Delegate Singletary objected.

By a vote of 64 yeas and 28 nays the debate on the motion to reconsider was limited to 15 minutes.

The vote then recurred on the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Perez
Abraham	Fayard	Planchar
Alario	Gauthier	Rayburn
Anzalone	Ginn	Reeves
Arnette	Graham	Sandoz
Badeaux	Hayes	Schmitt
Blair	Hernandez	Slay
Bollinger	Jackson, J.	Stagg
Burson	Juneau	Sutherland
Casey	Kean	Tate
Champagne	Kelly	Thistlethwalte
Conroy	Kilpatrick	Toomy
Corne	Lambert	Ullo
De Blieux	Landry, E. J.	Velazquez
Derbes	LeBleu	Weiss
Deshotels	Mire	Zervigon
Drew	Nunez	
Total—50.		

NAYS

Delegates—		
Alexander	Asseff	Avant

Bel	Guarisco	Ourso
Bergeron	Hardee	Perkins
Brien	Heine	Riecke
Brown	Jack	Roy
Chatelain	Jackson, A.	Shannon
Chehardy	Jenkins	Singletary
Comar	Jones	Smith
Conino	Kilbourne	Soniat
D'Gerolamo	Landrum	Stinson
Dennery	Landry, A.	Tapper
Dennis	Lanier	Thompson
Elkins	Leithman	Toca
Flory	Low	Vick
Fulco	McDaniel	Warren
Goldman	Maybuce	Wattigny
Gravel	Munson	Willis
Grier	O'Neill	Wisham
Total—54.		

NOT VOTING

Delegates—		
Aertker	Haynes	Roemer
Burns	Leigh	Segura
Cannon	Martin	Stephenson
Carmouche	Mauberret	Stovall
Cowen	Miller	Tobias
Dunlap	Morris	Vesich
Edwards	Newton	Wall
Fontenot	Pugh	Winchester
Fowler	Rachal	Womack
Giarrusso		
Total—28.		

And the Convention refused to reconsider the vote by which the amendment was rejected.

Delegate Warren sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Warren to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 1, immediately after the word "decision" and before the word "on" insert the following: "after a public hearing"

AMENDMENT No. 2—

On page 6, line 15, immediately following "resort," delete the remainder of the line and delete lines 16 and 17 in their entirety and insert in lieu thereof the following:

"After the final rejection of a proposed rate increase, the applicant shall refund all monies paid pursuant to any increase placed in effect pending final approval."

On request of Delegate Warren a division of the question was ordered.

Delegate Warren moved the adoption of Amendment No. 1.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Chatelain	Goldman
Alario	Chehardy	Graham
Alexander	Comar	Gravel
Anzalone	Conino	Grier
Asseff	Corne	Guarisco
Avant	D'Gerolamo	Hardee
Badeaux	De Blieux	Hayes
Bel	Dennery	Jackson, A.
Bergeron	Derbes	Jackson, J.
Blair	Deshotels	Jenkins
Bollinger	Drew	Jones
Brien	Duval	Juneau
Brown	Elkins	Kelly
Burson	Fayard	Kilbourne
Casey	Flory	Kilpatrick
Champagne	Gauthier	Lambert

Landrum	Planchard	Sutherland
Landry, A.	Rayburn	Tapper
Landry, E. J.	Reeves	Thompson
Lanier	Riecke	Toca
LeBleu	Roy	Toomy
Leithman	Schmitt	Ullo
Lowe	Shannon	Velazquez
McDaniel	Singletary	Warren
Miller	Slay	Wattigny
Mire	Smith	Weiss
Munson	Soniat	Willis
O'Neill	Stagg	Zervigon
Perkins	Stinson	
Total—86.		

NAYS

Delegates—		
Arnette	Heine	Perez
Conroy	Hernandez	Tate
Dennis	Jack	Tobias
Fulco	Nunez	
Total—11.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Sandoz
Aertker	Kean	Segura
Burns	Leigh	Stephenson
Cannon	Martin	Stovall
Carmouche	Mauberrret	Thistlethwaite
Cowen	Maybuce	Vesich
Dunlap	Morris	Vick
Edwards	Newton	Wall
Fontenot	Ourso	Winchester
Fowler	Pugh	Wisham
Giarrusso	Rachal	Womack
Ginn	Roemer	
Total—35.		

And the amendment was adopted.

Delegate Warren moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

The previous question was ordered on Amendment No. 2.

On motion of Delegate Warren and under a suspension of the rules, Amendment No. 2 was withdrawn.

Motion

Delegate Rayburn moved to take up other Orders of Business.

Delegate Abraham objected.

By a vote of 42 yeas and 50 nays the Convention refused to take up other Orders of Business, at this time.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roy, Lanier, Guarisco, Stagg, and Chatelain to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 5 through 17, both inclusive, in their entirety including all Floor Amendments thereto and insert in lieu thereof the following:

"(2) If a proposed rate schedule is approved in whole or in part within six months, it shall become effective on the date established by the Public Service Commission order; if no decision is rendered within six months from the filing of any proposed rate schedule, it may be put into effect, as provided by law, subject to such protective bond or security requirements until final action by a court of last resort.

(3) If the proposed increase is finally disallowed, in whole or in part, the utility or carrier shall make refunds within one year after any final action, and as otherwise provided by law."

Motion

Delegate Bollinger moved to limit debate on the amendment to 30 minutes.

As a substitute Delegate Thompson moved to limit debate on the amendment to 15 minutes.

Delegate Schmitt objected.

The vote recurred on the substitute.

By a vote of 39 yeas and 44 nays the convention refused to limit debate on the amendment to 15 minutes.

Delegate Bollinger insisted upon his original motion to limit debate to 30 minutes.

Delegate Arnette objected.

By a vote of 78 yeas and 21 nays debate was limited to 30 minutes.

On motion of Delegate Roy the amendment was withdrawn.

Motion

Delegate Kelly moved that the Convention take up other Orders of Business at this time.

As a substitute Delegate Schmitt moved the previous question on the entire subject matter.

Delegate Roy objected.

The vote recurred on the substitute.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Jones	Nunez
Burson	Kean	Schmitt
Champagne		
Total—7.		

NAYS

Delegates—		
Alario	Ginn	Perez
Alexander	Goldman	Perkins
Anzalone	Graham	Planchard
Asseff	Gravel	Rayburn
Avant	Grier	Riecke
Badeaux	Guarisco	Roy
Bel	Hardee	Shannon
Bergeron	Hayes	Singletary
Bollinger	Hernandez	Slay
Brien	Jack	Smith
Brown	Jackson, A.	Soniat
Casey	Jackson, J.	Stagg
Chatelain	Jenkins	Stinson
Comar	Juneau	Sutherland
Conino	Kelly	Tapper
Conroy	Kilbourne	Tate
Corne	Kilpatrick	Thistlethwaite
D'Gerolamo	Lambert	Thompson
De Blieux	Landrum	Tobias
Dennery	Landry, A.	Toca
Dennis	Landry, E. J.	Toomy
Deshotels	Lanier	Ullo
Drew	LeBleu	Warren
Duval	Lowe	Wattigny
Elkins	McDaniel	Weiss
Fayard	Miller	Willis
Flory	Mire	Wisham
Fulco	Munson	Zervigon
Gauthier	O'Neill	
Total—86.		

NOT VOTING

Delegates— Mr. Chairman Aertker Arnette Blair Burns Cannon Carmouche Chehardy Cowen Derbes Dunlap Edwards Fontenot Total—40.	Fowler Giarrusso Haynes Heine Leigh Leithman Martin Mauberret Maybuce Morris Newton Ourso Pugh	Rachal Reeves Roemer Sandoz Segura Stephenson Stovall Velazquez Vesich Vick Wall Winchester Womack
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And the Convention refused to order the previous question on the entire subject matter.

Delegate Kelly insisted upon his original motion to take up other orders of business.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Abraham Alario Anzalone Asseff Brown Burson Conroy Corne De Blieux Dennis Deshotels Drew Total—35.	Duval Elkins Gauthier Ginn Hayes Jackson, J. Kean Kelly Kilpatrick Lambert Landrum Landry, E. J.	LeBleu Nunez Perez Perkins Planchard Rayburn Reeves Schmitt Sutherland Toomy Weiss
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NAYS

Delegates— Alexander Arnette Avant Badeaux Bel Bergeron Bollinger Brien Casey Champagne Chatelain Comar Conino D'Gerolamo Dennery Derbes Fayard Flory Fulco Goldman Total—60.	Graham Gravel Grier Guarisco Hardee Hernandez Jack Jackson, A. Jenkins Jones Juneau Kilbourne Landry, A. Lanier Lowe McDaniel Miller Mire Munson O'Neill	Riecke Roy Shannon Singletary Slay Smith Soniati Stagg Stinson Tapper Tate Thistlethwaite Tobias Toca Ullo Warren Wattigny Willis Wisham Zervigon
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NOT VOTING

Delegates— Mr. Chairman Aertker Blair Burns Cannon Carmouche Chehardy	Cowen Dunlap Edwards Fontenot Fowler Giarrusso Haynes	Heine Leigh Leithman Martin Mauberret Maybuce Morris
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Newton Ourso Pugh Rachal Roemer Sandoz Total—38.	Segura Stephenson Stovall Thompson Velazquez Vesich	Vick Wall Winchester Womack
--	--	--------------------------------------

And the Convention refused to take up other orders of business at this time.

Motion

Delegate Shannon moved to limit debate on the amendment to 30 minutes.

As a substitute Delegate Bollinger moved to limit debate on the amendment to 20 minutes.

Delegate Schmitt objected.

The vote recurred on the substitute.

By a vote of 66 yeas and 25 nays debate on the amendment was limited to 20 minutes.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roy, Lanier, Guarisco, Stagg, Chatelain and Willis to Committee Proposal No 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 5 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(2) If a proposed rate schedule is approved in whole or in part within six months, any increase shall become effective on the date established by the Public Service Commission order. If no decision is rendered within six months from the effective filing date of any proposed rate schedule, such increase may be put into effect, as provided by law, subject to such protective bond or security requirements until final action by a court of last resort.

(3) If the proposed increase is finally disallowed, in whole or in part, the utility or carrier shall make refunds within one year after any final action, and as otherwise provided by law."

Delegate Roy moved the adoption of the amendment.

Delegate Deshotels objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Alexander Asseff Avant Bel Bollinger Brien Brown Casey Champagne Chatelain Chehardy Comar Conino Conroy D'Gerolamo Dennery Drew Elkins Flory Fulco Total—63.	Gauthier Ginn Goldman Graham Gravel Grier Guarisco Hardee Jack Jackson, A. Jenkins Jones Kilbourne Landrum Landry, A. Landry, E. J. Lanier Leithman Lowe McDaniel Mire	O'Neill Perkins Planchard Riecke Roy Sandoz Shannon Singletary Smith Soniati Stagg Stinson Tapper Thistlethwaite Thompson Tobias Toca Warren Wattigny Willis Wisham
--	--	---

NAYS

Delegates—		
Mr. Chairman	Deshotels	Munson
Abraham	Duval	Nunez
Alario	Fayard	Perez
Anzalone	Hayes	Rayburn
Arnette	Jackson, J.	Reeves
Badeaux	Juneau	Schmitt
Bergeron	Kean	Slay
Blair	Kelly	Sutherland
Burson	Kilpatrick	Toomy
Corne	Lambert	Uilo
De Blieux	LeBieu	Weiss
Derbes	Miller	Zervigon
Total—36.		

NOT VOTING

Delegates—		
Aertker	Heine	Roemer
Burns	Hernandez	Segura
Cannon	Leigh	Stephenson
Carmouche	Martin	Stovall
Cowen	Mauberret	Tate
Dunlap	Maybuce	Velazquez
Edwards	Morris	Vesich
Fontenot	Newton	Vick
Fowler	Ourso	Wall
Giarrusso	Pugh	Winchester
Haynes	Rachal	Womack
Total—33.		

And the amendment was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Reeves moved that the Convention take up other orders of business.

Delegate Champagne objected.

By a vote of 72 yeas and 34 nays the Convention took up other orders of Business:

**Introduction of Resolutions
Delegate and Committee Resolution**

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 49—

Introduced by Delegate Casey and all other delegates to the Convention.

A RESOLUTION

To convey to Delegate Anthony J. Vesich the good wishes of the Convention for a speedy and complete recovery.

WHEREAS, the Delegates to the Constitutional Convention have learned with regret that Delegate Anthony J. Vesich, who recently underwent serious surgery in New Orleans will be hospitalized during the Christmas holidays; and

WHEREAS, the Delegates desire to express to their colleague their sincere good wishes and a complete and speedy recovery in order that he may return to the Convention within the near future.

THEREFORE, BE IT RESOLVED, that the Delegates to the Constitutional Convention of Louisiana of 1973 do hereby express to Delegate Vesich their heartfelt wishes and prayers for a most successful and speedy recovery.

BE IT FURTHER RESOLVED, that the Convention takes this opportunity to wish Delegate Vesich a blessed

Christmas and a most successful New Year.

BE IT FURTHER RESOLVED, that a copy of this resolution will be transmitted without delay to Delegate Anthony J. Vesich at the Hotel Dieu in New Orleans, Louisiana.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

December 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Resolution has been properly enrolled:

DELEGATE RESOLUTION No. 49—

Introduced by Delegate Casey and all other delegates to the Convention:

A RESOLUTION

To convey to Delegate Anthony J. Vesich the good wishes of the Convention for a speedy and complete recovery.

WHEREAS, the Delegates to the Constitutional Convention have learned with regret that Delegate Anthony J. Vesich, who recently underwent serious surgery in New Orleans will be hospitalized during the Christmas holidays; and

WHEREAS, the Delegates desire to express to their colleague their sincere good wishes and a complete and speedy recovery in order that he may return to the Convention within the near future.

THEREFORE, BE IT RESOLVED, that the Delegates to the Constitutional Convention of Louisiana of 1973 do hereby express to Delegate Vesich their heartfelt wishes and prayers for a most successful and speedy recovery.

BE IT FURTHER RESOLVED, that the Convention takes this opportunity to wish Delegate Vesich a blessed Christmas and a most successful New Year.

BE IT FURTHER RESOLVED, that a copy of this resolution will be transmitted without delay to Delegate Anthony J. Vesich at the Hotel Dieu in New Orleans, Louisiana.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention.

Leaves of Absence

- Delegate Fowler—2 days.
- Delegate Burns—2 days.
- Delegate Blair—½ day.
- Delegate Aertker—1 day.
- Delegate Cowen—1½ days.

Adjournment

Delegate Nunez moved that the Convention do now adjourn until Friday, December 21, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, December 21, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

ONE HUNDRED SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, December 21, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne D'Gerolamo De Blieux Dennery Dennis Derbes Deshotels Drew Dunlap Duval Elkins Fayard Flory Total—115.	Fulco Gauthier Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Heine Haynes Hernandez Jack Jackson, A. Jackson, J. Jenkins Jones Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landry, A. Landry, E. J. Lanier LeBleu Leithman Lowe McDaniel Mauberret Maybuce Miller Mire Morris Munson Nunez O'Neill	Ourso Perez Perkins Plancharde Pugh Rayburn Reeves Riecke Roy Sandoz Schmitt Shannon Singletary Slay Smith Soniati Stagg Stephenson Stinson Sutherland Tapper Tate Thistlethwaite Thompson Tobias Toca Toomy Ullo Velazquez Vick Warren Wattigny Weiss Willis Winchester Wisham Zervigon
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ABSENT

Delegates— Burns Cowen Edwards Fontenot Fowler Giarrusso Total—17.	Landrum Leigh Martin Newton Rachal Roemer	Segura Stovall Vesich Wall Womack
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The Chairman announced that there were 115 members present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Smith led the Convention in singing "The Star Spangled Banner".

Reading of the Journal

On motion of Delegate A. Landry, the reading of the Journal was dispensed with.

On motion of Delegate A. Landry, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Section 14. Public Service Commission

Read.

(D) Decisions on Applications, Petitions, and Schedules

(1) The commission shall render its final decision on applications, petitions, and proposed rate schedules within twelve months from the date the application, petition, or proposed schedule is filed.

(2) If a decision is not rendered within six months from the filing date of any proposed rate schedule, it shall be deemed to be tentatively approved.

(3) If the proposed schedule results in a rate increase, it may be put into effect, subject to such protection bond or final approval, modification, or rejection. If the commission security requirements as may be provided by law, pending final approval, modification, or rejection. If the commission disapproves the proposed increase, in whole or in part, the carrier or utility may place or continue the schedule in effect under the bond or security, subject to any appeal and in the manner provided by law shall be filed within one year after such final action.

(4) Any utility filing a proposed rate schedule shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 34, Section 14, Paragraph (D), when it adjourned on Thursday, December 20, 1973, which was taken up and acted upon as follows:

Motion

Delegate Gravel moved that the Convention do now revert to Committee Proposal No. 34, Section 2, at this time.

Delegate Fayard objected.

By a vote of 83 yeas and 20 nays the Convention reverted to Committee Proposal No. 34, Section 2, which was taken up and acted upon as follows:

Reconsideration

On motion of Delegate Gravel the vote by which Com-

PAGE 2

106th Days Proceedings—December 21, 1973

mittee Proposal No. 34, Section 2, was adopted on December 18, 1973, was reconsidered.

Section 2. Natural Gas; Public Policy; Interstate and In-trastate Pipelines

Section 2. Natural gas is hereby declared to be affected with a public interest, and natural gas produced in Louisiana shall be made available for utilization within the state as well as to the citizens of other states.

No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline without a certificate of public convenience and necessity issued by the Public Service Commission after due application for such connection and hearing thereon.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lambert, Nunez and Gravel to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 24 through 27, both inclusive, including all floor amendments thereto and insert in lieu thereof the following:

“Section 2. Natural Gas is hereby declared to be affected with a public interest and not withstanding any other provision of this constitution, the legislature shall provide for its regulation by such regulatory authority as it may designate.”

Delegate Gravel moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Flory	Mire
Alexander	Ginn	Morris
Avant	Gravel	Munson
Bergeron	Haynes	Nunez
Blair	Hernandez	Perez
Brien	Jackson, A.	Pugh
Brown	Jackson, J.	Rayburn
Casey	Kean	Roy
Chehardy	Kelly	Shannon
D'Gerolamo	Kilpatrick	Singletary
De Blieux	Lambert	Slay
Dennerly	Landry, E. J.	Stephenson
Dunlap	Leithman	Tobias
Fayard	Maybuce	Toca
Total—42.		

NAYS

Delegates—		
Abraham	Comar	Graham
Aertker	Conino	Grier
Anzalone	Conroy	Guarisco
Arnette	Corne	Hardee
Asseff	Derbes	Hayes
Badeaux	Deshotels	Heine
Bollinger	Drew	Jack
Burson	Duval	Jenkins
Cannon	Elkins	Jones
Carmouche	Fulco	Juneau
Champagne	Gauthier	Kilbourne
Chatelain	Goldman	Lanier

LeBleu	Smith	Velazquez
Lowe	Soniat	Warren
McDaniel	Stagg	Wattigny
Miller	Stinson	Weiss
O'Neill	Sutherland	Willis
Perkins	Tapper	Winchester
Plancharh	Thistlethwaite	Wisham
Riecke	Thompson	Zervigon
Sandoz	Toomy	
Schmitt	Ullo	
Total—64.		

NOT VOTING

Delegates—		
Mr. Chairman	Landrum	Roemer
Bel	Landry, A.	Segura
Burns	Leigh	Stovall
Cowen	Martin	Tate
Dennis	Maubernet	Vesich
Edwards	Newton	Vick
Fontenot	Ourso	Wall
Fowler	Rachal	Womack
Giarrusso	Reeves	
Total—26.		

And the amendment was rejected.

Delegate Miller moved to reconsider the vote by which the amendment was rejected, and on her own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Fulco an invitation was extended to the Hon. Edwin W. Edwards, Governor of the State of Louisiana, to address the Constitutional Convention after the Christmas Holidays, the exact date to be determined later.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 24 through 27, both inclusive, including all floor amendments thereto and insert in lieu thereof the following:

“Section 2. Natural gas is hereby declared to be affected with a public interest and not withstanding any provisions of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide for its regulation by such regulatory authority as it may designate. The legislature in its discretion, however, may grant such authority to the Public Service Commission.”

Delegate Perez moved the adoption of the amendment.

Delegate Willis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Champagne	Goldman
Abraham	Chatelain	Graham
Aertker	Chehardy	Gravel
Alario	Comar	Grier
Alexander	Conino	Hayes
Asseff	Conroy	Haynes
Avant	Corne	Heine
Bergeron	D'Gerolamo	Hernandez
Blair	De Blieux	Jack
Brien	Dennerly	Jackson, A.
Brown	Dunlap	Jackson, J.
Cannon	Elkins	Juneau
Burson	Fayard	Kean
Carmouche	Flory	Kelly
Casey	Ginn	Kilpatrick

Lambert	Perez	Singletary
Landry, E. J.	Perkins	Slay
Leithman	Planchard	Smith
Lowe	Pugh	Stagg
McDaniel	Rayburn	Tate
Mauberret	Reeves	Thompson
Maybe	Riecke	Tobias
Miller	Roy	Toomy
Mire	Sandoz	Ullo
Munson	Schmitt	Weiss
Nunez	Shannon	Winchester
Total—78.		

NAYS

Delegates—		
Anzalone	Hardee	Sutherland
Arnette	Jenkins	Tapper
Badeaux	Jones	Velazquez
Deshotels	Kilbourne	Warren
Drew	Lanier	Wattigny
Duval	O'Neill	Willis
Gauthier	Soniati	Wisham
Guarisco	Stinson	Zervigon
Total—24.		

NOT VOTING

Delegates—		
Bel	Giarrusso	Roemer
Bollinger	Landrum	Segura
Burns	Landry, A.	Stephenson
Cowen	LeBleu	Stovall
Dennis	Leigh	Thistlethwaite
Derbes	Martin	Toca
Edwards	Morris	Vesich
Fontenot	Newton	Vick
Fowler	Ourso	Wall
Fulco	Rachal	Womack
Total—30.		

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 2 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennery	Kelly
Abraham	Drew	Kilbourne
Aertker	Dunlap	Kilpatrick
Alario	Duval	Lambert
Asseff	Elkins	Landry, E. J.
Avant	Fayard	Lanier
Badeaux	Flory	LeBleu
Bergeron	Fulco	Leithman
Blair	Gauthier	Lowe
Bollinger	Ginn	McDaniel
Brien	Goldman	Mauberret
Brown	Graham	Maybe
Burson	Grier	Miller
Cannon	Guarisco	Mire
Carmouche	Hayes	Morris
Casey	Haynes	Munson
Champagne	Heine	Newton
Chatelain	Hernandez	Nunez
Chehardy	Jack	O'Neill
Comar	Jackson, A.	Perez
Conino	Jackson, J.	Perkins
Conroy	Jones	Planchard
Corne	Juneau	Pugh
De Blieux	Kean	Rayburn

Reeves	Soniati	Ullo
Riecke	Stagg	Velazquez
Roy	Stinson	Warren
Sandoz	Sutherland	Wattigny
Schmitt	Tapper	Weiss
Shannon	Tate	Willis
Singletary	Thompson	Winchester
Slay	Tobias	Wisham
Smith	Toomy	Zervigon
Total—99.		

NAYS

Delegates—	Deshotels	Jenkins
Anzalone		
Arnette		
Total—4.		

NOT VOTING

Delegates—		
Alexander	Giarrusso	Segura
Bel	Gravel	Stephenson
Burns	Hardee	Stovall
Cowen	Landrum	Thistlethwaite
D'Gerolamo	Landry, A.	Toca
Dennis	Leigh	Vesich
Derbes	Martin	Vick
Edwards	Ourso	Wall
Fontenot	Rachal	Womack
Fowler	Roemer	
Total—29.		

And the Chair declared that the above Section was finally passed.

Motion

Delegate Lambert moved to return Committee Proposal No. 34 to the Calendar subject to call.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Munson
Abraham	Gauthier	Nunez
Alario	Ginn	Perez
Alexander	Graham	Perkins
Anzalone	Gravel	Planchard
Badeaux	Hayes	Rayburn
Bergeron	Hernandez	Reeves
Blair	Jackson, J.	Sandoz
Bollinger	Juneau	Schmitt
Brien	Kean	Slay
Burson	Kelly	Stagg
Cannon	Kilpatrick	Sutherland
Carmouche	Lambert	Tate
Champagne	Landry, E. J.	Thompson
Conroy	LeBleu	Toomy
Corne	Mauberret	Ullo
De Blieux	Maybe	Velazquez
Dennery	Miller	Weiss
Deshotels	Mire	Winchester
Duval	Morris	
Total—59.		

NAYS

Delegates—		
Aertker	Grier	Roy
Asseff	Guarisco	Shannon
Avant	Hardee	Singletary
Brown	Jack	Smith
Chatelain	Jackson, A.	Soniati
Comar	Jenkins	Stinson
Conino	Jones	Tapper
D'Gerolamo	Kilbourne	Tobias
Derbes	Landry, A.	Toca
Drew	Lanier	Vick
Dunlap	Lowe	Wattigny
Flory	O'Neill	Willis
Fulco	Pugh	Wisham
Goldman	Riecke	Zervigon
Total—42.		

NOT VOTING

Delegates—		
Arnette	Giarrusso	Roemer
Bel	Haynes	Segura
Burns	Heine	Stephenson
Casey	Landrum	Stovall
Chehardy	Leigh	Thistlethwaite
Cowen	Leithman	Vesich
Dennis	McDaniel	Wall
Edwards	Martin	Warren
Elkins	Newton	Womack
Fontenot	Ourso	
Fowler	Rachal	
Total—31.		

And Committee Proposal No. 34 was returned to the Calendar subject to call.

Motion

On motion of Delegate Lambert, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

Delegate Lambert moved to suspend the Rules for the purpose of introducing a Committee Proposal at this time.

Delegate Jenkins moved for a suspension of the rules to allow debate on the motion to suspend the rules.

Delegate Lambert objected.

By a vote of 32 yeas and 72 nays the Convention refused to suspend the rules to allow debate on the motion to suspend the rules for the purpose of introducing a Committee Proposal.

Delegate Jenkins objected to suspending the rules for the purpose of introducing a Proposal.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Nunez
Alario	Goldman	Perez
Alexander	Graham	Planchar
Abraham	Gravel	Rayburn
Anzalone	Grier	Reeves
Badeaux	Guarisco	Riecke
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Hernandez	Schmitt
Brien	Jackson, A.	Shannon
Brown	Jackson, J.	Singletary
Burson	Jones	Slay
Cannon	Juneau	Smith
Carmouche	Kean	Soniat
Casey	Kelly	Stagg
Champagne	Kilbourne	Stephenson
Chatelain	Kilpatrick	Sutherland
Comar	Lambert	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Thompson
De Blieux	Lanier	Tobias
Dennery	LeBleu	Toomy
Dennis	Leithman	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Mauberret	Warren
Dunlap	Miller	Weiss
Duval	Mire	Winchester
Fayard	Morris	Zervigon
Gauthier	Munson	
Total—86.		

NAYS

Delegates—		
Aertker	Haynes	Tapper
Asseff	Jack	Toca
Avant	Jenkins	Vick
Conino	Lowe	Wattigny
D'Gerolamo	Maybuce	Willis
Drew	O'Neill	Wisham
Flory	Pugh	
Fulco	Stinson	
Total—22.		

NOT VOTING

Delegates—		
Arnette	Fowler	Perkins
Bel	Giarrusso	Rachal
Burns	Heine	Roemer
Chehardy	Landrum	Segura
Cowen	Leigh	Stovall
Edwards	Martin	Vesich
Elkins	Newton	Wall
Fontenot	Ourso	Womack
Total—24.		

And the Rules were suspended.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment.

A PROPOSAL

Making provisions relating to the Public Service Commission.

Read.

Motion

On motion of Delegate Anzalone the Convention altered the Order of Business to take up other Orders of Business at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Anzalone Committee Proposal No. 34 was called from the Calendar.

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 15):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Motion

On motion of Delegate Stagg the Proposal was returned to the Calendar.

Motion

On motion of Delegate Rayburn the rules were suspended in order to engross Committee Proposal No. 37 and pass it to its third reading.

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment:

A PROPOSAL

Making provisions relating to the Public Service Commission.

Read.

On motion of Delegate Rayburn, and under the suspension of the rules, Committee Proposal No. 37 was ordered engrossed and passed to its third reading.

Motion

Delegate Stagg moved to call Committee Proposal No. 37 from the Calendar.

As a substitute Delegate Rayburn moved to call Committee Proposal No. 34 from the Calendar.

Delegate Stagg objected.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Perez
Alario	Gravel	Perkins
Anzalone	Hayes	Planchar
Badeaux	Hernandez	Pugh
Bergeron	Jackson, J.	Rayburn
Blair	Juneau	Reeves
Bollinger	Kean	Sandoz
Brien	Kelly	Schmitt
Brown	Kilpatrick	Slay
Burson	Lambert	Stagg
Cannon	Landry, A.	Stephenson
Champagne	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
De Blieux	Mauberret	Toomy
Deshotels	Miller	Ullo
Dunlap	Mire	Velazquez
Duval	Morris	Warren
Fayard	Munson	Weiss
Gauthier	Nunez	Winchester
Ginn	Ourso	Zervigon
Total—63.		

NAYS

Delegates—		
Aertker	Goldman	O'Neill
Alexander	Grier	Riecke
Arnette	Guarisco	Roy
Asseff	Hardee	Shannon
Avant	Haynes	Singletary
Carmouche	Jack	Smith
Chatelain	Jackson, A.	Soniat
Chehardy	Jenkins	Stinson
Comar	Jones	Sutherland
Conino	Kilbourne	Tapper
D'Gerolamo	Leithman	Toca
Dennery	Lowe	Wattigny
Drew	McDaniel	Willis
Flory	Maybuce	Wisham
Fulco		
Total—43.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Roemer
Bel	Fowler	Segura
Burns	Giarrusso	Stovall
Casey	Heine	Tobias
Cowen	Landrum	Vesich
Dennis	Leigh	Vick
Derbes	Martin	Wall
Edwards	Newton	Womack
Elkins	Rachal	
Total—26.		

And Committee Proposal No. 34 was called from the Calendar.

Motion

Delegate Lambert moved for a suspension of the rules in order to consider Committee Proposal No. 34, Section by Section, in accordance with the rules, as opposed to the previous motion of December 19, by which Section 14 was ordered considered lettered paragraph by lettered paragraph.

Delegate Willis objected.

By a vote of 76 yeas and 30 nays the rules were so suspended.

Delegate Lambert sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lambert to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 11 through 32, both inclusive, in their entirety, and on page 6, delete lines 1 through 32, both inclusive, in their entirety and on page 7, delete lines 1 through 12, both inclusive, in their entirety and all floor amendments thereto.

Motion

Delegate Reeves moved the previous question on the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hernandez	Perez
Anzalone	Jack	Perkins
Bollinger	Kelly	Reeves
Burson	Kilpatrick	Schmitt
Cannon	Lambert	Shannon
Conroy	Leithman	Slay
Dennis	Miller	Smith
Deshotels	Morris	Stagg
Fayard	Munson	Toomy
Gauthier	Nunez	Ullo
Ginn	Ourso	Weiss
Guarisco		
Total—34.		

NAYS

Delegates—		
Aertker	Elkins	Maybuce
Alario	Flory	Mire
Alexander	Fulco	Newton
Arnette	Goldman	Planchar
Asseff	Graham	Rayburn
Avant	Grier	Riecke
Badeaux	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Haynes	Singletary
Brien	Jackson, A.	Soniat
Brown	Jackson, J.	Stephenson
Carmouche	Jenkins	Stinson
Champagne	Jones	Sutherland
Chatelain	Juneau	Tapper
Chehardy	Kean	Thistlethwaite
Comar	Kilbourne	Thompson
Conino	Landry, A.	Velazquez
Corne	Landry, E. J.	Warren
D'Gerolamo	Lanier	Wattigny
De Blieux	LeBleu	Willis
Dennery	Lowe	Winchester
Drew	McDaniel	Wisham
Dunlap	Mauberret	Zervigon
Duval		
Total—70.		

NOT VOTING

Delegates—
 Mr. Chairman
 Bel
 Burns
 Casey
 Cowen
 Derbes
 Edwards
 Fontenot
 Fowler
 Giarrusso
 Total—28.

Gravel	Segura
Heine	Stovall
Landrum	Tate
Leigh	Tobias
Martin	Toca
O'Neill	Vesich
Pugh	Vick
Rachal	Wall
Roemer	Womack

And the Convention refused to move the previous question, at this time.

Motion

On motion of Delegate Champagne debate on the amendment was limited to 20 minutes.

Motion

Delegate Lambert moved to withdraw the amendment.
 Delegate Schmitt objected.

By a vote of 82 yeas and 19 nays the amendment was withdrawn.

Motion

Delegate Chatelain moved that the Convention do now adjourn until Thursday, January 3, 1974, at 9:00 o'clock A.M.
 Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Nunez
Aertker	Hardee	Ourso
Alario	Hayes	Perez
Asseff	Haynes	Planchard
Badeaux	Juneau	Rayburn
Blair	Kean	Reeves
Bollinger	Lambert	Sandoz
Burson	Landry, A.	Schmitt
Carmouche	Landry, E. J.	Slay
Chatelain	Lanier	Tapper
Comar	Leithman	Thistlethwaite
Corne	Lowe	Thompson
D'Gerolamo	McDaniel	Toca
Deshotels	Mauberrret	Ullo
Duval	Mire	Winchester
Elkins		
Fayard		
Total—46.		

NAYS

Delegates—	Dennis	Jones
Abraham	Drew	Kelly
Alexander	Dunlap	Kilbourne
Anzalone	Flory	Kilpatrick
Arnette	Fulco	LeBleu
Avant	Ginn	Maybuce
Bergeron	Goldman	Miller
Brien	Graham	Morris
Brown	Gravel	Riecke
Cannon	Grier	Roy
Champagne	Guarisco	Singletary
Chehardy	Jack	Smith
Conino	Jackson, A.	Soniat
Conroy	Jackson, J.	Stagg
De Blieux	Jenkins	Stephenson
Dennery		

Stinson
 Sutherland
 Tate
 Toomy
 Total—55.

Velazquez
 Wattigny
 Weiss
 Willis

Wisham
 Zervigon

NOT VOTING

Delegates—
 Mr. Chairman
 Bel
 Burns
 Casey
 Cowen
 Derbes
 Edwards
 Fontenot
 Fowler
 Giarrusso
 Heine
 Total—31.

Hernandez	Roemer
Landrum	Segura
Leigh	Shannon
Martin	Stovall
Munson	Tobias
Newton	Vesich
O'Neill	Vick
Perkins	Wall
Pugh	Warren
Rachal	Womack

And the Convention refused to adjourn until Thursday, January 3, 1974, at 9:00 o'clock A.M.

Leaves of Absence

Delegate Rachal—1 day.
 Delegate Bel—½ day.
 Delegate A. Landry—½ day.
 Delegate Tobias—½ day.
 Delegate Casey—½ day.
 Delegate Mire—½ day.

Adjournment

Delegate Perez moved that the Convention adjourn until Thursday, January 3, 1973 at 9:00 o'clock A.M.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Elkins	Ourso
Mr. Chairman	Fayard	Perez
Alario	Gauthier	Perkins
Alexander	Graham	Planchard
Anzalone	Gravel	Pugh
Arnette	Grier	Rayburn
Asseff	Hardee	Reeves
Badeaux	Hayes	Roy
Blair	Haynes	Sandoz
Bollinger	Juneau	Slay
Burson	Kean	Smith
Cannon	Kilbourne	Stephenson
Carmouche	Lambert	Tapper
Chatelain	Landry, E. J.	Tate
Chehardy	Lanier	Thistlethwaite
Comar	Leithman	Toca
Conino	Lowe	Toomy
Conroy	McDaniel	Ullo
Corne	Mauberrret	Warren
D'Gerolamo	Mire	Wattigny
Dennery	Morris	Winchester
Deshotels	Munson	Wisham
Dunlap	Nunez	
Duval		
Total—68.		

NAYS

Delegates—	Goldman	Riecke
Abraham	Guarisco	Schmitt
Avant	Jack	Singletary
Bergeron	Jackson, A.	Soniat
Brien	Jackson, J.	Stagg
Brown	Jenkins	Stinson
Champagne	Jones	Sutherland
De Blieux	Kelly	Velazquez
Dennis	Kilpatrick	Weiss
Drew	LeBleu	Willis
Flory	Maybuce	Zervigon
Fulco	Miller	
Ginn		
Total—35.		

PAGE 7

106th Days Proceedings—December 21, 1973

NOT VOTING

Delegates—

Aertker	Fontenot	Leigh
Bel	Fowler	Martin
Burns	Giarrusso	Newton
Casey	Heine	O'Neill
Cowen	Hernandez	Rachal
Derbes	Landrum	Roemer
Edwards	Landry, A.	Segura

Shannon
Stovall
Thompson
Total—29.

Tobias
Vesich
Vick

Wall
Womack

And Chairman Henry declared the Convention adjourned to Thursday, January 3, 1974 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED SEVENTH DAY'S PROCEEDINGS

of the Constitution Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Thursday, January 3, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m.,
by Hon. Thomas Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	O'Neill
Abraham	Fowler	Ourso
Aeriker	Fulco	Perez
Alario	Gauthier	Perkins
Alexander	Ginn	Planchard
Anzalone	Goldman	Rachal
Arnette	Graham	Rayburn
Asseff	Gravel	Reeves
Avant	Grier	Riecke
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Jones	Stephenson
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kilbourne	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Tate
Comar	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Velazquez
Dennerly	Lowe	Vick
Dennis	McDaniel	Warren
Deshotels	Martin	Wattigny
Drew	Maubertret	Weiss
Dunlap	Miller	Willis
Duval	Morris	Winchester
Edwards	Munson	Wisham
Elkins	Newton	Womack
Fayard	Nunez	Zervigon
Flory		
Total—121.		

ABSENT

Delegates—		
Derbes	Maybuce	Segura
Giarrusso	Mire	Vesich
Jack	Pugh	Wall
Kelly	Schmitt	
Total—11.		

The Chairman announced that there were 121 members
present and a quorum.

Prayer

Prayer was offered by Delegate Willis.

Pledge of Allegiance

Delegate Cannon led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Smith, the reading of the Journal
was dispensed with.

On motion of Delegate Smith, the Journal of yesterday
was adopted.

Morning Hour

Motion

On motion of Delegate Stovall the Convention was ordered
to transmit a communication of condolence, in memory of the
late James E. Fitzmorris, Sr., father of the Honorable James
E. Fitzmorris, Jr., Lieutenant Governor, State of Louisiana.

Reports of Committees

The following reports of committees were received and
read:

Delegate Aertker, chairman, on behalf of the Committee on
Education and Welfare, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

December 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Education and Welfare
to submit the following report:

DELEGATE PROPOSAL No. 3—

Introduced by Dr. Asseff:

A PROPOSAL

Relative to legislation increasing financial burdens of school
boards.

Reported without action.

DELEGATE PROPOSAL No. 53—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions
with respect thereto.

Reported without action.

DELEGATE PROPOSAL No. 57—

Introduced by Delegate Flory:

A PROPOSAL

To provide for the registration of corporate stockholders.

Reported without action.

DELEGATE PROPOSAL No. 58—

Introduced by Delegate Flory:

A PROPOSAL

Providing for municipal fire and police civil service.

Reported without action.

DELEGATE PROPOSAL No. 87—

Introduced by Delegate Segura:

A PROPOSAL

Providing for state and city civil service.

Reported without action.

DELEGATE PROPOSAL No. 88—

Introduced by Delegate Lennox:

A PROPOSAL

To provide for the continuous operation of government.

Reported without action.

DELEGATE PROPOSAL No. 89—

Introduced by Delegate Lennox:
A PROPOSAL
Prohibiting strikes by public employees.
Reported without action.

DELEGATE PROPOSAL No. 90—

Introduced by Delegate Lennox:
A PROPOSAL
To prohibit monopolistic control over employment in any industry within the state.
Reported without action.

DELEGATE PROPOSAL No. 94—

Introduced by Delegate Pugh:
A PROPOSAL
Prohibiting the purchase or subscription by the state or its political subdivisions of stock of any corporation or association or for any private enterprise and providing exceptions.
Reported without action.

Respectfully submitted,
ROBERT J. AERTKER,
Chairman.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 34 when it adjourned on Friday, December 21, 1973, which was taken up and acted upon as follows:

Motion

On motion of Delegate Lambert Committee Proposal No. 34 was returned to the Calendar.

Motion

On motion of Delegate Lambert the Convention took up Proposals on third reading and final passage.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Lambert Committee Proposal No. 37 was taken up out of its regular order and acted upon as follows:

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment:

A PROPOSAL

Making provisions relating to the Public Service Commission.
Read.

Section 14. Public Service Commission

Section 14. (A) Composition; Term. There shall be a Public Service Commission which shall consist of five members elected at the time fixed for congressional elections from single member districts established by law for overlapping terms of six years. The commission annually shall elect one of its members as chairman. Each commissioner serving upon the effective date of this constitution shall be the commissioner for the new district in which he resides and shall serve out the term for which he was chosen.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law. Notwithstanding any provision in this Paragraph, the legislature shall provide for the regulation of natural gas by such regulatory authority as it may designate.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner it was surrendered. This shall not apply to safety regulations pertaining to the operation of such utilities.

(D) Decisions on Applications, Petitions, and Schedules.

(1) The commission shall render its final decision after a public hearing on applications, petitions, and proposed rate schedules within twelve months from the date the application, petition, or proposed schedule is filed.

(2) If a proposed rate schedule is approved in whole or in part within six months, any increase shall become effective on the date established by the Public Service Commission order. If no decision is rendered within six months from the effective filing date of any proposed rate schedule, such increase may be put into effect, as provided by law, subject to such protective bond or security requirements until final action by a court of last resort.

(3) If the proposed increase is finally disallowed, in whole or in part, the utility or carrier shall make refunds within one year after any final action, and as otherwise provided by law.

(4) Any utility filing a proposed rate schedule shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene.

(E) Appeals. Should the commission not render its decision within twelve months, an appeal may be taken as if a decision had been rendered. Appeals may be taken by any party or intervenor and must be filed with the district court, within the time provided by law, at the domicile of the commission, with a direct appeal to the supreme court as a matter of right.

(F) Jurisdiction. The commission shall regulate the transportation and sale of natural gas for industrial purposes. This jurisdiction shall not include the right to regulate the terms of any contract or the price of gas; but regardless of the terms of any contract, shall include the right to curtail and allocate natural gas to industrial and other users to provide adequate supplies for essential human needs and to protect the interests of the public. Gas allocated to any user in the absence of a prior contract shall be sold at rates comparable to those at which such natural gas is then being sold to industrial users.

This paragraph is self-executing, and the commission shall promulgate such orders and regulations necessary to carry out the purpose and intent of this paragraph.

Read.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Rayburn to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 10 through 20, both inclusive, in their entirety.

AMENDMENT No. 2—

On page 2, at the beginning of line 21, change the number “(4)” to the number “(2)”

Delegate Rayburn moved the adoption of the amendments.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	LeBleu
Alario	Dunlap	Mauberret
Arnette	Duval	Morris
Badeaux	Fayard	Munson
Bergeron	Fontenot	Perez
Blair	Fowler	Rayburn
Bollinger	Ginn	Reeves
Burns	Hayes	Sandoz
Burson	Haynes	Slovall
Carmouche	Hernandez	Tate
Casey	Jackson, J.	Thistlethwaite
Champagne	Juneau	Thompson
Conroy	Kean	Toomy
Corne	Kilpatrick	Uilo
De Blieux	Lambert	Winchester
Dennis	Landry, E. J.	Zervigon
Total—48.		

NAYS

Delegates—		
Aertker	Grier	Roemer
Alexander	Guarisco	Roy
Asseff	Hardee	Shannon
Avant	Heine	Singletery
Bel	Jackson, A.	Smith
Brien	Jenkins	Soniat
Cannon	Jones	Stagg
Chatelain	Kilbourne	Stephenson
Chehardy	Landrum	Sutherland
Comar	Landry, A.	Tobias
Conino	Lanier	Toca
Cowen	Leithman	Velazquez
D'Gerolamo	Lowe	Vick
Dennery	McDaniel	Warren
Drew	Miller	Wattigny
Elkins	Newton	Willis
Flory	O'Neill	Wisham
Fulco	Rachal	Womack
Goldman	Riecke	
Total—56.		

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Pugh
Anzalone	Leigh	Schmitt
Brown	Martin	Segura
Derbes	Maybuce	Slay
Edwards	Mire	Stinson
Gauthier	Nunez	Tapper
Giarrusso	Ourso	Vesich
Graham	Perkins	Wall
Gravel	Planchar	Weiss
Jack		
Total—28.		

And the amendments were rejected.

Delegate Chatelain moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brien sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Brien to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 8, delete the word “twelve” and insert in lieu thereof the word “six”

AMENDMENT No. 2—

On page 2, delete lines 10 through 20, both inclusive, in their entirety.

AMENDMENT No. 3—

On page 2, at the beginning of line 21, delete the numeral “4” and insert in lieu thereof the numeral “2”

On motion of Delegate Brien the amendments were withdrawn.

Delegate Brien sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Brien to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 8, delete the word “twelve” and insert in lieu thereof the word “six”

AMENDMENT No. 2—

On page 2, delete lines 10 through 20, both inclusive, in their entirety.

AMENDMENT No. 3—

On page 2, at the beginning of line 21, delete the numeral “4” and insert in lieu thereof the numeral “2”

AMENDMENT No. 4—

On page 2, line 28, delete the word “twelve” and substitute in lieu thereof the word “six”

AMENDMENT No. 5—

On page 2, line 32, immediately after the period “.” add the following sentence:
“All appeals shall be tried summarily and in preference to all other suits.”

Motion

On motion of Delegate Smith the previous question on the amendment was ordered.

Motion

Delegate Flory moved to reconsider the vote by which the previous question on the amendment was ordered.

Delegate Roy objected.

By a vote of 44 yeas and 59 nays the Convention refused to reconsider the vote by which the previous question on the amendment was ordered.

Delegate Brien moved the adoption of the amendments.

Delegate Roy objected.

By a vote of 19 yeas and 89 nays the amendments were rejected.

Delegate Roy moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roy, Chatelain, Conino, Willis, Roemer and Lowe to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 5 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Applications, Petitions, and Schedules; Protective Bond and Security

(1) Any common carrier or public utility filing a proposed rate schedule which, if finally approved, would result in a change in existing rates, shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months from the date of filing, the commission shall render a full decision on every application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in any increase in rates, the commission, pending its decision on the application for rate increase, may permit the proposed schedule to be put into effect, in whole or in part, subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date the proposed increase may be put into effect, as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If any proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.

(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court."

Motion

On motion of Delegate Stagg debate on the amendment was limited to 20 minutes, to be divided equally between proponents and opponents, said 20 minutes to be exclusive of opening and closing time.

Motion

On motion of Delegate Stagg the previous question was ordered on the amendment.

Motion

Delegate Roy moved for a suspension of the Rules for the purpose of withdrawing his amendment.

Delegate Perez objected.

By a vote of 93 yeas and 4 nays, the rules were suspended.

Motion

On motion of Delegate Roy the amendment was withdrawn.

Motion

Delegate Nunez moved that the Convention recess until 1:30 o'clock P.M.

Delegate Roy objected.

By a vote of 27 yeas and 69 nays the Convention refused to recess until 1:30 o'clock P.M.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roy, Chatelain, Conino, Willis, Roemer and Lowe to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 5 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

(D) Applications, Petitions, and Schedules; Protective Bond and Security

(1) Any common carrier or public utility filing a proposed rate schedule which, if finally approved, would result in a change in existing rates, shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months from the effective date of filing, the commission shall render a full decision on every application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in any increase in rates, the commission, pending its decision on the application for rate increase, may permit the proposed schedule to be put into effect, in whole or in part, subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If any proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.

(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. The right of appeal granted herein shall extend to any action by the commission, including without limitation any action taken by the commission or by a public utility under the provisions of Subparagraph (3) above."

Motion

Delegate Stagg moved that debate on the amendment be limited to 10 minutes on the amendment, to be divided equally between the proponents and opponents.

Delegate Perez objected.

By a vote of 65 yeas and 36 nays debate was limited to 10 minutes on the amendment.

Delegate Roy moved the adoption of the amendment.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Flory	Martin
Alexander	Fontenot	Maubert
Arnette	Fulco	Miller
Avant	Goldman	Morris
Bel	Grier	Munson
Bollinger	Guarisco	Newton
Brien	Hardee	O'Neill
Brown	Haynes	Orso
Burns	Heine	Rachal
Cannon	Hernandez	Riecke
Carmouche	Jackson, A.	Roemer
Chatelain	Jenkins	Roy
Chehardy	Jones	Sandoz
Comar	Kean	Shannon
Conino	Kilbourne	Singletary
Conroy	Landrum	Smith
Corne	Landry, A.	Soniat
Cowen	Landry, E. J.	Stagg
D'Gerolamo	Lanier	Stephenson
De Blieux	LeBleu	Stinson
Drew	Leithman	Stovall
Dunlap	Lowe	Sutherland
Elkins	McDaniel	Tate

Thistlethwaite	Velazquez	Willis
Thompson	Vick	Winchester
Tobias	Warren	Wisham
Toca	Wattigny	Womack
Total—81.		

NAYS

Delegates—		
Abraham	Deshotels	Nunez
Alario	Duval	Perez
Asseff	Fayard	Planchard
Badeaux	Fowler	Rayburn
Bergeron	Gauthier	Reeves
Blair	Ginn	Toomy
Burson	Hayes	Ullo
Casey	Jackson, J.	Weiss
Champagne	Kilpatrick	Zervigon
Dennis	Lambert	
Total—29.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Pugh
Anzalone	Juneau	Schmitt
Dennery	Kelly	Segura
Derbes	Leigh	Slay
Edwards	Maybuce	Tapper
Giarrusso	Mire	Vesich
Graham	Perkins	Wall
Gravel		
Total—22.		

And the amendment was adopted.

Delegate Tobias moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Tobias moved the previous question on the entire subject matter under consideration.

As a substitute Delegate Nunez moved that the Convention recess until 2:00 o'clock P.M.

Delegate Roy objected.

By a vote of 92 yeas and 11 nays the Convention recessed until 2:00 o'clock P.M.

After Recess

The Convention was called to order at 2:00 o'clock P.M. by the Honorable E. L. Henry, Chairman of the Convention.

The roll being called the following named Delegates answered to their names:

ROLL CALL

PRESENT

Delegates—		
Mr. Chairman	Conino	Goldman
Abraham	Conroy	Graham
Aertker	Corne	Gravel
Alario	Cowen	Grier
Alexander	D'Gerolamo	Hardee
Anzalone	De Blieux	Haynes
Asseff	Dennery	Heine
Badeaux	Dennis	Hernandez
Bel	Deshotels	Jackson, A.
Bergeron	Drew	Jenkins
Blair	Dunlap	Jones
Bollinger	Duval	Juneau
Brien	Edwards	Kilbourne
Burns	Elkins	Kilpatrick
Burson	Fayard	Landrum
Cannon	Flory	Landry, A.
Casey	Fontenot	Landry, E. J.
Champagne	Fowler	Lanier
Chatelain	Fulco	LeBleu
Chehardy	Gauthier	Low

McDaniel	Roemer	Toca
Mauberret	Roy	Ullo
Morris	Sandoz	Velazquez
Munson	Singletary	Warren
Newton	Slay	Wattigny
O'Neill	Soniat	Weiss
Perez	Stephenson	Willis
Perkins	Stinson	Wisham
Planchard	Sutherland	Womack
Rayburn	Tate	Zervigon
Reeves	Thistlethwaite	
Riecke	Thompson	
Total—94.		

ABSENT

Delegates—		
Arnette	Kelly	Segura
Avant	Lambert	Shannon
Brown	Leigh	Smith
Carmouche	Leithman	Stagg
Comar	Martin	Stovall
Derbes	Maybuce	Tapper
Giarrusso	Miller	Tobias
Ginn	Mire	Toomy
Guarisco	Nunez	Vesich
Hayes	Oureo	Vick
Jack	Pugh	Wall
Jackson, J.	Rachal	Winchester
Kean	Schmitt	
Total—38.		

And the Chairman announced that there were 94 delegates present, and a quorum.

Proposals, Delegate and Committee, Resumed

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment:

A PROPOSAL

Making provisions relating to the Public Service Commission.

Read.

Section 14. Public Service Commission

Section 14. (A) Composition: Term. There shall be a Public Service Commission which shall consist of five members elected at the time fixed for congressional elections from single member districts established by law for overlapping terms of six years. The commission annually shall elect one of its members as chairman. Each commissioner serving upon the effective date of this constitution shall be the commissioner for the new district in which he resides and shall serve out the term for which he was chosen.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law. Notwithstanding any provision in this Paragraph, the legislature shall provide for the regulation of natural gas by such regulatory authority as it may designate.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner it was surrendered. This shall not apply to safety regulations pertaining to the operation of such utilities.

(D) Decisions on Applications, Petitions, and Schedules.

(1) The commission shall render its final decision after a public hearing on applications, petitions, and proposed rate schedules within twelve months from the date the application, petition, or proposed schedule is filed.

(2) If a proposed rate schedule is approved in whole or in part within six months, any increase shall become effective on the date established by the Public Service Commission order. If no decision is rendered within six months from the effective filing date of any proposed rate schedule, such increase may be put into effect, as provided by law, subject to such protective bond or security requirements until final action by a court of last resort.

(3) If the proposed increase is finally disallowed, in whole or in part, the utility or carrier shall make refunds within one year after any final action, and as otherwise provided by law.

(4) Any utility filing a proposed rate schedule shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene.

(E) Appeals. Should the commission not render its decision within twelve months, an appeal may be taken as if a decision had been rendered. Appeals may be taken by any party or intervenor and must be filed with the district court, within the time provided by law, at the domicile of the commission, with a direct appeal to the supreme court as a matter of right.

(F) Jurisdiction. The commission shall regulate the transportation and sale of natural gas for industrial purposes. This jurisdiction shall not include the right to regulate the terms of any contract or the price of gas; but, regardless of the terms of any contract, shall include the right to curtail and allocate natural gas to industrial and other users to provide adequate supplies for essential human needs and to protect the interests of the public. Gas allocated to any user in the absence of a prior contract shall be sold at rates comparable to those at which such natural gas is then being sold to industrial users.

This paragraph is self-executing, and the commission shall promulgate such orders and regulations necessary to carry out the purpose and intent of this paragraph.

Read.

Delegate Juneau sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Miller and Juneau to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 11, after the word "Term" and before the word "There" change the period "." to a semicolon ";" and insert the following word and punctuation "Domicile."

AMENDMENT No. 2—

On page 1, line 19, after the word and punctuation "chosen." add the following:

"The commission shall have its domicile at the state capitol, but may meet, hold investigations, and render orders elsewhere in this state."

Delegate Juneau moved the adoption of the amendments.

Delegate Brown objected.

By a vote of 101 yeas and 1 nay the amendment was adopted.

Delegate Juneau moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 6 through 20, both inclusive, in their entirety including Convention Floor Amendment No. 1 proposed by Mr. Roy and adopted by the Convention on January 3, 1974, and insert in lieu thereof the following:

"(1) The commission shall render decisions on applications, petitions, and proposed rate schedules in the manner prescribed by law."

AMENDMENT No. 2—

On page 2, at the beginning of line 21, change the number "(4)" to the number "(2)"

Delegate Abraham moved the adoption of the amendments.

Delegate Roy objected.

By a vote of 40 yeas and 56 nays the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lambert sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lambert to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 1 through 13, both inclusive, in their entirety.

On motion of Delegate Lambert the amendment was adopted.

Delegate Lambert moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Smith moved the previous question on Section 14.

Delegate Burson objected.

By a vote of 48 yeas and 56 nays the Convention refused to order the previous question on Section 14.

Committee Proposal No. 37, Section 14 was read, as amended.

Delegate Roy moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Goldman	Roemer
Alexander	Gravel	Roy
Asseff	Grier	Shannon
Avant	Guarisco	Singletary
Bel	Hardee	Smith
Bollinger	Haynes	Soniat
Brown	Heine	Stagg
Cannon	Hernandez	Stephenson
Carmouche	Jackson, A.	Stinson
Chatelain	Jenkins	Stovall
Chehardy	Jones	Sutherland
Comar	Landrum	Tate
Conino	Landry, A.	Thompson
Cowen	Lanier	Tobias
D'Gerolamo	Leithman	Toca
Drew	Lowe	Vick
Dunlap	McDaniel	Warren
Edwards	Martin	Wattigny
Elkins	Munson	Willis
Flory	Newton	Wisham
Fontenot	O'Neill	Womack
Fowler	Rachal	
Fulco	Riecke	
Total—67.		

NAYS

Delegates—		
Mr. Chairman	Brien	Dennis
Abraham	Burns	Deshotels
Alario	Burson	Duval
Anzalone	Casey	Gauthier
Arnette	Champagne	Ginn
Badeaux	Conroy	Graham
Bergeron	Corne	Hayes
Blair	De Blieux	Jackson, J

PAGE 7

107th Days Proceedings—January 3, 1974

Juneau	Nunez	Thistlethwaite
Kilpatrick	Perez	Toomy
Lambert	Perkins	Ullo
Landry, E. J.	Planchard	Velazquez
LeBleu	Rayburn	Weiss
Mauberrret	Reeves	Winchester
Miller	Sandoz	Zervigon
Morris	Slay	

Total—47.

Delegates—

Dennery	Kelly	Pugh
Derbes	Kilbourne	Schmitt
Fayard	Leigh	Segura
Giarrusso	Maybuce	Tapper
Jack	Mire	Vesich
Kean	Ourso	Wall

Total—18.

And the Chair declared that the above Section was finally passed.

Delegate Roy moved to reconsider the vote by which the above Section was finally passed, and, to lay the motion to reconsider on the table.

Delegate Burson objected to tabling the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Goldman	Riecke
Aertker	Gravel	Roemer
Alexander	Grier	Roy
Avant	Guarisco	Shannon
Badeaux	Hardee	Singletary
Bel	Haynes	Smith
Brien	Heine	Soniat
Brown	Hernandez	Stagg
Cannon	Jackson, A.	Stephenson
Carmouche	Jenkins	Stinson
Chatelain	Jones	Stovall
Chehardy	Kilbourne	Sutherland
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	Leithman	Vick
Drew	Lowe	Warren
Dunlap	McDaniel	Wattigny
Edwards	Martin	Willis
Elkins	Munson	Wisham
Flory	Newton	Womack
Fontenot	O'Neill	
Fowler	Rachal	
Fulco		

Total—67.

NAYS

Delegates—	De Blieux	Miller
Mr. Chairman	Dennis	Nunez
Abraham	Deshotels	Perez
Alario	Duval	Perkins
Anzalone	Gauthier	Planchard
Arnette	Ginn	Rayburn
Asseff	Graham	Reeves
Bergeron	Hayes	Sandoz
Blair	Jackson, J.	Slay
Bollinger	Juneau	Thistlethwaite
Burns	Kilpatrick	Toomy
Burson	Lambert	Ullo
Casey	Landry, E. J.	Velazquez
Champagne	LeBleu	Weiss
Conroy	Mauberrret	Winchester
Corne		

Total—46.

NOT VOTING

Delegates—	Leigh	Segura
Dennery	Maybuce	Tapper
Derbes	Mire	Tate
Fayard	Morris	Vesich
Giarrusso	Ourso	Wall
Jack	Pugh	Zervigon
Kean	Schmitt	
Kelly		

Total—19.

And the motion to reconsider the vote by which Committee Proposal No. 37, Section 14, was finally passed was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Roy moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Guarisco	Roemer
Alexander	Hardee	Roy
Asseff	Haynes	Shannon
Avant	Heine	Singletary
Bel	Hernandez	Smith
Bollinger	Jackson, A.	Soniat
Brown	Jenkins	Stagg
Carmouche	Jones	Stephenson
Chatelain	Kilbourne	Stinson
Chehardy	Landrum	Stovall
Comar	Landry, A.	Sutherland
Conino	Lanier	Tate
Cowen	Leithman	Thistlethwaite
D'Gerolamo	Lowe	Thompson
Drew	McDaniel	Tobias
Dunlap	Martin	Toca
Edwards	Morris	Vick
Elkins	Munson	Warren
Flory	Newton	Wattigny
Fontenot	O'Neill	Willis
Fulco	Rachal	Wisham
Goldman	Riecke	Womack
Gravel		
Grier		

Total—67.

NAYS

Delegates—	De Blieux	Miller
Mr. Chairman	Dennis	Nunez
Abraham	Deshotels	Perez
Alario	Duval	Perkins
Anzalone	Fowler	Planchard
Arnette	Gauthier	Rayburn
Badeaux	Ginn	Reeves
Bergeron	Graham	Sandoz
Blair	Hayes	Slay
Brien	Jackson, J.	Toomy
Burns	Juneau	Ullo
Burson	Kilpatrick	Velazquez
Cannon	Lambert	Weiss
Casey	Landry, E. J.	Winchester
Champagne	LeBleu	Zervigon
Conroy	Mauberrret	
Corne		

Total—47.

NOT VOTING

Delegates—	Kean	Pugh
Aertker	Kelly	Schmitt
Dennery	Leigh	Segura
Derbes	Maybuce	Tapper
Fayard	Mire	Vesich
Giarrusso	Ourso	Wall
Jack		

Total—18.

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Lambert Committee Proposal No. 34 was called from the Calendar.

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Section 14. (A) Composition; Term. There shall be a Public Service Commission which shall consist of five members elected at the time fixed for congressional elections from single member districts established by law for overlapping terms of six years. The commission annually shall elect one of its members as chairman.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner it was surrendered.

(D) Decisions on Applications, Petitions, and Schedules

(1) The commission shall render its final decision on applications, petitions, and proposed rate schedules within twelve months from the date the application, petition, or proposed schedule is filed.

(2) If a decision is not rendered within six months from the filing date of any proposed rate schedule, it shall be deemed to be tentatively approved.

(3) If the proposed schedule results in a rate increase, it may be put into effect, subject to such protective bond or security requirements as may be provided by law, pending final approval, modification, or rejection. If the commission disapproves the proposed increase, in whole or in part, the carrier or utility may place or continue the schedule in effect under the bond or security, subject to any appeal and final action by a court of last resort. Refund claims therefor in the manner provided by law shall be filed within one year after such final action.

(4) Any utility filing a proposed rate schedule shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene.

(E) Appeals. Should the commission not render its decision within twelve months, an appeal may be taken as if a decision had been rendered. Appeals may be taken by any party or intervenor and must be filed with the district court, within the time provided by law, at the domicile of the commission, with a direct appeal to the supreme court as a matter of right.

(F) Jurisdiction. The commission shall regulate the transportation and sale of natural gas for industrial purposes. This jurisdiction shall not include the right to regulate the terms of any contract or the price of gas; but, regardless of the terms of any contract, shall include the right to curtail and allocate natural gas to industrial and other users to provide adequate supplies for essential human needs and to protect the interests of the public. Gas allocated to any user in the absence of a prior contract shall be sold at rates comparable to those at which such natural gas is then being sold to industrial users.

This paragraph is self-executing, and the commission shall promulgate such orders and regulations necessary to carry out the purpose and intent of this paragraph.

Read.

Delegate Lambert sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lambert to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 11 through 32, both inclusive, in their entirety, and on page 6, delete lines 1 through 32, both inclusive, in their entirety and on page 7, delete lines 1 through 12, both inclusive, in their entirety and all floor amendments thereto

On motion of Delegate Lambert the amendment was adopted.

Delegate Lambert moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Avant, Lowe, LeBleu, Ginn, Kilpatrick, Chehardy, Alario, Leithman, Bollinger, Willis, A. Landry, Ullo, Hardee, Grier, Newton, Fowler, Drew, Hernandez, McDaniel, Elkins, Deshotels, Cowen, Stephenson, Aertker, Burns, Badeaux, Reeves, Lanier, Conino, Duval, Fayard, Wisham, Haynes, Wattigny, E. J. Landry, Gauthier, Munson, Burson, Kilbourne, O'Neill, Womack, Stinson, Morris, Winchester, Mauberret, Sandoz, Goldman, Thistlethwaite, Carmouche, Martin, Roemer, R. Thompson, Schmitt, Juneau, Comar, Roy, Bel, Flory, Singletary, Kean, Rayburn, Fontenot, Chatelain, Ourso, Heine, Guarisco, Riecke, Cannon, Anzalone, Edwards, Shannon, Bergeron, Planchard, Dunlap and Slay to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, at the beginning of line 13, add the following Section:

"Section 15. Department of Wildlife and Fisheries; Commissioned Enforcement Officers

Section 15. Nothing in Article VII of this constitution relating to civil service shall be construed to prevent the legislature from supplementing any civil service pay plan for regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries."

Delegate Avant moved the adoption of the amendment.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Corne	Guarisco
Alario	Cowen	Hardee
Alexander	D'Gerolamo	Hayes
Anzalone	Dennis	Haynes
Avant	Deshotels	Heine
Badeaux	Drew	Hernandez
Bel	Dunlap	Jackson, A.
Bergeron	Duval	Jackson, J.
Blair	Edwards	Jones
Bollinger	Elkins	Juneau
Brien	Flory	Kilbourne
Burns	Fontenot	Kilpatrick
Burson	Fowler	Lambert
Cannon	Fulco	Landrum
Carmouche	Gauthier	Landry, A.
Champagne	Ginn	Landry, E. J.
Chatelain	Goldman	Lanier
Chehardy	Graham	LeBleu
Comar	Gravel	Lowe
Conino	Grier	McDaniel

PAGE 9

107th Days Proceedings—January 3, 1974

Martin	Riecke	Toca
Miller	Roemer	Toomy
Morris	Roy	Ullo
Munson	Sandoz	Velazquez
Newton	Shannon	Vick
Nunez	Singletary	Warren
O'Neill	Slay	Wattigny
Perez	Smith	Weiss
Perkins	Soniat	Willis
Planchar	Stephenson	Winchester
Rayburn	Stinson	Wisham
Reeves	Thistlethwaite	
Total—95.		

NAYS

Delegates—		
Abraham	De Blieux	Stovall
Arnette	Jenkins	Sutherland
Asseff	Rachal	Tobias
Casey	Stagg	Zervigon
Conroy		
Total—13.		

NOT VOTING

Delegates—		
Aertker	Kelly	Schmitt
Brown	Leigh	Segura
Dennery	Leithman	Tapper
Derbes	Mauberret	Tate
Fayard	Maybece	Thompson
Giarrusso	Mire	Vesich
Jack	Ourso	Wall
Kean	Pugh	Womack
Total—24.		

And the amendment having received a majority vote of the total membership of the Convention required to add a Section to a Proposal was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 34, Section 15 was read.

Delegate Avant moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dunlap	Landry, A.
Alario	Duval	Landry, E. J.
Alexander	Elkins	Lanier
Anzalone	Flory	LeBleu
Avant	Fontenot	Lowe
Badeaux	Fowler	McDaniel
Bel	Fulco	Martin
Bergeron	Gauthier	Miller
Blair	Ginn	Morris
Bollinger	Goldman	Munson
Brien	Graham	Newton
Burns	Gravel	Nunez
Burson	Grier	Perkins
Cannon	Guarisco	Planchar
Carmouche	Hardee	Rayburn
Champagne	Hayes	Reeves
Chatelain	Haynes	Riecke
Chehardy	Heine	Roemer
Comar	Jackson, A.	Roy
Conino	Jackson, J.	Sandoz
Corne	Jones	Shannon
Cowen	Juneau	Singletary
D'Gerolamo	Kilbourne	Slay
Dennis	Kilpatrick	Smith
Deshotels	Lambert	Soniat
Drew	Landrum	

Stephenson	Toomy	Weiss
Stinson	Ullo	Willis
Stovall	Velazquez	Winchester
Thistlethwaite	Vick	Wisham
Tobias	Warren	Womack
Toca	Wattigny	
Total—95.		

NAYS

Delegates—		
Abraham	Conroy	Rachal
Arnette	De Blieux	Stagg
Asseff	Jenkins	Sutherland
Casey	O'Neill	Zervigon
Total—12.		

NOT VOTING

Delegates—		
Aertker	Kean	Pugh
Brown	Kelly	Schmitt
Dennery	Leigh	Segura
Derbes	Leithman	Tapper
Edwards	Mauberret	Tate
Fayard	Maybece	Thompson
Giarrusso	Mire	Vesich
Hernandez	Ourso	Wall
Jack		
Total—25.		

And the Chair declared that the above Section was finally passed.

Delegate Avant moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Lambert moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Planchar
Alario	Goldman	Rachal
Alexander	Graham	Rayburn
Anzalone	Gravel	Reeves
Avant	Grier	Riecke
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jones	Stagg
Cannon	Juneau	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tate
Chehardy	Landry, A.	Thistlethwaite
Comar	Landry, E. J.	Thompson
Conino	Lanier	Tobias
Conroy	LeBleu	Toca
Corne	Lowe	Toomy
Cowen	McDaniel	Ullo
D'Gerolamo	Martin	Velazquez
Dennis	Miller	Vick
Dunlap	Morris	Warren
Duval	Munson	Wattigny
Elkins	Newton	Weiss
Flory	Nunez	Willis
Fontenot	O'Neill	Winchester
Fowler	Perez	Wisham
Fulco	Perkins	Womack
Gauthier		
Total—103.		

NAYS

Delegates—		
Abraham	De Blieux	Jenkins
Arnette	Deshotels	Zervigon
Asseff		
Total—7.		

NOT VOTING

Delegates—		
Aertker	Kean	Ourso
Dennery	Kelly	Pugh
Derbes	Leigh	Schmitt
Drew	Leithman	Segura
Edwards	Mauberret	Tapper
Fayard	Maybuce	Vesich
Giarrusso	Mire	Wall
Jack		
Total—22.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate A. Jackson Committee Proposal No. 35, was called out of its regular order and acted upon as follows:

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

Read.

Delegate Tate sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tate to Committee Proposal No. 35 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 and 13 and insert in lieu thereof the following:

“ARTICLE II. DISTRIBUTION OF POWERS”

AMENDMENT No. 2—

On page 1, between liens 21 and 22 insert the following:

“ARTICLE XII. GENERAL PROVISIONS”

On motion of Delegate Tate the amendments were adopted.

Delegate Tate moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 1. Three Branches

Section 1. The powers of government of the State of Louisiana are divided into three distinct branches—legislative, executive, and judicial.

Passage

Committee Proposal No. 35, Section 1, was read.

Delegate Guarisco moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Nunez
Abraham	Flory	O'Neill
Alario	Fontenot	Perez
Alexander	Fowler	Perkins
Anzalone	Fulco	Planchard
Arnette	Gauthier	Rachal
Asseff	Ginn	Rayburn
Avant	Goldman	Reeves
Badeaux	Graham	Riecke
Bel	Gravel	Sandoz
Bergeron	Grier	Shannon
Blair	Guarisco	Singletary
Bollinger	Hardee	Slay
Brien	Hayes	Soniat
Brown	Haynes	Stagg
Burns	Heine	Stephenson
Burson	Hernandez	Sutherland
Cannon	Jackson, A.	Tate
Casey	Jenkins	Thistlethwaite
Champagne	Jones	Thompson
Chatelain	Kilbourne	Tobias
Chehardy	Kilpatrick	Toca
Conino	Landrum	Toomy
Conroy	Landry, A.	Ullo
Cowen	Landry, E. J.	Velazquez
D'Gerolamo	Lanier	Vick
De Blieux	LeBleu	Warren
Dennery	Lowe	Wattigny
Dennis	Martin	Weiss
Deshotels	Mauberret	Willis
Drew	Miller	Winchester
Dunlap	Morris	Wisham
Duval	Newton	Zervigon
Edwards		
Total—100.		

Total—0.

NAYS

NOT VOTING

Delegates—		
Aertker	Kelly	Roy
Carmouche	Lambert	Schmitt
Comar	Leigh	Segura
Corne	Leithman	Smith
Derbes	McDaniel	Stinson
Fayard	Maybuce	Stovall
Giarrusso	Mire	Tapper
Jack	Munson	Vesich
Jackson, J.	Ourso	Wall
Juneau	Pugh	Womack
Kean	Roemer	
Total—32.		

And the Chair declared that the above Section was finally passed.

Delegate Guarisco moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Limitations of Each Branch

Section 2. No one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others, except as otherwise provided in this constitution.

Passage

Committee Proposal No. 35, Section 2, was read.

Delegate Guarisco moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Anzalone	Badeaux
Abraham	Arnette	Bel
Alario	Asseff	Bergeron
Alexander	Avant	Blair

PAGE 11

107th Days Proceedings—January 3, 1974

Bollinger	Grier	Reeves
Brien	Guarisco	Riecke
Brown	Hardee	Roemer
Burns	Hayes	Roy
Burson	Haynes	Sandoz
Cannon	Heine	Shannon
Casey	Hernandez	Singletary
Champagne	Jackson, A.	Slay
Chatelain	Jackson, J.	Smith
Chehardy	Jenkins	Soniat
Comar	Jones	Stagg
Conino	Juneau	Stephenson
Conroy	Kilbourne	Stinson
Cowen	Kilpatrick	Stovall
D'Gerolamo	Landry, A.	Sutherland
De Blieux	Landry, E. J.	Tate
Dennery	Lanier	Thistlethwaite
Dennis	LeBleu	Thompson
Deshotels	Leithman	Tobias
Drew	Lowe	Toca
Duval	McDaniel	Toomy
Edwards	Martin	Ullo
Elkins	Mauberret	Velazquez
Flory	Miller	Vick
Fontenot	Morris	Warren
Fowler	Nunez	Wattigny
Fulco	O'Neill	Weiss
Gauthier	Perez	Willis
Ginn	Perkins	Winchester
Goldman	Planchard	Wisham
Graham	Rachal	Zervigon
Gravel	Rayburn	
Total—107.		

NAYS

Delegate Newton
Total—1.

NOT VOTING

Delegates—	Kean	Ourso
Aertker	Kelly	Pugh
Carmouche	Lambert	Schmitt
Corne	Landrum	Segura
Derbes	Leigh	Tapper
Dunlap	Maybuce	Vesich
Fayard	Mire	Wall
Giarrusso	Munson	Womack
Jack		
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Guarisco moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Civilian-Military Relations

Section 3. The Military shall be subordinate to the civil power.

Passage

Committee Proposal No. 35, Section 3 was read.

Delegate Vick moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Asseff	Bollinger
Mr. Chairman	Avant	Brien
Abraham	Badeaux	Brown
Alario	Bel	Burns
Alexander	Bergeron	Cannon
Anzalone	Blair	Casey
Arnette		

Champagne	Heine	Roemer
Chatelain	Hernandez	Roy
Chehardy	Jackson, A.	Sandoz
Comar	Jackson, J.	Shannon
Conino	Jenkins	Singletary
Conroy	Jones	Slay
Cowen	Juneau	Smith
D'Gerolamo	Kilbourne	Soniat
De Blieux	Kilpatrick	Stagg
Dennery	Landry, A.	Stephenson
Dennis	Landry, E. J.	Stovall
Deshotels	Lanier	Sutherland
Drew	LeBleu	Tate
Duval	Leithman	Thistlethwaite
Edwards	Lowe	Thompson
Elkins	Martin	Tobias
Flory	McDaniel	Toca
Fontenot	Mauberret	Toomy
Fowler	Miller	Ullo
Fulco	Morris	Velazquez
Gauthier	Newton	Vick
Ginn	Nunez	Warren
Goldman	O'Neill	Wattigny
Graham	Perez	Weiss
Gravel	Perkins	Willis
Grier	Planchard	Winchester
Guarisco	Rachal	Wisham
Hardee	Rayburn	Zervigon
Hayes	Reeves	
Haynes	Riecke	
Total—106.		

NAYS

Total—0.

NOT VOTING

Delegates—	Kean	Pugh
Aertker	Kelly	Schmitt
Burson	Lambert	Segura
Carmouche	Landrum	Stinson
Corne	Leigh	Tapper
Derbes	Maybuce	Vesich
Dunlap	Mire	Wall
Fayard	Munson	Womack
Giarrusso	Ourso	
Jack		
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Vick moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Right to Direct Participation

Section 4. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

Passage

Committee Proposal No. 35, Section 4 was read.

Delegate Jenkins moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Brown	Dennery
Mr. Chairman	Burns	Dennis
Abraham	Casey	Deshotels
Alario	Champagne	Drew
Alexander	Cratelain	Duval
Anzalone	Chehardy	Edwards
Arnette	Comar	Elkins
Asseff	Conino	Flory
Avant	Conroy	Fontenot
Badeaux	Corne	Fowler
Bergeron	Cowen	Fulco
Blair	D'Gerolamo	Gauthier
Bollinger	De Blieux	Ginn
Brien		

PAGE 12

107th Days Proceedings—January 3, 1974

Goldman	LeBleu	Soniat
Graham	Leithman	Stagg
Gravel	Lowe	Stephenson
Grier	Martin	Stinson
Guarisco	Mauberret	Stovall
Hardee	Morris	Sutherland
Hayes	Newton	Tate
Haynes	Nunez	Thistlethwaite
Heine	O'Neill	Thompson
Hernandez	Perkins	Tobias
Jackson, A.	Planchard	Toca
Jackson, J.	Rachal	Toomy
Jenkins	Rayburn	Ullo
Jones	Reeves	Velazquez
Juneau	Riecke	Vick
Kilbourne	Roemer	Warren
Kilpatrick	Roy	Wattigny
Lambert	Sandoz	Weiss
Landrum	Shannon	Willis
Landry, A.	Singletary	Winchester
Landry, E. J.	Slay	Wisham
Lanier	Smith	

Total—104.

NAYS

Delegates—		
Bel	Cannon	Perez
Burson	McDaniel	Zervigon

Total—6.

NOT VOTING

Delegates—		
Aertker	Kelly	Pugh
Carmouche	Leigh	Schmitt
Derbes	Maybuce	Segura
Dunlap	Miller	Tapper
Fayard	Mire	Vesich
Giarrusso	Munson	Wall
Jack	Ourso	Womack
Kean		

Total—22.

And the Chair declared that the above Section was finally passed.

Delegate Jenkins moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 5. Oath of Office

Section 5. All officers before entering upon the duties of their respective offices shall take the following oath or affirmation: "I, (A B), do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, so help me God."

Read.

On motion of Delegate A. Jackson action on Section 5 was deferred at this time.

Section 6. State Capital

Section 6. The capital of Louisiana is the city of Baton Rouge.

Passage

Committee Proposal No. 35, Section 6 was read.

Delegate Soniat moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Nunez
Abraham	Fowler	O'Neill
Alario	Fulco	Perkins
Alexander	Gauthier	Planchard
Anzalone	Ginn	Rachal
Arnette	Goldman	Rayburn
Asseff	Graham	Reeves
Avant	Gravel	Riecke
Badeaux	Grier	Roemer
Bel	Guarisco	Sandoz
Bergeron	Hardee	Srannon
Blair	Hayes	Singletary
Bollinger	Haynes	Slay
Brien	Heine	Smith
Burns	Hernandez	Soniat
Burson	Jackson, A.	Stephenson
Cannon	Jackson, J.	Stinson
Casey	Jenkins	Stovall
Champagne	Jones	Sutherland
Chatelain	Juneau	Tate
Chehardy	Kilbourne	Thistlethwaite
Comar	Kilpatrick	Thompson
Conino	Lambert	Tobias
Conroy	Landrum	Toca
Corne	Landry, A.	Toomy
Cowen	Landry, E. J.	Ullo
D'Gerolamo	Lanier	Velazquez
De Blieux	LeBleu	Vick
Dennery	Leithman	Warren
Dennis	Lowe	Wattigny
Deshotels	Martin	Weiss
Drew	Mauberret	Willis
Duval	Miller	Winchester
Elkins	Morris	Wisham
Flory	Newton	Zervigon

Total—105.

NAYS

Delegate Brown
Total—1.

NOT VOTING

Delegates—		
Aertker	Kelly	Roy
Carmouche	Leigh	Schmitt
Derbes	McDaniel	Segura
Dunlap	Maybuce	Stagg
Edwards	Mire	Tapper
Fayard	Munson	Vesich
Giarrusso	Ourso	Wall
Jack	Perez	Womack
Kean	Pugh	

Total—26.

And the Chair declared that the above Section was finally passed.

Delegate Soniat moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Casey in the Chair

Section 7. Forced Heirship and Trusts

Section 7. No law shall abolish forced heirship. The determination of forced heirs, and amount of the forced portion, and the grounds for disinheritance shall be provided by law. Trusts may be authorized by law for any purpose and a legitimate may be placed in trust.

Read.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate O'Neill to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 9 through 14, both inclusive, in their entirety

Motion

Delegate Smith moved the previous question on the amendment.

Delegate Jenkins objected.

By a vote of 24 yeas and 65 nays the Convention refused to order the previous question, at this time.

Delegate O'Neill moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Jenkins	Singletary
Conroy	Morris	Stephenson
Flory	O'Neill	Wisham
Hayes	Roemer	
Total—11.		

NAYS

Delegates—		
Mr. Chairman	Fowler	Perkins
Alexander	Fulco	Planchard
Asseff	Gauthier	Rachal
Avant	Ginn	Rayburn
Badeaux	Goldman	Reeves
Bel	Graham	Riecke
Bergeron	Gravel	Roy
Blair	Grier	Sandoz
Bollinger	Guarisco	Slay
Brien	Hardee	Smith
Brown	Heine	Soniat
Burns	Hernandez	Stagg
Burson	Jackson, A.	Stinson
Cannon	Jackson, J.	Stovall
Casey	Jones	Sutherland
Champagne	Juneau	Thistlethwaite
Chatelain	Kilbourne	Thompson
Chehardy	Kilpatrick	Tobias
Comar	Lambert	Toca
Conino	Landrum	Toomy
Corne	Landry, A.	Ullo
Cowen	Landry, E. J.	Velazquez
D'Gerolamo	Lanier	Vick
De Blieux	LeBleu	Warren
Dennery	Leigh	Wattigny
Deshotels	Leithman	Weiss
Drew	Lowe	Willis
Duval	McDaniel	Winchester
Edwards	Mauberrret	Womack
Elkins	Newton	Zervigon
Fayard	Nunez	
Fontenot	Perez	
Total—94.		

NOT VOTING

Delegates—		
Aertker	Haynes	Ourso
Alario	Jack	Pugh
Anzalone	Kean	Schmitt
Arnette	Kelly	Segura
Carmourhe	Martin	Shannon
Dennis	Maybuce	Tapper
Derbes	Miller	Tate
Dunlap	Mire	Vesich
Giarrusso	Munson	Wall
Total—27.		

And the amendment was rejected.

Delegate Smith moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Dennery and A. Jackson to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 11, after the word and punctuation "heirs," delete the word "and" and insert in lieu thereof "the"

AMENDMENT No. 2—

On page 2, line 12, after the word "for" delete the word "disenheritance" and insert in lieu thereof "disinherison"

AMENDMENT No. 3—

On page 2, line 13, after the word "law" delete the words "for any purpose"

AMENDMENT No. 4—

On page 2, line 13, after the word "a" delete "legi-" and at the beginning of line 14 delete "time" and insert in lieu thereof the words "forced portion"

Delegate Dennery moved the adoption of the amendments.

Delegate De Blieux objected.

By a vote of 101 yeas and 3 nays the amendments were adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 35, Section 7, was read, as amended.

Delegate Stinson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Perkins
Abraham	Fulco	Planchard
Alario	Gauthier	Rachal
Alexander	Ginn	Rayburn
Asseff	Goldman	Reeves
Avant	Graham	Riecke
Badeaux	Gravel	Roy
Bel	Grier	Sandoz
Bergeron	Guarisco	Slay
Blair	Hardee	Smith
Bollinger	Hayes	Soniat
Brien	Heine	Stagg
Brown	Hernandez	Stephenson
Burns	Jarkson, A.	Stinson
Burson	Jackson, J.	Stovall
Casey	Jones	Sutherland
Champagne	Juneau	Tapper
Chatelain	Kilbourne	Tate
Chehardy	Kilpatrick	Thistlethwaite
Comar	Lambert	Thompson
Conino	Landrum	Tobias
Corne	Landry, A.	Toca
Cowen	Landry, E. J.	Toomy
D'Gerolamo	Lanier	Ullo
De Blieux	LeBleu	Velazquez
Dennery	Leigh	Vick
Dennis	Leithman	Warren
Deshotels	Lowe	Wattigny
Duval	McDaniel	Weiss
Edwards	Mauberrret	Willis
Elkins	Morris	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Womack
Fontenot	Perez	Zervigon
Total—102.		

NAYS

Delegates—
 Conroy
 Drew
 Total—6.

Jenkins	Roemer
O'Neill	Singletary

NOT VOTING

Delegates—
 Aertker
 Anzalone
 Arnette
 Cannon
 Carmouche
 Derbes
 Dunlap
 Giarrusso
 Total—24.

Haynes	Munson
Jack	Ourso
Kean	Pugh
Kelly	Schmitt
Martin	Segura
Maybuce	Shannon
Miller	Vesich
Mire	Wall

And the Chair declared that the above Section was finally passed.

Delegate Stinson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Section 8. Protection of Vested Rights.

Section 8. Vested rights shall not be divested, except for the purposes and in accordance with the substantive and procedural safeguards established in this constitution for the taking or damaging of property.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 15 through 19, both inclusive, in their entirety.

Delegate Perez moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Edwards	Lowe
Alario	Elkins	McDaniel
Asseff	Fayard	Mauberret
Avant	Flory	Newton
Badeaux	Fowler	Nunez
Bel	Fulco	Perez
Bergeron	Gauthier	Perkins
Blair	Goldman	Planchard
Bollinger	Graham	Rachal
Brown	Gravel	Rayburn
Burns	Hardee	Reeves
Burson	Heine	Riecke
Casey	Jones	Roemer
Comar	JunEAU	Sandoz
Conino	Kilbourne	Singletary
Cowen	Lambert	Slay
D'Gerolamo	Landry, A.	Stephenson
De Billeux	Lanier	Stovall
Dennery	LeBleu	Sutherland
Deshotels	Leigh	Tapper
Drew	Leithman	Thistlethwaite
Duval		

Thompson
 Tobias
 Toca
 Total—72.

Toomy
 Ullo
 Wattigny

Willis
 Winchester
 Zervigon

NAYS

Delegates—

Abraham	Guarisco	O'Neill
Alexander	Hayes	Roy
Brien	Haynes	Smith
Cannon	Hernandez	SoniAt
Champagne	Jackson, A.	Stagg
Chatelain	Jackson, J.	Stinson
Conroy	Jenkins	Velazquez
Corne	Landrum	Warren
Fontenot	Landry, E. J.	Weiss
Grier	Morris	Wisham

Total—30.

NOT VOTING

Delegates—

Mr. Chairman	Ginn	Ourso
Aertker	Jack	Pugh
Anzalone	Kean	Schmitt
Arnette	Kelly	Segura
Carmouche	Kilpatrick	Shannon
Chehardy	Martin	Tate
Dennis	Maybuce	Vesich
Derbes	Miller	Vick
Dunlap	Mire	Wall
Giarrusso	Munson	Womack

Total—30.

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 8. Protection of Vested Rights

Section 8. Vested rights shall not be divested, unless for purposes of public utility, and for just and adequate compensation previously paid.”

Delegate Jenkins moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Heine	O'Neill
Bergeron	Jackson, A.	Roemer
Bollinger	Jackson, J.	Roy
Cannon	Jenkins	SoniAt
Champagne	Jones	Stagg
Chehardy	Kilbourne	Stephenson
Dennis	Landrum	Stinson
Duval	Landry, E. J.	Tobias
Elkins	LeBleu	Velazquez
Flory	Leigh	Warren
Gauthier	Lowe	Weiss
Goldman	Mauberret	Winchester
Grier	Morris	Wisham
Guarisco		
Haynes		

Total—40.

NAYS

Delegates—

Abraham	Avant	Blair
Alexander	Badeaux	Brien
Asseff	Bel	Brown

Burns	Ginn	Rayburn
Burson	Graham	Reeves
Casey	Gravel	Riecke
Chatelain	Hardee	Sandoz
Comar	Hayes	Singletary
Conino	Hernandez	Slay
Conroy	Juneau	Smith
Corne	Kilpatrick	Stovall
Cowen	Lambert	Sutherland
D'Gerolamo	Landry, A.	Tapper
De Blieux	Lanier	Tate
Denney	Leithman	Thistlethwaite
Deshotels	McDaniel	Thompson
Drew	Newton	Toca
Edwards	Nunez	Toomy
Fayard	Perez	Ullo
Fontenot	Perkins	Wattigny
Fowler	Planchard	Willis
Fulco	Rachal	Zervigon
Total—66.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Pugh
Aertker	Kean	Schmitt
Alario	Kelly	Segura
Anzalone	Martin	Shannon
Arnette	Maybuce	Vesich
Carmouche	Miller	Vick
Derbes	Mire	Wall
Dunlap	Munson	Womack
Giarrusso	Ourso	
Total—26.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate A. Jackson Committee Proposal No. 35, Section 5, upon which action was deferred on today, was taken up and acted upon as follows:

Section 5. Oath of Office

Section 5. All officers before entering upon the duties of their respective offices shall take the following oath or affirmation: "I, (A B), do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, so help me God."

Read.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lanier to Committee Proposal No. 35 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 30, after the word "officers" delete the remainder of the line and on line 31, delete the words "their respective offices"

Delegate Lanier moved the adoption of the amendment.

Delegate Tobias objected.

By a vote of 52 yeas and 45 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 35, Section 5 was read, as amended.

Delegate A. Jackson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Perkins
Alario	Gauthier	Planchard
Alexander	Ginn	Rachal
Asseff	Goldman	Rayburn
Avant	Graham	Reeves
Badeaux	Gravel	Riecke
Bel	Grier	Roemer
Bergeron	Guarisco	Roy
Bollinger	Hardee	Sandoz
Brien	Hayes	Slay
Burns	Haynes	Smith
Burson	Heine	Soniat
Cannon	Hernandez	Stagg
Casey	Jackson, A.	Stephenson
Champagne	Jackson, J.	Stinson
Chatelain	Jenkins	Stovall
Chehardy	Jones	Sutherland
Comar	Juneau	Tate
Conino	Kean	Thistlethwaite
Conroy	Kilbourne	Thompson
Corne	Lambert	Tobias
Cowen	Landrum	Toca
D'Gerolamo	Landry, A.	Toomy
De Blieux	Landry, E. J.	Ullo
Denney	Lanier	Velazquez
Dennis	LeBleu	Vick
Drew	Lowe	Warren
Duval	McDaniel	Wattigny
Elkins	Mauberet	Weiss
Fayard	Morris	Willis
Flory	Nunez	Winchester
Fontenot	O'Neill	Wisham
Fowler	Perez	
Total—98.		

NAYS

Delegates—		
Brown	Newton	Zervigon
Leigh		
Total—4.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Ourso
Aertker	Jack	Pugh
Anzalone	Kelly	Schmitt
Arnette	Kilpatrick	Segura
Blair	Leithman	Shannon
Carmouche	Martin	Singletary
Derbes	Maybuce	Tapper
Deshotels	Miller	Vesich
Dunlap	Mire	Wall
Edwards	Munson	Womack
Total—30.		

And the Chair declared that the above Section was finally passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Burson moved that the Convention take up other orders of business at this time.

Delegate Fulco objected.

By a vote of 55 yeas and 44 nays the Convention took up other Orders of Business.

Delegate Denney, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 3, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposals have been properly enrolled:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Boilinger, Derbes, Elkins, Hardee, Jack, LeBieu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VIII. NATURAL RESOURCES

Section 1. Natural Resources and Environment; Public Policy

Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished, insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall implement this policy by appropriate legislation.

Section 2. Natural Gas; Public Policy; Interstate and Intra-state Pipelines

Section 2. Natural gas is hereby declared to be affected with a public interest and not withstanding any provisions of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide for its regulation by such regulatory authority as it may designate. The legislature in its discretion, however, may grant such authority to the Public Service Commission.

No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline without a certificate of public convenience and necessity issued as provided by law after due application for such connection and hearing thereon.

Section 4. Alienation of Water Bottoms

Section 4. The legislature shall neither alienate nor authorize the alienation of the beds of navigable water bodies, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided herein, no bed of any navigable water body may be reclaimed except for public use.

Section 5. Reservation of Mineral Rights; Prescription

Section 5 (A) Reservation of Mineral Rights. The mineral rights on all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes.

(B) Prescription. Lands and mineral interests of the state, any school board, and any levee district shall not be lost by prescription.

Section 6.1. Public Notice; Public Bidding Requirements

Section 6.1. No conveyance, lease, royalty agreement or unitization agreement involving minerals or mineral rights owned by the State of Louisiana shall be effected without prior public notice or public bidding as shall be provided by law.

Section 8. Royalty Funds

Section 8. As used in Article XI, Section 4(D), "state-owned property" means 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. The governing authority of a parish may fund its one-tenth of the royalties from mineral leases on such state-owned property into general obligation bonds of the parish in accordance with law. Neither the provisions of this Section nor the provisions of Article XI, Section 4(D) shall apply to those properties comprising the Russell Sage Wildlife and Game Refuge.

Section 9. Tidelands Ownership

Section 9. Revenues and royalties obtained from minerals located beyond the seaward boundary of the state belong to the state.

Section 10. Offshore Mineral Revenues; Use of Funds

Section 10. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties when received shall be deposited in the state treasury. Those funds and the interest from their investment, except the portion otherwise allocated or dedicated in this constitution, shall be used by the treasurer in the purchase, retirement, and payment in advance of maturity of then existing bonded indebtedness of the state or invested for such purpose.

If any of these funds cannot be so expended within one year, the legislature may annually appropriate for capital improvements, or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.

Section 12. Wildlife and Fisheries Commission

Section 12. The wildlife of the state, including all aquatic life is hereby placed under the control and supervision of the Louisiana Wildlife and Fisheries Commission, which shall consist of seven members appointed by the governor, subject to confirmation by the Senate, six of whom shall serve for overlapping terms of six years and one of whom shall serve for a term concurrent with that of the governor. Three shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law.

No member who has served for six years or more shall be eligible for reappointment.

The functions, duties, and responsibilities of the commission, and the compensation of its members shall be provided by law.

Section 13. Forestry; Acreage Taxes; Forestry Commission; State Forester

Section 13. (A) Forestry shall be practiced in the state, and the legislature is authorized to make provisions therefor. The legislature may authorize the governing authorities of the parishes to levy acreage taxes, not to exceed two cents per acre, for the purpose of this Section. The provisions of this constitution relative to the exemption of homesteads from taxation, are hereby extended and made applicable to the tax hereby authorized.

(B) Forestry Commission. The practice of forestry is hereby placed under the Louisiana Forestry Commission. The commission shall consist of seven members, five of whom shall be appointed by the governor subject to confirmation by the Senate for overlapping terms of five years each, as provided by law, and two of whom, namely the head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission, shall serve as ex officio members.

(C) State Forester. The commission shall appoint a state forester. He must be a graduate from an accredited school of forestry and have at least four years of forestry experience, as provided by law.

Section 15. Department of Wildlife and Fisheries; Commissioned Enforcement Officers

Section 15. Nothing in Article VII of this constitution relating to civil service shall be construed to prevent the legislature from supplementing any civil service pay plan for regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment

A PROPOSAL

Making provisions relating to the Public Service Commission.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VIII. NATURAL RESOURCES

Section 14. Public Service Commission

Section 14. (A) Composition; Term; Domicile. There shall be a Public Service Commission which shall consist of five members elected at the time fixed for congressional elec-

tions from single member districts established by law for overlapping terms of six years. The commission annually shall elect one of its members as chairman. Each commissioner serving upon the effective date of this constitution shall be the commissioner for the new district in which he resides and shall serve out the term for which he was chosen. The commission shall have its domicile at the state capital, but may meet, hold investigations, and render orders elsewhere in this state.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law. Notwithstanding any provision in this Paragraph, the legislature shall provide for the regulation of natural gas by such regulatory authority as it may designate.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner it was surrendered. This shall not apply to safety regulations pertaining to the operation of such utilities.

(D) Applications, Petitions, and Schedules; Protective Bond and Security

(1) Any common carrier or public utility filing a proposed rate schedule which, if finally approved, would result in a change in existing rates, shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months from the effective date of filing, the commission shall render a full decision on every application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in any increase in rates, the commission, pending its decision on the application for rate increase, may permit the proposed schedule to be put into effect, in whole or in part, subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If any proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.

(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. The right of appeal granted herein shall extend to any action by the commission, including without limitation any action taken by the commission or by a public utility under the provisions of Subparagraph (3) above.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Motion

On motion of Delegate Perez the rules were suspended for the purpose of calling a meeting of the Committee on Local and Parochial Government with giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Friday, January 4, 1974, at noon in the Convention Hall and will consider the following agenda:

AGENDA

To consider the report of the Committee on Style and Drafting

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Juneau the rules were suspended for the purpose of calling a meeting of the Committee on Public Information without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Thursday, January 3, 1974, at 6:30 o'clock P.M. in the Treaty Room and will consider the following agenda:

AGENDA

Committee Business

Respectfully submitted,

PATRICK JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

- Delegate Maybuce—2 days.
- Delegate Jack—1 day.
- Delegate Pugh—1 day.
- Delegate Mire—2½ days.

Adjournment

Delegate Burson moved that the Convention do now adjourn until Friday, January 4, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, January 4, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Friday, January 4, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Burson Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne Cowen D'Gerolamo De Blieux Dennery Dennis Derbes Deshotels Drew Dunlap Duval Edwards Elkins Fayard Flory Fontenot Fowler Total—124.	 Fulco Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jackson, A. Jackson, J. Jenkins Jones Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leigh Leithman Lowe McDaniel Martin Mauberrret Maybuce Miller Morris Munson Newton Nunez	 O'Neill Ourso Perez Perkins Planchard Pugh Rayburn Reeves Riecke Roemer Roy Sandoz Segura Shannon Singletary Slay Smith Soniart Stagg Stephenson Stinson Stovall Sutherland Tapper Tate Thistlethwaite Thompson Tobias Toca Toomy Ullo Velazquez Vick Warren Wattigny Weiss Willis Winchester Wisham Womack Zervigon
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ABSENT

Delegates— Cannon Carmouche Jack Total—8.	 Mire Rachal Schmitt	 Vesich Wall
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The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Brien led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Goldman, the reading of the Journal
was dispensed with.

On motion of Delegate Goldman, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee
Resolutions on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Resolu-
tions reported by Committees were taken up and acted upon
as follows:

DELEGATE PROPOSAL No. 3—

Introduced by Dr. Asseff:

A PROPOSAL

Relative to legislation increasing financial burdens of school
boards.

Read.

Reported without action by the Committee on Education
and Welfare.

On motion of Delegate Flory the Proposal was withdrawn
from the files of the Convention.

DELEGATE PROPOSAL No. 53—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions
with respect thereto.

Read.

Reported without action by the Committee on Education
and Welfare.

Delegate Flory moved that the Proposal be withdrawn
from the files of the Convention.

As a substitute Delegate Leithman moved that the Pro-
posal be engrossed and passed to its third reading.

Delegate Hernandez objected.

The vote recurred on the substitute.

A record vote was asked for and ordered by the Conven-
tion.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Abraham Alario Arnette Asseff Badeaux Bel Bergeron Bollinger Brien Burns Casey Chatelain Chehardy	 Conino Conroy Corne D'Gerolamo Dennery Deshotels Drew Duval Gauthier Goldman Gravel Jackson, A. Juneau	 Lanier LeBleu Leithman Miller Nunez Roemer Roy Singletary Soniart Stovall Sutherland Tobias Toca
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PAGE 2

108th Days Proceedings—January 4, 1974

Toomy	Warren	Zervigon
Uilo	Weiss	
Velazquez	Willis	
Total—46.		

NAYS

Delegates—		
Alexander	Heine	Riecke
Avant	Hernandez	Sandoz
Blair	Jenkins	Segura
Burson	Jones	Shannon
Champagne	Kilpatrick	Slay
Comar	Landrum	Smith
Cowen	Landry, A.	Stagg
De Blieux	Landry, E. J.	Stephenson
Dennis	Leigh	Stinson
Dunlap	Lowe	Tapper
Elkins	McDaniel	Tate
Flory	Mauberret	Thistlethwaite
Fulco	Munson	Thompson
Graham	O'Neill	Wattigny
Grier	Planchard	Winchester
Hardee	Rayburn	Wisham
Hayes		
Total—49.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Newton
Aertker	Haynes	Ourso
Anzalone	Jack	Perez
Brown	Jackson, J.	Perkins
Cannon	Kean	Pugh
Carmouche	Kelly	Rachal
Derbes	Kilbourne	Reeves
Edwards	Lambert	Schmitt
Fayard	Martin	Vesich
Fontenot	Maybuce	Vick
Fowler	Mire	Wall
Giarrusso	Morris	Womack
Ginn		
Total—37.		

And the Convention refused to engross the Proposal and pass it to its third reading.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 57—

Introduced by Delegate Flory:

A PROPOSAL

To provide for the registration of corporate stockholders.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 58—

Introduced by Delegate Flory:

A PROPOSAL

Providing for municipal fire and police civil service.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 87—

Introduced by Delegate Segura:

A PROPOSAL

Providing for state and city civil service.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 88—

Introduced by Delegate Lennox:

A PROPOSAL

To provide for the continuous operation of government.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 89—

Introduced by Delegate Lennox:

A PROPOSAL

Prohibiting strikes by public employees.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 90—

Introduced by Delegate Lennox:

A PROPOSAL

To prohibit monopolistic control over employment in any industry within the state.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 94—

Introduced by Delegate Pugh:

A PROPOSAL

Prohibiting the purchase or subscription by the state or its political subdivisions of stock of any corporation or association or for any private enterprise and providing exceptions.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 35 when it adjourned on Thursday, January 3, 1974, which was taken up and acted upon as follows:

Section 9. Limitations on Banking

Section 9. No law shall permit multi-bank holding companies, metropolitan banking, or statewide branch banking, except by a favorable vote of two-thirds of each house of the legislature.

Read.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates O'Neill, Tobias, Newton and Jones to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 20 through 24, both inclusive, in their entirety

Motion

Delegate Tobias moved to limit debate on the amendment to 15 minutes.

Delegate Rayburn objected.

By a vote of 24 yeas and 58 nays the Convention refused to limit debate on the amendment to 15 minutes.

Point of Order

Delegate Dennery raised the point of order that Section 9 of Committee Proposal No. 35 was not within the scope of the subject matter to be considered by the Committee on Bill of Rights and Elections, under the rules, therefore was out of order, and asked a ruling from the Chair.

Ruling of the Chair

The Chair ruled that Section 9 was properly within the subject matter under consideration in Committee Proposal No. 35, which was considered by the Committee on Bill of Rights and Elections.

Delegate Jones moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Alario
Alexander
Asseff
Bergeron
Cannon
Casey
Chehardy
Conroy
De Bileux
Dennery
Dennis
Derbes
Fayard

Gauthier
Graham
Hayes
Jackson, J.
Jenkins
Jones
Landrum
Leigh
Leithman
Miller
Morris
Newton
O'Neill

Slay
Soniak
Stagg
Sutherland
Tobias
Toca
Toomy
Ullo
Velazquez
Warren
Weiss
Wisham
Zervigon

Total—40.

NAYS

Delegates—

Aertker
Avant
Badeaux
Bel
Blair
Bollinger

Brien
Burns
Burson
Chatelain
Comar
Conino

Corne
Cowen
D'Gerolamo
Deshotels
Drew
Dunlap

Duval
Elkins
Flory
Fontenot
Fowler
Fulco
Goldman
Gravel
Grier
Guarisco
Hardee
Haynes
Heine
Hernandez
Jackson, A.
Juneau
Total—64.

Kilbourne
Kilpatrick
Lambert
Landry, A.
Landry, E. J.
Lanier
LeBleu
Lowe
McDaniel
Martin
Mauberret
Munson
Nunez
Perkins
Planchard
Rayburn

Riecke
Roemer
Roy
Segura
Signletary
Smith
Stephenson
Stinson
Stovall
Tapper
Thompson
Wattigny
Willis
Winchester

NOT VOTING

Delegates—

Mr. Chairman
Anzalone
Arnette
Brown
Carmouche
Champagne
Edwards
Giarrusso
Ginn
Jack

Kean
Kelly
Maybuce
Mire
Ourso
Perez
Pugh
Rachal
Reeves

Sandoz
Schmitt
Shannon
Tate
Thistlethwaite
Vesich
Vick
Wall
Womack

Total—28.

And the amendment was rejected.

Delegate Roy moved to reconsider the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 21, after the word "permit" and before the word "multi-bank" insert the words "foreign or domestic"

AMENDMENT No. 2—

On page 2, line 23, after the words "two-thirds of" and before the word "each" insert the words "the elected members of"

AMENDMENT No. 3—

On page 2, line 24, after the word and punctuation "legislature." add the following:

"No law shall permit multi-parish operations of building and loan associations, savings and loan associations, or home-steads, except by a favorable vote of two-thirds of the elected members of each house of the legislature."

On request of Delegate Hernandez a division of the question was ordered.

Delegate Dennery moved the adoption of Amendment No. 1.

Delegate Aertker objected.

By a vote of 95 yeas and 8 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery moved the adoption of Amendment No. 2.

Delegate Heine objected.

By a vote of 101 yeas and 3 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery moved the adoption of Amendment No. 3.

PAGE 4

108th Days Proceedings—January 4, 1974

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Conroy	Tobias
Alario	Dennery	Velazquez
Alexander	Derbes	Warren
Casey	Deshotels	Weiss
Chehardy	Jackson, J.	Zervigon
Conino	Nunez	
Total—17.		

NAYS

Delegates—		
Aertker	Goldman	Newton
Asseff	Graham	O'Neill
Avant	Gravel	Perez
Badeaux	Grier	Perkins
Bel	Guarisco	Planchard
Bergeron	Hardee	Rayburn
Blair	Hayes	Riecke
Bollinger	Haynes	Roy
Brien	Heine	Sandoz
Burns	Hernandez	Segura
Burson	Jackson, A.	Slay
Cannon	Jenkins	Smith
Chatelain	Jones	Soniat
Comar	Juneau	Stagg
Corne	Kilbourne	Stephenson
Cowen	Kilpatrick	Stinson
D'Gerolamo	Landrum	Stovall
De Blieux	Landry, A.	Sutherland
Dennis	Landry, E. J.	Tapper
Drew	Lanier	Thistlethwaite
Dunlap	Leigh	Toca
Duval	Leithman	Toomy
Elkins	Lowe	Ullo
Fayard	McDaniel	Wattigny
Flory	Martin	Willis
Fontenot	Mauberret	Winchester
Fowler	Miller	Wisham
Fulco	Morris	
Gauthier	Munson	
Total—85.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Roemer
Anzalone	Kelly	Schmitt
Arnette	Lambert	Shannon
Brown	LeBleu	Singletary
Carmouche	Maybuce	Tate
Champagne	Mire	Thompson
Edwards	Ourso	Vesich
Giarrusso	Pugh	Vick
Ginn	Rachal	Wall
Jack	Reeves	Womack
Total—30.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 35 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 22, after the word and punctuation "bank-

ing," and before the word "or" insert the words "multi-parish"

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 35, Section 9 was read, as amended.

Delegate Roy moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fontenot	Mauberret
Arnette	Fowler	Miller
Asseff	Fulco	Munson
Avant	Gauthier	Nunez
Badeaux	Goldman	Perez
Blair	Gravel	Perkins
Bollinger	Grier	Planchard
Brien	Guarisco	Rayburn
Burns	Hardee	Riecke
Burson	Hayes	Roy
Cannon	Haynes	Sandoz
Champagne	Heine	Segura
Chatelain	Hernandez	Slay
Comar	Jackson, A.	Smith
Conino	Juneau	Stephenson
Corne	Kilbourne	Stinson
Cowen	Kilpatrick	Stovall
D'Gerolamo	Landry, A.	Tapper
Deshotels	Landry, E. J.	Thistlethwaite
Drew	Lanier	Ullo
Dunlap	LeBleu	Velazquez
Duval	Leithman	Wattigny
Elkins	Lowe	Willis
Fayard	McDaniel	Winchester
Flory	Martin	Wisham
Total—75.		

NAYS

Delegates—		
Abraham	Dennis	O'Neill
Alario	Derbes	Soniat
Alexander	Graham	Stagg
Bel	Jackson, J.	Sutherland
Bergeron	Jenkins	Tobias
Casey	Landrum	Toca
Chehardy	Leigh	Toomy
Conroy	Jones	Warren
De Blieux	Morris	Weiss
Dennery	Mewton	Zervigon
Total—30.		

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Schmitt
Anzalone	Lambert	Shannon
Brown	Maybuce	Singletary
Carmouche	Mire	Tate
Edwards	Ourso	Thompson
Giarrusso	Pugh	Vesich
Ginn	Rachal	Vick
Jack	Reeves	Wall
Kean	Roemer	Womack
Total—27.		

And the Chair declared that the above Section was finally passed.

Delegate Roy moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Champagne sent up the following Explanation of Vote with respect to the vote on the adoption of Section 9 of Committee Proposal No. 35.

"I have abstained from voting on Section 9 because of a possible conflict of interest."

Explanation of Vote

Delegate Sandoz sent up the following Explanation of Vote with respect to the vote on the adoption of Section 9 of Committee Proposal No. 35.

"I have abstained from voting on Section 9 in view of a possible conflict of interest on this Section."

Explanation of Vote

Delegate Thittlethwaite sent up the following Explanation of Vote with respect to the vote on the adoption of Section 9 of Committee Proposal No. 35.

"Owing to the possibility of charges of conflict of interest, I abstain from voting on the adoption of Section 9 of Committee Proposal No. 35, and on proposed amendments thereto."

Explanation of Vote

Delegate Vick sent up the following explanation of vote with respect to the vote on the adoption of Section 9 of Committee Proposal No. 35.

"I have abstained from voting on Section 9, pursuant to LRS 42:1112 B(1), because of a possibility of conflict of interest."

Explanation of Vote

Delegate Roy sent up the following explanation of vote with respect to the vote on the adoption of Section 9 of Committee Proposal No. 35.

"Out of an abundance of caution, I am filing this statement explaining my voting for and discussing of Section 9 of Committee Proposal No. 35.

My brother, A. J. Roy, Jr., as President of the Central Louisiana Bank and Trust Co. of Marksville, Louisiana in which I own 27 shares.

I am not an officer nor director of that bank nor any other bank, nor do I represent any other bank, therefore I felt that I was not required to abstain from any participation or voting on this section."

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting Sub-Committee of the Executive Department will meet on Friday, Jan. 4, 1974 at the noon recess in the Ante-Room and will consider the following agenda:

AGENDA

The committee report of the Executive Department Committee.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Delegate Singletary sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Singletary, Abraham, Alario, Arnette, Asseff, Avant, Bergeron, Bollinger, Brien, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Comar, Conino, Conroy, Corne, Cowan, D'Gerolamo, De Blieux, Dennery, Deshotels, Drew, Duval, Fayard, Flory, Fontenot, Fulco, Goldman, Gravel, Heine, Hernandez, Jack, A. Jackson, Jenkins, Jones, Juneau, Kean, Kilbourne, Kilpatrick, Landrum, LeBleu, McDaniel, Miller, Mire, Nunez, O'Neill, Perkins, Planchard, Riecke, Reeves, Roy, Schmitt, Sandoz, Soniat, Stagg, Stovall, Sutherland, Stinson, Tapper, Tobias, Toca, Velazquez, Vick, Warren, Willis, Winchester and Zervigon to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, add the following Section:

"Section 10. Administrative and Quasi-Judicial Agency Code

Section 10. Rules, regulations and procedures adopted by all state administrative and quasi-judicial agencies, boards and commissions shall be published in one or more codes and made available to the public."

Delegate Singletary moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Goldman	Reeves
Alexander	Graham	Riecke
Anzalone	Gravel	Roemer
Arnette	Grier	Roy
Asseff	Hardee	Shannon
Avant	Hayes	Singletary
Badeaux	Haynes	Slay
Bel	Hernandez	Soniat
Bergeron	Jackson, A.	Stagg
Bollinger	Jackson, J.	Stephenson
Brien	Jenkins	Stinson
Burns	Jones	Stovall
Burson	Juneau	Sutherland
Casey	Kilbourne	Tate
Champagne	Lambert	Thistlethwaite
Chatelain	Landrum	Thompson
Comar	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Conroy	Leigh	Toomy
Corne	McDaniel	Uilo
Dennery	Martin	Velazquez
Derbes	Mauberrert	Vick
Deshotels	Maybece	Warren
Dunlap	Morris	Wattigny
Duval	Munson	Weiss
Elkins	Mewton	Willis
Flory	O'Neill	Wisham
Fulco	Ourso	Womack
Gauthier	Planchard	Zervigon
Total—87.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Drew	Kilpatrick
Abraham	Edwards	Lanier
Aertker	Fayard	LeBleu
Blair	Fontenot	Leithman
Brown	Fowler	Lowe
Cannon	Giarrusso	Miller
Carmouche	Ginn	Mire
Chehardy	Guarisco	Nunez
Cowan	Heine	Perez
D'Gerolamo	Jack	Perkins
De Blieux	Kean	Pugh
Dennis	Kelly	Rachal

Rayburn	Segura	Vesich
Sandoz	Smith	Wall
Schmitt	Tapper	Winchester
Total—45.		

And the amendment having received the vote of a majority of the total membership of the Convention required to add a section to a Proposal was adopted.

Delegate Singletary moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 35, Section 10 was read.

Delegate Singletary moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Goldman	Planchard
Alario	Graham	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Roemer
Arnette	Hardee	Roy
Asseff	Hayes	Shannon
Avant	Haynes	Singletary
Badeaux	Hernandez	Slay
Bel	Jackson, A.	Soniat
Bergeron	Jackson, J.	Stagg
Bollinger	Jenkins	Stephenson
Brien	Jones	Stinson
Burns	Juneau	Stovall
Burson	Kilbourne	Sutherland
Casey	Lambert	Tate
Champagne	Landrum	Thistlethwaite
Chatelain	Landry, A.	Thompson
Comar	Landry, E. J.	Tobias
Conino	Leigh	Toca
Conroy	McDaniel	Toomy
Corne	Martin	Ullo
Dennery	Mauberret	Velazquez
Derbes	Maybuce	Vick
Dunlap	Miller	Warren
Duval	Morris	Wattigny
Elkins	Munson	Weiss
Flory	Mewton	Willis
Fulco	O'Neill	Wisham
Gauthier	Ourso	Zervigon
Total—87.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Abraham	Fontenot	Nunez
Aertker	Fowler	Perez
Blair	Giarrusso	Perkins
Brown	Ginn	Pugh
Cannon	Guarisco	Rachal
Carmouche	Heine	Rayburn
Chehardy	Jack	Sandoz
Cowen	Kean	Schmitt
D'Gerolamo	Kelly	Segura
De Blieux	Kilpatrick	Smith
Dennis	Lanier	Tapper
Deshotels	LeBleu	Vesich
Drew	Leithman	Wall
Edwards	Lowe	Winchester
Fayard	Mire	Womack
Total—45.		

And the Chair declared that the above Section was finally passed.

Delegate Singletary moved to reconsider the vote by which

the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Corne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Corne, Juneau, Willis, Segura, Chehardy, Giarrusso, Chatelain, Lanier, Hardee, Champagne, LeBleu, Sandoz, Zervigon, Valesquez, Gauthier, Kean, Brien, Badeaux, Burson, Ullo, Nunez, Avant, Dunlap, Guarisco, Gravel, Leithman, Conroy, Lambert, Alario, Asseff, Arnette, E. J. Landry, Heine, Cannon, Duval, Bollinger, Planchard, Elkins, Roemer, Fayard, Miller, Winchester, Comar, Slay, Jones, Reeves, Carmouche, Mire, Goldman, Bel, Martin, Wattigny, Conino, D'Gerolamo, Toca, A. Landry, Roy, Smith, Lowe, Munson, Riecke, Thistlethwaite, Maybuce, McDaniel, Casey, Perkins, Hernandez, O'Neill, Kelly, Wisham, Ginn, Perez, Graham, Bergeron, Flory, Stephenson, Rachal, Derbes, Jackson, Anzalone, Dennery, Henry, Deshotels, Fulco, Fowler and Singletary to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25 after the language added by the Convention Floor Amendment by Mr. Singletary et al and adopted by the Convention on January 4, 1974, add the following:

"Section 11. Preservation of Linguistic and Cultural Origin Section 11. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origin is recognized."

Delegate Corne moved the adoption of the amendment.

Delegate Hayes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Goldman	Reeves
Alario	Graham	Riecke
Alexander	Gravel	Roemer
Anzalone	Grier	Roy
Arnette	Guarisco	Sandoz
Asseff	Hardee	Segura
Avant	Haynes	Shannon
Badeaux	Heine	Singletary
Bel	Hernandez	Slay
Bergeron	Jackson, A.	Smith
Bollinger	Jackson, J.	Soniat
Brien	Jenkins	Stagg
Burns	Jones	Stephenson
Burson	Juneau	Stinson
Casey	Kilbourne	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tate
Chehardy	Landry, A.	Thistlethwaite
Comar	Landry, E. J.	Thompson
Conino	Leigh	Tobias
Conroy	McDaniel	Toomy
Corne	Martin	Ullo
D'Gerolamo	Mauberret	Velazquez
Dennery	Maybuce	Vick
Derbes	Miller	Warren
Dunlap	Morris	Wattigny
Duval	Munson	Weiss
Elkins	Mewton	Willis
Flory	Nunez	Winchester
Fulco	O'Neill	Wisham
Gauthier	Ourso	Zervigon
Giarrusso	Planchard	
Total—95.		

NAYS

Delegate Hayes
Total—1.

NOT VOTING

Delegates—

Abraham	Fayard	Mire
Aertker	Fontenot	Perez
Blair	Fowler	Perkins
Brown	Ginn	Pugh
Cannon	Jack	Rachal
Carmouche	Kean	Rayburn
Cowen	Kelly	Schmitt
De Bileux	Kilpatrick	Tapper
Dennis	Lanier	Toca
Deshotels	LeBleu	Vesich
Drew	Leithman	Wall
Edwards	Lowe	Womack
Total—36.		

And the amendment having received a majority vote of the total membership of the Convention required to add a Section to a Proposal was adopted.

Delegate Corne moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 35, Section 11 was read.

Delegate Corne moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Goldman	Reeves
Alario	Graham	Riecke
Alexander	Gravel	Roemer
Anzalone	Grier	Roy
Arnette	Guarisco	Sandoz
Asseff	Hardee	Segura
Avant	Haynes	Shannon
Badeaux	Heine	Singletary
Bel	Hernandez	Slay
Bergeron	Jackson, A.	Smith
Bollinger	Jackson, J.	Soniat
Brien	Jenkins	Stagg
Burns	Jones	Stephenson
Burson	Juneau	Stinson
Casey	Kilbourne	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Thistlethwaite
Conino	LeBleu	Thompson
Conroy	Leigh	Tobias
Corne	McDaniel	Toca
D'Gerolamo	Martin	Toomy
De Bileux	Mauberet	Ullo
Dennery	Maybuce	Velazquez
Derbes	Miller	Vick
Deshotels	Morris	Warren
Dunlap	Munson	Wattigny
Duval	Newton	Weiss
Elkins	Nunez	Willis
Flory	O'Neill	Winchester
Fulco	Ourso	Wisham
Gauthier	Perez	Womack
Giarrusso	Plancharde	Zervigou
Total—99.		

NAYS

Delegate Hayes
Total—1.

NOT VOTING

Delegates—

Abraham	Cannon	Dennis
Aertker	Carmouche	Drew
Blair	Comar	Edwards
Brown	Cowen	Fayard

Fontenot	Lambert	Rachal
Fowler	Lanier	Rayburn
Ginn	Leithman	Schmitt
Jack	Lowe	Tapper
Kean	Mire	Vesich
Kelly	Perkins	Wall
Kilpatrick	Pugh	
Total—32.		

And the Chair declared that the above Section was finally passed.

Delegate Corne moved to reconsider the vote by which the above Section was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, after the language proposed by Convention floor amendment No. 1 by Delegates Corne, et al and adopted by the Convention on January 4, 1974, add the following:

"Section 12. Validity to Existing Legislation
Section 12. Existing legislation not in conflict with this constitution is valid and in force."

On motion of Delegate Dennery the amendment was withdrawn.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, after the language proposed by Convention floor Amendment No. 1 by Delegate Corne and adopted by the Convention on January 4, 1974, add the following:

"Section 12. Laws Authorizing Supplemental Pay
Section 12. Any law authorizing supplemental pay shall be enacted only by the vote of two-thirds of the elected members of each house of the legislature."

Delegate Dennery moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Dennery	Perkins
Alexander	Derbes	Riecke
Arnette	Deshotels	Sandoz
Asseff	Drew	Stagg
Badeaux	Duval	Stinson
Bergeron	Elkins	Stovall
Bollinger	Goldman	Sutherland
Burson	Grier	Thompson
Casey	Jackson, J.	Tobias
Champagne	Jenkins	Ullo
Chatelain	Jones	Velazquez
Chehardy	Juneau	Wattigny
Conroy	Landrum	Weiss
Corne	Leigh	Zervigou
De Bileux	Nunez	
Total—44.		

NAYS

Delegates—		
Aertker	Guarisco	O'Neill
Alario	Hardee	Ourso
Anzalone	Hayes	Planchard
Avant	Haynes	Reeves
Bel	Heine	Roy
Brien	Hernandez	Shannon
Burns	Jackson, A.	Singletary
Comar	Kilpatrick	Slay
Conino	Lambert	Smith
D'Gerolamo	Landry, A.	Soniat
Dennis	Landry, E. J.	Stephenson
Dunlap	LeBleu	Tate
Fayard	Leithman	Toca
Flory	Lowe	Toomy
Fulco	Martin	Vick
Gauthier	Mauberret	Warren
Giarrusso	Maybuce	Willis
Ginn	Morris	Winchester
Graham	Munson	Wisham
Gravel	Newton	Womack
Total—60.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Rachal
Blair	Kelly	Rayburn
Brown	Kilbourne	Roemer
Cannon	Lanier	Schmitt
Carmouche	McDaniel	Segura
Cowen	Miller	Tapper
Edwards	Mire	Thistlethwaite
Fontenot	Perez	Vesich
Fowler	Pugh	Wall
Jack		
Total—28.		

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Landrum to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, and after the language added by Convention Floor Amendment No. 1, proposed by Delegate Corne and adopted by the Convention on January 4, 1974, add the following:

"Section 12. Burial of Indigents; Appropriation

Section 12. The legislature shall appropriate adequate funds for the burial of indigents."

Delegate Landrum moved the adoption of the amendment.

Delegate Thompson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Derbes	Jones
Avant	Flory	Kilpatrick
Chatelain	Giarrusso	Lambert
Chehardy	Ginn	Landrum
Comar	Grier	Landry, E. J.
D'Gerolamo	Haynes	Maybuce
Dennery	Jackson, J.	Miller

Stovall
Thistlethwaite
Tobias
Total—28.

Ullo
Velazquez
Warren

Winchester

NAYS

Delegates—

Aertker	Fowler
Alario	Fulco
Anzalone	Gauthier
Arnette	Goldman
Asseff	Graham
Badeaux	Gravel
Bel	Guarisco
Bergeron	Hardee
Bollinger	Hayes
Brien	Hernandez
Burns	Jackson, A.
Burson	Jenkins
Casey	Juneau
Champagne	Kilbourne
Conino	Landry, A.
Conroy	LeBleu
Corne	Leigh
Cowen	Leithman
De Blieux	Lowe
Drew	McDaniel
Dunlap	Martin
Duval	Mauberret
Edwards	Munson
Elkins	Newton
Fayard	
Total—73.	

NOT VOTING

Delegates—

Mr. Chairman	Kean	Schmitt
Abraham	Kelly	Segura
Blair	Lanier	Slay
Brown	Mire	Tapper
Cannon	Morris	Tate
Carmouche	Pugh	Thompson
Dennis	Rachal	Toca
Deshotels	Rayburn	Vesich
Fontenot	Roemer	Wall
Heine	Roy	Womack
Jack		
Total—31.		

And the amendment was rejected.

Delegate Thompson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, and after Convention Floor Amendment No. 1 proposed by Delegate Corne and adopted by the Convention on January 4, 1974, add the following:

"Section 12. Laws Enacted by Electors; Limitations

Section 12. Notwithstanding any provisions of this constitution to the contrary, the legislature may submit proposals to the electors of the state for their approval at a regularly scheduled election held throughout the state. A proposal approved by a majority of the electors voting thereon shall be deemed to have the force and effect of law, but only for a period of one year or until the effective date of laws of the next following regular session of the legislature, whichever is later."

Delegate Zervigon moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Duval	Sutherland
Alexander	Lowe	Tate
Arnette	Newton	Tobias
Casey	Perkins	Willis
Dennery	Sandoz	Zervigon
Deshotels		
Total—16.		

NAYS

Delegates—		
Abraham	Fowler	Nunez
Alario	Fulco	O'Neill
Anzalone	Gauthier	Perez
Asseff	Ginn	Planchard
Avant	Goldman	Reeves
Badeaux	Graham	Riecke
Bel	Grier	Roemer
Bergeron	Guarisco	Roy
Bollinger	Hardee	Shannon
Brien	Hayes	Singletary
Brown	Haynes	Slay
Burns	Hernandez	Smith
Burson	Jackson, A.	Soniat
Champagne	Jenkins	Stagg
Chatelain	Juneau	Stephenson
Chehardy	Kelly	Stinson
Comar	Kilpatrick	Stovall
Conino	Lambert	Thistlethwaite
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Velazquez
Derbes	McDaniel	Vick
Drew	Martin	Warren
Dunlap	Mauberret	Wattigny
Elkins	Maybuce	Weiss
Fayard	Miller	Winchester
Flory	Morris	Wisham
Fontenot	Munson	Womack
Total—90.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Pugh
Blair	Jackson, J.	Rachal
Cannon	Jones	Rayburn
Carmouche	Kean	Schmitt
Dennis	Kilbourne	Segura
Edwards	Landrum	Tapper
Giarrusso	Lanier	Vesich
Gravel	Mire	Wall
Heine	Ourso	
Total—26.		

And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, and after Convention Floor Amendment No. 1 proposed by Delegate Corne and adopted by the Convention on January 4, 1974, add the following:

"Section 12. Laws Authorizing Supplemental Pay
Section 12. Any law authorizing supplemental pay for state classified employees shall be enacted only by the vote of two-

thirds of the elected members of each house of the legislature."

Delegate Dennery moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	Riecke
Alexander	Drew	Sandoz
Arnette	Duval	Soniat
Asseff	Goldman	Stagg
Badeaux	Jackson, J.	Stovall
Brien	Jenkins	Sutherland
Casey	Jones	Thistlethwaite
Champagne	Landrum	Tobias
Conroy	LeBleu	Weiss
De Blieux	Leigh	Zervigon
Dennery	Miller	
Derbes	Perkins	
Total—34.		

NAYS

Delegates—		
Aertker	Gravel	O'Neill
Avant	Grier	Perez
Bel	Guarisco	Planchard
Bergeron	Hardee	Reeves
Bollinger	Hayes	Roemer
Brown	Haynes	Roy
Burns	Heine	Shannon
Burson	Hernandez	Singletary
Chatelain	Jackson, A.	Slay
Chehardy	Juneau	Smith
Comar	Kelly	Stephenson
Conino	Kilbourne	Stinson
Corne	Kilpatrick	Tate
Cowen	Lambert	Thompson
D'Gerolamo	Landry, A.	Toca
Dennis	Landry, E. J.	Toomy
Dunlap	Lowe	Ullo
Elkins	McDaniel	Velazquez
Fayard	Martin	Vick
Flory	Mauberret	Warren
Fontenot	Maybuce	Wattigny
Fowler	Morris	Willis
Fulco	Munson	Winchester
Ginn	Newton	Wisham
Graham	Nunez	Womack
Total—75.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Rachal
Alario	Jack	Rayburn
Anzalone	Kean	Schmitt
Blair	Lanier	Segura
Cannon	Leithman	Tapper
Carmouche	Mire	Vesich
Edwards	Ourso	Wall
Gauthier	Pugh	
Total—23.		

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate A. Jackson the previous question was ordered on the Proposal.

Motion

On motion of Delegate Roy the vote by which the previous question was ordered was reconsidered.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 19 and 20, add the following:

“Section 9. Limitations on Banking

Section 9. No law shall permit foreign or domestic multi-bank holding companies or multi-parish branch banking, except by a favorable vote of two-thirds of the elected members of each house of the legislature. This section does not prohibit the continued operation of existing multi-parish banks.”

Delegate Roy moved the adoption of the amendment.

Delegate O'Neill objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fulco	Munson
Aertker	Gauthier	Nunez
Alario	Ginn	Perez
Alexander	Goldman	Perkins
Arnette	Graham	Planchard
Asseff	Gravel	Reeves
Avant	Grier	Riecke
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bollinger	Haynes	Segura
Brien	Heine	Shannon
Brown	Hernandez	Singletary
Burns	Jackson, A.	Slay
Burson	Jackson, J.	Smith
Cannon	Juneau	Stephenson
Chatelain	Kelly	Stinson
Chehardy	Kilbourne	Stovall
Conino	Kilpatrick	Tate
Conroy	Lambert	Thistlethwaite
Corne	Landry, A.	Thompson
Cowen	Landry, E. J.	Toca
De Blieux	LeBleu	Toomy
Drew	Lowe	Ullio
Dunlap	McDaniel	Wattigny
Duval	Martin	Willis
Elkins	Mauberret	Winchester
Flory	Maybuce	Wisham
Fontenot	Miller	Womack

Total—85.

NAYS

Delegates—

Bergeron	Jenkins	Soniat
Casey	Jones	Stagg
Comar	Landrum	Sutherland
D'Gerolamo	Leigh	Tobias
Dennery	Morris	Velazquez
Dennis	Newton	Warren
Derbes	O'Neill	Weiss
Fayard	Sandoz	Zervigon

Total—25.

NOT VOTING

Delegates—

Mr. Chairman	Jack	Rachal
Anzalone	Kean	Rayburn
Blair	Lanier	Schmitt
Carmouche	Leithman	Tapper
Champagne	Mire	Vesich
Deshotels	Ourso	Vick
Edwards	Pugh	Wall

Total—22.

And the amendment having received a majority vote of the total membership of the Convention required to add a Section to a Proposal was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Graham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Graham, Jones and Roy to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, strike out Convention Floor Amendment No. 1 proposed by Mr. Roy adding a New Section between lines 19 and 20, and insert in lieu thereof the following:

“Section 9. Limitations on Banking

Section 9. No law shall permit multi-bank holding companies or multi-parish branch banking, unless enacted by two-thirds of the elected members of each house of the legislature. This Section shall not prohibit multi-parish banks which were lawfully operating as such prior to January 1, 1974; however, no such bank may extend its operations to any parish in which it was not operating prior to said date unless authorized to do so by a general law enacted by two-thirds of the elected members of each house.”

On motion of Delegate Roy the amendment was withdrawn.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegates Graham, Jones and Roy to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, strike out Convention Floor Amendment No. 1 proposed by Mr. Roy adding a New Section between lines 19 and 20, and insert in lieu thereof the following:

“Section 9. Limitations on Banking

Section 9. No law shall permit foreign or domestic multi-bank holding companies or multi-parish branch banking, unless enacted by two-thirds of the elected members of each house of the legislature. This Section shall not prohibit multi-parish banks which were lawfully operating as such prior to January 1, 1974; however, no such bank may extend its operations to any parish in which it was not operating prior to said date unless authorized to do so by a general law enacted by two-thirds of the elected members of each house.”

Delegate Roy moved the adoption of the amendment.

Delegate Weiss objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Comar	Fulco
Aertker	Conino	Gauthier
Alexander	Conroy	Giarrusso
Arnette	Corne	Goldman
Avant	Cowen	Graham
Badeaux	De Blieux	Gravel
Bel	Derbes	Grier
Bollinger	Drew	Guarisco
Brien	Duval	Hardee
Brown	Edwards	Haynes
Burson	Elkins	Heine
Cannon	Flory	Hernandez
Chatelain	Fontenot	Jackson, A.
Chehardy	Fowler	Jones

PAGE 11

108th Days Proceedings—January 4, 1974

Juneau	Miller	Smith
Kelly	Nunez	Stephenson
Kilbourne	O'Neill	Stinson
Kilpatrick	Ourso	Stovall
Landry, A.	Perkins	Tate
Landry, E. J.	Planchard	Thistlethwaite
LeBleu	Riecke	Thompson
Leithman	Roemer	Wattigny
McDaniel	Roy	Willis
Martin	Segura	Winchester
Mauberrret	Shannon	Wisham
Maybuce	Slay	
Total—77.		

NAYS

Delegates—	Jackson, J.	Toca
Asseff	Jenkins	Toomy
Bergeron	Landrum	Ullo
Casey	Leigh	Velazquez
D'Gerolamo	Morris	Warren
Dennery	Newton	Weiss
Dennis	Stagg	Zervigon
Fayard	Sutherland	
Hayes		
Total—23.		

NOT VOTING

Delegates—	Kean	Sandoz
Mr. Chairman	Lambert	Schmitt
Alario	Lanier	Singletary
Anzalone	Lowe	Soniat
Blair	Mire	Tapper
Burns	Munson	Tobias
Carmouche	Perez	Vesich
Champagne	Pugh	Vick
Deshotels	Rachal	Wall
Dunlap	Rayburn	Womack
Ginn	Reeves	
Jack		
Total—32.		

And the amendment was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 35, New Section 9 was read, as amended.

Delegate Roy moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Drew	Juneau
Abraham	Duval	Kelly
Aertker	Edwards	Kilbourne
Alexander	Elkins	Kilpatrick
Arnette	Flory	Lambert
Avant	Fontenot	Landry, A.
Badeaux	Fowler	Landry, E. J.
Bel	Fulco	LeBleu
Bollinger	Gauthier	Leithman
Brien	Giarrusso	McDaniel
Brown	Ginn	Martin
Burns	Goldman	Mauberrret
Burson	Graham	Maybuce
Cannon	Gravel	Munson
Champagne	Grier	Nunez
Chatelain	Guarisco	Perkins
Comar	Hardee	Planchard
Conino	Haynes	Reeves
Conroy	Heine	Riecke
Corne	Jackson, A.	Roemer
Cowen	Jones	Roy
D'Gerolamo		

Segura	Stinson	Toca
Shannon	Stovall	Wattigny
Slay	Tate	Willis
Smith	Thistlethwaite	Winchester
Stephenson	Thompson	Wisham
Total—78.		

NAYS

Delegates—	Hayes	Stagg
Asseff	Jackson, J.	Sutherland
Bergeron	Jenkins	Toomy
Casey	Landrum	Ullo
De Blieux	Leigh	Velazquez
Dennery	Newton	Warren
Dennis	O'Neill	Weiss
Derbes	Soniat	Zervigon
Fayard		
Total—24.		

NOT VOTING

Delegates—	Kean	Rayburn
Mr. Chairman	Lanier	Sandoz
Alario	Lowe	Schmitt
Anzalone	Miller	Singletary
Blair	Mire	Tapper
Carmouche	Morris	Tobias
Chehardy	Ourso	Vesich
Deshotels	Perez	Vick
Dunlap	Pugh	Wall
Hernandez	Rachal	Womack
Jack		
Total—30.		

And the Chair declared that the above Section was finally passed.

Delegate Roy moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Roy the rules were suspended for the purpose of calling from the table the motion to reconsider the vote by which Committee Proposal No. 35, old Section 9, was passed.

On motion of Delegate Roy the vote by which Committee Proposal No. 35, Old Section 9, was passed was reconsidered.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy to Committee Proposal No. 35 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 20 through 24, both inclusive, in their entirety and delete all amendments adopted thereto.

On motion of Delegate Roy the amendment was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Roy moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Brien	Conino
Aertker	Brown	Corne
Alexander	Burns	Cowen
Arnette	Burson	D'Gerolamo
Avant	Champagne	Drew
Badeaux	Chatelain	Duval
Bel	Comar	Edwards
Bollinger		

Elkins	Kilpatrick	Shannon
Flory	Lambert	Singletary
Fontenot	Landry, A.	Slay
Fowler	Landry, E. J.	Smith
Fulco	LeBleu	Soniat
Giarrusso	Lowe	Stephenson
Ginn	McDaniel	Stinson
Goldman	Martin	Stovall
Gravel	Mauberret	Tate
Grier	Maybece	Thistlethwaite
Guarisco	Nunez	Thompson
Hardee	O'Neill	Toca
Haynes	Perkins	Toomy
Heine	Planchard	Ullo
Hernandez	Pugh	Velazquez
Jackson, A.	Reeves	Vick
Juneau	Reicke	Wattigny
Kean	Roemer	Willis
Kelly	Roy	Winchester
Kilbourne	Segura	Wisham
Total—81.		

NAYS

Delegates—		
Abraham	Fayard	Morris
Asseff	Gauthier	Newton
Cannon	Graham	Stagg
Casey	Hayes	Sutherland
Conroy	Jackson, J.	Tobias
De Blieux	Jenkins	Warren
Dennery	Jones	Weiss
Dennis	Landrum	Zervigon
Derbes	Leigh	
Total—26.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Rachal
Alario	Lanier	Rayburn
Anzalone	Leithman	Sandoz
Bergeron	Miller	Schmitt
Blair	Mire	Tapper
Carmouche	Munson	Vesich
Chehardy	Ourso	Wall
Deshotels	Perez	Womack
Dunlap		
Total—25.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Juneau, the Convention altered the Order of Business to take up Other Orders of Business at this time.

Motion

On motion of Delegate Aertker the rules were suspended for the purpose of calling a meeting of the Committee on Education and Welfare without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Saturday, January 5, 1974, at 8:30 o'clock A.M. in the Treaty Room of the White House Inn and will consider the following agenda:

AGENDA

To discuss Style and Drafting report.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Casey the rules were suspended for the purpose of calling a meeting of the Executive Committee without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Henry, chairman of the Executive Committee, sent up the following notice:

The Executive Committee will meet on Saturday, January 5, 1974, at noon in the Treaty Room and will consider the following agenda:

AGENDA

To review the status of the Convention.

Respectfully submitted,

E. L. HENRY,
Chairman of the Executive Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

- Delegate Rachal—½ day.
- Delegate Lanier—½ day.
- Delegate Rayburn—½ day.
- Delegate Blair—½ day.

Adjournment

Delegate O'Neill moved that the Convention do now adjourn until Saturday, January 5, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, January 5, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

ONE HUNDRED NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Saturday, January 5, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Newton
Abraham	Gauthier	Nunez
Aertker	Giarrusso	O'Neill
Alexander	Ginn	Ourso
Arnette	Goldman	Perez
Asseff	Graham	Planchard
Avant	Gravel	Pugh
Badeaux	Grier	Rachal
Bel	Guarisco	Reeves
Bergeron	Hayes	Riecke
Bollinger	Haynes	Roemer
Brien	Heine	Roy
Brown	Hernandez	Segura
Burns	Jack	Shannon
Burson	Jackson, A.	Singletary
Cannon	Jackson, J.	Slay
Carmouche	Jenkins	Smith
Casey	Jones	Soniat
Champagne	Juneau	Stagg
Chatelain	Kean	Stephenson
Chehardy	Kelly	Stinson
Comar	Kilbourne	Stovall
Conino	Kilpatrick	Sutherland
Conroy	Lambert	Tate
Corne	Landrum	Thistlethwaite
Cowen	Landry, A.	Thompson
D'Gerolamo	Landry, E. J.	Tobias
De Blieux	Lanier	Toca
Dennery	LeBleu	Toomy
Dennis	Leigh	Ullo
Derbes	Leithman	Velazquez
Drew	Lowe	Vick
Dunlap	McDaniel	Warren
Duval	Martin	Wattigny
Edwards	Maubernet	Weiss
Elkins	Maybuce	Willis
Fayard	Miller	Winchester
Flory	Mire	Wisham
Fontenot	Morris	Zervigon
Fowler	Munson	
Total—119.		

ABSENT

Delegates—		
Alario	Perkins	Tapper
Anzalone	Rayburn	Vesich
Blair	Sandoz	Wall
Deshotels	Schmltt	Womack
Hardee		
Total—13.		

The Chairman announced that there were 119 members present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Goldman led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Avant, the reading of the Journal was dispensed with.

On motion of Delegate Avant, the Journal of yesterday was adopted.

Morning Hour

Motion

On motion of Delegate Jenkins, the Convention altered the Order of Business to take up Proposals on third reading and final passage at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

On motion of Deegate Jenkins, Committee Proposa No. 36 was taken up out of its regular order and acted upon as follows:

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Relative to constitutional revision.

Read.

Section 1. Amendments

Section 1. (A) An amendment to this constitution may be proposed by joint resolution at any session of the legislature, provided that notice of intention to introduce any such joint resolution and a summary thereof shall have been published in the official journal of the state at least ten days before the beginning of the session. If two-thirds of the members elected to each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall cause the proposed amendment to be published in the official journal of each parish once within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is submitted to the electorate.

(B) If a majority of the electors voting for or against the proposed amendment shall approve it, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment otherwise provides. However, no proposed amendment affecting five or fewer political subdivisions shall become part of this constitution unless a majority of the electors voting thereon in the state and also a majority, in the aggregate, of the electors in the affected areas vote in favor of adoption of the proposed amendment.

(C) When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately. A proposed amendment shall be confined to one object and may set forth the entire article or articles to be revised or only the sections or other subdivisions which are to be added or in which a change is to be made; provided that a section or other subdivision may be repealed by reference. The proposed amendment shall have a title containing a brief summary of the changes proposed.

Read.

Delegate Bergeron sent up a floor amendment, which was read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Bergeron and Asseff to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, after the word "any" add the word "regular" and on line 19 after the word "If" insert the following: "during the session and the next succeeding regular session,"

AMENDMENT No. 2—

On page 1, line 26, after the word and punctuation "electorate." insert the following:

"In emergency situations, an amendment may be proposed by joint resolution at a single session of the legislature pursuant to the above procedures if three-fourths of the members elected to each house concur in the resolution."

AMENDMENT No. 3—

On page 1, at the beginning of line 23, insert the words "an explanation of"

Motion

Delegate Stagg moved for a suspension of the rules in order to prohibit record votes except in cases specifically required by the rules.

Delegate Avant objected.

By a vote of 77 yeas and 34 nays the rules were suspended.

Delegate Bergeron moved the adoption of the amendments.

Delegate A. Jackson objected.

By a vote of 34 yeas and 77 nays the amendments were rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh and Casey to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 26, immediately after the word and punctuation "electorate." add the following:

"The election shall be statewide and the resolution shall provide for the date on which such election shall be held."

Delegate Pugh moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 67 yeas and 25 nays the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Casey and Pugh to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, after the word "legislature" change the comma "," to a period "."

AMENDMENT No. 2—

On page 1, delete lines 16, 17, and 18 in their entirety and on line 19, delete the words and punctuation "beginning of the session."

Delegate Casey moved the adoption of the amendments.

Delegate Jenkins objected.

By a vote of 52 yeas and 53 nays the amendments were rejected.

Delegate Champagne moved to reconsider the vote by which the amendments were rejected, and to lay the motion to reconsider on the table.

Delegate Casey objected to tabling the motion to reconsider.

By a vote of 58 yeas and 47 nays the motion to reconsider was laid on the table.

Motion

Delegate Flory moved that the Convention take up other Orders of Business at this time.

As a substitute Delegate Weiss moved that the Convention recess for one hour.

The vote recurred on the substitute motion.

By a vote of 38 yeas and 57 nays the Convention refused to recess for one hour.

Delegate Flory insisted upon his motion to take up other Orders of Business.

Delegate Weiss objected.

By a vote of 65 yeas and 37 nays the Convention took up other Orders of Business.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 5, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches

Section 1. The powers of government of the State of Louisiana are divided into three distinct branches—legislative, executive, and judicial.

Section 2. Limitations of Each Branch

Section 2. No one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others, except as otherwise provided in this constitution.

ARTICLE XII. GENERAL PROVISIONS

Section 3. Civilian-Military Relations

Section 3. The military shall be subordinate to the civil power.

Section 4. Right to Direct Participation

Section 4. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

Section 5. Oath of Office

Section 5. All officers shall take the following oath or affirmation: "I, (A B), do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, so help me God."

Section 6. State Capital

Section 6. The capital of Louisiana is the city of Baton Rouge.

Section 7. Forced Heirship and Trusts

Section 7. No law shall abolish forced heirship. The determination of forced heirs, the amount of the forced portion, and the grounds for disinheritance shall be provided by law. Trusts may be authorized by law and a forced portion may be placed in trust.

Section 9. Limitations of Banking

Section 9. No law shall permit foreign or domestic multi-bank holding companies or multi-parish banking, unless enacted by two-thirds of the elected members of each house of the legislature. This Section shall not prohibit multi-parish banks which were lawfully operating as such prior to January 1, 1974; however, no such bank may extend its operations to any parish in which it was not operating prior to said date unless authorized to do so by a general law enacted by two-thirds of the elected members of each house.

Section 10. Administrative and Quasi-Judicial Agency Code

Section 10. Rules, regulations and procedures adopted by all state administrative and quasi-judicial agencies, boards and commissions shall be published in one or more codes and made available to the public.

Section 11. Preservation of Linguistic and Cultural Origin

Section 11. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origin is recognized.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Monday, January 7, 1974, at 9:30 o'clock a.m. in the Treaty Room and will consider the following agenda:

AGENDA

To prepare style and drafting reports for presentation to the full committee.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Edwards, vice-chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Monday, January 7, 1974, at 10:30 o'clock a.m. in Committee Rm. 5 and will consider the following agenda:

AGENDA

To complete the work of the committee.

Respectfully submitted,

FRANK M. EDWARDS, JR.
Vice-Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Perez the rules were suspended for the purpose of calling a meeting of the Committee on Local and Parochial Government without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Saturday, January 5, 1974, at 1:30 o'clock p.m. in the Treaty Room and will consider the following agenda:

AGENDA

To complete the Committee's business.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Saturday, January 5, 1974, at adjournment in the Convention Hall and will consider the following agenda:

AGENDA

The Report on the Executive Dept. Committee.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Deshotels—4 days.
Delegate Sandoz—1 day.
Delegate Tapper—1 day.

Adjournment

Delegate Nunez moved that the Convention do now adjourn until Sunday, January 6, 1974, at 2:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Sunday, January 6, 1974, at 2:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
OF 1973
CONSTITUTIONAL CONVENTION
OF THE
STATE OF LOUISIANA

ONE HUNDRED TENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Sunday, January 6, 1974, Baton Rouge, La.

The Convention was called to order at 2:00 o'clock p.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Gauthier	Newton
Abraham	Giarrusso	Nunez
Aertker	Ginn	O'Neill
Alario	Goldman	Ourso
Alexander	Graham	Perez
Anzalone	Gravel	Perkins
Arnette	Grier	Planchard
Asseff	Guarisco	Rachal
Avant	Hardee	Rayburn
Badeaux	Hayes	Reeves
Bei	Haynes	Riecke
Bergeron	Heine	Roemer
Blair	Hernandez	Sandoz
Bollinger	Jack	Schmitt
Brien	Jackson, A.	Shannon
Brown	Jackson, J.	Singletary
Burns	Jenkins	Siaj
Burson	Jones	Smith
Cannon	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Comar	Lambert	Sutherland
Conino	Landrum	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Leithman	Ullo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vick
Derbes	Martin	Warren
Drew	Mauberrret	Wattigny
Dunlap	Maybuce	Weiss
Elkins	Miller	Willis
Fayard	Mire	Winchester
Flory	Morris	Wisham
Fontenot	Munson	Zervigon
Fulco		
Total—118.		

ABSENT

Delegates—		
Chehardy	Leigh	Thompson
Deshotels	Pugh	Vesich
Duval	Roy	Wall
Edwards	Segura	Womack
Fowler	Tapper	
Total—14.		

The Chairman announced that there were 118 members present and a quorum.

Prayer

Prayer was offered by Delegate Haynes.

Pledge of Allegiance

Delegate LeBleu led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Duniap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Relative to constitutional revision.

The chairman announced that the Convention had under consideration Committee Proposal No. 36 when it adjourned on January 5, 1974, which was taken up and acted upon as follows:

Section 1. Amendments

Section 1. (A) An amendment to this constitution may be proposed by joint resolution at any session of the legislature, provided that notice of intention to introduce any such joint resolution and a summary thereof shall have been published in the official journal of the state at least ten days before the beginning of the session. If two-thirds of the members elected to each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall cause the proposal amendment to be published in the official journal of each parish once within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is submitted to the electorate.

(B) If a majority of the electors voting for or against the proposed amendment shall approve it, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment otherwise provides. However, no proposed amendment affecting five or fewer political subdivisions shall become part of this constitution unless a majority of the electors voting thereon in the state and also a majority, in the aggregate, of the electors in the affected areas vote in favor of adoption of the proposed amendment.

(C) When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately. A proposed amendment shall be confined to one object and may set forth the entire article or articles to be revised or only the sections or other subdivisions which are to be added or in which a change is to be made; provided that a section or other subdivision may be repealed by reference. The proposed amendment shall have a title containing a brief summary of the changes proposed.

Read.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh, Flory, A. Landry, Morris, Goldman, E. J. Landry, Gravel, Lanier and Abraham to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 16, after the word "that" strike out the remainder of the line and strike out lines 17 and 18 in their entirety and insert in lieu thereof the following:

"such resolution has been prefiled at least ten days before the"

On motion of Delegate Flory the amendment was withdrawn.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh, Flory, A. Landry, Morris, Goldman, E. J. Landry, Gravel, Lanier and Abraham to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 16, after the word "that" strike out the remainder of the line and strike out lines 17 and 18 in their entirety and insert in lieu thereof the following: "such resolution has been prefiled, in accordance with the Rules of the houses of the legislature, at least ten days before the"

On motion of Delegate Flory the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 16, immediately after the words "provided that" and before the word "such" added by Convention Floor Amendment No. 1 proposed by Mr. Pugh, et al., and adopted by the Convention on January 5, 1974, insert the following: "except with respect to extraordinary sessions,"

On motion of Delegate Jenkins the amendment was withdrawn.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jack, Smith, Fulco, Shannon and Asseff to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 26 and 27, insert the following Paragraph:
 "No more than ten proposed amendments shall be submitted to the electors of the state at any one election. The legislature shall provide the method for selecting which amendments shall be submitted at a particular election. The effective date of this Paragraph shall be January 1, 1978."

Motion

Delegate Tobias moved that debate be limited on the amendment.

Delegate Velazquez objected.

By a vote of 40 yeas and 63 nays and the Convention refused to limit debate on the amendment to thirty minutes.

Delegate Jack moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dunlap	Riecke
Aertker	Elkins	Roemer
Alario	Fulco	Sandoz
Alexander	Gauthier	Schmitt
Arnette	Ginn	Shannon
Asseff	Goldman	Singletary
Badeaux	Grier	Slay
Bergeron	Guarisco	Smith
Burns	Jack	Soniat
Burson	Jackson, J.	Stagg
Cannon	Jones	Sutherland
Champagne	Kean	Toomy
Comar	Kelly	Uilo
Conroy	Kilbourne	Velazquez
D'Gerolamo	Landry, E. J.	Vick
Dennery	Planchard ,	Warren
Dennis	Rachal	Wisham
Drew	Reeves	
Total—53.		

NAYS

Delegates—		
Mr. Chairman	Hardee	Miller
Anzalone	Hayes	Mire
Avant	Haynes	Morris
Bel	Heine	Munson
Blair	Hernandez	Newton
Bollinger	Jackson, A.	Nunez
Brien	Jenkins	O'Neill
Carmouche	Juneau	Perez
Casey	Kilpatrick	Perkins
Chatelain	Lambert	Rayburn
Conino	Landrum	Stephenson
Corne	Landry, A.	Stinson
Cowen	Lanier	Tate
De Blieux	LeBleu	Thistlethwaite
Derbes	Leithman	Tobias
Fayard	Lowe	Toca
Flory	McDaniel	Weiss
Fontenot	Martin ,	Willis
Giarrusso	Mauberet	Zervigon
Gravel	Maybuce	
Total—59.		

NOT VOTING

Delegates—		
Brown	Leigh	Thompson
Chehardy	Ourso	Vesich
Deshotels	Pugh	Wall
Duval	Roy	Wattigny
Edwards	Segura	Winchester
Fowler	Stovall	Womack
Graham	Tapper	
Total—20.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Jack objected to tabling the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Casey	Flory
Anzalone	Chatelain	Fontenot
Avant	Comar	Giarrusso
Bel	Conino	Gravel
Blair	Corne	Hardee
Bollinger	De Blieux	Hayes
Brien	Derbes	Haynes
Carmouche	Fayard	Heine

PAGE 3

110th Days Proceedings—January 6, 1974

Hernandez	Martin	Rayburn
Jackson, A.	Mauberret	Reeves
Jenkins	Maybuce	Stephenson
Juneau	Miller	Stinson
Kilpatrick	Mire	Tate
Lambert	Morris	Thistlethwaite
Landrum	Munson	Tobias
Landry, A.	Newton	Toca
Lanier	Nunez	Weiss
LeBleu	O'Neill	Willis
Leithman	Perez	Wincrester
Lowe	Perkins	Zervigon
Total—60.		

NAYS

Delegates—		
Aertker	Elkins	Riecke
Alario	Fulco	Roemer
Alexander	Gauthier	Sandoz
Arnette	Ginn	Schmitt
Asseff	Goldman	Shannon
Badeaux	Grier	Singletary
Bergeron	Guarisco	Slay
Burns	Jack	Smith
Burson	Jackson, J.	Soniat
Cannon	Jones	Stagg
Champagne	Kean	Sutherland
Conroy	Kelly	Toomy
D'Gerolamo	Kilbourne	Ullo
Dennery	Landry, E. J.	Velazquez
Dennis	McDaniel	Vick
Drew	Planchard	Warren
Dunlap	Rachal	Wisham
Total—51.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Stovall
Brown	Graham	Tapper
Chehardy	Leigh	Thompson
Cowen	Ourso	Vesich
Deshotels	Pugh	Wall
Duval	Roy	Wattigny
Edwards	Segura	Womack
Total—21.		

And the vote by which the amendment was rejected, was laid on the table.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jack, Smith, Fulco, Shannon, Asseff and Velazquez to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 26 and 27, insert the following Paragraph:

"No more than fifteen proposed amendments shall be submitted to the electors of the state at any one election. The legislature shall provide the method for selecting which amendments shall be submitted at a particular election. The effective date of this Paragraph shall be January 1, 1978."

Motion

On motion of Delegate Derbes debate on the amendment was limited to thirty minutes.

Delegate Jack moved the adoption of the amendment.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Elkins	Roemer
Alario	Fulco	Schmitt
Alexander	Gauthier	Shannon
Asseff	Grier	Smith
Badeaux	Guarisco	Stagg
Bergeron	Jack	Sutherland
Burns	Jackson, J.	Toomy
Burson	Kelly	Ullo
Cannon	Kilbourne	Velazquez
Champagne	Landry, E. J.	Warren
Conroy	Planchard	
Drew	Riecke	
Total—34.		

NAYS

Delegates—		
Abraham	Ginn	Miller
Anzalone	Goldman	Mire
Arnette	Graham	Morris
Avant	Gravel	Munson
Bel	Hardee	Newton
Blair	Hayes	Nunez
Bollinger	Haynes	O'Neill
Brien	Heine	Perez
Brown	Hernandez	Perkins
Carmouche	Jackson, A.	Rachal
Casey	Jenkins	Rayburn
Chatelain	Jones	Sandoz
Comar	Juneau	Singletary
Conino	Kean	Slay
Corne	Kilpatrick	Soniat
Cowen	Lambert	Stephenson
D'Gerolamo	Landrum	Stinson
De Bileux	Landry, A.	Tate
Dennery	Lanier	Thistlethwaite
Dennis	LeBleu	Tobias
Derbes	Leithman	Toca
Dunlap	Lowe	Vick
Fayard	McDaniel	Weiss
Flory	Martin	Willis
Fontenot	Mauberret	Wisham
Giarrusso	Maybuce	Zervigon
Total—78.		

NOT VOTING

Delegates—		
Mr. Chairman	Ourso	Thompson
Chehardy	Pugh	Vesich
Deshotels	Reeves	Wall
Duval	Roy	Wattigny
Edwards	Segura	Winchester
Fowler	Stovall	Womack
Leigh	Tapper	
Total—20.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jack, Smith, Fulco, Shannon, Asseff and Velazquez to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 26 and 27, insert the following Paragraph:

"No more than six proposed amendments shall be submitted to the electors of the state at any one election. The legislature shall provide the method for selecting which amendments shall be submitted at a particular election. The effective date of this Paragraph shall be January 1, 1978."

Delegate Jack moved the adoption of the amendment.

Delegate Derbes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	Roemer
Alario	Gauthier	Schmitt
Asseff	Goldman	Shannon
Badeaux	Grier	Singletary
Bergeron	Guarisco	Smith
Burns	Jack	Soniat
Burson	Jones	Stagg
Cannon	Kelly	Sutherland
Champagne	Kilbourne	Toomy
Conroy	Landry, E. J.	Ullo
Dennery	Planchard	Velazquez
Elkins	Riecke	Warren
Total—36.		

NAYS

Delegates—		
Abraham	Giarrusso	Miller
Alexander	Ginn	Mire
Anzalone	Graham	Morris
Arnette	Gravel	Munson
Avant	Hardee	Newton
Bel	Hayes	Nunez
Blair	Haynes	O'Neill
Bollinger	Heine	Perez
Brien	Hernandez	Perkins
Brown	Jackson, A.	Rachal
Carmouche	Jackson, J.	Rayburn
Casey	Jenkins	Sandoz
Chatelain	Juneau	Slay
Comar	Kean	Stephenson
Conino	Kilpatrick	Stinson
Corne	Lambert	Stovall
Cowen	Landrum	Tate
D'Gerolamo	Landry, A.	Thistlethwaite
De Blieux	Lanier	Tobias
Dennis	LeBleu	Toca
Derbes	Leithman	Vick
Drew	Lowe	Weiss
Dunlap	McDaniel	Willis
Fayard	Martin	Wisham
Flory	Mauberrert	Zervigon
Fontenot	Maybuce	
Total—77.		

NOT VOTING

Delegates—		
Mr. Chairman	Ourso	Vesich
Chehardy	Pugh	Wall
Deshotels	Reeves	Wattigny
Duval	Roy	Winchester
Edwards	Segura	Womack
Fowler	Tapper	
Leigh	Thompson	
Total—19.		

And the amendment was rejected.

Delegate Derbes moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Jenkins and Abraham to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, after the words "at any" and before the word "session" insert the word "regular"

AMENDMENT No. 2—

On page 1, line 19, after the word and punctuation "session," and before the word "If" insert the following:

"An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the call of the session and is introduced in the first five calendar days thereof."

On motion of Delegate Jenkins the amendments were withdrawn.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Jenkins and Abraham to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, after the words "at any" and before the word "session" insert the word "regular"

AMENDMENT No. 2—

On page 1, line 19, after the word and punctuation "session," and before the word "If" insert the following:

"An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof."

Delegate Jenkins moved the adoption of the amendments.

Delegate De Blieux objected.

And the amendments were adopted Viva Voce.

Delegate Jenkins moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Shannon to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 23, immediately after the word "in" and before the word "the" insert the words "at least eight point type in"

Delegate Shannon moved the adoption of the amendment.

Delegate Blair objected.

And the amendment was rejected viva voce.

Delegate Newton moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jenkins and Gravel to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 26, after the word and punctuation "electorate." delete Floor Amendment No. 1 proposed by Delegates Pugh and Casey and adopted by the convention on January 5, 1974, and insert in lieu thereof the following:

"Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law."

Delegate Jenkins moved the adoption of the amendment.

Delegate Asseff objected.

By a vote of 89 yeas and 1 nay the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 27, after the word "voting" delete the words "for or against" and insert in lieu thereof the word "on"

On motion of Delegate A. Jackson the amendment was adopted.

Delegate A. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, after the words and punctuation "otherwise provided." delete the remainder of line 31 and delete all of line 32 and on page 2, delete all of lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"However, no proposed amendment affecting five or fewer parishes or areas within five or fewer parishes shall become part of this constitution unless approved by a majority of the electors voting thereon in the state and also a majority of the electors voting therein in each such parish."

Delegate Perez moved the adoption of the amendment.

Delegate Zervigon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	LeBleu
Alario	Fontenot	Lelthman
Arnette	Fulco	McDaniel
Asseff	Giarrusso	Martin
Badeaux	Ginn	Mauberret
Bel	Goldman	Mire
Blair	Graham	Munson
Bollinger	Gravel	Nunez
Brien	Grier	O'Neill
Brown	Guarisco	Perez
Burns	Hardee	Perkins
Burson	Heine	Planchard
Cannon	Hernandez	Rayburn
Carmouche	Jack	Reeves
Champagne	Jackson, A.	Sandoz
Chatelain	Jenkins	Schmitt
Conino	Juneau	Shannon
Corne	Kilbourne	Singletary
D'Gerolamo	Kilpatrick	Slay
Dennis	Landry, A.	Smith
Drew	Lanier	Stagg

Stephenson
Stinson
Stovall
Total—71.

Sutherland
Thistlethwaite
Toca

Toomy
Willis

NAYS

Delegates—

Alexander
Avant
Bergeron
Casey
Comar
Conroy
De Blieux
Dennery
Flory
Hayes
Haynes

Jackson, J.
Jones
Kean
Kelly
Landrum
Landry, E. J.
Lowe
Maybuce
Morris
Newton
Riecke

Roemer
Soniart
Tate
Tobias
Velazquez
Vick
Warren
Wisham
Zervigon

Total—31.

NOT VOTING

Delegates—

Mr. Chairman
Aertker
Anzalone
Chehardy
Cowen
Derbes
Deshotels
Dunlap
Duval
Edwards

Fayard
Fowler
Gauthier
Lambert
Leigh
Miller
Ourso
Pugh
Rachal
Roy

Segura
Tapper
Thompson
Ullo
Vesich
Wall
Wattigny
Weiss
Winchester
Womack

Total—30.

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, in Floor Amendment No. 1 proposed by Delegate Perez and adopted by the convention on January 6, 1974, on line 6 of the language added by said amendment after the word and punctuation "parish." add the following:

"No proposed amendment affecting five or fewer municipalities shall become part of this constitution unless approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality."

On motion of Delegate Zervigon the amendment was withdrawn.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 12, immediately after the word and punctuation "reference." and before the word "The" insert the following:

"However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which revision may contain multiple objects or changes."

Delegate Gravel moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 49 yeas and 36 nays the amendment was adopted.

PAGE 6

110th Days Proceedings—January 6, 1974

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Stagg the rules were suspended for the purpose of calling a meeting of the Executive Committee without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on the Executive Department will meet on Monday, January 7, 1974, at 11:30 o'clock in the House Chamber and will consider the following agenda:

AGENDA

To consider the Report of the Committee on Style and Drafting.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
the Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Perez the rules were suspended for the purpose of calling a meeting of the Committee on Local and Parochial Government without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Monday, January 7, 1974, at 9:30 o'clock a.m. in Committee Room 1 and will consider the following agenda:

AGENDA

To complete its business.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Suspension of the Rules

On motion of Delegate Tobias the rules were suspended in order to take up Reading of the Journal at this time.

Reading of the Journal

On motion of Delegate Chatelain, the reading of the Journal was dispensed with.

On motion of Delegate Chatelain, the Journal of yesterday was adopted.

Leaves of Absence

Delegate Thompson—1½ days.
Delegate Chehardy—1 day.
Delegate Pugh—1 day.
Delegate Tapper—1 day.
Delegate Roy—1 day.
Delegate Dunlap—½ day.
Delegate Duval—1 day.

Adjournment

Delegate Dennery moved that the Convention do now adjourn until Monday, January 7, 1974, at 1:30 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Monday, January 7, 1974, at 1:30 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED ELEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Monday, January 7, 1974, Baton Rouge, La.

The Convention was called to order at 1:30 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne Cowen D'Gerolamo De Blieux Dennery Dennis Drew Dunlap Duval Edwards Elkins Fayard Flory Total—118.	Fontenot Fowler Fulco Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Hardee Hayes Haynes Heine Hernandez Jackson, A. Jackson, J. Jenkins Jones Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leithman Lowe McDaniel Martin Mauberret Maybuce Miller Mire Morris	Munson Newton Nunez O'Neill Ourso Perez Perkins Planchard Pugh Rayburn Reeves Riecke Roemer Sandoz Schmitt Segura Shannon Singletary Smith Soniati Stagg Stephenson Stinson Stovall Sutherland Tapper Tate Thistlethwaite Tobias Toca Toomy Velazquez Vick Warren Wattigny Willis Wisham Womack Zervigon
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ABSENT

Delegates— Derbes Deshotels Guarisco Jack Leigh Total—14.	Rachal Roy Slay Thompson Ullo	Vesich Wall Weiss Winchester
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The Chairman announced that there were 118 members present and a quorum.

Prayer

Prayer was offered by Delegate Warren.

Pledge of Allegiance

Delegate Pugh led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Bergeron, the reading of the Journal was dispensed with.

On motion of Delegate Bergeron, the Journal of yesterday was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Relative to constitutional revision.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 36 when it adjourned on January 6, 1974, which was taken up and acted upon as follows:

Section I. Amendments

Section 1. (A) An amendment to this constitution may be proposed by joint resolution at any session of the legislature, provided that notice of intention to introduce any such joint resolution and a summary thereof shall have been published in the official journal of the state at least ten days before the beginning of the session. If two-thirds of the members elected to each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall cause the proposed amendment to be published in the official journal of each parish once within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is submitted to the electorate.

(B) If a majority of the electors voting for or against the proposed amendment shall approve it, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment otherwise provides. However, no proposed amendment affecting five or fewer political subdivisions shall become part of this constitution unless a majority of the electors voting thereon in the state and also a majority, in the aggregate, of the electors in the affected areas vote in favor of adoption of the proposed amendment.

(C) When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately. A proposed amendment shall be confined to one object and may set forth the entire article or articles to be revised or only the sections or other subdivisions which are to be added or in which a change is to be made; provided that a section or other subdivision may be repealed by reference. The proposed amendment shall have a title containing a brief summary of the changes proposed.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 36, Section 1, when

PAGE 2

111th Days Proceedings—January 7, 1974

it adjourned on Sunday, January 6, 1974, which was taken up and acted upon as follows:

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez, Zervigon and Gravel to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, after the words and punctuation "otherwise provided." delete the remainder of line 31 and delete all of line 32 and on page 2, delete all of lines 1 through 4, both inclusive, in their entirety and delete Floor Amendment No. 1 proposed by Delegate Perez and adopted by the convention on January 6, 1974, and insert in lieu thereof the following:

"A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality."

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Flory to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 8, after the words "object and" delete the remainder of the line and insert in lieu thereof the following: "shall set forth the entire section or article"

AMENDMENT No. 2—

On page 2, line 9, at the beginning of the line, delete the words "or articles"

Delegate Flory moved the adoption of the amendments.

Delegate De Blieux objected.

By a vote of 74 yeas and 23 nays the amendments were adopted.

Delegate Flory moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 8, after the word "and" delete the remainder of the line, lines 9 and 10 and at the beginning of line 11, delete the word and punctuation "made;" and delete Amendment No. 1 proposed by Delegate Flory and adopted by the

Convention on January 7, 1974, and insert in lieu thereof the following:

"shall set forth the entire article, sections, or other subdivisions thereof as revised or only the article, sections, or other subdivisions which are to be added;"

On motion of Delegate Zervigon the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 36, Section 1 was read, as amended.

Delegate Jenkins moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

		YEAS
Delegates—		
Abraham	Giarrusso	O'Neill
Alario	Goldman	Perez
Alexander	Hardee	Perkins
Arnette	Haynes	Planchard
Avant	Heine	Pugh
Badeaux	Hernandez	Reeves
Bel	Jackson, A.	Riecke
Bollinger	Jackson, J.	Sandoz
Brien	Jenkins	Schmitt
Burns	Jones	Segura
Burson	Juneau	Shannon
Cannon	Kean	Smith
Carmouche	Kilpatrick	Stagg
Champagne	Landrum	Stephenson
Chatelain	Landry, A.	Stinson
Chehardy	Landry, E. J.	Stovall
Comar	Lanier	Sutherland
Conino	LeBleu	Tapper
Corne	Leithman	Tate
D'Gerolamo	Lowe	Thistlethwaite
De Blieux	McDaniel	Tobias
Dennis	Martin	Toca
Drew	Mauberret	Velazquez
Dunlap	Maybuce	Vick
Duval	Miller	Warren
Elkins	Mire	Wattigny
Fayard	Morris	Willis
Flory	Munson	Wisham
Fulco	Nunez	Zervigon
Total—87.		

NAYS

Delegates—		
Asseff	Cowen	Newton
Bergeron	Gauthier	Singletary
Casey	Grier	Soniat
Conroy	Hayes	Toomy
Total—12.		

NOT VOTING

Delegates—		
Mr. Chairman	Ginn	Rayburn
Aertker	Graham	Roemer
Anzalone	Gravel	Roy
Blair	Guarisco	Slay
Brown	Jack	Thompson
Dennery	Kelly	Ullo
Derbes	Kilbourne	Vesich
Deshotels	Lambert	Wall
Edwards	Leigh	Weiss
Fontenot	Ourso	Winchester
Fowler	Rachal	Womack
Total—33.		

And the Chair declared that the above Section was finally passed.

Delegate Jenkins moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Convention Called by Legislature

Section 2. Whenever two-thirds of the members elected to each house consider it desirable to revise, alter, or amend this constitution, they may recommend to the electors at the next election for representatives to the legislature of Congress to vote for or against a convention for that purpose. If a majority of the electors voting on the proposition approve it, the legislature shall provide at its next session for calling such a convention. At a special election called for that purpose, the proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of the State of Louisiana.

Read.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gauthier, Tobias, Denery and Derbes to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 14 through 28, both in their entirety

Delegate Tobias moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 14 yeas and 64 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 15 through 22, both inclusive in their entirety and on line 23 delete "pose, the" and insert in lieu thereof the following:

"Section 2. The legislature, by a two-thirds favorable vote of the elected members of each house, may submit to the electors a proposition to call a constitution convention. The proposition shall specify the composition of the convention, the duration, time, and place it is to be held, and any limitations on constitutional change to be placed upon the convention. If the proposition is approved by a majority of the electors voting thereon, the convention shall be held in accordance with the call. The"

Delegate Avant moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 54 yeas and 22 nays the amendment was adopted.

Delcgate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 15 through 22, both inclusive in their entirety and on line 23, delete the partial word and punctuation "pose," and strike out the language added by Convention Floor Amendment No. 1 proposed by Mr. Avant and adopted by the Convention on January 7, 1974 and insert in lieu thereof the following:

"Section 2. The legislature, by a two-thirds vote of the elected membership of each house, may provide by law for the calling of a constitutional convention. The convention may be called whenever the legislature considers it desirable to revise or propose a new constitution. The revision or"

Delegate Casey moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Morris
Abraham	Ginn	Newton
Aertker	Graham	Nunez
Bollinger	Hardee	Perkins
Brien	Hayes	Planchard
Brown	Heine	Pugh
Burson	Jackson, J.	Reeves
Cannon	Jones	Sandoz
Casey	Kean	Schmitt
Champagne	Kilpatrick	Smith
Conino	Landrum	Stephenson
Conroy	Landry, A.	Stovall
Corne	Lanier	Tate
Cowen	LeBleu	Thistlethwaite
De Blieux	Leithman	Tobias
Dennis	McDaniel	Vick
Drew	Martin	Wattigny
Duval	Miller	Willis
Fayard	Mire	Zervigon
Total—57.		

NAYS

Delegates—		
Alexander	Flory	Perez
Anzalone	Fulco	Riecke
Arnette	Goldman	Roemer
Asseff	Grier	Shannon
Avant	Haynes	Singletary
Badeaux	Hernandez	Soniat
Bergeron	Jackson, A.	Stagg,
Burns	Jenkins	Stinson
Carmouche	Landry, E. J.	Sutherland
Chatelain	Lowe	Toca
Comar	Maybuce	Toomy
D'Gerolamo	Munson	Velazquez
Dunlap	O'Neill	Warren
Elkins	Ourso	
Total—41.		

NOT VOTING

Delegates—		
Alario	Guarisco	Segura
Bel	Jack	Slay
Blair	Juneau	Tapper
Chehardy	Kelly	Thompson
Dennery	Kilbourne	Ullo
Derbes	Lambert	Vesich
Deshotels	Leigh	Wall
Edwards	Mauberret	Weiss
Fontenot	Rachal	Winchester
Fowler	Rayburn	Wisham
Giarrusso	Roy	Womack
Gravel		
Total—34.		

And the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 36, Section 2 was read, as amended.

Delegate Jenkins moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Munson
Abraham	Fulco	Newton
Aertker	Gauthier	Nunez
Alexander	Ginn	O'Neill
Anzalone	Goldman	Ourso
Arnette	Hardee	Perez
Badeaux	Hayes	Perkins
Bel	Haynes	Planchard
Bergeron	Heine	Pugh
Bollinger	Hernandez	Riecke
Brien	Jackson, A.	Roemer
Brown	Jackson, J.	Sandoz
Burns	Jenkins	Schmitt
Burson	Jones	Shannon
Cannon	Juneau	Singletary
Casey	Kean	Smith
Champagne	Kilpatrick	Soniat
Chatelain	Landrum	Stagg
Conino	Landry, A.	Stephenson
Conroy	Landry, E. J.	Stovall
Corne	Lanier	Sutherland
Cowen	LeBleu	Tate
D'Gerolamo	Leithman	Thistlethwaite
De Blieux	Lowe	Toca
Dennis	McDaniel	Toomy
Drew	Martin	Velazquez
Duval	Maybuce	Vick
Elkins	Miller	Wattigny
Fayard	Mire	Willis
Flory	Morris	Zervigon
Total—90.		

NAYS

Delegates—		
Asseff	Comar	Stinson
Avant	Grier	Tobias
Total—6.		

NOT VOTING

Delegates—		
Alario	Gravel	Segura
Blair	Guarisco	Slay
Carmouche	Jack	Tapper
Chehardy	Kelly	Thompson
Dennery	Kilbourne	Uilo
Derbes	Lambert	Vesich
Deshotels	Leigh	Wall
Dunlap	Mauberret	Warren
Edwards	Rachal	Weiss
Fontenot	Rayburn	Winchester
Giarrusso	Reeves	Wisram
Graham	Roy	Womack
Total—36.		

And the Chair declared that the above Section was finally passed.

Delegate Jenkins moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Convention Called by People

Section 3. At the election for representatives to Congress to be held in the year one thousand nine hundred eighty-six and in every tenth year thereafter, the question "Shall there be a convention to revise the Constitution of the State of Louisiana" shall be submitted to the electors of the state. If a majority of the electors who vote on the question favor it, the legislature shall at its next session provide for calling a

convention, according to the same procedures mentioned in the previous section. The convention shall consist of delegates elected from the same districts and having the same qualifications as state representatives. The legislature may also provide for not more than twenty-seven delegates to be appointed by the governor.

Read.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Duval, Arnette, Perez and Stovall to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 29 through 32, both inclusive, in their entirety and on page 3, delete lines 1 through 10, both inclusive, in their entirety.

Delegate Duval moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Newton
Aertker	Fowler	Nunez
Anzalone	Fulco	Perez
Arnette	Hardee	Perkins
Avant	Heine	Planchard
Bel	Hernandez	Pugh
Blair	Jones	Rayburn
Bollinger	Juneau	Roemer
Burns	Kean	Schmitt
Burson	Kilbourne	Shannon
Cannon	Kilpatrick	Smith
Casey	Landry, A.	Stephenson
Chatelain	Landry, E. J.	Stovall
Comar	LeBleu	Toca
Cowen	Martin	Toomy
D'Gerolamo	Miller	Wattigny
Duval	Mire	Willis
Fayard	Morris	Womack
Total—54.		

NAYS

Delegates—		
Alexander	Goldman	Riecke
Asseff	Grier	Sandoz
Badeaux	Hayes	Singletary
Bergeron	Haynes	Soniat
Brien	Jackson, A.	Stagg
Champagne	Jackson, J.	Stinson
Conino	Jenkins	Sutherland
Conroy	Landrum	Tate
Corne	Lanier	Thistlethwaite
De Blieux	Lowe	Tobias
Dennis	McDaniel	Velazquez
Drew	Maybuce	Warren
Elkins	O'Neill	Wisham
Gauthier	Reeves	Zervigon
Ginn		
Total—43.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Mauberret
Alario	Giarrusso	Munson
Brown	Graham	Ourso
Carmouche	Gravel	Rachal
Chehardy	Guarisco	Roy
Dennery	Jack	Segura
Derbes	Kelly	Slay
Deshotels	Lambert	Tapper
Dunlap	Leigh	Thompson
Edwards	Leithman	Uilo

Vesich	Wall	Winchester
Vick	Weiss	
Total—35.		

And the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 36 by Delegate A. Jackson, et al.

AMENDMENT No. 1—

On page 2, delete lines 30 through 32, in their entirety and on page 3, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Convention Called by People

Section 3. At the election for representatives to Congress to be held in the year one thousand nine hundred ninety-four and in every twentieth year thereafter, the question "Shall there be a convention to revise the Constitution of the State of Louisiana" shall be submitted to the electors of the state. If a majority of the electors who vote on the question favor it, the legislature shall at its next session provide for calling a convention. The call of the convention shall specify the duration, time, and place it is to be held. The convention shall consist of delegates elected from the same districts and having the same qualifications as state representatives. The legislature may also provide for not more than twenty-seven delegates to be appointed by the governor. The proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of the State of Louisiana."

Delegate Jenkins moved the adoption of the amendment.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	O'Neill
Aertker	Gauthier	Reeves
Alexander	Goldman	Riecke
Asseff	Grier	Roemer
Badeaux	Hayes	Sandoz
Bel	Haynes	Shannon
Bergeron	Hernandez	Singletary
Brien	Jackson, A.	Soniat
Champagne	Jackson, J.	Stagg
Chatelain	Jenkins	Stinson
Conino	Jones	Sutherland
Conroy	Landrum	Tate
Corne	Landry, E. J.	Tobias
De Blieux	Lanier	Velazquez
Dennis	Lowe	Warren
Elkins	Martin	Wisham
Fowler	Mewton	Zervigon
Total—51.		

NAYS

Delegates—		
Arnette	Burson	Drew
Avant	Cannon	Duval
Blair	Casey	Fayard
Bollinger	Comar	Flory
Brown	Cowen	Ginn
Burns	D'Gerolamo	Hardee

Heine	Mire	Stovall
Juneau	Morris	Thistlethwaite
Kean	Nunez	Toca
Kilbourne	Perez	Toomy
Kilpatrick	Perkins	Vick
Landry, A.	Planchard	Wattigny
LeBleu	Pugh	Willis
McDaniel	Rayburn	Womack
Maybuce	Smith	
Miller	Stephenson	
Total—46.		

NOT VOTING

Delegates—		
Mr. Chairman	Graham	Roy
Alario	Gravel	Schmitt
Anzalone	Guarisco	Segura
Carmouche	Jack	Slay
Chehardy	Kelly	Tapper
Denney	Lambert	Thompson
Derbes	Leigh	Ullo
Deshotels	Leithman	Vesich
Dunlap	Mauberret	Wall
Edwards	Munson	Weiss
Fontenot	Ourso	Winchester
Giarrusso	Rachal	
Total—35.		

And the amendment having failed to receive the necessary votes required for the passage of a Section to a proposal was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Jenkins objected to tabling the motion to reconsider.

By a vote of 53 yeas and 42 nays the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 10 and 11, add a new Section as follows:

"Section 3.1. Limitation on Constitutional Change

Section 3.1. This constitution may not be revised, altered, or amended nor may a new constitution be adopted, except in accordance with the provisions of this Article."

On motion of Delegate Jenkins the amendment was withdrawn.

Section 4. Laws Effectuating Amendments

Section 4. Whenever the legislature shall submit amendments to this constitution, it may at the same session enact laws to carry them into effect, to become operative when the proposed amendments have been ratified.

Passage

Committee Proposal No. 36, Section 4 was read.

Delegate Stinson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bel	Casey
Abraham	Bergeron	Champagne
Aertker	Bollinger	Chatelain
Alexander	Brien	Comar
Arnette	Brown	Conino
Asseff	Burns	Conroy
Avant	Burson	Corne
Badeaux	Cannon	Cowen

PAGE 6

111th Days Proceedings—January 7, 1974

D'Gerolamo	Jones	Roemer
De Blieux	Juneau	Sandoz
Dennery	Kean	Schmitt
Dennis	Kilbourne	Shannon
Drew	Kilpatrick	Singletary
Duval	Landrum	Smith
Elkins	Landry, E. J.	Soniat
Fayard	Lanier	Stagg
Flory	LeBleu	Stephenson
Fowler	Lowe	Stinson
Fulco	McDaniel	Stovall
Gauthier	Maybece	Sutherland
Ginn	Miller	Tate
Goldman	Mire	Thistlethwaite
Graham	Morris	Tobias
Gravel	Mewton	Toca
Grier	Nunez	Toomy
Hardee	O'Neill	Velazquez
Hayes	Perez	Vick
Haynes	Perkins	Warren
Heine	Planchard	Wattigny
Hernandez	Pugh	Wills
Jackson, A.	Rayburn	Wisham
Jackson, J.	Reeves	Womack
Jenkins	Riecke	Zervigon

Total—99.

Total—0.

NAYS

NOT VOTING

Delegates—	Guarisco	Rachal
Alario	Jack	Roy
Anzalone	Kelly	Segura
Blair	Lambert	Slay
Carmouche	Landry, A.	Tapper
Chehardy	Leigh	Thompson
Derbes	Leithman	Ullo
Deshotels	Martin	Vesich
Dunlap	Mauberret	Wall
Edwards	Munson	Weiss
Fontenot	Ourso	Winchester
Giarrusso		
Total—33.		

And the Chair declared that the above Section was finally passed.

Delegate Stinson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read as amended.

Delegate A. Jackson moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

Delegates—	YEAS	
Mr. Chairman	Cowen	Hernandez
Aertker	D'Gerolamo	Jackson, A.
Alexander	De Blieux	Jackson, J.
Arnette	Dennery	Jones
Avant	Dennis	Juneau
Badeaux	Drew	Kean
Bel	Duval	Kilbourne
Bollinger	Fayard	Kilpatrick
Brown	Flory	Landrum
Burns	Fowler	Landry, E. J.
Burson	Ginn	Lanier
Casey	Graham	LeBleu
Chatelain	Gravel	Lowe
Comar	Hardee	McDaniel
Conino	Haynes	Maybece
Corne	Heine	Miller

Mire	Riecke	Tobias
Morris	Roemer	Toca
Nunez	Sandoz	Vick
Perez	Shannon	Wattigny
Perkins	Stagg	Willis
Planchard	Stephenson	Wisham
Pugh	Stovall	Womack
Rayburn	Tate	Zervigon
Reeves	Thistlethwaite	
Total—74.		

NAYS

Delegates—	Gauthier	Singletary
Abraham	Goldman	Smith
Asseff	Grier	Soniat
Bergeron	Hayes	Stinson
Brien	Jenkins	Sutherland
Champagne	Newton	Toomy
Conroy	O'Neill	Velazquez
Elkins	Schmitt	Warren
Fulco		
Total—24.		

NOT VOTING

Delegates—	Guarisco	Rachal
Alario	Jack	Roy
Anzalone	Kelly	Segura
Blair	Lambert	Slay
Cannon	Landry, A.	Tapper
Carmouche	Leigh	Thompson
Chehardy	Leithman	Ullo
Derbes	Martin	Vesich
Deshotels	Mauberret	Wall
Dunlap	Munson	Weiss
Edwards	Ourso	Winchester
Fontenot		
Giarrusso		
Total—34.		

And the Chair declared that the above Proposal was finally passed.

Reconsideration pending.

Motion

On motion of Delegate Casey, the Convention altered the Order of Business to take up other Orders of Business at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

On motion of Delegate Casey, Delegate Proposal No. 18, was taken up out of its regular order and acted upon as follows:

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery and Gravel:

A PROPOSAL

Providing for meeting of the legislature for the next three years following the adoption of this constitution.

Read.

Section 1. Legislative Sessions

Section 1. The legislature, during the first two regular annual sessions following the effective date of this constitution, shall provide, by rule or otherwise, for a recess of at least eight calendar days after the first fifteen calendar days of the session.

Read.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Casey, Sutherland, Riecke and Chatelain to Delegate Proposal No. 18 by Delegate Casey, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 7

111th Days Proceedings—January 7, 1974

AMENDMENT No. 1—

On page 1, line 3, add Delegate Riecke to the list of authors.

AMENDMENT No. 2—

On page 1, at the end of line 5, delete the word "three" and insert in lieu thereof the word "two"

AMENDMENT No. 3—

On page 1, delete lines 11 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. The legislature shall provide, by rule or otherwise, for a recess, during the 1975 and 1976 regular annual sessions, which shall be for at least eight calendar days immediately after the first fifteen calendar days of the session."

On motion of Delegate Casey the amendments were adopted.

Delegate Riecke moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Casey the rules were suspended in order to take the required record votes on passage of Section 1 and the Proposal simultaneously as a single vote.

Passage

The Proposal was read, as amended.

Delegate Casey moved the final passage of the Section and of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	O'Neill
Alexander	Gauthier	Perez
Arnette	Ginn	Perkins
Asseff	Goldman	Planchard
Avant	Graham	Pugh
Badeaux	Gravel	Reeves
Bel	Grier	Riecke
Bergeron	Hardee	Roemer
Bollinger	Hayes	Sandoz
Brien	Haynes	Schmitt
Burns	Heine	Shannon
Burson	Hernandez	Singletary
Cannon	Jackson, A.	Smith
Casey	Jackson, J.	Soniat
Champagne	Jenkins	Stagg
Chatelain	Juneau	Stovall
Comar	Kean	Sutherland
Conino	Kilbourne	Tate
Conroy	Landrum	Thistlethwaite
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vick
Dennis	Maybuce	Warren
Duval	Miller	Willis
Fayard	Mire	Wisham
Flory	Mewton	Zervigon
Fowler		
Total—85.		

NAYS

Delegates—		
Brown	Jones	Stephenson
Drew	Nunez	Stinson
Total—6.		

NOT VOTING

Delegates—		
Mr. Chairman	Alario	Blair
Aertker	Anzalone	Carmouche

Chehardy	Lambert	Segura
Derbes	Landry, A.	Slay
Deshotels	Leigh	Tapper
Dunlap	Leithman	Thompson
Edwards	Martin	Ullo
Elkins	Mauberret	Vesich
Fontenot	Morris	Wall
Giarrusso	Munson	Wattigny
Guarisco	Ourso	Weiss
Jack	Rachal	Winchester
Kelly	Rayburn	Womack
Kilpatrick	Roy	
Total—41.		

And the Chair declared that the above Section and Proposal were finally passed.

Delegate Casey moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion to reconsider pending on the Proposal.

Motion

On motion of Delegate Dennery Delegate Proposal No. 28 was taken up out of its regular order and acted upon as follows:

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

Read.

Article XIV, Section 1. Transition; Civil Service Commission; State; Cities

Section 1. (A) State Commission. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the presidents of St. Mary's Dominican College and Xavier University of Louisiana each shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1, Paragraph (C). The term of these appointees shall be six years. Within thirty days after the expiration of the term of the present member nominated by the president of Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1. The term of this appointee shall be six years.

(B) City Commission. Each person who, on the effective date of this constitution, is a member of the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the expiration of the term of the present member nominated by the governing body of the city, the president of Dillard University shall submit three names to the governing body of the city for appointment to the New Orleans City Civil Service Commission as provided in Article VII, Section 1, Paragraph (D). The term of this appointee shall be six years.

Read.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Proposal No. 28 by Delegate Dennery.

Amend printed Proposal as follows:

AMENDMENT No. 2—

On page 1, line 18 after the word and punctuation "Para-

AMENDMENT No. 1—

On page 1, delete line 15 in its entirety and insert in lieu thereof the words "the president of Xavier" and on line 16 after the word "Louisiana" and before the word "shall" delete the word "each"

PAGE 8

111th Days Proceedings—January 7, 1974

graph (C)." and before the word "The term" insert the following:

"Within ninety days after the effective date of this constitution, one member of the commission shall be elected by the classified employees of the state from their number as provided by law."

AMENDMENT No. 3—

On page 1, line 30 after the partial word and punctuation "pointed." and before the words "Within thirty" insert the following:

"Within thirty days after the effective date of this constitution, the presidents of St. Mary's Dominican College and Xavier University of Louisiana each shall submit three names to the governing body of the city for appointment to the commission as provided in Article VII, Section 1, Paragraph (D)."

AMENDMENT No. 4—

On page 2, delete line 4 in its entirety and insert in lieu thereof the following:

"of these appointees shall be six years."

On motion of Delegate Dennery the amendments were adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tobias, action was deferred on Section 1.

Section 2. Transition; Civil Service Officers; Employees; State; Cities

Section 2. Upon the effective date of this constitution, all officers and employees of the state and of the cities covered hereunder who have status in the classified service of the state shall retain said status in the position, class, and rank that they have on such date and shall thereafter be subject to and governed by the provisions of this constitution and the rules and regulations adopted under the authority hereof.

Read.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Delegate Proposal No. 28 by Delegate Dennery.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 9, strike out the words "of the" and at the beginning of line 10, strike out the word "state"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tobias the rules were suspended in order to take the required record votes on the passage of Sections 1 and 2 and of the entire Proposal simultaneously as a single vote.

Passage

The Proposal was read, as amended.

Delegate Dennery moved the final passage of Sections 1 and 2, as amended, and of the entire Proposal, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Planchard
Abraham	Ginn	Pugh
Alexander	Goldman	Reeves
Arnette	Graham	Riecke
Avant	Gravel	Roemer
Badeaux	Grier	Sandoz
Bel	Hardee	Schmitt
Bergeron	Hayes	Shannon
Bollinger	Haynes	Singletary
Brien	Heine	Smith
Brown	Hernandez	Soniat
Burson	Jackson, A.	Stagg
Cannon	Jenkins	Stephenson
Casey	Jackson, J.	Stinson
Champagne	Jones	Stovall
Chatelain	Juneau	Sutherland
Comar	Kilbourne	Tate
Conino	Landrum	Thistlethwaite
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
D'Gerolamo	Lowe	Toomy
De Blieux	McDaniel	Velazquez
Dennery	Miller	Vick
Dennis	Mire	Warren
Duval	Newton	Willis
Elkins	Nunez	Wisham
Flory	O'Neill	Womack
Fowler	Perez	Zervigon
Fulco	Perkins	
Total—86.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aeriker	Giarrusso	Munson
Alario	Guarisco	Ourso
Anzalone	Jack	Rachal
Asseff	Kean	Rayburn
Blair	Kelly	Roy
Burns	Kilpatrick	Segura
Carmouche	Lambert	Slay
Chehardy	Landry, A.	Tapper
Cowen	LeBleu	Thompson
Derbes	Leigh	Ullo
Deshotels	Leithman	Vesich
Drew	Martin	Wall
Dunlap	Mauberret	Wattigny
Edwards	Maybuce	Weiss
Fayard	Morris	Winchester
Fontenot		
Total—46.		

And the Chair declared that the above Sections and the entire Proposal were finally passed.

Delegate Dennery moved to reconsider the vote by which the above Sections were finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion to reconsider the entire Proposal pending.

Motion

On motion of Delegate O'Neill, the Convention altered the Order of Business to take up other Orders of Business at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Rayburn, chairman, on behalf of the Committee on Revenue, Finance and Taxation, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 7, 1974, Baton Rouge, La.

PAGE 9

111th Days Proceedings—January 7, 1974

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Revenue, Finance and Taxation to submit the following report:

DELEGATE PROPOSAL No. 34—

Introduced by Delegate Dennis:

A PROPOSAL

Providing for the financing of the state judicial system.

Without action.

DELEGATE PROPOSAL No. 60—

Introduced by Delegate Jenkins:

A PROPOSAL

Making provision to control future growth of state tax revenues.

Without action.

DELEGATE PROPOSAL No. 91—

Introduced by Delegate Zervigon:

A PROPOSAL

Making provisions for property taxation.

Without action.

DELEGATE PROPOSAL No. 95—

Introduced by Delegate Bel:

A PROPOSAL

Making provisions for property taxation.

Without action.

Respectfully submitted,

B. B. RAYBURN,
Chairman.

COMMITTEE NOTICE

Delegate Graham, chairman of the sub-Committee on Personnel of the Public Information Committee, sent up the following notice:

The sub-Committee on Personnel of the Public Information Committee will meet on Wednesday, January 9, 1974, at 5:30 o'clock p.m. in the Treaty Room and will consider the following agenda:

AGENDA

The sub-committee will discuss the criteria for selecting a commercial artist to work on the tabloid edition of the final document.

Respectfully submitted,

R. W. GRAHAM,
Chairman of the sub-Committee on
Personnel of the Public Information Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Tuesday, January 8, 1974, at the noon recess in the Convention Hall and will consider the following agenda:

AGENDA

To continue preparation of the Committee's Report.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Ullo—2 days.
Delegate Weiss—2 days.
Delegate Jack—2 days.
Delegate Dennery—½ day.
Delegate Winchester—1 day.
Delegate Rayburn—1 day.
Delegate Blair—1 day.
Delegate Roy—2 days.

Adjournment

Delegate O'Neill moved that the Convention do now adjourn until Tuesday, January 8, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Tuesday, January 8, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED TWELFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Tuesday, January 8, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne Cowen D'Gerolamo De Billeux Dennery Dennis Derbes Drew Dunlap Duval Edwards Elkins Fayard Total—120.	Flory Fontenot Fowler Fulco Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jackson, A. Jackson, J. Jenkins Jones Juneau Kean Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leithman Lowe McDaniel Martin Mauberret Maybuce Miller Mire Morris	Munson Newton Nunez O'Neill Ourso Perez Perkins Planchard Pugh Rachal Rayburn Reeves Riecke Roemer Sandoz Schmitt Segura Shannon Singletary Smith Soniat Stagg Stephenson Stinson Stovall Sutherland Tapper Tate Thompson Tobias Toca Toomy Velazquez Vick Warren Wattigny Willis Winchester Wisham Zervigon
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ABSENT

Delegates— Deshotels Jack Kelly Leigh Total—12.	Roy Slay Thistlethwaite Ullo	Vesich Wall Weiss Womack
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The Chairman announced that there were 120 members present and a quorum.

Prayer

Prayer was offered by Delegate Heine.

Pledge of Allegiance

Delegate Schmitt led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Mire, the reading of the Journal was dispensed with.

On motion of Delegate Mire, the Journal of yesterday was adopted.

Morning Hour

Motion

On motion of Delegate Pugh the Convention was ordered to transmit a message of best wishes to the Constitutional Convention of the State of Texas on the occasion of its first day in session.

Reports of Committees Lying Over

**Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 34—

Introduced by Delegate Dennis:
A PROPOSAL

Providing for the financing of the state judicial system.

Read.

Reported without action by the Committee on Revenue, Finance and Taxation.

Delegate Nunez moved that the Proposal be withdrawn from the files of the Convention.

As a substitute Delegate Dennis moved that the Proposal be engrossed and passed to its third reading.

The vote recurred on the substitute motion.

By a vote of 34 yeas and 50 nays the Convention refused to order the Proposal engrossed and passed to its third reading.

On motion of Delegate Nunez the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 60—

Introduced by Delegate Jenkins:
A PROPOSAL

Making provisions to control future growth of state tax revenues.

Read.

Reported without action by the Committee on Revenue, Finance and Taxation.

On motion of Delegate Nunez the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 91—

Introduced by Delegate Zervigon:
A PROPOSAL

Making provisions for property taxation.

Read.

Reported without action by the Committee on Revenue, Finance and Taxation.

Delegate Nunez moved that the Proposal be withdrawn from the files of the Convention.

As a substitute Delegate Zervigon moved that the Proposal

be recommitted to the Committee on Revenue, Finance and Taxation.

The vote recurred on the substitute motion.

By a viva voce vote the Proposal was recommitted to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 95—

Introduced by Delegate Bel:

A PROPOSAL

Making provisions for property taxation.

Read.

Reported without action by the Committee on Revenue, Finance and Taxation.

On motion of Delegate Nunez the Proposal was withdrawn from the files of the Convention.

Motion

On motion of Delegate Champagne, the Convention altered the Order of Business to take up Proposals on third reading and Final Passage, at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 5—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provision with respect thereto.

Read.

On motion of Delegate Stagg the Proposal was withdrawn from the files of the Convention.

COMMITTEE PROPOSAL No. 32—

Introduced by Delegates Asseff, Abraham, Alexander, Arnette, Gravel, and Stagg (A Substitute for Delegate Proposal No. 29):

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

Read.

On motion of Delegate Abraham the Proposal was returned to the Calendar, subject to call.

COMMITTEE PROPOSAL No. 27—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Providing with respect to the donation, loan, or pledge of public funds, credit or property.

Read.

On motion of Delegate Kean the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 27—

Introduced by Delegate Dennery:

A PROPOSAL

To establish state and city civil service.

Read.

On motion of Delegate Dennery the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 65—

Introduced by Delegate Roy:

A PROPOSAL

Making provisions regarding civil service employment.

Read.

On motion of Delegate Graham the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

On motion of Delegate Juneau, the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 67—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

On motion of Delegate Abraham, the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

On motion of Delegate Abraham, the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Read.

On motion of Delegate Abraham, the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh and Gauthler:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Read.

On motion of Delegate J. Jackson, the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Read.

On motion of Delegate Conroy the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 42—

Introduced by Delegates Dennery and Stovall:

A PROPOSAL

Providing for the lieutenant governor as ombudsman.

Read.

On motion of Delegate Dennery the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 49—

Introduced by Delegate Brien:
A PROPOSAL

Providing with respect to consumer education and information councils.

Read.

On motion of Delegate Brien the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard:

A PROPOSAL

Making provisions for homestead exemptions.

Read.

On motion of Delegate Alario the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:
A PROPOSAL

Making provisions prohibiting lotteries.

Read.

On motion of Delegate Planchard the Proposal was returned to the Calendar, subject to call.

DELEGATE PROPOSAL No. 20—

Introduced by Delegate Jack:
A PROPOSAL

Limiting the number of proposed constitutional amendments that may be submitted to the voters at any one election.

Read.

On motion of Delegate Fulco the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 21—

Introduced by Delegate Jack:
A PROPOSAL

Making provisions for a deduction in state income taxes for federal income tax payments made during the same period.

Read.

On motion of Delegate Fulco the Proposal was withdrawn from the files of the Convention.

Motion

On motion of Delegate Conroy Delegate Proposal No. 22 was called from the Calendar.

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:
A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Read.

Section 12. Except as otherwise provided in this constitution, the legislature shall not pass any local or special law:

(1) For the holding and conducting of elections, or fixing or changing the place of voting.

(2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property.

(3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the col-

lection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

(4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the constructing of street passenger railroads in any incorporated town or city.

(5) Exempting property from taxation; extending the time for the assessment or collection of taxes; for the relief of any assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; or refunding moneys legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.

(7) Creating private corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

(8) Regulating the management of public schools, the building or repairing of schoolhouses and the raising of money for such purposes.

(9) Legalizing the unauthorized or invalid acts of any officer, employee, or agent of the state, its agencies, or political subdivisions.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Delegate Proposal No. 22 by Delegates Conroy and Newton.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 and 9 in their entirety and insert in lieu thereof the following:

“ARTICLE III. LEGISLATIVE BRANCH

* * *

Section 12. Prohibited Local and Special Laws”

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew to Delegate Proposal No. 22 by Delegates Conroy and Newton.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 10, after “Section 12.” and before the word “Except” insert “(A)”

AMENDMENT No. 2—

On page 2, between lines 19 and 20, add the following: “(B) The legislature shall not indirectly enact special or local laws by the partial repeal or suspension of a general law.”

On motion of Delegate Drew the amendments were adopted.

Delegate Drew moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Arnette to Delegate Proposal No. 22 by Delegates Conroy and Newton.

Amend printed proposal as follows:

PAGE 4

112th Days Proceedings—January 8, 1974

AMENDMENT No. 1—

On page 2, line 14, immediately after the word "of" and before the word "public" insert the following: "parish or city"

AMENDMENT No. 2—

On page 2, line 15, immediately after the word "of" and before the word "schoolhouses" insert the following: "parish or city"

On motion of Delegate Arnette the amendments were adopted.

Delegate Arnette moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Delegate Proposal No. 22 by Delegates Conroy and Newton.

Amend printed proposal as follows:

AMENDMENT No. 1—

On Page 2, between lines 19 and 20 and before Convention Floor Amendment No. 2 proposed by Delegate Drew and adopted by the Convention on January 8, 1974, add the following paragraph:

"(10) Defining any crime."

Delegate Avant moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Gauthier	O'Neill
Alexander	Goldman	Pugh
Arnette	Graham	Riecke
Avant	Gravel	Schmitt
Bel	Hayes	Shannon
Bergeron	Hernandez	Singletary
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Casey	Jones	Stovall
Chehardy	Kilbourne	Sutherland
Comar	Kilpatrick	Tapper
Conino	Landrum	Tate
D'Gerolamo	Landry, E. J.	Tobias
De Blieux	Leithman	Toca
Dennery	Lowe	Velazquez
Dennis	Mauberret	Vick
Derbes	Maybuce	Warren
Drew	Miller	Wattigny
Elkins	Morris	Willis
Flory	Munson	Wisham
Fulco	Nunez	Zervigon
Total—66.		

NAYS

Delegates—		
Abraham	Corne	LeBleu
Asseff	Cowen	McDaniel
Badeaux	Duval	Martin
Bollinger	Grier	Mire
Brien	Guarisco	Plancharad
Brown	Hardee	Rachal
Carmouche	Heine	Roemer
Champagne	Juneau	Stephenson
Chatelain	Landry, A.	Stinson
Conroy	Lanier	Toomy
Total—30.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Roy
Alario	Jack	Sandoz
Anzalone	Kean	Segura
Blair	Kelly	Slay
Deshotels	Lambert	Thistlethwaite
Dunlap	Leigh	Thompson
Edwards	Newton	Uilo
Fayard	Ourso	Vesich
Fontenot	Perez	Wall
Fowler	Perkins	Weiss
Giarrusso	Rayburn	Winchester
Ginn	Reeves	Womack
Total—36.		

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh and Vick to Delegate Proposal No. 22 by Delegates Conroy and Newton.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 19 and 20, in Floor Amendment No. 1 proposed by Delegate Avant and adopted by the convention on January 8, 1974, on line 1 of the text of the amendment, after the word and punctuation "crime." add the following:

"Nothing herein, however, shall be construed as authorizing the delegation by the legislature to any board, commission, department, or agency the power to define a crime."

Delegate Pugh moved the adoption of the amendment.

Delegate Lanier objected.

By a vote of 47 yeas and 48 nays the amendment was rejected.

Delegate Conroy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tobias the rules were suspended in order to allow the required record vote on passage of the Section and the entire Proposal simultaneously.

Passage

Section 12 and the entire Proposal were read, as amended.

Delegate Conroy moved the final passage of Section 12 and the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Corne	Heine
Aertker	Cowen	Hernandez
Alario	D'Gerolamo	Jackson, A.
Alexander	De Blieux	Jackson, J.
Arnette	Dennery	Jenkins
Asseff	Dennis	Jones
Avant	Derbes	Juneau
Bel	Drew	Kilbourne
Bergeron	Elkins	Kilpatrick
Brien	Flory	Landrum
Burns	Fontenot	Landry, E. J.
Cannon	Fulco	Leithman
Casey	Gauthier	Lowe
Champagne	Goldman	Mauberret
Chehardy	Gravel	Maybuce
Comar	Grier	Miller
Conino	Hardee	Mire
Conroy	Hayes	Munson

Nunez	Smith	Vick
O'Neill	Stagg	Warren
Planchard	Sutherland	Wattigny
Pugh	Tapper	Willis
Riecke	Tate	Wisham
Shannon	Tobias	Zervigon
Singletary	Velazquez	
Total—74.		

NAYS

Delegates—		
Badeaux	Fayard	Roemer
Bollinger	Graham	Schmitt
Brown	Guarisco	Soniat
Burson	Landry, A.	Stephenson
Carmouche	Lanier	Stinson
Chatelain	LeBleu	Toomy
Duval	Martin	
Total—20.		

NOT VOTING

Delegates—		
Mr. Chairman	Lambert	Segura
Anzalone	Leigh	Slay
Blair	McDaniel	Stovall
Deshotels	Morris	Thistlethwaite
Dunlap	Newton	Thompson
Edwards	Ourso	Toca
Fowler	Perez	Ulio
Giarrusso	Perkins	Vesich
Ginn	Rachal	Wall
Haynes	Rayburn	Weiss
Jack	Reeves	Winchester
Kean	Roy	Womack
Kelly	Sandoz	
Total—38.		

And the Chair declared that Section 12 and the entire Proposal were finally passed.

Delegate Conroy moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion to reconsider the vote by which the entire Proposal was passed, pending.

Motion

On motion of Delegate Lanier Delegate Proposal No. 65 was called from the Calendar.

DELEGATE PROPOSAL No. 65—

Introduced by Delegate Roy:
A PROPOSAL
 Making provisions regarding civil service employment.

Read.

On motion of Delegate Lanier the Proposal was withdrawn from the files of the Convention.

Motion

On motion of Delegate Dennery Delegate Proposal No. 42 was called from the Calendar.

DELEGATE PROPOSAL No. 42—

Introduced by Delegates Dennery and Stovall:
A PROPOSAL
 Providing for the lieutenant governor as ombudsman.

Read.

Article IV, Section ----- Powers and Duties of the Lieutenant Governor

Section ----- The lieutenant governor shall be the ombudsman for the people of the state. He shall receive and investigate complaints made against the state, its officials, employees, agencies, boards, or commissions. The legisla-

ture shall prescribe procedures and remedies necessary to effectuate this provision.

Read.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Dennery and Stovall to Delegate Proposal No. 42 by Delegates Dennery and Stovall.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 7 and 8, in their entirety and insert in lieu thereof the following:

"ARTICLE IV. EXECUTIVE BRANCH
 * * *

Section 24. Powers and Duties of the Lieutenant Governor

AMENDMENT No. 2—

On page 1, line 9, at the beginning of the line, strike out "Section -----" and insert in lieu thereof "Section 24."

On motion of Delegate Dennery the amendments were adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Dennery and Stovall to Delegate Proposal No. 42 by Delegates Dennery and Stovall.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 4 in its entirety and insert in lieu thereof the following:

"Providing for the duties of the lieutenant governor."

AMENDMENT No. 2—

On page 1, line 9, immediately after the word "shall" delete the remainder of the line and on line 10, before the word "receive" delete the following:

"man for the people of the state. He shall"

AMENDMENT No. 3—

Add Delegate Jones as a co-author

On motion of Delegate Dennery the amendments were adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegates Dennery, Stovall and Jones to Delegate Proposal No. 42 by Delegates Dennery and Stovall.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 13, immediately after the word "procedures" insert a comma "," and delete the remainder of the line and insert in lieu thereof the following:

"remedies and appropriate the funds necessary to"

Delegate Dennery moved the adoption of the amendment.

Delegate Munson objected.

By a vote of 37 yeas and 54 nays the amendment was rejected.

Delegate Munson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Dennery and Stovall to Delegate Proposal No. 42 by Delegates Dennery and Stovall.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 9, immediately after "Section 24." and before the word "The" insert "(A)"

AMENDMENT No. 2—

On page 1, line 15, add the following:
 "(B) The lieutenant governor shall direct the offices of commerce and industry, tourism, and parks and recreation."

Delegate Dennery moved the adoption of the amendments.

Delegate Duval objected.

By a vote of 37 yeas and 53 nays the amendments were rejected.

Delegate Duval moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Delegate Proposal No. 42, Section 1 was read, as amended.

Delegate Stovall moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennis	Newton
Abraham	Elkins	Rachal
Aertker	Giarrusso	Smith
Alexander	Goldman	Stagg
Arnette	Gravel	Stinson
Asseff	Grier	Stovall
Bel	Jackson, J.	Sutherland
Brien	Jones	Tobias
Casey	Landrum	Velazquez
Conroy	Lanier	Warren
Cowen	McDaniel	Zervigon
De Blieux	Martin	
Dennery	Miller	
Total—37.		

NAYS

Delegates—		
Alario	Fontenot	Munson
Anzalone	Fowler	Nunez
Badeaux	Fulco	O'Neill
Bergeron	Gauthier	Perez
Blair	Ginn	Planchard
Burns	Hardee	Rayburn
Burson	Hayes	Reeves
Carmouche	Heine	Roemer
Champagne	Hernandez	Segura
Chatelain	Jenkins	Shannon
Chehardy	Juneau	Singletary
Comar	Kilbourne	Soniat
Conino	Landry, A.	Stephenson
Corne	Landry, E. J.	Toomy
D'Gerolamo	LeBleu	Vick
Derbes	Leithman	Wattigny
Drew	Mauberret	Willis
Dunlap	Maybuce	Wisham
Duval	Mire	
Flory	Morris	
Total—58.		

NOT VOTING

Delegates—		
Avant	Kelly	Tapper
Bollinger	Kilpatrick	Tate
Brown	Lambert	Thistlethwaite
Cannon	Leigh	Thompson
Deshotels	Lowe	Toca
Edwards	Ourso	Ullo
Fayard	Perkins	Vesich
Graham	Pugh	Wall
Guarisco	Riecke	Weiss
Haynes	Roy	Winchester
Jack	Sandoz	Womack
Jackson, A.	Schmitt	
Keane	Slay	
Total—37.		

And the Chair declared that the above Section failed to pass.

Delegate Duval moved to reconsider the vote by which the above Section failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Dennery Delegate Proposal No. 42 was withdrawn from the files of the Convention.

Motion

On motion of Delegate Brien Delegate Proposal No. 49 was called from the Calendar.

DELEGATE PROPOSAL No. 49—

Introduced by Delegate Brien:

A PROPOSAL

Providing with respect to consumer education and information councils.

Read.

Article ----, Section 1. Consumer Education and Information Councils

Section 1. The legislature shall create consumer education and information councils, which may provide consumer representation for the interest of consumers throughout the state in hearings before any board, commission, department, or agency of the state or any political subdivision thereof and which shall exercise such other powers and duties as are fixed by law.

Read.

Delegate Brien sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Brien to Delegate Proposal No. 49 by Delegate Brien.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 and 9 and insert in lieu thereof the following:

"ARTICLE XII. GENERAL PROVISIONS

• • •

Section 12. Consumer Education and Information Councils"

AMENDMENT No. 2—

On page 1, line 10, at the beginning of the line, delete "Section ----" and insert in lieu thereof "Section 12."

On motion of Delegate Brien the amendments were adopted.

Delegate Brien moved to reconsider the vote by which the amendments were adopted, and on her own motion, the motion to reconsider was laid on the table.

Passage

Delegate Proposal No. 49, Section 1 was read, as amended.

Delegate Brien moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Flory	Reeves
Alexander	Fulco	Segura
Badeaux	Gauthier	Singletary
Bergeron	Giarrusso	Soniat
Brien	Gravel	Stagg
Burns	Hayes	Stovall
Carmouche	Jackson, A.	Sutherland
Casey	Jackson, J.	Tobias
Chatelain	Landrum	Toca
Chehardy	Landry, E. J.	Toomy
Conino	Leithman	Velazquez
Corne	McDaniel	Warren
D'Gerolamo	Maybuce	Wattigny
De Blieux	Miller	Willis
Dennery	Nunez	Zervigon
Dennis	Planchard	
Derbes	Rachal	
Total—49.		

NAYS

Delegates—		
Abraham	Fowler	Mauberret
Anzalone	Goldman	Mire
Arnette	Grier	Morris
Asseff	Hardee	Munson
Bel	Heine	O'Neill
Blair	Hernandez	Perez
Burson	Jenkins	Rayburn
Champagne	Jones	Riecke
Conroy	Juneau	Roemer
Cowen	Kilbourne	Shannon
Drew	Lambert	Smith
Dunlap	Landry, A.	Stephenson
Duval	Lanier	Stinson
Elkins	LeBleu	Wisham
Fontenot	Martin	
Total—44.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Schmitt
Aertker	Jack	Slay
Avant	Kean	Tapper
Bollinger	Kelly	Tate
Brown	Kilpatrick	Thistlethwaite
Cannon	Leigh	Thompson
Comar	Lowe	Uilo
Deshotels	Newton	Vesich
Edwards	Ourso	Vick
Fayard	Perkins	Wall
Ginn	Pugh	Weiss
Graham	Roy	Winchester
Guarisco	Sandoz	Womack
Total—39.		

And the Chair declared that the above Section failed to pass.

Delegate Fontenot moved to reconsider the vote by which the above Section failed to pass and to lay the motion to reconsider on the table.

Delegate Brien objected to laying the motion to reconsider on the table.

By a vote of 55 yeas and 35 nays the motion to reconsider was tabled.

Motion

On motion of Delegate Brien the Proposal was withdrawn from the files of the Convention.

Motion

On motion of Delegate J. Jackson Delegate Proposal No. 43 was called from the Calendar.

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Roy, Gravel, Stovall, Pugh and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Read.

Article ----, Section ----. Juvenile Courts; Jurisdiction

Section ----. Juvenile courts including district courts and parish and city courts when sitting as ex-officio juvenile courts, shall have exclusive original jurisdiction of all offenses committed by persons under the age of seventeen, except that the criminal district courts in the parish of Orleans and the several district courts in the other parishes of the state shall have exclusive original jurisdiction of persons who at the time of the commission of the offense are over the age of fifteen years and who have been indicted by a grand jury for the offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape committed within their respective jurisdictions.

Read.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates J. Jackson, Warren, A. Jackson, Gauthier and Pugh to Delegate Proposal No. 43 by Delegate J. Jackson, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section ----. There shall be a juvenile court for each parish. It shall have jurisdiction of cases of the State of Louisiana in the interest of children under seventeen years of age who are brought before it as delinquent or neglected children, as may be defined by law, except for capital crimes or crimes defining attempted aggravated rape, which are committed by children fifteen years of age or older. It also shall have jurisdiction over cases involving persons charged with the violation of any law for the protection of the physical, moral, or mental well-being of children under seventeen years of age not punishable by death or hard labor. It also shall have jurisdiction of cases of desertion or nonsupport of children by either parent, or nonsupport of a wife by her husband, and also of the adoption of children under seventeen years of age.

Courts serving as ex officio juvenile courts on the effective date of this constitution shall continue to serve in that capacity until such time as their jurisdiction is changed as provided herein.

Notwithstanding the provisions of Section 15 of Article V of this constitution to the contrary, the legislature may provide by law upon a favorable vote of at least two-thirds of the members elected to each house: (1) for merger of juvenile courts with other courts; (2) for the abolition of juvenile courts; (3) for additional jurisdiction to juvenile courts; and (4) that a juvenile court may waive its jurisdiction over children fifteen years of age or older at the time of the commission of any offense, who may then be tried as adults."

Motion

Delegate Shannon moved that debate be limited to thirty minutes on the amendment.

Delegate J. Jackson objected.

By a vote of 33 yeas and 42 nays and the Convention refused to limit debate on the amendment to thirty minutes.

Delegate J. Jackson moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Singletary
Abraham	Gravel	Soniat
Alexander	Guarisco	Stagg
Asseff	Hayes	Stephenson
Burson	Jackson, A.	Stovall
Casey	Jackson, J.	Sutherland
Comar	Landrum	Toomy
D'Gerolamo	Landry, E. J.	Velazquez
Dennery	Maybuce	Vick
Derbes	Pugh	Warren
Flory	Rachal	Wisham
Fulco	Reeves	Zervigon
Gauthier	Schmitt	
Total—38.		

NAYS

Delegates—		
Anzalone	Elkins	Miller
Arnette	Fayard	Mire
Avant	Fontenot	Morris
Badeaux	Fowler	Mewton
Bel	Giarrusso	Nunez
Blair	Goldman	O'Neill
Bollinger	Grier	Ourso
Brien	Hardee	Perez
Burns	Heine	Planchard
Cannon	Jenkins	Rayburn
Carmouche	Jones	Riecke
Champagne	Juneau	Roemer
Chatelain	Kean	Segura
Conino	Kilbourne	Stinson
Conroy	Landry, A.	Tate
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
De Blieux	Lowe	Toca
Dennis	McDaniel	Wattigny
Drew	Martin	Willis
Duval	Mauberret	
Total—62.		

NOT VOTING

Delegates—		
Aertker	Jack	Slay
Alario	Kelly	Smith
Bergeron	Kilpatrick	Tapper
Brown	Lambert	Thistlethwaite
Chehardy	Leigh	Uilo
Deshotels	Leithman	Vesich
Dunlap	Munson	Wall
Edwards	Perkins	Weiss
Graham	Roy	Winchester
Haynes	Sandoz	Womack
Hernandez	Shannon	
Total—33.		

And the amendment was rejected.

Delegate Tobias moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Derbes to Delegate Proposal No. 43 by Delegate J. Jackson, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section ----. Juvenile Courts
Section ----. (A) Jurisdiction. The juvenile courts shall

have jurisdiction, except for capital crimes and crimes defined by any law defining attempted aggravated rape if committed by children fifteen years of age or older, of cases of the state of Louisiana in the interest of children under seventeen years of age, brought before said courts as delinquent or neglected children. However, by law enacted by vote of two-thirds of the elected members of each house, a procedure may be established whereby the juvenile court may waive its jurisdiction over children fifteen years of age or older at the time of the commission of any offense so that they may be tried as adults in the district court. They shall also have such other jurisdiction as is now or may hereafter be granted to them by law."

AMENDMENT No. 2—

On page 1, below the language of Floor Amendment No. 1 above, add the following:

"(B) Merger and Abolition. Notwithstanding the provisions of Section 15 of this Article, the legislature may by law merge juvenile courts into district or family courts; and may, by law enacted by vote of two-thirds of the elected members of each house, abolish juvenile courts."

On request of Delegate Tobias a division of the question was ordered.

Delegate Derbes moved the adoption of Amendment No. 1.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennery	Landry, E. J.
Abraham	Derbes	Maybuce
Alexander	Duval	Pugh
Asseff	Fayard	Rachal
Bel	Fulco	Reeves
Bergeron	Gauthier	Riecke
Brien	Ginn	Schmitt
Burson	Graham	Soniat
Casey	Gravel	Stagg
Chatelain	Grier	Stovall
Chehardy	Hardee	Toomy
Comar	Jackson, A.	Velazquez
Conino	Jackson, J.	Vick
Conroy	Juneau	Warren
D'Gerolamo	Kilpatrick	Wisham
De Blieux	Landrum	Zervigon
Total—48.		

NAYS

Delegates—		
Arnette	Heine	O'Neill
Avant	Jenkins	Ourso
Badeaux	Jones	Perez
Blair	Kean	Planchard
Bollinger	Kilbourne	Roemer
Burns	Landry, A.	Segura
Cannon	Lanier	Shannon
Carmouche	LeBleu	Singletary
Champagne	Lowe	Smith
Corne	McDaniel	Stephenson
Cowen	Martin	Stinson
Dennis	Mauberret	Sutherland
Drew	Miller	Tate
Elkins	Mire	Thompson
Flory	Morris	Tobias
Fontenot	Munson	Toca
Fowler	Newton	Wattigny
Giarrusso	Nunez	Willis
Goldman		
Total—55.		

NOT VOTING

Delegates—		
Aertker	Dunlap	Hernandez
Alario	Edwards	Jack
Anzalone	Guarisco	Kelly
Brown	Hayes	Lambert
Deshotels	Haynes	Leigh

Leithman	Slay	Wall
Perkins	Tapper	Weiss
Rayburn	Thistlethwaite	Winchester
Roy	Ullio	Womack
Sandoz	Vesich	
Total—29.		

And the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

On motion of Delegate Derbes, and under a suspension of the rules, Amendment No. 2 was withdrawn.

Delegate Warren sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Warren to Delegate Proposal No. 43 by Delegate J. Jackson, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following: "Section 38. Jurisdiction of juvenile and family courts shall be as provided in Sections 52 and 53 of Article VII of the Constitution of 1921, as existing on the effective date of this constitution."

Motion

Delegate Shannon moved the previous question on the entire subject matter.

Delegate Dennis objected.

By a vote of 45 yeas and 52 nays the Convention refused to order the previous question at this time.

Delegate Warren moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 24 yeas and 64 nays the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Delegate Proposal No. 43 by Delegate J. Jackson, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 5 through 23, both inclusive, in their entirety

Delegate Dennis moved the adoption of the amendment.

Delegate J. Jackson objected.

By a vote of 53 yeas and 39 nays the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate J. Jackson moved that the Proposal be returned to the Calendar, subject to call.

Delegate Tobias objected.

By a vote of 46 yeas and 40 nays the Proposal was returned to the Calendar, subject to call.

Motion

On motion of Delegate Planchard Delegate Proposal No. 17 was called from the Calendar.

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

Read.

Article II, Section 14. Lotteries

Section 14. Neither the state nor any of its political subdivisions shall conduct a lottery.

Read.

Delegate Burns sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Burns, Smith, Stovall, Jack, Fulco, Shannon, Slay, Landrum, Fowler, Stinson and Drew to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 4, at the end of the line, delete the period "." and insert the following: "and gambling."

AMENDMENT No. 2—

On page 1, line 7, at the end of the line, add the following: "; Gambling"

AMENDMENT No. 3—

On page 1, delete lines 8 and 9, in their entirety and insert in lieu thereof the following: "Section 14. Gambling is a vice and the legislature shall pass laws to suppress it."

AMENDMENT No. 4—

On page 1, line 10, add the following: "Lotteries and the sale of lottery tickets are prohibited in this state."

Motion

Delegate Champagne moved to limit debate on the amendment to 20 minutes.

Delegate Landrum objected.

By a vote of 40 yeas and 39 nays debate on the amendment was limited to 20 minutes.

Point of Order

Delegate Shannon suggested an absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Carmouche	Duval
Alario	Casey	Elkins
Alexander	Champagne	Fayard
Arnette	Chatelain	Flory
Asseff	Chehardy	Fontenot
Avant	Comar	Fowler
Badeaux	Conino	Fulco
Bel	Conroy	Gauthier
Bergeron	Corne	Giarrusso
Blair	D'Gerolamo	Ginn
Bollinger	De Blieux	Goldman
Brien	Denney	Graham
Burns	Dennis	Grier
Burson	Derbes	Guarisco
Cannon	Drew	Hayes

Hernandez	Mire	Soniat
Jackson, A.	Morris	Stephenson
Jackson, J.	Newton	Stinson
Jenkins	Nunez	Stovall
Jones	O'Neill	Sutherland
Kilbourne	Ourso	Thompson
Kilpatrick	Perez	Tobias
Landrum	Perkins	Toca
Landry, A.	Planchar	Toomy
Landry, E. J.	Pugh	Velazquez
Lanier	Rayburn	Vick
LeBleu	Reeves	Warren
Lowe	Riecke	Wattigny
McDaniel	Roemer	Willis
Martin	Schmitt	Winchester
Mauberrret	Shannon	Zervigon
Maybuce	Singletary	
Miller	Smith	
Total—97.		

ABSENT

Delegates—		
Abraham	Jack	Slay
Aertker	Juneau	Stagg
Anzalone	Kean	Tapper
Brown	Kelly	Tate
Cowen	Lambert	Thistlethwaite
Deshotels	Leigh	Ullo
Dunlap	Leithman	Vesich
Edwards	Munson	Wall
Gravel	Rachal	Weiss
Hardee	Roy	Wisham
Haynes	Sandoz	Womack
Heine	Segura	
Total—35.		

The Chairman announced that there were 97 delegates present and a quorum.

On request of Delegate Burns, a division of the question was ordered.

Delegate Burns moved the adoption of amendments 1, 2 and 3.

Delegate Fayard objected.

YEAS

Delegates—		
Mr. Chairman	Duval	Morris
Abraham	Elkins	Planchar
Alexander	Flory	Rayburn
Arnette	Fowler	Reeves
Asseff	Fulco	Roemer
Avant	Gauthier	Schmitt
Bergeron	Ginn	Shannon
Blair	Graham	Singletary
Burns	Grier	Smith
Burson	Hernandez	Stagg
Cannon	Jones	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Chehardy	Landrum	Sutherland
Conino	LeBleu	Thompson
D'Gerolamo	McDaniel	Toca
De Blieux	Martin	Toomy
Dennis	Miller	Warren
Drew	Mire	
Total—56.		

NAYS

Delegates—		
Badeaux	Fayard	Lanier
Bel	Fontenot	Lowe
Bollinger	Giarrusso	Mauberrret
Brien	Goldman	Maybuce
Carmouche	Guarisco	Newton
Casey	Hayes	Nunez
Comar	Jackson, A.	O'Neill
Conroy	Jackson, J.	Ourso
Corne	Jenkins	Perez
Dennery	Landry, A.	Perkins
Derbes	Landry, E. J.	Pugh

Riecke
Soniat
Tobias
Total—42.

Velazquez
Vick
Wattigny

Willis
Winchester
Zervigon

NOT VOTING

Delegates—

Aertker
Alario
Anzalone
Brown
Cowen
Deshotels
Dunlap
Edwards
Gravel
Hardee
Haynes
Heine

Jack
Juneau
Kean
Kelly
Lambert
Leigh
Leithman
Munson
Rachal
Roy
Sandoz

Segura
Slay
Tapper
Tate
Thistlethwaite
Ullo
Vesich
Wall
Weiss
Wisham
Womack

Total—34.

And amendments 1, 2 and 3 were adopted.

Delegate Burns moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh sent up the following explanation of vote to the amendments to Committee Proposal No. 17, proposed by Delegate Burns.

"I voted against amendments 1, 2 and 3 upon my belief that the subject matter therein is Legislative in nature."

Delegate Burns moved the adoption of Amendment No. 4.

Delegate Duval objected.

YEAS

Delegates—

Mr. Chairman
Abraham
Alexander
Arnette
Asseff
Avant
Blair
Brien
Burns
Cannon
Chatelain
Chehardy
Conino
D'Gerolamo
De Blieux
Dennis
Drew
Elkins
Fowler

Fulco
Gauthier
Giarrusso
Ginn
Graham
Grier
Hernandez
Jones
Kilbourne
Kilpatrick
Landrum
LeBleu
McDaniel
Mauberrret
Miller
Morris
O'Neill
Perez

Planchar
Pugh
Rayburn
Reeves
Roemer
Schmitt
Shannon
Singletary
Smith
Stagg
Stephenson
Stinson
Stovall
Sutherland
Thompson
Toca
Toomy
Warren

Total—55.

NAYS

Delegates—

Badeaux
Bel
Bergeron
Bollinger
Burson
Carmouche
Casey
Champagne
Comar
Conroy
Dennery
Derbes
Duval
Fayard

Flory
Fontenot
Goldman
Guarisco
Hayes
Jackson, A.
Jackson, J.
Jenkins
Landry, A.
Landry, E. J.
Lanier
Lowe
Martin
Maybuce

Mire
Newton
Nunez
Ourso
Perkins
Riecke
Soniat
Tobias
Velazquez
Vick
Wattigny
Willis
Winchester
Zervigon

Total—42.

NOT VOTING

Delegates—

Aertker
Alario
Anzalone
Brown
Corne
Cowen

Deshotels
Dunlap
Edwards
Gravel
Hardee
Haynes

Heine
Jack
Juneau
Kean
Kelly
Lambert

Leigh	Segura	Vesich
Leithman	Slay	Wall
Munson	Tapper	Weiss
Rachal	Tate	Wisham
Roy	Thistlethwaite	Womack
Sandoz	Ullo	
Total—35.		

And the amendment was adopted.

Delegate Burns moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Smith moved that the Convention take up other orders of business at this time.

Delegate Schmitt objected.

By a vote of 31 yeas and 60 nays the Convention refused to take up other orders of business, at this time.

Delegate Velazquez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Velazquez to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 8, in Floor Amendment No. 3 proposed by Delegate Burns, et al. and adopted by the convention on January 8, 1974, at the end of line 2 of the text of the amendment, after the word "it" change the period "." to a comma "," and add the following:
"but if it does exist, it shall be taxed."

AMENDMENT No. 2—

On page 1, line 10, in Floor Amendment No. 4 proposed by Delegate Burns, et al. and adopted by the convention on January 8, 1974, at the end of line 2 of the text of the amendment, after the word "state" change the period "." to a comma "," and add the following:
"but if they do exist, they shall be taxed."

Delegate Velazquez moved the adoption of the amendments.

Delegate Champagne objected.

By a vote of 59 yeas and 29 nays the amendments were adopted.

Delegate Velazquez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Shannon moved that the Convention take up other orders of business at this time.

Delegate Jenkins objected.

By a vote of 49 yeas and 46 nays the Convention took up other orders of business.

Reports of Committees

The following reports of committees were received and read.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 8, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend first enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, after the word "power" and before the word "vested" delete the words "shall be" and insert in lieu thereof the word "is" and on line 19, at the end of the line, delete the word "constitution" and insert in lieu thereof the word "Article"

AMENDMENT No. 2—

On page 1, delete lines 20 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Habeas Corpus, Needful Writs, Orders and Process; Contempt

Section 2. A judge may issue writs of habeas corpus and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law."

AMENDMENT No. 3—

On page 1, line 32, after the word and punctuation "judgment." delete the remainder of the line and delete line 33 in its entirety and insert in lieu thereof the following:

"The term of a supreme court judge shall be ten years."

AMENDMENT No. 4—

On page 1, delete line 35 in its entirety and on page 2, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 5—

On page 2, delete lines 6 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) Supervisory Jurisdiction; Rule-Making Power; Assignment of Judges. The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court.

(B) Original Jurisdiction. The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar.

(C) Scope of Review. Except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) Appellate Jurisdiction. In addition to other appeals provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional; (2) the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed.

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

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it."

AMENDMENT No. 6—

On page 2, delete lines 34 and 35 in their entirety and on page 3, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Supreme Court; Chief Justice

Section 6. The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court."

AMENDMENT No. 7—

On page 3, delete lines 6 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Supreme Court; Personnel

Section 7. The supreme court may select a judicial administrator, its clerks, and other personnel and prescribe their duties."

AMENDMENT No. 8—

On page 3, delete lines 11 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms

Section 8. (A) Circuits; Panels. The state shall be divided into at least four circuits, with one court of appeal in each. Each court shall sit in panels of at least three judges selected according to rules adopted by the court.

(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 before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

(C) Terms. The term of a court of appeal judge shall be ten years."

AMENDMENT No. 9—

On page 3, delete lines 24 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 10—

On page 3, delete lines 31 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. Courts of Appeal; Jurisdiction

Section 10. (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.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal extends to law and facts."

AMENDMENT No. 11—

On page 4, delete lines 9 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Courts of Appeal; Certification

Section 11. A court of appeal may certify any question of law before it to the supreme court, and the supreme court then may give its binding instruction or decide the case upon the whole record."

AMENDMENT No. 12—

On page 4, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. Courts of Appeal; Chief Judge

Section 12. The judge oldest in point of service on each court of appeal shall be chief judge of that court and shall administer the court subject to rules adopted by it."

AMENDMENT No. 13—

On page 4, delete lines 20 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Courts of Appeal; Personnel

Section 13. Each court of appeal may select its clerk and other personnel and prescribe their duties."

AMENDMENT No. 14—

On page 4, delete lines 24 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 15—

On page 4, delete lines 27 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 20 of this Article, the legislature may abolish or merge trial courts of limited or specialized jurisdiction. The legislature may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 20 of this Article, the legislature may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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."

AMENDMENT No. 16—

On page 5, delete lines 17 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. District Courts; Jurisdiction

Section 16. (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 corporation, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships.

(B) Appellate Jurisdiction. A district court shall have appellate jurisdiction as provided by law."

AMENDMENT No. 17—

On page 5, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. Each district court shall elect from its members a chief judge who shall exercise, for a term designated by the court, the administrative functions prescribed by rule of court."

AMENDMENT No. 18—

On page 5, delete lines 33 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. Notwithstanding any contrary provision of Section 16 of this Article, juvenile and family courts shall have jurisdiction as provided by law."

AMENDMENT No. 19—

On page 6, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

“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.”

AMENDMENT No. 20—

On page 6, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 20. Judges; Decrease in Terms and Compensation Prohibited

Section 20. The term of office, retirement benefits, and compensation of a judge shall not be decreased during the term for which he is elected.”

AMENDMENT No. 21—

On page 6, delete lines 10 through 31, both inclusive, in their entirety and on page 7, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 21. Judges; Elections; Vacancy

Section 21. (A) Election. Except as otherwise provided in this Section, all judges shall be elected. Election shall be at the regular congressional election.

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within six months after 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, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

(C) End of Term. A judge serving on the effective date of this constitution shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the year of a regular congressional election, then through December thirty-first of the following year. The election for the next term shall be held in the year in which the term expires, as provided above.”

AMENDMENT No. 22—

On page 7, delete lines 5 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 22. Judges; Retirement

Section 22. (A) Retirement System. Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the law enacting the system and in which a judge in office at that time may elect to become a member, with credit for all prior years of judicial service and without contribution therefor. The retirement benefits and judicial service rights of a judge in office or retired on the effective date of this constitution shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

(B) Mandatory Retirement. Except as otherwise provided in this Section, a judge shall not remain in office beyond his seventieth birthday.”

AMENDMENT No. 23—

On page 7, delete lines 21 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 23. Judges; Qualifications

Section 23. 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.”

AMENDMENT No. 24—

On page 7, delete lines 30 through 35, both inclusive, in their entirety and on page 8, delete lines 1 through 25, both inclusive, in their entirety and on page 9, delete lines 1 through 3,

both inclusive, in their entirety and insert in lieu thereof the following:

“Section 24. Judiciary Commission

Section 24. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges’ Association or its successor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.”

AMENDMENT No. 25—

On page 9, delete lines 4 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 25. Department of Justice; Attorney General; Assistants

Section 25. 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. He shall appoint assistants to serve at his pleasure.”

AMENDMENT No. 26—

On page 9, delete lines 12 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 26. Attorney General; Powers and Duties

Section 26. The attorney general shall be the chief legal officer of the state. As necessary for the assertion or protection of the rights and interests of the state, the attorney general may

(1) institute and prosecute or intervene in any civil action or proceeding;

(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 and subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

He shall have other powers and perform other duties authorized by this constitution or provided by law.”

AMENDMENT No. 27—

On page 9, delete lines 28 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 27. District Attorneys

Section 27. (A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election

and shall have resided in the district for the two years preceding election. A district attorney may select assistants as authorized by law, and other personnel.

(B) Powers, Except as otherwise provided by this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law.

(C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge. A violation of this Paragraph shall be cause for removal."

AMENDMENT No. 28—

On page 10, delete lines 7 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 28. Sheriffs

Section 28. In each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and license fees as provided by law. This Section shall not apply to Orleans Parish."

AMENDMENT No. 29—

On page 10, delete lines 16 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 29. Clerks of Court

Section 29. (A) Powers and Duties; Deputies. In each parish a clerk of the district court shall be elected for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have other duties and powers provided by law. The clerk may appoint deputies with duties and powers provided by law and, with the approval of the district judges, he may appoint minute clerks with duties and powers provided by law.

(B) Office Hours. The legislature shall establish uniform statewide office hours for clerks of the district courts."

AMENDMENT No. 30—

On page 10, delete lines 30 through 35, both inclusive, in their entirety and on page 11, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 30. Coroners

Section 30. In each parish a coroner shall be elected for a term of four years. He shall be a licensed physician and possess the other qualifications and perform the duties provided by law. The requirement that he be a licensed physician shall be inapplicable in any parish in which no licensed physician will accept the office."

AMENDMENT No. 31—

On page 11, delete lines 4 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 31. Vacancies

Section 31. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated: (1) sheriff, by the chief criminal deputy; (2) district attorney, by the first assistant; (3) clerk of a district court, by the chief deputy; (4) coroner, by the chief deputy. If there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election."

AMENDMENT No. 32—

On page 11, delete lines 15 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 32. Reduction of Salaries and Benefits Prohibited

Section 32. The salary and retirement benefits of an attorney general, district attorney, sheriff, coroner, or clerk of the district court shall not be diminished during his term of office."

AMENDMENT No. 33—

On page 11, delete lines 21 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 34—

On page 11, delete lines 34 and 35 and on page 12, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 34. Jurors

Section 34. (A) Qualifications. A citizen of the state who has reached the age of majority is eligible to serve as a juror within the parish in which he is domiciled. The legislature may provide additional qualifications.

(B) Exemptions. The supreme court shall provide by rule for exemption of jurors."

AMENDMENT No. 35—

On page 12, delete lines 7 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 35. Grand Jury

Section 35. (A) Grand Jury. There shall be a grand jury or grand juries in each parish, whose qualifications, duties, and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of witnesses, shall be provided by law.

(B) Right to Counsel. A person testifying at any stage in grand jury proceedings shall have the right to the advice of counsel while testifying."

AMENDMENT No. 36—

On page 3, delete lines 24 through 30, both inclusive, in their entirety and delete all amendments thereto and insert in lieu thereof the following:

"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."

AMENDMENT No. 37—

On page 5, line 23, after the word "corporation" and before the comma "," and the word "or" insert the words "or political subdivision"

AMENDMENT No. 38—

On page 7, delete lines 21 through 29, both inclusive, in their entirety, and delete all amendments thereto and insert in lieu thereof the following:

"Section 23. Judges; Qualifications

Section 23. 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 qualification as a candidate, and shall have been domiciled in the respective district, circuit, or parish for the two years preceding qualification. He shall not practice law."

AMENDMENT No. 39—

On page 9, delete lines 28 through 35, both inclusive, in their entirety and on page 10, delete line 1 and delete all amendments thereto and insert in lieu thereof the following:

"Section 27. District Attorneys

Section 27. (A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his qualification as a candidate and shall have resided in the district for the two years preceding qualification. A district attorney may select assistants as authorized by law, and other personnel."

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf

of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 18, delete the word "A"

AMENDMENT No. 2—

On page 1, at the end of line 35, delete the comma ","

AMENDMENT No. 3—

On page 2, line 5, after the word "liberty" and before the word "or" insert a comma ","

AMENDMENT No. 4—

On page 2, delete lines 8 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime."

AMENDMENT No. 5—

On page 2, delete lines 17 through 35, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 4. Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction. Personal effects, other than contraband, shall never be taken.

This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes."

AMENDMENT No. 6—

On page 3, delete lines 4 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. 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. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court."

AMENDMENT No. 7—

On page 3, delete lines 17 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Freedom of Expression

Section 9. No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom."

AMENDMENT No. 8—

On page 3, delete lines 26 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Right of Assembly and Petition

Section 11. No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances."

AMENDMENT No. 9—

On page 5, delete lines 33 through 35, both inclusive, in their entirety and on page 6, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 19. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that 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."

AMENDMENT No. 10—

On page 6, delete line 24 in its entirety and insert in lieu thereof the following:

"and facilities, every person shall be free from"

AMENDMENT No. 11—

On page 3, delete lines 31 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law."

AMENDMENT No. 12—

On page 6, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 27. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury."

AMENDMENT No. 13—

On page 4, delete lines 16 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained."

AMENDMENT No. 14—

On page 4, delete lines 23 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Right to a Fair Trial

Section 15. Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be com-

pelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf."

AMENDMENT No. 15—

On page 4, delete lines 33 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. Jury Trial in Criminal Cases

Section 16. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury.

AMENDMENT No. 16—

On page 5, delete lines 15 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years."

AMENDMENT No. 17—

On page 5, delete lines 28 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense."

AMENDMENT No. 18—

On page 6, line 13, immediately after the word "delay" and before the word "for" insert a comma ","

AMENDMENT No. 19—

On page 6, line 20, immediately after the word "not" and before the words "deny or disparage" delete the words "be construed to"

AMENDMENT No. 20—

Renumber the following sections and place in numerical order as follows:

Section Number as Enrolled	Renumbered As
Section 9	Section 7
Section 10	Section 8
Section 11	Section 9
Section 19	Section 10
Section 20	Section 11
Section 26	Section 12
Section 12	Section 13
Section 27	Section 14
Section 13	Section 15
Section 15	Section 16
Section 16	Section 17
Section 17	Section 18
Section 18	Section 20
Section 25	Section 24

and on page 3, line 30, in Committee Amendment No. 11 adopted by the convention this date, between lines 13 and 14 of the text of the amendment insert: "Section 19. Right to Judicial Review" and on line 14 of the text of the amendment, at the beginning of the line, insert "Section 19." and place in numerical order.

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate A. Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Reported with the following amendments:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 33 by Delegate A. Jackson, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 2—

On page 1, delete lines 25 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Secret Ballot; Absentee Voting; Preservation of Ballot

Section 2. In all elections by the people, voting shall be by secret ballot. The legislature shall provide a method for absentee voting. Proxy voting is prohibited. Ballots shall be counted publicly and preserved inviolate as provided by law until any election contests have been settled. In all elections by persons in a representative capacity, voting shall be viva-voce."

AMENDMENT No. 3—

On page 1, delete lines 34 and 35 in their entirety and on page 2, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Privilege from Arrest

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."

AMENDMENT No. 4—

On page 2, between lines 3 and 4, insert the following:

"Section 4. Prohibited Use of Public Funds

Section 4. No public funds shall be used to urge any elector to vote for or against any 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."

AMENDMENT No. 5—

On page 2, delete lines 13 through 19, both inclusive, in their entirety.

AMENDMENT No. 6—

On page 2, delete lines 4 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Registrar of Voters

Section 5. The governing authority of each parish shall appoint a registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for other public office, a registrar shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing authority."

Respectfully submitted,

ALBERT TATE,
Chairman.

And the above Proposal, together with the amendments proposed by the Committee on Style and Drafting, lies over under the Rules under Proposals on Calendar for Approval of Final Styling.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 8, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal has been properly enrolled:

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE III. LEGISLATIVE BRANCH

* * *

Section 12. Prohibited Local and Special Laws

Section 12. (A) Except as otherwise provided in this constitution, the legislature shall not pass any local or special law:

(1) For the holding and conducting of elections, or fixing or changing the place of voting.

(2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property.

(3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

(4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which from boundaries between this and any other state; authorizing the constructing of street passenger railroads in any incorporated town or city.

(5) Exempting property from taxation; extending the time for the assessment or collection of taxes; for the relief of any assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; or refunding moneys legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.

(7) Creating private corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

(8) Regulating the management of parish or city public schools, the building or repairing of parish or city schoolhouses and the raising of money for such purposes.

(9) Legalizing the unauthorized or invalid acts of any officer, employee, or agent of the state, its agencies, or political subdivisions.

(10) Defining any crime.

(B) The legislature shall not indirectly enact special or local laws by the partial repeal or suspension of a general law.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 8, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposals have been properly enrolled:

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery, Gravel and Riecke:

A PROPOSAL

Providing for meeting of the legislature for the next two years following the adoption of this constitution.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIV. SCHEDULE

Section 1. Legislative Sessions

Section 1. The legislature shall provide, by rule or otherwise, for a recess, during the 1975 and 1976 regular annual sessions, which shall be for at least eight calendar days immediately after the first fifteen calendar days of the session.

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article XIV, Section 1. Transition; Civil Service Commission; State; Cities

Section 1. (A) State Commission. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Xavier University of Louisiana shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1, Paragraph (C). Within ninety days after the effective date of this constitution, one member of the commission shall be elected by the classified employees of the state from their number as provided by law. The term of these appointees shall be six years. Within thirty days after the expiration of the term of the present member nominated by the president of Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1. The term of this appointee shall be six years.

(B) City Commission. Each person who, on the effective date of this constitution, is a member of the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the presidents of St. Mary's Dominican College and Xavier University of Louisiana each shall submit three names to the governing body of the city for appointment to the commission as provided in Article VII, Section 1, Paragraph (D). Within thirty days after the expiration of the term of the present member nominated by the governing body of the city, the president of Dillard University shall submit three names to the governing body of the city for appointment to the New Orleans City Civil Service Commission as provided in Article VII, Section 1, Paragraph (D). The term of these appointees shall be six years.

Section 2. Transition; Civil Service Officers; Employees; State; Cities

Section 2. Upon the effective date of this constitution, all officers and employees of the state and of the cities covered hereunder who have status in the classified service shall retain said status in the position, class, and rank that they have on such date and shall thereafter be subject to and

governed by the provisions of this constitution and the rules and regulations adopted under the authority hereof.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 8, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall, and Weiss):

A PROPOSAL

Relative to constitutional revision.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIII. CONSTITUTIONAL REVISION

Section 1. Amendments

Section 1. (A) An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, provided that such resolution has been pre-filed, in accordance with the Rules of the houses of the legislature, at least ten days before the beginning of the session. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the members elected to each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall cause the proposed amendment to be published in the official journal of each parish once within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is submitted to the electorate. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law.

(B) If a majority of the electors voting on the proposed amendment shall approve it, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment otherwise provides. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality.

(C) When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately. A proposed amendment shall be confined to one object and shall set forth the entire article, sections, or other subdivisions thereof as revised or only the article, sections, or other subdivisions which are to be added; provided that a section or other subdivision may be repealed by reference. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which revision may contain multiple ob-

jects or changes. The proposed amendment shall have a title containing a brief summary of the changes proposed.

Section 2. Convention Called by Legislature
Section 2. The legislature, by a two-thirds vote of the elected membership of each house, may provide by law for the calling of a constitutional convention. The convention may be called whenever the legislature considers it desirable to revise or propose a new constitution. The revision or the proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of the State of Louisiana.

Section 4. Laws Effectuating Amendments
Section 4. Whenever the legislature shall submit amendments to this constitution, it may at the same session enact laws to carry them into effect, to become operative when the proposed amendments have been ratified.

Respectfully submitted,
MOISE W. DENNERY
Secretary

Under the Rules, referred to the Committee on Style and Drafting.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday, January 9, 1974, at the noon recess in the Treaty Room and will consider the following agenda:

AGENDA

To continue preparation of Committee Reports.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Thursday, January 10, 1974, at 10:00 o'clock in the Convention Hall and will consider the following agenda:

AGENDA

To complete the Committee's Business.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Sandoz—½ day.

Delegate Thistlethwaite—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, January 9, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, January 9, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary
DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED THIRTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Wednesday, January 9, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Nunez
Abraham	Fowler	O'Neill
Aertker	Fulco	Ourso
Alario	Gauthier	Perez
Alexander	Giarrusso	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Pugh
Asseff	Graham	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bel	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Haynes	Schmitt
Brien	Heine	Segura
Brown	Hernandez	Shannon
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Smith
Cannon	Jenkins	Soniat
Carmouche	Jones	Stagg
Casey	Juneau	Stephenson
Champagne	Kean	Stinson
Chatelain	Kilbourne	Stovall
Comar	Kilpatrick	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Tate
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
D'Gerolamo	LeBleu	Tobias
De Blieux	Leithman	Toca
Dennery	Lowe	Toomy
Dennis	McDaniel	Ullo
Derbes	Martin	Velazquez
Deshotels	Mauberret	Vick
Drew	Maybuce	Warren
Dunlap	Miller	Wattigny
Duval	Mire	Willis
Edwards	Morris	Winchester
Elkins	Munson	Wisham
Fayard	Newton	Zervigon
Flory		
Total—121.		

ABSENT

Delegates—		
Chehardy	Leigh	Wall
Jack	Rachal	Wells
Kelly	Slay	Womack
Lambert	Vesich	
Total—11.		

The Chairman announced that there were 121 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate LeBleu led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Sandoz, the reading of the Journal
was dispensed with.

On motion of Delegate Sandoz, the Journal of yesterday
was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

Read.

Article II, Section 14. Lotteries

Section 14. Neither the state nor any of its political sub-
divisions shall conduct a lottery.

Read.

The Chairman announced that the Convention had under
consideration Delegate Proposal No. 17, Section 14, when it
adjourned on Tuesday, January 8, 1974, which was taken up
and acted upon as follows:

Delegate Guarisco sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Guarisco, Fayard and
Nunez to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 7 through 10, in their entirety and
delete all floor amendments adopted thereto and insert in lieu
thereof the following:

"ARTICLE XII. GENERAL PROVISIONS

* * *

"Section 12. Gambling; Prohibited

Section 12. All forms of gambling, including, without limi-
tation, lotteries, pari-mutual betting, pinball machines, foot-
ball cards, printing of point spreads, bingo, dice, card games
and other games of chance shall be prohibited in this state.
The legislature shall define the crime of gambling and pro-
vide criminal penalties therefor."

Delegate Guarisco moved the adoption of the amendment.

Delegate Burns objected.

A record vote was asked for and ordered by the Conven-
tion.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Blair	Ginn	Jackson, A.
Giarrusso	Guarisco	Jenkins

PAGE 2

113th Days Proceedings—January 9, 1974

Kilpatrick	Nunez	Warren
Landry, A.	O'Neill	Winchester
Leithman	Reeves	
Miller	Ullo	
Total—16.		

NAYS

Delegates—		
Abraham	Drew	Munson
Aertker	Dunlap	Planchard
Alario	Elkins	Pugh
Alexander	Flory	Rayburn
Asseff	Fontenot	Sandoz
Avant	Fowler	Shannon
Badeaux	Fulco	Smith
Bel	Goldman	Stagg
Bollinger	Gravel	Stephenson
Burns	Grier	Stinson
Burson	Hardee	Stovall
Cannon	Heine	Sutherland
Casey	Hernandez	Thistlethwaite
Champagne	Jones	Thompson
Chatelain	Kilbourne	Tobias
Comar	Landry, E. J.	Toca
Conino	Lanier	Toomy
Conroy	LeBleu	Velazquez
Corne	Lowe	Wattigny
Cowen	McDaniel	Willis
De Blieux	Mauberret	Zervigon
Derbes	Morris	
Total—65.		

NOT VOTING

Delegates—		
Mr. Chairman	Hayes	Rachal
Anzalone	Haynes	Riecke
Arnette	Jack	Roemer
Bergeron	Jackson, J.	Roy
Brien	Juneau	Schmitt
Brown	Kean	Segura
Carmouche	Kelly	Singletary
Chehardy	Lambert	Slay
D'Gerolamo	Landrum	Soniat
Dennery	Leigh	Tapper
Dennis	Martin	Tate
Deshotels	Maybuce	Vesich
Duval	Mire	Vick
Edwards	Newton	Wall
Fayard	Ourso	Weiss
Gauthier	Perez	Wisham
Graham	Perkins	Womack
Total—51.		

And the amendment was rejected.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Chatelain, Drew and Conino to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 8, in Floor Amendment No. 3 proposed by Delegate Burns, et al. and adopted by the convention on January 8, 1974, delete Floor Amendment No. 1 proposed by Delegate Velazquez and adopted by the convention on January 8, 1974, and at the end of line 2 of the text of the Burns amendment, after the word "it" delete the period "." and add the following:
"and the legislature shall provide penalties for the violation thereof."

AMENDMENT No. 2—

On page 1, line 10, in Floor Amendment No. 4 proposed by Delegate Burns, et al. and adopted by the convention on

January 8, 1974, delete Floor Amendment No. 2 proposed by Delegate Velazquez and adopted by the convention on January 8, 1974, and at the end of line 2 of the text of the Burns amendment, after the word "state" delete the period "." and add the following:
"and the legislature shall provide penalties for the violation thereof."

Delegate Chatelain moved the adoption of the amendment.

Delegate Shannon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dunlap	Morris
Abraham	Eikins	Munson
Aertker	Flory	Planchard
Alexander	Fowler	Rayburn
Arnette	Fulco	Reeves
Asseff	Ginn	Riecke
Avant	Grier	Roemer
Badeaux	Hardee	Sandoz
Bel	Heine	Shannon
Bergeron	Hernandez	Singletary
Bollinger	Kilbourne	Smith
Brien	Kilpatrick	Stagg
Burns	Landrum	Stinson
Burson	Landry, A.	Stovall
Cannon	Landry, E. J.	Sutherland
Champagne	Lanier	Thistlethwaite
Chatelain	LeBleu	Thompson
Conino	Leithman	Toca
Conroy	McDaniel	Toomy
Corne	Mauberret	Ullo
Cowen	Maybuce	Wattigny
De Blieux	Miller	Willis
Drew	Mire	Wisham
Total—69.		

NAYS

Delegates—		
Alario	Hayes	Pugh
Blair	Jackson, A.	Segura
Casey	Jenkins	Soniat
Comar	Lowe	Velazquez
Giarrusso	Nunez	Zervigon
Gravel	O'Neill	
Total—17.		

NOT VOTING

Delegates—		
Anzalone	Guarisco	Rachal
Brown	Haynes	Roy
Carmouche	Jack	Schmitt
Chehardy	Jackson, J.	Slay
D'Gerolamo	Jones	Stephenson
Dennery	Juneau	Tapper
Dennis	Kean	Tate
Derbes	Kelly	Tobias
Deshotels	Lambert	Vesich
Duval	Leigh	Vick
Edwards	Martin	Wall
Fayard	Newton	Warren
Fontenot	Ourso	Weiss
Gauthier	Perez	Winchester
Goldman	Perkins	Womack
Graham		
Total—46.		

And the amendment was adopted.

Delegate Chatelain moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Drew, Burns, Chatelain and Fowler to Delegate Proposal No. 17 by Delegate Planchard.

PAGE 3

113th Days Proceedings—January 9, 1974

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 10, in Floor Amendment No. 4 proposed by Delegate Burns, et al. and adopted by the convention on January 8, 1974, at the beginning of line 1 of the text of the amendment, delete the words "Lotteries and the" and insert in lieu thereof the word "The" and after the word "tickets" on said line strike out the word "are" and insert in lieu thereof "is"

Delegate Drew moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 63 yeas and 23 nays the amendment was adopted.

Delegate Drew moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 8, in Floor Amendment No. 1 proposed by Delegate Chatelain, et al. and adopted by the convention on January 9, 1974, on line 1 of the text of the amendment, after the word "penalties" and before the word "for" insert the words "and special taxation"

Delegate Velazquez moved the adoption of the amendment.

Delegate Landrum objected.

By a vote of 23 yeas and 66 nays the amendment was rejected.

Delegate Smith moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Lanier and Arnette to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 through 10, both inclusive, in their entirety and delete all floor amendments adopted thereto and insert in lieu thereof the following:

"Section 14. Neither the state nor any of its political subdivisions shall conduct a lottery. Commercial gambling shall be defined by and prohibited by the legislature."

On motion of Delegate Gravel the amendment was withdrawn.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Lanier and Arnette to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 through 10, both inclusive, in their entirety and delete all floor amendments adopted thereto and insert in lieu thereof the following:

"Section 14. Neither the state nor any of its political sub-

divisions shall conduct a lottery. Gambling shall be defined by and prohibited by the legislature."

Delegate Gravel moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Nunez
Aertker	Giarrusso	O'Neill
Alario	Ginn	Orso
Alexander	Goldman	Perez
Arnette	Graham	Planchard
Avant	Gravel	Pugh
Badeaux	Hardee	Rayburn
Blair	Hayes	Reeves
Bollinger	Heine	Roemer
Brien	Jackson, A.	Roy
Burns	Jenkins	Sandoz
Burson	Juneau	Segura
Cannon	Kean	Stagg
Carmouche	Kilbourne	Stovall
Casey	Lambert	Sutherland
Champagne	Landry, A.	Tapper
Comar	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Tobias
Corne	LeBleu	Toomy
Cowen	Leithman	Ullo
De Blieux	Lowe	Velazquez
Dennery	Martin	Vick
Drew	Maubert	Warren
Dunlap	Miller	Wattigny
Flory	Mire	Wisham
Fowler	Munson	
Total—77.		

NAYS

Delegates—		
Abraham	Elkins	Schmitt
Asseff	Fontenot	Shannon
Bel	Fulco	Smith
Bergeron	Grier	Soniat
Chatelain	Hernandez	Stinson
Conino	Kilpatrick	Toca
D'Gerolamo	Landrum	Willis
Dennis	Morris	Zervigon
Derbes	Riecke	
Total—26.		

NOT VOTING

Delegates—		
Anzalone	Jackson, J.	Slay
Brown	Jones	Stephenson
Chehardy	Kelly	Tate
Deshotels	Leigh	Thompson
Duval	McDaniel	Vesich
Edwards	Maybuce	Wall
Fayard	Newton	Weiss
Guarisco	Perkins	Winchester
Haynes	Rachal	Womack
Jack	Singletary	
Total—29.		

And the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Planchard sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Planchard to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 7 and all floor amendments thereto

in their entirety and insert in lieu thereof the following:
 "ARTICLE XII. GENERAL PROVISIONS
 * * *

Section 12. Lotteries; Gambling"

AMENDMENT No. 2—

On page 1, in Convention Floor Amendment No. 1 proposed by Delegate Gravel and adopted by the convention on January 9, 1974, at the beginning of line 1 of the text thereof, strike out "Section 14." and insert in lieu thereof "Section 12."

Delegate Planchard moved the adoption of the amendments.

Delegate Jenkins objected.

On motion of Delegate Planchard the amendments were adopted.

Delegate Planchard moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Nunez, Comar, Alario, Brien, Leithman and Lanier to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, immediately after the language added by Convention Floor Amendment No. 1 proposed by Mr. Gravel and adopted by the Convention on January 9, 1974, add the following Paragraph:

"Nothing in this Section shall be construed to prohibit any such activity, when engaged in by a charitable, benevolent, civic or religious organization."

Delegate Nunez moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Flory	O'Neill
Alexander	Fulco	Perez
Bel	Gauthier	Reeves
Bergeron	Giarrusso	Segura
Bollinger	Goldman	Somiat
Brien	Juneau	Tapper
Burson	Landry, A.	Toca
Carmouche	Lanier	Toomy
Casey	Leithman	Velazquez
Comar	Martin	Vick
Conino	Mauberrert	Wattigny
D'Gerolamo	Miller	Willis
Dennery	Nunez	Zervigon
Total—39.		

NAYS

Delegates—		
Abraham	Cowen	Grier
Asseff	De Bileux	Hardee
Avant	Dennis	Hayes
Badeaux	Drew	Heine
Blair	Dunlap	Hernandez
Burns	Elkins	Jackson, A.
Cannon	Fontenot	Jackson, J.
Champagne	Fowler	Jenkins
Chatelain	Ginn	Kilbourne
Conroy	Gravel	Kilpatrick

Landrum	Planchard	Stagg
Landry, E. J.	Pugh	Stephenson
LeBleu	Rayburn	Stinson
Lowe	Riecke	Stovall
McDaniel	Roemer	Sutherland
Mire	Roy	Tate
Morris	Sandoz	Thistlethwaite
Munson	Schmitt	Thompson
Newton	Shannon	Uilo
Ourso	Smith	Wisham
Total—60.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Perkins
Aertker	Graham	Rachal
Anzalone	Guarisco	Singletary
Arnette	Haynes	Slay
Brown	Jack	Tobias
Chehardy	Jones	Vesich
Corne	Kean	Wall
Derbes	Kelly	Warren
Deshotels	Lambert	Weiss
Duval	Leigh	Winchester
Edwards	Maybuce	Womack
Total—33.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 8, in Convention Floor Amendment No. 1 proposed by Delegate Gravel, et al. and adopted by the convention on January 9, 1974, on line 3, after the word "and" delete the remainder of the line and insert in lieu thereof the word "suppressed" and on line 4, delete the partial word "hibited"

Delegate Casey moved the adoption of the amendment.

Delegate Stovall objected.

By a vote of 68 yeas and 9 nays the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Segura sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Segura to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 through 10, both inclusive, in their entirety and delete all floor amendments adopted thereto and insert in lieu thereof the following:

"Section 14. Neither the state nor any of its political subdivisions shall conduct a lottery; however, the legislature may authorize the conducting of a lottery subject to approval by a majority vote of the electors of the state in an election which shall be called and held in the manner provided by law. Gambling shall be defined by and prohibited by the legislature."

On motion of Delegate Segura the amendment was withdrawn.

Delegate Segura sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Segura to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 through 10, both inclusive, in their entirety and delete all floor amendments adopted thereto and insert in lieu thereof the following:

"Section 14. Neither the state nor any of its political subdivisions shall conduct a lottery; however, the legislature may authorize the conducting of a lottery subject to approval by a majority vote of the electors of the state in an election which shall be called and held in the manner provided by law. Gambling shall be defined by and suppressed by the legislature."

Delegate Segura moved the adoption of the amendment.

Delegate Chatelain objected.

By a vote of 20 yeas and 66 nays the amendment was rejected.

Delegate Planchard moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Shannon, Smith, Grier and Chatelain to Delegate Proposal No. 17 by Delegate Planchard.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 4 in its entirety, including all amendments adopted thereto and insert in lieu thereof the following:

"Making provisions relative to gambling and lotteries"

AMENDMENT No. 2—

On page 1, delete lines 7 through 10, both inclusive, in their entirety and delete all floor amendments adopted thereto and insert in lieu thereof the following:

"ARTICLE XII. GENERAL PROVISIONS

Section 12. Gambling and Lotteries

Section 12. Gambling is a vice and the legislature shall pass laws to suppress it. Lotteries and the sale of lottery tickets are prohibited in this state."

Motion

Delegate Smith moved the previous question on the amendment.

Delegate Tapper objected.

By a vote of 20 yeas and 60 nays the Convention refused to order the previous question at this time.

Point of Order

Delegate Shannon suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Alario	Arnette
Abraham	Alexander	Asseff
Aertker	Anzalone	Avant

Badeaux	Fulco	Perkins
Bel	Gauthier	Planchard
Bergeron	Giarrusso	Pugh
Blair	Goldman	Reeves
Bollinger	Graham	Riecke
Brien	Gravel	Roemer
Burns	Grier	Roy
Burson	Hardee	Sandoz
Cannon	Hayes	Schmitt
Carmouche	Haynes	Segura
Casey	Heine	Shannon
Champagne	Hernandez	Singletary
Chatelain	Jackson, A.	Smith
Comar	Jackson, J.	Soniat
Conino	Jenkins	Stagg
Conroy	Kean	Stephenson
Corne	Kilpatrick	Stinson
Cowen	Lambert	Stovall
D'Gerolamo	Landrum	Sutherland
De Blieux	Landry, A.	Tapper
Dennery	Landry, E. J.	Tate
Dennis	Lanier	Tobias
Deshotels	Lowe	Toca
Drew	McDaniel	Toomy
Dunlap	Mauberret	Ullo
Duval	Miller	Velazquez
Elkins	Morris	Warren
Fayard	Newton	Wattigny
Flory	Nunez	Willis
Fontenot	Ourso	Wisham
Fowler	Perez	Zervigon
Total—102.		

ABSENT

Delegates—		
Brown	Kilbourne	Rayburn
Chehardy	LeBleu	Slay
Derbes	Leigh	Thistlethwaite
Edwards	Leithman	Thompson
Ginn	Martin	Vesich
Guarisco	Maybuce	Vick
Jack	Mire	Wall
Jones	Munson	Weiss
Juneau	O'Neill	Winchester
Kelly	Rachal	Womack
Total—30.		

The Chair announced that there were 102 delegates present and a quorum.

Delegate Shannon moved the adoption of the amendment.

Delegate Tapper objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Planchard
Aertker	Fontenot	Reeves
Anzalone	Fulco	Roemer
Asseff	Grier	Schmitt
Blair	Hayes	Shannon
Burns	Hernandez	Singletary
Chatelain	Jones	Smith
Conino	Kilpatrick	Stephenson
Dennis	Lambert	Stinson
Deshotels	McDaniel	Stovall
Drew	Morris	Thompson
Elkins		
Total—34.		

NAYS

Delegates—		
Alario	Brien	Conroy
Alexander	Brown	Cowen
Arnette	Burson	D'Gerolamo
Avant	Cannon	De Blieux
Badeaux	Carmouche	Dennery
Bel	Casey	Derbes
Bergeron	Champagne	Dunlap
Bollinger	Comar	Duval

Fayard	Lanier	Soniat
Gauthier	Lowe	Stagg
Goldman	Martin	Sutherland
Graham	Mauberrret	Tapper
Gravel	Miller	Tate
Hardee	Mire	Tobias
Haynes	Newton	Toca
Heine	Nunez	Toomy
Jackson, A.	Ourso	Ullo
Jackson, J.	Perez	Velazquez
Jenkins	Perkins	Wattigny
Kean	Riecke	Willis
Landrum	Roy	Wisham
Landry, A.	Sandoz	Zervigon
Landry, E. J.	Segura	
Total—68.		

NOT VOTING

Delegates—		
Mr. Chairman	Kelly	Rayburn
Chehardy	Kilbourne	Slay
Corne	LeBleu	Thistlethwaite
Edwards	Leigh	Vesich
Fowler	Leithman	Vick
Giarrusso	Maybuce	Wall
Ginn	Munson	Warren
Guarisco	O'Neill	Weiss
Jack	Pugh	Winchester
Juneau	Rachal	Womack
Total—30.		

And the amendment was rejected.

Delegate Planchard moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Planchard moved the previous question on Delegate Proposal No. 17, Section 14.

Delegate Tapper objected.

By a vote of 54 yeas and 45 nays the previous question was ordered.

Passage

Delegate Proposal No. 17, Section 14 was read, as amended.

Delegate Planchard moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Drew	Landrum
Abraham	Dunlap	Landry, E. J.
Alexander	Duval	Lanier
Anzalone	Elkins	Leithman
Arnette	Fayard	McDaniel
Avant	Flory	Martin
Badeaux	Fowler	Mauberrret
Bergeron	Fulco	Miller
Blair	Gauthier	Mire
Bollinger	Giarrusso	Morris
Brien	Goldman	Newton
Burns	Graham	Perez
Burson	Gravel	Planchard
Cannon	Hardee	Reeves
Champagne	Haynes	Riecke
Chatelain	Heine	Roemer
Comar	Hernandez	Roy
Conino	Jackson, A.	Sandoz
Corne	Jenkins	Schmitt
Cowen	Jones	Shannon
De Blieux	Kean	Smith
Dennis	Kilpatrick	Stagg
Deshotels	Lamoert	Stephenson

Stinson	Tate	Toomy
Stovall	Thompson	Ullo
Sutherland	Toca	Wisham
Total—78.		

NAYS

Delegates—		
Aertker	Derbes	Segura
Alario	Fontenot	Soniat
Asseff	Grier	Tapper
Bel	Hayes	Tobias
Brown	Jackson, J.	Velazquez
Carmouche	Landry, A.	Warren
Casey	Lowe	Wattigny
Conroy	Nunez	Willis
D'Gerolamo	Ourso	Zervigon
Dennery	Perkins	
Total—29.		

NOT VOTING

Delegates—		
Chehardy	Leigh	Slay
Edwards	Maybuce	Thistlethwaite
Ginn	Munson	Vesich
Guarisco	O'Neill	Vick
Jack	Pugh	Wall
Juneau	Rachal	Weiss
Kelly	Rayburn	Winchester
Kilbourne	Singletary	Womack
LeBleu		
Total—25.		

And the Chair declared that the above Section was finally passed.

Delegate Planchard moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The proposal was read, as amended.

Delegate Planchard moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Mauberrret
Abraham	Elkins	Miller
Alexander	Fayard	Mire
Anzalone	Flory	Morris
Arnette	Fowler	Newton
Avant	Fulco	Perez
Badeaux	Gauthier	Planchard
Bergeron	Giarrusso	Reeves
Blair	Graham	Riecke
Bollinger	Gravel	Roemer
Brien	Grier	Roy
Burns	Hardee	Sandoz
Burson	Haynes	Schmitt
Cannon	Heine	Shannon
Champagne	Hernandez	Smith
Chatelain	Jackson, A.	Stagg
Comar	Jenkins	Stephenson
Conino	Jones	Stinson
Corne	Kean	Stovall
Cowen	Kilpatrick	Sutherland
D'Gerolamo	Lambert	Tate
De Blieux	Landrum	Thompson
Dennis	Landry, E. J.	Toca
Deshotels	Lanier	Toomy
Drew	McDaniel	Ullo
Dunlap	Martin	Wisham
Total—78.		

NAYS

Delegates—		
Aertker	Casey	Hayes
Alario	Conroy	Jackson, J.
Asseff	Dennery	Landry, A.
Bel	Derbes	Lowe
Brown	Fontenot	Nunez
Carmouche	Goldman	Ourso

Perkins	Tobias	Wattigny
Segura	Velazquez	Willis
Soniat	Vick	Zervigon
Tapper	Warren	
Total—29.		

NOT VOTING

Delegates—		
Chehardy	Leigh	Singletary
Edwards	Leithman	Slay
Ginn	Maybuce	Thistlethwaite
Guarisco	Munson	Vesich
Jack	O'Neill	Wall
Juneau	Pugh	Weiss
Kelly	Rachal	Winchester
Kilbourne	Rayburn	Womack
LeBleu		
Total—25.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Explanation of Vote

Delegate Bollinger sent up the following explanation of his vote on Committee Proposal No. 17:

The legalization of gambling is a moral question and should be decided only after much research and public input. I am opposed to a constitutional limitation on the question of allowing the legislature to deal with the issue of gambling. Because of the concern of the delegates in North Louisiana with respect to the passage of a constitution without a prohibition on gambling, I am casting my vote in favor of D. P. 17.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up proposals on Calendar for Approval of Final Styling at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government.

Reported with the following amendments:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, after the word "power" and before the word "vested" delete the words "shall be" and insert in lieu thereof the word "is" and on line 19, at the end of the line, delete the word "constitution" and insert in lieu thereof the word "Article"

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 20 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Habeas Corpus, Needful Writs, Orders and Process; Contempt

Section 2. A judge may issue writs of habeas corpus and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 1, line 32, after the word and punctuation "judgment," delete the remainder of the line and delete line 33 in its entirety and insert in lieu thereof the following:

"The term of a supreme court judge shall be ten years."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 1, delete line 35 in its entirety and on page 2, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 6 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) Supervisory Jurisdiction; Rule-Making Power; Assignment of Judges. The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court.

(B) Original Jurisdiction. The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar.

(C) Scope of Review. Except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) Appellate Jurisdiction. In addition to other appeals provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional; (2) the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed.

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

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C) the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, delete lines 34 and 35 in their entirety and on page 3, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Supreme Court; Chief Justice

Section 6. The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Read.

PAGE 8

113th Days Proceedings—January 9, 1974

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 3, delete lines 6 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Supreme Court; Personnel

Section 7. The supreme court may select a judicial administrator, its clerks, and other personnel and prescribe their duties."

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 11 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms

Section 8. (A) Circuits; Panels. The state shall be divided into at least four circuits, with one court of appeal in each. Each court shall sit in panels of at least three judges selected according to rules adopted by the court.

(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 before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

(C) Terms. The term of a court of appeal judge shall be ten years."

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 3, delete lines 24 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 3, delete lines 31 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. Courts of Appeal; Jurisdiction

Section 10. (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.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal extends to law and facts."

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

On page 4, delete lines 9 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Courts of Appeal; Certification

Section 11. A court of appeal may certify any question of

law before it to the supreme court, and the supreme court then may give its binding instruction or decide the case upon the whole record."

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 4, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. Courts of Appeal; Chief Judge

Section 12. The judge oldest in point of service on each court of appeal shall be chief judge of that court and shall administer the court subject to rules adopted by it."

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 4, delete lines 20 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Courts of Appeal; Personnel

Section 13. Each court of appeal may select its clerk and other personnel and prescribe their duties."

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 4, delete lines 24 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 4, delete lines 27 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 20 of this Article, the legislature may abolish or merge trial courts of limited or specialized jurisdiction. The legislature may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 20 of this Article, the legislature may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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."

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 5, delete lines 17 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. District Courts; Jurisdiction

Section 16. (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 corporation, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships.

(B) Appellate Jurisdiction. A district court shall have appellate jurisdiction as provided by law."

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

On page 5, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. Each district court shall elect from its members a chief judge who shall exercise, for a term designated by the court, the administrative functions prescribed by rule of court."

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

AMENDMENT No. 18—

On page 5, delete lines 33 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. Notwithstanding any contrary provision of Section 16 of this Article, juvenile and family courts shall have jurisdiction as provided by law."

Read.

Delegate Tate moved the adoption of Amendment No. 18.

Delegate Gauthier objected.

By a vote of 77 yeas and 6 nays the amendment was adopted.

AMENDMENT No. 19—

On page 6, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

On page 6, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 20. Judges; Decrease in Terms and Compensation Prohibited

Section 20. The term of office, retirement benefits, and compensation of a judge shall not be decreased during the term for which he is elected."

Read.

On motion of Delegate Tate Amendment No. 20 was adopted.

AMENDMENT No. 21—

On page 6, delete lines 10 through 31, both inclusive, in their entirety and on page 7, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 21. Judges; Election; Vacancy
Section 21. (A) Election. Except as otherwise provided in this Section, all judges shall be elected. Election shall be at the regular congressional election.

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within six months after 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, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

(C) End of Term. A judge serving on the effective date of this constitution shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the year of a regular congressional election, then through December thirty-first of the following year. The election for the next term shall be held in the year in which the term expires, as provided above."

Read.

On motion of Delegate Tate Amendment No. 21 was adopted.

AMENDMENT No. 22—

On page 7, delete lines 5 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Judges; Retirement

Section 22. (A) Retirement System. Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the law enacting the system and in which a judge in office at that time may elect to become a member, with credit for all prior years of judicial service and without contribution therefor. The retirement benefits and judicial service rights of a judge in office or retired on the effective date of this constitution shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

(B) Mandatory Retirement. Except as otherwise provided in this Section, a judge shall not remain in office beyond his seventieth birthday."

Read.

On motion of Delegate Tate Amendment No. 22 was adopted.

AMENDMENT No. 23—

On page 7, delete lines 21 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 23. Judges; Qualifications

Section 23. 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."

Read.

On motion of Delegate Tate Amendment No. 23 was adopted.

AMENDMENT No. 24—

On page 7, delete lines 30 through 35, both inclusive, in their entirety and on page 8, delete lines 1 through 35, both inclusive, in their entirety and on page 9, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 24. Judiciary Commission

Section 24. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges' Association or its successor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law."

Read.

On motion of Delegate Tate Amendment No. 24 was adopted.

AMENDMENT No. 25—

On page 9, delete lines 4 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 25. Department of Justice; Attorney General; Assistants

Section 25. 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. He shall appoint assistants to serve at his pleasure."

Read.

On motion of Delegate Tate Amendment No. 25 was adopted.

AMENDMENT No. 26—

On page 9, delete lines 12 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 26. Attorney General; Powers and Duties

Section 26. The attorney general shall be the chief legal officer of the state. As necessary for the assertion or protection of the rights and interests of the state, the attorney general may

(1) institute and prosecute or intervene in any civil action or proceeding;

(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 and subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

He shall have other powers and perform other duties authorized by this constitution or provided by law."

Read.

On motion of Delegate Tate Amendment No. 26 was adopted.

AMENDMENT No. 27—

On page 9, delete lines 28 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 27. District Attorneys

Section 27. (A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years preceding election. A district attorney may select assistants as authorized by law, and other personnel.

(B) Powers. Except as otherwise provided by this con-

stitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law.

(C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge. A violation of this Paragraph shall be cause for removal."

Read.

On motion of Delegate Tate Amendment No. 27 was adopted.

AMENDMENT No. 28—

On page 10, delete lines 7 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 28. Sheriffs

Section 28. In each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and license fees as provided by law. This Section shall not apply to Orleans Parish."

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

AMENDMENT No. 29—

On page 10, delete lines 16 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 29. Clerks of Court

Section 29. (A) Powers and Duties; Deputies. In each parish a clerk of the district court shall be elected for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have other duties and powers provided by law. The clerk may appoint deputies with duties and powers provided by law and, with the approval of the district judges, he may appoint minute clerks with duties and powers provided by law.

(B) Office Hours. The legislature shall establish uniform statewide office hours for clerks of the district courts."

Read.

On motion of Delegate Tate Amendment No. 29 was adopted.

AMENDMENT No. 30—

On page 10, delete lines 30 through 35, both inclusive, in their entirety and on page 11, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 30. Coroners

Section 30. In each parish a coroner shall be elected for a term of four years. He shall be a licensed physician and possess the other qualifications and perform the duties provided by law. The requirement that he be a licensed physician shall be inapplicable in any parish in which no licensed physician will accept the office."

Read.

On motion of Delegate Tate Amendment No. 30 was adopted.

AMENDMENT No. 31—

On page 11, delete lines 4 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 31. Vacancies

Section 31. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated: (1) sheriff, by the chief criminal deputy; (2) district attorney, by the first assistant; (3) clerk of a district court, by the chief deputy; (4) coroner, by the chief deputy. If there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election."

Read.

PAGE 11

113th Days Proceedings—January 9, 1974

On motion of Delegate Tate Amendment No. 31 was adopted.

AMENDMENT No. 32—

On page 11, delete lines 15 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 32. Reduction of Salaries and Benefits Prohibited
Section 32. The salary and retirement benefits of an attorney general, district attorney, sheriff, coroner, or clerk of the district court shall not be diminished during his term of office."

Read.

On motion of Delegate Tate Amendment No. 32 was adopted.

AMENDMENT No. 33—

On page 11, delete lines 21 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 33 was adopted.

AMENDMENT No. 34—

On page 11, delete lines 34 and 35 and on page 12, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 34. Jurors
Section 34. (A) Qualifications. A citizen of the state who has reached the age of majority is eligible to serve as a juror within the parish in which he is domiciled. The legislature may provide additional qualifications.
(B) Exemptions. The supreme court shall provide by rule for exemption of jurors."

Read.

On motion of Delegate Tate Amendment No. 34 was adopted.

AMENDMENT No. 35—

On page 12, delete lines 7 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 35. Grand Jury
Section 35. (A) Grand Jury. There shall be a grand jury or grand juries in each parish, whose qualifications, duties, and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of witnesses, shall be provided by law.
(B) Right to Counsel. A person testifying at any stage in grand jury proceedings shall have the right to the advice of counsel while testifying."

Read.

On motion of Delegate Tate Amendment No 35 was adopted.

AMENDMENT No. 36—

On page 3, delete lines 24 through 30, both inclusive, in their entirety and delete all amendments thereto and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 36 was adopted.

AMENDMENT No. 37—

On page 5, line 17, in Committee Amendment No. 16 proposed by the Committee on Style and Drafting and adopted by the convention on January 9, 1974, on line 10 of the text of the amendment, after the word and punctuation "corporation," and before the word "or" insert the words "or political subdivisions,"

Read.

On motion of Delegate Tate Amendment No. 37 was adopted.

AMENDMENT No. 38—

On page 7, delete lines 21 through 29, both inclusive, in their entirety, and delete all amendments thereto and insert in lieu thereof the following:

"Section 23. Judges: Qualifications
Section 23. 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 qualification as a candidate, and shall have been domiciled in the respective district, circuit, or parish for the two years preceding qualification. He shall not practice law."

Read.

Delegate Tate moved the adoption of Amendment No. 38. Delegate Kean objected.

Point of Order

Delegate Newton rose to a point of order, and asked a ruling from the Chair, that the Committee on Style and Drafting had exceeded its authority by submitting Amendment No. 38 in that the amendment contained a substantive change to the Proposal, and therefore the amendment was out of order at this time.

Ruling of the Chair

The Chair declined to rule and put the question to the Convention, under the rules.

The question was put to declare the amendment in order.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	De Billeux	Smith
Anzalone	Dennis	Stovall
Blair	Deshotels	Tate
Casey	Fulco	Wattigny
Conino	Lanier	Willis
Total—15.		

NAYS

Delegates—		
Abraham	Chatelain	Goldman
Alario	Comar	Gravel
Arnette	Conroy	Grier
Asseff	D'Gerolamo	Hardee
Avant	Denney	Hayes
Badeaux	Derbes	Haynes
Bel	Drew	Heine
Bergeron	Duval	Hernandez
Bollinger	Elkins	Jackson, A.
Brlen	Fayard	Jackson, J.
Brown	Flory	Jenkins
Burson	Fontenot	Kean
Cannon	Fowler	Kilpatrick
Carmouche	Gauthier	Landrum
Champagne	Giarrusso	Landry, A.

PAGE 12

113th Days Proceedings—January 9, 1974

Landry, E. J.	Perkins	Sutherland
Leithman	Planchard	Tapper
Lowe	Pugh	Thistlethwaite
McDaniel	Roemer	Thompson
Martin	Roy	Toca
Maybuce	Sandcz	Toomy
Miller	Segura	Ulló
Morris	Singletary	Velazquez
Newton	Soniat	Vick
Nunez	Stagg	Warren
O'Neill	Stephenson	Wisham
Perez	Stinson	Zervigon

Total—81.

NOT VOTING

Delegates—		
Mr. Chairman	Jones	Rayburn
Aertker	Juneau	Reeves
Burns	Kelly	Riecke
Chehardy	Kilbourne	Schmitt
Corne	Lambert	Shannon
Cowen	LeBleu	Slay
Dunlap	Leigh	Tobias
Edwards	Mauberret	Vesich
Ginn	Mire	Wall
Graham	Munson	Weiss
Guarisco	Ourso	Winchester
Jack	Rachal	Womack

Total—36.

And the Convention ruled the amendment out of order, at this time.

Motion

Delegate Tate moved for a suspension of the rules to call from the table the motion to reconsider the vote by which Committee Proposal No. 21, Section 33 was passed.

Delegate Miller objected.

By a vote of 53 yeas and 35 nays the Convention refused to suspend the rules.

Motion

On motion of Delegate Tate Amendment No. 38 was withdrawn from the files of the Convention.

AMENDMENT No. 39—

On page 9, delete lines 28 through 35, both inclusive, in their entirety and on page 10, delete line 1 and delete all amendments thereto and insert in lieu thereof the following: "Section 27. District Attorneys

Section 27. (A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his qualification as a candidate and shall have resided in the district for the two years preceding qualification. A district attorney

may select assistants as authorized by law, and other personnel."

Read.

Motion

On motion of Delegate Tate the amendment was withdrawn from the files of the Convention.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up other Orders of Business at this time.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 9, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal has been properly enrolled:

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries and gambling.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XII. GENERAL PROVISIONS

Section 12. Lotteries; Gambling

Section 12. Neither the state nor any of its political subdivisions shall conduct a lottery. Gambling shall be defined by and suppressed by the legislature.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Leave of Absence

Delegate Jack—1 day.
Delegate Weiss—1 day.

Adjournment

Delegate Duval moved that the Convention do now adjourn until Thursday, January 10, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, January 10, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED FOURTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Thursday, January 10, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Alexander	Ginn	Pugh
Anzalone	Goldman	Rachal
Arnette	Graham	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Roemer
Badeaux	Guarisco	Roy
Bel	Hardee	Sandoz
Bergeron	Hayes	Schmitt
Blair	Haynes	Segura
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Jones	Stephenson
Casey	Juneau	Stinson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Lambert	Tate
Conino	Landrum	Thistlethwaite
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Leithman	Uilo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vesich
Derbes	Martin	Vick
Deshotels	Mauberret	Warren
Drew	Maybuce	Wattigny
Dunlap	Miller	Weiss
Duval	Mire	Willis
Edwards	Morris	Winchester
Elkins	Munson	Wisham
Fayard	Newton	Womack
Flory	Nunez	Zervigon
Fontenot	O'Neill	
Total—128.		

ABSENT

Delegates—		
Kilbourne	Rayburn	Wall
Leigh		
Total—4.		

The Chairman announced that there were 128 members present and a quorum.

Prayer

Prayer was offered by Delegate Asseff.

Pledge of Allegiance

Delegate Burson led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Singletary, the reading of the Journal was dispensed with.

On motion of Delegate Singletary, the Journal of yesterday was adopted.

Morning Hour

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up proposals on Calendar for Approval of Final Styling at this time.

**Proposals on Calendar for Approval
of Final Styling**

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend first enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 18, delete the word "A"

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, at the end of line 35, delete the comma ","

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 2, line 5, after the word "liberty" and before the word "or" insert a comma ","

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 8 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and

PAGE 2

114th Days Proceedings—January 10, 1974

involuntary servitude are prohibited, except in the latter case as punishment for crime."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 17 through 35, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 4. Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction. Personal effects, other than contraband, shall never be taken.

This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 3, delete lines 4 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. 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. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court."

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 3, delete lines 17 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Freedom of Expression
Section 9. No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom."

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 26 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Right of Assembly and Petition
Section 11. No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances."

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 5, delete lines 33 through 35, both inclusive, in their entirety and on page 6, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 19. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that 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."

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 6, delete line 24 in its entirety and insert in lieu thereof the following:

"and facilities, every person shall be free from"

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

On page 3, delete lines 31 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law."

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 6, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 27. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury."

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 4, delete lines 16 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained."

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 4, delete lines 23 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 15. Right to a Fair Trial

Section 15. Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf.”

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 4, delete lines 33 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 16. Jury Trial in Criminal Cases

Section 16. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury.”

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 5, delete lines 15 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 17. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.”

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

On page 5, delete lines 28 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 18. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.”

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

AMENDMENT No. 18—

On page 6, line 13, immediately after the word “delay” and before the word “for” insert a comma “,”

Read.

On motion of Delegate Tate Amendment No. 18 was adopted.

AMENDMENT No. 19—

On page 6, line 20, immediately after the word “not” and before the words “deny or disparage” delete the words “be construed to”

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

Renumber the following sections and place in numerical order as follows:

Section Number as Enrolled	Renumbered As
Section 9	Section 7
Section 10	Section 8
Section 11	Section 9
Section 19	Section 10
Section 20	Section 11
Section 26	Section 12
Section 12	Section 13
Section 27	Section 14
Section 13	Section 15
Section 15	Section 16
Section 16	Section 17
Section 17	Section 18
Section 18	Section 20
Section 25	Section 24

and on page 3, line 30, in Committee Amendment No. 11 adopted by the convention this date, between lines 13 and 14 of the text of the amendment insert: “Section 19. Right to Judicial Review” and on line 14 of the text of the amendment, at the beginning of the line, insert “Section 19.” and place in numerical order.

Read.

On motion of Delegate Tate Amendment No. 20 was adopted.

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate A. Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 33 by Delegate A. Jackson, et al.

Amend first enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

“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.”

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 25 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 2. Secret Ballot; Absentee Voting; Preservation of Ballot

Section 2. In all elections by the people, voting shall be by secret ballot. The legislature shall provide a method for absentee voting. Proxy voting is prohibited. Ballots shall be counted publicly and presented inviolate as provided by law until any election contests have been settled. In all elec-

tions by persons in a representative capacity, voting shall be viva-voce."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 1, delete lines 34 and 35 in their entirety and on page 2, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Privilege from Arrest

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."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, between lines 3 and 4, insert the following:

"Section 4. Prohibited Use of Public Funds

Section 4. No public funds shall be used to urge any elector to vote for or against any 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."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 13 through 19, both inclusive, in their entirety.

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, delete lines 4 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Registrar of Voters

Section 5. The governing authority of each parish shall appoint a registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for other public office, a registrar shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing authority."

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

Motion

On motion of Delegate Miller the Convention resolved itself into a Committee of the Whole for two hours in order to allow the Hon. Edwin W. Edwards, Governor of the State of Louisiana, to address the Convention.

Address

Thank you very much for this opportunity. It hardly seems possible that it was a year ago that we met at the L.S.U. Center, and I had the opportunity then of talking to you—fresh from the victory of your election; anxious to get on with the job at hand; convinced that you had been charged with the holy and great opportunity to render public service; I'm certain, totally unaware of how agonizing the decisions would be from that day until this one; and as you find yourselves in the last days of your convention.

I come before you as a citizen of this state; as one who proudly accepts the credit and the responsibility—and, yes, even the criticism—for this convention; as one who says again, as I have said for many years, that the single greatest

legacy we could leave our children, the people of the state when we have finished our terms and have served out our capacity, is to provide Louisiana with a good, basic constitutional document.

I need to say some things to you this morning which will smack somewhat of braggadocio, will rob me of my traditional cloak of humility, possibly make you feel that I'm really not all that sharp; and you may wonder sometimes whether I've taken leave of my senses. But, so that you will understand my heart and understand my sincerity and will feed that into your own thinking in the last few days of this convention, please know that however wrong you may think I may be about anything that I say, there is no doubt whatsoever in my mind about the correctness of everything that I will say to you. Necessarily, I will express opinions and, necessarily, I will be saying to you things that I cannot prove; but I simply want you to know that I honestly, sincerely state to you what I, today, feel is the political atmosphere and climate in Louisiana. These are situations and facts, attitudes that you must deal with and take into consideration in preparing a document to be submitted for approval to the people, because no matter what you do—how great and wonderful and perfect the document may be—it is meaningless and worth nothing and is a total effort in futility, if it isn't adopted and put to use. Hence, we approach the problem between two extremes: on the one hand, my own preconceived, firm convictions of what a constitution is and should be; and, on the other, my own awareness, as a practical person in public life, that it is indeed difficult to draft such a document and even more difficult to get its acceptance by a population of almost four million people with various degrees of desires and attitudes, feelings, sensitivities. Hence, between these two extremes, we must come together on what we believe will be a consensus sufficient to address itself to the public good and sufficient to allow for public acceptance.

Necessity, this morning, compels me to speak to you in what I believe to be true statements, rather than pleasing ones. I would like to please you, but I prefer to save you—whatever your attitude may be towards me after I have finished—because, in saving you, I save myself and, in saving you and saving myself and saving this constitution, we save the people, and what higher calling could we respond to?

I will have to philosophize a little bit before getting into the meat of my appearance here—again, hopefully, to translate to you why I am taking some of the positions that I will take in the last moments of my appearance before you. Walter Lippmann, after nearly a half century of observing public figures and observing voters—the electorate—made a rather caustic and harsh judgment, both of us as politicians and of the people as voters, which I'd like to read to you. "With rare exceptions, public officials are regarded as miracles of nature. Successful democratic politicians are insecure and intimidated men. They advance politically only as they placate, appease, seduce, bamboozle, or otherwise manage to manipulate the demanding, threatening elements of their constituencies. The decisive consideration is not whether the proposition is good, but whether it is popular; not whether it will work well and prove itself, but whether the active, talking constituents like it immediately." How harsh that is, but how well it applies to the efforts of certain special interest people to get in or out of this document—not what they or you consider to be in the public interest, but what they happen to consider, immediately, to be in their own interest. Now, I must suggest to you, in defense of myself and trying to soften the harshness of my furies, that what criticisms I have of the document, and what problems have arisen in the feel and the hustlings and bustlings of our state, arise, very candidly, from your failure to recognize that you were here to write a constitution, rather than to serve as legislators.

Had you stopped your work after completion of the Bill of Rights and the three Articles on the Executive, the Legislature, and the Judiciary, a beautiful, fantastically well-engineered and prepared document would have been your work product. Practical aspects of your job, however, required you to go further; and it is when you got into those provisions which are really legislative, and not constitutional matters, that the problems began to develop, and the most serious objections began to be heard on the streets and were reflected in the reports of your work. Everyone of the items that I will comment, later on, upon are matters which do not belong in the constitution at all. It matters not what side of the argument you are on, whether you are for or against the proposal, there would be legitimate, beautiful things to argue about—as members of the legislature, or as a police juror, or as a

person in some legislative capacity—but, ladies and gentlemen, have no business at all in a constitution. I'm going to say that repeatedly during the time that I will be before you, but I want you to know that it applies generally to every item of concern that I and people in the state are expressing concern about.

I want to also paraphrase from the remarks made by a senator in the United States Senate one hundred and fifty years ago, because I want you to know that I feel for you; and, in the months that you have been here, I know, as a person who has been in public life for twenty years, the pressures you have been subjected to. I come today not just simply to criticize, but to tell you that I sympathize with you and I understand the problems that you have had. I know how it is for ten or twelve people who have a special interest to harass you and to insist upon having their way and to corner you and to politic you in an effort to get from you a commitment. I know how disconcerting and discouraging it is that that vast group of people out there we call the public never takes time to listen, to study, to express an opinion, or to ask for assistance, but rather is content to wait until after you have done your best and then begin to criticize. But, it's part of the system; and if I had been able to leave one message with you, when I spoke to you a year ago, it would simply have been that remember that each of you represents, basically, fifty thousand people. Two or three or four or five hundred, or one thousand, descending upon you at one time, on a certain issue, cannot by any stretch of the imagination be construed to represent the will of the fifty thousand. They only represent the will of a vocal group, interested in a particular aspect, without regard to the total effect of the document.

I come to you today, not speaking for the farm bureau or organized labor or the lawyers or the judges or the bankers. Do they need one such as I to be their spokesman? Have they not exhibited to you, far better than I in my poor way, their ability to promote their own interests—as indeed they should, and I criticize them not for it. But, today I don't speak for them. Today I speak for the people. And, in a larger, broader sense, is that not in effect also speaking for them? Because are they not also members of the public-at-large? What have you done for the bankers? Or the lawyers? Or organized labor? Or for the Chamber of Commerce? Or for any one group? If you make it possible for them to succeed and be successful and to have what they want—and do so at the cost of jeopardizing the opportunity of other people, in some other phase of life, to have an equal opportunity to succeed—how have we served any group if we don't make it possible for all groups to live and to progress and to succeed? Are bankers going to be happy if they have everything they want, yet we so jeopardize the possibility of other people to succeed that they will not be able to support the bankers by the deposit of their funds? Are lawyers served if we give them what they want, yet the public is so dissatisfied and unhappy that revolution reigns in the streets and people just will not accept the peaceful workings of democratic process? Have we served organized labor if we kill business that provides them with jobs? And have we served business if we make it impossible for the laborers to work for them? And have we served the farmers if the consumers cannot buy their products? and have we served ourselves if the people cannot tolerate what we have imposed upon them and they will not accept our judgment?

The senator said "a man becomes a public official, not able to dream in advance the ordeals to which he will be exposed. He has no way of knowing the courage that he must possess to resist the temptations that daily beset him. He knows not the shrinking of duty from undeserved censure that he will have to learn to control. He knows not, in advance, the ever-recurring contest between the natural desire for public approbation and a sense of public duty. How can he know in advance the load of injustice he must be content to bear, even from those who should be his friends? How can he know in advance the imputations of his motives, the sneers and sarcasms of the ignorant and the malicious? How can he know in advance all of the manifold injustices which partisan and private malignancies will heap upon his unprotected head, as he seeks to do what he thinks to be his sworn duty? If we are to retain our integrity—those of us

in public life—we must learn to bear, unmoved, and walk steadily onward in a path of duty, sustained only by the reflection that time may do us justice—or, if not, then after all of our individual hopes and aspirations, and even our name among men, they should be of little account to those of us who serve in this life, when weighed in the balance the constituted guardian and defender." I pass that on to you because you cannot expect instant popularity or instant approbation for what you do. Hopefully, if we succeed in what we're doing, years from now people will look back upon us and say: In a day and age when it was hard and difficult to do, and the cynics said it was impossible, those whose names are emblazoned on this document were willing to stand the test; they did for us what others said could not be done, and we are the happy legatees of their work product.

I ask you then, this morning, to recognize that courage is not alone the absolute dedication to one unflinching principle. Courage sometimes requires compromise, and sometimes it is more courageous to compromise if the end result is in the public interest. So, I come to you this morning as one willing to compromise.

I needn't tell you again that, in eighteen months of a long, tough, and expensive campaign, I talked till I was blue in the face about not electing large numbers of statewide elected officials. And fusing into the constitution a cabinet system of government—how dear to my heart and thinking that concept is. I don't insist upon it before you, as I didn't during the year that you deliberated. You know why? Because, although I am positive that that is where the best interest of our state lies, I don't think I represent or reflect the prevailing opinion of the people of this state. I'm going to continue that dialogue in an effort to someday—hopefully, before my time comes—to convince people that that is the best way to run government, because I'm absolutely satisfied that that kind of a change is in the public interest. But, I will not, at the risk of jeopardizing this document or doing violence to you, come to you this morning and say, unless you impose into this document that form of government which I know is the best, that I will not support it—even though I strongly feel that way—because I don't think, in that regard, that I speak for the majority of the people of this state.

What I am going to talk to you about as necessary changes to the document not only represent my own views but, I know, represent the majority view of the people of Louisiana. Let's be well aware of something that I also know. I know that you have already adopted these provisions and, therefore, they represent the majority opinion of this body. Hence, I am asking a majority of you to change your minds, but I do so in the assurance that the document will be better, in the belief that it is necessary to make these changes to get it ratified, and in the certainty that it is a better way to approach the problems and address ourselves to issues. Before I go into those items, I want to say again: None of these should be in the constitution, no matter which side of it you're on. A constitution is simply a basic document which guarantees people, in an organized society, certain rights and privileges and liberties, and then provides a system of government—nothing more. We would be better off if we didn't have any of this that I now talk about in the constitution, but I also recognize from a practical standpoint that out there we must satisfy, to the extent that we can without doing violence to our obligations, the public because we have to get their support.

I therefore make these suggestions. Before I do them, I want you to know that I'm fixing to not offend, but prick, the conscience and probably create the friendly or unfriendly criticism of many people, sitting in the audience, whom I consider to be political and personal friends. I know my good friend Lawrence Chehardy, in spite of his weight, is going to break one of those light bulbs when he jumps out of his seat. I hope Vic Bussie isn't in the audience. My friend Ed Steimel is probably somewhere already deciding how he's going to react. The Farm Bureau, my friends at L.S.U., the bankers, the lawyers, the district attorneys. How much I wish this cup were passed from my lips. I don't need, at this stage in my political career, to take upon myself this burden. I could lead a long, happy life without saying the things I'm now going to say to you.

I looked at a poll, day before yesterday, which indicated that eighty-four percent of the people so polled believed that I was doing a good job as governor. There's little likelihood that I could increase that percentage. There's every likelihood it will go down after today. But, that's temporary, and the overriding, serious, most important question is a new constitution. So, I come today not to please you and not to please

people whom I consider personal and political friends, and I hope they will understand the spirit in which I make these recommendations. You will know that—because many of you have tried to talk to me in the last ten days, and many of these people have tried to talk to me in the last ten days when they found out that I was to address the convention, each, I'm certain, anxious to convince me of the validity of their position and the wisdom of their ways—I have refused to talk to them and to you because, very candidly, I didn't want to be swayed. I wanted to get it over with and do what I thought was in the public interest. So, here I give it to you.

Tax exemptions relating to [eleemosynary] institutions, educational institutions, or what industrial institutions, do not belong in a constitution and should have been stripped. The legislature on a continuing basis, as circumstances dictate, should make those decisions. You have chosen, however, to leave in the constitution all exemptions except the industrial exemption. I, therefore, recommend to you that you either strip the constitution completely of such exemptions, or if you are going to leave them, then, as a compromise, I would suggest that you also include the industrial exemptions and that you do so without the efforts of some to give local government veto power on the granting of the exemptions. Now, I can say to you as one who knows something about industrial expansion that more than ever we are going to have to emphasize and increase our industrial expansion. The great oil and gas reserves, that for so many decades attracted industry to Louisiana as magnets, are depletable and exhaustible resources. We must emphasize, as I have, the importation of people-oriented industries. Every effort that we can make to make that possible should be done, and therefore, if you're going to leave exemptions in the constitution, you should leave that one, without political interference on a local level. Now, you say, well, why not give the local people—the local police jury, school board, the city council—the right to veto it. Simply speaking, because those who are interested in industry do not want to be imposed upon in some isolated areas—and there will be some—by local officials who want to be responsible for finding the land, or selling the insurance, or furnishing the employees, or building the building. They want to be able to move in devoid of having to address themselves to the whims and caprice of local officials. No police jury is ever going to refuse a legitimate industry in its parish, and if they did, I'm certain that the adjoining parish would be very glad to have it. The local objection feature, which some have sought to infuse into these exemptions, are just not necessary and would give us one more obstacle to the importation of industry, and I urge you to leave that out. I don't think that you're being unfair to local government. I don't think you're going to find that any industry is going to want to go to a parish where those in charge of the power structure of the parish indicate publicly or privately they do not want the industry. Hence, it only serves as a red flag and brings no good purpose.

You should delete—and I repeat again; I may say this too many times, but all of this should be left out of the constitution completely—all of these items, but since you're going to—I think, and I have to be practical—recognize if you're going to want to say something about it in the constitution—I suggest that you delete from the provisions of the constitution that provision relating to automatic rate increases for public service applications. Even with bond and assurances, it doesn't belong in the constitution and should be handled on a legislative basis. I'm going to be frank enough to say that I don't join the hue and cry of some who are concerned about the effect of that provision. As a matter of fact, I would be perfectly content, and if it isn't put in the constitution—I would be perfectly content—to suggest to the legislature in May that a companion piece of legislation be adopted by the legislature in May because there's a great deal of merit for the passage of that kind of provision, but it doesn't belong in the constitution, and I ask you to take it out.

The constitution must give the attorney general of our state, subject to court approval, the independent right to institute and prosecute criminal proceedings. District attorneys who are violently opposed to this provision, in my judgment, have no real basis for opposing it. They do; I understand

that; I do not challenge their position. I merely say that I think in the interest of what is good for government that the attorney general of our state should have that authority.

The constitution should not, as you have provided, provide that all witnesses who appear before grand juries should have the right of counsel. That is a legislative matter which should be left to the legislature to be handled on a continuing basis. I must agree with district attorneys that, in instances, that would impede the orderly prosecution of criminals and those suspected of violations of the law. I do not believe it to be in the public interest, although I recognize that in some instances, grand juries do take advantage of witnesses, and I recognize that in some instances some witnesses will suffer because they do not have an attorney. I just think that is a price that we have to pay, living in a society such as ours. I suggest that you strip that from your document.

There are serious questions which have now been raised as to whether or not the language in the proposed article on revenue and finance impairs the authority of the Superboard, HEAL, and some other state agencies to issue revenue bonds. On the advice of bond attorneys, whose opinions I respect, and in the knowledge that we may some day want to issue revenue bonds, I suggest that you clarify that language, and we will submit for your consideration a document for that purpose.

Other areas: multi-banking, a classic example of things that do not belong in a constitution. Now, I have said publicly, and I'll say it again, that as a governor of a state or as a legislator, I would never support multi-banking unless and until the banking association of this state, whose interests are concerned, supported it. Today, they do not; although it's about sixty-forty. But, I'm going to tell you right now—you can mark it down—before my term as governor ends, if I happen to get reelected, these same people who asked you to put this provision in this constitution are going to flood the legislature begging for a multi-banking provision in the statutes. They will do so because the national government is beginning to authorize multi-banking by national banks, and the fifty-four federal banks in this state will be in that business before long, and as a matter of self-survival the state banks are going to require it. But, it doesn't matter whether they never require it. The Bankers' Association has enough strength and muscle with the legislature on a continuing basis to protect its interests. We don't want to put something in a constitution which may ultimately require us to go back to the people to have it amended in order to get something done that we do not now, maybe today, believe is going to come about, but five, six, or ten years from now, may be an absolute necessity. I predict—and I'll put my political career on the line—that before the next six years, the bankers of Louisiana are going to beg for a multi-banking statute. So, I suggest to you that this is not the proper place to consider that. The concept of multi-banking statutes is so complex and so difficult to understand that I really don't believe any of you, with the exception of those of you who sit on bank boards or who are attorneys interested in the problem, really know what it is all about. It's nothing but absolute, pure legislation, and I suggest to you that we remove it from this document with the assurance, that I now give you and the bankers, that no one is going to make any effort to provide for it until the bankers themselves want it.

Income tax schedules and the federal income tax deductions: In one afternoon this gracious, generous body delivered to the people of the state a hundred million dollars worth of benefits. You doubled the royalty provisions to certain parishes, and you constitutionalized the federal income tax deduction as an exemption on state income tax. That's great! I'm for that. I was the governor who provided the money from other sources to restore the federal income tax deduction. But, ladies and gentlemen, I don't know what the situation of this state is going to be eight years from now. The taxation and the revenue measures needed to fund the functions of government is a function of the legislature. Whether or not the people are going to want federal income tax deductions, or higher than a six percent rate on income taxes in lieu of sales taxes, or property taxes, or some other taxes, is a legislative matter. I ask you not to bind the hands of future administrations of this state by putting a ceiling on the income taxes and constitutionalizing exemptions on income taxes and giving to people now what we can afford to give them because of the work that the legislature has done but which we may not be able to do in the years ahead. Now, let me say this. I am satisfied, based on projected revenues and expenditures, that during the term that I'm going to be

governor, we don't need to raise taxes. I'm not asking for anything for Edwin Edwards and sure it would be very popular for me to say, "Oh, you're right, man, put it in the constitution, man, we are going to give the people all these things." But, I have to concern myself with the problems and agonies of future legislatures and future governors who have to respond to public demand for public functions and public services. It is wrong for this constitution to bind their hands to where they are limited in what they can do. Let the legislature make the decision at the appropriate time and determine what is the best way on a year-to-year basis to raise revenue. I suggest you remove that from this document. O.K.?

The two tough ones, education and property taxes. A constitution by anybody's definition should do nothing more than commit a government to providing an education for all people, at all levels in the highest way possible. How you do that is not a constitutional matter. I am appalled at the arguments made by my friends from L.S.U., and I'm an alumnus of L.S.U., about how we are going to erode the greatness of L.S.U. if we don't have a separate board for L.S.U. That is not right. It is wrong for county agents and people in the agricultural extension service to tell you that if we don't have a separate board for L.S.U. that we are going to lose the extension service and the experiment station. It is wrong for L.S.U. to say that we are doing violence to L.S.U. if we don't have a single agency. It is wrong for L.S.U. to say that if we don't have in the constitution a Board of Supervisors for L.S.U. that there will be scandals at L.S.U. as there were in the 30's. Words, and papers, and constitutions, and statutes don't create fraud and do violence to obligations. It is people. Whether you have five, or four, or one, or three, or two boards, crooked people on five boards or crooked people on one board will do crooked things. You're talking about a system of government here, not what individuals will do yet unnamed in the next thirty years. How do they know that that is necessary? How will we know ten years from now what is the best way to administer education in Louisiana? Concepts of today in less than five years are archaic, laughed upon, spit upon as new concepts become viable and people recognize there's a better way to do things. If we are to bottom all of this in our constitution, you are stamping it with a self-destruct stamp because every time we want to rise above the old way to do something new, we have to amend the constitution, and that is what has got us in the situation that we are in now—the amendment of the constitution, seven hundred and thirty times in less than fifty years. Five hundred amendments were passed to the constitution; it is what has caused the problem. Why stigmatize the constitution? Why stigmatize education with a constitutionally provided system by which it will be run? Even if you are positive today that that is the way it should be done, how do you know it needs to be done ten years from now? If we are to make a change, are we going to be archaically imposing upon the people of this state the need to digest and consider complicated amendments and give it to them in disgusting amounts and say "amend, amend, amend, change, change, change, change, change, change" because back in 1974 we didn't have enough confidence in the future leaders and people of this state to give them the elasticity, and ability, the leeway to deal with problems as they arose. You don't need anything more in a constitution than a constitutional commitment of government to furnish a good education at every level. "O.K., Edwin, that might be right." But, I'll admit to you that I don't think this is what the people want. I really believe that that's the best way to handle the problem; it's in their interest. But, I'll admit to you now that as strongly as I feel that way and as much as I think I know it's in the public interest, I don't think in making that statement I represent the majority interest or majority view. I hate to say it, but I think people want you to put in this constitution how the colleges and universities will be managed, not good constitutional provisions, not necessarily in the public interest, but I think reflects public opinion; they are scared; they want to know exactly what it is.

The other things that I have talked about I think are right, and I think they represent the public view; in this instance I think I'm out of step with the public. But, I publicly say that that's the best way to do it. I wish that's what you did because I think we could sell the concept in the next four, or

five, or six months to people by showing them how we can make it work and how other states have done it and how we need to retain the right on a decade to decade basis without having to go back to the people in constitutional amendment forms to handle our educational institutions. How beautiful it would be if we could express here in written words our own faith in the ability of people to govern themselves and to change as the years change and as the mind of man engineers better ways of doing things. Okay? You don't think you can go that far, and you think I'm a little too radical, and, I know, a little bit too far out, so you have to have something in the constitution. For goodness sakes, nothing more or less than one board for the colleges and institutions. I don't care how you provide for its membership. I think you ought to have some of them appointed so that we can always have a balance and make sure that educators get on it because it's a sad commentary on our system that very few educators want to get in the political processes. Then, you should have another board for elementary and secondary education if you can't have one giant superboard for all education which would plan the education from the kindergarten to the doctor's degree, which if I were in the legislature, I would be arguing for that. Before the convention, I argued for nothing except a commitment to education, but if you're going to legislate on the subject—and that's what you'd be doing—my first thought, my first proposal suggestion, and the one that I think . . . Now, I don't think the public joins with me on the "no" provision, but I suggest to you in spite of the lobbying by my effective and good friends—and I know what you've been through because I've heard from them too, you know. "How can you, a graduate of LSU, do this to our university?" But, I suggest to you, if you're going to legislate, that one board for all education from the time a child starts kindergarten until he gets his doctor's degree—which would coordinate it and plan it, take care of the vo-tech schools, the private schools to the extent that state government may be involved in books or in curriculum—all of that one gamut should be in the hands of one group of people. In that group some of them should be appointed by a governor charged with the responsibility to select people whose educational experience, expertise, and dedication is in the field of education. If you can't go that far with me, then I suggest that you have two, then: one for colleges and universities and one for the rest of the educational system. I implore you to do that. The five board system you have is not as bad as I thought it was when I heard about it, but it doesn't respond; it isn't good; people don't understand it. They are opposed to it; it isn't popular; and it's going to defeat the constitution. I will not support it, and I don't think the people will either. I beg you to reconsider that, because past the Bill of Rights and these three articles on the government, this is, in my judgment, the most important thing that the people are looking at.

Property taxes: Oh, how happy I am to publicly state my position on property taxes. How popular it is going to make me with everybody. How anxious I was to get here and let you know what I think should be done about property taxes. How much I wish you had done it, and I could say, "well, those fellows did a good job; that's enough." Okay, I believe you did a good job. I really do. I think to the extent that you can write—and again I want to say that it doesn't belong in the constitution. There should be nothing in this constitution except the right of state to levy taxes, the right of local government to levy taxes. How they do that should be done by the legislature and by police juries and school boards and city governments. I really mean that. There's no need to put in this constitution how taxes are to be raised or levied, but I know that people out there want it. I recognize that, and to that extent, I am again willing to compromise. I think that if you need to write something, that what you have written responds as well as one can engineer, or think out in advance, a provision for that. But, it won't sell; it won't sell. You can't fight PAR. It has too much the attention of the business community, the good government people, and the majority of the people who are really going to take an interest in this document and who will decide to support or denounce it. It won't sell to the editorial media. Now, look, with the exception of one of the papers in New Orleans, I've been fairly treated by the editorial media, and the one paper in New Orleans hasn't hurt me at all. You can't do better than eighty-four percent in a poll. But, on an issue such as this, personalities are not concerned. People are not going to sit down and digest it for themselves. They're going to pick up an editorial, and in two minutes time, jump to a conclusion that you've agonized over for a year. One person sitting in an Ivory tower somewhere, who won't sign an editorial, won't identify himself,

who poses as an expert on everything from tourism to high finance in the stock market, is going to write an editorial, and in five or six devastating lines—maybe unfair, maybe untrue, maybe inaccurate—is going to point out how this provision is going to drive industry from Louisiana, and PAR is going to attack it. When the editorial writers and the policy makers get through with you, you're going to jeopardize the passage of this document.

Now, consider the alternatives, for those of you who are concerned about it—and Mr. Chehardy I speak especially to you because I know of your concern for the property tax situation. Consider the alternatives. What happens if we don't get a new constitution adopted? What happens if we don't put a provision in the constitution which protects property owners? Is that not your main concern—to protect them? How have you protected them if you write the most beautiful property tax provision in the world for their benefit, and we can't get it passed? We've done nothing for them. Is it not better to consider a compromise which doesn't do violence to them, which may be acceptable, and for which we can get passed, to give us a new beginning to work towards the ultimate good and total aims that we're trying to do for property owners? Unlike some of the other people who have criticized us on this regard, I'm proud of the fact that property owners in Louisiana pay a smaller property tax than in any other state in the nation. I don't think that's anything to be ashamed of. I'm not gleeful when people say that it's necessary to raise property taxes. I don't buy the argument that some people say that if people don't pay taxes, they don't support government, and they don't relate to it, and don't want to be a part of it. I don't buy that at all. I think people expect us to run government, to provide them with the services they want provided in as efficient a way as possible. I think people are willing to pay for that, but at the same time, if we can pass the burden somewhere else, I don't think anybody is going to object about that. I tell you what, I've had very few people tell me they thought it was wrong that we're making those people in Tennessee, and Pennsylvania, and New York pay for the taxes they used to pay on food and drugs and giving them back their federal income tax deduction. You don't hear very much of that. I only heard it from one person, and that's a guy who had a girlfriend here. He lived in Tennessee.

Now, get to this: I don't care whether you are a public official now, you're never going to run again, you've never run for anything, or whether you plan to run for the legislature or something in two years, there is no compromise that you can make. There is no compromise that you can make on this or any other provision of this document which will help pass it which is as important to you, means more to you, than on this area because there is where the meat of the coconut is. But, at the same time, nothing you do here is going to hurt you as much as being a signatory to a document that goes down in dismal defeat. It is going to haunt you for the rest of your political life if you have been party to a three million dollar venture looking for the golden fleece and, after you have spent a year of your time and three million dollars of the taxpayers' money, it gets badly defeated at the polls. I don't care how strong you feel about anything I've talked about; I don't care how strong you feel about anything. As far as you are personally concerned, no vote you can make in the next ten days, to compromise and to adjust and to mold this document into an acceptable document, is going to mean as much to you as what's going to happen if you don't provide a document that we can sell and get the public to accept. You remember that. You're interested in your career, and you're fighting for your people, you think, and you've got to have it your way because you think that that's what you're running on, or that's what you stand for, or that's what people identify you with. All that's very important. I tell you right now, it's not going to do you nearly as much good as being one of the authors of an acceptable constitution.

To get this document passed, I suggest we're going to have to make a change. Now, you can put it down; there's nobody who has been bombarded about this as much as I have since it came out. I have vacillated from one extreme to the other, and I am willing, in an effort to get those people—I'm talking about the editorial writers and the PAR and others who are

legitimately concerned about it. I don't agree with their conclusions. I want you to understand that. I don't think we're doing violence to industry, I don't think we're running industry out of the state, and I don't think we're being unfair to anybody, and I think we are doing something good for property owners. But, after all I can be wrong, and they may be right. They've studied it, I'm anxious—I say that publicly—I'm anxious to get their concurrence in this document. Hence, I am willing to go a step further. I suggest that you do two things. One: recognize that if we don't do something and get it passed, we're leaving the people of this state burdened with court imposed obligations on the part of assessors to do what assessors have resisted doing for fifty years, and that is: to reassess everybody's property on an equal and uniform basis at actual cash value. Now, you can make all kind of arguments about that's not the law, and that's not going to be required, and that ain't going to happen, and you can make all kind of arguments about yes, well if they do, then the police juries and the city councils can reduce the rate of tax, and that's true. They can do that, but they don't have to. That is not the law. You are leaving property owners exposed. I'll be the first to admit I don't think the danger is real, but it is certain that they are exposed to some very damaging possibilities. I think it important that we try now, since we're going to get into this business, to tie it down to where we protect them as much as possible, consistent with our obligations to leave local government the opportunity to raise necessary revenues from property taxes. Bear in mind that I'm not concerned about this as a governor because we have no state property taxes. I was successful in getting the legislature to remove them. I am talking now for local government and for property owners. I don't want to. If we don't pass a constitution, we're going to have to pass fifty statutes—listen to this—fifty statutes and seven constitutional amendments to straighten out the property tax mess. You hear that? Fifty statutes and seven constitutional amendments are going to have to be submitted to the people in order to straighten out the property tax mess and keep us from having a revolution from the property owners. Hence, it is important that we pass a document, and that we have some provision in here which clarifies the property tax problem. Now, what I am going to propose is not going to satisfy anybody. But, I think it can be sold to the public, and I think it will be in the public interest. I think it is going to give us a new base, hopefully, to work from. You should have some specific, harsh, definite provisions penalizing assessors who do not do their duty in accordance with whatever is decided. That's very important. We have to have an automatic triggering device which will require the compliance with whatever decisions are made on assessment practices. We can no longer tolerate the situation which has existed for fifty years, where there's no certainty, and where property owners are left to the whim of the assessors. You know I don't have a better group of friends than the assessors. But, that's not good government. I must say to the credit of the assessors that they are willing to accept such a provision because they want to do their duty. But you cannot expect an assessor elected in 1974 to undo a fifty-year pattern of his predecessors in property tax assessments unless we give him the basis to do it and the mandate to do it. I, therefore, suggest that when you finish your provisions, you put it in there in such a way—and we'll suggest the language—that those assessors who do not comply with the law are subject to harsh penalties, suspension of salaries, the possibility of being addressed out of office because we need to assure them and the public and the courts that we are serious about the change. I am content with the three thousand dollar level of homestead exemption. Sure, we'd all like it to be more. How sweet it is to tell people that you've raised the assessment, but we, at the three thousand dollar level, I think, have hit the vast majority of homes that really need the protection. That narrow group from three to five or three to six that would be hit by an assessment practice will be only subject to a very small amount of taxes. I think it's a fair compromise, and I suggest that you stay with it. To get away from the most serious argument made by those who opposed the provision, that is the disparity between the assessment ratio for residences and land and commercial establishments, I suggest that we fuse the two, and instead of having ten percent in one and fifteen on the other, that we make it twelve and a half percent across the board. No one can then say that we've been unfair to business, or we're taxing business more than home, or that we're jeopardizing anybody's right to own and hold a piece

of property or to own and hold any home. I think it is a provision that people will be willing to accept. I think it would be a response to the problem, and I think with the constitutional mandate that assessors be required to follow it that we can get it sold. In my judgment if you do not make these changes, all of us together, with the tongues of ten thousand angels, cannot sell this document and get it adopted. I believe with these changes, and with these changes I would be willing to spend my money and my time in the public interest, in concert with you on an individual basis and as a group to try as much as possible to educate people on what we have done, to tell them that, for all of its imperfections and for all that it may not have and for all that it does have, it will be by far a much, much, much better document than the one we now have. I think you would be able to say to yourselves and to those you represent that with tough, difficult, hard decisions to make, you, in the long run, did respond to the public interest. I speak to you as governor and as a citizen, and I'll close by saying that I'm going to treat you just as I treated the legislature. Not one of you can say that at any time I have called or talked to you and said "You'd better do this or you will lose my friendship or my support." I don't do that today, and I'm not going to discuss this with any of you again. I'm sincere in what I say, but the judgment must be made by you. I'm not a delegate; I don't vote here. But, I express my opinion, and I reflect what I believe to be the opinion of the people of the State of Louisiana. I don't think I would have served in public life for twenty years if I didn't have some ability to judge public opinion. I ask you to set aside your own allegiances and your own obligations; I ask you to set aside what commitments you may have made to some people who, I think, will understand in the long run that commitments made are always subject to the requirement to reevaluate. Whatever commitments you made to those people to do something for them isn't going to be well served if the document isn't passed. It doesn't matter how strong or how hard you've argued for and put into the document something they wanted you to put; if they don't get it passed, you haven't done anything for them. I'm going to tell you right now we're not going to pass the document as it is, but we can pass it with these effective changes. I implore you to consider that this will be the last time, either as a group or individually, I will talk to any of you about it. The Chairman, Mr. Gravel, Mr. Graham, and Mr. Pugh between now and Monday will file in appropriate form amendments, documents, or what have you to implement the changes which I have suggested. I recommend them to you because I think that it's in the public interest. I appreciate your attentiveness and I appreciate your courtesy. I hope that no matter how offended you may be by what I have said, or how much you disagree with me, you will at least recognize that I'm here today not because I thought I was going to promote myself, or because I thought that you depended upon or needed my sage advice to tell you what to do, and not because I really thought any of you were going to jump up and clap and say, "Well, if the governor said do it, that's what I'm going to do," because I'll tell you what, I've found out differently in the year you've been here. I like it that way. If it's no good, I can say it's your document. If it's good, you can say it's your document, and I'll say I helped. But, in any event, I'm here today because I feel I have an obligation to the people, just as any other citizen whom you've listened to attentively and patiently during the past year, simply to express to you my feelings. I value solid popularity, and I value the esteem of good men for good action. I would not be a public figure if I didn't subscribe to that sentiment. I have no desire for and no basis for wanting the bubble popularity that comes temporarily and that is won without merit or because people believe you have done something for them that, in fact, you have not, or because people believe that something has occurred, or because you are able with a slip of glib tongue to convince them that you have worked in their interest when, in fact, you've not. I despise that kind of popularity because, I'm going to tell you something: I know it doesn't last long. It's a bubble popularity and ultimately will pop. I intend to be here for yet a few more decades, and I am as concerned about what people will say about and think about me thirty years from now as I am the reaction that's going to be in the streets when the news

media report my suggestions this afternoon. I've been in public life for twenty years, and I've sometimes had to act against preconceived opinion and first impressions of my constituents—those of you who come from the district I served in Congress know what I'm talking about—but I've always done so with a full reliance; and I leave you with this thought: upon the intelligence of people to understand me, and to do equity and to do me justice—I'm going to tell you something—I've never been disappointed because in the long run I find that the people are just as smart as I am. Ultimately, they see as well as I do, and the same clarity, same reasoning that I use, people ultimately get around to using it when they begin to thinking. When the decision time comes, those who for the past year have insulated themselves from you and have not come to you and offered you advice and counsel, they're going to begin to think. They'll think as we stimulate their minds and as we help them to make their opinions. I'm convinced that we together can convince the people of this state that we will have done a good job for them, and, consistent with all the conflicting philosophies and obligations and rules and thoughts and partisans and personalities, that we have confected for them the best kind of document the minds of men can confect in the political climate which now exists. I could write a better constitution; I have one written. But, I couldn't get it passed. You could write a better constitution, but you couldn't get it passed because there are certain accommodations that have to be made, and I recognize that. It's part of the courage of compromise. I only ask that you consider it. I do so because I'm concerned, because I want a new constitution, and because I want you to succeed. Thank you.

The Committee rose.

Convention Business Resumed

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Thursday, January 10, 1974, at 1:00 o'clock p.m. in the Treaty Room and will consider the following agenda:

AGENDA

To continue preparation of Committee Reports.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Perez the rules were suspended for the purpose of calling a meeting of the Committee on Local and Parochial Government without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Thursday, January 10, 1974, at the noon recess in the Convention Hall and will consider the following agenda:

AGENDA

To continue consideration of the Report by the Committee on Style and Drafting.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 10, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. State Penal Institutions; Reimbursement of Parish Expenses

Section 1. The state shall reimburse a parish in which state penal institution is located for expenses the parish incurs arising from crime committed in the institution or by an inmate thereof."

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 19 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Welfare, Unemployment Compensation, and Health

Section 2. The legislature may establish a system of economic and social welfare, unemployment compensation, and public health."

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 15 through 25, both inclusive, in their entirety, and insert in lieu thereof the following:

"Article ----

Section 1. Code of Ethics

Section 1. The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions. The code shall be administered by one or more boards created by the legislature with qualifications, terms of office, duties, and powers provided by law. Decisions of a board shall be appealable, and the legislature shall provide the method of appeal."

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state and local government.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 23 by Delegate Stagg, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after "Section ----" and before the word "The" delete the letter and punctuation "(A)"

AMENDMENT No. 2—

On page 1, line 20, after the word "regulating" and before the word "and" insert a comma ","

COMMITTEE PROPOSAL No. 31—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall and Tapper (A Substitute for Committee Proposal No. 19):

A PROPOSAL

Making provisions in the Schedule provisions of the constitution for mandatory reorganization of the executive branch of state government.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 31 by Delegate Stagg, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, after "Section 1." and before the word "The" delete the letter and punctuation "(A)"

PAGE 11

114th Days Proceedings—January 10, 1974

AMENDMENT No. 2—

On page 1, line 23, after the word and punctuation "constitution." and before the word "allocation" delete the word "Such" and insert in lieu thereof the word "The"

Respectfully submitted,

CHALIN O. PEREZ,
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposals Contained in the Report at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 12 by Delegate Aertker, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. State Penal Institutions; Reimbursement of Parish Expense

Section 1. 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."

Read.

Delegate Tate moved the adoption of Amendment No. 1.

Delegate Avant objected.

By a vote of 81 yeas and 2 nays the amendment was adopted.

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 14 by Delegate Aertker, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 19 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Welfare, Unemployment Compensation, and Health

Section 2. The legislature may establish a system of economic and social welfare, unemployment compensation, and public health."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 15 through 25, both inclusive, in their entirety, and insert in lieu thereof the following:

"Article ----

Section 1. Code of Ethics

Section 1. The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions. The code shall be administered by one or more boards created by the legislature with qualifications, terms of office, duties, and powers provided by law. Decisions of a board shall be appealable, and the legislature shall provide the method of appeal."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state and local government.

Reported with the following amendments:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 23 by Delegate Stagg, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after "Section ----" and before the word "The" delete the letter and punctuation "(A)"

AMENDMENT No. 2—

On page 1, line 20, after the word "regulating" and before the word "and" insert a comma ","

Read.

On motion of Delegate Tate Amendment No. 1 and 2 was adopted.

COMMITTEE PROPOSAL No. 31—

Introduced by Delegate Stagg, Chairman, on behalf of the

Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall, and Tapper (A Substitute for Committee Proposal No. 19):

A PROPOSAL

Making provisions in the Schedule provisions of the constitution for mandatory reorganization of the executive branch of state government.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 31 by Delegate Stagg, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, after "Section 1." and before the word "The" delete the letter and punctuation "(A)"

AMENDMENT No. 2—

On page 1, line 23, after the word and punctuation "constitution." and before the word "allocation" delete the word "Such" and insert in lieu thereof the word "The"

Read.

On motion of Delegate Tate Amendment No. 1 and 2 was adopted.

Motion

On motion of Delegate Alario, the Convention altered the Order of Business to take up Proposals on Third Reading and Final Passage at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Alario Delegate Proposal No. 16 was called from the Calendar.

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard:

A PROPOSAL

Making provisions for homestead exemptions.

Read.

Section 1. Property Exempt; Valuation; Claim of Benefit

Section 1. There shall be exempt from seizure and sale by any process whatever, except as hereinafter provided, the homestead, bona fide, owned by the debtor and occupied by him, consisting of lands, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, of every head of a family, or person having a mother or father or a person or persons dependent on him or her for support to the total value of not more than fifteen thousand dollars.

Provided, that in case the homestead exceeds fifteen thousand dollars in value, the beneficiary shall be entitled to that amount in case of a sale of the homestead under legal process realizes more than that sum; if the sale does not realize more than that sum, over and above all costs and expenses, said sale shall be null and void.

The benefit of this exemption may be claimed by the surviving spouse, or minor child or children, of a deceased beneficiary.

Read.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Delegate Proposal No. 16 by Delegate Alario, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, immediately after the word "than" and before the word "thousand" delete the word "fifteen" and insert in lieu thereof the word "ten" and on line 19, immediately after the word "exceeds" and before the partial word "thou-" delete the word "fifteen" and insert in lieu thereof the word "ten"

Delegate Newton moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Derbes	Newton
Alexander	Drew	Rachal
Arnette	Duval	Riecke
Bel	Graham	Roemer
Bollinger	Guarisco	Slay
Brown	Heine	Smith
Casey	Hernandez	Stinson
Comar	Jack	Sutherland
Conroy	Juneau	Tobias
Cowen	Kean	Weiss
De Blieux	Lambert	Wisham
Dennery	Landrum	Zervigon
Total—36.		

NAYS

Delegates—		
Alario	Fulco	Mire
Asseff	Gauthier	Nunez
Avant	Ginn	Planchard
Badeaux	Goldman	Pugh
Bergeron	Grier	Roy
Blair	Hardee	Sandoz
Brien	Hayes	Schmitt
Burns	Jackson, J.	Segura
Burson	Jenkins	Shannon
Carmouche	Kilpatrick	Singletary
Champagne	Landry, A.	Sonlat
Chatelain	Landry, E. J.	Thistlethwaite
Chehardy	Lanier	Thompson
Conino	LeBleu	Toca
Corne	Leithman	Toomy
Deshotels	Lowe	Uilo
Edwards	McDaniel	Velazquez
Elkins	Martin	Vick
Flory	Mauberret	Warren
Fontenot	Maybuce	Willis
Fowler	Miller	
Total—62.		

NOT VOTING

Delegates—		
Mr. Chairman	Jones	Reeves
Aertker	Kelly	Stagg
Anzalone	Kilbourne	Stephenson
Cannon	Leigh	Stovall
D'Gerolamo	Morris	Tapper
Dennis	Munson	Tate
Dunlap	O'Neill	Vesich
Fayard	Ourso	Wall
Giarrusso	Perez	Wattigny
Gravel	Perkins	Winchester
Haynes	Rayburn	Womack
Jackson, A.		
Total—34.		

And the amendment was rejected.

Delegate Alario moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Delegate Proposal No. 16 by Delegate Alario, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 9 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 1. Exemptions from Seizure and Sale

Section 1. The legislature shall provide for exemptions from seizure and sale.”

Delegate Dennery moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	Perkins
Alexander	Drew	Rachal
Arnette	Duval	Roemer
Bollinger	Elkins	Sandoz
Casey	Fayard	Schmitt
Champagne	Goldman	Soniat
Chatelain	Jackson, A.	Sutherland
Conroy	Jackson, J.	Tate
Cowen	Jenkins	Thistlethwaite
De Blieux	Kelly	Vick
Dennery	Landrum	Weiss
Dennis	Martin	Wisham
Derbes	Newton	Zervigon
Total—39.		

NAYS

Delegates—		
Alario	Gauthier	Morris
Asseff	Ginn	Nunez
Avant	Graham	Planchard
Badeaux	Grier	Riecke
Bel	Guarisco	Roy
Bergeron	Hardee	Segura
B'air	Hayes	Shannon
Brien	Hernandez	Singleton
Brown	Jack	Slay
Burns	Juneau	Smith
Burson	Kilpatrick	Stephenson
Cannon	Lambert	Stinson
Carmouche	Landry, A.	Tapper
Chehardy	Landry, E. J.	Thompson
Conino	Lanier	Toca
Corne	LeBieu	Toomy
D'Gerolamo	Leithman	Ullo
Edwards	Lowe	Velazquez
Flory	McDaniel	Warren
Fontenot	Mauberret	Wattigny
Fowler	Maybuce	Willis
Fulco	Mire	Womack
Total—66.		

NOT VOTING

Delegates—		
Mr. Chairman	Jones	Pugh
Aertker	Kean	Rayburn
Anzalone	Kilbourne	Reeves
Comar	Leigh	Stagg
Dunlap	Miller	Stovall
Giarrusso	Munson	Tobias
Gravel	O'Neill	Vesich
Haynes	Ourso	Wall
Helne	Perez	Winchester
Total—27.		

And the amendment was rejected.

Delegate Alario moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Planchard sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Alario, Planchard, Mauberret and Toomy to Delegate Proposal No. 16 by Delegate Alario, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, immediately after the word and punctuation “urban,” delete the remainder of the line and delete line 16 in its entirety and at the beginning of line 17, delete the word “support” and insert in lieu thereof the following: “owned and occupied by any person”

AMENDMENT No. 2—

On page 1, delete lines 25, 26 and 27, in their entirety.

On motion of Delegate Planchard the amendment was withdrawn.

Motion

On motion of Delegate Alario the Proposal was returned to the Calendar, subject to call.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 10, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend first enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of

elections, and all other executive offices, agencies, and instrumentalities of the state."

AMENDMENT No. 2—

On page 1, delete lines 19 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Number of Departments. Except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments."

AMENDMENT No. 3—

On page 1, between lines 23 and 24, insert the following:

"(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."

AMENDMENT No. 4—

On page 1, delete lines 24 through 34, both inclusive, in their entirety, and on page 2, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"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 election. During his tenure in office, a statewide elected official shall hold no other public office except by virtue of his elected office."

AMENDMENT No. 5—

On page 2, delete lines 3 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Election; Term
Section 3. (A) Election. The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections each 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.
(B) Limitation on Governor. 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."

AMENDMENT No. 6—

On page 2, delete lines 16 and 17 in their entirety and insert in lieu thereof the following:

"(C) Additional Limitation. Except as provided by this constitution, no official shall be elected statewide."

AMENDMENT No. 7—

On page 2, delete lines 18 through 21 both inclusive in their entirety and insert in lieu thereof the following:

"Section 4. Compensation
Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law."

AMENDMENT No. 8—

On page 2, delete lines 22 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 9—

On page 2, delete lines 27 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

AMENDMENT No. 10—

On page 2, delete lines 33 through 35, both inclusive, in their entirety, and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(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 office."

AMENDMENT No. 11—

On page 3, delete lines 7 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and shall request implementation of the first year of the program."

AMENDMENT No. 12—

On page 3, delete lines 11 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 state, and remit fines and forfeitures imposed for such offenses. However, a first offender never previously convicted of a felony shall be eligible automatically 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."

AMENDMENT No. 13—

On page 3, delete lines 26 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

AMENDMENT No. 14—

On page 3, delete lines 29 through 35, both inclusive, in their entirety and on page 4, delete line 1 and insert in lieu thereof the following:

"(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 a bill over a veto.
(2) The governor shall veto line items or use means provided in the bill so that total appropriations for the year shall not exceed anticipated revenues for that year."

AMENDMENT No. 15—

On page 4, delete lines 2 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 session, the governor shall submit for confirmation by the Senate the name of an appointee 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 session, the governor may make interim appointments, which shall expire at the end of the next session, unless submitted to and confirmed by the Senate during that session.
(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature."

AMENDMENT No. 16—

On page 4, delete lines 22 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

PAGE 15

114th Days Proceedings—January 10, 1974

“(J) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.”

AMENDMENT No. 17—

On page 4, line 28, after the words “call out” and before the words “to preserve” delete the words “the armed forces of the state” and insert in lieu thereof the words “these forces”

AMENDMENT No. 18—

On page 4, delete lines 31 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

“(L) Other Powers and Duties. The governor shall have other powers and perform other duties authorized by this constitution or provided by law.”

AMENDMENT No. 19—

On page 4, delete lines 34 and 35 and on page 5, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 6. Lieutenant Governor; Powers and Duties

Section 6. The lieutenant governor shall serve *ex officio* as a member of each committee, board, and commission on which the governor serves. He shall exercise the powers delegated to him by the governor and shall have other powers and perform other duties in the executive branch authorized by this constitution or provided by law.”

AMENDMENT No. 20—

On page 5, delete lines 6 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

“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 trademark laws; serve as keeper of the Great Seal of the State of Louisiana 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.”

AMENDMENT No. 21—

On page 5, delete lines 22 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice. The attorney general shall head the department and shall be the chief legal officer of the state.”

AMENDMENT No. 22—

On page 5, delete lines 25 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 9. Treasurer; Powers and Duties

Section 9. There shall be a Department of the Treasury. The treasurer shall head the department and shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and shall have other powers and perform other duties authorized by this constitution or provided by law.”

AMENDMENT No. 23—

On page 5, delete line 35 in its entirety, and on page 6, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

“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.”

AMENDMENT No. 24—

On page 6, delete lines 11 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

“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 powers and perform duties authorized by this constitution or provided by law.”

AMENDMENT No. 25—

On page 6, delete lines 18 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.”

AMENDMENT No. 26—

On page 6, delete lines 25 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 13. First Assistants; Appointment

Section 13. Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit the appointment to the Senate in the manner and subject to the procedures and limitations applicable to appointments submitted by the governor. The first assistant shall possess the qualifications required for election to the office.”

AMENDMENT No. 27—

On page 7, delete lines 1 through 9, both inclusive, in their entirety, and insert in lieu thereof the following:

“Section 14. Vacancy in Office of Governor

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law. The successor shall serve the remainder of the term for which the governor was elected.”

AMENDMENT No. 28—

On page 7, delete lines 10 through 15 both inclusive in their entirety and insert in lieu thereof the following:

“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.”

AMENDMENT No. 29—

On page 7, delete lines 16 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.”

AMENDMENT No. 30—

On page 7, delete lines 25 through 35, both inclusive, in their entirety, and on page 8, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 17. Other Vacancies

Section 17. (A) Gubernatorial Appointment; Election. 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.

(B) Qualifications. 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."

AMENDMENT No. 31—

On page 8, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 32—

On page 8, delete lines 9 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 19. Declaration of Inability by Statewide Elected Officials

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."

AMENDMENT No. 33—

On page 8, delete lines 19 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 34—

On page 8, delete lines 34 and 35 in their entirety, and on page 9, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the 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, the official shall continue in or resume office."

AMENDMENT No. 35—

On page 9, delete lines 7 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

AMENDMENT No. 36—

On page 9, delete lines 13 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Determination by Supreme Court. By preference and with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing,

by a majority vote of members elected to the court, under such rules as it may adopt."

AMENDMENT No. 37—

On page 9, delete lines 17 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

AMENDMENT No. 38—

On page 9, delete lines 25 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 21. Temporary Absences

Section 21. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence."

AMENDMENT No. 39—

On page 9, delete lines 31 through 35, both inclusive, in their entirety and on page 10, delete line 1 in its entirety

AMENDMENT No. 40—

On page 10, delete lines 2 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 22. After the first election of state officials following the adoption of this constitution, the legislature may provide, by law enacted by two-thirds of the elected members of each house, 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. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

AMENDMENT No. 41—

On page 1, line 24, in the text of Committee Amendment No. 4 proposed by the Committee on Style and Drafting and adopted by the convention this date, on line 10 of the text of the amendment, after the word "preceding" and before the period "." delete the word "election" and insert in lieu thereof the words "qualification as a candidate"

AMENDMENT No. 42—

On page 3, line 11, in Committee Amendment No. 12 proposed by the Committee on Style and Drafting and adopted by the convention this date, on line 8 of the text of the amendment, after the word and punctuation "offenses," delete the remainder of the line, and delete lines 9 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 43—

On page 4, line 2, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, on line 2 of the text of the amendment, after the word "to" and before the word "confirmation" insert the word "public"

AMENDMENT No. 44—

On page 4, line 2, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, delete lines 9 through 19 both inclusive in their entirety and insert in lieu thereof the following:

"(2) Should the legislature be in regular session, the gov-

ernor shall submit for confirmation by the Senate the name of an appointee 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, unless submitted to and confirmed by the Senate during that session."

AMENDMENT No. 45—

On page 10, line 2, in Committee Amendment No. 40 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 2 of the text of the amendment delete the word "adoption" and insert in lieu thereof the words "the effective date"

AMENDMENT No. 46—

Delete Amendments Nos. 4, 5, 6, 7, and 21 proposed by the Committee on Style and Drafting and adopted by the convention on this date and reinsert the text of amendments Nos. 4, 5, 6, and 7 at the end of CP No. 35 and renumber Sections 2, 3, and 4 contained in amendments Nos. 4, 5, 6, and 7 as follows:

Section 2	Section 12
Section 3	Section 13
Section 4	Section 14

AMENDMENT No. 47—

On page 1, line 13, delete Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted by the convention this date, and insert in lieu thereof the following:

"Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend final enrolled proposal as follows:

AMENDMENT No. 1—

On page 8, delete Section 25 in its entirety and insert in lieu thereof the following:

"Section 25. Department of Justice; Attorney General; Assistants

Section 25. 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 he shall head the department. He shall appoint assistants to serve at his pleasure."

Respectfully submitted,

ALBERT TATE,
Chairman.

Vice Chairman Casey in the Chair

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up Proposals on Calendar for Approval of Final Styling at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on

Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 19 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Number of Departments. Except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 1, between lines 23 and 24, insert the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 1, delete lines 24 through 34, both inclusive, in their entirety, and on page 2, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"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 election. During his tenure in office, a statewide elected official shall hold no other public office except by virtue of his elected office."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 3 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Election; Term

Section 3. (A) Election. The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections each 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.

(B) Limitation on Governor. A person who has served as governor for more than one and one-half terms in two conse-

PAGE 18

114th Days Proceedings—January 10, 1974

cutive terms shall not be elected governor for the succeeding term."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, delete lines 16 and 17 in their entirety and insert in lieu thereof the following:

"(C) Additional Limitation. Except as provided by this constitution, no official shall be elected statewide."

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 2, delete lines 18 through 21 both inclusive in their entirety and insert in lieu thereof the following:

"Section 4. Compensation

Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law."

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 2, delete lines 22 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 2, delete lines 27 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 2, delete lines 33 through 35, both inclusive, in their entirety, and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(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 office."

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

On page 3, delete lines 7 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and shall request implementation of the first year of the program."

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 3, delete lines 11 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 state, and remit fines and forfeitures imposed for such offenses. However, a first offender never previously convicted of a felony shall be eligible automatically or 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."

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 3, delete lines 26 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 3, delete lines 29 through 35, both inclusive, in their entirety and on page 4, delete line 1 and insert in lieu thereof the following:

"(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 a bill over a veto.

(2) The governor shall veto line items or use means provided in the bill so that total appropriations for the year shall not exceed anticipated revenues for that year."

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 4, delete lines 2 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 session, the governor shall submit for confirmation by the Senate the name of an appointee 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 session, the governor may make interim appointments, which shall expire at the end of the next session, unless submitted to and confirmed by the Senate during that session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature."

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 4, delete lines 22 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"(J) Removal Power. The governor may remove from

PAGE 19

114th Days Proceedings—January 10, 1974

office a person he appoints, except a person appointed for a term fixed by this constitution or by law."

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

On page 4, line 28, after the words "call out" and before the words "to preserve" delete the words "the armed forces of the state" and insert in lieu thereof the words "these forces"

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

AMENDMENT No. 18—

On page 4, delete lines 31 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"(L) Other Powers and Duties. The governor shall have other powers and perform other duties authorized by this constitution or provided by law."

Read.

On motion of Delegate Tate Amendment No. 18 was adopted.

AMENDMENT No. 19—

On page 4, delete lines 34 and 35 and on page 5, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Lieutenant Governor; Powers and Duties

Section 6. The lieutenant governor shall serve ex officio as a member of each committee, board, and commission on which the governor serves. He shall exercise the powers delegated to him by the governor and shall have other powers and perform other duties in the executive branch authorized by this constitution or provided by law."

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

On page 5, delete lines 6 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"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 trademark laws; serve as keeper of the Great Seal of the State of Louisiana 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 thereof; and countersign and keep an official registry of all 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."

Read.

On motion of Delegate Tate Amendment No. 20 was adopted.

AMENDMENT No. 21—

On page 5, delete lines 22 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice. The attorney general shall head the department and shall be the chief legal officer of the state."

Read.

On motion of Delegate Tate Amendment No. 21 was adopted.

AMENDMENT No. 22—

On page 5, delete lines 25 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Treasurer; Powers and Duties

Section 9. There shall be a Department of the Treasury. The treasurer shall head the department and shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and shall have other powers and perform other duties authorized by this constitution or provided by law."

Read.

On motion of Delegate Tate Amendment No. 22 was adopted.

AMENDMENT No. 23—

On page 5, delete line 35 in its entirety, and on page 6, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 23 was adopted.

AMENDMENT No. 24—

On page 6, delete lines 11 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"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 powers and perform duties authorized by this constitution or provided by law."

Read.

On motion of Delegate Tate Amendment No. 24 was adopted.

AMENDMENT No. 25—

On page 6, delete lines 18 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law."

Read.

On motion of Delegate Tate Amendment No. 25 was adopted.

AMENDMENT No. 26—

On page 6, delete lines 25 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. First Assistants; Appointment

Section 13. Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit the appointment to the Senate in the manner and subject to the procedures and limitations applicable to appointments submitted by the governor. The first assistant shall possess the qualifications required for election to the office."

Read.

On motion of Delegate Tate Amendment No. 26 was adopted.

AMENDMENT No. 27—

On page 7, delete lines 1 through 9, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 14. Vacancy in Office of Governor

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law. The successor shall serve the remainder of the term for which the governor was elected."

Read.

On motion of Delegate Tate Amendment No. 27 was adopted.

AMENDMENT No. 28—

On page 7, delete lines 10 through 15 both inclusive in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

AMENDMENT No. 29—

On page 7, delete lines 16 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office."

Read.

On motion of Delegate Tate Amendment No. 29 was adopted.

AMENDMENT No. 30—

On page 7, delete lines 25 through 35, both inclusive, in their entirety, and on page 8, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. Other Vacancies

Section 17. (A) Gubernatorial Appointment; Election. 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.

(B) Qualifications. 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."

Read.

On motion of Delegate Tate Amendment No. 30 was adopted.

AMENDMENT No. 31—

On page 8, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 31 was adopted.

AMENDMENT No. 32—

On page 8, delete lines 9 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 19. Declaration of Inability by Statewide Elected Officials

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."

Read.

On motion of Delegate Tate Amendment No. 32 was adopted.

AMENDMENT No. 33—

On page 8, delete lines 19 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 33 was adopted.

AMENDMENT No. 34—

On page 8, delete lines 34 and 35 in their entirety, and on page 9, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the 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, the official shall continue in or resume office."

Read.

On motion of Delegate Tate Amendment No. 34 was adopted.

AMENDMENT No. 35—

On page 9, delete lines 7 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 35 was adopted.

AMENDMENT No. 36—

On page 9, delete lines 13 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Determination by Supreme Court. By preference and

PAGE 21

114th Days Proceedings—January 10, 1974

with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to the court, under such rules as it may adopt."

Read.

On motion of Delegate Tate Amendment No. 36 was adopted.

AMENDMENT No. 37—

On page 9, delete lines 17 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 37 was adopted.

AMENDMENT No. 38—

On page 9, delete lines 25 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 21. Temporary Absences

Section 21. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence."

Read.

On motion of Delegate Tate Amendment No. 38 was adopted.

AMENDMENT No. 39—

On page 9, delete lines 31 through 35, both inclusive, in their entirety and on page 10, delete line 1 in its entirety.

Read.

On motion of Delegate Tate Amendment No. 39 was adopted.

AMENDMENT No. 40—

On page 10, delete lines 2 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 22. After the first election of state officials following adoption of this constitution, the legislature may provide, by law enacted by two-thirds of the elected members of each house, 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. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

Read.

On motion of Delegate Tate Amendment No. 40 was adopted.

AMENDMENT No. 41—

On page 1, line 24, in the text of Committee Amendment No. 4 proposed by the Committee on Style and Drafting and adopted by the convention this date, on line 10 of the text of

the amendment, after the word "preceding" and before the period," delete the word "election" and insert in lieu thereof the words "qualification as a candidate"

On motion of Delegate Tate the amendment was withdrawn.

AMENDMENT No. 42—

On page 3, line 11, in Committee Amendment No. 12 proposed by the Committee on Style and Drafting and adopted by the convention this date, on line 8 of the text of the amendment, after the word and punctuation "offenses." delete the remainder of the line, and delete lines 9 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

Point of Order

Delegate Conroy rose to a point of order, and asked a ruling from the Chair, that the Committee on Style and Drafting had exceeded its authority by submitting Amendment No. 42 in that the amendment contained a substantive change to the Proposal, and therefore the amendment was out of order at this time.

Ruling of the Chair

The Chair declined to rule and put the question to the Convention, under the rules.

The question was put to declare the amendment in order.

By a vote of 57 yeas and 39 nays the Convention declared the amendment in order.

Delegate Tate moved the adoption of Amendment No. 42.

Delegate Conroy objected.

By a vote of 77 yeas and 19 nays the amendment was adopted.

AMENDMENT No. 43—

On page 4, line 2, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, on line 2 of the text of the amendment, after the word "to" and before the word "Confirmation" insert the word "public"

Read.

Point of Order

Delegate Dennery rose to a point of order, and asked a ruling from the Chair, that the Committee on Style and Drafting had exceeded its authority by submitting Amendment No. 43 in that the amendment contained a substantive change to the Proposal, and therefore the amendment was out of order at this time.

Ruling of the Chair

The Chair declined to rule and put the question to the Convention, under the rules.

The question was put to declare the amendment in order.

By a vote of 11 yeas and 73 nays the Convention declared the amendment out of order.

Motion

Delegate Tobias moved for a suspension of the rules in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 4, Section 5, was passed, for the limited purpose of offering Amendment No. 43 proposed by the Committee on Style and Drafting.

Delegate Duval objected.

By a vote of 37 yeas and 52 nays the Convention refused to suspend the rules.

On motion of Delegate Tate the amendment was withdrawn.

AMENDMENT No. 44—

On page 4, line 2, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, delete lines 9 through 19 both inclusive in their entirety and insert in lieu thereof the following:

“(2) Should the legislature be in regular session, the governor shall submit for confirmation by the Senate the name of an appointee 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, unless submitted to and confirmed by the Senate during that session.”

Read.

Delegate Tate moved the adoption of Amendment No. 44.

Delegate Brown objected.

By a vote of 71 yeas and 9 nays the amendment was adopted.

AMENDMENT No. 45—

On page 10, line 2, in Committee Amendment No. 40 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 2 of the text of the amendment delete the word “adoption” and insert in lieu thereof the words “the effective date”

Read.

On motion of Delegate Tate Amendment No. 45 was adopted.

AMENDMENT No. 46—

Delete Amendments Nos. 4, 5, 6, 7, and 21 proposed by the Committee on Style and Drafting and adopted by the convention on this date and reinsert the text of amendments Nos. 4, 5, 6, and 7 at the end of CP No. 35 and renumber Sections 2, 3, and 4 contained in amendments Nos. 4, 5, 6, and 7 as follows:

Section 2	Section 12
Section 3	Section 13
Section 4	Section 14

On motion of Delegate Perez action on Amendment No. 46 was deferred.

AMENDMENT No. 47—

On page 1, line 13, delete Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted by the convention this date, and insert in lieu thereof the following:

“Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.”

On motion of Delegate Perez action on Amendment No. 47 was deferred.

Motion

On motion of Delegate De Blieux the Proposal was returned to the Calendar, subject to call.

Motion

On motion of Delegate Alario, the Convention altered the Order of Business to take up Proposals on Third Reading and Final Passage at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Alario Delegate Proposal No. 16 was called from the Calendar.

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard:
A PROPOSAL

Making provisions for homestead exemptions.

Read.

ARTICLE XI. HOMESTEAD EXEMPTIONS

Section 1. Property Exempt; Valuation; Claim of Benefit

Section 1. There shall be exempt from seizure and sale by any process whatever, except as hereinafter provided, the homestead, bona fide, owned by the debtor and occupied by him, consisting of lands, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, of every head of a family, or person having a mother or father or a person or persons dependent on him or her for support to the total value of not more than fifteen thousand dollars.

Provided, that in case the homestead exceeds fifteen thousand dollars in value, the beneficiary shall be entitled to that amount in case of a sale of the homestead under legal process realizes more than that sum; if the sale does not realize more than that sum, over and above all costs and expenses, said sale shall be null and void.

The benefit of this exemption may be claimed by the surviving spouse, or minor child or children, of a deceased beneficiary.

Read.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly and Nunez to Delegate Proposal No. 16 by Delegate Alario, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, immediately after the word “not” and before the word “than” delete the word “more” and insert in lieu thereof the word “less”

Delegate Kelly moved the adoption of the amendment.

Delegate Abraham objected.

By a vote of 32 yeas and 50 nays the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Delegate Proposal No. 16 by Delegate Alario, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 9 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 1. Exemptions From Seizure and Sale

Section 1. The legislature shall provide by law for exemptions from seizure and sale, as well as waivers of and exclusions from such exemptions. The exemption shall extend to at least fifteen thousand dollars in value of a homestead, as provided by law.”

Delegate Conroy moved the adoption of the amendment.

Delegate Fontenot objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Gravel	Roemer
Alario	Grier	Sandoz
Alexander	Hayes	Schmitt
Asseff	Hernandez	Segura
Avant	Jack	Shannon
Bergeron	Jackson, A.	Singletary
Blair	Jackson, J.	Slay
Burns	Juneau	Smith
Burson	Kelly	Soniat
Champagne	Kilpatrick	Stephenson
Chatelain	Landrum	Sutherland
Chehardy	Landry, A.	Tate
Comar	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Toca
Corne	Leithman	Toomy
D'Gerolamo	Lowe	Uilo
De Blieux	McDaniel	Velazquez
Dennery	Martin	Vesich
Dennis	Mauberrret	Vick
Deshotels	Maybuce	Warren
Elkins	Mire	Wattigny
Fayard	Morris	Weiss
Flory	Nunez	Willis
Fulco	Planchard	Winchester
Gauthier	Pugh	Wisham
Ginn	Rachal	Zervigon
Goldman	Reeves	
Total—83.		

NAYS		
Delegates—		
Badeaux	Duval	Kean
Bollinger	Fontenot	Newton
Brien	Graham	Riecke
Cannon	Guarisco	Stagg
Casey	Heine	Stinson
Cowen	Jenkins	Tobias
Total—18.		

NOT VOTING		
Delegates—		
Mr. Chairman	Fowler	O'Neill
Aertker	Giarrusso	Ourso
Anzalone	Hardee	Perez
Arnette	Haynes	Perkins
Bel	Jones	Rayburn
Brown	Kilbourne	Roy
Carmouche	Lambert	Stovall
Derbes	Leigh	Tapper
Drew	Miller	Wall
Dunlap	Munson	Womack
Edwards		
Total—31.		

And the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Delegate Proposal No. 16, Section 1 was read, as amended.

Delegate Alario moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Alario	Blair	Champagne
Alexander	Burns	Chatelain
Asseff	Burson	Chehardy
Avant	Cannon	Comar

Conino	Juneau	Segura
Conroy	Kelly	Shannon
Cowen	Kilpatrick	Singletary
D'Gerolamo	Landrum	Slay
Dennery	Landry, A.	Smith
Dennis	Landry, E. J.	Soniat
Deshotels	Lanier	Stephenson
Elkins	LeBleu	Sutherland
Fayard	Leithman	Tate
Flory	Lowe	Thistlethwaite
Fulco	McDaniel	Thompson
Gauthier	Martin	Toca
Ginn	Mauberrret	Toomy
Goldman	Maybuce	Uilo
Gravel	Mire	Velazquez
Grier	Morris	Vesich
Guarisco	Nunez	Vick
Hayes	Planchard	Warren
Heine	Pugh	Wattigny
Hernandez	Reeves	Weiss
Jack	Roemer	Willis
Jackson, A.	Sandoz	Winchester
Jackson, J.	Schmitt	Wisham
Total—81.		

NAYS		
Delegates—		
Abraham	De Blieux	Riecke
Badeaux	Duval	Stagg
Bergeron	Fontenot	Stinson
Bollinger	Kean	Tobias
Brien	Newton	Zervigon
Casey	Rachal	
Total—17.		

NOT VOTING		
Delegates—		
Mr. Chairman	Fowler	Munson
Aertker	Giarrusso	O'Neill
Anzalone	Graham	Ourso
Arnette	Hardee	Perez
Bel	Haynes	Perkins
Brown	Jenkins	Rayburn
Carmouche	Jones	Roy
Corne	Kilbourne	Stovall
Derbes	Lambert	Tapper
Drew	Leigh	Wall
Dunlap	Miller	Womack
Edwards		
Total—34.		

And the Chair declared that the above Section was finally passed.

Delegate Alario moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Debts Excluded From Exemption

Section 2. A homestead exemption shall not apply to the following debts:

- (1) For the purchase price of property or any part of such purchase price.
- (2) For labor, money, and material furnished for building, repairing, or improving homesteads.
- (3) For liabilities incurred by any public officer, fiduciary, or attorney at law, for money collected or received on deposits.
- (4) For taxes or assessments.
- (5) For rent which bears a privilege upon the homestead.
- (6) For the amount due a homestead or building and loan association for a loan secured by the homestead.
- (7) For the amount due for money advanced on the security of a mortgage on the homestead.

Passage

Delegate Proposal No. 16, Section 2 was read.

Delegate Alario moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Stinson	Warren	
Total—2.		

Delegates—		
		NAYS
Abraham	Ginn	Rachal
Alario	Goldman	Reeves
Alexander	Gravel	Riecke
Asseff	Grier	Roemer
Avant	Guarisco	Sandoz
Badeaux	Hayes	Schmitt
Bergeron	Heine	Segura
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Burns	Jackson, J.	Smith
Burson	Jenkins	Soniat
Cannon	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Sutherland
Chatelain	Kilpatrick	Tate
Chehardy	Landrum	Thistlethwaite
Comar	Landry, A.	Thompson
Conino	Landry, E. J.	Tobias
Conroy	Lanier	Toca
Corne	LeBleu	Toomy
Cowen	Leithman	Ullio
D'Gerolamo	Lowe	Velazquez
De Blieux	McDaniel	Vesich
Dennery	Martin	Vick
Dennis	Mauberret	Wattigny
Deshotels	Maybuce	Weiss
Duval	Mire	Willis
Elkins	Morris	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Womack
Fontenot	Planchard	Zervigon
Gauthier		
Total—97.		

Delegates—		
		NOT VOTING
Mr. Chairman	Fowler	Munson
Aertker	Fulco	O'Neill
Anzalone	Giarrusso	Ourso
Arnette	Graham	Perez
Bel	Hardee	Perkins
Brown	Haynes	Pugh
Carmouche	Jones	Rayburn
Derbes	Kilbourne	Roy
Drew	Lambert	Stovall
Dunlap	Leigh	Tapper
Edwards	Miller	Wall
Total—33.		

And the Chair declared that the above Section failed to pass.

Delegate Alario moved to reconsider the vote by which the above Section failed pass, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Sales; Waiver of Homestead

Section 3. The right to sell voluntarily any property that is exempt as a homestead shall be preserved; but no sale shall destroy or impair any rights of creditors thereon. Any person entitled to a homestead may waive same, in whole or in part, by signing a written waiver thereof; provided, that if such person be married, and not separated from bed and board from the other spouse, then the waiver shall not be effective unless signed by the latter; and all such waivers shall be recorded in the mortgage records of the parish where the homestead is situated. Such waiver may be either general or special, and shall have effect from the time of recording.

Passage

Delegate Proposal No. 16, Section 3 was read.

Delegate Alario moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

Delegates—		
		YEAS
Total—0.		
		NAYS
Delegates—		
Abraham	Ginn	Reeves
Alario	Goldman	Riecke
Alexander	Gravel	Roemer
Asseff	Grier	Sandoz
Avant	Guarisco	Schmitt
Badeaux	Hayes	Segura
Bergeron	Heine	Shannon
Blair	Hernandez	Singletary
Bollinger	Jack	Slay
Brien	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Sutherland
Chatelain	Kilpatrick	Tate
Chehardy	Landrum	Thistlethwaite
Comar	Landry, A.	Thompson
Conino	Landry, E. J.	Tobias
Conroy	Lanier	Toca
Corne	LeBleu	Toomy
Cowen	Leithman	Ullio
D'Gerolamo	Lowe	Velazquez
De Blieux	McDaniel	Vesich
Dennery	Martin	Vick
Dennis	Mauberret	Warren
Deshotels	Maybuce	Wattigny
Duval	Mire	Weiss
Elkins	Morris	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	Planchard	Womack
Fulco	Pugh	Zervigon
Gauthier	Rachal	
Total—101.		

Delegates—		
		NOT VOTING
Total—31.		
Delegates—		
Mr. Chairman	Fowler	Munson
Aertker	Giarrusso	O'Neill
Anzalone	Graham	Ourso
Arnette	Hardee	Perez
Bel	Haynes	Perkins
Brown	Jones	Rayburn
Carmouche	Kilbourne	Roy
Derbes	Lambert	Stovall
Drew	Leigh	Tapper
Dunlap	Miller	Wall
Edwards		
Total—31.		

And the Chair declared that the above Section failed to pass.

Delegate Alario moved to reconsider the vote by which the above Section failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Registration of Homestead

Section 4. Homestead exemptions must be registered only in cities having a population of two hundred and fifty thousand or more and shall be recorded or provided by law.

Passage

Delegate Proposal No. 16, Section 4 was read.

Delegate Alario moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

Delegates—		
		YEAS
Total—0.		
		NAYS
Delegates—		
Abraham	Badeaux	Burns
Alario	Bergeron	Burson
Alexander	Blair	Cannon
Asseff	Bollinger	Casey
Avant	Brien	Champagne

Chehardy	Jackson, A.	Segura
Comar	Jackson, J.	Shannon
Conino	Jenkins	Singletary
Conroy	Juneau	Slay
Corne	Kean	Smith
Cowen	Kelly	Sonlat
D'Gerolamo	Kilpatrick	Stagg
De Blieux	Landry, A.	Stephenson
Dennery	Landry, E. J.	Stinson
Dennis	Lanier	Sutherland
Derbes	LeBleu	Tate
Deshotels	Leithman	Thistlethwaite
Duval	Lowe	Thompson
Elkins	McDaniel	Tobias
Fayard	Martin	Toca
Flory	Mauberet	Toomy
Fontenot	Maybuce	Ulo
Fulco	Mire	Velazquez
Gauthier	Morris	Vesich
Ginn	Newton	Vick
Goldman	Nunez	Warren
Gravel	Planchard	Wattigny
Grier	Rachal	Weiss
Guarisco	Reeves	Willis
Hayes	Riecke	Winchester
Heine	Roemer	Wisham
Hernandez	Sandoz	Womack
Jack	Schmitt	Zervigion
Total—99.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Munson
Aertker	Giarrusso	O'Neill
Anzalone	Graham	Ourso
Arnette	Hardee	Perez
Bel	Haynes	Perkins
Brown	Jones	Pugh
Carmouche	Kilbourne	Rayburn
Chatelain	Lambert	Roy
Drew	Landrum	Stovall
Dunlap	Leigh	Tapper
Edwards	Miller	Wall
Total—33.		

And the Chair declared that the above Section failed to pass.

Delegate Alario moved to reconsider the vote by which the above Section failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Alario moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	D'Gerolamo	Jackson, J.
Alario	Dennery	Juneau
Alexander	Dennis	Kelly
Asseff	Derbes	Kilpatrick
Avant	Deshotels	Landrum
Blair	Elkins	Landry, A.
Brien	Flory	Landry, E. J.
Burns	Fulco	Lanier
Burson	Gauthier	LeBleu
Cannon	Ginn	Leithman
Champagne	Goldman	Lowe
Chatelain	Gravel	McDaniel
Chehardy	Grier	Mauberet
Comar	Hayes	Martin
Conino	Heine	Maybuce
Conroy	Hernandez	Mire
Corne	Jack	Morris
Cowen	Jackson, A.	Nunez

Planchard	Slay	Ulo
Pugh	Smith	Velazquez
Rachal	Sonlat	Vesich
Reeves	Stagg	Vick
Riecke	Stephenson	Warren
Roemer	Sutherland	Wattigny
Sandoz	Tate	Weiss
Schmitt	Thistlethwaite	Willis
Segura	Thompson	Winchester
Shannon	Toca	Wisham
Singletary	Toomy	Womack
Total—87.		

NAYS

Delegates—		
Badeaux	Duval	Newton
Bergeron	Fayard	Stinson
Bollinger	Fontenot	Tobias
Casey	Guarisco	Zervigion
De Blieux	Kean	
Total—14.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Munson
Aertker	Graham	O'Neill
Anzalone	Hardee	Ourso
Arnette	Haynes	Perez
Bel	Jenkins	Perkins
Brown	Jones	Rayburn
Carmouche	Kilbourne	Roy
Drew	Lambert	Stovall
Dunlap	Leigh	Tapper
Edwards	Miller	Wall
Fowler		
Total—31.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Riecke, the Convention altered the Order of Business to take up Other Orders of Business at this time.

Motion

On motion of Delegate Juneau Committee Resolution No. 13 was made Special Order of the Day for Friday, January 11, 1974.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Judge Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Friday, January 11, 1974 at 9:00 o'clock A.M. in the Ante Room and will consider the following agenda:

AGENDA

Continue consideration of committee proposals.

Respectfully submitted,

Judge ALBERT TATE, JR.,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate A. Jackson the rules were suspended for the purpose of calling a meeting of the Committee on Bill of Rights and Elections without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Friday, January 11, 1974, at 10:00 o'clock a.m. in the Convention Hall and will consider the following agenda:

AGENDA

To complete the business of the Committee.

Respectfully submitted,
ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

PROPOSALS

Delegate Denny, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 10, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposals have been properly enrolled in final form:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS**Section 1. Origin and Purpose of Government**

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, or property, except by due process of law.

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations, Slavery and in-

voluntary servitude are prohibited, except in the latter case as punishment for crime.

Section 4. Right to Property

Section 4. Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction. Personal effects, other than contraband, shall never be taken.

This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

Section 5. Right to Privacy

Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. 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. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

Section 6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

Section 7. Freedom of Expression

Section 7. No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.

Section 8. Freedom of Religion

Section 8. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Section 9. Right of Assembly and Petition

Section 9. No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances.

Section 10. Right to Vote

Section 10. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that 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.

Section 11. Right to Keep and Bear Arms

Section 11. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Section 12. Freedom from Discrimination

Section 12. In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

Section 13. Rights of the Accused

Section 13. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

Section 14. Right to Preliminary Examination

Section 14. The right to a preliminary examination shall not

be denied in felony cases except when the accused is indicted by a grand jury.

Section 15. Initiation of Prosecution

Section 15. Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained.

Section 16. Right to a Fair Trial

Section 16. Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf.

Section 17. Jury Trial in Criminal Cases

Section 17. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury.

Section 18. Right to Bail

Section 18. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.

Section 19. Right to Judicial Review

Section 19. No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

Section 20. Right to Humane Treatment

Section 20. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

Section 21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

Section 22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights.

Section 23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 24. Unenumerated Rights

Section 24. The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate A. Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE X. ELECTIONS

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.

Section 2. Secret Ballot; Absentee Voting; Preservation of Ballot

Section 2. In all elections by the people, voting shall be by secret ballot. The legislature shall provide a method for absentee voting. Proxy voting is prohibited. Ballots shall be counted publicly and preserved inviolate as provided by law until any election contests have been settled. In all elections by persons in a representative capacity, voting shall be viva-voce.

Section 3. Privilege from Arrest

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.

Section 4. Prohibited Use of Public Funds

Section 4. No public funds shall be used to urge any elector to vote for or against any 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.

Section 5. Registrar of Voters

Section 5. The governing authority of each parish shall appoint a registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for other public office, a registrar shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing authority.

Respectfully submitted,

MOISE W. DENNERY
Secretary

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 10, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled in final form:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate, and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE V. JUDICIAL BRANCH

Section 1. Judicial Power

Section 1. The judicial power is vested in a supreme court, courts of appeal, district courts, and other courts authorized by this Article.

Section 2. Habeas Corpus, Needful Writs, Orders and Process; Contempt

Section 2. Habeas Corpus, Needful Writs, Orders and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law.

Section 3. Supreme Court; Composition; Judgments; Terms
Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a supreme court judge shall be ten years.

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.

Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges
Section 5. (A) Supervisory Jurisdiction; Rule-Making Power; Assignment of Judges. The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court.

(B) Original Jurisdiction. The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar.

(C) Scope of Review. Except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) Appellate Jurisdiction. In addition to other appeals provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional; (2) the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed.

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

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it.

Section 6. Supreme Court; Chief Justice
Section 6. The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Section 7. Supreme Court; Personnel
Section 7. The supreme court may select a judicial administrator, its clerks, and other personnel and prescribe their duties.

Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms

Section 8. (A) Circuits; Panels. The state shall be divided into at least four circuits, with one court of appeal in each. Each court shall sit in panels of at least three judges selected according to rules adopted by the court.

(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 before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

(C) Terms. The term of a court of appeal judge shall be ten years.

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.

Section 10. (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.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal extends to law and facts.

Section 11. Courts of Appeal; Certification
Section 11. A court of appeal may certify any question of law before it to the supreme court, and the supreme court then may give its binding instruction or decide the case upon the whole record.

Section 12. Courts of Appeal; Chief Judge
Section 12. The judge oldest in point of service on each court of appeal shall be chief judge of that court and shall administer the court subject to rules adopted by it.

Section 13. Courts of Appeal; Personnel
Section 13. Each court of appeal may select its clerk and other personnel and prescribe their duties.

Section 14. District Courts; Judicial Districts
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.

Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 20 of this Article, the legislature may abolish or merge trial courts of limited or specialized jurisdiction. The legislature may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 20 of this Article, the legislature may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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.

Section 16. District Courts; Jurisdiction
Section 16. (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 corporation, or political subdivisions, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships.

(B) Appellate Jurisdiction. A district court shall have appellate jurisdiction as provided by law.

Section 17. District Courts; Chief Judge
Section 17. Each district court shall elect from its members a chief judge who shall exercise, for a term designated by the court, the administrative functions prescribed by rule of court.

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.

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.

Section 20. Judges; Decrease in Terms and Compensation Prohibited

Section 20. The term of office, retirement benefits, and compensation of judge shall not be decreased during the term for which he is elected.

Section 21. Judges; Election; Vacancy
Section 21. (A) Election. Except as otherwise provided in this Section, all judges shall be elected. Election shall be at the regular congressional election.

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called

by the governor and held within six months after 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, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

(C) End of Term. A judge serving on the effective date of this constitution shall serve through December thirty-first of the least year of his term or, if the last year of his term is not in the year of a regular congressional election, then through December thirty-first of the following year. The election for the next term shall be held in the year in which the term expires, as provided above.

Section 22. Judges; Retirement

Section 22. (A) Retirement System. Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the law enacting the system and in which a judge in office at that time may elect to become a member, with credit for all prior years of judicial service and without contribution therefor. The retirement benefits and judicial service rights of a judge in office or retired on the effective date of this constitution shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

(B) Mandatory Retirement. Except as otherwise provided in this Section, a judge shall not remain in office beyond his seventieth birthday.

Section 23. Judges; Qualifications

Section 23. 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.

Section 24. Judiciary Commission

Section 24. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges' Association or its successor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and

that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.

Section 25. Department of Justice; Attorney General; Assistants

Section 25. 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. He shall appoint assistants to serve at his pleasure.

Section 26. Attorney General; Powers and Duties

Section 26. The attorney general shall be the chief legal officer of the state. As necessary for the assertion or protection of the rights and interests of the state, the attorney general may

(1) institute and prosecute or intervene in any civil action or proceeding;

(2) advise and assist, upon request of 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 and subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

He shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 27. District Attorneys

Section 27. (A) Election; Qualifications; Assistants.

In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years preceding election. A district attorney may select assistants as authorized by law, and other personnel.

(B) Powers. Except as otherwise provided by this constitution, a district attorney, of his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law.

(C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge. A violation of this Paragraph shall be cause for removal.

Section 28. Sheriffs

Section 28. In each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and license fees as provided by law.

This Section shall not apply to Orleans Parish.

Section 29. Clerks of Court

Section 29. (A) Powers and Duties; Deputies. In each parish a clerk of the district court shall be elected for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have other duties and powers provided by law. The clerk may appoint deputies with duties and powers provided by law and, with the approval of the district judges, he may appoint minute clerks with duties and powers provided by law.

(B) Office Hours. The legislature shall establish uniform statewide office hours for clerks of the district courts.

Section 30. Coroners

Section 30. In each parish a coroner shall be elected for a term of four years. He shall be a licensed physician and possess the other qualifications and perform the duties provided by law. The requirement that he be a licensed physician shall be inapplicable in any parish in which no licensed physician will accept the office.

Section 31. Vacancies

Section 31. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated: (1) sheriff, by the chief criminal deputy; (2) district attorney, by the first assistant; (3) clerk of a district court, by the chief deputy; (4) coroner, by the chief deputy. If there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

Section 32. Reduction of Salaries and Benefits Prohibited

Section 32. The salary and retirement benefits of an attorney general, district attorney, sheriff, coroner, or clerk of the district court shall not be diminished during his term of office.

Section 33. Orleans Parish Courts, Officials

Section 33. Except for provisions relating to terms of office as provided elsewhere in this Article, and not withstanding 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.,

Section 34. Jurors

Section 34. (A) Qualifications. A citizen of the state who has reached the age of majority is eligible to serve as a juror within the parish in which he is domiciled. The legislature may provide additional qualifications.

(B) Exemptions. The supreme court shall provide by rule for exemption of jurors.

Section 35. Grand Jury

Section 35. (A) Grand Jury. There shall be a grand jury or grand juries in each parish, whose qualifications, duties, and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of witnesses, shall be provided by law.,

(B) Right to Counsel. A person testifying at any stage in grand jury proceedings shall have the right to the advice of counsel while testifying.

Respectfully submitted,

MOISE DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 10, 1974 Baton Rouge, La.

To the Chairman and Delegates of the Convention:

That the following Committee Proposals have been properly enrolled in final form:

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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. State Penal Institutions; Reimbursement of Parish Expense

Section 1. 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.

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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. Welfare, Unemployment Compensation, and Health

Section 2. The legislature may establish a system of economic and social welfare, unemployment compensation, and public health.

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article ———.

Section 1. Code of Ethics

Section 1. The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivision. The code shall be administered by one or more boards created by the legislature with qualifications, terms of office, duties, and powers provided by law. Decisions of a board shall be appealable, and the legislature shall provide the method of appeal.

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall, and Tapper:

A PROPOSAL

Defining and regulating dual employment and defining, regulating and prohibiting dual officeholding in state and local government.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article , Section . Dual Employment and Dual Officeholding.

Section. The legislature shall enact laws defining and regulating dual employment and defining, regulating, and prohibiting dual officeholding in state and local government.

COMMITTEE PROPOSAL No. 31—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall, and Tapper (A Substitute for Committee Proposal No. 19):

A PROPOSAL

Making provisions in the Schedule provisions of the constitution for mandatory reorganization of the executive branch of state government.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIV. SCHEDULE

Section 1. Mandatory Reorganization of State Government

Section 1. The legislature shall allocate, within not more than twenty departments, the functions, powers, duties and responsibilities of all departments, offices, agencies, and other instrumentalities within the executive branch, except those allocated by this constitution. The allocation, which shall not be subject to veto by the governor, shall become operative not later than December 31, 1977.

Respectfully submitted,

MOISE DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Motion

On motion of Delegate Lowe, the Convention altered the Order of Business to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

Motion

On motion of Delegate Lowe a report was ordered inserted in the Official Journal as follows:

CONSTITUTIONAL CONVENTION 1973

COMPARISON OF BUDGETED AND ACTUAL EXPENSES

	DECEMBER 1973			JANUARY 5, 1973 THROUGH DECEMBER 1973				
	Budget	Actual	Over	Actual Under	Budget	Actual	Over	Under
Expenses								
Salaries:								
Research	65,300.00	37,647.21		27,652.79	557,316.79	456,480.87		100,835.92
Clerk's Office	22,000.00	17,726.68		4,274.32	137,584.92	118,584.48		18,900.44
Finance	1,767.60	1,315.42		442.08	13,130.92	12,544.81		586.11
Public Information	4,100.00	4,227.77	127.77		31,044.09	82,142.96	1,098.87	
Total:	93,167.50	60,916.08	127.77	82,369.19	739,076.72	619,853.12	1,098.87	120,322.47
Employer's Fringe Benefit Share:								
Teachers' Retirement	255.00	235.38		19.62	2,603.03	2,603.01		.02
State Retirement	5,500.00	3,360.04		2,149.96	41,960.10	33,436.44		8,514.66
F.I.C.A.	250.00	266.18	16.18		1,755.07	1,469.96		285.12
Group Hospitalization	326.00	284.66		40.46	8,086.32	2,766.84		330.48
Group Life	125.00	90.24		34.76	1,044.65	823.53		221.02
Workmen's Compensation	416.00	370.50		46.50	2,600.00	1,482.00		1,018.00
Total:	6,871.00	4,596.89	16.18	2,290.29	52,939.07	42,559.77		10,379.30
Other Expenses:								
Wages—Per Diem	20,000.00	18,635.00		1,365.00	132,000.00	131,535.00		465.00
Delegate—Per Diem	133,800.00	87,900.00		45,900.00	979,800.00	763,664.02		226,145.98
Meeting Expenses	25,000.00	6,000.00		19,000.00	176,986.95	61,910.44		115,076.51
Postage	900.00	593.67		306.33	9,622.36	6,380.57		3,241.79
Printing	1,600.00	106.00		1,395.00	9,135.93	5,770.65		3,365.28
Daily Journal	70,000.00	9,153.68		60,846.32	420,000.00	71,666.16		348,443.84
Equipment Rental	16,000.00	13,710.33		2,289.67	102,649.73	84,641.26		18,008.47
Telephone	1,500.00	1,327.27		172.73	12,584.49	17,583.37	4,998.88	
Staff Travel	2,000.00	76.54		1,924.46	13,147.29	3,033.93		10,113.36
Office Supplies	8,000.00	1,367.01		6,632.99	58,743.53	31,903.71		26,839.82
Equipment Purchase					1,033.23	1,914.87		
LSU Renovation					11,799.00	11,799.00		
White House Inn Renovation					5,606.89	5,606.89		
Total:	277,700.00	138,867.50		138,832.50	1,933,109.40	1,187,289.87	5,880.52	751,700.05
GRAND TOTAL	\$377,728.50	204,380.47	143.95	173,491.98	2,725,125.19	1,849,702.76	6,979.39	882,401.82

Respectfully submitted by
HERMAN "MONDAY" LOWE
 Treasurer
 Constitutional Convention 1973

Motion

On motion of Delegate Gauthier a communication was ordered inserted in the Official Journal as follows:

WALTER B. HAMLIN
 2735 Palmer Avenue
 New Orleans 18, La.

Dear Mr. Gauthier:

Many thanks for your letter of January 2, 1974, enclosing resolution prepared by delegates Roy, Dennis and your good self, commending me for my efforts in the beginning of C.C. 73. I deeply appreciate it.

Will you please convey to these gentlemen and the other delegates, my gratitude and thanks for this recognition? I will treasure the resolution always and will place it among my memiors.

With kindest regards and best wishes to you and all the delegates, I am,

Sincerely yours,
WALTER B. HAMLIN

Hon. Wendell H. Gauthier,
 Atty.

Adjournment

Delegate Shannon moved that the Convention do now adjourn until Friday, January 11, 1974, at 1:00 o'clock p.m.

Which motion was agreed to.

And Vice-Chairman Casey declared the Convention adjourned to Friday, January 11, 1974, at 1:00 o'clock p.m.

MOISE W. DENNERY
 Secretary
DAVID R. POYNTER
 Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED FIFTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Friday, January 11, 1974, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alario	Ginn	Pugh
Alexander	Goldman	Rachal
Arnette	Graham	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Roemer
Badeaux	Guarisco	Roy
Bel	Hardee	Sandoz
Bergeron	Hayes	Schmitt
Blair	Haynes	Segura
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Jones	Stephenson
Casey	Juneau	Stinson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Landrum	Tate
Conino	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	LeBleu	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Leithman	Ullo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vesich
Derbes	Martin	Vick
Deshotels	Mauberret	Warren
Drew	Maybeu	Wattigny
Dunlap	Miller	Weiss
Duval	Mire	Willis
Edwards	Morris	Winchester
Elkins	Newton	Wisham
Fayard	Nunez	Womack
Flory	O'Neill	Zervigon
Fontenot	Ourso	
Total—125.		

ABSENT

Delegates—		
Anzalone	Lambert	Rayburn
Fowler	Munson	Wall
Kilbourne		
Total—7.		

The Chairman announced that there were 125 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Bergeron led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Bel, the reading of the Journal
was dispensed with.

On motion of Delegate Bel, the Journal of yesterday was
adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and
read:

Delegate A. Jackson, chairman on behalf of the Committee
on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 11, 1974, Baton Rouge, La.

I am directed by your Committee on Bill of Rights and
Elections to submit the following report:

DELEGATE PROPOSAL No. 2—

Introduced by Dr. Asseff:

A PROPOSAL

To protect the sources of information of news reporters.

Reported unfavorably.

DELEGATE PROPOSAL No. 5—

Introduced by Delegate Weiss:

A PROPOSAL

To provide a guarantee of the right to life and to provide
exceptions thereto.

Reported unfavorably.

DELEGATE PROPOSAL No. 25—

Introduced by Delegate Asseff:

A PROPOSAL

To prohibit favoritism in the law towards women.

Reported unfavorably.

DELEGATE PROPOSAL No. 31—

Introduced by Delegate Dennery:

A PROPOSAL

Providing for trust; forced heirship.

Reported unfavorably.

DELEGATE PROPOSAL No. 47—

Introduced by Delegates Drew and Singletary:

A PROPOSAL

Providing with respect to the expropriation of private pro-
perty for public purposes.

Reported unfavorably.

DELEGATE PROPOSAL No. 48—

Introduced by Delegates Singletary and Drew:

A PROPOSAL

Making provisions for equal protection of the laws, pro-
hibiting discrimination, slavery and involuntary servi-
tude.

Reported unfavorably.

DELEGATE PROPOSAL No. 50—

Introduced by Delegate Thistlethwaite:

A PROPOSAL

To provide a preamble and a declaration of rights to the
constitution.

Reported unfavorably.

DELEGATE PROPOSAL No. 75—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to trial by jury in criminal cases.

Reported unfavorably.

DELEGATE PROPOSAL No. 76—

Introduced by Delegate Burson:

A PROPOSAL

For initiation of the prosecution of felonies.

Reported unfavorably.

DELEGATE PROPOSAL No. 78—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit religious discrimination and to prohibit the direct or indirect appropriation of money from the public treasury for sectarian, private, charitable or benevolent purposes, except for designated state charities.

Reported unfavorably.

DELEGATE PROPOSAL No. 79—

Introduced by Delegate Deshotels:

A PROPOSAL

Providing for a right to privacy.

Reported unfavorably.

DELEGATE PROPOSAL No. 93—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to grand jury proceedings.

Reported unfavorably.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman.

Suspension of the Rules

On motion of Delegate A. Jackson the rules were suspended in order to take up Proposals contained in the Committee Report at this time.

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 2—

Introduced by Dr. Asseff:

A PROPOSAL

To protect the sources of information of news reporters.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 5—

Introduced by Delegate Weiss:

A PROPOSAL

To provide a guarantee of the right to life and to provide exceptions thereto.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 25—

Introduced by Delegate Asseff:

A PROPOSAL

To prohibit favoritism in the law towards women.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 31—

Introduced by Delegate Denny:

A PROPOSAL

Providing for trust; forced heirship.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 47—

Introduced by Delegates Drew and Singletary:

A PROPOSAL

Providing with respect to the expropriation of private property for public purposes.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 48—

Introduced by Delegates Singletary and Drew:

A PROPOSAL

Making provisions for equal protection of the laws, prohibiting discrimination, slavery and involuntary servitude.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 50—

Introduced by Delegate Thistlethwaite:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 75—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to trial by jury in criminal cases.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 76—

Introduced by Delegate Burson:

A PROPOSAL

For initiation of the prosecution of felonies.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 78—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit religious discrimination and to prohibit the direct or indirect appropriation of money from the public treasury for sectarian, private, charitable or benevolent purposes, except for designated state charities.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 79—

Introduced by Delegate Deshotel:

A PROPOSAL

Providing for a right to privacy.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 93—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to grand jury proceedings.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 11, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Preamble

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential."

AMENDMENT No. 2—

On page 1, line 24, change the word and punctuation "Section 2." to the word and punctuation "Section 1." and, on line 25, change the word and punctuation "Section 2." to the word and punctuation "Section 1."

AMENDMENT No. 3—

On page 1, delete lines 28 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

AMENDMENT No. 4—

On page 2, delete lines 6 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees."

AMENDMENT No. 5—

On page 2, delete lines 23 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Membership; Terms.

The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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."

AMENDMENT No. 6—

On page 2, delete lines 30 through 35, both inclusive, in their entirety and on page 3 delete lines 1 and 2, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor."

AMENDMENT No. 7—

On page 3, delete lines 3 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or

specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school."

AMENDMENT No. 8—

On page 3, delete lines 11 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law."

AMENDMENT No. 9—

On page 3, delete lines 18 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Membership; Terms. The board shall consist of fifteen electors appointed by the governor, with consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. At least one member, but no more than two members, shall be appointed from each congressional district."

AMENDMENT No. 10—

On page 3, delete lines 31 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate."

AMENDMENT No. 11—

On page 3, delete line 35, and on page 4, delete lines 1 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education, of post-secondary vocational-technical training, and of career education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, the addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education and post-secondary vocational-technical training and career education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every higher education board submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institution of higher education and post-secondary vocational-technical training and career education in the state. It shall recommend priorities for capital construction and improvements."

AMENDMENT No. 12—

On page 5, delete lines 9 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Powers Not Vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested by this Section in the Board of Regents are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other such board created pursuant to this Article, as to the institutions under the control of each."

AMENDMENT No. 13—

On page 5, delete lines 18 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Board of Trustees for State Colleges and Universities

Section 6. (A) Creation; Functions. The Board of Trustees for State Colleges and Universities is created as a body corporate. Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of:

(1) state colleges and universities not managed by a higher education board created by or under this Article; and

(2) unless the legislature provides otherwise, public institutions of vocational-technical training and of career education at post-secondary levels."

AMENDMENT No. 14—

On page 5, delete lines 34 and 35 and on page 6, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Membership; Terms. The board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law."

AMENDMENT No. 15—

On page 6, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following

"(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate."

AMENDMENT No. 16—

On page 6, delete lines 10 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College.

Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system."

AMENDMENT No. 17—

On page 6, delete lines 25 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Membership; Terms. Each board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

AMENDMENT No. 18—

On page 6, delete line 32 and on page 7, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate."

AMENDMENT No. 19—

On page 7, delete lines 4 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

PAGE 5

115th Days Proceedings—January 11, 1974

"Section 8. Boards; Membership; Compensation.

Section 8. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article."

AMENDMENT No. 20—

On page 7, delete lines 9 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Student Membership. The legislature may provide for the membership of one student on the boards created by Sections 6 and 7 of this Article. The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members except the right to vote."

AMENDMENT No. 21—

On page 3, delete lines 24 through 30, both inclusive, in their entirety.

AMENDMENT No. 22—

On page 7, between lines 18 and 19, insert the following:

"(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."

AMENDMENT No. 23—

On page 7, delete lines 19 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 24—

On page 7, delete lines 23 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves."

AMENDMENT No. 25—

On page 7, delete lines 28 through 35, both inclusive, in their entirety and on page 8, delete lines 1 and 2, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. Existing Boards and Systems Recognized; Consolidation

Section 10. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them."

AMENDMENT No. 26—

On page 8, delete lines 3 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. This Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

AMENDMENT No. 27—

On page 8, delete lines 21 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for

that purpose, any two or more school systems may be consolidated as provided by law."

AMENDMENT No. 28—

On page 8, delete lines 26 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Appropriations; State Boards
Section 11. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article."

AMENDMENT No. 29—

On page 8, delete lines 30 through 35, both inclusive, in their entirety and on page 9, delete line 1 and insert in lieu thereof the following:

"Section 12. Appropriations; Higher Education
Section 12. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made to their managing boards. The funds appropriated shall be administered by the managing boards and used solely as provided by law."

AMENDMENT No. 30—

On page 9, delete lines 2 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Funding; Apportionment
Section 13. (A) Free School Books. The legislature 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."

AMENDMENT No. 31—

On page 9, delete lines 9 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation."

AMENDMENT No. 32—

On page 9, delete lines 17 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature."

AMENDMENT No. 33—

On page 10, delete lines 10 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others,

shall be regarded and treated as parishes and shall have the authority granted parishes."

AMENDMENT No. 34—

On page 10, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. Tulane University

Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884."

AMENDMENT No. 35—

On page 6, line 10, delete the language added by Committee Amendment No. 16 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by this Article in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system."

AMENDMENT No. 36—

On page 8, line 3, delete the language added by Committee Amendment No. 26 proposed by the Committee on Style and Drafting and adopted this date, and insert in lieu thereof the following:

"(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier."

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivor's benefits.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend First enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Retirement and Survivor's Benefits

Section 1. (A) Public School Employees. The legislature shall provide for retirement of teachers and other employees of the public educational system through establishment of one or more retirement systems. Membership in such a retirement system shall be a contractual relationship between employee and employer, and the state shall guarantee benefits

payable to a member at retirement or to his lawful beneficiary upon the member's death."

AMENDMENT No. 2—

On page 1, delete lines 26 through 35, both inclusive, in their entirety and on page 2 delete line 1, and insert in lieu thereof the following:

"(B) Other Officers and Employees. The legislature shall enact laws providing for retirement of officers and employees of the state, its agencies, and its political subdivisions, including persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member at retirement or to his lawful beneficiary upon the member's death."

AMENDMENT No. 3—

On page 2, delete lines 2 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Retirement Systems; Change; Notice. No proposal to effect any change in existing laws or constitutional provisions relating to any retirement system shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given."

AMENDMENT No. 4—

On page 2, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as defined by law, who die, or who died after June 30, 1972, as a result of injury sustained in the performance of official duties or in the protection of life or property while on or off duty."

AMENDMENT No. 5—

On page 1, line 26, in Committee Amendment No. 2 by the Committee on Style and Drafting adopted this date, on line 10 of the text of that amendment, after the word "member" at the end of the line, insert the words "of a state retirement system"

AMENDMENT No. 6—

On page 2, line 2, in Committee Amendment No. 3 by the Committee on Style and Drafting adopted this date, on line 4 in the text of that amendment, after the word "system" and before the word "shall" insert the words "for public employees"

Respectfully submitted,

ALBERT TATE,
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposals contained in the Report at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

“Preamble

The goal of the public educational system is to provide learning environment and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.”

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, line 24, change the word and punctuation “Section 2.” to the word and punctuation “Section 1.” and, on line 25, change the word and punctuation “Section 2.” to the word and punctuation “Section 1.”

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 1, delete lines 28 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 6 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.”

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 23 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Membership; Terms.

The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.”

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, delete lines 30 through 35, both inclusive, in their entirety and on page 3 delete lines 1 and 2, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.”

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 3, delete lines 3 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.”

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 11 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.”

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 3, delete lines 18 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Membership; Terms. The board shall consist of fifteen electors appointed by the governor, with consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. At least one member, but no more than two members, shall be appointed from each congressional district.”

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 3, delete lines 31 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.”

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

On page 3, delete line 35, and on page 4, delete lines 1 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

“(D) Powers. The Board of Regents shall meet with the

State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education, of post-secondary vocational-technical training, and of career education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, the addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education and post-secondary vocational-technical training and career education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every higher education board submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education and post-secondary vocational-technical training and career education in the state. It shall recommend priorities for capital construction and improvements."

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 5, delete lines 9 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Powers Not Vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested by this Section in the Board of Regents are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other such board created pursuant to this Article, as to the institutions under the control of each."

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 5, delete lines 18 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Board of Trustees for State Colleges and Universities

Section 6. (A) Creation; Functions. The Board of Trustees for State Colleges and Universities is created as a body corporate. Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of:

(1) state colleges and universities not managed by a higher education board created by or under this Article; and

(2) unless the legislature provides otherwise, public institutions of vocational-technical training and of career education at post-secondary levels."

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 5, delete lines 34 and 35 and on page 6, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Membership; Terms. The board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law."

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 6, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate."

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 6, delete lines 10 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system."

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

On page 6, delete lines 25 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Membership; Terms. Each board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law."

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

AMENDMENT No. 18—

On page 6, delete line 32 and on page 7, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate."

Read.

On motion of Delegate Tate Amendment No. 18 was adopted.

AMENDMENT No. 19—

On page 7, delete lines 4 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Boards; Membership; Compensation. Section 8. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article."

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

On page 7, delete lines 9 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Student Membership. The legislature may provide for the membership of one student on the boards created by Sections 6 and 7 of this Article. The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members except the right to vote.”

Read.

On motion of Delegate Tate Amendment No. 20 was adopted.

AMENDMENT No. 21—

On page 3, delete lines 24 through 30, both inclusive, in their entirety.

Read.

On motion of Delegate Tate Amendment No. 21 was adopted.

AMENDMENT No. 22—

On page 7, between lines 18 and 19, insert the following: “(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.”

Read.

On motion of Delegate Tate Amendment No. 22 was adopted.

AMENDMENT No. 23—

On page 7, delete lines 19 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

“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.”

Read.

On motion of Delegate Tate Amendment No. 23 was adopted.

AMENDMENT No. 24—

On page 7, delete lines 23 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.”

Read.

On motion of Delegate Tate Amendment No. 24 was adopted.

AMENDMENT No. 25—

On page 7, delete lines 28 through 35, both inclusive, in their entirety and on page 8, delete lines 1 and 2, both inclusive in their entirety and insert in lieu thereof the following:

“Section 10. Existing Boards and Systems Recognized; Consolidation

Section 10. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.”

Read.

On motion of Delegate Tate Amendment No. 25 was adopted.

AMENDMENT No. 26—

On page 8, delete lines 3 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. This Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary.”

Read.

On motion of Delegate Tate Amendment No. 26 was adopted.

AMENDMENT No. 27—

On page 8, delete lines 21 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.”

Read.

On motion of Delegate Tate Amendment No. 27 was adopted.

AMENDMENT No. 28—

On page 8, delete lines 26 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 11. Appropriations; State Boards Section 11. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.”

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

AMENDMENT No. 29—

On page 8, delete lines 30 through 35, both inclusive, in their entirety and on page 9, delete line 1 and insert in lieu thereof the following:

“Section 12. Appropriations; Higher Education Section 12. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made to their managing boards. The funds appropriated shall be administered by the managing boards and used solely as provided by law.”

Read.

On motion of Delegate Tate Amendment No. 29 was adopted.

AMENDMENT No. 30—

On page 9, delete lines 2 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 13. Funding; Apportionment Section 13. (A) Free School Books. The legislature 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.”

Read.

On motion of Delegate Tate Amendment No. 30 was adopted.

AMENDMENT No. 31—

On page 9, delete lines 9 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Minimum Foundation Program. The legislature shall appropriate funds sufficient to insure a minimum foundation program of education in all public elementary and secondary

PAGE 10

115th Days Proceedings—January 11, 1974

schools. The funds appropriated shall be equitably allocated to parish and city school systems according to formulas adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation."

Read.

On motion of Delegate Tate Amendment No. 31 was adopted.

AMENDMENT No. 32—

On page 9, delete lines 17 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature."

Read.

On motion of Delegate Tate Amendment No. 32 was adopted.

AMENDMENT No. 33—

On page 10, delete lines 10 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes."

Read.

On motion of Delegate Tate Amendment No. 33 was adopted.

AMENDMENT No. 34—

On page 10, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. Tulane University

Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884."

Read.

On motion of Delegate Tate Amendment No. 34 was adopted.

AMENDMENT No. 35—

On page 6, line 10, delete the language added by Committee Amendment No. 16 proposed by the Committee on Style and

Drafting adopted this date and insert in lieu thereof the following:

"Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by this Article in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system."

Read.

On motion of Delegate Tate Amendment No. 35 was adopted.

AMENDMENT No. 36—

On page 8, line 3, delete the language added by Committee Amendment No. 26 proposed by the Committee on Style and Drafting and adopted this date, and insert in lieu thereof the following:

"(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier."

Read.

On motion of Delegate Tate Amendment No. 36 was adopted.

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend First enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Retirement and Survivor's Benefits

Section 1. (A) Public School Employees. The legislature shall provide for retirement of teachers and other employees of the public educational system through establishment of one or more retirement systems. Membership in such a retirement system shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member at retirement or to his lawful beneficiary upon the member's death."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 26 through 35, both inclusive, in their entirety and on page 2 delete line 1, and insert in lieu thereof the following:

"(B) Other Officers and Employees. The legislature shall

PAGE 11

115th Days Proceedings—January 11, 1974

enact laws providing for retirement of officers and employees of the state, its agencies, and its political subdivisions, including persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member at retirement or to his lawful beneficiary upon the member's death."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 2, delete lines 2 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Retirement Systems; Change; Notice. No proposal to effect any change in existing laws or constitutional provisions relating to any retirement system shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as defined by law, who die, or who died after June 30, 1972, as a result of injury sustained in the performance of official duties or in the protection of life or property while on or off duty."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 1, line 26, in Committee Amendment No. 2 by the Committee on Style and Drafting adopted this date, on line 10 of the text of that amendment, after the word "member" at the end of the line, insert the words "of a state retirement system"

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, line 2, in Committee Amendment No. 3 by the Committee on Style and Drafting adopted this date, on line 4 in the text of that amendment, after the word "system" and before the word "shall" insert the words "for public employees"

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

Motion

On motion of Delegate Burson the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 11, Section 1, was passed for the limited purpose of offering an amendment proposed by Delegate Womack.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 11, Section 1, was passed, was reconsidered.

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wis-ham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Read.

Section 1. Retirement and Survivor's Benefits

Section 1. (A) Retirement System; Public School Employees. The legislature shall provide for the retirement of teachers and other employees of the public educational system through the establishment of a retirement system or systems for employees of the public educational system. Membership in such retirement system or systems shall be a contractual relationship between the employee and employer, and the state guarantees all benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

(B) Retirement System; State Officers and Employees. The legislature shall enact laws providing for the retirement of officers and employees of the State of Louisiana, its agencies and political subdivisions, including persons employed jointly by state and federal agencies other than the military service, through the establishment of a retirement system or systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between the employee and employer, and the state shall guarantee any benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

(C) Compensation for Surviving Spouses and Children of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as may be defined by law, who suffer death or who suffered death before the effective date of this constitution, but not earlier than July 1, 1972, as a result of injury sustained in the performance of official duties or while engaged in the protection of life or property while on or off duty.

(D) Retirement Systems; Notice of Intention to Propose Amendments or Change; Publication. No proposal to amend or effect any change in existing laws or provisions of the constitution relating to any retirement system in this state shall be introduced into the legislature unless notice of intention to introduce such proposal shall have been published, without cost to the state, in the official state journal on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law or proposal to amend the constitution. Every such bill shall contain a recital that the notice has been given.

Read.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Womack to Committee Proposal No. 11 by Delegate Aertker, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, in Style and Drafting Committee Amendment No. 1 adopted by the Convention on January 11, 1974, on line 9 of the text of said amendment, immediately after the word "member" strike out the words "at retirement" and insert in lieu thereof "or retiree" and on line 10, immediately after the word "upon" strike out the words "the member's" and insert in lieu thereof "his"

AMENDMENT No. 2—

On page 1, in Style and Drafting Committee Amendment No. 2 adopted by the Convention on January 11, 1974, strike out line 11 of the text of said amendment in its entirety and insert in lieu thereof the following:
"or retiree or to his lawful beneficiary upon his"

Delegate Burson moved the adoption of the amendments.
A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Perkins
Alario	Ginn	Planchard
Alexander	Goldman	Pugh
Arnette	Grier	Rachal
Asseff	Guarisco	Riecke
Avant	Hardee	Roemer
Badeaux	Hayes	Sandoz
Bel	Heine	Schmitt
Bergeron	Hernandez	Segura
Bollinger	Jack	Shannon
Brien	Jackson, A.	Singletary
Burns	Jackson, J.	Slay
Burson	Jones	Smith
Cannon	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kelly	Stephenson
Chatelain	Kilpatrick	Stinson
Chehardy	Landry, A.	Stovall
Comar	Landry, E. J.	Sutherland
Conino	Lanier	Tapper
Corne	Leigh	Tate
Cowen	Leithman	Thompson
D'Gerolamo	Lowe	Tobias
De Blieux	McDaniel	Toca
Derbes	Marin	Toomy
Deshotels	Mauberrert	Ullo
Drew	Maybuce	Velazquez
Duval	Miller	Warren
Edwards	Mire	Wattigny
Elkins	Morris	Weiss
Fayard	Newton	Willis
Flory	O'Neill	Wisham
Fontenot	Ourso	Zervigon
Fulco		
Total—100.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Perez
Aertker	Graham	Rayburn
Anzalone	Gravel	Reeves
Blair	Haynes	Roy
Brown	Jenkins	Thistlethwaite
Champagne	Kilbourne	Vesich
Conroy	Lambert	Vick
Dennery	Landrum	Wall
Dennis	LeBleu	Winchester
Dunlap	Munson	Womack
Fowler	Nunez	
Total—32.		

And the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 11, Section 1 was read, as amended.

Delegate Burson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Avant	Bollinger
Alexander	Badeaux	Brien
Arnette	Bel	Burns
Asseff	Bergeron	Burson

Cannon	Hayes	Rachal
Carmouche	Heine	Riecke
Casey	Jack	Roemer
Champagne	Jackson, A.	Roy
Chatelain	Jackson, J.	Sandoz
Chehardy	Jones	Segura
Comar	Juneau	Shannon
Conino	Kean	Singletary
Conroy	Kelly	Smith
Corne	Kilpatrick	Soniat
Cowen	Landry, A.	Stagg
D'Gerolamo	Landry, E. J.	Stephenson
De Blieux	Lanier	Stinson
Derbes	LeBleu	Stovall
Deshotels	Leigh	Sutherland
Drew	Leithman	Tapper
Duval	Lowe	Thompson
Edwards	McDaniel	Tobias
Elkins	Martin	Toca
Fayard	Mauberrert	Toomy
Flory	Maybuce	Ullo
Fontenot	Miller	Velazquez
Fulco	Mire	Warren
Gauthier	Morris	Wattigny
Ginn	Newton	Weiss
Goldman	O'Neill	Willis
Graham	Ourso	Wisham
Grier	Perkins	Zervigon
Guarisco	Planchard	
Hardee	Pugh	
Total—100.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Reeves
Aertker	Haynes	Schmitt
Alario	Hernandez	Slay
Anzalone	Jenkins	Tate
Blair	Kilbourne	Thistlethwaite
Brown	Lambert	Vesich
Dennery	Landrum	Vick
Dennis	Munson	Wall
Dunlap	Nunez	Winchester
Fowler	Perez	Womack
Giarrusso	Rayburn	
Total—32.		

And the Chair declared that the above Section was finally passed.

Delegate Burson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Special Order of the Day at this time.

Special Order of the Day

Resolutions, Delegate and Committee

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

COMMITTEE RESOLUTION No. 13—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics (Substitute for Committee Resolution No. 3, by Delegate Stovall, et al.):

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule 37.1, to provide expressly for submission of alternative provisions.

Read.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Resolution No. 13 by Delegate Stovall, et al.

PAGE 13

115th Days Proceedings—January 11, 1974

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 1, line 31, at the beginning of the line delete the word "alternatives" and insert in lieu thereof the word "alternative"

AMENDMENT No. 2—

On page 2, line 6, at the beginning of the line delete the number "5" and insert in lieu thereof the number "15"

On motion of Delegate Stagg the amendments were adopted.

Delegate Stagg moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 9, both inclusive in their entirety

Point of Order

Delegate Juneau suggested the absence of a quorum

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alexander	Goldman	Pugh
Arnette	Graham	Rachal
Asseff	Gravel	Reeves
Avant	Grier	Riecke
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Segura
Brien	Jack	Shannon
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Slay
Cannon	Jenkins	Smith
Carmouche	Jones	Soniat
Casey	Juneau	Stagg
Champagne	Kean	Stinson
Chatelain	Kelly	Stovall
Chehardy	Kilpatrick	Sutherland
Comar	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Tobias
Cowen	LeBleu	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Leithman	Ullo
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vick
Deshotels	Martin	Wattigny
Drew	Mauberret	Weiss
Duval	Miller	Willis
Elkins	Mire	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Zervigon
Fontenot	O'Neill	
Total—110.		

NOT VOTING

Delegates—		
Alario	Haynes	Rayburn
Anzalone	Kilbourne	Stephenson
Brown	Lambert	Thompson
Dennery	Maybuce	Vesich
Dunlap	Morris	Wall
Edwards	Munson	Warren
Fowler	Ourso	Womack
Ginn		
Total—22.		

And the Chairman announced that there were 110 members present and a quorum.

Delegate Stagg moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	Perkins
Abraham	Ginn	Pugh
Alexander	Goldman	Reeves
Arnette	Graham	Riecke
Badeaux	Gravel	Roemer
Bel	Guarisco	Roy
Bergeron	Heine	Sandoz
Bollinger	Jack	Segura
Brien	Jackson, A.	Shannon
Burns	Jackson, J.	Singletary
Burson	Jenkins	Smith
Casey	Jones	Soniat
Chatelain	Juneau	Stagg
Conino	Kelly	Stovall
Conroy	Kilpatrick	Sutherland
Corne	Landry, A.	Tapper
De Blieux	Lanier	Tate
Dennery	LeBleu	Tobias
Dennis	Leithman	Toomy
Derbes	Lowe	Ullo
Deshotels	Martin	Velazquez
Drew	Miller	Vick
Duval	Newton	Wattigny
Fayard	Nunez	Weiss
Fulco	O'Neill	Willis
Gauthier	Perez	Zervigon
Total—78.		

NAYS

Delegates—		
Aertker	Elkins	Mauberret
Asseff	Flory	Mire
Avant	Grier	Planchard
Blair	Hardee	Rachal
Cannon	Hayes	Schmitt
Carmouche	Hernandez	Slay
Champagne	Kean	Stinson
Chehardy	Landrum	Thistlethwaite
Comar	Landry, E. J.	Toca
Cowen	Leigh	Winchester
D'Gerolamo	McDaniel	Wisham
Total—33.		

NOT VOTING

Delegates—		
Alario	Haynes	Rayburn
Anzalone	Kilbourne	Stephenson
Brown	Lambert	Thompson
Dunlap	Maybuce	Vesich
Edwards	Morris	Wall
Fontenot	Munson	Warren
Fowler	Ourso	Womack
Total—21.		

And the amendments were adopted.

Delegate Stagg moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

PAGE 14

115th Days Proceedings—January 11, 1974

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 10 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"C. All proposals setting forth proposed alternatives shall lie over for convention action on January 16, 1974. On that day, there shall be put to the convention the question of the final passage of each such proposal. Debate on the question on each proposal shall be limited to two hours with the time equally divided between proponents and opponents. Each proposal shall be adopted and shall be referred to the Committee on Style and Drafting."

Delegate Stagg moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Reeves
Abraham	Goldman	Riecke
Alexander	Graham	Roy
Arnette	Gravel	Sandoz
Badeaux	Guarisco	Schmitt
Bergeron	Jack	Segura
Bollinger	Jackson, A.	Shannon
Brien	Jackson, J.	Singletary
Burns	Jones	Smith
Burson	Juneau	Soniat
Casey	Kelly	Stagg
Chatelain	Kilpatrick	Stephenson
Conroy	Landry, A.	Stovall
Corne	Lanier	Tapper
De Blieux	LeBleu	Tate
Dennery	Leithman	Thompson
Dennis	Martin	Tobias
Derbes	Miller	Toomy
Deshotels	Newton	Ullo
Drew	Nunez	Velazquez
Duval	Perez	Weiss
Fayard	Pugh	Willis
Gauthler	Rachal	Zervigon
Giarrusso		
Total—70.		

NAYS

Delegates—		
Aertker	Fulco	Mire
Asseff	Grier	O'Neill
Avant	Hardee	Perkins
Blair	Hayes	Planchard
Cannon	Heine	Roemer
Carmouche	Hernandez	Slay
Champagne	Jenkins	Stinson
Chehardy	Kean	Sutherland
Comar	Landrum	Thistlethwaite
Conino	Landry, E. J.	Toca
Cowen	Leigh	Warren
D'Gerolamo	Lowe	Wattigny
Edwards	McDaniel	Winchester
Elkins	Mauberret	Wisham
Flory		
Total—43.		

NOT VOTING

Delegates—		
Alario	Haynes	Ourso
Anzalone	Kilbourne	Rayburn
Bel	Lambert	Vesich
Brown	Maybuce	Vick
Dunlap	Morris	Wall
Fontenot	Munson	Womack
Fowler		
Total—19.		

And the amendment was adopted.

Delegate Stagg moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 10, delete Floor Amendment No. 1 proposed by Delegate Stagg and adopted by the convention on January 11, 1974, and insert in lieu thereof the following:

"C. Every proposal setting forth a proposed alternative shall upon introduction be immediately referred to the appropriate substantive committee, and shall be reported by that committee to the floor of the convention not later than January 16, 1974. On that date the convention shall proceed to consider each proposal. Debate on the question on each proposal shall be limited to one hour, with the time equally divided between proponents and opponents. Each proposal receiving a favorable vote of sixty-seven delegates shall be referred to the Committee on Style and Drafting. Any proposal failing to receive such a majority vote shall be deemed withdrawn from the files of the convention.

In the event the substantive committee does not report a proposal on or before January 16, 1974, the convention by a majority vote may proceed to consider the proposal to the same extent as if a report has been made.

The Committee on Style and Drafting shall report not later than January 17, 1974."

Delegate Kean moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Elkins	Mire
Asseff	Flory	Nunez
Avant	Fontenot	Perez
Bel	Grier	Perkins
Blair	Hardee	Planchard
Burns	Hayes	Rachal
Cannon	Heine	Stinson
Carmouche	Hernandez	Sutherland
Champagne	Jones	Thistlethwaite
Chehardy	Kean	Toca
Comar	Landry, E. J.	Vesich
Conino	Leigh	Warren
Cowen	Lowe	Winchester
D'Gerolamo	McDaniel	Wisham
Deshotels	Mauberret	
Total—44.		

NAYS

Delegates—		
Mr. Chairman	Brien	Dennis
Abraham	Burson	Derbes
Alexander	Casey	Drew
Arnette	Chatelain	Duval
Badeaux	Conroy	Edwards
Bergeron	Corne	Fayard
Bollinger	De Blieux	Fulco

PAGE 15

115th Days Proceedings—January 11, 1974

Gauthier	LeBleu	Slay
Giarrusso	Leithman	Smith
Ginn	Martin	Soniat
Goldman	Miller	Stagg
Graham	Newton	Stephenson
Gravel	O'Neill	Stovall
Guarisco	Pugh	Tapper
Jack	Reeves	Tate
Jackson, A.	Riecke	Toomy
Jackson, J.	Roemer	Ullo
Jenkins	Roy	Velazquez
Juneau	Sandoz	Wattigny
Kelly	Schmitt	Weiss
Kilpatrick	Segura	Willis
Landry, A.	Shannon	Zervigon
Lanier	Singletary	
Total—68.		

NOT VOTING

Delegates—		
Alario	Kilbourne	Rayburn
Anzalone	Lambert	Thompson
Brown	Landrum	Tobias
Dennery	Maybuce	Vick
Dunlap	Morris	Wall
Fowler	Munson	Womack
Haynes	Ourso	
Total—20.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 2, line 10, in Floor Amendment No. 1 proposed by Delegate Stagg and adopted by the convention on January 11, 1974, on line 5 of the text of the amendment, immediately after the word and punctuation "proposal," delete the remainder of the line and delete line 6 in its entirety and on line 7, delete the words and punctuation "equally divided between proponents and opponents."

Delegate Flory moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Flory	Nunez
Asseff	Fontenot	O'Neill
Avant	Fulco	Perez
Badeaux	Grier	Perkins
Blair	Hardee	Planchard
Cannon	Hayes	Rachal
Champagne	Heine	Slay
Chehardy	Hernandez	Soniat
Comar	Jenkins	Stinson
Cowen	Landry, E. J.	Sutherland
D'Gerolamo	Leigh	Toca
Deshotels	Lowe	Velazquez
Duval	McDaniel	Warren
Elkins	Mauberret	Winchester
Fayard	Mire	Wisham
Total—45.		

NAYS

Delegates—		
Mr. Chairman	Ginn	Roy
Abraham	Goldman	Sandoz
Alexander	Graham	Schmitt
Arnette	Gravel	Segura
Bergeron	Guarisco	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Smith
Burns	Jones	Stagg
Burson	Juneau	Stovall
Carmouche	Kelly	Tapper
Casey	Kilpatrick	Tate
Chatelain	Landry, A.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leithman	Toomy
De Blieux	Martin	Ullo
Dennery	Miller	Wattigny
Dennis	Newton	Weiss
Derbes	Pugh	Willis
Edwards	Reeves	Zervigon
Gauthier	Riecke	
Giarrusso	Roemer	
Total—64.		

NOT VOTING

Delegates—		
Alario	Jackson, J.	Ourso
Anzalone	Kean	Rayburn
Bel	Kilbourne	Stephenson
Brown	Lambert	Vesich
Drew	Landrum	Vick
Dunlap	Maybuce	Wall
Fowler	Morris	Womack
Haynes	Munson	
Total—23.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 23 through 28, both inclusive in their entirety and insert in lieu thereof the following: "D. Not later than 12:00 Noon, January 17, 1974, the Committee on Style and Drafting shall report each proposal referred to it to the convention."

Delegate Stagg moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 79 yeas and 26 nays the amendment was adopted.

Delegate Stagg moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed resolution as follows:

AMENDMENT No. 1—

On page 3, delete lines 1 and 2 in their entirety.

Delegate Stagg moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 69 yeas and 36 nays the amendment was adopted.

PAGE 16

115th Days Proceedings—January 11, 1974

Delegate Stagg moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

In Floor Amendment No. 1 affecting page 2, lines 10 through 22, proposed by Delegate Stagg, et al. and adopted by the convention on January 11, 1974, at the end of the text of the amendment, add the following:

"Every proposal shall be subject to floor amendment."

Delegate Kean moved the adoption of the amendment.

Delegate Juneau objected.

By a vote of 59 yeas and 47 nays the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Resolution No. 13 by Delegate Stovall, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, line 1, insert the following:

"F. No alternative proposal shall be considered by the convention until all other business has been disposed of by the convention."

Delegate Avant moved the adoption of the amendment.

Delegate Juneau objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Flory	Maybuce
Asseff	Fontenot	Mire
Avant	Grier	Morris
Blair	Hardee	Nunez
Burns	Hayes	Perez
Cannon	Heine	Perkins
Carmouche	Hernandez	Plancharde
Champagne	Kean	Rachal
Chehardy	Landry, E. J.	Slay
Comar	Leigh	Stinson
Cowen	Lowe	Toca
D'Gerolamo	McDaniel	Vesich
Elkins	Mauberrret	Winchester
Total—39.		

NAYS

Delegates—		
Mr. Chairman	Burson	Dennis
Abraham	Casey	Derbes
Arnette	Chatelain	Drew
Badeaux	Conino	Duval
Bel	Conroy	Fayard
Bergeron	Corne	Fulco
Bollinger	De Blieux	Gauthier
Brien	Dennery	Giarrusso

Ginn	Martin
Goldman	Miller
Graham	Newton
Gravel	O'Neill
Guarisco	Pugh
Jack	Reeves
Jackson, A.	Riecke
Jackson, J.	Roemer
Jenkins	Roy
Jones	Sandoz
Juneau	Schmitt
Kelly	Segura
Kilpatrick	Shannon
Landry, A.	Singletary
Lanier	Smith
Leithman	Soniat
Total—72.	

NOT VOTING

Delegates—		
Alario	Fowler	Ourso
Alexander	Haynes	Rayburn
Anzalone	Kilbourne	Tapper
Brown	Lambert	Thompson
Deshotels	Landrum	Vick
Dunlap	LeBleu	Wall
Edwards	Munson	Womack
Total—21.		

And the amendment was rejected.

Delegate Juneau moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau moved the adoption of the Resolution, as amended.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Goldman	Roemer
Abraham	Graham	Roy
Alexander	Gravel	Sandoz
Arnette	Guarisco	Schmitt
Badeaux	Jack	Segura
Bel	Jackson, A.	Shannon
Bergeron	Jackson, J.	Singletary
Bollinger	Jenkins	Smith
Brien	Juneau	Soniat
Burns	Kelly	Stagg
Burson	Kilpatrick	Stephenson
Casey	Landrum	Stovall
Chatelain	Landry, A.	Sutherland
Conino	Lanier	Tapper
Conroy	LeBleu	Tate
Corne	Leithman	Tobias
De Blieux	Martin	Toomy
Dennery	Miller	Uilo
Dennis	Newton	Velazquez
Derbes	Nunez	Vesich
Drew	O'Neill	Wattigny
Duval	Perez	Weiss
Fayard	Perkins	Willis
Fulco	Plancharde	Winchester
Gauthier	Pugh	Zervigon
Giarrusso	Reeves	
Ginn	Riecke	
Total—79.		

NAYS

Delegates—		
Aertker	Deshotels	Lowe
Asseff	Elkins	McDaniel
Avant	Flory	Mauberrret
Blair	Crier	Maybuce
Cannon	Hardee	Mire
Carmouche	Hayes	Rachal
Champagne	Heine	Slay
Chehardy	Hernandez	Stinson
Comar	Kean	Thistlethwaite
Cowen	Landry, E. J.	Toca
D'Gerolamo	Leigh	Wisham
Total—33.		

PAGE 17

115th Days Proceedings—January 11, 1974

NOT VOTING

Delegates—		
Alario	Haynes	Rayburn
Anzalone	Jones	Thompson
Brown	Kilbourne	Vick
Dunlap	Lambert	Wall
Edwards	Morris	Warren
Fontenot	Munson	Womack
Fowler	Ourso	
Total—20.		

And the Resolution was adopted.

And the Chair declared that the above Resolution was adopted.

Delegate Stagg moved to reconsider the vote by which the Resolution was adopted, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Burson moved for a suspension of the rules in order to discharge Committee Proposal No. 21 from the Committee on Style and Drafting.

Delegate Tapper objected.

By a vote of 74 yeas and 10 nays the rules were suspended.

Reconsideration

Delegate Burson moved to reconsider the vote by which Committee Proposal No. 21 was passed.

Delegate Tapper objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	O'Neill
Abraham	Fontenot	Perez
Alexander	Fulco	Perkins
Arnette	Gauthier	Planchard
Asseff	Ginn	Pugh
Avant	Graham	Reeves
Badeaux	Gravel	Riecke
Bel	Grier	Sandoz
Bergeron	Guarisco	Schmitt
Blair	Hayes	Segura
Bollinger	Jack	Shannon
Brien	Jackson, A.	Singletery
Burns	Jenkins	Slay
Burson	Juneau	Smith
Cannon	Kelly	Soniat
Casey	Kilpatrick	Stagg
Champagne	Landrum	Stephenson
Chatelain	Landry, A.	Sutherland
Chehardy	Landry, E. J.	Tate
Conino	Lanier	Thistlethwaite
Corne	LeBleu	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lowe	Ullo
Dennery	McDaniel	Warren
Dennis	Martin	Wattigny
Derbes	Mauberrert	Weiss
Deshotels	Maybuce	Willis
Drew	Miller	Winchester
Duval	Mire	Wisham
Elkins	Newton	Zervigon
Fayard		
Total—94.		

NAYS

Delegates—		
Conroy	Jones	Tapper
Giarrusso	Nunez	Velazquez
Goldman	Roemer	Vesich
Hardee	Stinson	
Total—11.		

NOT VOTING

Delegates—		
Aertker	Haynes	Ourso
Alario	Heine	Rachal
Anzalone	Hernandez	Rayburn
Brown	Jackson, J.	Roy
Carmouche	Kean	Stovall
Comar	Kilbourne	Thompson
Dunlap	Lamebrt	Vick
Edwards	Morris	Wall
Fowler	Munson	Womack
Total—27.		

And the vote by which Committee Proposal No. 21 was passed, was reconsidered.

Motion

On motion of Delegate Burson the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 21, Section 35, was passed for the limited purpose of offering an amendment thereto.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 21, Section 33, was passed, was reconsidered.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Read.

Section 35. Orleans Parish Courts, Officials; Continued

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.

Read.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Gravel, Pugh, Graham, A. Jackson and Burson to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend Final Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 24 through 26, both inclusive, in their entirety, being the entirety of Paragraph (B) of Section 35, and insert in lieu thereof the following:

"(B) Right to Counsel. The legislature may establish by law terms and conditions under which a witness may have the right to the advice of counsel while testifying before the grand jury."

Delegate Burson moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Abraham Alexander Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Burns Burson Cannon Casey Champagne Chatelain Chehardy Conino Corne D'Gerolamo De Blieux Dennery Dennis Derbes Deshotels Drew Duval Elkins Fayard Flory Fulco Total—99.	Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Hardee Jack Jackson, A. Jackson, J. Jenkins Juneau Kelly Kilpatrick Landrum Landry, A. Landry, E. J. Lanier Leigh Leithman Lowe McDaniel Martin Mauberrret Maybuce Miller Mire Morris Newton Nunez O'Neill Perez	Perkins Planchard Pugh Rachal Reeves Riecke Roy Sandoz Schmitt Segura Shannon Singletary Slay Smith Soniati Stagg Stephenson Sutherland Tate Thistlethwaite Tobias Toca Toomy Ullo Velazquez Vesich Warren Wattigny Weiss Willis Winchester Wisham Zervigon
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NAYS

Delegates— Conroy Hernandez Jones Total—8.	LeBleu Roemer Stinson	Tapper Vick
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NOT VOTING

Delegates— Aertker Alario Anzalone Brown Carmouche Comar Cowen Dunlap Edwards Total—25.	Fontenot Fowler Guarisco Hayes Haynes Heine Kean Kilbourne	Lambert Munson Ourso Rayburn Stovall Thompson Wall Womack
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And the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 33 was read, as amended.

Delegate Burson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Abraham Alexander	Arnette Asseff Avant	Badeaux Bel Bergeron
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Blair Bollinger Brien Burson Cannon Casey Champagne Chatelain Chehardy Conino Conroy Corne D'Gerolamo De Blieux Dennery Dennis Derbes Deshotels Drew Duval Elkins Fayard Flory Fulco Giarrusso Ginn Goldman Graham Gravel Grier Guarisco Total—101.	Hardee Hayes Hernandez Jack Jackson, A. Jackson, J. Jenkins Juneau Kelly Kilpatrick Landry, A. Landry, E. J. Lanier LeBleu Leigh Leithman Lowe McDaniel Martin Mauberrret Maybuce Miller Mire Morris Newton Nunez O'Neill Perez Perkins Planchard Pugh	Rachal Reeves Riecke Roy Sandoz Schmitt Segura Shannon Singletary Slay Smith Stagg Stephenson Sutherland Tapper Tate Thistlethwaite Tobias Toca Toomy Ullo Velazquez Vesich Vick Warren Wattigny Weiss Willis Winchester Wisham Zervigon
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NAYS

Delegates— Landrum Total—3.	Roemer	Stinson
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NOT VOTING

Delegates— Aertker Alario Anzalone Brown Burns Carmouche Comar Cowen Dunlap Total—28.	Edwards Fontenot Fowler Gauthier Haynes Heine Jones Kean Kilbourne	Lambert Munson Ourso Rayburn Soniati Stovall Thompson Wall Womack
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And the Chair declared that the above Section was finally passed.

Delegate Burson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Dennis moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Abraham Alexander Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Burson Cannon Casey Champagne Chatelain	Chehardy Conino Conroy Corne Cowen D'Gerolamo De Blieux Dennery Dennis Derbes Deshotels Drew Duval Fayard Flory Fulco Giarrusso	Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Hernandez Jack Jackson, A. Jackson, J. Jenkins Jones Juneau Kelly Kilpatrick
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PAGE 19

115th Days Proceedings—January 11, 1974

Landrum	Perkins	Tapper
Landry, A.	Planchard	Tate
Landry, E. J.	Pugh	Thistlethwaite
Lanier	Rachal	Tobias
LeBleu	Reeves	Toca
Leithman	Riecke	Toomy
Lowe	Roy	Uilo
McDaniel	Sandoz	Velazquez
Martin	Schmitt	Vesich
Mauberret	Segura	Vick
Maybuce	Shannon	Warren
Miller	Singletary	Wattigny
Mire	Slay	Weiss
Morris	Smith	Willis
Newton	Soniat	Winchester
Nunez	Stagg	Wisham
O'Neill	Stephenson	Zervigon
Perez	Sutherland	

Total—104.

NAYS

Delegates—
Roemer
Total—2.

Stinson

NOT VOTING

Delegates— Aertker Alario Anzalone Brown Burns Carmouche Comar Dunlap Edwards Total—26.	Elkins Fontenot Fowler Gauthier Haynes Heine Kean Kilbourne Lambert	Leigh Munson Ourso Rayburn Stovall Thompson Wall Womack
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And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

Delegate Roy moved for a suspension of the rules in order to discharge Committee Proposal No. 35 from the Committee on Style and Drafting.

Delegate Bollinger objected.

By a vote of 83 yeas and 7 nays the rules were suspended.

Reconsideration

Delegate Roy moved to reconsider the vote by which Committee Proposal No. 35 was passed.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Abraham Alexander Arnette Asseff Avant Badeaux Bergeron Blair Brien Burson Cannon Casey Champagne	Chatelain Chehardy Comar Conino Conroy Corne Cowen De Blieux Dennery Dennis Derbes Fayard Flory Fulco	Ginn Goldman Graham Gravel Hayes Haynes Jack Jackson, A. Jackson, J. Jenkins Jones Juneau Kelly Kilpatrick
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Landrum Landry, A. Landry, E. J. Lanier LeBleu Leithman Martin Mauberret Maybuce Miller Newton O'Neill Perkins Total—81.	Pugh Reeves Roy Sandoz Schmitt Segura Singletary Slay Soniat Stagg Sutherland Tapper Tate	Thistlethwaite Tobias Toca Toomy Uilo Velazquez Vick Warren Wattigny Weiss Willis Wisham Zervigon
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NAYS

Delegates— Aertker Bollinger D'Gerolamo Deshotels Drew Duval Elkins Gauthier Giarrusso Total—24.	Grier Guarisco Hardee Heine Hernandez Kean Lowe McDaniel Mire	Nunez Perez Planchard Riecke Roemer Shannon Smith Stinson Winchester
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NOT VOTING

Delegates— Alario Anzalone Bel Brown Burns Carmouche Dunlap Edwards Total—26.	Fontenot Fowler Kilbourne Lambert Leigh Morris Munson Ourso	Rachal Rayburn Stephenson Stovall Thompson Vesich Wall Womack
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And the vote by which Committee Proposal No. 35 was passed was reconsidered.

Motion

Delegate Roy moved for a suspension of the rules and the rules were suspended in order to reconsider the vote by which Committee Proposal No. 35, Section 9, was passed, was passed for the limited purpose of offering an amendment thereto.

Delegate Winchester objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Abraham Alexander Arnette Asseff Avant Badeaux Bergeron Blair Brien Burson Cannon Casey Champagne Chatelain Chehardy Conino Conroy Corne De Blieux Dennery Dennis Derbes Fayard Flory Ginn Total—78.	Graham Gravel Guarisco Hayes Haynes Jack Jackson, A. Jackson, J. Jenkins Jones Juneau Kelly Kilpatrick Landrum Landry, A. Landry, E. J. Lanier LeBleu Leithman Martin Mauberret Maybuce Miller Newton O'Neill Perkins	Pugh Reeves Roy Sandoz Schmitt Segura Singletary Slay Soniat Stagg Sutherland Tapper Tate Thistlethwaite Tobias Toca Toomy Uilo Velazquez Vick Warren Wattigny Weiss Willis Wisham Zervigon
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NAYS

Delegates—		
Aertker	Gauthier	Mire
Bollinger	Giarrusso	Nunez
Comar	Goldman	Perez
Cowen	Grier	Planchard
D'Gerolamo	Hardee	Riecke
Deshotels	Heine	Roemer
Drew	Hernandez	Shannon
Duval	Kean	Smith
Elkins	Lowe	Stinson
Fulco	McDaniel	Winchester
Total—30.		

NOT VOTING

Delegates—		
Alario	Fontenot	Rachal
Anzalone	Fowler	Rayburn
Bel	Kilbourne	Stephenson
Brown	Lambert	Stovall
Burns	Leigh	Thompson
Carmouche	Morris	Vesich
Dunlap	Munson	Wall
Edwards	Ourso	Womack
Total—24.		

And the rules were suspended.

Reconsideration

On motion of Delegate Roy the vote by which Committee Proposal No. 35, Section 9, was passed was reconsidered.

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

Read.

Section 9. Limitations of Banking

Section 9. No law shall permit foreign or domestic multi-bank holding companies or multi-parish branch banking, unless enacted by two-thirds of the elected members of each house of the legislature. This Section shall not prohibit multi-parish banks which were lawfully operating as such prior to January 1, 1974; however, no such bank may extend its operations to any parish in which it was not operating prior to said date unless authorized to do so by a general law enacted by two-thirds of the elected members of each house.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Gravel, Pugh, Graham and A. Jackson to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 17 through 26, both inclusive, in their entirety.

Delegate Roy moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Charman	Flory	Pugh
Abraham	Ginn	Reeves
Alexander	Graham	Roy
Arnette	Gravel	Sandoz
Asseff	Guarisco	Schmitt
Avant	Hayes	Segura
Badeaux	Haynes	Singletary
Bergeron	Jack	Slay
Blair	Jackson, A.	Soniat
Brien	Jackson, J.	Stagg
Burson	Jenkins	Sutherland
Cannon	Jones	Tapper
Casey	Kean	Tate
Champagne	Kelly	Thistlethwaite
Chatelain	Kilpatrick	Tobias
Chehardy	Landrum	Toca
Comar	Landry, A.	Toomy
Conino	Landry, E. J.	Ullo
Conroy	Larier	Velazquez
Corne	Leigh	Vick
Cowen	Leithman	Warren
D'Gerolamo	Martin	Wattigny
De Blieux	Maubret	Weiss
Dennery	Maybuce	Willis
Dennis	Miller	Wisham
Derbes	Newton	Zervigon
Elkins	O'Neill	
Fayard	Perkins	
Total—82.		

NAYS

Delegates—		
Aertker	Grier	Nunez
Bollinger	Hardee	Perez
Deshotels	Heine	Planchard
Drew	Hernandez	Riecke
Duval	Juneau	Roemer
Fulco	LeBleu	Shannon
Gauthier	Lowe	Smith
Giarrusso	McDaniel	Stinson
Goldman	Mire	Winchester
Total—27.		

NOT VOTING

Delegates—		
Alario	Fontenot	Rayburn
Anzalone	Fowler	Stephenson
Bel	Kilbourne	Stovall
Brown	Lambert	Thompson
Burns	Morris	Vesich
Carmouche	Munson	Wall
Dunlap	Ourso	Womack
Edwards	Rachal	
Total—23.		

And the amendment was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Roy moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Burson	Cowen
Abraham	Cannon	D'Gerolamo
Alexander	Casey	De Blieux
Arnette	Champagne	Dennery
Asseff	Chatelain	Dennis
Avant	Chehardy	Derbes
Badeaux	Comar	Elkins
Bergeron	Conino	Fayard
Blair	Conroy	Flory
Brien	Corne	Fulco

PAGE 21

115th Days Proceedings—January 11, 1974

Giarrusso	LeBleu	Singletary
Ginn	Leigh	Slay
Goldman	Leithman	Soniat
Graham	Martin	Stagg
Gravel	Mauberrret	Sutherland
Guarisco	Maybeue	Tapper
Hayes	Miller	Tate
Haynes	Mire	Thistlethwaite
Jack	Newton	Tobias
Jackson, A.	Nunez	Toca
Jackson, J.	O'Neill	Toomy
Jenkins	Perez	Ullo
Jones	Perkins	Velazquez
Juneau	Planchard	Vick
Kean	Pugh	Warren
Kelly	Reeves	Wattigny
Kilpatrick	Roy	Weiss
Landrum	Sandoz	Willis
Landry, A.	Schmitt	Wisham
Landry, E. J.	Segura	Zervigon
Lanier	Shannon	
Total—92.		

NAYS

Delegates—	Hardee	Roemer
Aertker	Heine	Smith
Bollinger	Hernandez	Stinson
Deshotels	Lowe	Winchester
Duval	McDaniel	
Gauthier	Riecke	
Grier		
Total—16.		

NOT VOTING

Delegates—	Edwards	Rachal
Alario	Fontenot	Rayburn
Anzalone	Fowler	Stephenson
Bel	Kilbourne	Stovall
Brown	Lambert	Thompson
Burns	Morris	Vesich
Carmouche	Munson	Wall
Drew	Ourso	Womack
Dunlap		
Total—24.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate O'Neill, the Convention altered the Order of Business to take up other Orders of Business at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 11, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights

and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. The powers of government of the state are divided into three separate branches: legislative, executive, and judicial."

AMENDMENT No. 2—

On page 1, delete lines 21 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Limitations on Each Branch

Section 2. Except as otherwise provided by this constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others."

AMENDMENT No. 3—

On page 1, line 28, change "Section 3." to "Section 1." and on line 29 change "Section 3." to "Section 1."

AMENDMENT No. 4—

On page 1, line 31, change "Section 4." to "Section 2." and on line 32, change "Section 4." to "Section 2."

AMENDMENT No. 5—

On page 1, delete line 35 and on page 2, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Oath of Office

Section 3. Every official shall take the following oath or affirmation: "I, -----, do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as -----, according to the best of my ability and understanding, so help me God."

AMENDMENT No. 6—

On page 2, line 8, change "Section 6." to "Section 4." and on line 9, change "Section 6." to "Section 4."

AMENDMENT No. 7—

On page 2, line 11, change "Section 7." to "Section 5." and on line 12, change "Section 7." to "Section 5." and on line 15, after the words "authorized by law" and before the words "and a" insert a comma ","

AMENDMENT No. 8—

On page 2, line 17, change "Section 9." to "Section 6." and on line 18, change "Section 9." to "Section 6." and on line 23, after the words "extend its" and before the words "to any" delete the word "operations" and insert in lieu thereof the word "branches"

AMENDMENT No. 9—

On page 2, line 27, change "Section 10." to "Section 7." and on line 28, change "Section 10." to "Section 7." and also on line 28, after the word "regulations" and before the word "and" insert a comma "," and on line 30, after the word "boards" and before the word "and" insert a comma ","

AMENDMENT No. 10—

On page 2, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Preservation of Linguistic and Cultural Origins

Section 8. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized."

Respectfully submitted,

ALBERT TATE,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 11, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Moubert, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 15 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 1. Ad Valorem Taxes

Section 1. (A) Assessments. Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in Paragraph (C), shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.”

AMENDMENT No. 2—

On page 1, delete lines 24 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Classification. The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:

Classifications	Percentages
1. Land	10%
2. Improvements for residential purposes	10%
3. Other property	15% ”

AMENDMENT No. 3—

On page 1, between lines 31 and 32, insert the following:

“(C) Use Value. Bona fide agricultural, horticultural, marsh, and timber lands, as defined by general law, shall be assessed for tax purposes at ten percent of use value rather than fair market value. The legislature may provide similarly for buildings of historic architectural importance.”

AMENDMENT No. 4—

On page 2, delete lines 9 through 13, both inclusive, in their entirety.

AMENDMENT No. 5—

On page 1, delete lines 32 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

“(D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.”

AMENDMENT No. 6—

On page 2, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

“(E) Review. The correctness of assessments by the assessor shall be subject to review first by the parish governing authority, then by the Louisiana Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.”

AMENDMENT No. 7—

On page 2, between lines 13 and 14, insert the following:

“(F) Reappraisal. All property subject to taxation shall be reappraised and valued in accordance with this Section, at intervals of not more than four years.”

AMENDMENT No. 8—

On page 3, delete lines 11 through 13, both inclusive, in their entirety.

AMENDMENT No. 9—

On page 2, between lines 13 and 14 and after Committee Amendment No. 7 proposed by the Committee on Style and Drafting and adopted this date by the convention, insert the following:

“Section 2. State Property Taxation; Rate Limitation

Section 2. State taxation on property for all purposes shall not exceed an annual rate of five and three-quarter mills on the dollar of assessed valuation.”

AMENDMENT No. 10—

On page 3, delete lines 22 through 25, both inclusive, in their entirety.

AMENDMENT No. 11—

On page 2, delete lines 14 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 3. Homestead Exemption

Section 3. (A) Homeowners.

(1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation.

(2) By law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

(4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than one homestead owned by the husband or wife.

(5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

(B) Residential Lessees. Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.”

AMENDMENT No. 12—

On page 3, delete lines 26 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 4. Other Property Exemptions

Section 4. In addition to the homestead exemption provided in Section 3 of this Article, the following property and no other shall be exempt from ad valorem taxation:

(A) Public lands; other public property used for public purposes.”

AMENDMENT No. 13—

On page 3, delete lines 32 through 35, both inclusive, in

their entirety and on page 4 delete lines 1 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) (1) Property owned by a nonprofit corporation or association 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 or state income tax;

(2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

(3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes.

None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

AMENDMENT No. 14—

On page 4, delete lines 15 through 35, both inclusive, in their entirety and on page 5 delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) (1) Cash on hand or 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 Louisiana and the notes or other evidence thereof;

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

(7) debts due for merchandise or other articles of commerce or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, animals on the farm, and property belonging to an agricultural fair association;

(11) property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

(12) rights-of-way granted to the State Department of Highways;

(13) boats using gasoline as motor fuel;

(14) commercial vessels used for gathering seafood for human consumption; and

(15) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the continental United States.

AMENDMENT No. 15—

On page 5, between lines 4 and 5 insert the following:

"(D) (1) Raw materials, goods, commodities, and articles imported into this state from outside the continental United States:

(a) so long as the imports remain on the public property of the port authority or docks of the common carrier where they first entered this state;

(b) so long as the imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in

any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in trade for sale at retail.

(2) Raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) (a) Goods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether such destination was specified when transportation began or afterward.

(b) Property described in Paragraph (D), whether or not entitled to exemption, shall be reported to the proper taxing authority on the forms required by law."

AMENDMENT No. 16—

On page 5, delete lines 23 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 24, both inclusive, in their entirety.

AMENDMENT No. 17—

On page 5, delete lines 5 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Motor vehicles used on the public highways of this state, from state, parish, and special ad valorem taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the governing authority thereof provides for the exemption by ordinance or resolution."

AMENDMENT No. 18—

On page 5, delete lines 12 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"(F) Notwithstanding any contrary provision of this Section, the legislature by law may authorize the State Board of Commerce and Industry or its successor, under such terms and conditions and with such approval as the legislature specifies, to provide for the exemption from property taxation of a new manufacturing establishment or an addition to a manufacturing establishment existing in the state. No exemption granted under the authority of laws enacted under this Paragraph shall extend for a longer initial period than five calendar years, or be renewable for a period exceeding five additional calendar years."

AMENDMENT No. 19—

On page 6, delete line 25 in its entirety.

AMENDMENT No. 20—

On page 6, delete lines 26 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. No. Impairment of Existing Taxes or Obligations.

Section 5. This Article shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the effective date of this constitution."

AMENDMENT No. 21—

On page 6, delete lines 33 through 35, both inclusive, in their entirety and on page 7, delete lines 1 through 35, both inclusive in their entirety, and insert in lieu thereof the following:

"Section 6. Adjustment of ad Valorem Tax Millages

Section 6. Prior to the end of the third year after the effective date of this constitution, the assessors and the Louisiana Tax Commission or its successor shall complete determination of the fair market value or the use value of all property subject to taxation within each parish for use in implementing this Article. Except as provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which Sections 1 and 3 of this Article are implemented shall not be increased or decreased, because of their provisions, above or below ad valorem taxes collected by that taxing authority in the year preceding implementation. To accomplish this result, it shall be mandatory for each affected taxing authority, in

the year in which Sections 1 and 3 of this Article are implemented, to adjust millages upwards or downwards without regard to millage limitations contained in this constitution, and the maximum authorized millages shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall remain in effect unless changed as permitted by this constitution. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 1 and 3 of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (a) levying additional or increased millages as provided by law; (b) placing additional property on the tax rolls; or (c) increases in the fair market or use value of property after the first determination of that value to implement this Article. This Section shall not apply to millages required to be levied for the payment of general obligation bonds."

AMENDMENT No. 22—

On page 8, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Revenue Sharing Fund

Section 7. (A) Creation of Fund. The Revenue Sharing Fund is created as a special fund in the state treasury."

AMENDMENT No. 23—

On page 8, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Annual Allocation. The sum of ninety million dollars is allocated annually from the state general fund to the revenue sharing fund. The legislature may appropriate additional sums to the fund."

AMENDMENT No. 24—

On page 8, delete lines 9 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Distribution Formula. The revenue sharing fund shall be distributed annually as provided by law solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless otherwise provided by law, population statistics of the last federal decennial census shall be utilized for this purpose. After deductions in each parish for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, shall be distributed by first priority to the tax recipient bodies within the parish, as defined by law, to offset current losses because of homestead exemptions granted in this Article. Any balance remaining in a parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish as provided by law."

AMENDMENT No. 25—

On page 8, delete lines 15 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Distributing Officer. The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board or its successor shall be distributed to and by the city treasurer of Monroe."

AMENDMENT No. 26—

On page 8, delete lines 30 through 35, both inclusive, in their entirety and on page 9, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Bonded Debt. A political subdivision, as defined by Article VI of this constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the revenue sharing fund, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys allocated within any parish from the balance remaining in its distribution may be pledged to the payment of the principal or interest of any bonds. Bonds issued under this Paragraph shall be issued and sold as provided by law, and

shall require approval of the State Bond Commission or its successor prior to issuance and sale."

AMENDMENT No. 27—

On page 9, delete lines 10 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Tax Assessors

Section 8. (A) Election; Term. A tax assessor shall be elected by the electors of each parish, Orleans Parish excepted. His term of office shall be four years. His election, duties, and compensation shall be as provided by law."

AMENDMENT No. 28—

On page 9, delete lines 16 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Orleans Parish. There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each. Their duties and compensation shall be as provided by law."

AMENDMENT No. 29—

On page 9, delete lines 24 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Vacancy. When a vacancy occurs in the office of tax assessor, the duties of the office, until filled by election as provided by law, shall be assumed by the chief deputy assessor, except in Orleans Parish where the Board of Assessors shall appoint an interim assessor."

AMENDMENT No. 30—

On page 9, delete line 30 through 35, both inclusive, in their entirety, and on page 10, delete lines 1 through 35, both inclusive, in their entirety, and on page 11, delete lines 1 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Tax Sales

Section 9. (A) Tax Sales. There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs' sales, in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs. The sale shall be without appraisal. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

(B) Redemption. The property sold shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon, and interest at the rate of one percent per month until redemption.

(C) Annulment. No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must be served within five years after the date of the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

(D) Quieting Tax Title. The manner of notice and form of proceeding to quiet tax titles shall be provided by law.

(E) Movables; Tax Sales. When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax,

whether or not the property seized is the property which was assessed. Sale of the property shall be at public auction, without appraisal, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.

(F) Postponement of Taxes. The legislature may postpone the payment of taxes, but only in cases of overflow, general conflagration, general crop destruction, or other public calamity, and may provide for the levying, assessing, and collecting of such postponed taxes. In such case, the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and may levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the Interim Emergency Board to the governing authority of the parish where the calamity occurs. The money loaned shall be applied to and shall not exceed the deficiency in revenue of the parish or a political subdivision therein or of which the parish is a part, caused by postponement of taxes. No loan shall be made to a parish governing authority without the approval of the Interim Emergency Board."

AMENDMENT No. 31—

On page 9, line 30, after Committee Amendment No. 30 proposed by the Committee on Style and Drafting and adopted this date, insert the following:

"Section 10. Effective Date

Section 10. Section 1 and Section 3 of this Article shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption."

AMENDMENT No. 32—

On page 3, delete lines 14 through 21, both inclusive, in their entirety

AMENDMENT No. 33—

On page 1, line 32, in Committee Amendment No. 5 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 5 of the text of the amendment, after the word and punctuation "successor." and before the word "Fair" insert the following:

"Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph (C)."

AMENDMENT No. 34—

On page 4, line 15, in Committee Amendment No. 14 proposed by the Committee on Style and Drafting and adopted by the convention this date, between lines 19 and 20 of the text of the amendment insert the following:

"(10) irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;"

- and on line 20, change (10) to (11)
- and on line 24, change (11) to (12)
- and on line 27, change (12) to (13)
- and on line 29, change (13) to (14)
- and on line 30, change (14) to (15)
- and on line 32, change (15) to (16)

AMENDMENT No. 35—

On page 4, line 15, in Committee Amendment No. 14 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 36 of the text of the amendment, after the words "trade of the" and before the words and punctuation "United States." delete the word "continental" and insert in lieu thereof the words "states of the"

AMENDMENT No. 36—

On page 5, between lines 4 and 5, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 3 of the text of the amendment, after the word "the" and before the word "United" delete the word "continental" and insert in lieu thereof the words "states of the"

AMENDMENT No. 37—

On page 5, between lines 4 and 5, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 26 of the text of the amendment, after the word "the" and before the word "United" delete the word "continental" and insert in lieu thereof the words "states of the"

Respectfully submitted,

ALBERT TATE,
Chairman.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 11, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:
I submit the following report:

That the following Delegate Proposal has been properly enrolled:

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard:
A PROPOSAL

Making provisions for homestead exemptions.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. HOMESTEAD EXEMPTIONS

Section 1. Exemptions From Seizure and Sale

Section 1. The legislature shall provide by law for exemptions from seizure and sale, as well as waivers of and exclusions from such exemptions. The exemption shall extend to at least fifteen thousand dollars in value of a homestead, as provided by law.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 11, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposals have been properly enrolled in final form:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE IX. EDUCATION

Preamble

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are human, just, and designed to promote excellence in order that every individual may be af-

forded an equal opportunity to develop to his full potential.

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.

(B) Membership; Terms. The board shall consist of fifteen electors appointed by the governor, with consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. At least one member, but no more than two members, shall be appointed from each congressional district.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education, of post-secondary vocational-technical training, and of career education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree

program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, the addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education and post-secondary vocational-technical training and career education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every higher education board submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education and post-secondary vocational-technical training and career education in the state. It shall recommend priorities for capital construction and improvements.

(E) Powers Not Vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested by this Section in the Board of Regents are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other such board created pursuant to this Article, as to the institutions under the control of each.

Section 6. Board of Trustees for State Colleges and Universities

Section 6. (A) Creation; Functions. The Board of Trustees for State Colleges and Universities is created as a body corporate. Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of:

(1) state colleges and universities not managed by a higher education board created by or under this Article; and

(2) unless the legislature provides otherwise, public institutions of vocational-technical training and of career education at post-secondary levels.

(B) Membership; Terms. The board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by this Article in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system.

(B) Membership; Terms. Each board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

Section 8. Boards; Membership; Compensation.

Section 8. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) Student Membership. The legislature may provide for the membership of one student on the boards created by Sections 6 and 7 of this Article. The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members except the right to vote.

(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.

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.

(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.

Section 10. Existing Boards and Systems Recognized; Consolidation

Section 10. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 11. Appropriations; State Boards

Section 11. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 12. Appropriations; Higher Education

Section 12. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made to their managing boards. The funds appropriated shall be administered by the managing boards and used solely as provided by law.

Section 13. Funding; Apportionment

Section 13. (A) Free School Books. The legislature 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.

(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 14. Tulane University

Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884.

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII. HUMAN RESOURCES

Section 1. Retirement and Survivor's Benefits

Section 1. (A) Public School Employees. The legislature shall provide for retirement of teachers and other employees of the public educational system through establishment of one or more retirement systems. Membership in such a retirement system shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member or retiree or to his lawful beneficiary upon his death.

(B) Other Officers and Employees. The legislature shall enact laws providing for retirement of officers and employees of the state, its agencies, and its political subdivisions, including persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member of a state retirement system or retiree or to his lawful beneficiary upon his death.

(C) Retirement Systems; Change; Notice. No proposal to effect and change in existing laws or constitutional provisions relating to any retirement system for public employees shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given.

(D) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as defined by law, who die, or who died after June 30, 1972, as a result of injury sustained in the performance of official duties or in the protection of life or property while on or off duty.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Motion

On motion of Delegate Singletary the rules were suspended for the purpose of calling a meeting of the Committee on Natural Resources and Environment without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Singletary, Vice-Chairman of the Committee on Natural Resources, sent up the following notice:

The Committee on Natural Resources will meet on Saturday, January 12, 1974, at 8 o'clock a.m. on the floor of the Convention Hall and will consider the following agenda:

AGENDA

To consider suggested recommendations by Committee on Style and Drafting.

Respectfully submitted,

ALVIN SINGLETARY,
Vice-Chairman of the Committee on
Natural Resources

The above notice was read in open session and publicly posted by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Aertker the rules were suspended for the purpose of calling a meeting of the Committee on Education and Welfare without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Saturday, January 12, 1974, at 8:00 o'clock A.M. in Ante Room and will consider the following agenda:

AGENDA

To discuss Style and Drafting changes to Committee Proposals 9 and 10.

Respectfully submitted,
ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Planchard the rules were suspended for the purpose of calling a meeting of the Committee on Revenue, Finance and Taxation without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Planchard, chairman of the Subcommittee on Style and Drafting of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Sub-committee on Style and Drafting of the Committee on Revenue, Finance and Taxation will meet on Saturday, January 12, 1974, at 8:00 o'clock a.m. in Treaty Room—White House Inn and will consider the following agenda:

AGENDA

Consider Style and Drafting and Transitional Matters.

Respectfully submitted,

A. J. PLANCHARD,
Chairman of the Sub-committee on
Style and Drafting of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate O'Neill moved that the Convention do now adjourn until Saturday, January 12, 1974, at 9:30 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, January 12, 1974, at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED SIXTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Saturday, January 12, 1974, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Arnette Asseff Avant Badeaux Bel Bergeron Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne Cowen D'Gerolamo De Blieux Dennery Dennis Derbes Deshotels Drew Duval Edwards Elkins Fayard Flory Total—115.	Fontenot Fulco Gauthier Giarrusso Goldman Graham Gravel Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jack Jackson, A. Jackson, J. Jenkins Jones Juneau Kean Kelly Kilpatrick Landrum Landry, A. Landry, E. J. Lanier Leigh Leithman Lowe McDaniel Martin Mauberret Maybuce Miller Mire Morris Newton Nunez	O'Neill Ourso Perez Planchard Pugh Reeves Riecke Roemer Roy Sandoz Schmitt Segura Shannon Singletary Slay Smith Soniati Stagg Stinson Stovall Sutherland Tapper Tate Thistlethwaite Tobias Toca Toomy Ullo Velazquez Vick Warren Wattigny Weiss Willis Winchester Wisham Zervignon
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ABSENT

Delegates— Anzalone Blair Dunlap Fowler Ginn Kilbourne Total—17.	Lambert LeBleu Munson Perkins Rachal Rayburn	Stephenson Thompson Vesich Wall Womack
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The Chairman announced that there were 115 members
present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Fulco led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Singletary, the reading of the Jour-
nal was dispensed with.

On motion of Delegate Singletary, the Journal of yesterday
was adopted.

Regular Order

Vice Chairman Casey in the Chair

**Proposals on Calendar for Approval
of Final Styling**

The following Proposals returned from the Committee on
Style and Drafting for approval of final styling were taken
up and acted upon as follows:

Motion

On motion of Delegate Tate Committee Proposal No. 35,
was taken up out of its regular order and acted upon as fol-
lows:

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate A. Jackson, Chairman, on behalf of
the Committee on Bill of Rights and Elections (Substitute
for Committee Proposal No. 1, by Delegate A. Jackson, Chair-
man, on behalf of the Committee on Bill of Rights and
Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stin-
son, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting
to Committee Proposal No. 35 by Delegate A. Jackson, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 20, both inclusive, in
their entirety and insert in lieu thereof the following:

"Section 1. The powers of government of the state are di-
vided into three separate branches: legislative, executive, and
judicial."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 21 through 25, both inclusive, in
their entirety and insert in lieu thereof the following:

"Section 2. Limitations on Each Branch
Section 2. Except as otherwise provided by this constitution,
no one of these branches, nor any person holding office in one
of them, shall exercise power belonging to either of the
others."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 1, line 28, change "Section 3." to "Section 1." and
on line 29, change "Section 3." to "Section 1."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

PAGE 2

116th Days Proceedings—January 12, 1974

AMENDMENT No. 4—

On page 1, line 31, change "Section 4." to "Section 2." and on line 32, change "Section 4." to "Section 2."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 1, delete line 35 and on page 2, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Oath of Office

Section 3. Every official shall take the following oath or affirmation: "I, -----, do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as -----, according to the best of my ability and understanding, so help me God."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, line 8, change "Section 6." to "Section 4." and on line 9, change "Section 6." to "Section 4."

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 2, line 11, change "Section 7." to "Section 5." and on line 12, change "Section 7." to "Section 5." and on line 15, after the words "authorized by law" and before the words "and a" insert a comma ","

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 2, line 17, change "Section 9." to "Section 6." and on line 18, change "Section 9." to "Section 6." and on line 23, after the words "extend its" and before the words "to any" delete the word "operations" and insert in lieu thereof the word "branches"

Read.

On motion of Delegate Tate the amendment was withdrawn.

AMENDMENT No. 9—

On page 2, line 27, change "Section 10." to "Section 7." and on line 28, change "Section 10." to "Section 7." and also on line 28, after the word "regulations" and before the word "and" insert a comma "," and on line 30, after the word "boards" and before the word "and" insert a comma ","

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 2, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:
"Section 8. Preservation of Linguistic and Cultural Origins
Section 8. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized."

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Dele-

gates Alario, Brown, Chehardy, Edwards, Goldman, Maubert, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 15 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Ad Valorem Taxes

Section 1. (A) Assessments. Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in Paragraph (C), shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 24 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Classification. The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:
Classifications

	Percentages
1. Land	10%
2. Improvements for residential purposes	10%
3. Other property	15% "

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 1, between lines 31 and 32, insert the following:
"(C) Use Value. Bona fide agricultural, horticultural, marsh, and timber lands, as defined by general law, shall be assessed for tax purposes at ten percent of use value rather than fair market value. The legislature may provide similarly for buildings of historic architectural importance."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 9 through 13, both inclusive, in their entirety.

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 1, delete lines 32 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Review. The correctness of assessments by the assessor shall be subject to review first by the parish gov-

erning authority, then by the Louisiana Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.”

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 2, between lines 13 and 14, insert the following: “(F) Reappraisal. All property subject to taxation shall be reappraised and valued in accordance with this Section, at intervals of not more than four years.”

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 11 through 13, both inclusive, in their entirety.

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 2, between lines 13 and 14 and after Committee Amendment No. 7 proposed by the Committee on Style and Drafting and adopted this date by the convention, insert the following:

“Section 2. State Property Taxation; Rate Limitation

Section 2. State taxation on property for all purposes shall not exceed an annual rate of five and three-quarter mills on the dollar of assessed valuation.”

AMENDMENT No. 10—

On page 3, delete lines 22 through 25, both inclusive, in their entirety.

Read.

On motion of Delegate Tate Amendments Nos. 9 and 10 were adopted.

AMENDMENT No. 11—

On page 2, delete lines 14 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 3. Homestead Exemption

Section 3. (A) Homeowners.

(1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation.

(2) By law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

(4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than one homestead owned by the husband or wife.

(5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

(B) Residential Lessees. Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits

or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.”

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 3, delete lines 26 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 4. Other Property Exemptions

Section 4. In addition to the homestead exemption provided for in Section 3 of this Article, the following property and no other shall be exempt from ad valorem taxation:

(A) Public lands; other public property used for public purposes.”

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 3, delete lines 32 through 35, both inclusive, in their entirety and on page 4 delete lines 1 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) (1) Property owned by a nonprofit corporation or association 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 or state income tax;

(2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

(3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes.

None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 4, delete lines 15 through 35, both inclusive, in their entirety and on page 5 delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) (1) Cash on hand or 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 Louisiana and the notes or other evidence thereof;

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

(7) debts due for merchandise or other articles of commerce or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, animals on the farm, and property belonging to an agricultural fair association;

(11) property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

(12) rights-of-way granted to the State Department of Highways;

(13) boats using gasoline as motor fuel;

(14) commercial vessels used for gathering seafood for human consumption; and

(15) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the continental United States.

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 5, between lines 4 and 5 insert the following: "(D) (1) Raw materials, goods, commodities, and articles imported into this state from outside the continental United States:

(a) so long as the imports remain on the public property of the port authority or docks of the common carrier where they first entered this state;

(b) so long as the imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in-trade for sale at retail.

(2) Raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) (a) Goods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether such destination was specified when transportation began or afterward.

(b) Property described in Paragraph (D), whether or not entitled to exemption, shall be reported to the proper taxing authority on the forms required by law."

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 5, delete lines 23 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 24, both inclusive, in their entirety.

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

On page 5, delete lines 5 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Motor vehicles used on the public highways of this state, from state, parish, and special ad valorem taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the governing authority thereof provides for the exemption by ordinance or resolution."

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

AMENDMENT No. 18—

On page 5, delete lines 12 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"(F) Notwithstanding any contrary provision of this Section, the legislature by law may authorize the State Board of Commerce and Industry or its successor, under such terms and conditions and with such approval as the legislature specifies, to provide for the exemption from property taxation of a new manufacturing establishment or an addition to a manufacturing establishment existing in the state. No exemption granted under the authority of laws enacted under this Paragraph shall extend for a longer initial period than five calendar years, or be renewable for a period exceeding five additional calendar years."

Read.

On motion of Delegate Tate Amendment No. 18 was adopted.

AMENDMENT No. 19—

On page 6, delete line 25 in its entirety.

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

On page 6, delete lines 26 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. No Impairment of Existing Taxes or Obligations.

Section 5. This Article shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the effective date of this constitution."

Read.

On motion of Delegate Tate Amendment No. 20 was adopted.

AMENDMENT No. 21—

On page 6, delete lines 33 through 35, both inclusive, in their entirety and on page 7, delete lines 1 through 35, both inclusive in their entirety, and insert in lieu thereof the following:

"Section 6. Adjustment of Ad Valorem Tax Millages

Section 6. Prior to the end of the third year after the effective date of this constitution, the assessors and the Louisiana Tax Commission or its successor shall complete determination of the fair market value or the use value of all property subject to taxation within each parish for use in implementing this Article. Except as provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which Sections 1 and 3 of this Article are implemented shall not be increased or decreased, because of their provisions, above or below ad valorem taxes collected by that taxing authority in the year preceding implementation. To accomplish this result, it shall be mandatory for each affected taxing authority, in the year in which Sections 1 and 3 of this Article are implemented, to adjust millages upwards or downwards without regard to millage limitations contained in this constitution, and the maximum authorized millages shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall remain in effect unless changed as permitted by this constitution. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 1 and 3 of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (a) levying additional or increased millages as provided by law; (b) placing additional property on the tax rolls; or (c) increases in the fair market or use value of property after the first determination of that value to implement this Article. This Section shall not apply to millages required to be levied for the payment of general obligation bonds."

Read.

On motion of Delegate Tate Amendment No. 21 was adopted.

AMENDMENT No. 22—

On page 8, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 7. Revenue Sharing Fund
Section 7. (A) Creation of Fund. The Revenue Sharing Fund is created as a special fund in the state treasury.”

Read.

On motion of Delegate Tate Amendment No. 22 was adopted.

AMENDMENT No. 23—

On page 8, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Annual Allocation. The sum of ninety million dollars is allocated annually from the state general fund to the revenue sharing fund. The legislature may appropriate additional sums to the fund.”

Read.

On motion of Delegate Tate Amendment No. 23 was adopted.

AMENDMENT No. 24—

On page 8, delete lines 9 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Distribution Formula. The revenue sharing fund shall be distributed annually as provided by law solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless otherwise provided by law, population statistics of the last federal decennial census shall be utilized for this purpose. After deductions in each parish for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, shall be distributed by first priority to the tax recipient bodies within the parish, as defined by law, to offset current losses because of homestead exemptions granted in this Article. Any balance remaining in a parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish as provided by law.”

Read.

On motion of Delegate Tate Amendment No. 24 was adopted.

AMENDMENT No. 25—

On page 8, delete lines 15 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

“(D) Distributing Officer. The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board or its successor shall be distributed to and by the city treasurer of Monroe.”

Read.

On motion of Delegate Tate Amendment No. 25 was adopted.

AMENDMENT No. 26—

On page 8, delete lines 30 through 35, both inclusive, in their entirety and on page 9, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

“(E) Bonded Debt. A political subdivision, as defined by Article VI of this constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the revenue sharing fund, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys allocated within any parish from the balance remaining in its distribution may be pledged to the payment of the principal or interest of any bonds. Bonds issued under this Paragraph shall be issued and sold as provided by law, and

shall require approval of the State Bond Commission or its successor prior to issuance and sale.”

Read.

On motion of Delegate Tate Amendment No. 26 was adopted.

AMENDMENT No. 27—

On page 9, delete lines 10 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 8. Tax Assessors
Section 8. (A) Election; Term. A tax assessor shall be elected by the electors of each parish, Orleans Parish excepted. His term of office shall be four years. His election, duties, and compensation shall be as provided by law.”

Read.

On motion of Delegate Tate Amendment No. 27 was adopted.

AMENDMENT No. 28—

On page 9, delete lines 16 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Orleans Parish. There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each. Their duties and compensation shall be as provided by law.”

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

AMENDMENT No. 29—

On page 9, delete lines 24 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Vacancy. When a vacancy occurs in the office of tax assessor, the duties of the office, until filled by election as provided by law, shall be assumed by the chief deputy assessor, except in Orleans Parish where the Board of Assessors shall appoint an interim assessor.”

Read.

On motion of Delegate Tate Amendment No. 29 was adopted.

AMENDMENT No. 30—

On page 9, delete lines 30 through 35, both inclusive, in their entirety, and on page 10, delete lines 1 through 35, both inclusive, in their entirety, and on page 11, delete lines 1 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 9. Tax Sales
Section 9. (A) Tax Sales. There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs' sales, in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs. The sale shall be without appraisal. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

(B) Redemption. The property sold shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon, and interest at the rate of one percent per month until redemption.

(C) Annulment. No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must be served within

five years after the date of the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

(D) Quieting Tax Title. The manner of notice and form of proceeding to quiet tax titles shall be provided by law.

(E) Movables; Tax Sales. When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Sale of the property shall be at public auction, without appraisal, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.

(F) Postponement of Taxes. The legislature may postpone the payment of taxes, but only in cases of overflow, general conflagration, general crop destruction, or other public calamity, and may provide for the levying, assessing, and collecting of such postponed taxes. In such case, the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and may levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the Interim Emergency Board to the governing authority of the parish where the calamity occurs. The money loaned shall be applied to and shall not exceed the deficiency in revenue of the parish or a political subdivision therein or of which the parish is a part, caused by postponement of taxes. No loan shall be made to a parish governing authority without the approval of the Interim Emergency Board."

Read.

On motion of Delegate Tate Amendment No. 30 was adopted.

AMENDMENT No. 31—

On page 9, line 30, after Committee Amendment No. 30 proposed by the Committee on Style and Drafting and adopted this date, insert the following:

"Section 10. Effective Date

Section 10. Section 1 and Section 3 of this Article shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption."

Read.

Delegate Tate moved the adoption of Amendment No. 31.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Arnette	Badeaux
Aertker	Asseff	Bel
Alexander	Avant	Bergeron

Bollinger.
Brien
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Dennery
Derbes
Deshotels
Drew
Duval
Edwards
Elkins
Flory
Fontenot
Fulco
Giarrusso
Goldman
Gravel
Grier

Total—97.

Total—0.

Delegates—
Mr. Chairman
Alario
Anzalone
Blair
Brown
Burns
Dennis
Dunlap
Fayard
Fowler
Gauthier
Ginn

Total—35.

And the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 32—

On page 3, delete lines 14 through 21, both inclusive, in their entirety

Read.

On motion of Delegate Tate Amendment No. 32 was adopted.

Motion

On motion of Delegate Tate the rules were suspended in order to take from the table the motion to reconsider the vote by which Committee Proposal No. 26, Section 1, was passed for the limited purpose of offering an amendment proposed by Delegate Avant.

Reconsideration

On motion of Delegate Tate the vote by which Committee Proposal No. 26, Section 1, was passed was reconsidered.

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchar, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilpatrick
Landrum
Landry, A.
Landry, E. J.
Lanier
Leithman
McDaniel
Martin
Mauberret
Maybue
Miller
Mire
Morris
Mewton
Nunez
O'Neill
Perkins
Planchar

NAYS

NOT VOTING

Pugh
Riecke
Roemer
Roy
Sandoz
Segura
Shannon
Singletary
Slay
Smith
Soniak
Stagg
Stinson
Sutherland
Tate
Thistlethwaite
Tobias
Toca
Toomy
Uilo
Velazquez
Warren
Wattigny
Weiss
Willis
Winchester
Wisham
Zervigon

Section 1. Assessment of Property; Classification; Assessors; Right of Taxpayer; Exemptions from Ad Valorem Property Taxation

Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value; such percentage of fair market value shall be uniform throughout the state upon the same class of property.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend First enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 31 and 32, in Committee Amendment No. 3 proposed by the Committee on Style and Drafting and adopted by the convention on January 12, 1974, on line 4, in the text of Amendment No. 3, after the word "provide" and before the word "similarly" insert the words "by law"

On motion of Delegate Avant the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26, Section 1 was read, as amended.

Delegate Tate moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Mire
Aertker	Fontenot	Morris
Alexander	Fulco	Newton
Arnette	Giarrusso	Nunez
Asseff	Goldman	O'Neill
Avant	Gravel	Plancharde
Badeaux	Grier	Pugh
Bel	Hardee	Riecke
Bergeron	Hayes	Roemer
Bollinger	Haynes	Sandoz
Brien	Heine	Schmitt
Burns	Hernandez	Shannon
Burson	Jack	Singletary
Cannon	Jackson, A.	Slay
Carmouche	Jackson, J.	Smith
Casey	Juneau	Soniatt
Champagne	Kean	Stinson
Chatelain	Kelly	Sutherland
Chehardy	Kilpatrick	Tate
Comar	Landrum	Tobias
Conino	Landry, E. J.	Toca
Conroy	Lanier	Toomy
Corne	LeBlou	Uilo
De Blieux	Leigh	Velazquez
D'Gerolamo	Leithman	Warren
Cowen	McDaniel	Wattigny
Dennery	Martin	Weiss
Drew	Maubertret	Wills
Duval	Maybuce	Wisham
Edwards	Miller	Zervigon
Elkins		
Total—91.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Roy
Alario	Jenkins	Segura
Anzalone	Jones	Stagg
Blair	Kilbourne	Stephenson
Brown	Lambert	Stovall
Dennis	Landry, A.	Tapper
Derbes	Lowe	Thistlethwaite
Deshotels	Munson	Thompson
Dunlap	Ourso	Vesich
Fayard	Perez	Vick
Fowler	Perkins	Wall
Gauthier	Rachal	Winchester
Ginn	Rayburn	Womack
Graham	Reeves	
Total—41.		

And the Chair declared that the above Section was finally passed.

Delegate Tate moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 33—

On page 1, line 32, in Committee Amendment No. 5 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 5 of the text of the amendment, after the word and punctuation "successor." and before the word "Fair" insert the following:

"Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph (C)."

Read.

On motion of Delegate Tate Amendment No. 33 was adopted.

AMENDMENT No. 34—

On page 4, line 15, in Committee Amendment No. 14 proposed by the Committee on Style and Drafting and adopted by the convention this date, between lines 19 and 20 of the text of the amendment insert the following:

"(10) irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;"

- and on line 20, change (10) to (11)
- and on line 24, change (11) to (12)
- and on line 27, change (12) to (13)
- and on line 29, change (13) to (14)
- and on line 30, change (14) to (15)
- and on line 32, change (15) to (16)

Read.

On motion of Delegate Tate Amendment No. 34 was adopted.

Motion

Delegate Jenkins moved for a suspension of the rules in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 26, Section 4, was passed, for the limited purpose of offering an amendment proposed by Delegate Jenkins.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Casey	Gravel
Aertker	Chatelain	Guarisco
Alexander	Chehardy	Hayes
Arnette	Conino	Haynes
Asseff	Corne	Heine
Bel	Cowen	Hernandez
Bergeron	D'Gerolamo	Jackson, A.
Brien	Dennery	Jackson, J.
Burson	Drew	Jenkins
Cannon	Fayard	Juneau
Carmouche	Fontenot	Kean

Landrum	Riecke	Thistlethwaite
Leigh	Sandoz	Toca
Leithman	Segura	Toomy
Mire	Singletary	Velazquez
O'Neill	Stagg	Warren
Perez	Stinson	Weiss
Pugh	Sutherland	Wisham
Total—54.		

NAYS

Delegates—		
Avant	Grier	Reeves
Badeaux	Hardee	Roemer
Blair	Jack	Roy
Bollinger	Jones	Schmitt
Burns	Kilpatrick	Shannon
Champagne	Landry, A.	Slay
Conroy	Landry, E. J.	Smith
De Blieux	Lanier	Soniat
Deshotels	McDaniel	Tate
Duval	Martin	Tobias
Edwards	Mauberrret	Ullo
Elkins	Maybuce	Vick
Flory	Miller	Wattigny
Fulco	Newton	Willis
Giarrusso	Nunez	Winchester
Goldman	PNANCHARD	Zervigon
Total—48.		

NOT VOTING

Delegates—		
Mr. Chairman	Ginn	Perkins
Alario	Graham	Rachal
Anzalone	Kelly	Rayburn
Brown	Kilbourne	Stephenson
Comar	Lambert	Stovall
Dennis	LeBleu	Tapper
Derbes	Lowe	Thompson
Dunlap	Morris	Vesich
Fowler	Munson	Wall
Gauthier	Ourso	Womack
Total—30.		

And the Convention refused to suspend the rules at this time.

AMENDMENT No. 35—

On page 4, line 15, in Committee Amendment No. 14 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 36 of the text of the amendment, after the words "trade of the" and before the words and punctuation "United States," delete the word "continental" and insert in lieu thereof the words "states of the"

AMENDMENT No. 36—

On page 5, between lines 4 and 5, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 3 of the text of the amendment, after the word "the" and before the word "United" delete the word "continental" and insert in lieu thereof the words "states of the"

AMENDMENT No. 37—

On page 5, between lines 4 and 5, in Committee Amendment No. 15 proposed by the Committee on Style and Drafting and adopted by the convention this date, in line 26 of the text of the amendment, after the word "the" and before the word "United" delete the word "continental" and insert in lieu thereof the words "states of the"

Read.

On motion of Delegate Tate Amendment Nos. 35, 36 and 37 were adopted.

Motion

On motion of Delegate Pugh Committee Proposal No. 15 was discharged from the Committee on Style and Drafting.

Reconsideration

On motion of Delegate Pugh the vote by which Committee Proposal No. 15, was passed, was reconsidered.

Motion

On motion of Delegate Pugh the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 15, Section 7, was passed, for the limited purpose of offering an amendment proposed by Delegate Pugh, et al.

Reconsideration

On motion of Delegate Pugh the vote by which Committee Proposal No. 15, Section 7, was passed, was reconsidered.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

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 invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or at a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt. Legislative approval may be obtained only during open session except as otherwise provided in this constitution.

Read

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Pugh, Conroy, Graham, A. Jackson, Gravel, Kean and Jones to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 4, at the end of line 2, add the following:

"However, any state board, agency, or commission heretofore or hereafter authorized by law to issue bonds may, in the manner so authorized, and with the approval of the State Bond Commission or its successor, 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 or facilities, project or projects or any combination thereof without a pledge of the full faith and credit of the state. Such type bonds may but are not required to be issued in accordance with the provisions of Section 7(A) and (B) hereof and if issued without a pledge of the full faith and credit of the state the issuance of the bonds shall not constitute the incurring of state debt under this constitution."

On motion of Delegate Pugh the amendment was withdrawn.

Passage

Committee Proposal No. 15, Section 7 was read.

Delegate Gravel moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Alexander	Avant
Aertker	Arnette	Badeaux
Alario	Asseff	Bel

Bergeron	Grier	Planchard
Blair	Guarisco	Pugh
Brien	Hardee	Reeves
Burns	Hayes	Riecke
Burson	Haynes	Roemer
Cannon	Heine	Roy
Carmouche	Hernandez	Sandoz
Casey	Jack	Schmitt
Champagne	Jackson, A.	Segura
Chatelain	Jackson, J.	Shannon
Chehardy	Jenkins	Singletary
Comar	Jones	Slay
Conino	Juneau	Smith
Conroy	Kean	Soniat
Corne	Kelly	Stagg
Cowen	Kilpatrick	Stinson
D'Gerolamo	Landrum	Sutherland
De Blieux	Landry, A.	Tapper
Dennery	Landry, E. J.	Tate
Dennis	Lanier	Thistlethwaite
Derbes	Leithman	Tobias
Deshotels	McDaniel	Toca
Drew	Martin	Toomy
Edwards	Mauberet	Ullio
Elkins	Maybuce	Velazquez
Fayard	Miller	Vick
Flory	Mire	Warren
Fontenot	Morris	Wattigny
Fulco	Newton	Weiss
Gauthier	Nunez	Willis
Giarrusso	O'Neill	Winchester
Goldman	Ourso	Wisham
Gravel	Perez	Zervigon
Total—108.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Graham	Rachal
Anzalone	Kilbourne	Rayburn
Bollinger	Lambert	Stephenson
Brown	LeBleu	Stovall
Dunlap	Leigh	Thompson
Duval	Lowe	Vesich
Fowler	Munson	Wall
Ginn	Perkins	Womack
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Gravel moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Gravel moved the final passage of the Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Carmouche	Deshotels
Alario	Casey	Drew
Alexander	Champagne	Edwards
Arnette	Chatelain	Fayard
Asseff	Chehardy	Flory
Avant	Comar	Fontenot
Badeaux	Conino	Fulco
Bel	Conroy	Gauthier
Bergeron	Cowen	Giarrusso
Blair	D'Gerolamo	Goldman
Brien	De Blieux	Gravel
Burns	Dennery	Grier
Burson	Dennis	Guarisco
Cannon	Derbes	Hardee

Hayes	Miller	Smith
Haynes	Mire	Soniat
Heine	Morris	Stagg
Hernandez	Newton	Stinson
Jack	Nunez	Sutherland
Jackson, A.	O'Neill	Tate
Jackson, J.	Ourso	Thistlethwaite
Jenkins	Perez	Tobias
Juneau	Planchard	Toca
Kean	Pugh	Ullio
Kelly	Reeves	Velazquez
Kilpatrick	Riecke	Vick
Landrum	Roemer	Warren
Landry, A.	Sandoz	Wattigny
Landry, E. J.	Schmitt	Weiss
Lanier	Segura	Willis
Martin	Shannon	Winchester
Mauberet	Singletary	Wisham
Maybuce	Slay	Zervigon
Total—99.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Graham	Rachal
Aertker	Jones	Rayburn
Anzalone	Kilbourne	Roy
Bollinger	Lambert	Stephenson
Brown	LeBleu	Stovall
Corne	Leigh	Tapper
Dunlap	Leithman	Thompson
Duval	Lowe	Toomy
Elkins	McDaniel	Vesich
Fowler	Munson	Wall
Ginn	Perkins	Womack
Total—33.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Gravel, the Convention altered the Order of Business to take up other Orders of Business at this time.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 12, 1974, Baton Rouge La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled.

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches
Section 1. The powers of government of the State of Louisiana are divided into three distinct branches—legislative, executive, and judicial.

Section 2. Limitations of Each Branch
Section 2. No one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others, except as otherwise provided in this constitution.

ARTICLE XII. GENERAL PROVISIONS

Section 3. Civilian-Military Relations
Section 3. The military shall be subordinate to the civil power.

Section 4. Right to Direct Participation
 Section 4. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

Section 5. Oath of Office
 Section 5. All officers shall take the following oath or affirmation: "I, (A B), do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, so help me God."

Section 6. State Capital
 Section 6. The capital of Louisiana is the city of Baton Rouge.

Section 7. Forced Heirship and Trusts
 Section 7. No law shall abolish forced heirship. The determination of forced heirs, the amount of the forced portion, and the grounds for disinheritance shall be provided by law. Trusts may be authorized by law and a forced portion may be placed in trust.

Section 10. Administrative and Quasi-Judicial Agency Code
 Section 10. Rules, regulations and procedures adopted by all state administrative and quasi-judicial agencies, boards and commissions shall be published in one or more codes and made available to the public.

Section 11. Preservation of Linguistic and Cultural Origin
 Section 11. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origin is recognized.

Respectfully submitted,
 MOISE W. DENNERY
 Secretary

Under the Rules, referred to the Committee on Style and Drafting.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
 State of Louisiana
 January 12, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled in final form:

COMMITTEE PROPOSAL No. 35—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.
 Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches

Section 1. The powers of government of the state are divided into three separate branches: legislative, executive, and judicial.

Section 2. Limitations on Each Branch

Section 2. Except as otherwise provided by this constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others.

ARTICLE XII. GENERAL PROVISIONS

Section 1. Civilian-Military Relations

Section 1. The military shall be subordinate to the civil power.

Section 2. Right to Direct Participation

Section 2. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

Section 3. Oath of Office

Section 3. Every official shall take the following oath or affirmation: "I, _____, do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____, according to the best of my ability and understanding, so help me God."

Section 4. State Capital

Section 4. The capital of Louisiana is the city of Baton Rouge.

Section 5. Forced Heirship and Trusts

Section 5. No law shall abolish forced heirship. The determination of forced heirs, the amount of the forced portion, and the grounds for disinheritance shall be provided by law. Trusts may be authorized by law, and a forced portion may be placed in trust.

Section 7. Administrative and Quasi-Judicial Agency Code

Section 7. Rules, regulations, and procedures adopted by all state administrative and quasi-judicial agencies, boards, and commissions shall be published in one or more codes and made available to the public.

Section 8. Preservation of Linguistic and Cultural Origins

Section 8. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized.

Respectfully submitted,
 MOISE W. DENNERY
 Secretary.

The Proposal contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
 State of Louisiana

January 12, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly re-enrolled in final form:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate, and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE V. JUDICIAL BRANCH

Section 1. Judicial Power

Section 1. The judicial power is vested in a supreme court, courts of appeal, district courts, and other courts authorized by this Article.

Section 2. Habeas Corpus, Needful Writs, Orders and Process; Contempt

Section 2. A judge may issue writs of habeas corpus and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law.

Section 3. Supreme Court; Composition; Judgments; Terms

Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a supreme court judge shall be ten years.

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.

Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) Supervisory Jurisdiction: Rule-Making Power; Assignment of Judges. The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court.

(B) Original Jurisdiction. The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar.

(C) Scope of Review. Except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) Appellate Jurisdiction. In addition to other appeals provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional; (2) the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed.

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

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it.

Section 6. Supreme Court; Chief Justice

Section 6. The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Section 7. Supreme Court; Personnel

Section 7. The supreme court may select a judicial administrator, its clerks, and other personnel and prescribe their duties.

Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms

Section 8. (A) Circuits; Panels. The state shall be divided into at least four circuits, with one court of appeal in each. Each court shall sit in panels of at least three judges selected according to rules adopted by the court.

(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 before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

(C) Terms. The term of a court of appeal judge shall be ten years.

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.

Section 10. Courts of Appeal; Jurisdiction

Section 10. (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.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal extends to law and facts.

Section 11. Courts of Appeal; Certification

Section 11. A court of appeal may certify any question of law before it to the supreme court, and the supreme court then may give its binding instruction or decide the case upon the whole record.

Section 12. Courts of Appeal; Chief Judge

Section 12. The judge oldest in point of service on each court of appeal shall be chief judge of that court and shall administer the court subject to rules adopted by it.

Section 13. Courts of Appeal; Personnel

Section 13. Each court of appeal may select its clerk and other personnel and prescribe their duties.

Section 14. District Courts; Judicial Districts

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.

Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 20 of this Article, the legislature may abolish or merge trial courts of limited or specialized jurisdiction. The legislature may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 20 of this Article, the legislature may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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.

Section 16. District Courts; Jurisdiction

Section 16. (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 corporation, or political subdivisions, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships.

(B) Appellate Jurisdiction. A district court shall have appellate jurisdiction as provided by law.

Section 17. District Courts; Chief Judge

Section 17. Each district court shall elect from its members a chief judge who shall exercise, for a term designated by the court, the administrative functions prescribed by rule of court.

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.

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.

Section 20. Judges; Decrease in Terms and Compensation Prohibited

Section 20. The term of office, retirement benefits, and compensation of a judge shall not be decreased during the term for which he is elected.

Section 21. Judges; Election; Vacancy

Section 21. (A) Election. Except as otherwise provided in this Section, all judges shall be elected. Election shall be at the regular congressional election.

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within six months after 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, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

(C) End of Term. A judge serving on the effective date of this constitution shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the year of a regular congressional election, then through December thirty-first of the following year. The

election for the next term shall be held in the year in which the term expires, as provided above.

Section 22. Judges; Retirement

Section 22. (A) Retirement System. Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the law enacting the system and in which a judge in office at that time may elect to become a member, with credit for all prior years of judicial service and without contribution therefor. The retirement benefits and judicial service rights of a judge in office or retired on the effective date of this constitution shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

(B) Mandatory Retirement. Except as otherwise provided in this Section, a judge shall not remain in office beyond his seventieth birthday.

Section 23. Judges; Qualifications

Section 23. 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.

Section 24. Judicial Commission

Section 24. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges' Association or its successor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct pre-judicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.

Section 25. Department of Justice; Attorney General; Assistants

Section 25. 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. He shall appoint assistants to serve at his pleasure.

Section 26. Attorney General; Powers and Duties

Section 26. The attorney general shall be the chief legal officer of the state. As necessary for the assertion or pro-

tection of the rights and interests of the state, the attorney general may

(1) institute and prosecute or intervene in any civil action or proceeding;

(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 and subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

He shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 27. District Attorneys

Section 27. (A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years preceding election. A district attorney may select assistants as authorized by law, and other personnel.

(B) Powers. Except as otherwise provided by this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law.

(C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge. A violation of this Paragraph shall be cause for removal.

Section 28. Sheriffs

Section 28. In each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and license fees as provided by law.

This Section shall not apply to Orleans Parish.

Section 29. Clerks of Court

Section 29. (A) Powers and Duties; Deputies. In each parish a clerk of the district court shall be elected for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have other duties and powers provided by law. The clerk may appoint deputies with duties and powers provided by law and, with the approval of the district judges, he may appoint minute clerks with duties and powers provided by law.

(B) Office Hours. The legislature shall establish uniform statewide office hours for clerks of the district courts.

Section 30. Coroners

Section 30. In each parish a coroner shall be elected for a term of four years. He shall be a licensed physician and possess the other qualifications and perform the duties provided by law. The requirement that he be a licensed physician shall be inapplicable in any parish in which no licensed physician will accept the office.

Section 31. Vacancies

Section 31. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated: (1) sheriff, by the chief criminal deputy; (2) district attorney, by the first assistant; (3) clerk of a district court, by the chief deputy; (4) coroner, by the chief deputy. If there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

Section 32. Reduction of Salaries and Benefits Prohibited

Section 32. The salary and retirement benefits of an attorney general, district attorney, sheriff, coroner, or clerk of the district court shall not be diminished during his term of office.

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.

Section 34. Jurors

Section 34. (A) Qualifications. A citizen of the state who has reached the age of majority is eligible to serve as a juror within the parish in which he is domiciled. The legislature may provide additional qualifications.

(B) Exemptions. The supreme court shall provide by rule for exemption of jurors.

Section 35. Grand Jury

Section 35. (A) Grand Jury. There shall be a grand jury or grand juries in each parish, whose qualifications, duties, and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of witnesses, shall be provided by law.

(B) Right to Counsel. The legislature may establish by law terms and conditions under which a witness may have the right to the advice of counsel while testifying before the grand jury.

Respectfully submitted,
MOISE W. DENNERY,
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennerly, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 12, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Committee Resolution having been finally adopted by the Convention has been properly enrolled in final form:

COMMITTEE RESOLUTION No. 13—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics (Substitute for Committee Resolution No. 3, by Delegate Stovall, et al.):

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule 37.1, to provide expressly for submission of alternative provisions.

WHEREAS, Act 2 of the 1972 Regular Session provides for alternative provisions; and

WHEREAS, the Standing Rules are presently silent on the procedure by which alternative provisions may be introduced and considered; and

WHEREAS, the results of the vote of the people on recently proposed constitutions in other states clearly indicate that a constitution submitted to the people with alternatives will include to a greater extent involvement of all voters of Louisiana in the convention; and

WHEREAS, the delegates of CC/73 are desirous that this convention adopt a constitution that will be ratified by the voters.

THEREFORE, BE IT RESOLVED that Rule No. 37.1 is adopted to read as follows:

Rule No. 37.1. Submission of Alternative Provisions

A. Alternative provisions authorized by Act No. 2 of the 1972 Regular Session to be submitted to a vote of the people shall be determined by the convention only in the manner provided below. Notwithstanding Rule No. 42, a delegate may introduce a proposal setting forth a proposed alternative. Such a proposal shall state specifically (1) the text of the alternative; (2) any deletions of presently adopted paragraphs, or sections, or the like; (3) the effect of the alternative, if adopted by the people, in terms of additions to and deletions from the body of the proposed constitution; and (4) the text of the ballot proposition on the alternative. Any proposal so introduced must bear the names of at least forty delegates. No such proposal may be introduced after January 15, 1974.

C. All proposals setting forth proposed alternatives shall lie over for convention action on January 16, 1974. On that day, there shall be put to the convention the question of the final passage of each such proposal. Debate on the question on each proposal shall be limited to two hours with the time equally divided between proponents and opponents. Each proposal receiving a favorable vote of sixty-seven delegates shall be adopted and shall be referred to the Committee on Style and Drafting. Every proposal shall be subject to floor amendment.

D. Not later than 12:00 Noon, January 17, 1974, the Committee on Style and Drafting shall report each proposal referred to it to the convention.

E. No alternative provision shall be included on the ballot unless approved on final passage by a majority of the membership of the convention, which approval shall be by record vote.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

The Resolution contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

COMMITTEE NOTICE

Delegate Zervigon, chairman of the Committee on Legislative Liason and Transitional Measures, sent up the following notice:

The Committee on Legislative Liason and Transitional Measures will meet on Monday, January 14, 1974, at 8:00 o'clock a.m. in the Treaty Room and will consider the following agenda:

AGENDA

To prepare transitional Measures to be submitted to the Convention.

Respectfully submitted,
MARY ZERVIGON
Chairman of the Committee on
Legislative Liason and Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Roemer the rules were suspended for the purpose of calling a meeting of the Committee on Revenue, Finance and Taxation without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Edwards, Vice-chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Saturday, January 12, 1974, after adjournment in Assembly Room—White House Inn, 8th Floor and will consider the following agenda:

AGENDA

Consideration of Style and Drafting material CP 15.

Respectfully submitted,
FRANK EDWARDS, JR.
Vice-chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Vesich—1 day.
Delegate Thompson—1 day.

PAGE 14

116th Days Proceedings—January 12, 1974

Adjournment

Delegate Miller moved that the Convention do now adjourn until Monday, January 14, 1974, at 1:00 P.M.

As a substitute, Delegate Abraham moved that the Convention do now adjourn until Monday, January 14, 1974 at 9:30 A.M.

Delegate Miller objected.

The vote occurred on the longest period of adjournment first.

By a vote of 34 yeas and 60 nays the Convention refused to adjourn until Monday, January 14, 1974, at 1:00 P.M.

As a further substitute, Delegate Fulco moved that the Convention do now adjourn until Monday, January 14, 1974, at 10:00 o'clock A.M.

The vote recurred on the substitute.

Delegate Abraham objected.

By a vote of 72 yeas and 18 nays the Convention adjourned until Monday, January 14, 1974, at 10:00 A.M.

And Vice-chairman Casey declared the Convention adjourned to Monday, January 14, 1974, at 10:00 A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED SEVENTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Monday, January 14, 1974, Baton Rouge, La.

The Convention was called to order at 10:00 o'clock a.m., by Hon. Thomas Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Nunez
Abraham	Fowler	O'Neill
Aeriker	Fulco	Ourso
Alario	Gauthier	Perez
Alexander	Giarrusco	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Pugh
Asseff	Graham	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Roemer
Bel	Guarisco	Roy
Bergeron	Hardee	Sandoz
Blair	Hayes	Schmitt
Bollinger	Haynes	Segura
Brien	Heine	Shannon
Brown	Hernandez	Singletary
Burns	Jack	Slay
Burson	Jackson, A.	Smith
Cannon	Jackson, J.	Soniat
Carmouche	Jenkins	Stagg
Casey	Jones	Stephenson
Champagne	Juneau	Stinson
Chatelain	Kean	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Lambert	Tate
Conino	Landrum	Thistlethwaite
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lowe	Ulo
Dennery	McDaniel	Velazquez
Dennis	Martin	Vick
Derbes	Mauberet	Warren
Drew	Maybuce	Wattigny
Duval	Miller	Willis
Edwards	Mire	Winchester
Elkins	Morris	Wisham
Fayard	Munson	Womack
Flory	Newton	Zervigon
Total—120.		

ABSENT

Delegates—		
Deshotels	LeBleu	Stovall
Dunlap	Leigh	Vesich
Kelly	Rachal	Wall
Kilbourne	Riecke	Weiss
Total—12.		

The Chairman announced that there were 120 members present and a quorum.

Prayer

Prayer was offered by Delegate Wisham.

Pledge of Allegiance

Delegate Sutherland led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate O'Neill, the reading of the Journal was dispensed with.

On motion of Delegate O'Neill, the Journal of yesterday was adopted.

Morning Hour

**Introduction of Resolutions,
Delegate and Committee Resolutions**

The following delegates and Chairman on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 50—

Introduced by Delegate O'Neill:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule 47.1, to provide for the printing of an attestation clause for the proposed draft of the constitution and for the distribution of copies of the proposed draft and to urge and request the governor to take the necessary steps to see that a copy of the Louisiana Constitution of 1974 is exhibited permanently in the state capitol.

BE IT RESOLVED that Rule 47.1 of the Standing Rules of the Constitutional Convention is hereby adopted to read as follows:

Rule No. 47.1. Attestation Clause and Distribution of Copies
An attestation clause for the proposed draft of the constitution with spaces provided for each delegate to the convention to sign shall be printed and returned to the convention for signatures prior to January 19, 1974. One hundred thirty-five copies shall be printed. After the signatures of the delegates are affixed to the one hundred thirty-five documents, the documents shall be returned to the printer to be attached to one hundred thirty-five printed copies of the entire proposed draft of the constitution, and a copy thereof shall be transmitted to each person who is a delegate to the convention on January 19, 1974.

BE IT FURTHER RESOLVED, that the Governor of Louisiana is hereby urged and requested to take the necessary steps to see that a certified copy of the Louisiana Constitution of 1974, as finally ratified by the people of Louisiana, is permanently exhibited in a prominent place on the first floor of the State Capitol.

Read.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire,

PAGE 2

117th Days Proceedings—January 14, 1974

Rayburn, Nunez, Winchester, Mauberrret, Slay and Planchard:

A PROPOSAL

Making provisions for homestead exemptions.

Reported without amendments.

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

Reported without amendments.

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery and Gravel:

A PROPOSAL

Providing for meeting of the legislature for the next three years following the adoption of this constitution.

Reported without amendments.

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

Reported without amendments.

Respectfully submitted,

ALBERT TATE
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 17 by Delegate Perez, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 20 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"PART I. GENERAL PROVISIONS

Section 1. Parishes

Section 1. (A) Parishes and Boundaries Ratified. Parishes and their boundaries as established under existing law are recognized and ratified.

(B) Creation; Dissolution; Merger; Boundaries. The legislature by law may establish and organize new parishes, dissolve and merge parishes, and change parish boundaries if approved by two-thirds of the electors in each parish affected voting thereon at an election held for that purpose.

(C) Change of Parish Seat. The governing authority of a parish may call an election on the question of changing the parish seat. The parish seat shall be changed if approved by two-thirds of the electors voting thereon."

AMENDMENT No. 2—

On page 2, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Adjustment of Assets and Liabilities. When a parish is enlarged or established from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken."

AMENDMENT No. 3—

On page 2, delete lines 8 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Municipalities

Section 2. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall create a municipal corporation or amend, modify, or repeal a municipal charter. However, an existing special legislative charter may be amended, modified, or repealed by local or special law."

AMENDMENT No. 4—

On page 2, delete lines 18 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Classification

Section 3. The legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of the classification. Legislation may be limited in its effect to any of such class or classes."

AMENDMENT No. 5—

On page 2, delete lines 24 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Existing Home Rule Charters and Plans of Government

Section 4. Every home rule charter or plan of government existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions, and duties in effect when this constitution is adopted. If its charter permits, each of them also shall have the right to powers and functions granted to other local governmental subdivisions."

AMENDMENT No. 6—

On page 3, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Home Rule Charter

Section 5. (A) Authority to Adopt; Commission. Subject to and not inconsistent with this constitution, any local governmental subdivision may draft, adopt, or amend a home rule charter in accordance with this Section. The governing authority of a local governmental subdivision may appoint a commission to prepare and propose a charter or an alternate charter, or it may call an election to elect such a commission."

AMENDMENT No. 7—

On page 3, delete lines 10 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Petition to Elect Commission. The governing authority shall call an election to elect such a commission when presented with a petition signed by not less than ten percent of the electors or ten thousand electors, whichever is fewer, who live within the boundaries of the affected subdivision, as certified by the registrar of voters."

AMENDMENT No. 8—

On page 3, delete lines 17 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Adoption; Amendment; Repeal. A home rule charter shall be adopted, amended, or repealed when approved by a majority of the electors voting thereon at an election held for that purpose."

AMENDMENT No. 9—

On page 3, delete lines 20 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Adoption by Two or More Local Governmental Subdivisions. Two or more local governmental subdivisions within the boundaries of one parish may adopt a home rule charter under this Section if approved by a majority of the electors in each affected local governmental subdivision voting thereon in an election held for that purpose. The legislature shall provide by law the method of appointment or election of a commission to prepare and propose a charter consistent with Paragraph (A) of this Section and the method by which the electors may petition for an election consistent with Paragraph (B) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision."

AMENDMENT No. 10—

On page 3, delete line 35 and on page 4, delete lines 1 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Structure and Organization; Powers; Functions. A home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution."

AMENDMENT No. 11—

On page 4, delete lines 13 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"(F) Additional Powers and Functions. Except as prohibited by its charter, a local governmental subdivision adopting a home rule charter under this Section shall have the additional powers and functions granted to local governmental subdivisions by other provisions of this constitution."

AMENDMENT No. 12—

On page 4, delete lines 19 through 24, 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 offices of district attorney, sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with this constitution or law."

AMENDMENT No. 13—

On page 4, delete lines 25 through 27, both inclusive, in their entirety

AMENDMENT No. 14—

On page 4, between lines 27 and 28, insert the following:

"Section 6. Home Rule Charter or Plan of Government; Action by Legislature Prohibited

Section 6. The legislature shall enact no law the effect of which changes or affects the structure and organization or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter."

AMENDMENT No. 15—

On page 4, delete lines 28 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Powers of Other Local Governmental Subdivisions

Section 7. (A) Powers and Functions. Subject to and not inconsistent with this constitution, the governing authority of a local governmental subdivision which has no home rule charter or plan of government may exercise any power and perform any function necessary, requisite, or proper for the management of its affairs, not denied by its charter or by general law, 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 powers. Otherwise, the local governmental subdivision shall have the powers authorized by this constitution or by law."

AMENDMENT No. 16—

On page 4, delete lines 7 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Parish Officials and School Boards Not Affected. Nothing in this Section shall affect the powers and functions of a school board or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner."

AMENDMENT No. 17—

On page 4, delete lines 11 through 14, both inclusive, in their entirety

AMENDMENT No. 18—

On page 5, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 8. No parish plan of government or home rule charter shall prohibit the incorporation of a city, town, or village as provided by general law."

AMENDMENT No. 19—

On page 5, delete lines 20 through 25, both inclusive in their entirety and insert in lieu thereof the following:

"Section 9. Limitations of Local Governmental Subdivisions

Section 9. (A) Limitations. No local governmental subdivision shall (1) define and provide for the punishment of a felony; or (2) except as provided by law, enact an ordinance governing private or civil relationships."

AMENDMENT No. 20—

On page 5, delete lines 26 and 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Police Power Not Abridged. Notwithstanding any provision of this Article, the police power of the state shall never be abridged."

AMENDMENT No. 21—

On page 5, delete lines 28 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. Codification of Ordinances

Section 10. Within two years after the effective date of this constitution, the governing authority of each political subdivision shall have a code prepared containing all of its general ordinances. When the code is prepared, the governing authority shall make copies available for public distribution. All general ordinances adopted after the approval of the code shall be amendments or additions to the code."

AMENDMENT No. 22—

On page 6, delete lines 5 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Local Officials

Section 11. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members from single-member districts."

AMENDMENT No. 23—

On page 6, delete lines 11 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. Local Officials; Compensation

Section 12. The compensation or method of fixing the compensation of an elected official of any local governmental subdivision which operates under a home rule charter or plan of government, as provided in Sections 4 and 5 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of an elected official of any other local governmental subdivision shall be provided by law. Compensation of a local official shall not be reduced during the term for which he is elected."

AMENDMENT No. 24—

On page 6, delete lines 21 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Vacancies

Section 13. (A) Vacancy; Appointment. Except as otherwise provided by this constitution, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a school district shall be filled by appointment by the particular governing authority of the local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law."

AMENDMENT No. 25—

On page 6, delete lines 30 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Exception. This Section shall apply to each local governmental subdivision unless otherwise provided by its home rule charter or plan of government.”

AMENDMENT No. 26—

On page 6, delete lines 34 and 35 and on page 7, delete lines 1 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 14. Increasing Financial Burden of Political Subdivisions

Section 14. No law requiring increased expenditures for wages, hours, working conditions, pension and retirement benefits, vacation, or sick leave benefits of political subdivision employees, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall become effective until approved by ordinance enacted by the governing authority of the affected political subdivision or until the legislature appropriates funds for the purpose of the affected political subdivision and only to the extent and amount that such funds are provided. This Section shall not apply to a school board.”

AMENDMENT No. 27—

On page 7, delete lines 13 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 15. Local Governmental Subdivisions; Control Over Agencies

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 change or tax levied or bond issued by the agency.”

AMENDMENT No. 28—

On page 7, delete lines 20 through 32, both inclusive, in their entirety and on page 8, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 16. Special Districts and Local Public Agencies

Section 16. (A) Consolidation. A local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the local governmental subdivision. Upon the consolidation and merger, the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. 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 the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting thereon in an election held for that purpose in the local governmental subdivision in which the agency is located.”

AMENDMENT No. 29—

On page 8, delete lines 8 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

“(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.”

AMENDMENT No. 30—

On page 8, delete lines 14 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 17. Land Use; Zoning; Historic Preservation

Section 17. Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create com-

missions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures. Existing constitutional authority for historic preservation commissions is retained.”

AMENDMENT No. 31—

On page 8, delete lines 24 through 35, both inclusive, in their entirety and on page 9, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 18. Industrial Areas

Section 18. (A) Authorization. The legislature by law may authorize parishes to create and define industrial areas within their boundaries in accordance with procedures and subject to regulations which it determines. An industrial area shall not be a political subdivision of the state.

(B) 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 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.”

AMENDMENT No. 32—

On page 9, delete lines 5 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 19. Special Districts; Creation

Section 19. Subject to and not inconsistent with this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation and the power to incur debt and issue bonds.”

AMENDMENT No. 33—

On page 9, delete lines 16 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 20. Intergovernmental Cooperation

Section 20. Except as otherwise provided by law, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, or with the United States or its agencies.”

AMENDMENT No. 34—

On page 9, delete lines 23 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 21. Assistance to Local Industry

Section 21. (A) Authorization. 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, (2) provide for the establishment and furnishing of such industrial plant, or (3) provide movable or immovable property, or both, for pollution control facilities, the legislature by law may authorize, subject to restrictions it may impose, any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district to

(a) issue bonds, subject to approval by the State Bond Commission or its successor, and use the funds derived from the sale of the bonds to acquire and improve industrial plant sites and other property necessary to the purposes thereof;

(b) acquire, through purchase, donation, exchange, and (subject to Article I, Section 4) expropriation, and improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and

(c) sell, lease, lease-purchase, or demolish all or any part of the foregoing.

(B) Property Expropriated; Sale to Aliens Prohibited. No property expropriated under the authority of this Section shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

PAGE 5

117th Days Proceedings—January 14, 1974

(C) Exception. This Section shall not apply to a school board."

AMENDMENT No. 35—

On page 10, delete lines 17 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Procedure for Certain Special Elections

Section 22. When an election is required in a political subdivision under the provisions of this constitution which requires submission to the electors of a proposition or question, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by the law then in effect pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, or as may be otherwise provided by law."

AMENDMENT No. 36—

On page 10, delete lines 29 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 23. Acquisition of Property

Section 23. Subject to and not inconsistent with this constitution and subject to restrictions provided by general law, political subdivisions may acquire property for any public purpose by purchase, donation, expropriation, exchange, or otherwise."

AMENDMENT No. 37—

On page 11, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 24. Servitudes of Way; Acquisition by Prescription

Section 24. The public, represented by local governmental subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law."

AMENDMENT No. 38—

On page 11, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 25. Prescription Against State

Section 25. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law."

AMENDMENT No. 39—

On page 11, between lines 9 and 10, insert the following:

"Section 26. Courts Not Affected

Section 26. Notwithstanding any provision of this Article, courts and their officers may be established or affected only as provided in Article V of this constitution."

AMENDMENT No. 40—

On page 11, delete lines 13 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 27. Parish Ad Valorem Tax

Section 27. (A) Parish Tax for General Purposes; Millage Limits; Increase. The governing authority of a parish may levy annually an ad valorem tax for general purposes not to exceed four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills, and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors voting thereon in an election held for that purpose."

AMENDMENT No. 41—

On page 11, delete lines 23 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Millage Increase Not for General Purposes. When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition."

AMENDMENT No. 42—

On page 11, delete lines 29 through 35, both inclusive, in their entirety and on page 12, delete lines 1 and 2, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Parish Tax in Municipality. The amount of the parish tax for general purposes which any parish, except Orleans Parish, may levy, without a vote of the electors, on property located wholly within any municipality which has a population exceeding one thousand inhabitants according to the last federal decennial census, or other census authorized by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes."

AMENDMENT No. 43—

On page 12, delete lines 3 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

AMENDMENT No. 44—

On page 12, delete lines 8 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 28. Municipal Ad Valorem Tax

Section 28. (A) Municipal Tax for General Purposes; Millage Limits; Increase. The governing authority of a municipality may levy annually an ad valorem tax for general purposes not to exceed seven mills on the dollar of assessed valuation. However, if a municipality, by its charter or by law, is exempt from payment of parish taxes or, under legislative or constitutional authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors voting thereon in an election held for that purpose."

AMENDMENT No. 45—

On page 12, delete lines 20 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Millage Increase Not For General Purposes. When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition."

"(C) Exception. This Section shall not apply to the city of New Orleans."

AMENDMENT No. 46—

On page 12, delete lines 28 through 35, both inclusive, in their entirety and on page 13, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 29. Local Governmental Subdivisions; Occupational License Tax

Section 29. The governing authority of a local governmental subdivision may impose an occupational license tax not greater than that imposed by the state. Those who pay a municipal occupational license tax shall be exempt from a parish occupational license tax in the amount of the municipal tax. The governing authority of a local governmental subdivision may impose an occupational license tax greater than that imposed by the state when authorized by law enacted by the favorable vote of two-thirds of the elected members of each house of the legislature."

AMENDMENT No. 47—

On page 13, delete lines 4 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 30. Local Governmental Subdivisions and School Boards; Sales Tax

Section 30. (A) Sales Tax Authorized. Except as otherwise authorized in a home rule charter as provided for in Section 4 of this Article, the governing authority of any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose. The rate thereof, when combined with the rate of all other sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent."

"(B) Additional Sales Tax Authorized. However, the legis-

lature, by general or by local 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.

(C) Bonds; Security. Nothing in this Section shall affect any sales or use tax authorized or imposed on the effective date of this constitution or affect or impair the security of any bonds payable from the proceeds of the tax."

AMENDMENT No. 48—

On page 13, delete lines 27 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Exemptions; Protection of Bonds. Except when bonds secured thereby have been authorized, the legislature by law may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state."

AMENDMENT No. 49—

On page 13, delete lines 32 through 35, both inclusive in their entirety, and on page 14, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 31. Political Subdivisions: Taxing Power

Section 31. 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."

AMENDMENT No. 50—

On page 14, delete lines 7 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 32. Special Taxes; Ratification

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."

AMENDMENT No. 51—

On page 14, delete lines 12 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 33. Special Taxes; Authorization

Section 33. For the purpose of acquiring, constructing, improving, maintaining, or operating any work of public improvement, a political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote thereon in an election held for that purpose."

AMENDMENT No. 52—

On page 14, delete lines 17 through 35, both inclusive, in their entirety and on page 15, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 34. Political Subdivisions; General Obligation Bonds

Section 34. (A) Authorization. Subject to approval by the State Bond Commission or its successor, general obligation bonds may be issued only after authorization by a majority of the electors voting on the proposition at an election in the political subdivision issuing the bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely to retire the refunded indebtedness or bonds and to pay interest thereon and redemption premiums, if any, to the time of retirement.

(B) Full Faith and Credit. The full faith and credit of a political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the statute or proceedings pursuant to which they are

issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature."

AMENDMENT No. 53—

On page 15, delete lines 11 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 35. Limitations on Bonded Indebtedness

Section 35. The legislature by law shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions."

AMENDMENT No. 54—

On page 15, delete lines 16 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 36. Contesting Political Subdivision Bonds

Section 36. (A) Contesting Election; Time Limit. For sixty days after promulgation of the result of an election held to incur or assume debt, issue bonds, or levy a tax, any person in interest may contest the legality of the election, the bond issue provided for, or the tax authorized, for any cause. After that time no one shall have any cause or right of action to contest the regularity, formality, or legality of the election, tax provisions, or bond authorization for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for is not raised within the sixty days, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters."

AMENDMENT No. 55—

On page 15, delete line 35 and on page 16, delete lines 1 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Contesting Ordinance or Resolution; Time Limit.

Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision or, if there is none, in a newspaper having general circulation therein. For thirty days after the date of publication, any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with. No court shall have authority to inquire into any of these matters after the thirty days."

AMENDMENT No. 56—

On page 16, delete lines 18 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 37. Local Improvement Assessments

Section 37. (A) Authorization. The legislature shall provide by general law or by local or special law the procedures by which a political subdivision may levy and collect local or special assessments on real property for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of Indebtedness; Security. Certificates of indebtedness may be issued to cover the cost of any such public improvement. They shall be secured by the pledge of the local or special assessments levied therefore and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) Exception. This Section shall not apply to a school board."

AMENDMENT No. 57—

On page 16, delete lines 32 through 35, both inclusive, and on page 17, delete lines 1 through 9, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 38. Revenue-Producing Property

Section 38. (A) Authorization. The legislature by law may authorize political subdivisions to issue bonds or other debt

obligations to construct, acquire, extend, or improve any revenue-producing public utility or work of public improvement. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of the public utility or work of public improvement. They shall not be a charge upon the other income and revenues of the political subdivision.

(B) Exception. This Section shall not apply to a school board."

AMENDMENT No. 58—

On page 17, delete lines 13 through 30, both inclusive, in their entirety and insert in lieu thereof the following:
"Section 39. Levee Districts

Section 39. (A) Retention; Reorganization; Consolidation. Levee districts as organized and constituted on January 1, 1974 shall continue to exist, except that

(1) The legislature may provide by law for the consolidation, division, or reorganization of existing levee districts or may create new levee districts. However, the members of the board of commissioners of a district heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.

(2) A levee district whose flood control responsibilities are limited to and which is situated entirely within one 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.

(B) Obligation of Contract Affirmed. No action taken under this Section shall impair the obligation of outstanding bonded indebtedness or of any other contract of a levee district."

AMENDMENT No. 59—

On page 17, delete lines 31 through 35, both inclusive, in their entirety and on page 18, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 40. Levee District Taxes

Section 40. (A) District Tax; Millage Limit. For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district may levy annually a tax not to exceed five mills, 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 subject to overflow."

AMENDMENT No. 60—

On page 18, delete lines 8 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Millage Increase. If the necessity to raise additional funds arises in any levee district for any purpose set forth in Paragraph (A), or for any other purpose related to its authorized powers and functions as specified by law, the tax may be increased. 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."

AMENDMENT No. 61—

On page 18, delete lines 18 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 41. Bond Issues

Section 41. (A) Authorization. Subject to approval by the State Bond Commission or its successor, the governing authority of a levee district may fund the proceeds of its taxes or other revenues into bonds or other evidences of indebtedness. Proceeds thus derived shall be used for the purposes mentioned in Part III of this Article or for the funding or payment of any outstanding indebtedness.

(B) Sale. Bonds issued under the authority of Paragraph (A) shall be sold as provided by law concerning the issuance of bonds by levee districts."

AMENDMENT No. 62—

On page 18, delete lines 30 through 35, both inclusive, in their entirety and delete line 1 on page 19 and insert in lieu thereof the following:

"Section 42. Cooperation with Federal Government

Section 42. The governing authority of any levee district may cooperate with the federal government in constructing and maintaining levees in this state, under terms and conditions provided by the federal authorities accepted by the governing authority."

AMENDMENT No. 63—

On page 19, delete lines 2 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 43. Compensation for Property Used or Destroyed; Tax

Section 43. (A) Notwithstanding any contrary provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law. However, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to bature or to 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 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.

(B) Appropriation. Nothing in this Section shall prevent the appropriation of such property before payment."

AMENDMENT No. 64—

On page 19, delete lines 20 through 35, both inclusive, and on page 20, delete lines 1 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Part IV. Port Commissions and Districts.

Section 44. Port Commissions and Districts

Section 44. All deep-water port commissions and all deep-water port, harbor, and terminal districts as organized and constituted on January 1, 1974, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that

(1) The legislature by law may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts.

(2) Only by law enacted by the favorable vote of two-thirds of the elected members of each house, may the legislature consolidate or abolish any such commission or district or diminish, reduce, or withdraw from any such commission or district any of its powers and functions and affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions to or reductions of its territorial jurisdiction.

(3) The legislature shall enact laws with respect to the membership of the commissions provided in this Section. Once the law with respect to membership is enacted, it may be changed only by law enacted by the favorable vote of two-thirds of the elected members of each house."

AMENDMENT No. 65—

On page 20, delete lines 15 through 35, both inclusive, in their entirety and on page 21, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 45. Terms Defined

Section 45. As used in this Article:

(1) "Local governmental subdivision" means any parish or municipality.

(2) "Political subdivision" means 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.

(3) "Municipality" means an incorporated city, town, or village.

(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision.

(5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the state or which is uniformly applicable to all persons or to all political subdivisions within the same class.

(6) "General obligation bonds" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount.

(7) "Deep-water port commissions" and "deep-water port, harbor, and terminal districts" mean those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce."

AMENDMENT No. 66—

On page 14, line 7, delete the language added by Committee Amendment No. 50 and insert in lieu thereof the following:

"Section 32. Taxes; Ratification

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

AMENDMENT No. 67—

On page 1, line 20, amend the language added by Committee Amendment No. 1 as follows:

On line 4 of said Committee Amendment, delete the words "under existing law" and insert in lieu thereof the following:

"existing on the effective date of this constitution"

AMENDMENT No. 68—

On page 2, line 8, amend the language added by Committee Amendment No. 3 as follows:

On line 6, delete the word "an existing" and insert in lieu thereof the word "a" and on line 7, immediately after the word "charter" and before the word "may" insert the words "existing on the effective date of this constitution"

Respectfully submitted,

ALBERT TATE,
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposal contained in the Committee Report at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 17 by Delegate Perez, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 20 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"PART I. GENERAL PROVISIONS

Section 1. Parishes

Section 1. (A) Parishes and Boundaries Ratified. Parishes and their boundaries as established under existing law are recognized and ratified.

(B) Creation; Dissolution; Merger; Boundaries. The legislature by law may establish and organize new parishes, dissolve and merge parishes, and change parish boundaries if

approved by two-thirds of the electors in each parish affected voting thereon at an election held for that purpose.

(C) Change of Parish Seat. The governing authority of a parish may call an election on the question of changing the parish seat. The parish seat shall be changed if approved by two-thirds of the electors voting thereon."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 2, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Adjustment of Assets and Liabilities. When a parish is enlarged or established from contiguous territory, it shall be entitled to a just proportion of the property and assessed and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 2, delete lines 8 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Municipalities

Section 2. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall create a municipal corporation or amend, modify, or repeal a municipal charter. However, an existing special legislative charter may be amended, modified, or repealed by local or special law."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 18 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Classification

Section 3. The legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of the classification. Legislation may be limited in its effect to any of such class or classes."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 24 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Existing Home Rule Charters and Plans of Government

Section 4. Every home rule charter or plan of government existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions, and duties in effect when this constitution is adopted. If its charter permits, each of them also shall have the right to powers and functions granted to other local governmental subdivisions."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 3, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Home Rule Charter

Section 5. (A) Authority to Adopt; Commission. Subject to and not inconsistent with this constitution, any local governmental subdivision may draft, adopt, or amend a home rule charter in accordance with this Section. The governing authority of a local governmental subdivision may appoint a commission to prepare and propose a charter or an alternate charter, or it may call an election to elect such a commission."

Read.

PAGE 9

117th Days Proceedings—January 14, 1974

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 3, delete lines 10 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Petition to Elect Commission. The governing authority shall call an election to elect such a commission when presented with a petition signed by not less than ten percent of the electors or ten thousand electors, whichever ever is fewer, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.”

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 17 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Adoption; Amendment; Repeal. A home rule charter shall be adopted, amended, or repealed when approved by a majority of the electors voting thereon at an election held for that purpose.”

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 3, delete lines 20 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

“(D) Adoption by Two or More Local Governmental Subdivisions. Two or more local governmental subdivisions within the boundaries of one parish may adopt a home rule charter under this Section if approved by a majority of the electors in each affected local governmental subdivision voting thereon in an election held for that purpose. The legislature shall provide by law the method of appointment or election of a commission to prepare and propose a charter consistent with Paragraph (A) of this Section and the method by which the electors may petition for an election consistent with Paragraph (B) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision.”

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

Motion

Delegate Jenkins moved that Committee Proposal No. 17 be returned to the Calendar, subject to call.

Delegate Tate objected.

By a vote of 7 yeas and 72 nays the Convention refused to return the Proposal to the Calendar, subject to call.

AMENDMENT No. 10—

On page 3, delete line 35 and on page 4, delete lines 1 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

“(E) Structure and Organization; Powers; Functions. A home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution.”

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

On page 4, delete lines 13 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

“(F) Additional Powers and Functions. Except as prohibited by its charter, a local governmental subdivision adopting a home rule charter under this Section shall have

the additional powers and functions granted to local governmental subdivisions by other provisions of this constitution.”

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 4, delete lines 19 through 24, 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 offices of district attorney, sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with this constitution or law.”

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 4, delete lines 25 through 27, both inclusive, in their entirety

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 4, between lines 27 and 28, insert the following: “Section 6. Home Rule Charter or Plan of Government; Action by Legislature Prohibited

Section 6. The legislature shall enact no law the effect of which changes or affects the structure and organization or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.”

Read.

Delegate Tate moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Nunez
Aertker	Fulco	O'Neill
Alario	Gauthier	Perez
Arnette	Ginn	Perkins
Asseff	Goldman	Planchard
Avant	Graham	Pugh
Badeaux	Gravel	Rayburn
Bel	Grier	Reeves
Bergeron	Guarisco	Roemer
Blair	Hardee	Roy
Bollinger	Hayes	Sandoz
Brien	Haynes	Shannon
Brown	Heine	Smith
Burns	Hernandez	Soniat
Burson	Jack	Stagg
Cannon	Jackson, A.	Stephenson
Carmouche	Jackson, J.	Sutherland
Casey	Jenkins	Tate
Champagne	Kean	Thistlethwaite
Chatelain	Landrum	Thompson
Chehardy	Landry, A.	Tobias
Comar	Landry, E. J.	Toca
Conino	Leithman	Toomy
Conroy	Lowe	Ullo
Corne	McDaniel	Velazquez
Cowen	Martin	Warren
D'Gerolamo	Mauberret	Wattigny
De Blieux	Maybuce	Willis
Drew	Miller	Winchester
Elkins	Mire	Wisham
Flory	Munson	Womack
Fontenot	Newton	Zervigon
Total—96.		

NAYS

Total—0.

NOT VOTING

Delegates—

Mr. Chairman	Jones	Riecke
Alexander	Juneau	Schmitt
Anzalone	Kelly	Segura
Dennery	Kilbourne	Singletary
Dennis	Kilpatrick	Slay
Derbes	Lambert	Stinson
Deshotels	Lanier	Stovall
Dunlap	LeBleu	Tapper
Duval	Leigh	Vesich
Edwards	Morris	Vick
Fayard	Ourso	Wall
Giarrusso	Rachal	Weiss

Total—36.

And the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 15—

On page 4, delete lines 28 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 7. Powers of Other Local Governmental Subdivisions

Section 7. (A) Powers and Functions. Subject to and not inconsistent with this constitution, the governing authority of a local governmental subdivision which has no home rule charter or plan of government may exercise any power and perform any function necessary, requisite, or proper for the management of its affairs, not denied by its charter or by general law, 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 powers. Otherwise, the local governmental subdivision shall have the powers authorized by this constitution or by law.”

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 5, delete lines 7 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Parish Officials and School Boards Not Affected. Nothing in this Section shall affect the powers and functions of a school board or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner.”

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

On page 5, delete lines 11 through 14, both inclusive, in their entirety

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

AMENDMENT No. 18—

On page 5, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 8. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 8. No parish plan of government or home rule charter shall prohibit the incorporation of a city, town, or village as provided by general law.”

Read.

On motion of Delegate Tate Amendment No. 18 was adopted.

AMENDMENT No. 19—

On page 5, delete lines 20 through 25, both inclusive in their entirety and insert in lieu thereof the following:

“Section 9. Limitations of Local Governmental Subdivisions

Section 9. (A) Limitations. No local governmental subdivision shall (1) define and provide for the punishment of a felony; or (2) except as provided by law, enact an ordinance governing private or civil relationships.”

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

On page 5, delete lines 26 and 27, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Police Power Not Abridged. Notwithstanding any provision of this Article, the police power of the state shall never be abridged.”

Read.

On motion of Delegate Tate Amendment No. 20 was adopted.

AMENDMENT No. 21—

On page 5, delete lines 28 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 10. Codification of Ordinances

Section 10. Within two years after the effective date of this constitution, the governing authority of each political subdivision shall have a code prepared containing all of its general ordinances. When the code is prepared, the governing authority shall make copies available for public distribution. All general ordinances adopted after the approval of the code shall be amendments or additions to the code.”

Read.

On motion of Delegate Tate Amendment No. 21 was adopted.

AMENDMENT No. 22—

On page 6, delete lines 5 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 11. Local Officials

Section 11. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members from single-member districts.”

Read.

On motion of Delegate Tate Amendment No. 22 was adopted.

AMENDMENT No. 23—

On page 6, delete lines 11 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 12. Local Officials; Compensation

Section 12. The compensation or method of fixing the compensation of an elected official of any local governmental subdivision which operates under a home rule charter or plan of government, as provided in Sections 4 and 5 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of an elected official of any other local governmental subdivision shall be provided by law. Compensation of a local official shall not be reduced during the term for which he is elected.”

Read.

On motion of Delegate Tate Amendment No. 23 was adopted.

AMENDMENT No. 24—

On page 6, delete lines 21 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 13. Vacancies

Section 13. (A) Vacancy; Appointment. Except as otherwise provided by this constitution, a vacancy in any local office filled by election wholly within the boundaries of a

PAGE 11

117th Days Proceedings—January 14, 1974

local governmental subdivision or a school district shall be filled by appointment by the particular governing authority of the local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law."

Read.

On motion of Delegate Tate Amendment No. 24 was adopted.

AMENDMENT No. 25—

On page 6, delete lines 30 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Exception. This Section shall apply to each local governmental subdivision unless otherwise provided by its home rule charter or plan of government."

Read.

On motion of Delegate Tate Amendment No. 25 was adopted.

AMENDMENT No. 26—

On page 6, delete lines 34 and 35 and on page 7, delete lines 1 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. Increasing Financial Burden of Political Subdivisions

Section 14. No law requiring increased expenditures for wages, hours, working conditions, pension and retirement benefits, vacation, or sick leave benefits of political subdivision employees, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall become effective until approved by ordinance enacted by the governing authority of the affected political subdivision or until the legislature appropriates funds for the purpose of the affected political subdivision and only to the extent and amount that such funds are provided. This Section shall not apply to a school board."

Read.

On motion of Delegate Tate Amendment No. 26 was adopted.

AMENDMENT No. 27—

On page 7, delete lines 13 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Local Governmental Subdivisions; Control Over Agencies

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."

Read.

On motion of Delegate Tate Amendment No. 27 was adopted.

AMENDMENT No. 28—

On page 7, delete lines 20 through 32, both inclusive, in their entirety and on page 8, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. Special Districts and Local Public Agencies
Section 16. (A) Consolidation. A local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the local governmental subdivision. Upon the consolidation and merger, the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. 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 the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting thereon in an election held for that purpose in the local governmental subdivision in which the agency is located."

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

AMENDMENT No. 29—

On page 8, delete lines 8 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 29 was adopted.

AMENDMENT No. 30—

On page 8, delete lines 14 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. Land Use; Zoning; Historic Preservation
Section 17. Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures. Existing constitutional authority for historic preservation commissions is retained."

Read.

On motion of Delegate Tate Amendment No. 30 was adopted.

AMENDMENT No. 31—

On page 8, delete lines 24 through 35, both inclusive, in their entirety and on page 9, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. Industrial Areas
Section 18. (A) Authorization. The legislature by law may authorize parishes to create and define industrial areas within their boundaries in accordance with procedures and subject to regulations which it determines. An industrial area shall not be a political subdivision of the state.
(B) 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 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."

Read.

On motion of Delegate Tate Amendment No. 31 was adopted.

AMENDMENT No. 32—

On page 9, delete lines 5 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 19. Special Districts; Creation
Section 19. Subject to and not inconsistent with this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation and the power to incur debt and issue bonds."

Read.

On motion of Delegate Tate Amendment No. 32 was adopted.

PAGE 12

117th Days Proceedings—January 14, 1974

AMENDMENT No. 33—

On page 9, delete lines 16 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 20. Intergovernmental Cooperation

Section 20. Except as otherwise provided by law, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, or with the United States or its agencies."

Read.

On motion of Delegate Tate Amendment No. 33 was adopted.

AMENDMENT No 34—

On page 9, delete lines 23 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 21. Assistance to Local Industry

Section 21. (A) Authorization. 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, (2) provide for the establishment and furnishing of such industrial plant, or (3) provide movable or immovable property, or both, for pollution control facilities, the legislature by law may authorize, subject to restrictions it may impose, any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district to

(a) issue bonds, subject to approval by the State Bond-Commission or its successor, and use the funds derived from the sale of the bonds to acquire and improve industrial plant sites and other property necessary to the purposes thereof;

(b) acquire, through purchase, donation, exchange, and (subject to Article I, Section 4) expropriation, and improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and

(c) sell, lease lease-purchase, or demolish all or any part of the foregoing.

(B) Property Expropriated; Sale to Aliens Prohibited. No property expropriated under the authority of this Section shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

(C) Exception. This Section shall not apply to a school board."

Read.

On motion of Delegate Tate Amendment No. 34 was adopted.

AMENDMENT No. 35—

On page 10, delete lines 17 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Procedure for Certain Special Elections

Section 22. When an election is required in a political subdivision under the provisions of this constitution which require submission to the electors of a proposition or question, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by the law then in effect pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, or as may be otherwise provided by law."

Read.

On motion of Delegate Tate Amendment No. 35 was adopted.

AMENDMENT No 36—

On page 10, delete lines 29 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 23. Acquisition of Property

Section 23. Subject to and not inconsistent with this constitution and subject to restrictions provided by general

law, political subdivisions may acquire property for any public purpose by purchase, donation, expropriation, exchange, or otherwise."

Read.

On motion of Delegate Tate Amendment No. 36 was adopted.

AMENDMENT No. 37—

On page 11, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 24. Servitudes of Way; Acquisition by Prescription

Section 24. The public, represented by local governmental subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law."

Read.

On motion of Delegate Tate Amendment No. 37 was adopted.

AMENDMENT No. 38—

On page 11, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 25. Prescription Against State

Section 25. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law."

Read.

On motion of Delegate Tate Amendment No. 38 was adopted.

AMENDMENT No. 39—

On page 11, between lines 9 and 10, insert the following:

"Section 26. Courts Not Affected

Section 26. Notwithstanding any provision of this Article, courts and their officers may be established or affected only as provided in Article V of this constitution."

Read.

Delegate Tate moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Perez
Alario	Ginn	Perkins
Arnette	Goldman	Planchar
Asseff	Graham	Pugh
Avant	Gravel	Rayburn
Badeaux	Grier	Reeves
Bel	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Haynes	Schmitt
Brien	Heine	Shannon
Brown	Hernandez	Singletary
Burns	Jenkins	Slay
Burson	Jack	Smith
Cannon	Jackson, A.	Soniat
Carmouche	Jones	Stagg
Casey	Kean	Stephenson
Champagne	Kilpatrick	Sutherland
Chatelain	Lambert	Tate
Chehardy	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lowe	Toca
Cowen	McDaniel	Toomy
D'Gerolamo	Mauberret	Ullio
De Blieux	Maybuce	Velazquez
Dennis	Miller	Warren
Drew	Mire	Wattigney
Elkins	Morris	Willis
Flory	Munson	Winchester
Fontenot	Newton	Wisham
Fowler	Nunez	Womack
Fulco	O'Neill	Zervigon
Total—	99.	

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Ourso
Aertker	Giarrusso	Rachal
Alexander	Jackson, J.	Riecke
Anzalone	Juneau	Segura
Comar	Kelly	Stinson
Dennery	Kilbourne	Stovall
Derbes	Lanier	Tapper
Deshotels	LeBleu	Vesich
Dunlap	Leigh	Vick
Duval	Leithman	Wall
Edwards	Martin	Weiss
Total—33.		

Delegate Tate moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 40—

On page 11, delete lines 13 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 27. Parish Ad Valorem Tax

Section 27. (A) Parish Tax for General Purposes; Millage Limits; Increase. The governing authority of a parish may levy annually an ad valorem tax for general purposes not to exceed four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills, and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors voting thereon in an election held for that purpose.”

Read.

On motion of Delegate Tate Amendment No. 40 was adopted.

AMENDMENT No. 41—

On page 11, delete lines 23 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Millage Increase Not for General Purposes. When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.”

Read.

On motion of Delegate Tate Amendment No. 41 was adopted.

AMENDMENT No. 42—

On page 11, delete lines 29 through 35, both inclusive, in their entirety and on page 12, delete lines 1 and 2, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Parish Tax in Municipality. The amount of the parish tax for general purposes which any parish, except Orleans Parish, may levy, without a vote of the electors, on property located wholly within any municipality which has a population exceeding one thousand inhabitants according to the last federal decennial census, or other census authorized by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.”

Read.

On motion of Delegate Tate Amendment No. 42 was adopted.

AMENDMENT No. 43—

On page 12, delete lines 3 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

“(D) Withdrawal from Parish Taxing Authority. This Section shall not affect the withdrawal of property in a mu-

nicipality 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.”

Read.

On motion of Delegate Tate Amendment No. 43 was adopted.

AMENDMENT No. 44—

On page 12, delete lines 8 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 28. Municipal Ad Valorem Tax

Section 28. (A) Municipal Tax for General Purposes; Millage Limits; Increase. The governing authority of a municipality may levy annually an ad valorem tax for general purposes not to exceed seven mills on the dollar of assessed valuation. However, if a municipality, by its charter or by law, is exempt from payment of parish taxes or, under legislative or constitutional authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors voting thereon in an election held for that purpose.”

Read.

On motion of Delegate Tate Amendment No. 44 was adopted.

AMENDMENT No. 45—

On page 12, delete lines 20 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Millage Increase Not For General Purposes. When the millage increase is for other than general purpose, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) Exception. This Section shall not apply to the city of New Orleans.”

Read.

On motion of Delegate Tate Amendment No. 45 was adopted.

AMENDMENT No. 46—

On page 12, delete lines 28 through 35, both inclusive, in their entirety and on page 13, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 29. Local Governmental Subdivisions; Occupational License Tax

Section 29. The governing authority of a local governmental subdivision may impose an occupational license tax not greater than that imposed by the state. Those who pay a municipal occupational license tax shall be exempt from a parish occupational license tax in the amount of the municipal tax. The governing authority of a local governmental subdivision may impose an occupational license tax greater than that imposed by the state when authorized by law enacted by the favorable vote of two-thirds of the elected members of each house of the legislature.”

Read.

On motion of Delegate Tate Amendment No. 46 was adopted.

AMENDMENT No. 47—

On page 13, delete lines 4 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 30. Local Governmental Subdivisions and School Boards; Sales Tax

Section 30. (A) Sales Tax Authorized. Except as otherwise authorized in a home rule charter as provided for in Section 4 of this Article, the governing authority of any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose. The rate thereof, when combined with the rate of all other sales and use taxes, exclusive of state sales and use taxes,

levied and collected within any local governmental subdivision, shall not exceed three percent."

(B) Additional Sales Tax Authorized. However, the legislature, by general or by local 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.

(C) Bonds; Security. Nothing in this Section shall affect any sales or use tax authorized or imposed on the effective date of this constitution or affect or impair the security of any bonds payable from the proceeds of the tax."

Read.

On motion of Delegate Tate Amendment No. 47 was adopted.

AMENDMENT No. 48—

On page 13, delete lines 27 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Exemptions; Protection of Bonds. Except when bonds secured thereby have been authorized, the legislature by law may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state."

Read.

On motion of Delegate Tate Amendment No. 48 was adopted.

AMENDMENT No. 49—

On page 13, delete lines 32 through 35, both inclusive in their entirety, and on page 14, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 31. Political Subdivisions: Taxing Power

Section 31. 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."

Read.

On motion of Delegate Tate Amendment No. 49 was adopted.

AMENDMENT No. 50—

On page 14, delete lines 7 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 32. Special Taxes; Ratification

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."

Read.

On motion of Delegate Tate Amendment No. 50 was adopted.

AMENDMENT No. 51—

On page 14, delete lines 12 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 33. Special Taxes; Authorization

Section 33. For the purpose of acquiring, constructing, improving, maintaining, or operating any work of public improvement, a political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote thereon in an election held for that purpose."

Read.

On motion of Delegate Tate the previous question was ordered on the amendment.

On motion of Delegate Avant, and, under a suspension of

the rules, action on the above Amendment was deferred at this time.

AMENDMENT No. 52—

On page 14, delete lines 17 through 35, both inclusive, in their entirety and on page 15, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 34. Political Subdivisions; General Obligation Bonds

Section 34. (A) Authorization. Subject to approval by the State Bond Commission or its successor, general obligation bonds may be issued only after authorization by a majority of the electors voting on the proposition at an election in the political subdivision issuing the bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely to retire the refunded indebtedness or bonds and to pay interest thereon and redemption premiums, if any, to the time of retirement.

(B) Full Faith and Credit. The full faith and credit of a political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature."

Read.

On motion of Delegate Tate Amendment No. 52 was adopted.

AMENDMENT No. 53—

On page 15, delete lines 11 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 35. Limitations on Bonded Indebtedness

Section 35. The legislature by law shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions."

Read.

On motion of Delegate Tate Amendment No. 53 was adopted.

AMENDMENT No. 54—

On page 15, delete lines 16 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 36. Contesting Political Subdivision Bonds

Section 36. (A) Contesting Election; Time Limit. For sixty days after promulgation of the result of an election held to incur or assume debt, issue bonds, or levy a tax, any person in interest may contest the legality of the election, the bond issue provided for, or the tax authorized, for any cause. After that time no one shall have any cause or right of action to contest the regularity, formality, or legality of the election, tax provisions, or bond authorization for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for is not raised within the sixty days, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters."

Read.

On motion of Delegate Tate Amendment No. 54 was adopted.

AMENDMENT No 55—

On page 15, delete line 35 and on page 16, delete lines 1 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Contesting Ordinance or Resolution; Time Limit. Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the

political subdivision or, if there is none, in a newspaper having general circulation therein. For thirty days after the date of publication, any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with. No court shall have authority to inquire into any of these matters after the thirty days."

Read.

On motion of Delegate Tate Amendment No. 55 was adopted.

AMENDMENT No. 56—

On page 16, delete lines 18 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 37. Local Improvement Assessments

Section 37. (A) Authorization. The legislature shall provide by general law or by local or special law the procedures by which a political subdivision may levy and collect local or special assessments on real property for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of Indebtedness; Security. Certificates of indebtedness may be issued to cover the cost of any such public improvement. They shall be secured by the pledge of the local or special assessments levied therefore and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) Exception. This Section shall not apply to a school board."

Read.

On motion of Delegate Tate Amendment No. 56 was adopted.

AMENDMENT No. 57—

On page 16, delete lines 32 through 35, both inclusive, and on page 17, delete lines 1 through 9, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 38. Revenue-Producing Property

Section 38. (A) Authorization. The legislature by law may authorize political subdivisions to issue bonds or other debt obligations to construct, acquire, extend, or improve any revenue-producing public utility or work of public improvement. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of the public utility or work of public improvement. They shall not be a charge upon the other income and revenues of the political subdivision.

(B) Exception. This Section shall not apply to a school board."

Read.

On motion of Delegate Tate Amendment No. 57 was adopted.

AMENDMENT No. 58—

On page 17, delete lines 13 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 39. Levee Districts

Section 39. (A) Retention; Reorganization; Consolidation. Levee districts as organized and constituted on January 1, 1974 shall continue to exist, except that

(1) The legislature may provide by law for the consolidation, division, or reorganization of existing levee districts or may create new levee districts. However, the members of the board of commissioners of a district heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.

(2) A levee district whose flood control responsibilities are limited to and which is situated entirely within one 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.

(B) Obligation of Contract Affirmed. No action taken under this Section shall impair the obligation of outstanding bonded indebtedness or of any other contract of a levee district."

Read.

On motion of Delegate Tate Amendment No. 58 was adopted.

AMENDMENT No. 59—

On page 17, delete lines 31 through 35, both inclusive, in their entirety and on page 18, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 40. Levee District Taxes

Section 40. (A) District Tax; Millage Limit. For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incident thereto, the governing authority of a levee district may levy annually a tax not to exceed five mills, 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 subject to overflow."

Read.

On motion of Delegate Tate Amendment No. 59 was adopted.

AMENDMENT No. 60—

On page 18, delete lines 8 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Millage Increase. If the necessity to raise additional funds arises in any levee district for any purpose set forth in Paragraph (A), or for any other purpose related to its authorized powers and functions as specified by law, the tax may be increased. 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."

Read.

On motion of Delegate Tate Amendment No. 60 was adopted.

AMENDMENT No. 61—

On page 18, delete lines 18 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 41. Bond Issues

Section 41. (A) Authorization. Subject to approval by the State Bond Commission or its successor, the governing authority of a levee district may fund the proceeds of its taxes or other revenues into bonds or other evidences of indebtedness. Proceeds thus derived shall be used for the purposes mentioned in Part III of this Article or for the funding or payment of any outstanding indebtedness.

(B) Sale. Bonds issued under the authority of Paragraph (A) shall be sold as provided by law concerning the issuance of bonds by levee districts."

Read.

On motion of Delegate Tate Amendment No. 61 was adopted.

AMENDMENT No. 62—

On page 18, delete lines 30 through 35, both inclusive, in their entirety and delete line 1 on page 19 and insert in lieu thereof the following:

"Section 42. Cooperation with Federal Government

Section 42. The governing authority of any levee district may cooperate with the federal government in constructing and maintaining levees in this state, under terms and conditions provided by the federal authorities and accepted by the governing authority."

Read.

On motion of Delegate Tate Amendment No. 62 was adopted.

AMENDMENT No. 63—

On page 19, delete lines 2 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 43. Compensation for Property Used or Destroyed; Tax

Section 43. (A) Notwithstanding any contrary provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law. However, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to bat-ture or to property the control of which is vested in the state or any political subdivision for the purpose of com-merce. 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.

(B) Appropriation. Nothing in this Section shall prevent the appropriation of such property before payment.”

Read.

On motion of Delegate Tate Amendment No. 63 was adopted.

AMENDMENT No. 64—

On page 19, delete lines 20 through 35, both inclusive, and on page 20, delete lines 1 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

“Part IV. Port Commissions and Districts.

Section 44. Port Commissions and Districts

Section 44. All deep-water port commissions and all deep-water port, harbor, and terminal districts as organized and constituted on January 1, 1974, including their powers and functions, structure and organization, and territorial juris-diction, are ratified and confirmed and shall continue to exist, except that

(1) The legislature by law may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts.

(2) Only by law enacted by the favorable vote of two-thirds of the elected members of each house may the legis-lature consolidate or abolish any such commission or dis-trict or diminish, reduce, or withdraw from any such com-mission or district any of its powers and functions and affect the structure and organization, distribution, and re-distribution of the powers and functions of any such com-mission or district, including additions to or reductions of its territorial jurisdiction.

(3) The legislature shall enact laws with respect to the membership of the commissions provided in this Section. Once the law with respect to membership is enacted, it may be changed only by law enacted by the favorable vote of two-thirds of the elected members of each house.”

Read.

On motion of Delegate Tate Amendment No. 64 was adopted.

AMENDMENT No. 65—

On page 20, delete lines 15 through 35, both inclusive, in their entirety and on page 21, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the fol-lowing:

“Section 45. Terms Defined

Section 45. As used in this Article:

(1) “Local governmental subdivision” means any parish or municipality.

(2) “Political subdivision” means 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.

(3) “Municipality” means an incorporated city, town, or village.

(4) “Governing authority” means the body which exercises the legislative functions of the political subdivision.

(5) “General law” means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the state or which is uniformly applicable to all persons or to all political subdivisions within the same class.

(6) “General obligation bonds” means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount.

(7) “Deep-water port commissions” and “deep-water port, harbor, and terminal districts” mean those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce.”

Read.

On motion of Delegate Tate Amendment No. 65 was adopted.

AMENDMENT No. 66—

On page 14, line 7, delete the language added by Commit-tee Amendment No. 50 and insert in lieu thereof the fol-lowing:

“Section 32. Taxes; Ratification

Section 32. Any tax being levied by a political subdivi-sion under prior legislative or constitutional authority on the effective date of this constitution is ratified.”

Read.

On motion of Delegate Tate Amendment No. 66 was adopted.

Motion

On motion of Delegate Avant the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 17, Section 32, was passed, for the limited purpose of offering an amendment proposed by Delegate Avant.

Reconsideration

On motion of Delegate Avant the vote by which Com-mittee Proposal No. 17, Section 32, was passed was recon-sidered.

“Section 32. Taxes; Ratification

Section 32. Any tax being levied by a political subdivi-sion under prior legislative or constitutional authority on the effective date of this constitution is ratified.”

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 17 by Delegate Perez, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 14, line 7, in Committee Amendment No. 66 pro-posed by the Committee on Style and Drafting and adopted by the Convention on January 14, 1974, on line 2, of the text of the amendment, after the word “tax” and before the word “being” insert the word “validly”

On motion of Delegate Avant the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, New Section 32 was read, as amended.

Delegate Avant moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Abraham Alario Arnette

Asseff	Graham	Planchard
Avant	Gravel	Pugh
Badeaux	Grier	Rayburn
Bel	Guarisco	Reeves
Bergeron	Hardee	Roemer
Blair	Hayes	Roy
Bollinger	Haynes	Sandoz
Brien	Heine	Schmitt
Brown	Hernandez	Segura
Burns	Jack	Shannon
Burson	Jackson, A.	Singletary
Cannon	Jackson, J.	Slay
Carmouche	Jenkins	Smith
Casey	Jones	Soniat
Champagne	Juneau	Stagg
Chatelain	Kean	Stephenson
Chehardy	Kilpatrick	Sutherland
Comar	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Leithman	Thompson
Cowen	Lowe	Tobias
D'Gerolamo	McDaniel	Toca
De Blieux	Mauberrret	Toomy
Drew	Maybuce	Ullo
Elkins	Miller	Velazquez
Fayard	Mire	Vick
Flory	Morris	Warren
Fontenot	Munson	Wattigny
Fowler	Newton	Willis
Fulco	Nunez	Winchester
Gauthier	O'Neill	Wisham
Ginn	Perkins	Womack
Goldman		Zervigon
Total—105.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Duval	Martin
Aertker	Edwards	Ourso
Alexander	Giarrusso	Rachal
Anzalone	Kelly	Riecke
Dennery	Kilbourne	Stinson
Dennis	Lambert	Stovall
Derbes	Lanier	Vesich
Deshotels	LeBleu	Wall
Dunlap	Leigh	Weiss
Total—27.		

And the Chair declared that the above Section was finally passed.

Delegate Avant moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tate Amendment No. 51, upon which action was previously deferred, was taken up and acted on as follows:

AMENDMENT No. 51—

On page 14, delete lines 12 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 33. Special Taxes; Authorization

Section 33. For the purpose of acquiring, constructing, improving, maintaining, or operating any work of public improvement, a political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote thereon in an election held for that purpose.”

Read.

Delegate Tate moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Ginn	Perkins
Alario	Goldman	Planchard
Arnette	Graham	Pugh
Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Haynes	Schmitt
Bollinger	Heine	Segura
Brien	Hernandez	Shannon
Brown	Jack	Singletary
Burns	Jackson, A.	Slay
Burson	Jackson, J.	Smith
Cannon	Jenkins	Soniat
Carmouche	Jones	Stagg
Casey	Juneau	Stephenson
Champagne	Kean	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Landrum	Tate
Comar	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Leithman	Tobias
Corne	Lowe	Toca
Cowen	McDaniel	Toomy
D'Gerolamo	Mauberrret	Ullo
De Blieux	Maybuce	Velazquez
Dennis	Miller	Vick
Drew	Mire	Warren
Elkins	Morris	Wattigny
Fayard	Munson	Willis
Flory	Newton	Winchester
Fontenot	Nunez	Wisham
Fowler	O'Neill	Womack
Fulco	Perez	Zervigon
Gauthier		
Total—106.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Ourso
Aertker	Giarrusso	Rachal
Alexander	Kelly	Riecke
Anzalone	Kilbourne	Stinson
Dennery	Lambert	Stovall
Derbes	Lanier	Vesich
Deshotels	LeBleu	Wall
Dunlap	Leigh	Weiss
Duval	Martin	
Total—26.		

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 67—

On page 1, line 20, amend the language added by Committee Amendment No. 1 as follows:

On line 4 of said Committee Amendment, delete the words “under existing law” and insert in lieu thereof the following:

on the effective date of this constitution”

Read.

On motion of Delegate Tate Amendment No. 67 was adopted.

AMENDMENT No. 68—

On page 2, line 8, amend the language added by Committee Amendment No. 3 as follows:

On line 6, delete the word “an existing” and insert in lieu thereof the word “a” and on line 7, immediately after the word “charter” and before the word “may” insert the words “existing on the effective date of this constitution”

Read.

PAGE 18

117th Days Proceedings—January 14, 1974

On motion of Delegate Tate Amendment No. 68 was adopted.

Motion

On motion of Delegate Rayburn the rules were suspended for the purpose of calling a meeting of the Committee on Revenue, Finance and Taxation without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Monday, January 14, 1974, at 12 o'clock noon in Assembly Room—8th Floor—White House Inn and will consider the following agenda:

AGENDA

Consideration and approval of the reports on CP 15 and CP 26 to the Committee on Legislative Liaison and Transitional Measures.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Zervigon the rules were suspended for the purpose of calling a meeting of the Committee on Legislative Liaison and Transitional Measures without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Zervigon, chairman of the Committee on Legislative Liaison and Transitional Measures, sent up the following notice:

The Committee on Legislative Liaison and Transitional Measures will meet on Tuesday, January 14, 1974 at 9:00 o'clock a.m. in the Treaty Room and will consider the following agenda:

AGENDA

To prepare the article on Transitional Measures.

Respectfully submitted,

MARY K. ZERVIGON,
Chairman of the Committee on
Legislative Liaison and Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Juneau the rules were suspended for the purpose of calling a meeting of the Committee on Public Information without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Monday, January 14, 1974, at adjournment in the Treaty Room and will consider the following agenda:

AGENDA

To discuss the distribution of the final document.

Respectfully submitted,

PAT JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Perez the rules were suspended for the purpose of calling a meeting of the Committee on Local and Parochial Government without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Monday, January 14, 1974, on adjournment in the Convention Hall and will consider the following agenda:

AGENDA

To review the final draft of the Proposal.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Monday, January 14, 1974, at noon recess in the Convention Hall and will consider the following agenda:

AGENDA

To prepare additional reports.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Recess

On motion of Delegate O'Neill the Convention recessed until 2:30 o'clock P.M.

After Recess

The Convention was called to order at 2:30 P.M. by the Hon. Thomas Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following named Delegates answered to their names:

YEAS		
Delegates—		
Abraham	Fontenot	Ourso
Aertker	Fulco	Perez
Alario	Gauthier	Perkins
Alexander	Giarrusso	Planchard
Anzalone	Ginn	Pugh
Arnette	Goldman	Rayburn
Asseff	Graham	Roemer
Avant	Gravel	Roy
Badeaux	Grier	Sandoz
Bel	Hardee	Schmitt
Bergeron	Hayes	Segura
Blair	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jack	Smith
Burns	Jackson, A.	Soniati
Burson	Jackson, J.	Stagg
Cannon	Jenkins	Stephenson
Carmouche	Juneau	Sutherland
Casey	Kilpatrick	Tapper
Chatelain	Lambert	Tate
Chehardy	Landrum	Thistlethwaite
Comar	Landry, A.	Thompson
Conino	Landry, E. J.	Tobias
Conroy	Lanier	Toca
Corne	Leithman	Toomy
Cowen	Lowe	Ullo
D'Gerolamo	McDaniel	Velazquez
De Blieux	Mauberrret	Vick
Denney	Maybuce	Warren
Derbes	Miller	Wattigny
Drew	Mire	Willis
Duval	Morris	Winchester
Edwards	Newton	Wisham
Elkins	Nunez	Womack
Flory	O'Neill	Zervigon
Total—108.		

Total—0.

NOT VOTING		
Delegates—		
Mr. Chairman	Jones	Rachal
Champagne	Kean	Reeves
Dennis	Kelly	Riecke
Deshotels	Kilbourne	Stinson
Dunlap	LeBleu	Stovall
Fayard	Leigh	Vesich
Fowler	Martin	Wall
Guarisco	Munson	Weiss
Total—24.		

The Chair announced that there were 108 Delegates present and a quorum.

Motion

Delegate Pugh moved for a suspension of the rules in order to discharge Committee Proposal No. 26 from the Committee on Style and Drafting.

Delegate Tapper objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Chatelain	Edwards
Alexander	Conroy	Ginn
Bel	De Blieux	Graham
Bergeron	Denney	Gravel
Brien	Dennis	Jack
Casey	Derbes	Jackson, A.

Jones	Shannon	Tate
Kilpatrick	Singletary	Velazquez
Newton	Smith	Vick
Pugh	Soniati	Zervigon
Roemer	Stagg	
Segura	Sutherland	
Total—34.		

NAYS		
Delegates—		
Alario	Giarrusso	O'Neill
Anzalone	Goldman	Ourso
Arnette	Grier	Perez
Asseff	Guarisco	Perkins
Avant	Hardee	Planchard
Badeaux	Hayes	Rayburn
Blair	Haynes	Roy
Bollinger	Heine	Sandoz
Burns	Hernandez	Schmitt
Burson	Jackson, J.	Slay
Cannon	Jenkins	Stephenson
Carmouche	Juneau	Tapper
Chehardy	Lambert	Thistlethwaite
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	Lowe	Ullo
Duval	McDaniel	Warren
Elkins	Maybuce	Wattigny
Flory	Miller	Willis
Fulco	Mire	Winchester
Gauthier	Morris	Wisham
Ullo	Nunez	Womack
Total—72.		

NOT VOTING		
Delegates—		
Mr. Chairman	Kean	Rachal
Aertker	Kelly	Reeves
Brown	Kilbourne	Riecke
Champagne	LeBleu	Stinson
Deshotels	Leigh	Stovall
Drew	Leithman	Vesich
Dunlap	Martin	Wall
Fayard	Mauberrret	Weiss
Fowler	Munson	
Total—26.		

And the Convention refused to suspend the rules at this time.

Explanation of Vote

Delegate Tobias sent up the following Explanation of Vote with respect to the proposed rules suspension:

"I have voted not to reopen the question of assessment percentages because the proposal provides for a roll up or roll back of millages. No taxing authority will lose any monies from reassessment. The question presented is a philosophical one, to-wit, who should bear the burden of taxation. The convention has spoken on this issue and I believe it should not be reopened."

MAX N. TOBIAS, JR.

Motion

Delegate Gravel moved for a suspension of the rules in order to discharge Committee Proposal No. 37 from the Committee on Style and Drafting.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Badeaux	Bollinger
Alario	Bel	Brien
Alexander	Bergeron	Brown
Anzalone	Blair	Burns

PAGE 20

117th Days Proceedings—January 14, 1974

Burson	Hayes	Pugh
Cannon	Heine	Rayburn
Carmouche	Jack	Roy
Casey	Jackson, A.	Sandoz
Chatelain	Jackson, J.	Segura
Comar	Jenkins	Shannon
Conroy	Jones	Singletary
Corne	Juneau	Slay
Cowen	Kean	Smith
De Blieux	Kilpatrick	Sniat
Dennis	Landrum	Stagg
Derbes	Landry, A.	Stephenson
Edwards	Landry, E. J.	Tapper
Fowler	Lanier	Thistlethwaite
Fulco	Leithman	Thompson
Gauthier	Lowe	Tobias
Giarrusso	Mire	Toomy
Ginn	Newton	Ullo
Goldman	Nunez	Velazquez
Graham	Ourso	Vick
Gravel	Perez	Warren
Guarisco	Perkins	Womack
Hardee	Planchard	Zervigon

Total—81.

NAYS

Delegates—	Fontenot	Schmitt
Arnette	Grier	Stinson
Asseff	Hernandez	Sutherland
Chehardy	McDaniel	Toca
Conino	Mauberrret	Wattigny
D'Gerolamo	Miller	Willis
Drew	Morris	Winchester
Duval	Roemer	Wisham
Elkins		
Flory		

Total—25.

NOT VOTING

Delegates—	Kelly	Rachal
Mr. Chairman	Kilbourne	Reeves
Aertker	Lambert	Riecke
Avant	LeBleu	Stovall
Champagne	Leigh	Tate
Dennery	Martin	Vesich
Deshotels	Maybuce	Wall
Dunlap	Munson	Weiss
Fayard	O'Neill	
Haynes		

Total—26.

And the rules were suspended.

Motion

Delegate Nunez moved that the Convention take up Reports of Committees at this time.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Cannon	Elkins
Alario	Carmouche	Flory
Anzalone	Chehardy	Fontenot
Arnette	Comar	Fulco
Asseff	Conino	Gauthier
Avant	Conroy	Giarrusso
Badeaux	Corne	Goldman
Bel	Cowen	Grier
Bergeron	D'Gerolamo	Guarisco
Blair	Derbes	Hardee
Bollinger	Drew	Hayes
Burns	Duval	Heine
Burson		

Hernandez	Nunez	Sutherland
Jones	Ourso	Thistlethwaite
Juneau	Perez	Toca
Kean	Perkins	Toomy
Lambert	Planchard	Ullo
Landry, E. J.	Rayburn	Velazquez
Lanier	Roemer	Warren
Lowe	Sandoz	Willis
McDaniel	Schmitt	Winchester
Mauberrret	Singletary	Wisham
Miller	Stephenson	Zervigon
Morris	Stinson	

Total—71.

Delegates—

Alexander	Jackson, A.
Brien	Jackson, J.
Brown	Kilpatrick
Casey	Landrum
Chatelain	Landry, A.
De Blieux	Leithman
Dennis	Mire
Ginn	Newton
Graham	Pugh
Gravel	Roy
Jack	Segura

Total—32.

NAYS

Shannon
Slay
Smith
Sniat
Stagg
Thompson
Tobias
Vick
Wattigny
Womack

NOT VOTING

Delegates—

Mr. Chairman	Haynes	Rachal
Abraham	Jenkins	Reeves
Aertker	Kelly	Riecke
Champagne	Kilbourne	Stovall
Dennery	LeBleu	Tapper
Deshotels	Leigh	Tate
Dunlap	Martin	Vesich
Edwards	Maybuce	Wall
Fayard	Munson	Weiss
Fowler	O'Neill	

Total—29.

And the Convention took up Reports of Committees.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment:

A PROPOSAL

Making provisions relating to the Public Service Commission.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 37 by Delegates Lambert, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. (A) Composition; Term; Domicile. There shall be a Public Service Commission consisting of five members, who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law. Each commissioner serving on the effective date of this constitution shall be the commissioner

for the new district in which he resides and shall complete the term for which he was elected. The commission annually shall elect one member as chairman. It shall be domiciled at the state capital, but may meet, conduct investigations, and render orders elsewhere in this state."

AMENDMENT No. 2—

On page 1, line 30, after the word and punctuation "law." delete the remainder of line 30 and delete lines 31 and 32 in their entirety.

AMENDMENT No. 3—

On page 1, delete lines 33 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors, voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This Paragraph shall not apply to safety regulations pertaining to the operation of such utilities."

AMENDMENT No. 4—

On page 2, delete lines 8 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Applications, Petitions, and Schedules; Protective Bond and Security. (1) Within twenty days after a common carrier or public utility files a proposed rate schedule which would result in a change in rates, it shall give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable."

AMENDMENT No. 5—

On page 2, delete lines 17 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"(2) Within twelve months after the effective filing date, the commission shall render a full decision on each application, petition, and proposed rate schedule."

AMENDMENT No. 6—

On page 2, delete lines 20 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(3) After the effective filing date of any proposed schedule by a public utility which would result in a rate increase, the commission may permit the proposed schedule to be put into effect, in whole or in part, pending its decision on the application for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort."

AMENDMENT No. 7—

On page 2, delete lines 32 through 35, both inclusive, in their entirety and on page 3, delete line 1 in its entirety, and insert in lieu thereof the following:

"(4) If a proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law."

AMENDMENT No. 8—

On page 3, delete lines 2 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. These rights of appeal shall extend to any action by the commission, including but not limited to action taken by the commission or by a public

utility under the provisions of Subparagraph (3) of this Paragraph."

AMENDMENT No. 9—

On page 1, line 14, delete the language added by Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted this date, and insert in lieu thereof the following:

"Section 14. (A) Composition; Term; Domicile. There shall be a Public Service Commission in the executive branch. It shall consist of five members, who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law. Each commissioner serving on the effective date of this constitution shall be the commissioner for the new district in which he resides and shall complete the term for which he was elected. The commission annually shall elect one member as chairman. It shall be domiciled at the state capital, but may meet, conduct investigations, and render orders elsewhere in this state."

AMENDMENT No. 10—

On page 2, line 20, delete the language added by Committee Amendment No. 6 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"(3) After the effective filing date of any proposed schedule by a public utility which would result in a rate increase, the commission may permit the proposed schedule to be put into effect, in whole or in part, pending its decision on the application for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only if and as provided by law and subject to protective bond or security requirements, until final action by a court of last resort."

Respectfully submitted,

ALBERT TATE, JR.
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposals contained in the Committee Report, at this time.

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment:

A PROPOSAL

Making provisions relating to the Public Service Commission.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 37 by Delegates Lambert, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. (A) Composition; Term; Domicile. There shall be a Public Service Commission consisting of five members, who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law. Each commissioner serving on the effective date of this constitution shall be the commissioner for the new district in which he resides and shall complete the term for which he was elected. The commission annually shall elect one member as chairman. It shall be domiciled at the state capital, but may meet, conduct investigations, and render orders elsewhere in this state."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, line 30, after the word and punctuation "law." delete the remainder of line 30 and delete lines 31 and 32 in their entirety.

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

PAGE 22

117th Days Proceedings—January 14, 1974

AMENDMENT No. 3—

On page 1, delete lines 33 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This Paragraph shall not apply to safety regulations pertaining to the operation of such utilities.”

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

Motion

Delegate Gravel moved to defer action on Amendment Nos. 4, 5, 6 and 7 at this time.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Brien	Ginn	Newton
Brown	Graham	Pugh
Chatelain	Gravel	Roy
De Bileux	Guarisco	Segura
Dennis	Jack	Shannon
Drew	Jackson, A.	Slay
Duval	Jackson, J.	Soniat
Fowler	Kilpatrick	Thompson
Fulco	Landrum	Tobias
Gauthier	Leithman	Vick
Total—30.		

NAYS

Delegates—		
Abraham	Derbes	Perez
Aertker	Edwards	Perkins
Alario	Elkins	Planchard
Alexander	Flory	Rayburn
Anzalone	Fontenot	Sandoz
Arnette	Giarrusso	Schmitt
Asseff	Goldman	Singletary
Avant	Grier	Smith
Badeaux	Hardee	Stagg
Bel	Hayes	Stephenson
Bergeron	Heine	Stinson
Blair	Hernandez	Sutherland
Bollinger	Jenkins	Tapper
Burns	Jones	Thistlethwaite
Burson	Lambert	Toca
Cannon	Landry, A.	Toomy
Carmouche	Landry, E. J.	Uilo
Casey	Lanier	Velazquez
Chehardy	Lowe	Warren
Comar	McDaniel	Wattigny
Conino	Mauberret	Willis
Conroy	Maybuce	Winchester
Corne	Miller	Wisham
Cowen	Mire	Womack
D'Gerolamo	Nunez	
Total—74.		

NOT VOTING

Delegates—		
Mr. Chairman	Dennery	Dunlap
Champagne	Deshotels	Fayard

Haynes	Morris	Stovall
Juneau	Munson	Tate
Kean	O'Neill	Vesich
Kelly	Curso	Wall
Kilbourne	Rachal	Weiss
LeBleu	Reeves	Zervigon
Leigh	Riecke	
Martin	Roemer	
Total—28.		

And the Convention refused to defer action on the amendments at this time.

AMENDMENT No. 4—

On page 2, delete lines 8 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

“(D) Applications, Petitions, and Schedules; Protective Bond and Security. (1) Within twenty days after a common carrier or public utility files a proposed rate schedule which would result in a change in rates, it shall give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.”

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 17 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

“(2) Within twelve months after the effective filing date, the commission shall render a full decision on each application, petition, and proposed rate schedule.”

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On lines 2, delete lines 20 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

“(3) After the effective filing date of any proposed schedule by a public utility which would result in a rate increase, the commission may permit the proposed schedule to be put into effect, in whole or in part, pending its decision on the application for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.”

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 2, delete lines 32 through 35, both inclusive, in their entirety and on page 3, delete line 1 in its entirety, and insert in lieu thereof the following:

“(4) If a proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.”

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 2 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

“(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. These rights of appeal shall extend to any action taken by the commission, including but not limited to action taken by the commission or by a public utility under the provisions of Subparagraph (3) of this Paragraph.”

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 1, line 14, delete the language added by Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted this date, and insert in lieu thereof the following:

“Section 14. (A) Composition; Term; Domicile. There shall be a Public Service Commission in the executive branch. It shall consist of five members, who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law. Each commissioner serving on the effective date of this constitution shall be the commissioner for the new district in which he resides and shall complete the term for which he was elected. The commission annually shall elect one member as chairman. It shall be domiciled at the state capital, but may meet, conduct investigations, and render orders elsewhere in this state.”

Read.

Point of Order

Delegate Kean rose to a point of order, and asked a ruling from the Chair, that the Committee on Style and Drafting had exceeded its authority by submitting Amendment No. 9 in that the amendment contained a substantive change to the Proposal, and therefore the amendment was out of order at this time.

Ruling of the Chair

The Chair declined to rule and put the question to the Convention, under the rules.

The question was put to declare the amendment in order.

By a vote of 69 yeas and 34 nays the Convention declared the amendment in order.

Delegate Tate moved the adoption of Amendment No. 9.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Ginn	Schmitt
Arnette	Goldman	Segura
Badeaux	Graham	Shannon
Bel	Gravel	Slay
Bergeron	Guarisco	Smith
Blair	Hardee	Soniat
Bollinger	Jack	Stagg
Brien	Jackson, A.	Stephenson
Brown	Jackson, J.	Sutherland
Casey	Jones	Tate
Chatelain	Kilpatrick	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Cowen	Mire	Tobias
De Blieux	Munson	Vick
Dennis	Newton	Wattigny
Derbes	Pugh	Willis
Duval	Reeves	Womack
Edwards	Roy	Zervigon
Fulco	Sandoz	
Total—56.		

NAYS

Delegates—		
Aertker	Carmouche	Elkins
Anzalone	Chehardy	Flory
Asseff	Comar	Fontenot
Avant	Conino	Gauthier
Burns	Corne	Grier
Burson	D'Gerolamo	Hayes
Cannon	Drew	Heine

Hernandez	Mauberet	Singletary
Jenkins	Maybuce	Stinson
Juneau	Miller	Tapper
Kean	Morris	Toca
Lambert	Nunez	Toomy
Landry, A.	Perez	Ullo
Lanier	Perkins	Velazquez
Leithman	Planchard	Warren
Lowe	Rayburn	Winchester
McDaniel	Roemer	Wisham
Total—51.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	O'Neill
Abraham	Haynes	Orurso
Alario	Kelly	Rachal
Champagne	Kilbourne	Riecke
Dennery	Landrum	Stovall
Deshotels	LeBleu	Vesich
Dunlap	Leigh	Wall
Fayard	Martin	Weiss
Fowler		
Total—25.		

And the amendment was adopted.

AMENDMENT No. 10—

On page 2, line 20, delete the language added by Committee Amendment No. 6 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

“(3) After the effective filing date of any proposed schedule by a public utility which would result in a rate increase, the commission may permit the proposed schedule to be put into effect, in whole or in part, pending its decision on the application for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only if and as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.”

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

Motion

On motion of Delegate Tobias the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 37, Section 14, was passed for the limited purpose of offering an amendment proposed by Delegate Tobias.

Motion

On motion of Delegate Tobias the vote by which Committee Proposal No. 37, Section 14, was passed, was reconsidered.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 3, line 2, in Committee Amendment No. 8 proposed by the Committee on Style and Drafting and adopted by the convention on January 14, 1974, on line 9 thereof, after the number and word “(3) of”, delete the remainder of the line and insert in lieu thereof the following:
“Paragraph (D) of this Section.”

On motion of Delegate Tobias the amendment was adopted.

Delegate Tobias moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 37, Section 14 was read, as amended.

Delegate Tobias moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alexander	Ginn	Pugh
Anzalone	Goldman	Rayburn
Arnette	Graham	Reeves
Asseff	Gravel	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandoz
Bel	Hayes	Schmitt
Bergeron	Hardee	Segura
Blair	Heine	Shannon
Bollinger	Hernandez	Singletary
Brien	Jack	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stephenson
Cannon	Jones	Stinson
Carmouche	Juneau	Sutherland
Casey	Kean	Tapper
Chatelain	Kilpatrick	Tate
Chehardy	Lambert	Thistlethwaite
Comar	Landry, A.	Thompson
Conlno	Landry, E. J.	Tobias
Conroy	Lanier	Toca
Corne	Leithman	Toomy
Cowen	Lowe	Uilo
D'Gerolamo	McDaniel	Velazquez
De Blieux	Mauberret	Vick
Dennis	Maybuce	Warren
Derbes	Miller	Wattigny
Drew	Mire	Willis
Duval	Morris	Winchester
Edwards	Munson	Wisham
Elkins	Newton	Womack
Flory	Nunez	Zervigon
Fontenot	Ourso	
Fowler	Perez	
Fulco		

Total—109.

NAYS

Total—0.

NOT VOTING

Delegates—	Haynes	Rachal
Mr. Chairman	Kelly	Riecke
Abraham	Kilbourne	Stagg
Alario	Landrum	Stovall
Champagne	LeBleu	Vesich
Dennery	Leigh	Wall
Deshotels	Martin	Weiss
Dunlap	O'Neill	
Fayard		

Total—23.

And the Chair declared that the above Section was finally passed.

Delegate Tobias moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Juneau moved for a suspension of the rules in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 37, Section 14, was passed for the limited purpose of offering an amendment proposed by Delegate Juneau.

Delegate Brown objected.

By a vote of 75 yeas and 21 nays the rules were suspended.

Reconsideration

On motion of Delegate Juneau the vote by which Committee Proposal No. 37, Section 14, was passed, was reconsidered.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau to Committee Proposal No. 37 by Delegate Lambert, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, line 25, after the word and punctuation "Duties." delete the remainder of line 25, and delete line 26, in its entirety and insert in lieu thereof the following:

"The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It"

Delegate Juneau moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fowler	Pugh
Alexander	Fulco	Rayburn
Anzalone	Gauthier	Reeves
Arnette	Ginn	Roemer
Avant	Grier	Sandoz
Blair	Guarisco	Stagg
Bollinger	Hardee	Stephenson
Burson	Hernandez	Thistlethwaite
Chatelain	Jack	Tobias
Chehardy	Jackson, A.	Toca
Comar	Juneau	Toomy
Conino	Lambert	Uilo
Corne	Landrum	Velazquez
Cowen	Maybuce	Vick
D'Gerolamo	Mauberret	Warren
Drew	Miller	Willis
Duval	Nunez	Wisham
Edwards	Perez	Zervigon
Fayard	Perkins	
Flory		

Total—56.

NAYS

Delegates—	Graham	Newton
Aertker	Gravel	O'Neill
Asseff	Hayes	Planchard
Badeaux	Heine	Roy
Bel	Jackson, J.	Schmitt
Bergeron	Jenkins	Segura
Brien	Jones	Shannon
Brown	Kilpatrick	Singletary
Burns	Landry, A.	Slay
Cannon	Landry, E. J.	Smith
Carmouche	Lanier	Soniat
Conroy	Leithman	Stinson
De Blieux	Lowe	Sutherland
Dennery	McDaniel	Tate
Dennis	Mire	Thompson
Derbes	Morris	Wattigny
Elkins	Munson	Winchester
Fontenot		
Goldman		

Total—52.

NOT VOTING

Delegates—	Champagne	Haynes
Mr. Chairman	Deshotels	Kean
Abraham	Dunlap	Kelly
Alario	Giarrusso	Kilbourne
Casey		

LeBleu	Rachal	Vesich
Leigh	Riecke	Wall
Martin	Stovall	Weiss
Ourso	Tapper	Womack
Total—24.		

And amendment was adopted.

Delegate Juneau moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 37, Section 14 was read, as amended.

Delegate Juneau moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Munson
Aertker	Fowler	Nunez
Alexander	Fulco	Perez
Anzalone	Gauthier	Perkins
Avant	Ginn	Pugh
Badeaux	Goldman	Rayburn
Bel	Grier	Reeves
Bergeron	Guarisco	Roemer
Blair	Hardee	Roy
Bollinger	Heine	Sandoz
Burns	Hernandez	Slay
Burson	Jack	Smith
Carmouche	Jackson, A.	Stagg
Casey	Jackson, J.	Stephenson
Chatelain	Jones	Tate
Chehardy	Juneau	Thistlethwaite
Comar	Kilpatrick	Thompson
Conino	Lambert	Tobias
Corne	Landrum	Toca
Cowen	Landry, A.	Toomy
D'Gerolamo	Landry, E. J.	Ullo
Dennery	Lanier	Velazquez
Dennis	Leithman	Warren
Derbes	Lowe	Wattigny
Drew	Mauberrret	Willis
Duval	Maybuce	Winchester
Edwards	Milber	Wisham
Fayard	Mire	Womack
Flory	Morris	Zervigon
Total—87.		

NAYS

Delegates—		
Asseff	Gravel	Segura
Brien	Hayes	Shannon
Brown	Jenkins	Singletary
Cannon	McDaniel	Stinson
Conroy	Newton	Sutherland
De Blieux	O'Neill	Vick
Elkins	Planchard	
Graham	Schmitt	
Total—22.		

NOT VOTING

Delegates—		
Abraham	Kean	Riecke
Alario	Kelly	Soniatt
Arnette	Kilbourne	Stovall
Champagne	LeBleu	Tapper
Deshotels	Leigh	Vesich
Dunlap	Martin	Wall
Giarrusso	Ourso	Weiss
Haynes	Rachal	
Total—23.		

And the Chair declared that the above Section was finally passed.

Delegate Juneau moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Reports of Committees at this time.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided by this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only."

AMENDMENT No. 2—

On page 1, delete lines 23 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax, an increase in an existing tax, or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of the elected members of each house of the legislature."

AMENDMENT No. 3—

On page 1, delete lines 28 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Collection of Taxes

Section 3. The legislature shall prohibit the issuance of process to restrain the collection of any tax. It shall provide a complete and adequate remedy for the prompt recovery of an illegal tax paid by a taxpayer."

AMENDMENT No. 4—

On page 1, delete lines 34 and 35, in their entirety and on page 2, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Income Tax; Severance Tax; Political Subdivisions

Section 4. (A) Income Tax. Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the state individual and joint income tax schedule of rates shall never exceed the rates set forth in Title 47, Section 32 of the Louisiana Revised Statutes on January 1, 1974. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes for the same period."

AMENDMENT No. 5—

On page 2, delete lines 9 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Severance Tax. Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation. Such 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. No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land."

AMENDMENT No. 6—

On page 2, delete lines 29 and 30, in their entirety and insert in lieu thereof the following:

"(C) Severance Tax; Political Subdivisions. A political subdivision of the state shall not levy a severance tax, income tax, or tax on motor fuel."

AMENDMENT No. 7—

On page 2, delete lines 31 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Severance Tax Allocation. One-third of the sulphur severance tax, but not to exceed one hundred thousand dollars; one-fifth of the severance tax on all natural resources, other than sulphur or timber, but not to exceed five hundred thousand dollars; and three-fourths of the timber severance tax shall be remitted to the governing authority of the parish in which 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."

AMENDMENT No. 8—

On page 3, delete lines 8 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

AMENDMENT No. 9—

On page 3, delete lines 15 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"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 by law enacted by two-thirds of the elected members of each house of the legislature. The debt may be incurred or the bonds issued only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or a lower effective interest rate; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt."

AMENDMENT No. 10—

On page 3, delete lines 29 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Capital Improvements. If the purpose is to make capital improvements, the nature and location and, if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts."

AMENDMENT No. 11—

On page 3, delete lines 34 and 35 and on page 4, delete lines 1 and 2, in their entirety and insert in lieu thereof the following:

"(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. 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."

AMENDMENT No. 12—

On page 4, delete lines 3 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Referendum. The legislature, by law enacted by two-thirds of the elected members of each house, may propose a statewide public referendum to authorize incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt."

AMENDMENT No. 13—

On page 4, delete lines 8 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Exception. Nothing in this Section shall apply to any levee district, political subdivision, or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district, political subdivision, or local public agency."

AMENDMENT No. 14—

On page 4, delete lines 12 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. State Dept; Interim Emergency Board

Section 7. (A) Composition. The Interim Emergency Board is created. It shall be composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of the legislature, chairman of the Senate Finance Committee, and chairman of the House Appropriations Committee, or their designees."

AMENDMENT No. 15—

On page 4, delete lines 19 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 made or the indebtedness incurred only for a purpose for which the legislature may appropriate funds and then only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature. For the purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated by the legislature."

AMENDMENT No. 16—

On page 4, delete lines 30 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Limits. The aggregate of indebtedness outstanding at any one time and the amount appropriated from the state general fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year."

AMENDMENT No. 17—

On page 5, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Allocation. An amount sufficient to pay indebtedness incurred during the preceding fiscal year under the authority of this Section is allocated, as a first priority, each year from the state general fund."

AMENDMENT No. 18—

On page 5, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. State Bond Commission

PAGE 27

117th Days Proceedings—January 14, 1974

Section 8. (A) Creation. The State Bond Commission is created. Its membership and authority shall be determined by law."

AMENDMENT No. 19—

On page 5, delete lines 11 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Approval of Bonds. No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained."

AMENDMENT No. 20—

On page 5, delete lines 16 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Contesting State Bonds. Bonds, notes, certificates, or other evidences of indebtedness of the state (hereafter referred to as "bonds") shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state, as provided by law, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in interest may contest the legality of the resolution, any provision of the bonds to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Hereafter no court shall have authority to inquire into such matters."

AMENDMENT No. 21—

On page 6, delete lines 6 through 35, both inclusive, in their entirety and on page 7, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. State Funds

Section 9. (A) Deposit in State Treasury. All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received:

- (1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise;
- (2) by trade or professional associations;
- (3) by the employment security administration fund or its successor;
- (4) by retirement system funds; and
- (5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

(B) Bond Security and Redemption Fund. Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise. In each fiscal year an amount is allocated from the bond security and redemption fund sufficient to pay all obligations which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year, including principal, interest, premiums, sinking or reserve fund, and other requirements. Hereafter, except as otherwise provided by law, money remaining in the fund shall be credited to the state general fund.

(C) Exception. Nothing in this Section shall apply to a levee district or political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district or political subdivision."

AMENDMENT No. 22—

On page 7, delete lines 5 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. Expenditure of State Funds

Section 10. (A) Appropriations. Except as otherwise provided by this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law."

AMENDMENT No. 23—

On page 7, delete lines 10 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Balanced Budget. Total appropriations by the legislature for any fiscal year shall not exceed anticipated state revenues for that fiscal year."

AMENDMENT No. 24—

On page 7, delete lines 13 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Publication. The legislature shall have published a regular statement of receipts and expenditures of all state money at intervals of not more than one year."

AMENDMENT No. 25—

On page 7, delete lines 16 and 17, in their entirety and insert in lieu thereof the following:

"(D) Public Purpose. No appropriation shall be made except for a public purpose."

AMENDMENT No. 26—

On page 7, delete lines 18 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Budgets

Section 11. (A) Operating Budget. 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. He shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures and, if necessary, a bill or bills to raise additional revenues."

AMENDMENT No. 27—

On page 7, delete lines 26 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and request implementation of the first year of the program. Capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget, which shall be adopted by the legislature."

AMENDMENT No. 28—

On page 7, delete lines 33 through 35, both inclusive, in their entirety and on page 8, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. Reports and Records

Section 12. Reports and records of the collection, expenditure, investment, and use of state money and those relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining to those returns."

AMENDMENT No. 29—

On page 8, delete lines 4 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Investment of State Funds

Section 13. All money in the custody of the state treasurer which is available for investment shall be invested as provided by law."

AMENDMENT No. 30—

On page 8, delete lines 8 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. Donation, Loan, or Pledge of Public Credit

Section 14. (A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the

state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise."

AMENDMENT No. 31—

On page 8, delete lines 18 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; or (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law."

AMENDMENT No. 32—

On page 8, between lines 25 and 26, insert the following:

"(C) Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual."

AMENDMENT No. 33—

On page 8, delete lines 26 through 35, both inclusive, in their entirety and on page 9, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Prior Obligations. Funds, credit, property, or things of value of the state or of a political subdivision heretofore loaned, pledged, dedicated, or granted by prior state law or authorized to be loaned, pledged, dedicated, or granted by the prior laws and constitution of this state shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless the authorization is revoked by law enacted by two-thirds of the elected members of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section."

AMENDMENT No. 34—

On page 9, delete lines 6 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Release of Obligations to State, Parish, or Municipality

Section 15. (A) Release. The legislature shall have no power to release, extinguish, or authorize the releasing or extinguishing of any indebtedness, liability, or obligation of a corporation or individual to the state, a parish, or a municipality. However, the legislature, by law, may establish a system under which claims by the state or a political subdivision may be compromised, and may provide for the release of heirs to confiscated property from taxes due thereon at the date of its reversion to them.

(B) Exception. Whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication."

AMENDMENT No. 35—

On page 9, delete lines 29 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. Taxes; Prescription

Section 18. (A) Prescription. Taxes, except real property taxes, and licenses shall prescribe in three years after the thirty-first day of December in the year in which they are due, but prescription may be interrupted or suspended as provided by law.

(B) Tidelands. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or

collectible on any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December in the year in which the controversy is finally resolved and settled."

AMENDMENT No. 36—

On page 10, delete lines 18 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. Legislation to Obtain Federal Aid

Section 17. The legislature may enact laws to enable the state, its agencies, boards, commissions, and political subdivisions and their agencies to comply with federal laws and regulations in order to secure federal participation in funding capital improvement projects."

Respectfully submitted,

ALBERT TATE, JR.
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposals contained in the Committee Report at this time.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided by this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 23 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax, an increase in an existing tax, or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of the elected members of each house of the legislature."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 1, delete lines 28 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Collection of Taxes

Section 3. The legislature shall prohibit the issuance of process to restrain the collection of any tax. It shall provide

PAGE 29

117th Days Proceedings—January 14, 1974

a complete and adequate remedy for the prompt recovery of an illegal tax paid by a tax payer."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 1, delete lines 34 and 35, in their entirety and on page 2, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Income Tax; Severance Tax; Political Subdivisions

Section 4. (A) Income Tax. Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the state individual and joint income tax schedule of rates shall never exceed the rates set forth in Title 47, Section 32 of the Louisiana Revised Statutes on January 1, 1974. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes for the same period."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 9 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Severance Tax. Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation. Such 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. No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, delete lines 29 and 30, in their entirety and insert in lieu thereof the following:

"(C) Severance Tax; Political Subdivisions. A political subdivision of the state shall not levy a severance tax, income tax, or tax on motor fuel."

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 2, delete lines 31 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Severance Tax Allocation. One-third of the sulphur severance tax, but not to exceed one hundred thousand dollars; one-fifth of the severance tax on all natural resources, other than sulphur or timber, but not to exceed five hundred thousand dollars; and three-fourths of the timber severance tax shall be remitted to the governing authority of the parish in which 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."

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, delete lines 8 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"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."

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 3, delete lines 15 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"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 by law enacted by two-thirds of the elected members of each house of the legislature. The debt may be incurred or the bonds issued only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or a lower effective interest rate; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt."

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 3, delete lines 29 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Capital Improvements. If the purpose is to make capital improvements, the nature and location and, if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts."

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

On page 3, delete lines 34 and 35 and on page 4, delete lines 1 and 2, in their entirety and insert in lieu thereof the following:

"(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. 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."

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 4, delete lines 3 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Referendum. The legislature, by law enacted by two-thirds of the elected members of each house, may propose a statewide public referendum to authorize incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt."

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

PAGE 30

117th Days Proceedings—January 14, 1974

AMENDMENT No. 13—

On page 4, delete lines 8 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Exception. Nothing in this Section shall apply to any levee district, political subdivision, or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district, political subdivision, or local public agency."

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 4, delete lines 12 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. State Debt; Interim Emergency Board
Section 7. (A) Composition. The Interim Emergency Board is created. It shall be composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of the legislature, chairman of the Senate Finance Committee, and chairman of the House Appropriations Committee, or their designees."

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 4, delete lines 19 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(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 made or the indebtedness incurred only for a purpose for which the legislature may appropriate funds and then only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature. For the purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated by the legislature."

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 4, delete lines 30 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Limits. The aggregate of indebtedness outstanding at any one time and the amount appropriated from the state general fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year."

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

On page 5, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Allocation. An amount sufficient to pay indebtedness incurred during the preceding fiscal year under the authority of this Section is allocated, as a first priority, each year from the state general fund."

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

AMENDMENT No. 18—

On page 5, delete lines 5 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. State Bond Commission
Section 8. (A) Creation. The State Bond Commission is

created. Its membership and authority shall be determined by law."

Read.

On motion of Delegate Tate Amendment No. 18 was adopted.

AMENDMENT No. 19—

On page 5, delete lines 11 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Approval of Bonds. No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained."

Read.

On motion of Delegate Tate Amendment No. 19 was adopted.

AMENDMENT No. 20—

On page 5, delete lines 16 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Contesting State Bonds. Bonds, notes, certificates, or other evidences of indebtedness of the state (hereafter referred to as "bonds") shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state, as provided by law, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in interest may contest the legality of the resolution, any provision of the bonds to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters."

Read.

On motion of Delegate Tate Amendment No. 20 was adopted.

AMENDMENT No. 21—

On page 6, delete lines 6 through 35, both inclusive, in their entirety and on page 7, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. State Funds
Section 9. (A) Deposit in State Treasury. All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received:

(1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise;

(2) by trade or professional associations;

(3) by the employment security administration fund or its successor;

(4) by retirement system funds; and

(5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

(B) Bond Security and Redemption Fund. Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise. In each fiscal year an amount is allocated from the bond security and redemption fund sufficient to pay all obligations which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year, including principal, in-

PAGE 31

117th Days Proceedings—January 14, 1974

terest, premiums, sinking or reserve fund, and other requirements. Thereafter, except as otherwise provided by law, money remaining in the fund shall be credited to the state general fund.

(C) Exception. Nothing in this Section shall apply to a levee district or political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district or political subdivision."

Read.

On motion of Delegate Tate Amendment No. 21 was adopted.

AMENDMENT No. 22—

On page 7, delete lines 5 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. Expenditure of State Funds

Section 10. (A) Appropriations. Except as otherwise provided by this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law."

Read.

On motion of Delegate Tate Amendment No. 22 was adopted.

AMENDMENT No. 23—

On page 7, delete lines 10 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Balanced Budget. Total appropriations by the legislature for any fiscal year shall not exceed anticipated state revenues for that fiscal year."

Read.

On motion of Delegate Tate Amendment No. 23 was adopted.

AMENDMENT No. 24—

On page 7, delete lines 13 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Publication. The legislature shall have published a regular statement of receipts and expenditures of all state money at intervals of not more than one year."

Read.

On motion of Delegate Tate Amendment No. 24 was adopted.

AMENDMENT No. 25—

On page 7, delete lines 16 and 17, in their entirety and insert in lieu thereof the following:

"(D) Public Purpose. No appropriation shall be made except for a public purpose."

Read.

On motion of Delegate Tate Amendment No. 25 was adopted.

AMENDMENT No. 26—

On page 7, delete lines 18 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Budgets

Section 11. (A) Operating Budget. 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. He shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures and, if necessary, a bill or bills to raise additional revenues."

Read.

On motion of Delegate Tate Amendment No. 26 was adopted.

AMENDMENT No. 27—

On page 7, delete lines 26 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and request implementation of the first year of the program. Capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget, which shall be adopted by the legislature."

Read.

On motion of Delegate Tate Amendment No. 27 was adopted.

AMENDMENT No. 28—

On page 7, delete lines 33 through 35, both inclusive, in their entirety and on page 8, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 12. Reports and Records

Section 12. Reports and Records of the collection, expenditure, investment, and use of state money and those relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining to those returns."

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

AMENDMENT No. 29—

On page 8, delete lines 4 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Investment of State Funds

Section 13. All money in the custody of the state treasurer which is available for investment shall be invested as provided by law."

Read.

On motion of Delegate Tate Amendment No. 29 was adopted.

AMENDMENT No. 30—

On page 8, delete lines 8 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. Donation, Loan, or Pledge of Public Credit

Section 14. (A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise."

Read.

On motion of Delegate Tate Amendment No. 30 was adopted.

AMENDMENT No. 31—

On page 8, delete lines 18 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Authorized Uses. Nothing in this Section shall prevent

(1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; or (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law."

Read.

On motion of Delegate Tate Amendment No. 31 was adopted.

AMENDMENT No. 32—

On page 8, between lines 25 and 26, insert the following:

"(C) Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual."

Read.

On motion of Delegate Tate Amendment No. 32 was adopted.

PAGE 32

117th Days Proceedings—January 14, 1974

AMENDMENT No. 33—

On page 8, delete lines 26 through 35, both inclusive, in their entirety and on page 9, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Prior Obligations. Funds, credit, property, or things of value of the state or of a political subdivision heretofore loaned, pledged, dedicated, or granted by prior state law or authorized to be loaned, pledged, dedicated, or granted by the prior laws and constitution of this state shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless the authorization is revoked by law enacted by two-thirds of the elected members of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section."

Read.

On motion of Delegate Tate Amendment No. 33 was adopted.

AMENDMENT No. 34—

On page 9, delete lines 6 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Release of Obligations to State, Parish, or Municipality

Section 15. (A) Release. The legislature shall have no power to release, extinguish, or authorize the releasing or extinguishing of any indebtedness, liability, or obligation of a corporation or individual to the state, a parish, or a municipality. However, the legislature, by law, may establish a system under which claims by the state or a political subdivision may be compromised, and may provide for the release of heirs to confiscated property from taxes due thereon at the date of its reversion to them.

(B) Exception. Whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication."

Read.

On motion of Delegate Tate Amendment No. 34 was adopted.

AMENDMENT No. 35—

On page 9, delete lines 29 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. Taxes; Prescription

Section 16. (A) Prescription. Taxes, except real property taxes, and licenses shall prescribe in three years after the thirty-first day of December in the year in which they are due, but prescription may be interrupted or suspended as provided by law.

(B) Tidelands. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any property, minerals or the severance there-of, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December

in the year in which the controversy is finally resolved and settled."

Read.

Delegate Tate moved the adoption of the amendment. A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Giarrusso	Perkins
Arnette	Ginn	Planchar
Asseff	Goldman	Pugh
Avant	Graham	Rayburn
Badeaux	Gravel	Reeves
Bel	Grier	Roemer
Bergeron	Guarisco	Roy
Blair	Hardee	Sandoz
Bollinger	Hayes	Schmitt
Brien	Heine	Segura
Brown	Hernandez	Singletary
Burns	Jack	Slay
Burson	Jackson, A.	Smith
Carmouche	Jackson, J.	Soniata
Casey	Jenkins	Stagg
Chatelain	Jones	Stephenson
Chehardy	Kilpatrick	Stinson
Comar	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Cowen	Lanier	Thistlethwaite
D'Gerolamo	LeBleu	Thompson
De Blieux	Leithman	Toca
Dennery	Lowe	Toomy
Dennis	McDaniel	Ullo
Derbes	Mauberet	Velazquez
Drew	Maybuce	Vick
Duval	Miller	Warren
Elkins	Mire	Wattigny
Flory	Morris	Willis
Fontenot	Newton	Winchester
Fowler	Nunez	Wisham
Fulco	O'Neill	Womack
Gauthier	Perez	Zervigon
Total—102.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Munson
Abraham	Fayard	Ourso
Aertker	Haynes	Rachal
Alario	Juneau	Riecke
Anzalone	Kean	Shannon
Cannon	Kelly	Stovall
Champagne	Kilbourne	Tobias
Corne	Lambert	Vesich
Deshotels	Leigh	Wall
Dunlap	Martin	Weiss
Total—30.		

And the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 36—

On page 10, delete lines 18 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. Legislation to Obtain Federal Aid

Section 17. The legislature may enact laws to enable the state, its agencies, boards, commissions, and political subdivisions and their agencies to comply with federal laws and regulations in order to secure federal participation in funding capital improvement projects."

Read.

On motion of Delegate Tate Amendment No. 36 was adopted.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Reported with the following amendments:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Delegate Proposal No. 22 by Delegates Conroy and Newton.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, immediately after "(A)" and before the word "Except" insert the word and punctuation "Prohibitions." and on line 16 after the word "pass" and before the word "local" delete the word "any" and insert in lieu thereof "a"

AMENDMENT No. 2—

On page 2, line 5, after the word and punctuation "taxes;" and before the word "assessor" delete the words "for the relief of any" and insert in lieu thereof the words "relieving an" and on line 8, after the partial word and punctuation "feitures;" and before the word "refunding" delete the word "or"

AMENDMENT No. 3—

On page 2, at the end of line 16, after the word "school-houses" add a comma ","

AMENDMENT No. 4—

On page 2, at the beginning of line 22 immediately after "(B)" and before the word "The" insert "Additional Prohibition."

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend First enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 16 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) Civil Service System.

(1) State Civil Service. The state civil service is established and includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency, or joint state and municipal agency, regardless of the source of the funds used to pay for such employment. It shall not include persons holding offices and positions of any municipal board of health or local governmental subdivision.

(2) City Civil Service. The city civil service is established and includes all persons holding offices and positions of trust or employment in the employ of each city having over four hundred thousand population and in every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the affected city voting at an election held for that purpose approve their exclusion. The election shall be called by the municipal governing authority within one year after the effective date of this constitution."

AMENDMENT No. 2—

On page 1, delete lines 34 and 35, in their entirety and on page 2, delete lines 1 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"(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) elected officials and persons appointed to fill vacancies in elective offices;

(b) the heads of each principal executive department appointed by the governor, the mayor, or the governing authority of a city;

(c) city attorneys;

(d) 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, board, commission, or authority mentioned in (a), (b), (d), or (e) above, except civil service departments;

(h) members of the military or naval forces;

(i) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency;

(j) employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney, of police juries, school boards, assessors, and of all offices provided for in Article V of this constitution except the offices of clerk of the municipal and traffic courts in New Orleans;

(k) commissioners of elections, watchers, and custodians and deputy custodians of voting machines; and

(l) railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.

(3) Additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by a commission."

AMENDMENT No. 3—

On page 2, delete lines 33 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) State Civil Service Commission.

(1) The State Civil Service Commission is established and shall be domiciled in the state capital. It shall be composed of seven members who are electors of this state, four of whom shall constitute a quorum. No more than one appointed member shall be from each congressional district.

(2) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(3) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission."

AMENDMENT No. 4—

On page 3, delete lines 31 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 35, both inclusive, in their entirety and on page 5, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(D) City Civil Service Commission.

(1) Creation; Membership; Domicile. A city civil service commission shall exist in each city having a population exceeding four hundred thousand. The domicile of each commission shall be in the city it serves. Each commission shall be composed of five members, who are electors of the city, three of whom shall constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided.

(2) New Orleans; Nomination and Appointment. In New Orleans, the presidents of Dillard University, Loyola University, St. Mary's Dominican College, Tulane University, and Xavier University, after giving consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(3) Other Cities; Nomination and Appointment. In each other city subject to this Section, the presidents of any five institutions of higher education in the state, selected by the governing authority of the respective city, each shall nominate three persons, after giving consideration to representation of all groups. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(4) Vacancies. A vacancy shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If one of the nominating authorities fails to submit

nominees in the time required, or if one of the named institutions ceases to exist, the municipal governing authority shall make the appointment."

AMENDMENT No. 5—

On page 5, delete lines 3 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the appointing authority."

AMENDMENT No. 6—

On page 5, delete lines 9 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"(F) Department of Civil Service; Directors.

(1) State Department. A Department of State Civil Service is established in the executive branch of the state government.

(2) City Departments. A department of city civil service shall exist in each city having a population exceeding four hundred thousand.

(3) Directors. Each commission shall appoint a director, after competitive examination, who shall be in the classified service. He shall be the administrative head of his department. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him."

AMENDMENT No. 7—

On page 5, delete lines 23 through 35, both inclusive, in their entirety and on page 6, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department 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 competitive. 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, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments if certification is not required."

AMENDMENT No. 8—

On page 6, delete lines 3 through 16, both inclusive, in their entirety, and insert in lieu thereof the following:

"(H) Appeals.

(1) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. A classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(2) Discrimination. No classified employee shall be discriminated against because of his political or religious beliefs, sex, or race. A classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

AMENDMENT No. 9—

On page 6, delete lines 17 through 35, both inclusive, in their entirety and on page 7, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

(I) Prohibitions Against Political Activities.

(1) No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opin-

ion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(3) As used in this Section, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited."

AMENDMENT No. 10—

On page 7, delete lines 7 through 35, both inclusive, in their entirety, and on pages 8 and 9, delete lines 1 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"(J) Rules, Investigations; Wages and Hours.

(1) Rules.

(a) Powers. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, employee training and safety, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; and generally to accomplish the objectives and purposes of the merit system of civil service as herein established. Nothing herein shall prevent the legislature from enacting laws supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety and regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

(b) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States who served between the wartime dates of April 6, 1917 through November 11, 1918; or between September 16, 1940 through July 25, 1947; between June 27, 1950 through January 31, 1955; or in the Viet Nam Theater between July 1, 1958 through the date the United States government 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; in a peacetime campaign or expedition for which campaign badges are authorized. The state and city civil service departments 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 recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unremarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(c) Layoffs; Preference Employees. When a position in the

classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classifications and performing functions transferred, or working in the state agency replaced, shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed lay-off within a reasonable length of time before its effective date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant or employee because of his membership or non-membership in any private organization; but this shall not prohibit any state agency, department, or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission.

(d) Effect. Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for violation of its rules by demotion in or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission may investigate violations of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority."

AMENDMENT No. 11—

On page 10, delete lines 7 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(K) Penalties. Willful violation of any provision of this Section shall be a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both."

AMENDMENT No. 12—

On page 10, delete lines 12 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final."

AMENDMENT No. 13—

On page 10, delete lines 22 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(M) Appropriations.

(1) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable them to implement this Section efficiently and effectively. The amount so appropriated shall not be subject to veto by the governor.

(2) Cities. Each city subject to this Section shall make adequate annual appropriations to enable its civil service commission and department to implement this Section efficiently and effectively."

AMENDMENT No. 14—

On page 10, delete lines 33 through 35, both inclusive, in their entirety and on page 11, delete lines 1 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly.

(1) Each city having a population exceeding ten thousand

but not exceeding four hundred thousand, each parish, and each parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the latest official decennial federal census, may elect to be governed by this Section by a majority vote of its electors voting at an election held for that purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing authority calling the election; or (b) the presentation to the governing authority of a petition calling for such an election signed by electors equal in number to five percent of the registered voters of the city, the parish, or the city-parish, as the case may be.

(2) If a majority of the electors vote to adopt this Section, its provisions shall apply permanently to the city, the parish, or the city-parish, as the case may be, and shall govern it as if this Section had originally applied to it. In such case, all officers and employees of the city, the parish, or the city-parish, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and thereafter shall be subject to and be governed by this Section and the rules and regulations adopted under it.

(3) If a majority of the electors vote against the adoption of this Section, the question of its adoption shall not be re-submitted to the voters of the political subdivision within one year thereafter."

AMENDMENT No. 15—

On page 12, delete lines 1 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(O) City, Parish Civil Service System; Creation; Prohibition.

(1) Nothing in this Section shall prevent the establishment by the legislature, or by the respective parish governing authority, of a parish civil service system in one or more parishes, applicable to any or all parish employees, except teaching and professional staffs and administrative officers of schools, or the establishment by the legislature or by the respective municipal governing authority of a municipal civil service system in one or more municipalities having a population of less than four hundred thousand, in any manner now or hereafter provided by law. However, paid firemen and paid municipal policemen in a municipality operating a regularly paid fire and police department and having a population exceeding thirteen thousand, and paid firemen in all parishes and in fire protection districts, are expressly excluded from such a civil service system.

(2) Nothing in this Paragraph shall permit inclusion in the local civil service of officials and employees listed in Paragraph (B) of this Section.

(3) No law enacted after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall be effective in any parish or in any municipality until approved by ordinance adopted by the governing authority of the parish or municipality."

Respectfully submitted,

ALBERT TATE,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates

Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Reported with the following amendment:

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) Establishment of System. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

(B) Appointments and Promotions. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable municipal fire and police civil service board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

(C) Prior Provisions. Except as inconsistent with this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921 are retained and continued in force and effect as statutes. By law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

(D) Exclusion. Nothing in Section 1 of this Article authorizing cities or other political subdivisions to be placed under the provisions of said Article by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population greater than thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

(E) Political Activities. Article XIV, Section 15.1, Paragraph 34, of the Constitution of 1921 is retained and continued in force and effect."

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and districts.

Reported with the following amendment.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Delegate Proposal No. 32 by Delegate Drew:

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 18, both inclusive, in their entirety

NOTE: The language contained in this delegate proposal has previously been inserted in CP No. 21 (Judicial Branch) at Section 9.

Respectfully submitted,

ALBERT TATE,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January, 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack: (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 20 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy."

AMENDMENT No. 2—

On page 1, delete lines 26 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Natural Gas

Section 2. (A) Public Policy; Regulation. Natural gas is declared to be affected with a public interest. Notwithstand-

ing any provision of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide by law for regulation of natural gas by the regulatory authority it designates. It may designate the Public Service Commission as the regulatory authority.

(B) Pipelines. No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline, without a certificate of public convenience and necessity issued as provided by law after application for the connection and hearing thereon."

AMENDMENT No. 3—

On page 2, delete lines 7 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Alienation of Water Bottoms

Section 3. The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided in this Section, the bed of a navigable water body may be reclaimed only for public use."

AMENDMENT No. 4—

On page 2, delete lines 16 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Reservation of Mineral Rights; Prescription

Section 4. (A) Reservation of Mineral Rights. The mineral rights on property sold by the state shall be reserved, except when the owner or person having the right to redeem buys or redeems property sold or adjudicated to the state for taxes."

AMENDMENT No. 5—

On page 2, delete lines 22 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Prescription. Lands and mineral interests of the state, of a school board, or of a levee district shall not be lost by prescription."

AMENDMENT No. 6—

On page 2, delete lines 25 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Public Notice; Public Bidding Requirements

Section 5. No conveyance, lease, royalty agreements, or unitization agreement involving minerals or mineral rights owned by the state shall be effected without prior public notice or public bidding as shall be provided by law."

AMENDMENT No. 7—

On page 2, delete lines 30 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 5, both inclusive, in their entirety

AMENDMENT No. 8—

On page 3, line 6, change "Section 9." to "Section 6." and on line 7, change "Section 9." to "Section 6."

AMENDMENT No. 9—

On page 3, delete lines 10 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Offshore Mineral Revenues; Use of Funds

Section 7. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury when received. These funds and the interest from their investment, except the portion otherwise allocated or dedicated by this constitution, shall be used by the state treasurer to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year."

AMENDMENT No. 10—

On page 3, delete lines 26 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Wildlife and Fisheries Commission

Section 8. (A) Members; Terms. The control and super-

vision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission, consisting of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law."

AMENDMENT No. 11—

On page 4, delete lines 9 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Forestry

Section 9. (A) Forestry; Acreage Taxes. Forestry shall be practiced in the state, and the legislature may enact laws therefor. It may authorize parish governing authorities to levy acreage taxes, not to exceed two cents per acre, for the purposes of this Section. The provisions of this constitution exempting homesteads from taxation shall apply to forestry acreage taxes."

AMENDMENT No. 12—

On page 4, delete lines 19 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Forestry Commission. The practice of forestry is placed under the Louisiana Forestry Commission, consisting of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law."

AMENDMENT No. 13—

On page 4, delete lines 29 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) State Forester. The commission shall appoint a state forester. He shall be a graduate of an accredited school of forestry and have at least four years of forestry experience, as provided by law."

AMENDMENT No. 14—

On page 4, delete lines 33 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 4, both inclusive, in their entirety.

AMENDMENT No. 15—

On page 3, line 10, delete the language added by Committee Amendment No. 9 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"Section 7. Offshore Mineral Revenues; Use of Funds

Section 7. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury when received. Upon such settlement, these funds and the interest from their investment, except the portion otherwise allocated or dedicated by this constitution, shall be used by the state treasurer to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year."

AMENDMENT No. 16—

On page 3, line 26, delete the language added by Committee Amendment No. 10 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"Section 8. Wildlife and Fisheries Commission

Section 8. (A) Members; Terms. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission. The commission shall be in the executive branch and shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law."

AMENDMENT No. 17—

On page 4, line 19, delete the language added by Committee Amendment No. 12 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"(B) Forestry Commission. The practice of forestry is placed under the Louisiana Forestry Commission. The commission shall be in the executive branch and shall consist of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law."

Respectfully submitted,

ALBERT TATE,
Chairman.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposals have been properly enrolled in final form:

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Maubernet, Slay and Planchard:

A PROPOSAL

Making provisions for homestead exemptions.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. HOMESTEAD EXEMPTIONS

Section 1. Exemptions From Seizure and Sale

Section 1. The legislature shall provide by law for exemptions from seizure and sale, as well as waivers of and exclusions from such exemptions. The exemption shall extend to at least fifteen thousand dollars in value of a homestead, as provided by law.

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries and gambling.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XII. GENERAL PROVISIONS

* * *

Section 12. Lotteries; Gambling

Section 12. Neither the state nor any of its political subdivisions shall conduct a lottery. Gambling shall be defined by and suppressed by the legislature.

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery, Gravel and Riecke :

A PROPOSAL

Providing for meeting of the legislature for the next two years following the adoption of this constitution.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIV. SCHEDULE**Section 1. Legislative Sessions**

Section 1. The legislature shall provide, by rule or otherwise, for a recess, during the 1975 and 1976 regular annual sessions, which shall be for at least eight calendar days immediately after the first fifteen calendar days of the session.

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennyery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article XIV, Section 1. Transition; Civil Service Commission; State; Cities

Section 1. (A) State Commission. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Xavier University of Louisiana shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1, Paragraph (C). Within ninety days after the effective date of this constitution, one member of the commission shall be elected by the classified employees of the state from their number as provided by law. The term of these appointees shall be six years. Within thirty days after the expiration of the term of the present member nominated by the president of Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1. The term of this appointee shall be six years.

(B) City Commission. Each person who, on the effective date of this constitution, is a member of the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the presidents of St. Mary's Dominican College and Xavier University of Louisiana each shall submit three names to the governing body of the city for appointment to the commission as provided in Article VII, Section 1, Paragraph (D). Within thirty days after the expiration of the term of the present member nominated by the governing body of the city, the president of Dillard University shall submit three names to the governing body of the city for appointment to the New Orleans City Civil Service Commission as provided in Article VII, Section 1, Paragraph (D). The term of these appointees shall be six years.

Section 2. Transition; Civil Service Officers; Employees; State; Cities

Section 2. Upon the effective date of this constitution, all officers and employees of the state and of the cities covered hereunder who have status in the classified service shall retain said status in the position, class, and rank that they have on such date and shall thereafter be subject to and governed by the provisions of this constitution and the rules and regulations adopted under the authority hereof.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennyery, Secretary of the Constitutional Convention of 1973, submits the following report:

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled in final form:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegates Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. REVENUE AND FINANCE**Section 1. Ad Valorem Taxes**

Section 1. (A) Assessments. Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in Paragraph (C), shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.

(B) Classification. The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:

Classifications	Percentages
1. Land	10%
2. Improvements for residential purposes	10%
3. Other property	15%

(C) Use Value. Bona fide agricultural, horticultural, marsh, and timber lands, as defined by general law, shall be assessed for tax purposes at ten percent of use value rather than fair market value. The legislature may provide by law similarly for buildings of historic architectural importance.

(D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor. Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph (C). Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

(E) Review. The correctness of assessments by the assessor shall be subject to review first by the parish governing authority, then by the Louisiana Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.

(F) Reappraisal. All property subject to taxation shall be reappraised and valued in accordance with this Section, at intervals or not more than four years.

Section 2. State Property Taxation; Rate Limitation

Section 2. State taxation on property for all purposes shall not exceed an annual rate of five and three-quarter mills on the dollar of assessed valuation.

Section 3. Homestead Exemption**Section 3. (A) Homeowners.**

(1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation.

(2) By law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

(4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than one homestead owned by the husband or wife.

(5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

(B) Residential Lessees. Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.

Section 4. Other Property Exemptions

Section 4. In addition to the homestead exemption provided for in Section 3 of this Article, the following property and no other shall be exempt from ad valorem taxation:

(A) Public lands; other public property used for public purposes.

(B) (1) Property owned by a nonprofit corporation or association 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 or state income tax;

(2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

(3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes.

None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

(C) (1) Cash on hand or 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 Louisiana and the notes or other evidence thereof;

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

(7) debts due for merchandise or other articles of commerce or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

(11) agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, animals on the farm, and property belonging to an agricultural fair association;

(12) property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

(13) rights-of-way granted to the State Department of Highways;

(14) boats using gasoline as motor fuel;

(15) commercial vessels used for gathering seafood for human consumption; and

(16) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the states of the United States.

(D) (1) Raw materials, goods, commodities, and articles

imported into this state from outside the states of the United States:

(a) so long as the imports remain on the public property of the port authority or docks of the common carrier where they first entered this state;

(b) so long as the imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in-trade for sale at retail.

(2) Raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the states of the United States.

(3) (a) Goods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether such destination was specified when transportation began or afterward.

(b) Property described in Paragraph (D), whether or not entitled to exemption, shall be reported to the proper taxing authority on the forms required by law.

(E) Motor vehicles used on the public highways of this state, from state, parish, and special ad valorem taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the governing authority thereof provides for the exemption by ordinance or resolution.

(F) Notwithstanding any contrary provision of this Section, the legislature by law may authorize the State Board of Commerce and Industry or its successor, under such terms and conditions and with such approval as the legislature specifies, to provide for the exemption from property taxation of a new manufacturing establishment or an addition to a manufacturing establishment existing in the state. No exemption granted under the authority of laws enacted under this Paragraph shall extend for a longer initial period than five calendar years, or be renewable for a period exceeding five additional calendar years.

Section 5. No Impairment of Existing Taxes or Obligations

Section 5. This Article shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the effective date of this constitution.

Section 6. Adjustment of Ad Valorem Tax Millages

Section 6. Prior to the end of the third year after the effective date of this constitution, the assessors and the Louisiana Tax Commission or its successor shall complete determination of the fair market value or the use value of all property subject to taxation within each parish for use in implementing this Article. Except as provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which Sections 1 and 3 of this Article are implemented shall not be increased or decreased, because of their provisions, above or below ad valorem taxes collected by that taxing authority in the year preceding implementation. To accomplish this result, it shall be mandatory for each affected taxing authority, in the year in which Sections 1 and 3 of this Article are implemented, to adjust millages upwards or downwards without regard to millage limitations contained in this constitution, and the maximum authorized millages shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall remain in effect unless changed as permitted by this constitution. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 1 and 3 of this Article are im-

plemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (a) levying additional or increased millages as provided by law; (b) placing additional property on the tax rolls; or (c) increases in the fair market or use value of property after the first determination of that value to implement this Article. This Section shall not apply to millages required to be levied for the payment of general obligation bonds.

Section 7. Revenue Sharing Fund

Section 7. (A) Creation of Fund. The Revenue Sharing Fund is created as a special fund in the state treasury.

(B) Annual Allocation. The sum of ninety million dollars is allocated annually from the state general fund to the revenue sharing fund. The legislature may appropriate additional sums to the fund.

(C) Distribution Formula. The revenue sharing fund shall be distributed annually as provided by law solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless otherwise provided by law, population statistics of the last federal decennial census shall be utilized for this purpose. After deductions in each parish for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, shall be distributed by first priority to the tax recipient bodies within the parish, as defined by law, to offset current losses because of homestead exemptions granted in this Article. Any balance remaining in a parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish as provided by law.

(D) Distributing Officer. The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board or its successor shall be distributed to and by the city treasurer of Monroe.

(E) Bonded Debt. A political subdivision, as defined by Article VI of this constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the revenue sharing fund, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys allocated within any parish from the balance remaining in its distribution may be pledged to the payment of the principal or interest of any bonds. Bonds issued under this Paragraph shall be issued and sold as provided by law, and shall require approval of the State Bond Commission or its successor prior to issuance and sale.

Section 8. Tax Assessors

Section 8. (A) Election; Term. A tax assessor shall be elected by the electors of each parish, Orleans Parish excepted. His term of office shall be four years. His election, duties, and compensation shall be as provided by law.

(B) Orleans Parish. There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each. Their duties and compensation shall be as provided by law.

(C) Vacancy. When a vacancy occurs in the office of tax assessor, the duties of the office, until filled by election as provided by law, shall be assumed by the chief deputy assessor, except in Orleans Parish where the Board of Assessors shall appoint an interim assessor.

Section 9. Tax Sales

Section 9. (A) Tax Sales. There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided

by law for sheriffs' sales, in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs. The sale shall be without appraisalment. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

(B) Redemption. The property sold shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon, and interest at the rate of one percent per month until redemption.

(C) Annulment. No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must be served within five years after the date of the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

(D) Quieting Tax Title. The manner of notice and form of proceeding to quiet tax titles shall be provided by law.

(E) Movables; Tax Sales. When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Sale of the property shall be at public auction, without appraisalment, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.

(F) Postponement of Taxes. The legislature may postpone the payment of taxes, but only in cases of overflow, general conflagration, general crop destruction, or other public calamity, and may provide for the levying, assessing, and collecting of such postponed taxes. In such case, the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and may levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the Interim Emergency Board to the governing authority of the parish where the calamity occurs. The money loaned shall be applied to and shall not exceed the deficiency in revenue of the parish or a political subdivision therein or of which the parish is a part, caused by postponement of taxes. No loan shall be made to a parish governing authority without the approval of the Interim Emergency Board.

Section 10. Effective Date

Section 10. Section 1 and Section 3 of this Article shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairmen of the Convention and attested by the Secretary in accordance with the Rules.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 97—

Introduced by Delegates Asseff, Anzalone, Miller, Bergeron, O'Neill, Kelly, Velazquez, Aertker, Burson, Giarrusso, Jones, Stinson, McDaniel, Wisham, Grier, Warren, Stephenson, Jack, Smith, Schmitt, Drew, Bel, Ourso, Edwards, Winchester, Perkins, Casey, Elkins, A. Landry, Ullo, Bollinger, Alario, Stinson, Heine, Roemer, Abraham, Kilbourne, Fulco, Cannon, Gauthier, Willis, Singletary, Planchard, Cowen, Weiss, Toomy, Leigh, Maybuce, Hernandez, Flory and Avant:

A PROPOSAL

To provide with respect to an alternative provision relative to the Executive Branch.

Read.

Lies over under the rules.

Motion

On motion of Delegate Aertker, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Aertker the rules were suspended for the purpose of calling a meeting of the Committee on

Education and Welfare without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Tuesday, January 15, 1974, at 8:30 o'clock A.M. in the Ante Room and will consider the following agenda:

AGENDA

Discussion of Style and Drafting changes to CP 30.

Respectfully submitted,
ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

- Delegate Lanier—½ day.
- Delegate Vesich—1 day.
- Delegate Champagne—½ day.
- Delegate Weiss—2 days.

Adjournment

Delegate Dennery moved that the Convention do now adjourn until Tuesday, January 15, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.

And Vice-Chairman Casey declared the Convention adjourned to Tuesday, January 15, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary
DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED EIGHTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Tuesday, January 15, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Ourso
Aertker	Gauthier	Perez
Alario	Giarrusso	Perkins
Alexander	Ginn	Planchar
Anzalone	Goldman	Pugh
Arnette	Graham	Rayburn
Asseff	Gravel	Reeves
Avant	Grier	Roemer
Badeaux	Guarisco	Roy
Bel	Hardee	Sandoz
Bergeron	Hayes	Schmitt
Blair	Haynes	Segura
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Jones	Stephenson
Casey	Juneau	Stinson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Chehardy	Kilbourne	Tapper
Comar	Kilpatrick	Tate
Conino	Lambert	Thistlethwaite
Conroy	Landrum	Thompson
Corne	Landry, A.	Tobias
Cowen	Landry, E. J.	Toca
D'Gerolamo	Lanier	Toomy
De Blieux	Leithman	Ullo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vick
Derbes	Martin	Warren
Deshotels	Maubretret	Wattigny
Drew	Maybuce	Willis
Duval	Miller	Winchester
Edwards	Mire	Wisham
Elkins	Morris	Womack
Fayard	Munson	Zervigon
Flory	Newton	
Fontenot	Nunez	
Total—124.		

ABSENT

Delegates—		
Dunlap	Rachal	Wall
LeBleu	Riecke	Weiss
Leigh	Vesich	
Total—8.		

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate E. J. Landry.

Pledge of Allegiance

Delegate Wattigny led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Sandoz, the reading of the Journal
was dispensed with.

On motion of Delegate Sandoz, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and
read:

Delegate Tate, chairman, on behalf of the Committee on
Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Style and Drafting to
submit the following report:

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare and Delegates
Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez,
Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura,
Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards
of education.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Draft-
ing to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 26, both inclusive, in
their entirety and insert in lieu thereof the following:

"Section 2. Board of Regents

Section 2. On the effective date of this constitution, each
member of the Louisiana Coordinating Council for Higher
Education appointed by the governor whose term has not
expired shall become a member of the Board of Regents un-
til his respective term expires. The governor shall appoint
additional members required to complete the membership of
the board in accordance with and to effectuate Article IX,
Section 5."

AMENDMENT No. 2—

On page 1, delete lines 27 through 35, both inclusive, in
their entirety and on page 2, delete lines 1 and 2 in their en-
tirety and insert in lieu thereof the following:

"Section 3. Board of Supervisors of Louisiana State Un-
iversity and Agricultural and Mechanical College

Section 3. On the effective date of this constitution, each
member of the Board of Supervisors of Louisiana State Un-
iversity and Agricultural and Mechanical College whose term
has not expired shall become a member of the Board of Su-
pervisors of Louisiana State University and Agricultural
and Mechanical College until his term expires. The governor
shall appoint additional members required in accordance with
and to effectuate Article IX, Section 7."

PAGE 2

118th Days Proceedings—January 15, 1974

AMENDMENT No. 3—

On page 2, delete lines 3 through 20, both inclusive in their entirety and insert in lieu thereof the following:

"Section 4. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article IX, Sections 3 and 6."

AMENDMENT No. 4—

On page 2, delete lines 21 through 25, both inclusive in their entirety and insert in lieu thereof the following:

"Section 5. Boards; New Appointments

Section 5. In making new appointments to a board created by Sections 5, 6, or 7 of Article IX, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board."

Respectfully submitted,

ALBERT TATE,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 14, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Relative to constitutional revision.

Reported with the following amendments.

COMMITTEE AMENDMENT

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 16 through 35, both inclusive, in their entirety and on page 2, delete line 1 and insert in lieu thereof the following:

"Section 1. Amendments

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 pre-filed, 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 constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected

members of each house concur in the resolution, pursuant to all of the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law."

AMENDMENT No. 2—

On page 2, delete lines 2 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Form of Proposal. A proposed amendment shall have a title containing a brief summary of the changes proposed; shall be confined to one object; and shall set forth the entire article, or the sections or other subdivisions thereof, as proposed to be revised or only the article, sections, or other subdivisions proposed to be added. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which may contain multiple objects or changes. A section or other subdivision may be repealed by reference. When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately."

AMENDMENT No. 3—

On page 2, delete lines 17 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Ratification. If a majority of the electors voting on the proposed amendment approve it, it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment provides otherwise. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality."

AMENDMENT No. 4—

On page 2, delete lines 30 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 5, both inclusive in their entirety and insert in lieu thereof the following:

"Section 2. Constitutional Convention

Section 2. 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. The revision or the proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of Louisiana."

AMENDMENT No. 5—

On page 3, delete lines 6 through 10, both inclusive in their entirety and insert in lieu thereof the following:

"Section 3. Laws Effectuating Amendments

Section 3. Whenever the legislature shall submit amendments to this constitution, it may at the same session enact laws to carry them into effect, to become operative when the proposed amendments have been ratified."

AMENDMENT No. 6—

On page 1, line 16, in Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted by the Convention this date, at the end of line 6 of the amendment after the words "of the" delete the word "houses" and at the beginning of line 7 delete the words and punctuation "of the legislature." and insert in lieu thereof the words "house in which introduced."

AMENDMENT No. 7—

On page 2, line 17, in Committee Amendment No. 3, proposed by the Committee on Style and Drafting and adopted by the Convention this date, on line 2 of the amendment,

after the word and punctuation "it," delete the remainder of line 2 and delete lines 3 and 4 in their entirety and insert in lieu thereof the words "the governor shall proclaim its adoption, and it shall become part of this constitution, effective twenty days after the proclamation, unless"

Respectfully submitted,
ALBERT TATE,
Chairman.

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 50—

Introduced by Delegate O'Neill:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule 47.1, to provide for the printing of an attestation clause for the proposed draft of the constitution and for the distribution of copies of the proposed draft and to urge and request the governor to take the necessary steps to see that a copy of the Louisiana Constitution of 1974 is exhibited permanently in the state capitol.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

Motion

On motion of Delegate Tate Delegate Proposal No. 22 was taken up out of its regular order and acted upon as follows:

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Delegate Proposal No. 22 by Delegates Conroy and Newton.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, immediately after "(A)" and before the word "Except" insert the word and punctuation "Prohibitions." and on line 16 after the word "pass" and before the word "local" delete the word "any" and insert in lieu thereof "a"

AMENDMENT No. 2—

On page 2, line 5, after the word and punctuation "taxes;" and before the word "assessor" delete the words "for the relief of any" and insert in lieu thereof the words "relieving an" and on line 8, after the partial word and punctuation "feitures;" and before the word "refunding" delete the word "or"

AMENDMENT No. 3—

On page 2, at the end of line 16, after the word "school-houses" add a comma ","

AMENDMENT No. 4—

On page 2, at the beginning of line 22 immediately after

"(B)" and before the word "The" insert "Additional Prohibition."

Read.

On motion of Delegate Tate Amendments Nos. 1, 2, 3 and 4 were adopted.

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend First enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 16 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) Civil Service System.

(1) State Civil Service. The state civil service is established and includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency, or joint state and municipal agency, regardless of the source of the funds used to pay for such employment. It shall not include persons holding offices and positions of any municipal board of health or local governmental subdivision.

(2) City Civil Service. The city civil service is established and includes all persons holding offices and positions of trust or employment in the employ of each city having over four hundred thousand population and in every instrumentality thereof. However, paid firemen and municipal policemen be excluded if a majority of the electors in the affected city voting at an election held for that purpose approve their exclusion. The election shall be called by the municipal governing authority within one year after the effective date of this constitution."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 34 and 35, in their entirety and on page 2, delete lines 1 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"(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) elected officials and persons appointed to fill vacancies in elective offices;
- (b) the heads of each principal executive department appointed by the governor, the mayor, or the governing authority of a city;
- (c) city attorneys;
- (d) 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, board, commission, or authority mentioned in (a), (b), (d), or (e) above, except civil service departments;
- (h) members of the military or naval forces;
- (i) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency;
- (j) employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney, of police juries, school boards, assessors, and of all offices provided for in

Article V of this constitution except the offices of clerk of the municipal and traffic courts in New Orleans;

(k) commissioners of elections, watchers, and custodians and deputy custodians of voting machines; and

(l) railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.

(3) Additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by a commission."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 2, delete lines 33 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) State Civil Service Commission.

(1) The State Civil Service Commission is established and shall be domiciled in the state capital. It shall be composed of seven members who are electors of this state, four of whom shall constitute a quorum. No more than one appointed member shall be from each congressional district.

(2) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(3) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 3, delete lines 31 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 35, both inclusive, in their entirety and on page 5, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(D) City Civil Service Commission.

(1) Creation; Membership; Domicile. A city civil service commission shall exist in each city having a population exceeding four hundred thousand. The domicile of each commission shall be in the city it serves. Each commission shall be composed of five members, who are electors of the city, three of whom shall constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided.

(2) New Orleans; Nomination and Appointment. In New Orleans, the presidents of Dillard University, Loyola University, St. Mary's Dominican College, Tulane University, and Xavier University, after giving consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(3) Other Cities; Nomination and Appointment. In each other city subject to this Section, the presidents of any five institutions of higher education in the state, selected by the governing authority of the respective city, each shall nominate three persons, after giving consideration to representa-

tion of all groups. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(4) Vacancies. A vacancy shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If one of the nominating authorities fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the municipal governing authority shall make the appointment."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 5, delete lines 3 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the appointing authority."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 5, delete lines 9 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"(F) Department of Civil Service; Directors.

(1) State Department. A Department of State Civil Service is established in the executive branch of the state government.

(2) City Departments. A department of city civil Service shall exist in each city having a population exceeding four hundred thousand.

(3) Directors. Each commission shall appoint a director, after competitive examination, who shall be in the classified service. He shall be the administrative head of his department. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him."

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 5, delete lines 23 through 35, both inclusive, in their entirety and on page 6, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department 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 competitive. 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, re-employment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments if certification is not required."

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 6, delete lines 3 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(H) Appeals.

(1) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. A classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate

PAGE 5

118th Days Proceedings—January 15, 1974

commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(2) Discrimination. No classified employee shall be discriminated against because of his political or religious beliefs, sex, or race. A classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 6, delete lines 17 through 35, both inclusive, in their entirety and on page 7, delete lines 1 through 6, both inclusive in their entirety and insert in lieu thereof the following:

(I) Prohibitions Against Political Activities.

(1) No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(3) As used in this Section, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited."

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 7, delete lines 7 through 35, both inclusive, in their entirety, and on pages 8 and 9, delete lines 1 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"(J) Rules, Investigations; Wages and Hours.

(1) Rules.

(a) Powers. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, employee training and safety, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; and generally to accomplish the objectives and purposes of the merit system of civil service as herein established. Nothing herein shall prevent the legislature from enacting laws supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety and regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

(b) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States who served between the wartime dates of April 6, 1917 through November 11, 1918; or between September 16, 1940 through July 25, 1947; between June 27, 1950 through January 31, 1955; or in the Viet Nam Theater between July 1, 1958 through the date the United States government de-

clares 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; in a peacetime campaign or expedition for which campaign badges are authorized. The state and city civil service departments 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 recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unremarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(c) Layoffs; Preference Employees. When a position in the classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classifications and performing functions transferred, or working in the state agency replaced, shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed lay-off within a reasonable length of time before its effective date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant or employee because of his membership or non-membership in any private organization; but this shall not prohibit any state agency, department, or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission.

(d) Effect. Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for violation of its rules by demotion in or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission may investigate violations of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority."

Read.

On motion of Delegate Avant, action on Amendment No. 10 was deferred, at this time.

AMENDMENT No. 11—

On page 10, delete lines 7 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"(K) Penalties. Willful violation of any provision of this Section shall be a misdemeanor punishable by a fine of not

more than five hundred dollars or by imprisonment for not more than six months, or both.”

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 10, delete lines 12 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

“(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final.”

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 10, delete lines 22 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

“(M) Appropriations.

(1) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable them to implement this Section efficiently and effectively. The amount so appropriated shall not be subject to veto by the governor.

(2) Cities. Each city subject to this Section shall make adequate annual appropriations to enable its civil service commission and department to implement this Section efficiently and effectively.”

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 10, delete lines 33 through 35, both inclusive, in their entirety and on page 11, delete lines 1 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

“(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly.

(1) Each city having a population exceeding ten thousand but not exceeding four hundred thousand, each parish, and each parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the latest official decennial federal census, may elect to be governed by this Section by a majority vote of its electors voting at an election held for that purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing authority calling the election; or (b) the presentation to the governing authority of a petition calling for such an election signed by electors equal in number to five percent of the registered voters of the city, the parish, or the city-parish, as the case may be

(2) If a majority of the electors vote to adopt this Section, its provisions shall apply permanently to the city, the parish, or the city-parish, as the case may be, and shall govern it as if this Section had originally applied to it. In such case, all officers and employees of the city, the parish, or the city-parish, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and thereafter shall be subject to and be governed by this Section and the rules and regulations adopted under it.

(3) If a majority of the electors vote against the adoption of this Section, the question of its adoption shall not be re-submitted to the voters of the political subdivision within one year thereafter.”

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 12, delete lines 1 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

“(O) City, Parish Civil Service System; Creation; Prohibition.

(1) Nothing in this Section shall prevent the establishment by the legislature, or by the respective parish governing authority, of a parish civil service system in one or more parishes, applicable to any or all parish employees, except teaching and professional staffs and administrative officers of schools, or the establishment by the legislature or by the respective municipal governing authority of a municipal civil service system in one or more municipalities having a population of less than four hundred thousand, in any manner now or hereafter provided by law. However, paid firemen and paid municipal policemen in a municipality operating a regularly paid fire and police department and having a population exceeding thirteen thousand, and paid firemen in all parishes and in fire protection districts, are expressly excluded from such a civil service system.

(2) Nothing in this Paragraph shall permit inclusion in the local civil service of officials and employees listed in Paragraph (B) of this Section.

(3) No law enacted after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall be effective in any parish or in any municipality until approved by ordinance adopted by the governing authority of the parish or municipality.”

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

Motion

On motion of Delegate Avant Committee Proposal No. 9 was returned to the Calendar, subject to call.

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Reported with the following amendment:

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

“Section 1. (A) Establishment of System. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

(B) Appointments and Promotions. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable municipal fire and police civil service board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

(C) Prior Provisions. Except as inconsistent with this Section, the provisions of Article XIV, Section 15.1 of the Con-

stitution of 1921 are retained and continued in force and effect as statutes. By law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

(D) Exclusion. Nothing in Section 1 of this Article authorizing cities or other political subdivisions to be placed under the provisions of said Article by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population greater than thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

(E) Political Activities. Article XIV, Section 15.1, Paragraph 34, of the Constitution of 1921 is retained and continued in force and effect."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack: (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Reported with the following amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 34 by Delegate Lambert, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 20 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 26 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Natural Gas

Section 2. (A) Public Policy; Regulation. Natural gas is declared to be affected with a public interest. Notwithstanding any provision of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide by law for regulation of natural gas by the regulatory authority it designates. It may designate the Public Service Commission as the regulatory authority.

(B) Pipelines. No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline, without a certificate of public convenience and necessity issued as provided by law after application for the connection and hearing thereon."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 2, delete lines 7 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Alienation of Water Bottoms

Section 3. The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided in this Section, the bed of a navigable water body may be reclaimed only for public use."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 16 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Reservation of Mineral Rights; Prescription

Section 4. (A) Reservation of Mineral Rights. The mineral rights on property sold by the state shall be reserved, except when the owner or person having the right to redeem buys or redeems property sold or adjudicated to the state for taxes."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 2, delete lines 22 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Prescription. Lands and mineral interests of the state, of a school board, or of a levee district shall not be lost by prescription."

Read.

On motion of Delegate Tate Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 2, delete lines 25 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Public Notice; Public Bidding Requirements

Section 5. No conveyance, lease, royalty agreement, or unitization agreement involving minerals or mineral rights owned by the state shall be effected without prior public notice or public bidding as shall be provided by law."

Read.

On motion of Delegate Tate Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 2, delete lines 30 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 5, both inclusive, in their entirety

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

On page 3, line 6, change "Section 9." to "Section 6." and on line 7, change "Section 9." to "Section 6."

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

On page 3, delete lines 10 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. Offshore Mineral Revenues; Use of Funds

Section 7. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the

PAGE 8

118th Days Proceedings—January 15, 1974

United States pending settlement of the dispute between the parties shall be deposited in the state treasury when received. These funds and the interest from their investment, except the portion otherwise allocated or dedicated by this constitution, shall be used by the state treasurer to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year."

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

AMENDMENT No. 10—

On page 3, delete lines 26 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Wildlife and Fisheries Commission

Section 8. (A) Members; Terms. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission, consisting of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law."

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

On page 4, delete lines 9 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Forestry

Section 9. (A) Forestry; Acreage Taxes. Forestry shall be practiced in the state, and the legislature may enact laws therefor. It may authorize parish governing authorities to levy acreage taxes, not to exceed two cents per acre, for the purposes of this Section. The provisions of this constitution exempting homesteads from taxation shall apply to forestry acreage taxes."

Read.

On motion of Delegate Tate Amendment No. 11 was adopted.

AMENDMENT No. 12—

On page 4, delete lines 19 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Forestry Commission. The practice of forestry is placed under the Louisiana Forestry Commission, consisting of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law."

Read.

On motion of Delegate Tate Amendment No. 12 was adopted.

AMENDMENT No. 13—

On page 4, delete lines 29 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) State Forester. The commission shall appoint a state forester. He shall be a graduate of an accredited school of forestry and have at least four years of forestry experience, as provided by law."

Read.

On motion of Delegate Tate Amendment No. 13 was adopted.

AMENDMENT No. 14—

On page 4, delete lines 33 through 35, both inclusive, in their entirety and on page 5, delete lines 1 through 4, both inclusive, in their entirety.

Read.

On motion of Delegate Tate Amendment No. 14 was adopted.

AMENDMENT No. 15—

On page 3, line 10, delete the language added by Committee Amendment No. 9 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"Section 7. Offshore Mineral Revenues; Use of Funds

Section 7. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury when received. Upon such settlement, these funds and the interest from their investment, except the portion otherwise allocated or dedicated by this constitution, shall be used by the state treasurer to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year."

Read.

On motion of Delegate Tate Amendment No. 15 was adopted.

AMENDMENT No. 16—

On page 3, line 26, delete the language added by Committee Amendment No. 10 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"Section 8. Wildlife and Fisheries Commission

Section 8. (A) Members; Terms. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission. The commission shall be in the executive branch and shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law."

Read.

Point of Order

Delegate Avant rose to a point of order, and asked a ruling from the Chair, that the Committee on Style and Drafting had exceeded its authority by submitting Amendment No. 16 in that the amendment contained a substantive change to the Proposal, and therefore the amendment was out of order at this time.

Ruling of the Chair

The Chair declined to rule and put the question to the Convention, under the rules.

The question was put to declare the amendment in order.

By a vote of 60 yeas and 40 nays the Convention ruled the Amendment in order.

PAGE 9

118th Days Proceedings—January 15, 1974

On motion of Delegate Tate the vote by which the amendment was ruled in order was reconsidered, and, on his own motion, the motion to reconsider was laid on the table.

AMENDMENT No. 17—

On page 4, line 19, delete the language added by Committee Amendment No. 12 proposed by the Committee on Style and Drafting adopted this date and insert in lieu thereof the following:

"(B) Forestry Commission. The practice of forestry is placed under the Louisiana Forestry Commission. The commission shall be in the executive branch and shall consist of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law."

Read.

On motion of Delegate Tate Amendment No. 17 was adopted.

Motion

On motion of Delegate Tate the rules were suspended in order to consider Committee Proposal No. 30, just reported by the Committee on Style and Drafting with a view to acting on the same.

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

COMMITTEE AMENDMENT

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Board of Regents

Section 2. On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education appointed by the governor whose term has not expired shall become a member of the Board of Regents until his respective term expires. The governor shall appoint additional members required to complete the membership of the board in accordance with and to effectuate Article IX, Section 5."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 1, delete lines 27 through 35, both inclusive, in their entirety and on page 2, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 3. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 3. On the effective date of this constitution, each member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term has not expired shall become a member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until his term expires. The governor shall appoint additional members required in accordance with and to effectuate Article IX, Section 7."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 2, delete lines 3 through 20, both inclusive in their entirety and insert in lieu thereof the following:

"Section 4. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article IX, Sections 3 and 6."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 21 through 25, both inclusive in their entirety and insert in lieu thereof the following:

"Section 5. Boards; New Appointments

Section 5. In making new appointments to a board created by Sections 5, 6, or 7 of Article IX, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

Motion

On motion of Delegate Tobias the rules were suspended in order to consider Committee Proposal No. 36, just reported by the Committee on Style and Drafting with a view to acting on same.

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Relative to constitutional revision.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 36 by Delegate A. Jackson, et al.

Amend First Enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 16 through 35, both inclusive, in their entirety and on page 2, delete line 1 and insert in lieu thereof the following:

"Section 1. Amendments

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 pre-filed, 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 constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to all of the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections

PAGE 10

118th Days Proceedings—January 15, 1974

for submitting proposed amendments may be authorized by law."

Read.

On motion of Delegate Tobias Amendment No. 1 was adopted.

AMENDMENT No. 2—

On page 2, delete lines 2 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Form of Proposal. A proposed amendment shall have a title containing a brief summary of the changes proposed; shall be confined to one object; and shall set forth the entire article, or the sections or other subdivisions thereof, as proposed to be revised or only the article, sections, or other subdivisions proposed to be added. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which may contain multiple objects or changes. A section or other subdivision may be repealed by reference. When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately."

Read.

On motion of Delegate Tobias Amendment No. 2 was adopted.

AMENDMENT No. 3—

On page 2, delete lines 17 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Ratification. If a majority of the electors voting on the proposed amendment approve it, it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment provides otherwise. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality."

Read.

On motion of Delegate Tobias Amendment No. 3 was adopted.

AMENDMENT No. 4—

On page 2, delete lines 30 through 35, both inclusive, in their entirety and on page 3, delete lines 1 through 5, both inclusive in their entirety and insert in lieu thereof the following:

"Section 2. Constitutional Convention

Section 2. 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. The revision or the proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of Louisiana."

Read.

On motion of Delegate Tobias Amendment No. 4 was adopted.

AMENDMENT No. 5—

On page 3, delete lines 6 through 10, both inclusive in their entirety and insert in lieu thereof the following:

"Section 3. Laws Effectuating Amendments

Section 3. Whenever the legislature shall submit amendments to this constitution, it may at the same session enact

laws to carry them into effect, to become operative when the proposed amendments have been ratified."

Read.

On motion of Delegate Tobias Amendment No. 5 was adopted.

AMENDMENT No. 6—

On page 1, line 16, in Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted by the Convention this date, at the end of line 6 of the amendment after the words "of the" delete the word "houses" and the beginning of line 7 delete the words and punctuation "of the legislature." and insert in lieu thereof the words "house in which introduced."

Read.

On motion of Delegate Tobias Amendment No. 6 was adopted.

AMENDMENT No. 7—

On page 2, line 17, in Committee Amendment No. 3, proposed by the Committee on Style and Drafting and adopted by the Convention this date on line 2 of the amendment, after the word and punctuation "it," delete the remainder of line 2 and delete lines 3 and 4 in their entirety and insert in lieu thereof the words "the governor shall proclaim its adoption, and it shall become part of this constitution, effective twenty days after the proclamation, unless"

Read.

On motion of Delegate Tobias Amendment No. 7 was adopted.

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and districts.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Delegate Proposal No. 32 by Delegate Drew:

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 18, both inclusive, in their entirety

NOTE: The language contained in this delegate proposal has previously been inserted in CP No. 21 (Judicial Branch) at Section 9.

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

Motion

On motion of Delegate Drew, Committee Proposal No. 9 was called from the Calendar.

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Read.

AMENDMENT No. 10—

On page 7, delete lines 7 through 35, both inclusive, in their entirety, and on pages 8 and 9, delete lines 1 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"(J) Rules, Investigations; Wages and Hours.

(1) Rules.

(a) Powers. Each commission is vested with broad and general rule-making and subpoena powers for the adminis-

tration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, employee training and safety, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; and generally to accomplish the objectives and purposes of the merit system of civil service as herein established. Nothing herein shall prevent the legislature from enacting laws supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety and regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

(b) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States who served between the wartime dates of April 6, 1917 through November 11, 1918; or between September 16, 1940 through July 25, 1947; between June 27, 1950 through January 31, 1955; or in the Viet Nam Theater between July 1, 1958 through the date the United States government 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; in a peacetime campaign or expedition for which campaign badges are authorized. The state and city civil service departments 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 recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unmarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unmarried widowed parent of any person who died in active wartime or peacetime service or who suffered 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unmarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(c) Layoffs; Preference Employees. When a position in the classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classifications and performing functions transferred, or working in the state agency replaced, shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed lay-off within a reasonable length of time before its effective date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant

or employee because of his membership or non-membership in any private organization; but this shall not prohibit any state agency, department, or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission.

(d) Effect. Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for violation of its rules by demotion in or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission may investigate violations of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority."

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

Motion

On motion of Delegate Avant the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 9, Section 1 was passed for the limited purpose of offering an amendment proposed by Delegate Avant.

Reconsideration

On motion of Delegate Avant the vote by which Committee Proposal No. 9, Section 1, was passed, was reconsidered.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Avant to Committee Proposal No. 9 by Delegate Aertker, et al.

Amend Final Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 7, line 7, in Committee Amendment No. 10 proposed by the Committee on Style and Drafting and adopted by the convention on January 15, 1974, on line 9 of said amendment, immediately after the words and punctuation "conditions," delete the remainder of the line and on line 10 delete the word and punctuation "safety,"

AMENDMENT No. 2—

On page 7, line 7, in Committee Amendment No. 10 proposed by the Committee on Style and Drafting and adopted by the convention on January 15, 1974, on line 12 of said amendment, immediately after the word and punctuation "plan;" and before the word "and" insert the following: "to require an appointing authority to institute an employee training and safety program;"

AMENDMENT No. 3—

On page 7, line 7, in Committee Amendment No. 10 proposed by the Committee on Style and Drafting and adopted by the convention on January 15, 1974, on line 14 of the text of the amendment, immediately after the word and punctuation "established." and before the word "Nothing" insert the following:

"It may make recommendations with respect to employee training and safety."

Delegate Avant moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman Alario Alexander

PAGE 12

118th Days Proceedings—January 15, 1974

Arnette	Fowler	Newton
Asseff	Fulco	Nunez
Avant	Gauthier	Planchard
Bel	Giarrusso	Rayburn
Bergeron	Ginn	Roy
Blair	Goldman	Sandoz
Bollinger	Graham	Segura
Brien	Gravel	Shannon
Brown	Grier	Singletary
Burns	Guarisco	Slay
Burson	Hardee	Smith
Cannon	Haynes	Soniat
Carmouche	Jack	Stagg
Casey	Jackson, A.	Stephenson
Chatelain	Jenkins	Stinson
Chehardy	Juneau	Sutherland
Comar	Kelly	Tapper
Conino	Kilbourne	Tate
Conroy	Lambert	Thistlethwaite
Corne	Landrum	Thompson
Cowen	Landry, A.	Tobias
De Blieux	Landry, E. J.	Toca
D'Gerolamo	Lanier	Toomy
Dennery	Leithman	Ullo
Derbes	Lowe	Velazquez
Deshotels	McDaniel	Vick
Drew	Martin	Warren
Edwards	Maybuce	Wattigny
Elkins	Miller	Willis
Fayard	Mire	Wisham
Flory	Morris	Womack
Fontenot	Munson	Zervigon
Total—99.		

NAYS

Delegates—	Hayes	Riecke
Abraham	Heine	Schmitt
Badeaux	Kean	
Duval		
Total—8.		

NOT VOTING

Delegates—	LeBleu	Rachal
Aertker	Leigh	Reeves
Anzalone	Mauberret	Roemer
Champagne	O'Neill	Stovall
Dennis	Ourso	Vesich
Dunlap	Perez	Wall
Hernandez	Perkins	Weiss
Jackson, J.	Pugh	Winchester
Jones		
Kilpatrick		
Total—25.		

And the amendments were adopted.

Delegate Avant moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 9, Section 1 was read.

Delegate Avant moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Brien	Conroy
Mr. Chairman	Brown	Corne
Abraham	Burns	Cowen
Alario	Burson	De Blieux
Alexander	Cannon	D'Gerolamo
Arnette	Carmouche	Dennery
Asseff	Casey	Derbes
Avant	Champagne	Deshotels
Badeaux	Chatelain	Drew
Bel	Chehardy	Duval
Bergeron	Comar	Edwards
Blair	Conino	Elkins
Bollinger		

Fayard	Kelly	Slay
Flory	Kilbourne	Smith
Fontenot	Landrum	Soniat
Fowler	Landry, A.	Stagg
Fulco	Landry, E. J.	Stinson
Gauthier	Lanier	Sutherland
Giarrusso	Leithman	Tapper
Ginn	Lowe	Tate
Goldman	McDaniel	Thistlethwaite
Graham	Martin	Thompson
Gravel	Maybuce	Tobias
Grier	Miller	Toca
Guarisco	Mire	Toomy
Hardee	Morris	Ullo
Hayes	Munson	Velazquez
Haynes	Nunez	Vick
Hernandez	Planchard	Warren
Jack	Pugh	Wattigny
Jackson, A.	Rayburn	Willis
Jackson, J.	Roy	Winchester
Jenkins	Sandoz	Wisham
Jones	Segura	Womack
Juneau	Shannon	Zervigon
Kean	Singletary	
Total—107.		

NAYS

Delegate Schmitt
Total—1.

NOT VOTING

Delegates—	Leigh	Reeves
Aertker	Mauberret	Riecke
Anzalone	Newton	Roemer
Dennis	O'Neill	Stephenson
Dunlap	Ourso	Stovall
Heine	Perez	Vesich
Kilpatrick	Perkins	Wall
Lambert	Rachal	Weiss
LeBleu		
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Avant moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

The Proposal was read, as amended.

Delegate Flory moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	D'Gerolamo	Jenkins
Mr. Chairman	Dennery	Juneau
Abraham	Derbes	Kean
Alario	Deshotels	Kelly
Alexander	Drew	Kilbourne
Arnette	Duval	Landrum
Asseff	Edwards	Landry, A.
Avant	Elkins	Landry, E. J.
Badeaux	Fayard	Lanier
Bel	Flory	Leithman
Bergeron	Fontenot	Lowe
Blair	Fowler	McDaniel
Bollinger	Fulco	Martin
Brien	Gauthier	Maybuce
Brown	Giarrusso	Miller
Burns	Ginn	Mire
Burson	Goldman	Morris
Cannon	Gravel	Munson
Carmouche	Grier	Newton
Casey	Guarisco	Nunez
Champagne	Hardee	Planchard
Chatelain	Hayes	Pugh
Chehardy	Haynes	Rayburn
Comar	Heine	Roy
Conino	Hernandez	Sandoz
Conroy	Jack	Segura
Corne	Jackson, A.	Shannon
Cowen	Jackson, J.	Singletary
De Billeux		

PAGE 13

118th Days Proceedings—January 15, 1974

Slay	Thistlethwaite	Warren
Soniat	Thompson	Wattigny
Stagg	Tobias	Willis
Stephenson	Toca	Wisham
Stinson	Toomy	Womack
Sutherland	Ullo	Zervigon
Tapper	Velazquez	
Tate	Vick	

Total—106.

NAYS

Delegate Schmitt
Total—1.

NOT VOTING

Delegates—		
Aertker	Leigh	Riecke
Anzalone	Mauberret	Roemer
Dennis	O'Neill	Smith
Dunlap	Ourso	Stovall
Graham	Perez	Vesich
Jones	Perkins	Wall
Kilpatrick	Rachal	Weiss
Lambert	Reeves	Winchester
LeBleu		

Total—25.

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Pugh the rules were suspended in order to discharge Committee Proposal No. 15 from the Committee on Style and Drafting.

Motion

On motion of Delegate Pugh the vote by which Committee Proposal No. 15 was passed, was reconsidered.

Motion

On motion of Delegate Pugh the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 15, Section 6, was passed for the limited purpose of offering an amendment proposed by Delegate Pugh, et al.

Reconsideration

On motion of Delegate Pugh the vote by which Committee Proposal No. 15, Section 6, was passed, was reconsidered.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Pugh, Conroy, Graham, A. Jackson, Gravel, Kean, Jones, Dennery and Abraham to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend Final enrolled Proposal as follows:

AMENDMENT No. 1—

On page 3, line 34, delete the language inserted by Committee Amendment No. 11 proposed by the Committee on Style and Drafting and adopted by the convention on January 14, 1974, and insert the following:

“(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 Paragraph (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 the provisions of this Section.”

Motion

Delegate Brown moved that the Convention recess for a period of one and one-half hours.

Delegate Segura objected.

By a vote of 45 yeas and 49 nays the Convention refused to recess for one and one-half hours.

Delegate Pugh moved the adoption of the amendment.

Delegate Brown objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Nunez
Abraham	Fontenot	O'Neill
Aertker	Fowler	Plancharde
Alario	Fulco	Pugh
Alexander	Gauthier	Rayburn
Arnette	Giarrusso	Roemer
Avant	Ginn	Roy
Badeaux	Goldman	Sandoz
Bel	Graham	Schmitt
Bergeron	Gravel	Segura
Blair	Grier	Shannon
Bollinger	Guarisco	Singletary
Brien	Hayes	Slay
Brown	Haynes	Smith
Burns	Heine	Soniat
Burson	Jack	Stagg
Cannon	Jackson, A.	Stephenson
Carmouche	Jackson, J.	Stinson
Casey	Jenkins	Sutherland
Champagne	Jones	Tapper
Chatelain	Juneau	Tate
Chehardy	Kean	Thistlethwaite
Comar	Kelly	Thompson
Conino	Kilbourne	Tobias
Conroy	Landrum	Toca
Corne	Landry, A.	Toomy
Cowen	Landry, E. J.	Ullo
De Blieux	Leithman	Velazquez
D'Gerolamo	Lowe	Vick
Dennery	Martin	Warren
Derbes	Maybuce	Wattigny
Deshotels	Miller	Willis
Drew	Mire	Winchester
Edwards	Morris	Wisham
Elkins	Munson	Zervigon
Fayard	Newton	

Total—107.

NAYS

Delegates—		
Asseff	Hardee	McDaniel
Duval	Lanier	

Total—5.

NOT VOTING

Delegates—		
Anzalone	Dunlap	Kilpatrick
Dennis	Hernandez	Lambert

LeBleu	Perkins	Vesich
Leigh	Rachal	Wall
Mauberret	Reeves	Weiss
Ourso	Riecke	Womack
Perez	Stovall	

Total—20.

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 15, Section 6 was read, as amended.

Delegate Pugh moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

Delegates—	YEAS	
Mr. Chairman	Flory	Newton
Abraham	Fontenot	Nunez
Aertker	Fowler	O'Neill
Alario	Fulco	Planchard
Alexander	Gauthier	Pugh
Arnette	Giarrusso	Rayburn
Avant	Ginn	Roemer
Badeaux	Goldman	Roy
Bel	Graham	Sandoz
Bergeron	Gravel	Schmitt
Blair	Grier	Segura
Bollinger	Guarisco	Shannon
Brien	Hardee	Singletary
Brown	Hayes	Slay
Burns	Haynes	Smith
Burson	Heine	Soniat
Cannon	Jack	Stagg
Carmouche	Jackson, A.	Stephenson
Casey	Jackson, J.	Stinson
Champagne	Jenkins	Sutherland
Chatelain	Jones	Tapper
Chehardy	Juneau	Tate
Comar	Kean	Thistlethwaite
Conino	Kelly	Thompson
Conroy	Kilbourne	Tobias
Corne	Landrum	Toca
Cowen	Landry, A.	Toomy
De Blieux	Landry, E. J.	Uilo
D'Gerolamo	Lanier	Velazquez
Dennery	Leithman	Vick
Derbes	Lowe	Warren
Deshotels	Martin	Wattigny
Drew	Maybuce	Willis
Duval	Miller	Winchester
Edwards	Mire	Wisham
Fayard	Morris	Zervigon

Total—108.

Delegate Asseff
Total—1.

NAYS

NOT VOTING

Delegates—	Reeves
Anzalone	Riecke
Dennis	Stovall
Dunlap	Vesich
Elkins	Wall
Hernandez	Weiss
Kilpatrick	Womack
Lambert	
LeBleu	

Total—23.

And the Chair declared that the above Section was finally passed.

Delegate Pugh moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Juneau the rules were suspended for the purpose of calling a meeting of the Committee on Public Information without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Tuesday, January 15, 1974, at noon recess in the Treaty Room and will consider the following agenda:

AGENDA

To discuss the distribution of the final document.

Respectfully submitted,

PAT JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Graham the rules were suspended in order to call from the Calendar the motion to reconsider the vote by which Committee Proposal No. 15, Section 9, was passed, for the limited purpose of offering an amendment proposed by Delegate Graham.

Reconsideration

On motion of Delegate Graham the vote by which Committee Proposal No. 15, Section 9, was passed, was reconsidered.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Section 9. State Funds.

Section 9. (A) Deposit in State Treasury. All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received:

- (1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise;
- (2) by trade professional associations;
- (3) by the employment security administration fund or its successor;
- (4) by retirement system funds; and
- (5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

(B) Bond Security and Redemption Fund. Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto required otherwise. In each fiscal year an amount is allocated from the bond security and redemption fund sufficient to pay all obligations which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year, including principal, interest, premiums, sinking or reserve fund, and other requirements. Thereafter, except as otherwise provided by law, money remaining in the fund shall be credited to the state general fund.

(C) Exception. Nothing in this Section shall apply to a levee district or political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district or political subdivision.

Delegate Graham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Pugh, Conroy, Graham, A. Jackson, Gravel, Kean, Jones and Dennery to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 6, line 6, in Convention Floor Amendment No. 21 proposed by the Committee on Style and Drafting and adopted by the Convention on January 14, 1974, at the end of line 14 of the text of said amendment delete the word "and", and at the end of line 18 of the text of said amendment delete the period "." and insert the punctuation and word "; and", and insert between lines 18 and 19 of said amendment the following:

"(6) by a state board, agency, or commission, but pledged by it in connection with the issuance of revenue bonds as provided in Paragraph (C) of Section 6 of this Article, other than any surplus as may be defined in the law authorizing such revenue bonds."

On motion of Delegate Graham the amendment was adopted.

Delegate Graham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 15, Section 9 was read, as amended

Delegate Graham moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Nunez
Abraham	Flory	O'Neill
Aertker	Fontenot	Planchard
Alario	Fowler	Pugh
Alexander	Fulco	Rayburn
Anzalone	Gauthier	Reeves
Arnette	Giarrusso	Roemer
Badeaux	Ginn	Roy
Bel	Goldman	Sandoz
Bergeron	Graham	Schmitt
Blair	Gravel	Segura
Bollinger	Grier	Shannon
Brien	Guarisco	Singletary
Brown	Hardee	Slay
Burns	Hayes	Smith
Burson	Jack	Soniat
Cannon	Jackson, A.	Stagg
Carmouche	Jackson, J.	Stephenson
Casey	Jenkins	Stinson
Champagne	Jones	Stovall
Chatelain	Juneau	Sutherland
Chehardy	Kelly	Tate
Comar	Kilbourne	Thistlethwaite
Conino	Kilpatrick	Thompson
Conroy	Landrum	Tobias
Corne	Landry, A.	Toca
Cowen	Landry, E. J.	Toomy
D'Gerolamo	Lanier	Uilo
De Blieux	Leithman	Velazquez
Dennery	Lowe	Vick
Dennis	Martin	Wattigny
Derbes	Mauberret	Willis
Deshotels	Mire	Wisham
Drew	Morris	Zervigon
Duval	Newton	

Total—104.

NAYS

Delegates—	
Asseff	Miller

Total—2.

NOT VOTING

Delegates—		
Avant	Dunlap	Edwards

Fayard	McDaniel	Riecke
Haynes	Maybuce	Tapper
Heine	Munson	Vesich
Hernandez	Ourso	Wall
Kean	Perez	Warren
Lambert	Perkins	Weiss
LeBleu	Rachal	Winchester
Leigh		Womack

Total—26.

And the Chair declared that the above Section was finally passed.

Delegate Graham moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

The Proposal was read, as amended.

Delegate Graham moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Newton
Abraham	Flory	Nunez
Aertker	Fontenot	O'Neill
Alario	Fowler	Planchard
Alexander	Fulco	Pugh
Anzalone	Gauthier	Rayburn
Arnette	Giarrusso	Reeves
Asseff	Ginn	Roemer
Avant	Goldman	Roy
Badeaux	Graham	Sandoz
Bel	Gravel	Schmitt
Bergeron	Grier	Shannon
Blair	Guarisco	Singletary
Bollinger	Hardee	Slay
Brien	Hayes	Smith
Brown	Jack	Soniat
Burns	Jackson, A.	Stagg
Burson	Jackson, J.	Stephenson
Cannon	Jenkins	Stinson
Carmouche	Jones	Stovall
Casey	Juneau	Sutherland
Champagne	Kelly	Tapper
Chatelain	Kilbourne	Tate
Chehardy	Kilpatrick	Thistlethwaite
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	Leithman	Uilo
D'Gerolamo	Lowe	Velazquez
De Blieux	McDaniel	Vick
Dennery	Martin	Warren
Dennis	Mauberret	Wattigny
Derbes	Miller	Willis
Deshotels	Mire	Wisham
Drew	Morris	Zervigon

Total—109.

NAYS

Total—0.

NOT VOTING

Delegates—		
Dunlap	LeBleu	Riecke
Edwards	Leigh	Segura
Fayard	Maybuce	Vesich
Haynes	Munson	Wall
Heine	Ourso	Weiss
Hernandez	Perez	Winchester
Kean	Perkins	Womack
Lambert	Rachal	

Total—23.

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Graham the Proposal was recommitted to the Committee on Style and Drafting.

Motion

On motion of Delegate Derbes, the Convention altered the Order of Business to take up Proposals on Third Reading and Final Passage at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Derbes Delegate Proposal No. 43 was called from the Calendar:

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Read.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Derbes, Dennis, J. Jackson, Pugh, Vesich, Tobias, Henry, Gravel, Tate, A. Jackson, Kelly, Warren, Edwards, Gauthier, Casey, Ginn, Burson, Flory and Ullo to Delegate Proposal No. 43 by Delegate J. Jackson, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 5, add the following:

"Providing for special juvenile procedures.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article ----, Section ----. Special Juvenile Procedures

Section ----. Except for a person fifteen 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 procedures would apply in individual cases."

Point of Order

Delegate A. Jackson suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Chehardy	Graham
Abraham	Comar	Grier
Alexander	Conino	Guarisco
Anzalone	Conroy	Hardee
Arnette	Cowen	Hayes
Asseff	De Blieux	Haynes
Avant	Dennery	Jack
Badeaux	Dennis	Jackson, A.
Bel	Derbes	Jackson, J.
Bergeron	Deshotels	Jenkins
Blair	Drew	Jones
Bollinger	Duval	Juneau
Brien	Elkins	Kean
Brown	Flory	Kelly
Burns	Fontenot	Kilbourne
Burson	Fowler	Kilpatrick
Cannon	Fulco	Lambert
Carmouche	Gauthier	Landrum
Casey	Giarrusso	Landry, A.
Champagne	Ginn	Landry, E. J.
Chatelain	Goldman	Lanier

Leithman	Reeves
Lowe	Roemer
McDaniel	Roy
Martin	Sandoz
Mauberet	Schmitt
Maybuce	Segura
Miller	Singletary
Mire	Slay
Newton	Smith
Nunez	Soniat
Ourso	Stagg
Perez	Stephenson
Perkins	Stovall
Planchar	Sutherland
Pugh	Tapper
Rayburn	Tate

Total—109.

Total—0.

Delegates—

Aertker
Alario
Corne
D'Gerolamo
Dunlap
Edwards
Fayard
Gravel

Total—23.

Heine
Hernandez
LeBleu
Leigh
Morris
Munson
O'Neill
Rachal

Thistlethwaite
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vick
Warren
Wattigny
Willis
Winchester
Wisham
Zervigon

NAYS

NOT VOTING

And the Chairman announced that there were 109 Delegates present and a quorum.

Delegate Derbes moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Deshotels	Newton
Alexander	Duval	Perkins
Anzalone	Flory	Pugh
Asseff	Fulco	Reeves
Avant	Gauthier	Roemer
Badeaux	Giarrusso	Roy
Bel	Ginn	Schmitt
Bergeron	Goldman	Shannon
Blair	Graham	Slay
Bollinger	Gravel	Smith
Brien	Grier	Soniat
Brown	Guarisco	Stagg
Burson	Hardee	Stephenson
Casey	Hayes	Stovall
Champagne	Haynes	Sutherland
Chatelain	Jackson, A.	Tate
Chehardy	Jackson, J.	Thompson
Comar	Jones	Tobias
Conino	Juneau	Toca
Conroy	Kelly	Toomy
Cowen	Kilpatrick	Ullo
D'Gerolamo	Lambert	Velazquez
De Blieux	Landrum	Vick
Dennery	Landry, E. J.	Warren
Dennis	Leithman	Wisham
Derbes	Maybuce	Zervigon

Total—78.

NAYS

Delegates—		
Abraham	Fowler	McDaniel
Arnette	Jack	Martin
Burns	Jenkins	Mauberet
Cannon	Kean	Miller
Carmouche	Kilbourne	Mire
Drew	Landry, A.	Nunez
Elkins	Lanier	O'Neill
Fontenot	Lowe	Ourso

PAGE 17

118th Days Proceedings—January 15, 1974

Perez	Segura	Wattigny
Planchard	Singletary	Willis
Rayburn	Tapper	Winchester
Sandoz	Thistlethwaite	
Total—35.		

NOT VOTING

Delegates—		
Aertker	Hernandez	Riecke
Alario	LeBleu	Stinson
Corne	Leigh	Vesich
Dunlap	Morris	Wall
Edwards	Munson	Weiss
Fayard	Rachal	Womack
Heine		
Total—19.		

And the amendment having received a majority vote of the total membership of the Convention required to add a Section to a Proposal, was passed.

Delegate Derbes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 43, Section -- was read.

Delegate Derbes moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Deshotels	Pugh
Abraham	Flory	Rayburn
Alexander	Fulco	Reeves
Anzalone	Gauthier	Roemer
Asseff	Giarrusso	Roy
Avant	Ginn	Schmitt
Badeaux	Goldman	Segura
Bel	Graham	Singletary
Bergeron	Gravel	Slay
Blair	Grier	Soniat
Bollinger	Guarisco	Stagg
Brien	Hardee	Stephenson
Brown	Hayes	Stovall
Burson	Haynes	Tapper
Casey	Jackson, A.	Tate
Champagne	Jackson, J.	Thompson
Chatelain	Jones	Tobias
Chehardy	Juneau	Toca
Comar	Kelly	Toomy
Conino	Kilpatrick	Ullo
Conroy	Landry, E. J.	Velazquez
Cowen	Leithman	Vick
D'Gerolamo	Maybuce	Warren
De Blieux	Mire	Wattigny
Dennery	Munson	Wisham
Dennis	Newton	Zervigon
Derbes	Perkins	
Total—80.		

NAYS

Delegates—		
Arnette	Jenkins	Nunez
Burns	Kean	Ourso
Cannon	Kilbourne	Perez
Carmouche	Landry, A.	Planchard
Drew	Lanier	Sandoz
Elkins	Lowe	Sutherland
Fontenot	McDaniel	Thistlethwaite
Fowler	Martin	Willis
Heine	Mauberret	Winchester
Jack	Miller	
Total—29.		

NOT VOTING

Delegates—		
Aertker	Corne	Duval
Alario	Dunlap	Edwards

Fayard	Morris	Stinson
Hernandez	O'Neill	Vesich
Lambert	Rachal	Wall
Landrum	Riecke	Weiss
LeBleu	Shannon	Womack
Leigh	Smith	
Total—23.		

And the Chair declared that the above Section was finally passed.

Delegate Derbes moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

The Proposal was read, as amended.

Delegate Derbes moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Perkins
Abraham	Fontenot	Pugh
Alexander	Fowler	Rayburn
Anzalone	Fulco	Reeves
Arnette	Gauthier	Roemer
Asseff	Giarrusso	Roy
Avant	Ginn	Sandoz
Badeaux	Goldman	Schmitt
Bel	Graham	Segura
Bergeron	Gravel	Singletary
Blair	Grier	Slay
Bollinger	Guarisco	Smith
Brien	Hardee	Soniat
Brown	Hayes	Stagg
Burns	Haynes	Stephenson
Burson	Jackson, A.	Stovall
Carmouche	Jackson, J.	Sutherland
Casey	Jones	Tapper
Champagne	Juneau	Tate
Chatelain	Kelly	Thompson
Chehardy	Kilpatrick	Tobias
Comar	Lambert	Toca
Conino	Landry, A.	Toomy
Conroy	Landry, E. J.	Ullo
Corne	Lanier	Velazquez
Cowen	Leithman	Vick
D'Gerolamo	Martin	Warren
De Blieux	Mauberret	Wattigny
Dennery	Maybuce	Willis
Dennis	Miller	Winchester
Derbes	Mire	Wisham
Deshotels	Munson	Zervigon
Elkins	Newton	
Total—98.		

NAYS

Delegates—		
Cannon	Kilbourne	Perez
Heine	Lowe	Planchard
Jack	Nunez	Stinson
Jenkins	Ourso	Thistlethwaite
Kean		
Total—13.		

NOT VOTING

Delegates—		
Aertker	Hernandez	Rachal
Alario	Landrum	Riecke
Drew	LeBleu	Shannon
Dunlap	Leigh	Vesich
Duval	McDaniel	Wall
Edwards	Morris	Weiss
Fayard	O'Neill	Womack
Total—21.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Gravel, the Convention altered the Order of Business to take up Proposals on Calendar for Approval of Final Styling at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

Motion

On motion of Delegate Gravel Committee Proposal No. 4 was called from the Calendar.

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 4 was passed, was reconsidered.

Motion

On motion of Delegate Burson the rules were suspended in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 4, Section 1, for the limited purpose of offering an amendment proposed by Delegate Gravel et al.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 4, Section 1, was passed, was reconsidered.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Gravel, Pugh, Graham and A. Jackson to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 23, after the word and punctuation "departments." add the following sentence:

"The powers, functions, and duties allocated by this constitution to any executive office or commission shall not be affected or diminished by the allocation provided herein except as authorized by Section 22 of this Article."

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 4, Section 1 was read, as amended.

Delegate Burson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

- Mr. Chairman
- Abraham
- Alexander
- Anzalone
- Arnette
- Asseff
- Avant
- Badeaux
- Bel
- Bergeron
- Blair
- Bollinger
- Brien
- Brown
- Burns
- Burson
- Cannon
- Carmouche
- Casey
- Champagne
- Chatelain
- Chehardy
- Comar
- Conino
- Conroy
- Corne
- Cowen
- D'Gerolamo
- De Blieux
- Dennis
- Deshotels
- Drew
- Duval
- Elkins
- Flory
- Fontenot
- Total—106.

- Fowler
- Fulco
- Gauthier
- Ginn
- Goldman
- Graham
- Gravel
- Grier
- Guarisco
- Hardee
- Hayes
- Haynes
- Heine
- Jack
- Jackson, A.
- Jenkins
- Jones
- Juenau
- Kean
- Kelly
- Kilbourne
- Kilpatrick
- Lambert
- Landry, A.
- Landry, E. J.
- Lanier
- Leithman
- Lowe
- McDaniel
- Martin
- Miller
- Mire
- Newton
- Nunez
- Ourso
- Perez

- Perkins
- Planchard
- Pugh
- Rayburn
- Reeves
- Roemer
- Roy
- Sandoz
- Schmitt
- Segura
- Singletary
- Slay
- Smith
- Soniat
- Stagg
- Stephenson
- Stinson
- Stovall
- Sutherland
- Tapper
- Thistlethwaite
- Thompson
- Tobias
- Toca
- Toomy
- Ullio
- Velazquez
- Vick
- Warren
- Wattigny
- Willis
- Winchester
- Wisham
- Zervigon

Total—0.

NAYS

NOT VOTING

Delegates—

- Aertker
- Alario
- Dennery
- Derbes
- Dunlap
- Edwards
- Fayard
- Giarrusso
- Hernandez
- Total—26.

- Jackson, J.
- Landrum
- LeBleu
- Leigh
- Mauberrert
- Maybuce
- Morris
- Munson
- O'Neill

- Rachal
- Riecke
- Shannon
- Tate
- Vesich
- Wall
- Weiss
- Womack

And the Chair declared that the above Section was finally passed.

Delegate Burson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Burson the rules were suspended in order to call from the table the motion to reconsider to reconsider the vote by which Committee Proposal No. 4, Section 8, for the limited purpose of offering an amendment proposed by Delegate Gravel, et al.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 4, Section 8, was passed, was reconsidered.

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment,

Read.

Section 8. Powers and Duties of the Attorney General

Section 8. There shall be a department of justice, headed by the attorney general who 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 legal actions or other proceedings, civil or criminal;
- (2) exercise supervision over the several district attorneys throughout the state; and
- (3) for cause, supersede any attorney representing the state in any civil or criminal proceeding.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Read.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Gravel, Pugh, Graham, and A. Jackson to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 22, 23 and 24 in their entirety and all amendments thereto and insert in lieu thereof the following:

"Section 8. Department of Justice

Section 8. (A) There shall be a Department of Justice, headed by the attorney general, who shall be the state's chief legal officer. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

(B) As may be necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority

- (1) to institute, prosecute, or intervene in any civil action or proceeding;
- (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case;
- (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review,
 - (a) to institute, prosecute, or intervene in any criminal action or proceeding, or
 - (b) to supersede any attorney representing the state in any civil or criminal action.

(C) The attorney general shall exercise such other powers and perform such other duties as may be authorized by this constitution or by law.

Delegate Burson moved the adoption of the amendment.

Delegate Vick objected.

By a vote of 104 yeas and 5 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 4, Section 8 was read, as amended.

Delegate Burson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Avant	Bollinger
Abraham	Badeaux	Brien
Alexander	Bel	Brown
Anzalone	Bergeron	Burns
Arnette	Blair	Burson

Cannon	Haynes	Perkins
Carmouche	Heine	Planchard
Casey	Jack	Pugh
Champagne	Jackson, A.	Rayburn
Chehardy	Jackson, J.	Reeves
Comar	Jenkins	Roemer
Conino	Juneau	Roy
Conroy	Kean	Sandoz
Cowen	Kelly	Schmitt
D'Gerolamo	Kilbourne	Segura
De Blieux	Kilpatrick	Singletary
Dennery	Lambert	Slay
Dennis	Landrum	Smith
Deshotels	Landry, A.	Soniat
Drew	Landry, E. J.	Stagg
Duval	Lanier	Stephenson
Elkins	Leithman	Tapper
Flory	Lowe	Thistlethwaite
Fontenot	McDaniel	Thompson
Fowler	Martin	Tobias
Fulco	Mauberret	Toa
Gauthier	Maybuce	Toomy
Ginn	Miller	Ullo
Goldman	Mire	Velazquez
Graham	Morris	Wattigny
Gravel	Newton	Willis
Grier	Nunez	Winchester
Hardee	Ourso	Wisham
Hayes	Perez	Zervigon
Total—102.		

NAYS

Delegates—		
Asseff	Stinson	Warren
Guarisco	Sutherland	
Jones	Vick	
Total—7.		

NOT VOTING

Delegates—		
Aertker	Giarrusso	Shannon
Alario	Hernandez	Stovall
Chatelain	LeBleu	Tate
Corne	Leigh	Vesich
Derbes	Munson	Wall
Dunlap	O'Neill	Weiss
Edwards	Rachal	Womack
Fayard	Riecke	
Total—23.		

And the Chair declared that the above Section was finally passed.

Delegate Burson moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

The Proposal was read, as amended.

Delegate Burson moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Comar	Graham
Abraham	Conino	Gravel
Alexander	Conroy	Grier
Anzalone	Corne	Guarisco
Arnette	Cowen	Hardee
Avant	D'Gerolamo	Hayes
Badeaux	De Blieux	Heine
Bel	Dennery	Jack
Bergeron	Dennis	Jackson, A.
Blair	Deshotels	Jackson, J.
Bollinger	Drew	Jenkins
Brien	Duval	Juneau
Brown	Elkins	Kean
Burns	Flory	Kelly
Burson	Fontenot	Kilpatrick
Cannon	Fowler	Lambert
Carmouche	Fulco	Landrum
Casey	Gauthier	Landry, A.
Champagne	Ginn	Landry, E. J.
Chatelain	Goldman	Lanier

Leithman	Pugh	Stovall
Lowe	Rayburn	Tapper
McDaniel	Reeves	Thistlethwaite
Martin	Roemer	Thompson
Maubernet	Roy	Tobias
Maybuce	Sandoz	Toca
Miller	Schmitt	Toomy
Mire	Segura	Ullc
Morris	Singletary	Velazquez
Newton	Slay	Warren
Nunez	Smith	Wattigny
Orso	Soniat	Willis
Perez	Stagg	Winchester
Perkins	Stephenson	Wisham
Planchard	Stinson	Zervigon

Total—105.

NAYS

Delegates—		
Asseff	Sutherland	Vick
Jones		

Total—4.

NOT VOTING

Delegates—		
Aertker	Haynes	Riecke
Alario	Hernandez	Shannon
Chehardy	Kilbourne	Tate
Derbes	LeBleu	Vesich
Dunlap	Leigh	Wall
Edwards	Munson	Weiss
Fayard	O'Neill	Womack
Giarrusso	Rachal	

Total—23.

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Tobias the Proposal was returned to the Calendar, subject to call.

Motion

On motion of Delegate Burson the rules were suspended in order to discharge Committee Proposal No. 21 from the Committee on Style and Drafting.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 21 was passed, was reconsidered.

Motion

On motion of Delegate Burson the rules were suspended in order to call from the table the motion to reconsider to reconsider the vote by which Committee Proposal No. 21, Section 25, for the limited purpose of offering an amendment proposed by Delegate Gravel, et al.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 21, Section 25, was passed was reconsidered.

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Orso, Sandoz, Tate, and Vesich: A Substitute for Committee Proposal No. 6:

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Read.

AMENDMENT No. 24—

On page 7, delete lines 30 through 35, both inclusive in their entirety and on page 8, delete lines 1 through 35, both

inclusive, in their entirety and on page 9, delete lines 1 thereof the following:

through 3, inclusive, in their entirety and insert in lieu "Section 24. Judiciary Commission

Section 24. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges' Association or its successor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law."

Read.

Delegate Henry sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Gravel, Pugh, Graham and A. Jackson to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend final enrollment proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 24 through 30, both inclusive, in their entirety, and renumber the succeeding sections in conformity therewith.

Delegate Burson moved the adoption of the amendment.

Delegate Jones objected.

By a vote of 102 yeas and 2 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Burson the rules were suspended in order to call from the table the motion to reconsider to reconsider the vote by which Committee Proposal No. 21, Section 26, for the limited purpose of offering amendments proposed by Delegate Gravel, et al.

Reconsideration

On motion of Delegate Burson the vote by which Committee Proposal No. 21, Section 26, was passed, was reconsidered.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Gravel, Pugh, Graham and A. Jackson to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend Final Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 31 through 34, both inclusive, in their entirety, and on page 9, delete lines 1 through 10, both inclusive, in their entirety, and renumber the succeeding sections in conformity therewith

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Burson moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Newton
Abraham	Fowler	Nunez
Alario	Fulco	Ourso
Alexander	Giarrusso	Perez
Anzalone	Ginn	Perkins
Arnette	Goldman	Planchard
Asseff	Graham	Pugh
Avant	Gravel	Rayburn
Badeaux	Grier	Reeves
Bel	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Haynes	Schmitt
Brien	Heine	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Juneau	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Conino	Lambert	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	Leithman	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Warren
Dennis	Martin	Wattigny
Deshotels	Mauberret	Willis
Drew	Maybuce	Winchester
Duval	Miller	Wisham
Elkins	Morris	Womack
Flory	Munson	Zervigon
Total—105.		

NAYS

Delegates—	
Jones	Vick
Total—2.	

NOT VOTING

Delegates—		
Aertker	Edwards	Landrum
Chehardy	Fayard	LeBleu
Comar	Gauthier	Leigh
Derbes	Hernandez	Mire
Dunlap	Kean	O'Neill

Rachal	Tapper	Wall
Riecke	Tate	Weiss
Segura	Thistlethwaite	
Shannon	Vesich	
Total—25.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

Delegate Graham moved for a suspension of the rules for the purpose of discharging Committee Proposal No. 26 from the Committee on Style and Drafting.

Delegate Perez objected.

By a vote of 85 yeas and 20 nays the rules were suspended.

Reconsideration

Delegate Graham moved to reconsider the vote by which Committee Proposal No. 26 was passed.

Delegate Perez objected.

By a vote of 73 yeas and 22 nays, the vote by which Committee Proposal No. 26 was passed was reconsidered.

Motion

Delegate Graham moved for a suspension of the rules in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 26, Section 4, was passed, for the limited purpose of offering an amendment proposed by Delegate Graham.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Morris
Abraham	Fulco	Munson
Alexander	Goldman	Newton
Badeaux	Graham	O'Neill
Bergeron	Gravel	Planchard
Bollinger	Guarisco	Pugh
Brien	Hayes	Roy
Brown	Haynes	Sandoz
Burson	Heine	Segura
Cannon	Jackson, A.	Slay
Casey	Jackson, J.	Smith
Champagne	Jenkins	Stagg
Chatelain	Jones	Stovall
Chehardy	Juneau	Tapper
Comar	Kean	Tate
Conino	Kelly	Thistlethwaite
Conroy	Kilpatrick	Tobias
Corne	Landrum	Toca
D'Gerolamo	Landry, A.	Ullo
De Blieux	Lanier	Velazquez
Dennery	Leithman	Vick
Drew	Lowe	Wattigny
Duval	Maybuce	Womack
Fontenot	Mire	
Total—71.		

NAYS

Delegates—		
Anzalone	Gauthier	Roemer
Arnette	Grier	Schmitt
Asseff	Hardee	Singletary
Avant	Kilbourne	Stinson
Bel	Landry, E. J.	Sutherland
Blair	McDaniel	Thompson
Burns	Mauberret	Toomy
Carmouche	Miller	Warren
Cowen	Nunez	Willis
Deshotels	Perez	Winchester
Elkins	Perkins	Wisham
Fayard	Rayburn	Zervigon
Flory		
Total—37.		

NOT VOTING

Delegates—		
Aertker	Hernandez	Reeves
Alario	Jack	Riecke
Dennis	Lambert	Shannon
Derbes	LeBleu	Soniat
Dunlap	Leigh	Stephenson
Edwards	Martin	Vesich
Giarrusso	Ourso	Wall
Ginn	Rachal	Weiss
Total—24.		

Reconsideration

On motion of Delegate Graham the vote by which Committee Proposal No. 26, Section 4 was passed, was reconsidered.

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 4. No Impairment of Existing Taxes or Obligations

Section 4. The provisions of Article XI, Section 2, in no way shall be construed or applied in such a manner as to: (a) invalidate taxes authorized and imposed prior to the adoption of this constitution; or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the adoption of this constitution.

Read.

Delegate Graham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Pugh, Gravel, Graham, and A. Jackson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 5, line 13, after the word and punctuation "contrary," delete the remainder of the line and delete lines 14 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"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, deem 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.

All property exempted shall be listed on the assessment rolls and be submitted to the Louisiana Tax Commission or its successor, but no taxes shall be collected thereon during the period of exemption."

On motion of Delegate Graham the amendment was withdrawn.

Committee Proposal No. 26, Section 4 was read.

Delegate Graham moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenet	Perkins
Mr. Chairman	Fowler	Planchard
Alexander	Fulco	Pugh
Anzalone	Gauthier	Rayburn
Arnette	Ginn	Reeves
Asseff	Goldman	Roemer
Avant	Graham	Roy
Badeaux	Gravel	Sandoz
Bel	Grier	Schmitt
Bergeron	Guarisco	Segura
Blair	Hardee	Singletary
Bollinger	Hayes	Slay
Brien	Haynes	Smith
Brown	Jackson, J.	Soniat
Burns	Jenkins	Stagg
Burson	Juneau	Stephenson
Cannon	Kelly	Stinson
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Landrum	Tate
Chebardy	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	Leithman	Toca
Cowen	McDaniel	Toomy
D'Gerolamo	Mauberret	Ullo
De Blieux	Maybuce	Velazquez
Dennery	Mire	Wattigny
Dennis	Munson	Willis
Deshotels	Newton	Winchester
Drew	Nunez	Wisham
Elkins	O'Neill	Womack
Fayard	Perez	Zervigon
Flory		
Total—99.		

NAYS

Delegates—	Duval	Jones
Abraham		
Total—3.		

NOT VOTING

Delegates—	Jack	Ourso
Aertker	Jackson, A.	Rachal
Alario	Kean	Riecke
Carmouche	Lambert	Shannon
Comar	LeBleu	Tapper
Derbes	Leigh	Vesich
Dunlap	Lowe	Vick
Edwards	Martin	Wall
Giarrusso	Miller	Warren
Heine	Morris	Weiss
Hernandez		
Total—30.		

And the Chair declared that the above Section was finally passed.

Delegate Graham moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Graham moved for a suspension of the rules in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 26, Section 4, was passed for the limited purpose of offering an amendment proposed by Delegate Graham.

Delegate Perez objected.

As a substitute motion Delegate Nunez moved for a suspension of the rules in order to allow any amendment to be offered to the proposal.

The vote recurred on the substitute motion.

By a vote of 19 yeas and 75 nays the Convention refused to suspend the rules at this time.

Delegate Graham insisted upon his original motion for a suspension of the rules.

By a vote of 78 yeas and 21 nays the rules were suspended.

Reconsideration

On motion of Delegate Graham the vote by which Committee Proposal No. 26, Section 4, was passed, was reconsidered.

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 4. No Impairment of Existing Taxes or Obligations

Section 4. The provisions of Article XI, Section 2, in no way shall be construed or applied in such a manner as to: (a) invalidate taxes authorized and imposed prior to the adoption of this constitution; or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the adoption of this constitution.

Read.

Delegate Henry sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Pugh, Gravel, Graham and A. Jackson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 6, line 5, after the word and punctuation "Section," delete the remainder of the line and delete lines 6 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"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, deem 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.

All property exempted shall be listed on the assessment rolls and be 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 to matter which already has gone through some artificial process."

Delegate Graham moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bel	Brown
Abraham	Bergeron	Burns
Alexander	Bollinger	Eurson
Avant	Brien	Cannon

Casey	Gravel	Planchard
Champagne	Guarisco	Pugh
Chatelain	Hayes	Reeves
Chehardy	Haynes	Roy
Comar	Jackson, A.	Sandoz
Conino	Jackson, J.	Segura
Conroy	Jenkins	Singletary
Corne	Jones	Slay
D'Gerolamo	Juneau	Smith
De Blieux	Kean	Soniat
Dennery	Kelly	Stagg
Dennis	Kilpatrick	Stovall
Duval	Landry, A.	Tate
Flory	Leithman	Thistlethwaite
Fontenot	Martin	Thompson
Fowler	Maybuce	Tobias
Fulco	Mire	Wattigny
Ginn	Munson	Wisham
Goldman	Newton	Womack
Graham	O'Neill	
Total—71.		

NAYS

Delegates—		
Anzalone	Kilbourne	Roemer
Arnette	Landrum	Schmitt
Asseff	Landry, E. J.	Stephenson
Badeaux	Lanier	Stinson
Cowen	McDaniel	Sutherland
Deshotels	Mauberret	Toca
Drew	Miller	Toomy
Elkins	Morris	Ullo
Fayard	Nunez	Velazquez
Gauthier	Ourso	Warren
Grier	Perez	Willis
Hardee	Perkins	Winchester
Heine	Rayburn	Zervigon
Total—39.		

NOT VOTING

Delegates—		
Aertker	Hernandez	Riecke
Alario	Jack	Shannon
Blair	Lambert	Tapper
Carmouche	LeBleu	Vesich
Derbes	Leigh	Vick
Dunlap	Lowe	Wall
Edwards	Rachal	Weiss
Giarrusso		
Total—22.		

And the amendment was adopted.

Delegate Graham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Nunez moved for a suspension of the rules in order to offer further amendments to the Proposal.

Delegate Graham objected.

By a vote of 57 yeas and 53 nays the Convention refused to suspend the rules at this time.

Passage

Committee Proposal No. 26, Section 4 was read, as amended.

Delegate Graham moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Burns	D'Gerolamo
Abraham	Cannon	De Blieux
Alexander	Casey	Dennery
Avant	Champagne	Dennis
Arnette	Chatelain	Deshotels
Bel	Chehardy	Flory
Bergeron	Comar	Fontenot
Blair	Conroy	Fowler
Bollinger	Corne	Fulco
Brien	Cowen	Ginn

Goldman	Landry, A.	Singletary
Graham	Lanier	Slay
Gravel	Leithman	Smith
Guarisco	Martin	Soniat
Hardee	Maybuce	Stagg
Hayes	Mire	Stephenson
Haynes	Munson	Stovall
Jackson, A.	Newton	Tate
Jackson, J.	O'Neill	Thistlethwaite
Jenkins	Planchard	Thompson
Jones	Pugh	Tobias
Juneau	Rayburn	Toca
Kean	Reeves	Ullo
Kelly	Roy	Wattigny
Kilpatrick	Sandoz	Wisham
Landrum	Segura	Womack
Total—78.		

NAYS

Delegates—		
Anzalone	Gauthier	Perkins
Asseff	Grier	Roemer
Badeaux	Heine	Schmitt
Brown	Kilbourne	Sutherland
Burson	Landry, E. J.	Toomy
Conino	Mauberret	Velazquez
Drew	Miller	Warren
Duval	Morris	Willis
Elkins	Ourso	Winchester
Fayard	Perez	Zervigon
Total—30.		

NOT VOTING

Delegates—		
Aertker	Jack	Riecke
Alario	Lambert	Shannon
Carmouche	LeBleu	Stinson
Derbes	Leigh	Tapper
Dunlap	Lowe	Vesich
Edwards	McDaniel	Vick
Giarrusso	Nunez	Wall
Hernandez	Rachal	Weiss
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Graham moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Graham moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Chehardy	Fulco
Abraham	Comar	Gauthier
Alexander	Conino	Ginn
Arnette	Conroy	Goldman
Avant	Corne	Graham
Badeaux	Cowen	Gravel
Bel	D'Gerolamo	Grier
Bergeron	De Blieux	Guarisco
Blair	Dennery	Hardee
Bollinger	Dennis	Hayes
Brien	Deshotels	Haynes
Brown	Drew	Heine
Burns	Duval	Jackson, A.
Burson	Elkins	Jackson, J.
Cannon	Fayard	Jenkins
Casey	Flory	Jones
Champagne	Fontenot	Juneau
Chatelain	Fowler	Kean

Kelly	O'Neill	Sutherland
Kilpatrick	Perez	Tate
Landrum	Planchard	Thistlethwaite
Landry, A.	Pugh	Thompson
Lanier	Rayburn	Tobias
LeBleu	Reeves	Toca
Leithman	Roy	Toomy
McDaniel	Sandoz	Ullo
Martin	Segura	Wattigny
Mauberret	Singletary	Willis
Maybuce	Slay	Winchester
Mire	Smith	Wisham
Morris	Soniat	Womack
Munson	Stagg	Zervigon
Newton	Stephenson	
Nunez	Stovall	
Total—100.		

NAYS

Delegates—		
Anzalone	Miller	Schmitt
Asseff	Ourso	Velazquez
Kilbourne	Perkins	Warren
Landry, E. J.	Roemer	
Total—11.		

NOT VOTING

Delegates—		
Aertker	Hernandez	Shannon
Alario	Jack	Stinson
Carmouche	Lambert	Tapper
Derbes	Leigh	Vesich
Dunlap	Lowe	Vick
Edwards	Rachal	Wall
Giarrusso	Riecke	Weiss
Total—21.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

Delegate Graham moved that the vote by which Committee Proposal No. 26 was passed, be reconsidered.

Delegate Roy objected.

By a vote of 54 yeas and 50 nays the Convention reconsidered the vote by which Committee Proposal No. 26 was passed.

Motion

Delegate Nunez moved for a suspension of the rules in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 26, Section 4, was passed for the limited purpose of offering an amendment proposed by Delegate Nunez.

Delegate Rayburn objected.

By a vote of 54 yeas and 44 nays the convention refused to suspend the rules at this time.

Passage

The Proposal was read, as amended.

Delegate Rayburn moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Brien	Conino
Abraham	Brown	Conroy
Alexander	Burns	D'Gerolamo
Arnette	Burson	De Blieux
Avant	Cannon	Dennery
Badeaux	Casey	Dennis
Bel	Champagne	Deshotels
Bergeron	Chatelain	Drew
Blair	Chehardy	Duval
Bollinger	Comar	Elkins

Fayard	Landry, E. J.	Segura
Flory	Lanier	Singletary
Fontenet	Leithman	Slay
Fowler	McDaniel	Smith
Fulco	Martin	Soniat
Gauthier	Mauberrert	Stagg
Ginn	Maybuce	Stephenson
Goldman	Mire	Stovall
Graham	Morris	Tate
Gravel	Munson	Thistlethwaite
Grier	Newton	Thompson
Guarisco	Nunez	Toca
Hayes	O'Neill	Toomy
Haynes	Perez	Ullio
Jackson, A.	Planchard	Vick
Jackson, J.	Pugh	Wattigny
Jones	Rayburn	Willis
Kean	Reeves	Winchester
Kelly	Roemer	Wisham
Kilpatrick	Roy	Womack
Landry, A.	Sandoz	
Total—92.		

NAYS

Delegates—		
Anzalone	Perkins	Velazquez
Asseff	Schmitt	Warren
Kilbourne	Stinson	Zervigon
Miller	Sutherland	
Total—11.		

NOT VOTING

Delegates—		
Aertker	Heine	Ourso
Alario	Hernandez	Rachal
Carmouche	Jack	Riecke
Corne	Jenkins	Shannon
Cowen	Juneau	Tapper
Derbes	Lambert	Tobias
Dunlap	Landrum	Vesich
Edwards	LeBleu	Wall
Giarrusso	Leigh	Weiss
Hardee	Low	
Total—29.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Graham Committee Proposal No. 26 was recommitted to the Committee on Style and Drafting.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Proposals on Calendar for Approval of Final Styling, at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

Motion

On motion of Delegate Tate Committee Proposal No. 4 was called from the Calendar.

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the

filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

AMENDMENT No. 46—

Delete Amendments Nos. 4, 5, 6, 7, and 21 proposed by the Committee on Style and Drafting and adopted by the convention on this date and reinsert the text of amendments Nos. 4, 5, 6, and 7 at the end of CP No. 35 and renumber Sections 2, 3, and 4 contained in amendments Nos. 4, 5, 6, and 7 as follows:

Section 2	Section 12
Section 3	Section 13
Section 4	Section 14

Read.

On motion of Delegate Tate the amendment was withdrawn.

AMENDMENT No. 47—

On page 1, line 13, delete Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted by the convention this date, and insert in lieu thereof the following:

“Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.”

Read.

On motion of Delegate Tate the amendment was withdrawn.

Motion

On motion of Delegate A. Landry, the Convention altered the Order of Business to take up Introduction of Alternative Proposals at this time.

Introduction of Alternative Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullio, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 99—

Introduced by Delegates Vick, Abraham, Aertker, Alexander, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bollinger, Brown, Carmouche, Casey, DeBlieux, Dennery, Dennis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman, Grier, Guarisco, Hardee, Haynes, A. Jackson, J. Jackson, Jones, Juneau, Landrum, A. Landry, E. J. Landry, Leithman, McDaniel, Maybuce, Miller, Riecke, Roemer, Roy, Sandoz, Schmitt, Shannon, Singletary, Soniat, Stagg, Stovall, Sutherland, Tapper, Thistlethwaite, Tobias, Velazquez, Warren, Wisham and Zervigon:

A PROPOSAL

To provide with respect to an alternative provision relative to the Judicial Branch.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 100—

Introduced by Delegates McDaniel, Elkins, Goldman, O'Neill, Asseff, Cowen, Gauthier, Champagne, Avant, Bel, Grier, Drew, Shannon, Ullo, Leigh, Bollinger, Sutherland, Sandoz, A. Landry, Aertker, Hardee, Brown, Perkins, Hernandez, Smith, Alario, Fontenot, Winchester, Miller, Jones, Zervigon, Roemer, Fulco, Henry, Planchar, E. J. Landry, Arnette, Velazquez, Schmitt, Cannon, Leithman, LeBleu and Singletary:

A PROPOSAL

To provide with respect to an alternative provision relative to the Executive Branch prohibiting a person elected as governor from being his own immediate successor.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 101—

Introduced by Delegates Stagg, Roemer, Smith, Sutherland, Asseff, Casey, Abraham, Zervigon, Aleaxander, Kean, Fulco, Bollinger, Bel, Dennery, Duval, Thistlethwaite, De Blieux, Sandoz, Velazquez, Jones, Conroy, J. Jackson, Drew, Hardee, Grier, Elkins, Dennis, Champagne, A. Landry, Miller, Kilbourne, Warren, Vick, Jack, A. Jackson, Newton, Derbes, Schmitt, Lanier and Shannon:

A PROPOSAL

To provide with respect to an alternative provision relative to Revenue and Finance.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 102—

Introduced by Delegates Vick, Abraham, Aertker, Alexander, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bollinger, Brown, Carmouche, Casey, De Blieux, Dennery, Dennis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman, Grier, Guarisco, Hardee, Haynes, A.Jackson, J.Jackson, Jones, Juneau, Landrum, A.Landry, E.J. Landry, Leithman, McDaniel, Maybuce, Miller, Riecke, Roemer, Roy, Sandoz, Schmitt, Shannon, Singletary, Soniat, Stagg, Stovall, Sutherland, Tapper, Thistlethwaite, Tobias, Velazquez, Warren, Wisham and Zervigon:

A PROPOSAL

To provide with respect to an alternative provision relative to the Judicial Branch.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 103—

Introduced by Delegates Elkins, Grier, Toca, Flory, Asseff, Weiss, Cowen, Vick, Jones, E. J. Landry, Carmouche, Hardee, Winchester, Pugh, Dennis, Planchar, Conroy, Wisham, Anzalone, Morris, Goldman, Smith, Conino, Willis, Heine, Tobias, Segura, Ullo, Guarisco, Cannon, Deshotels and Kilbourne:

A PROPOSAL

To provide with respect to an alternative provision relative to the Legislative Branch

Read.

Lies over under the rules.

Motion

On motion of Delegate Zervigon the rules were suspended in order to allow the introduction of a Committee Proposal.

Introduction of Proposals

The following named committees introduced the following entitled Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Del-

egates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Read.

Lies over under the rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly re-enrolled in final form:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchar, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. REVENUE AND FINANCE

Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided by this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax, an increase in an existing tax, or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of the elected members of each house of the legislature.

Section 3. Collection of Taxes

Section 3. The legislature shall prohibit the issuance of process to restrain the collection of any tax. It shall provide a complete and adequate remedy for the prompt recovery of an illegal tax paid by a taxpayer.

Section 4. Income Tax; Severance Tax; Political Subdivisions

Section 4. (A) Income Tax. Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the state individual and joint income tax schedule of rates shall never exceed the rates set forth in Title 47, Section 32 of the Louisiana Revised Statutes on January 1, 1974. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes for the same period.

(B) Severance Tax. Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation. Such 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. No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land.

(C) Severance Tax; Political Subdivisions. A political subdivision of the state shall not levy a severance tax, income tax, or tax on motor fuel.

(D) Severance Tax Allocation. One-third of the sulphur

severance tax, but not to exceed one hundred thousand dollars; one-fifth of the severance tax on all natural resources, other than sulphur or timber, but not to exceed five hundred thousand dollars; and three-fourths of the timber severance tax shall be remitted to the governing authority of the parish in which 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.

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.

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 by law enacted by two-thirds of the elected members of each house of the legislature. The debt may be incurred or the bonds issued only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or a lower effective interest rate; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) Capital Improvements. If the purpose is to make capital improvements, the nature and location and, if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(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 the provisions of this Section.

(D) Referendum. The legislature, by law enacted by two-thirds of the elected members of each house, may propose a statewide public referendum to authorize incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

(E) Exception. Nothing in this Section shall apply to any levee district, political subdivision, or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district, political subdivisions, or local public agency.

Section 7. State Debt; Interim Emergency Board

Section 7. (A) Composition. The Interim Emergency Board is created. It shall be composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of

the legislature, chairman of the Senate Finance Committee, and chairman of the House Appropriations Committee, or their designees.

(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 made or the indebtedness incurred only for a purpose for which the legislature may appropriate funds and then only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature. For the purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated by the legislature.

(C) Limits. The aggregate of indebtedness outstanding at any one time and the amount appropriated from the state general fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Allocation. An amount sufficient to pay indebtedness incurred during the preceding fiscal year under the authority of this Section is allocated, as a first priority, each year from the state general fund.

Section 8. State Bond Commission

Section 8. (A) Creation. The State Bond Commission is created. Its membership and authority shall be determined by law.

(B) Approval of Bonds. No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained.

(C) Contesting State Bonds. Bonds, notes, certificates, or other evidences of indebtedness of the state (hereafter referred to as "bonds") shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state, as provided by law, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in interest may contest the legality of the resolution, any provision of the bonds to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

Section 9. State Funds

Section 9. (A) Deposit in State Treasury. All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received:

(1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise;

(2) by trade or professional associations;

(3) by the employment security administration fund or its successor;

(4) by retirement system funds;

(5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce; and

(6) by a state board, agency, or commission, but pledged by it in connection with the issuance of revenue bonds as provided in Paragraph (C) of Section 6 of this Article, other than any surplus as may be defined in the law authorizing such revenue bonds.

(B) Bond Security and Redemption Fund. Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise. In each fiscal year an amount is allocated from the bond security and redemption

fund sufficient to pay all obligations which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year, including principal, interest, premiums, sinking or reserve fund, and other requirements. Thereafter, except as otherwise provided by law, money remaining in the fund shall be credited to the state general fund.

(C) Exception. Nothing in this Section shall apply to a levee district or political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district or political subdivision.

Section 10. Expenditure of State Funds

Section 10. (A) Appropriations. Except as otherwise provided by this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law.

(B) Balanced Budget. Total appropriations by the legislature for any fiscal year shall not exceed anticipated state revenues for that fiscal year.

(C) Publication. The legislature shall have published a regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(D) Public Purpose. No appropriation shall be made except for a public purpose.

Section 11. Budgets

Section 11. (A) Operating Budget. 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. He shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures and, if necessary, a bill or bills to raise additional revenues.

(B) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and request implementation of the first year of the program. Capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget, which shall be adopted by the legislature.

Section 12. Reports and Records

Section 12. Reports and records of the collection, expenditure, investment, and use of state money and those relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining to those returns.

Section 13. Investment of State Funds

Section 13. All money in the custody of the state treasurer which is available for investment shall be invested as provided by law.

Section 14. Donation, Loan, or Pledge of Public Credit

Section 14. (A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise.

(B) Authorized Uses. Nothing in this Section shall prevent

(1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; or (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law.

(C) Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual.

(D) Prior Obligations. Funds, credit, property, or things of value of the state or of a political subdivision heretofore loaned, pledged, dedicated, or granted by prior state law or authorized to be loaned, pledged, dedicated, or granted by the prior laws and constitution of this state shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless the authorization is revoked by law enacted by two-thirds of

the elected members of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section.

Section 15. Release of Obligations to State, Parish, or Municipality

Section 15. (A) Release. The legislature shall have no power to release, extinguish, or authorize the releasing or extinguishing of any indebtedness, liability, or obligation of a corporation or individual to the state, a parish, or a municipality. However, the legislature, by law, may establish a system under which claims by the state or a political subdivision may be compromised, and may provide for the release of heirs to confiscated property from taxes due thereon at the date of its reversion to them.

(B) Exception. Whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication.

Section 16. Taxes; Prescription

Section 16. (A) Prescription. Taxes, except real property taxes, and licenses shall prescribe in three years after the thirty-first day of December in the year in which they are due, but prescription may be interrupted or suspended as provided by law.

(B) Tidelands. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December in the year in which the controversy is finally resolved and settled.

Section 17. Legislation to Obtain Federal Aid

Section 17. The legislature may enact laws to enable the state, its agencies, boards, commissions, and political subdivisions and their agencies to comply with federal laws and regulations in order to secure federal participation in funding capital improvement projects.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:
I submit the following report:

That the following Delegate Proposal has been properly enrolled:

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, Gauthier, Gravel, A. Jackson, Pugh, Roy, Stovall and Warren:

A PROPOSAL

Providing for special juvenile procedures.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article ----, Section ----. Special Juvenile Procedures
 Section ----. Except for a person fifteen 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 procedures would apply in individual cases.

Respectfully submitted,
MOISE W. DENNERY
 Secretary

Under the rules, referred to the Committee on Style and drafting.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
 State of Louisiana

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposals have been properly enrolled in final form:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny and Wisam:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII. HUMAN RESOURCES

Section 1. State and City Civil Service

Section 1. (A) Civil Service System.

(1) State Civil Service. The state civil service is established and includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency, or joint state and municipal agency, regardless of the source of the funds used to pay for such employment. It shall not include persons holding offices and positions of any municipal board of health or local governmental subdivision.

(2) City Civil Service. The city civil service is established and includes all persons holding offices and positions of trust or employment in the employ of each city having over four hundred thousand population and in every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the affected city voting at an election held for that purpose approve their exclusion. The election shall be called by the municipal governing authority within one year after the effective date of this constitution.

(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) elected officials and persons appointed to fill vacancies in elective offices;

(b) the heads of each principal executive department appointed by the governor, the mayor, or the governing authority of a city;

(c) city attorneys;
 (d) 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, board, commission, or authority mentioned in (a), (b), (d), or (e) above, except civil service departments;

(h) members of the military or naval forces;

(i) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency;

(j) employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney, of police juries, school boards, assessors, and of all offices provided for in Article V of this constitution except the offices of clerk of the municipal and traffic courts in New Orleans;

(k) commissioners of elections, watchers, and custodians and deputy custodians of voting machines; and

(1) railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.

(3) Additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by a commission.

(C) State Civil Service Commission.

(1) The State Civil Service Commission is established and shall be domiciled in the state capital. It shall be composed of seven members who are electors of this state, four of whom shall constitute a quorum. No more than one appointed member shall be from each congressional district.

(2) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(3) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission.

(D) City Civil Service Commission.

(1) Creation; Membership; Domicile. A city civil service commission shall exist in each city having a population exceeding four hundred thousand. The domicile of each commission shall be in the city it serves. Each commission shall be composed of five members, who are electors of the city, three of whom shall constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided.

(2) New Orleans; Nomination and Appointment. In New Orleans, the presidents of Dillard University, Loyola University, St. Mary's Dominican College, Tulane University, and Xavier University, after giving consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(3) Other Cities; Nomination and Appointment. In each other city subject to this Section, the presidents of any five institutions of higher education in the state, selected by the governing authority of the respective city, each shall nominate three persons, after giving consideration to representation of all groups. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(4) Vacancies. A vacancy shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If one of the nominating authorities fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the municipal governing authority shall make the appointment.

(E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the appointing authority.

(F) Department of Civil Service; Directors.

(1) State Department. A Department of State Civil Service is established in the executive branch of the state government.

(2) City Departments. A department of city civil Service shall exist in each city having a population exceeding four hundred thousand.

(3) Directors. Each commission shall appoint a director, after competitive examination, who shall be in the classified service. He shall be the administrative head of his department. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.

(G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department 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 competitive. 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, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments if certification is not required.

(H) Appeals.

(1) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. A classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(2) Discrimination. No classified employee shall be discriminated against because of his political or religious beliefs, sex, or race. A classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

(I) Prohibitions Against Political Activities.

(1) No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(3) As used in this Section, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.

(J) Rules, Investigations; Wages and Hours.

(1) Rules.

(a) Powers. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; to require an appointing authority to institute an employee training and safety program; and generally to accomplish the objectives and purposes of the merit system of civil service as herein established. It may make recommendations with respect to employee training and safety. Nothing herein shall prevent the legislature from enacting laws supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety and regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

(b) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States who served between the wartime dates of April 6, 1917 through November 11, 1918; or between September 16, 1940 through July 25, 1947; between June 27, 1950 through January 31, 1955; or in the Viet Nam Theater between July 1, 1958 through the date the United States government 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; in a peacetime campaign or expedition for which campaign badges are authorized. The state and city civil service departments 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 recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unremarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given to person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(c) Layoffs; Preference Employees. When a position in the classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classifications and performing functions transferred, or working in the state agency replaced, shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed lay-off within a reasonable length of time before its effective

date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant or employee because of his membership or non-membership in any private organization; but this shall not prohibit any state agency, department, or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other condition of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission.

(d) Effect. Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for violation of its rules by demotion in or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission may investigate violations of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority.

(K) Penalties. Willful violation of any provision of this Section shall be a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final.

(M) Appropriations.

(1) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable them to implement this Section efficiently and effectively. The amount so appropriated shall not be subject to veto by the governor.

(2) Cities. Each city subject to this Section shall make adequate annual appropriations to enable its civil service commission and department to implement this Section efficiently and effectively.

(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly.

(1) Each city having a population exceeding ten thousand but not exceeding four hundred thousand, each parish, and each parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the latest official decennial federal census, may elect to be governed by this Section by a majority vote of its electors voting at an election held for that purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing authority calling the election; or (b) the presentation to the governing authority of a petition calling for such an election signed by electors equal in number to five percent of the registered voters of the city, the parish, or the city-parish, as the case may be.

(2) If a majority of the electors vote to adopt this Section, its provisions shall apply permanently to the city, the parish, or the city-parish, as the case may be, and shall govern it as if this Section had originally applied to it. In such case, all officers and employees of the city, the parish, or the city-parish, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and thereafter shall be subject to and be governed by this Section and the rules and regulations adopted under it.

(3) If a majority of the electors vote against the adoption of this Section, the question of its adoption shall not be re-

submitted to the voters of the political subdivision within one year thereafter.

(O) City, Parish Civil Service System; Creation; Prohibition.

(1) Nothing in this Section shall prevent the establishment by the legislature, or by the respective parish governing authority, of a parish civil service system in one or more parishes, applicable to any or all parish employees, except teaching and professional staffs and administrative officers of schools, or the establishment by the legislature or by the respective municipal governing authority of a municipal civil service system in one or more municipalities having a population of less than four hundred thousand, in any manner now or hereafter provided by law. However, paid firemen and paid municipal policemen in a municipality operating a regularly paid fire and police department and having a population exceeding thirteen thousand, and paid firemen in all parishes and in fire protection districts, are expressly excluded from such a civil service system.

(2) Nothing in this Paragraph shall permit inclusion in the local civil service of officials and employees listed in Paragraph (B) of this Section.

(3) No law enacted after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall be effective in any parish or in any municipality until approved by ordinance adopted by the governing authority of the parish or municipality.

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Corne, Cowen, Flory, Grier, Landry, Leithman, Rachal, Robinson, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Section 1. (A) Establishment of System. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

(B) Appointments and Promotions. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable municipal fire and police civil service board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

(C) Prior Provisions. Except as inconsistent with this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921 are retained and continued in force and effect as statutes. By law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

(D) Exclusion. Nothing in Section 1 of this Article authorizing cities or other political subdivisions to be placed under the provisions of said Article by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population greater than thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and municipal police department or in any parish or fire pro-

tection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

(E) Political Activities. Article XIV, Section 15.1, Paragraph 34, of the Constitution of 1921 is retained and continued in force and effect.

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIV. SCHEDULE

* * *

Section 2. Board of Regents

Section 2. On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education appointed by the governor whose term has not expired shall become a member of the Board of Regents until his respective term expires. The governor shall appoint additional members required to complete the membership of the board in accordance with and to effectuate Article IX, Section 5.

Section 3. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 3. On the effective date of this constitution, each member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term has not expired shall become a member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until his term expires. The governor shall appoint additional members required in accordance with and to effectuate Article IX, Section 7.

Section 4. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article IX, Sections 3 and 6.

Section 5. Boards; New Appointments

Section 5. In making new appointments to a board created by Sections 5, 6, or 7 of Article IX, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board.

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack (A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and environment.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VIII. NATURAL RESOURCES

Section 1. Natural Resources and Environment; Public Policy

Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health,

safety, and welfare of the people. The legislature shall enact laws to implement this policy.

Section 2. Natural Gas

Section 2. (A) Public Policy; Regulation. Natural gas is declared to be affected with a public interest. Notwithstanding any provision of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide by law for regulation of natural gas by the regulatory authority it designates. It may designate the Public Service Commission as the regulatory authority.

(B) Pipelines. No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline, without a certificate of public convenience and necessity issued as provided by law after application for the connection and hearing thereon.

Section 3. Alienation of Water Bottoms

Section 3. The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided in this Section, the bed of a navigable water body may be reclaimed only for public use.

Section 4. Reservation of Mineral Rights; Prescription

Section 4. (A) Reservation of Mineral Rights. The mineral rights on property sold by the state shall be reserved, except when the owner or person having the right to redeem buys or redeems property sold or adjudicated to the state for taxes.

(B) Prescription. Lands and mineral interests of the state, of a school board, or of a levee district shall not be lost by prescription.

Section 5. Public Notice; Public Bidding Requirements

Section 5. No conveyance, lease, royalty agreement, or unitization agreement involving minerals or mineral rights owned by the state shall be effected without prior public notice or public bidding as shall be provided by law.

Section 6. Tidelands Ownership

Section 6. Revenues and royalties obtained from minerals located beyond the seaward boundary of the state belong to the state.

Section 7. Offshore Mineral Revenues; Use of Funds

Section 7. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury when received. Upon such settlement, these funds and the interest from their investment, except the portion otherwise allocated or dedicated by this constitution, shall be used by the state treasurer to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.

Section 8. Wildlife and Fisheries Commission

Section 8. (A) Members; Terms. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission. The commission shall be in the executive branch and shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law.

Section 9. Forestry

Section 9. (A) Forestry; Acreage Taxes. Forestry shall be practiced in the state, and the legislature may enact laws therefor. It may authorize parish governing authorities to levy acreage taxes, not to exceed two cents per acre, for the purposes of this Section. The provisions of this constitution exempting homesteads from taxation shall apply to forestry acreage taxes.

(B) Forestry Commission. The practice of forestry is placed

under the Louisiana Forestry Commission. The commission shall be in the executive branch and shall consist of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law.

(C) State Forester. The commission shall appoint a state forester. He shall be a graduate of an accredited school of forestry and have at least four years of forestry experience, as provided by law.

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Relative to constitutional revision.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIII. CONSTITUTIONAL REVISION

Section 1. Amendments

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, at least ten days before the beginning of the session, in accordance with the rules of the house in which introduced. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to all of the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law.

(B) Form of Proposal. A proposed amendment shall have a title containing a brief summary of the changes proposed; shall be confined to one object; and shall set forth the entire article, or the sections or other subdivisions thereof, as proposed to be revised or only the article, sections, or other subdivisions proposed to be added. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which may contain multiple objects or changes. A section or other subdivision may be repealed by reference. When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately.

(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. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality.

Section 2. Constitutional Convention

Section 2. 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. The revision or the proposed constitution and any

alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of Louisiana.

Section 3. Laws Effectuating Amendments

Section 3. Whenever the legislature shall submit amendments to this constitution, it may at the same session enact laws to carry them into effect, to become operative when the proposed amendments have been ratified.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal has been properly enrolled in final form:

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE III. LEGISLATIVE BRANCH

Section 12. Prohibited Local and Special Laws

Section 12. (A) Prohibitions. Except as otherwise provided in this constitution, the legislature shall not pass a local or special law:

(1) For the holding and conducting of elections, or fixing or changing the place of voting.

(2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property.

(3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

(4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the constructing of street passenger railroads in any incorporated town or city.

(5) Exempting property from taxation; extending the time for the assessment or collection of taxes; relieving an assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; refunding moneys legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.

(7) Creating private corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

(8) Regulating the management of parish or city public schools, the building or repairing of parish or city schoolhouses, and the raising of money for such purposes.

(9) Legalizing the unauthorized or invalid acts of any

officer, employee, or agent of the state, its agencies, or political subdivisions.

(10) Defining any crime.

(B) Additional Prohibition. The legislature shall not indirectly enact special or local laws by the partial repeal or suspension of a general law.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennerly, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposals have been properly enrolled in final form:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. REVENUE AND FINANCE

Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided by this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax, an increase in an existing tax, or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of the elected members of each house of the legislature.

Section 3. Collection of Taxes

Section 3. The legislature shall prohibit the issuance of process to restrain the collection of any tax. It shall provide a complete and adequate remedy for the prompt recovery of an illegal tax paid by a taxpayer.

Section 4. Income Tax; Severance Tax; Political Subdivisions

Section 4. (A) Income Tax. Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the state individual and joint income tax schedule of rates shall never exceed the rates set forth in Title 47, Section 32 of the Louisiana Revised Statutes on January 1, 1974. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes for the same period.

(B) Severance Tax. Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation. Such 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. No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land.

(C) Severance Tax; Political Subdivisions. A political subdivision of the state shall not levy a severance tax, income tax, or tax on motor fuel.

(D) Severance Tax Allocation. One-third of the sulphur severance tax, but not to exceed one hundred thousand dollars; one-fifth of the severance tax on all natural resources, other than sulphur or timber, but not to exceed five hundred thousand dollars; and three-fourths of the timber severance tax shall be remitted to the governing authority of the parish in which 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.

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.

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 by law enacted by two-thirds of the elected members of each house of the legislature. The debt may be incurred or the bonds issued only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or a lower effective interest rate; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) Capital Improvements. If the purpose is to make capital improvements, the nature and location and, if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(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. 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.

(D) Referendum. The legislature, by law enacted by two-thirds of the elected members of each house, may propose a statewide public referendum to authorize incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

(E) Exception. Nothing in this Section shall apply to any levee district, political subdivision, or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district, political subdivision, or local public agency.

Section 7. State Debt; Interim Emergency Board

Section 7. (A) Composition. The Interim Emergency Board is created. It shall be composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of the legislature, chairman of the Senate Finance Committee, and chairman of the House Appropriations Committee, or their designees.

(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 made or the indebtedness incurred only for a purpose for which the legislature may appropriate funds and then only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature. For the

purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated by the legislature.

(C) Limits. The aggregate of indebtedness outstanding at any one time and the amount appropriated from the state general fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Allocation. An amount sufficient to pay indebtedness incurred during the preceding fiscal year under the authority of this Section is allocated, as a first priority, each year from the state general fund.

Section 8. State Bond Commission

Section 8. (A) Creation. The State Bond Commission is created. Its membership and authority shall be determined by law.

(B) Approval of Bonds. No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained.

(C) Contesting State Bonds. Bonds, notes, certificates, or other evidences of indebtedness of the state (hereafter referred to as "bonds") shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state, as provided by law, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in interest may contest the legality of the resolution, any provision of the bonds to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

Section 9. State Funds

Section 9. (A) Deposit in State Treasury. All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received:

(1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise;

(2) by trade or professional associations;

(3) by the employment security administration fund or its successor;

(4) by retirement system funds; and

(5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

(B) Bond Security and Redemption Fund. Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise. In each fiscal year an amount is allocated from the bond security and redemption fund sufficient to pay all obligations which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year, including principal, interest, premiums, sinking or reserve fund, and other requirements. Thereafter, except as otherwise provided by law, money remaining in the fund shall be credited to the state general fund.

(C) Exception. Nothing in this Section shall apply to a levee district or political subdivision unless the full faith and

credit of the state is pledged to the payment of the bonds of the levee district or political subdivision.

Section 10. Expenditure of State Funds

Section 10. (A) Appropriations. Except as otherwise provided by this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law.

(B) Balanced Budget. Total appropriations by the legislature for any fiscal year shall not exceed anticipated state revenues for that fiscal year.

(C) Publication. The legislature shall have published a regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(D) Public Purpose. No appropriation shall be made except for a public purpose.

Section 11. Budgets

Section 11. (A) Operating Budget. 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. He shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures and, if necessary, a bill or bills to raise additional revenues.

(B) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and request implementation of the first year of the program. Capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget, which shall be adopted by the legislature.

Section 12. Reports and Records

Section 12. Reports and records of the collection, expenditure, investment, and use of state money and those relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining to those returns.

Section 13. Investment of State Funds

Section 13. All money in the custody of the state treasurer which is available for investment shall be invested as provided by law.

Section 14. Donation, Loan, or Pledge of Public Credit

Section 14. (A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise.

(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; or (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law.

(C) Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual.

(D) Prior Obligations. Funds, credit, property, or things of value of the state or of a political subdivision heretofore loaned, pledged, dedicated, or granted by prior state law or authorized to be loaned, pledged, dedicated, or granted by the prior laws and constitution of this state shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless the authorization is revoked by law enacted by two-thirds of the elected members of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section.

Section 15. Release of Obligations to State, Parish, or Municipality

Section 15. (A) Release. The legislature shall have no power to release, extinguish, or authorize the releasing or extinguishing of any indebtedness, liability, or obligation of a corporation or individual to the state, a parish, or a municipality. However, the legislature, by law, may establish a system under which claims by the state or a political subdivision may be compromised, and may provide for the release of heirs to confiscated property from taxes due thereon at the date of its reversion to them.

(B) Exception. Whenever any immovable property has been

forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication.

Section 16. Taxes; Prescription

Section 16. (A) Prescription. Taxes, except real property taxes, and licenses shall prescribe in three years after the thirty-first day of December in the year in which they are due, but prescription may be interrupted or suspended as provided by law.

(B) Tidelands. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coasts, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December in the year in which the controversy is finally resolved and settled.

Section 17. Legislation to Obtain Federal Aid

Section 17. The legislature may enact laws to enable the state, its agencies, boards, commissions, and political subdivisions and their agencies to comply with federal laws and regulations in order to secure federal participation in funding capital improvement projects.

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VI. LOCAL GOVERNMENT PART I. GENERAL PROVISIONS

Section 1. Parishes

Section 1. (A) Parishes and Boundaries Ratified. Parishes and their boundaries as established on the effective date of this constitution are recognized and ratified.

(B) Creation; Dissolution; Merger; Boundaries. The legislature by law may establish and organize new parishes, dissolve and merge parishes, and change parish boundaries if approved by two-thirds of the electors in each parish affected voting thereon at an election held for that purpose.

(C) Change of Parish Seat. The governing authority of a parish may call an election on the question of changing the parish seat. The parish seat shall be changed if approved by two-thirds of the electors voting thereon.

(D) Adjustment of Assets and Liabilities. When a parish is enlarged or established from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Section 2. Municipalities

Section 2. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall create a

municipal corporation or amend, modify, or repeal a municipal charter. However, a special legislative charter existing on the effective date of this constitution may be amended, modified, or repealed by local or special law.

Section 3. Classification

Section 3. The legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of the classification. Legislation may be limited in its effect to any of such class or classes.

Section 4. Existing Home Rule Charters and Plans of Government

Section 4. Every home rule charter or plan of government existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions, and duties in effect when this constitution is adopted. If its charter permits, each of them also shall have the right to powers and functions granted to other local governmental subdivisions.

Section 5. Home Rule Charter

Section 5. (A) Authority to Adopt; Commission. Subject to and not inconsistent with this constitution, any local governmental subdivision may draft, adopt, or amend a home rule charter in accordance with this Section. The governing authority of a local governmental subdivision may appoint a commission to prepare and propose a charter or an alternate charter, or it may call an election to elect such a commission.

(B) Petition to Elect Commission. The governing authority shall call an election to elect such a commission when presented with a petition signed by not less than ten percent of the electors or ten thousand electors, whichever is fewer, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) Adoption; Amendment; Repeal. A home rule charter shall be adopted, amended, or repealed when approved by a majority of the electors voting thereon at an election held for that purpose.

(D) Adoption by Two or More Local Governmental Subdivisions. Two or more local governmental subdivisions within the boundaries of one parish may adopt a home rule charter under this Section if approved by a majority of the electors in each affected local governmental subdivision voting thereon in an election held for that purpose. The legislature shall provide by law the method of appointment or election of a commission to prepare and propose a charter consistent with Paragraph (A) of this Section and the method by which the electors may petition for an election consistent with Paragraph (B) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision.

(E) Structure and Organization; Powers; Functions. A home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution.

(F) Additional Powers and Functions. Except as prohibited by its charter, a local governmental subdivision adopting a home rule charter under this Section shall have the additional powers and functions granted to local governmental subdivisions by other provisions of this constitution.

(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 law.

Section 6. Home Rule Charter or Plan of Government; Action by Legislature Prohibited

Section 6. The legislature shall enact no law the effect of which changes or affects the structure and organization or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

Section 7. Powers of Other Local Governmental Subdivisions

Section 7. (A) Powers and Functions. Subject to and not inconsistent with this constitution, the governing authority of a local governmental subdivision which has no home rule charter or plan of government may exercise any power

and perform any function necessary, requisite, or proper for the management of its affairs, not denied by its charter or by general law, 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 powers. Otherwise, the local governmental subdivision shall have the powers authorized by this constitution or by law.

(B) Parish Officials and School Boards Not Affected. Nothing in this Section shall affect the powers and functions of a school board or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner.

Section 8. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 8. No parish plan of government or home rule charter shall prohibit the incorporation of a city, town, or village as provided by general law.

Section 9. Limitations of Local Governmental Subdivisions
Section 9. (A) Limitations. No local governmental subdivision shall (1) define and provide for the punishment of a felony; or (2) except as provided by law, enact an ordinance governing private or civil relationships.

(B) Police Power Not Abridged. Notwithstanding any provision of this Article, the police power of the state shall never be abridged.

Section 10. Codification of Ordinances

Section 10. Within two years after the effective date of this constitution, the governing authority of each political subdivision shall have a code prepared containing all of its general ordinances. When the code is prepared, the governing authority shall make copies available for public distribution. All general ordinances adopted after the approval of the code shall be amendments or additions to the code.

Section 11. Local Officials

Section 11. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members from single-member districts.

Section 12. Local Officials; Compensation

Section 12. The compensation or method of fixing the compensation of an elected official of any local governmental subdivision which operates under a home rule charter or plan of government, as provided in Sections 4 and 5 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of an elected official of any other local governmental subdivision shall be provided by law. Compensation of a local official shall not be reduced during the term for which he is elected.

Section 13. Vacancies

Section 13. (A) Vacancy; Appointment. Except as otherwise provided by this constitution, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a school district shall be filled by appointment by the particular governing authority of the local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

(B) Exception. This Section shall apply to each local governmental subdivision unless otherwise provided by its home rule charter or plan of government.

Section 14. Increasing Financial Burden of Political Subdivisions

Section 14. No law requiring increased expenditures for wages, hours, working conditions, pension and retirement benefits, vacation, or sick leave benefits of political subdivision employees, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall become effective until approved by ordinance enacted by the governing authority of the affected political subdivision or until the legislature appropriates funds for the purpose to the affected political subdivision and only to the extent and amount that such funds are provided. This Section shall not apply to a school board.

Section 15. Local Governmental Subdivisions; Control Over Agencies

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. Special Districts and Local Public Agencies

Section 16. (A) Consolidation. A local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district situated and having jurisdiction entirely within the boundaries of the local governmental subdivision. Upon the consolidation and merger, the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. 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 the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting thereon in an election held for that purpose in the local governmental subdivision in which the agency is located.

(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.

Section 17. Land Use; Zoning; Historic Preservation

Section 17. Land Use; Zoning; Historic Preservation

Section 17. Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures. Existing constitutional authority for historic preservation commissions is retained.

Section 18. Industrial Areas

Section 18. (A) Authorization. The legislature by law may authorize parishes to create and define industrial areas within their boundaries in accordance with procedures and subject to regulations which it determines. An industrial area shall not be a political subdivision of the state.

(B) 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 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.

Section 19. Special Districts; Creation

Section 19. Subject to and not inconsistent with this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation and the power to incur debt and issue bonds.

Section 20. Intergovernmental Cooperation

Section 20. Except as otherwise provided by law, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, or with the United States or its agencies.

Section 21. Assistance to Local Industry

Section 21. (A) Authorization. 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, (2) provide for the establishment and furnishing of such industrial plant, or (3) provide movable or immovable property, or both, for pollution control facilities, the legislature by law may authorize, subject to restrictions it may impose, any political subdivision, deep-water port commission, or deep water port, harbor, and terminal district to

(a) issue bonds, subject to approval by the State Bond Commission or its successor, and use the funds derived from the sale of the bonds to acquire and improve industrial

plant sites and other property necessary to the purposes thereof;

(b) acquire, through purchase, donation, exchange, and (subject to Article I, Section 4) expropriation, and improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and

(c) sell, lease, lease-purchase, or demolish all or any part of the foregoing.

(B) Property Expropriated; Sale to Aliens Prohibited. No property expropriated under the authority of this Section shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

(C) Exception. This Section shall not apply to a school board.

Section 22. Procedure for Certain Special Elections

Section 22. When an election is required in a political subdivision under the provisions of this constitution which require submission to the electors of a proposition or question, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by the law then in effect pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, or as may be otherwise provided by law.

Section 23. Acquisition of Property

Section 23. Subject to and not inconsistent with this constitution and subject to restrictions provided by general law, political subdivisions may acquire property for any public purpose by purchase, donation, expropriation, exchange, or otherwise.

Section 24. Servitudes of Way; Acquisition by Prescription

Section 24. The public, represented by local governmental subdivision, may acquire servitudes of way by prescription in the manner prescribed by law.

Section 25. Prescription Against State

Section 25. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law.

Section 26. Courts Not Affected

Section 26. Notwithstanding any provision of this Article, courts and their officers may be established or affected only as provided in Article V of this constitution.

PART II. FINANCE

Section 27. Parish Ad Valorem Tax

Section 27. (A) Parish Tax for General Purposes; Millage Limits; Increase. The governing authority of a parish may levy annually an ad valorem tax for general purposes not to exceed four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills, and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors voting thereon in an election held for that purpose.

(B) Millage Increase Not for General Purposes. When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) Parish Tax in Municipality. The amount of the parish tax for general purposes which any parish, except Orleans Parish, may levy, without a vote of the electors, on property located wholly within any municipality which has a population exceeding one thousand inhabitants according to the last federal decennial census, or other census authorized by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

(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.

Section 28. Municipal Ad Valorem Tax

Section 28. (A) Municipal Tax for General Purposes;

Millage Limits; Increase. The governing authority of a municipality may levy annually an ad valorem tax for general purposes not to exceed seven mills on the dollar of assessed valuation. However, if a municipality, by its charter or by law, is exempt from payment of parish taxes or, under legislative or constitutional authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors voting thereon in an election held for that purpose.

(B) Millage Increase Not For General Purposes. When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) Exception. This Section shall not apply to the city of New Orleans.

Section 29. Local Governmental Subdivisions; Occupational License Tax

Section 29. The governing authority of a local governmental subdivision may impose an occupational license tax not greater than that imposed by the state. Those who pay a municipal occupational license tax shall be exempt from a parish occupational license tax in the amount of the municipal tax. The governing authority of a local governmental subdivision may impose an occupational license tax greater than that imposed by the state when authorized by law enacted by the favorable vote of two-thirds of the elected members of each house of the legislature.

Section 30. Local Governmental Subdivisions and School Boards; Sales Tax

Section 30. (A) Sales Tax Authorized. Except as otherwise authorized in a home rule charter as provided for in Section 4 of this Article, the governing authority of any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose. The rate thereof, when combined with the rate of all other sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent.

(B) Additional Sales Tax Authorized. However, the legislature, by general or by local 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.

(C) Bonds; Security. Nothing in this Section shall affect any sales or use tax authorized or imposed on the effective date of this constitution or affect or impair the security of any bonds payable from the proceeds of the tax.

(D) Exemptions; Protection of Bonds. Except when bonds secured thereby have been authorized, the legislature by law may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state.

Section 31. Political Subdivisions; Taxing Power

Section 31. 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 selfoperative sections of this constitution.

Section 32. Taxes; Ratification

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

Section 33. Special Taxes; Authorization

Section 33. For the purpose of acquiring, constructing, improving, maintaining, or operating any work of public improvement, a political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote thereon in an election held for that purpose.

Section 34. Political Subdivisions; General Obligation Bonds

Section 34. (A) Authorization. Subject to approval by the State Bond Commission or its successor, general obligation bonds may be issued only after authorization by a majority

of the electors voting on the proposition at an election in the political subdivision issuing the bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely to retire the refunded indebtedness or bonds and to pay interest thereon and redemption premiums, if any, to the time of retirement.

(B) Full Faith and Credit. The full faith and credit of a political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Section 35. Limitations on Bonded Indebtedness

Section 35. The legislature by law shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions.

Section 36. Contesting Political Subdivision Bonds

Section 36. (A) Contesting Election; Time Limit. For sixty days after promulgation of the result of an election held to incur or assume debt, issue bonds, or levy a tax, any person in interest may contest the legality of the election, the bond issue provided for, or the tax authorized, for any cause. After that time no one shall have any cause or right of action to contest the regularity, formality, or legality of the election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for is not raised within the sixty days, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Contesting Ordinance or Resolution; Time Limit. Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision or, if there is none, in a newspaper having general circulation therein. For thirty days after the date of publication, any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.

Section 37. Local Improvement Assessments

Section 37. (A) Authorization. The legislature shall provide by general law or by local or special law the procedures by which a political subdivision may levy and collect local or special assessments on real property for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of Indebtedness; Security. Certificates of indebtedness may be issued to cover the cost of any such public improvement. They shall be secured by the pledge of the local or special assessments levied therefor and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) Exception. This Section shall not apply to a school board.

Section 38. Revenue-Producing Property

Section 38. (A) Authorization. The legislature by law may authorize political subdivisions to issue bonds or other debt obligations to construct, acquire, extend, or improve any

revenue-producing public utility or work of public improvement. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of the public utility or work of public improvement. They shall not be a charge upon the other income and revenues of the political subdivision.

(B) Exception. This Section shall not apply to a school board.

PART III. LEVEE DISTRICTS

Section 39. Levee Districts

Section 39. (A) Retention; Reorganization; Consolidation. Levee districts as organized and constituted on January 1, 1974 shall continue to exist, except that

(1) The legislature may provide by law for the consolidation, division, or reorganization of existing levee districts or may create new levee districts. However, the members of the board of commissioners of a district heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.

(2) A levee district whose flood control responsibilities are limited to and which is situated entirely within one 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.

(B) Obligation of Contract Affirmed. No action taken under this Section shall impair the obligation of outstanding bonded indebtedness or of any other contract of a levee district.

Section 40. Levee District Taxes

Section 40. (A) District Tax; Millage Limit. For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district may levy annually a tax not to exceed five mills, 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 subject to overflow.

(B) Millage Increase. If the necessity to raise additional funds arises in any levee district for any purpose set forth in Paragraph (A), or for any other purpose related to its authorized powers and functions as specified by law, the tax may be increased. 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.

Section 41. Bond Issues

Section 41. (A) Authorization. Subject to approval by the State Bond Commission or its successor, the governing authority of a levee district may fund the proceeds of its taxes or other revenues into bonds or other evidences of indebtedness. Proceeds thus derived shall be used for the purposes mentioned in Part III of this Article or for the funding or payment of any outstanding indebtedness.

(B) Sale. Bonds issued under the authority of Paragraph (A) shall be sold as provided by law concerning the issuance of bonds by levee districts.

Section 42. Cooperation with Federal Government

Section 42. The governing authority of any levee district may cooperate with the federal government in constructing and maintaining levees in this state, under terms and conditions provided by the federal authorities and accepted by the governing authority.

Section 43. Compensation for Property Used or Destroyed; Tax

Section 43. (A) Notwithstanding any contrary provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law. However, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batters or to 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 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.

(B) Appropriation. Nothing in this Section shall prevent the appropriation of such property before payment.

PART IV. PORT COMMISSIONS AND DISTRICTS

Section 44. Port Commissions and Districts

Section 44. All deep-water port commissions and all deep-water port, harbor, and terminal districts as organized and constituted on January 1, 1974, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that

(1) The legislature by law may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts.

(2) Only by law enacted by the favorable vote of two-thirds of the elected members of each house, may the legislature consolidate or abolish any such commission or district or diminish, reduce, or withdraw from any such commission or district any of its powers and functions and affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions to or reductions of its territorial jurisdiction.

(3) The legislature shall enact laws with respect to the membership of the commissions provided in this Section. Once the law with respect to membership is enacted, it may be changed only by law enacted by the favorable vote of two-thirds of the elected members of each house.

PART V. DEFINITIONS

Section 45. Terms Defined

Section 45. As used in this Article:

(1) "Local governmental subdivision" means any parish or municipality.

(2) "Political subdivision" means 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.

(3) "Municipality" means an incorporated city, town, or village.

(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision.

(5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the state or which is uniformly applicable to all persons or to all political subdivisions within the same class.

(6) "General obligation bonds" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount.

(7) "Deep-water port commissions" and "deep-water port, harbor, and terminal districts" mean those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce.

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment

A PROPOSAL

Making provisions relating to the Public Service Commission. Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VIII. NATURAL RESOURCES

Section 14. Public Service Commission

Section 14. (A) Composition; Term; Domicile. There shall be a Public Service Commission in the executive branch. It shall consist of five members, who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law. Each commissioner serving on the effective date of this constitution shall be the commissioner for the new district in which he resides and shall complete the term for which he was elected. The commission annually shall elect one member as chairman. It shall be domiciled at the state capital, but may meet, conduct investigations, and render orders elsewhere in this state.

(B) Powers and Duties. The commission shall regulate all

common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This Paragraph shall not apply to safety regulations pertaining to the operation of such utilities.

(D) Applications, Petitions, and Schedules; Protective Bond and Security. (1) Within twenty days after a common carrier or public utility files a proposed rate schedule which would result in a change in rates, it shall give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months after the effective filing date, the commission shall render a full decision on each application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in a rate increase, the commission may permit the proposed schedule to be put into effect, in whole or in part, pending its decision on the application for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only if and as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If a proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.

(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. These rights of appeal shall extend to any action by the commission, including but not limited to action taken by the commission or by a public utility under the provisions of Subparagraph (3) of Paragraph (D) of this Section.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Proposals on Third Reading and Final Passage at this time.

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Abraham Delegate Proposal No. 67 was called from the Calendar.

DELEGATE PROPOSAL No. 67—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Motion

On motion of Delegate Abraham Delegate Proposal No. 67 was withdrawn from the files of the Convention.

Motion

On motion of Delegate Abraham Delegate Proposal No. 71 was called from the Calendar.

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

On motion of Delegate Abraham Delegate Proposal No. 71 was withdrawn from the files of the Convention.

Motion

On motion of Delegate Abraham Delegate Proposal No. 72 was called from the Calendar.

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Read.

Motion

On motion of Delegate Abraham Delegate Proposal No. 72 was withdrawn from the files of the Convention.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Tuesday, January 15, 1974, after adjournment in Independence Hall and will consider the following agenda:

AGENDA

To consider Committee Proposals and final draft of the document.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Riecke—5 days.
Delegate Vesich—1 day.

Adjournment

Delegate Kean moved that the Convention do now adjourn until Wednesday, January 16, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.
And Chairman Henry declared the Convention adjourned to Wednesday, January 16, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED NINETEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Wednesday, January 16, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Alexander	Ginn	Pugh
Anzalone	Goldman	Rayburn
Arnette	Graham	Reeves
Asseff	Gravel	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandcz
Bel	Hardee	Schmitt
Bergeron	Hayes	Segura
Blair	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Jones	Stephenson
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilbourne	Tapper
Chehardy	Kilpatrick	Tate
Comar	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lowe	Vesich
Dennis	McDaniel	Vick
Derbes	Martin	Warren
Deshotels	Mauberret	Wattigny
Drew	Maybuce	Weiss
Dunlap	Miller	Willis
Duval	Mire	Winchester
Edwards	Morris	Wisham
Elkins	Munson	Womack
Fayard	Newton	Zervigon
Flory	Nunez	
Fontenot	O'Neill	
Total—127.		

ABSENT

Delegates—		
Jack	Rachal	Wall
Lambert	Riecke	
Total—5.		

The Chairman announced that there were 127 members present and a quorum.

Prayer

Prayer was offered by Delegate Brien.

Pledge of Allegiance

Delegate Hernandez led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Explonation of Vote

I have opposed reopening sections, proposals, and articles because I do not feel it is wise at this time. We are making more enemies than friends, and we do not have the time to review each carefully. In my analysis of our work I have not mentioned one of the sections reopened, for I do not think any will affect the views of the people. Our salvation lies in alternate proposals, and I sincerely hope that the convention will submit four that will strengthen the chances of passage of the constitution. I am in agreement with the governor that we have included too much non-basic data in the constitution and had his suggestions come earlier, I would have voted with him. For example, I am of the opinion that the entire matter of industrial exemptions and most other exemptions as well as tax sales should be left to the legislature. We have unwisely tied the hands of future generations with unpredictable.

EMMETT ASSEFF
Delegate, District 7

**Introduction of Resolutions
Delegate and Committee Resolutions**

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions.

DELEGATE RESOLUTION No. 51—

Introduced by Delegate Avant:

A RESOLUTION

To amend Rule 37.1 of the Standing Rules of the Constitutional Convention to add a Paragraph F to provide for the vote requirement by the people to adopt an alternative to the proposed constitution.

BE IT RESOLVED that Paragraph F of Rule No. 37.1 of the Standing Rules of the Constitutional Convention is adopted to read as follows:

Rule No. 37.1. Submission of Alternative Provisions

* * *

F. No alternative proposition submitted to the people for ratification shall become a part of the constitution unless it receives a favorable vote equal to at least a majority of the number of persons voting for and against the basic document.

Read.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

SUPPLEMENTAL REPORT:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

PAGE 2

119th Days Proceedings—January 16, 1974

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Reported with Amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend first enrolled proposal as follows:

ADDENDUM:

AMENDMENT No. 48—

On page 1, line 13, in Committee Amendment No. 1, proposed by the Committee on Style and Drafting and adopted by the Convention on January 10, 1974, on line 5 of the amendment, after the word and punctuation "state," and before the word "treasurer" insert the words and punctuation "attorney general,"

AMENDMENT No. 49—

On page 2, line 3, in Committee Amendment No. 5, proposed by the Committee on Style and Drafting and adopted by the Convention on January 10, 1974, on line 10 of the amendment, after the words "of each" and before the word "official" insert the word "such"

AMENDMENT No. 50—

Deleted Convention Floor Amendment 1 offered by Delegate Henry et al and adopted by the Convention on January 15, 1974 and insert in lieu thereof the following:

"Section 8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law."

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

SUPPLEMENTAL REPORT

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Reported with Amendment.

FLOOR AMENDMENT

Amendment proposed by Delegate Tate to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend final enrolled proposal as follows:

AMENDMENT No. 1—

On page 3, line 34, in Floor Amendment No. 1, proposed by Henry, Pugh, et al. and adopted by the Convention on January 15, 1974, delete lines 27, 28, 29, and 30 of said amendment, in their entirety and insert in lieu thereof the following: "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."

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 16, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh, and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Reported with Amendment.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Delegate Proposal No. 43 by Delegate J. Jackson, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, after the words "enacted by" and before the words "of the " delete the words "a two-thirds vote" and insert the words "two-thirds"

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up Proposals contained in the Committee Report at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Read.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Delegate Proposal No. 43 by Delegate J. Jackson, et al.

Amend first enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, after the words "enacted by" and before the words "of the" delete the words "a two-thirds vote" and insert the words "two-thirds"

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 15 by Delegate Rayburn, et al.

Amend final enrolled Proposal as follows:

AMENDMENT No. 1—

On page 3, line 34, in Floor Amendment No. 1, proposed by Henry, Pugh, et al. and adopted by the Convention on January 15, 1974, delete lines 27, 28, 29, and 30 of said amendment, in their entirety and insert in lieu thereof the following: "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."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend first enrolled Proposal as follows:

ADDENDUM:

AMENDMENT No. 48—

On page 1, line 13, in Committee Amendment No. 1, proposed by the Committee on Style and Drafting and adopted by the Convention on January 10, 1974, on line 5 of the amendment, after the word and punctuation "state," and before the word "treasurer" insert the words and punctuation "attorney general,"

Read.

On motion of Delegate Tate Amendment No. 48 was adopted.

AMENDMENT No. 49—

On page 2, line 3, in Committee Amendment No. 5, proposed by the Committee on Style and Drafting and adopted by the Convention on January 10, 1974, on line 10 of the

amendment, after the words "of each" and before the word "official" insert the word "such"

Read.

On motion of Delegate Tate Amendment No. 49 was adopted.

AMENDMENT No. 50—

Deleted Convention Floor Amendment 1 offered by Delegate Henry et al and adopted by the Convention on January 15, 1974 and insert in lieu thereof the following:

"Section 8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law."

Read.

On motion of Delegate Tate Amendment No. 50 was adopted.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Read.

Motion

On motion of Delegate Zervigon, and, under a suspension of the rules, the Proposal was ordered engrossed and passed to its third reading.

Alternate Proposals On Final Passage

The following Delegate Proposals were taken up on final passage:

Motion

On motion of Delegate Vick Delegate Proposal No. 99 was taken up out of its regular order and acted upon as follows:

DELEGATE PROPOSAL No. 99—

Introduced by Delegates Vick, Abraham, Aertker, Alexander, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bollinger, Brown, Carmouche, Casey, De Blieux, Dennery, Dennis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman, Grier, Guarisco, Hardee, Haynes, A. Jackson, J. Jackson, Jones, Juneau, Landrum, A. Landry, E. J. Landry, Leithman, McDaniel, Maybuce, Miller, Riecke, Roemer, Roy, Sandoz, Schmitt, Shannon, Singletary, Sonlat, Stagg, Stovall, Sutherland, Tapper, Thistlethwaite, Tobias, Velazquez, Warren, Wisham and Zervigon:

A PROPOSAL

To provide with respect to an alternative provision relative to the Judicial Branch.

Read.

Motion

On motion of Delegate Vick Delegate Proposal No. 99 was withdrawn from the files of the convention.

DELEGATE PROPOSAL No. 97—

Introduced by Delegates Asseff, Anzalone, Miller, Bergeron, O'Neill, Kelly, Velazquez, Aertker, Burson, Giarrusso, Jones, Stinson, McDaniel, Wisham, Grier, Warren, Stephenson, Jack, Smith, Schmitt, Drew, Bel, Ourso, Edwards, Winchester, Perkins, Casey, Elkins, A. Landry, Ullo, Bollinger, Alario, Stinson, Heine, Roemer, Abraham, Kilbourne, Fulco, Cannon, Gauthier, Willis, Singletary, Planchard, Cowen, Weiss, Toomy, Leigh, Maybuce, Hernandez, Flory and Avant:

A PROPOSAL

To provide with respect to an alternative provision relative to the Executive Branch.

Read.

Section 1. Section 22 of Article IV as set forth in Committee Proposal Number 4 as finally enrolled, being Section 23 of said Article IV as originally adopted by this convention, is hereby deleted from said proposal.

Section 2. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

- 2A. FOR permitting the legislature by 2/3 vote to provide for appointment, in lieu of election, of certain statewide elected officials.
- 2B. AGAINST permitting the legislature by 2/3 vote to provide for appointment, in lieu of election, of certain statewide elected officials.

Section 3. (A) If Alternative Proposition No. 2A concerning legislative permission to provide for appointment, in lieu of election, for certain statewide elected officials is approved by the electors and if the proposed constitution is approved by the electors, then the following section shall become Section 22 of Article IV of the new constitution:

ARTICLE IV. EXECUTIVE BRANCH

Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 22. After the first election of state officials following adoption of this constitution, 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 superintendent of education, the commissioner of insurance, the commissioner of agriculture, the state commissioner of elections, or any of them. In such event the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide that any such offices, their departments and functions be merged or consolidated with any other office or department in the executive branch. No action of the legislature, pursuant hereto, shall reduce the term or compensation of any elected official. By a vote of two-thirds of the elected members of each house, the legislature may re-establish any of such offices as an elective office and, in such event, shall prescribe qualifications.

(B) If Alternative Proposition No. 2A concerning legislative permission to provide for appointment, in lieu of election, of certain statewide elected officials is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein and Section 22 of Article IV as set forth in Committee Proposal Number 4 as finally enrolled, being Section 23 of said Article IV as originally adopted by this convention shall be null, void, and of no legal effect.

Read.

Motion

Delegate Burson moved that the manner in which the Alternative Proposals are to be placed on the ballot, and the vote required for their passage, be determined by the Convention after all alternatives have been passed by the Convention.

Delegate Avant objected.

By a vote of 92 yeas and 17 nays the manner in which the Alternative Proposals are to be placed on the ballot and the vote of the electorate required for their passage, was deferred until all Alternative Proposals have been adopted by the Convention.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean and Cowen to Delegate Proposal No. 97 by Delegate Asseff, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 22 through 27, in their entirety and insert in lieu thereof the following:

"The proposed constitution will include provisions by which the legislature, by a two-thirds vote, may provide for the appointment of the Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Elections, and the Superintendent of Public Education unless a majority of those voting in this election vote for the following alternative proposal.

- 2A. FOR requiring the election of the Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Elections and the Superintendent of Public Education instead of the provisions in the proposed constitution.

On motion of Delegate Kean the amendment was withdrawn.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean and Cowen to Delegate Proposal No. 97 by Delegate Asseff, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 22 through 27, in their entirety and insert in lieu thereof the following:

"The proposed constitution will include provisions by which the legislature, by two-thirds vote, may provide for the appointment of the Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Elections, and the Superintendent of Public Education unless a majority of those voting in the election on the proposed constitution vote for the following alternative proposal.

- 2A. FOR requiring the election of the Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Elections and the Superintendent of Public Education instead of the provisions in the proposed constitution.
- 2B. AGAINST requiring the election of the Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Elections and the Superintendent of Public Education and permitting their appointment as provided in the provisions of the proposed constitution.

On motion of Delegate Kean the amendment was withdrawn.

Passage

The Proposal was read.

Delegate Asseff moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Drew	Landry, E. J.
Alario	Elkins	LeBleu
Alexander	Flory	Leigh
Anzalone	Fontenot	Lowe
Arnette	Fulco	McDaniel
Asseff	Gauthier	Miller
Avant	Goldman	Munson
Bergeron	Grier	Nunez
Bollinger	Hardee	O'Neill
Champagne	Hernandez	Perkins
Conino	Jackson, J.	Planchard
Conroy	Jones	Rayburn
Cowen	Kean	Roemer
Derbes	Kilbourne	Singletary

Stinson	Ullo	Winchester
Sutherland	Velazquez	Wisham
Toca	Warren	Zervigon
Toomy	Weiss	
Total—53.		

NAYS

Delegates—		
Abraham	Duval	Newton
Badeaux	Fayard	Pugh
Bel	Graham	Roy
Blair	Gravel	Schmitt
Brien	Guarisco	Segura
Brown	Hayes	Shannon
Burns	Haynes	Slay
Burson	Jackson, A.	Smith
Cannon	Jenkins	Soniat
Casey	Juneau	Stagg
Chatelain	Landrum	Stephenson
Comar	Landry, A.	Stovall
Corne	Lanier	Tate
De Blieux	Leithman	Thistlethwaite
Dennery	Martin	Tobias
Dennis	Mauberret	Wattigny
Deshotels	Mire	Willis
Dunlap		
Total—52.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Reeves
Carmouche	Kelly	Riecke
Chehardy	Kilpatrick	Sandoz
D'Gerolamo	Lambert	Tapper
Edwards	Maybuce	Thompson
Fowler	Morris	Vesich
Giarrusso	Ourso	Vick
Ginn	Perez	Wall
Heine	Rachal	Womack
Total—27.		

Failed to pass.
Motion to reconsider pending.

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Read.

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

2A. FOR education article creating only a Board of Regents to govern higher education and no management boards.

2B. AGAINST education article creating only a Board of Regents to govern higher education and no management boards.

Section 2. (A) If Alternative Proposition No. 2A concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then the following Article shall become Article IX of the new constitution and Article IX as set forth in Committee Proposal Number 7 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution.

Preamble

"ARTICLE IX. EDUCATION

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be

afforded an equal opportunity to develop to his full potential.

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools, post-secondary vocational-technical schools, special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.

(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.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of higher education, including branches of institutions

and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, or a management board for an institution or group of institutions is proposed, addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every institution of higher education submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education in the state. It shall recommend priorities for capital construction and improvements.

Section 6. Boards; Membership; Compensation

Section 6. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) 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.

Section 7. Parish School Boards; Parish Superintendents

Section 7. (A) Boards. The legislature shall create parish school boards and provide for the election of their members.

(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.

Section 8. Existing Boards and Systems Recognized; Consolidation

Section 8. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 9. Appropriations; State Boards

Section 9. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 10. Appropriations; Higher Education

Section 10. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made and administered as provided by law.

Section 11. Funding; Apportionment

Section 11.(A) Free School Books. The legislature 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.

(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 12. Tulane University

Section 12. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884."

2.(B) If alternative Proposition No. 2A concerning education boards is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein.

Read.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Delegate Proposal No. 98 by Delegate Henry, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, line 29, after the words and punctuation "schools," delete the words "post-secondary vocational-techni-" and at the beginning of line 30, delete the words and punctuation "cal schools," and insert in lieu thereof the word "and"

Delegate Abraham moved the adoption of the amendment.

Delegate Newton objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	
Abraham	Schmitt
Total—2.	

NAYS

Delegates—		
Aertker	Flory	Nunez
Alexander	Fontenot	O'Neill
Anzalone	Fowler	Perkins
Arnette	Fulco	Planchard
Asseff	Gauthier	Pugh
Avant	Ginn	Rayburn
Badeaux	Goldman	Reeves
Bel	Graham	Roemer
Bergeron	Gravel	Roy
Blair	Grier	Sandoz
Bollinger	Guarisco	Segura
Brien	Hardee	Shannon
Brown	Hayes	Singletary
Burns	Haynes	Slay
Burson	Hernandez	Smith
Cannon	Jackson, A.	Soniat
Casey	Jackson, J.	Stagg
Champagne	Jenkins	Stephenson
Chatelain	Juneau	Stinson
Chehardy	Kelly	Stovall
Comar	Kilpatrick	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Leithman	Ullio
Dennery	Lowe	Velazquez
Dennis	McDaniel	Warren
Derbes	Martin	Wattigny
Deshotels	Mauberrret	Weiss
Drew	Miller	Willis
Dunlap	Mire	Winchester
Duval	Munson	Wisham
Elkins	Newton	Zervigon
Fayard		
Total—106.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Rachal
Alario	Kilbourne	Riecke
Carmouche	Lambert	Tate
Edwards	LeBleu	Thompson
Giarrusso	Maybuco	Vesich
Heine	Morris	Vick
Jack	Ourso	Wall
Jones	Perez	Womack
Total—24.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Delegate Proposal No. 98 by Delegate Henry, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, line 11, at the end of the line delete the word "for" and on line 12 delete the words "public elementary and secondary education"

AMENDMENT No. 2—

On page 2, line 16 immediately after the word "Education" and before the word "shall" insert the following: "and the Board of Regents"

AMENDMENT No. 3—

On page 2, line 18, after the word "Education" and before "and" insert the words "and the Board of Regents" and on line 20, after the word "and" and before the word "the", insert

the words "the Board of Regents and" and on line 20, after the word "under" and before the word "jurisdic-" delete the word "its" and insert in lieu thereof the word "their"

On request of Delegate Jenkins a division of the question was ordered.

Delegate Dennery moved the adoption of amendments 1 and 3.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fontenot	Nunez
Alexander	Fowler	O'Neill
Anzalone	Fulco	Perkins
Arnette	Gauthier	Planchard
Badeaux	Goldman	Pugh
Bel	Gravel	Rayburn
Bergeron	Guarisco	Reeves
Bollinger	Hardee	Roy
Brien	Hayes	Sandoz
Brown	Jackson, A.	Segura
Burson	Jackson, J.	Singletary
Cannon	Jenkins	Smith
Casey	Jones	Soniat
Champagne	Juneau	Stephenson
Chatelain	Kean	Stovall
Chehardy	Kelly	Sutherland
Comar	Kilbourne	Tapper
Conino	Kilpatrick	Tobias
Corne	Landrum	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullio
Dennery	Leithman	Warren
Derbes	Lowe	Wattigny
Deshotels	McDaniel	Weiss
Drew	Martin	Willis
Duval	Miller	Winchester
Elkins	Mire	Zervigon
Fayard		
Total—82.		

NAYS

Delegates—		
Abraham	Graham	Newton
Asseff	Grier	Roemer
Avant	Haynes	Schmitt
Blair	Hernandez	Shannon
Burns	Landry, E. J.	Slay
Conroy	Leigh	Stagg
De Blieux	Mauberrret	Stinson
Dennis	Maybuco	Velazquez
Dunlap	Munson	Wisham
Flory		
Total—28.		

NOT VOTING

Delegates—		
Mr. Chairman	Lambert	Tate
Alario	Landry, A.	Thistlethwaite
Carmouche	Morris	Thompson
Edwards	Ourso	Vesich
Giarrusso	Perez	Vick
Ginn	Rachal	Wall
Heine	Riecke	Womack
Jack		
Total—22.		

And the amendment were adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery moved the adoption of amendment No. 2.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fowler	Nunez
Alexander	Fulco	Perkins
Arnette	Goldman	Planchar
Badeaux	Gravel	Pugh
Bel	Guarisco	Reeves
Bergeron	Jackson, A.	Roy
Brien	Jackson, J.	Sandoz
Burson	Jones	Segura
Casey	Juneau	Singletary
Champagne	Kean	Smith
Chatelain	Kelly	Soniat
Chehardy	Kilbourne	Stovall
Comar	Kilpatrick	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Tobias
Corne	Lanier	Tcca
D'Gerolamo	LeBleu	Toomy
Dennery	Leithman	Ullo
Derbes	Lowe	Wattigny
Deshotels	Martin	Weiss
Drew	Miller	Willis
Fontenot	Mire	Zervigon
Total—66.		

NAYS

Delegates—		
Abraham	Fayard	Newton
Anzalone	Flory	O'Neill
Asseff	Gauthier	Rayburn
Avant	Graham	Roemer
Blair	Grier	Schmitt
Bollinger	Hardee	Shannon
Brown	Hayes	Slay
Burns	Hernandez	Stagg
Cannon	Jenkins	Stephenson
Cowen	Landry, E. J.	Stinson
De Blieux	Leigh	Velazquez
Dennis	McDaniel	Warren
Dunlap	Mauberrret	Winchester
Duval	Maybuce	Wisham
Elkins	Munson	
Total—44.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Tate
Alario	Lambert	Thistlethwaite
Carmouche	Morris	Thompson
Edwards	Ourso	Vesich
Giarrusso	Perez	Vick
Ginn	Rachal	Wall
Haynes	Riecke	Womack
Heine		
Total—22.		

And the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Delegate Proposal No. 98 by Delegate Henry.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 5, between lines 14 and 15, insert the following:
“(6) Powers of management over higher education are vested in management boards for the Louisiana State University and A & M College, the Southern University A & M

College, and the State University and College Commission, subject to the authority of the Board of Regents.”

Delegate Kean moved the adoption of the amendment.

Delegate Kelly objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	D'Gerolamo	Landrum
Aertker	Drew	Landry, E. J.
Alexander	Elkins	Leigh
Anzalone	Flory	Lowe
Asseff	Fulco	McDaniel
Avant	Grier	Maybuce
Blair	Hardee	Munson
Cannon	Hayes	Ourso
Champagne	Hernandez	Schmitt
Chehardy	Jackson, J.	Stinson
Comar	Kean	Thistlethwaite
Cowen	Kilbourne	Wisham
Total—36.		

NAYS

Delegates—		
Mr. Chairman	Gauthier	Reeves
Arnette	Ginn	Roemer
Badeaux	Goldman	Roy
Bel	Graham	Sandoz
Bergeron	Gravel	Segura
Bollinger	Guarisco	Shannon
Brien	Jackson, A.	Singletary
Brown	Jenkins	Slay
Burns	Jones	Smith
Burson	Juneau	Soniat
Casey	Kelly	Stagg
Chatelain	Kilpatrick	Stephenson
Conino	Landry, A.	Stovall
Conroy	Lanier	Sutherland
Corne	LeBleu	Tapper
De Blieux	Leithman	Tate
Dennery	Martin	Tobias
Dennis	Mauberrret	Toca
Derbes	Miller	Toomy
Deshotels	Mire	Ullo
Dunlap	Newton	Velazquez
Duval	Nunez	Wattigny
Edwards	Perkins	Weiss
Fayard	Planchar	Willis
Fontenot	Pugh	Zervigon
Fowler	Rayburn	
Total—77.		

NOT VOTING

Delegates—		
Alario	Morris	Vesich
Carmouche	O'Neill	Vick
Giarrusso	Perez	Wall
Haynes	Rachal	Warren
Heine	Riecke	Winchester
Jack	Thompson	Womack
Lambert		
Total—19.		

And the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Delegate Proposal No. 98 by Delegate Henry

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 8, after the word “institution” and before the word “of” insert the following: “or existing systems”

PAGE 9

119th Days Proceedings—January 16, 1974

Delegate Aertker moved the adoption of the amendment.

Delegate Leithman objected.

By a vote of 36 yeas and 74 nays the amendment was rejected.

Delegate Wattigny moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Haynes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Haynes and Velazquez to Delegate Proposal No. 98 by Delegate Henry, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, line 8, after the words "law and" and before the word "members" delete the word "three" and insert in lieu thereof the word "seven"

Delegate Haynes moved the adoption of the amendment.

Delegate Juneau objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fontenot	Landry, E. J.
Alexander	Fulco	Leigh
Asseff	Ginn	Lowe
Avant	Goldman	Maybuce
Blair	Gravel	Roy
Brown	Grier	Schmitt
Burns	Hardee	Segura
Champagne	Hayes	Slay
Chehardy	Haynes	Soniat
Comar	Jackson, A.	Stovall
Conroy	Jackson, J.	Tobias
Dennery	Jones	Velazquez
Drew	Kean	Warren
Elkins	Kilbourne	Winchester
Flory	Landrum	Wisham
Total—45.		

NAYS

Delegates—		
Mr. Chairman	Gauthier	Planchard
Anzalone	Graham	Pugh
Arnette	Guarisco	Rayburn
Badeaux	Heine	Reeves
Bel	Jenkins	Roemer
Bollinger	Juneau	Sandcz
Brien	Kelly	Singletary
Burson	Landry, A.	Smith
Cannon	Lanier	Stagg
Casey	LeBleu	Stephenson
Chatelain	Leithman	Stinson
Conino	McDaniel	Sutherland
Corne	Martin	Tapper
Cowen	Mauberret	Tate
D'Gerolamo	Miller	Thistlethwaite
De Blieux	Mire	Toca
Dennis	Newton	Toomy
Derbes	Nunez	Uilo
Deshotels	O'Neill	Wattigny
Dunlap	Ourso	Weiss
Duval	Perez	Willis
Fayard	Perkins	Zervigon
Fowler		
Total—67.		

NOT VOTING

Delegates—		
Aertker	Jack	Shannon
Alario	Kilpatrick	Thompson
Bergeron	Lambert	Vesich
Carmouche	Morris	Vick
Edwards	Munson	Wall
Giarrusso	Rachal	Womack
Hernandez	Riecke	
Total—20.		

And the amendment was rejected.

Delegate Juneau moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alexander sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alexander to Delegate Proposal No. 98 by Delegate Henry, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, line 6, after the word and punctuation "law." add the following:

"The composition of the board shall reflect, as nearly as practical, the racial composition of the state."

Delegate Alexander moved the adoption of the amendment.

Delegate Chatelain objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Flory	Lanier
Asseff	Fulco	Maybuce
Avant	Ginn	Ourso
Bel	Goldman	Roy
Bergeron	Grier	Shannon
Blair	Hayes	Slay
Burns	Jackson, A.	Soniat
Champagne	Jackson, J.	Stovall
Chehardy	Jones	Toca
Comar	Kean	Velazquez
D'Gerolamo	Kilbourne	Warren
Dennery	Landrum	Zervigon
Elkins	Landry, E. J.	
Total—38.		

NAYS

Delegates—		
Mr. Chairman	Fayard	Perkins
Abraham	Gauthier	Planchard
Anzalone	Graham	Pugh
Arnette	Gravel	Reeves
Badeaux	Guarisco	Roemer
Bollinger	Hayes	Sandcz
Brien	Heine	Schmitt
Brown	Jenkins	Segura
Burson	Juneau	Singletary
Cannon	Kelly	Smith
Casey	Landry, A.	Stagg
Chatelain	LeBleu	Stephenson
Conino	Leigh	Stinson
Conroy	Lowe	Sutherland
Corne	McDaniel	Thistlethwaite
Cowen	Martin	Tobias
De Blieux	Mauberret	Toomy
Dennis	Miller	Uilo
Deshotels	Mire	Wattigny
Drew	Newton	Weiss
Dunlap	Nunez	Willis
Duval	O'Neill	Wisham
Edwards	Perez	
Total—68.		

NOT VOTING

Delegates—		
Aertker	Jack	Tapper
Alario	Kilpatrick	Tate
Anzalone	Lambert	Thompson
Carmouche	Leithman	Vesich
Derbes	Morris	Vick
Fontenot	Munson	Wall
Fowler	Rachal	Winchester
Giarrusso	Rayburn	Womack
Hardee	Riecke	
Hernandez		
Total—26.		

And the amendment was rejected.

Delegate Chatelain moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Point of Order

Delegate O'Neill suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Munson
Abraham	Fontenot	Newton
Alexander	Fowler	Nunez
Arnette	Fulco	O'Neill
Asseff	Gauthier	Ourso
Avant	Ginn	Perez
Badeaux	Goldman	Perkins
Bel	Graham	Planchard
Bergeron	Gravel	Pugh
Blair	Grier	Rayburn
Bollinger	Guarisco	Reeves
Brien	Hardee	Roemer
Brown	Hayes	Roy
Burns	Heine	Sandoz
Burson	Hernandez	Schmitt
Cannon	Jackson, A.	Segura
Casey	Jackson, J.	Shannon
Champagne	Jenkins	Singletary
Chatelain	Jones	Slay
Chehardy	Juneau	Smith
Comar	Kean	Soniat
Conino	Kelly	Stagg
Conroy	Kilbourne	Stephenson
Corne	Kilpatrick	Sutherland
Cowen	Landrum	Tapper
D'Gerolamo	Landry, A.	Tate
De Blieux	Landry, E. J.	Thistlethwaite
Dennery	Lanier	Tobias
Dennis	LeBleu	Toomy
Derbes	Leigh	Ullo
Deshotels	Leithman	Velazquez
Drew	Lowe	Wattigny
Dunlap	McDaniel	Weiss
Duval	Martin	Willis
Edwards	Mauberret	Winchester
Elkins	Maybuce	Wisham
Fayard	Mire	Zervigon
Total—111.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Jack	Stinson
Alario	Lambert	Stovall
Anzalone	Miller	Thompson
Carmouche	Morris	Toca
Giarrusso	Rachal	Vesich
Haynes	Riecke	Vick

Wall	Warren	Womack
Total—20.		

And the chairman announced that there were 111 Delegates present and a quorum.

Passage

The Proposal was read, as amended.

Delegate Juneau moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Perez
Alexander	Fontenot	Planchard
Anzalone	Fowler	Pugh
Arnette	Fulco	Rayburn
Badeaux	Gauthier	Reeves
Bergeron	Ginn	Roemer
Bollinger	Goldman	Roy.
Brien	Graham	Sandoz
Brown	Gravel	Segura
Burns	Guarisco	Shannon
Burson	Jackson, A.	Singletary
Casey	Jenkins	Smith
Champagne	Jones	Soniat
Chatelain	Juneau	Stovall
Chehardy	Kelly	Sutherland
Conino	Kilpatrick	Tapper
Conroy	Landry, A.	Tate
Corne	Lanier	Tobias
De Blieux	LeBleu	Toca
Dennery	Leithman	Toomy
Dennis	Martin	Ullo
Derbes	Miller	Wattigny
Deshotels	Mire	Weiss
Drew	Newton	Willis
Dunlap	Nunez	Winchester
Duval	O'Neill	Zervigon
Edwards	Ourso	
Total—80.		

NAYS

Delegates—		
Abraham	Hayes	Maybuce
Asseff	Heine	Munson
Avant	Hernandez	Perkins
Bel	Jackson, J.	Schmitt
Blair	Kean	Slay
Comar	Kilbourne	Stagg
Cowen	Landrum	Stephenson
D'Gerolamo	Landry, E. J.	Stinson
Elkins	Leigh	Thistlethwaite
Flory	Lowe	Velazquez
Grier	McDaniel	Wisham
Hardee	Mauberret	
Total—35.		

NOT VOTING

Delegates—		
Aertker	Jack	Vesich
Alario	Lambert	Vick
Cannon	Morris	Wall
Carmouche	Rachal	Warren
Giarrusso	Riecke	Womack
Haynes	Thompson	
Total—17.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Vice-Chairman Casey in the Chair

Motion

Delegate Rayburn moved for a suspension of the rules in order to discharge Committee Proposal No. 7 from the Committee on Style and Drafting.

Delegate Abraham objected.

By a vote of 102 yeas and 5 nays the rules were suspended.

Reconsideration

On motion of Delegate Rayburn the vote by which Committee Proposal No. 7 was passed, was reconsidered.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Motion

On motion of Delegate Rayburn the Rules were suspended in order to call from the table the motions to reconsider the votes by which Committee Proposal No. 7, Sections 3, 5, 6 and 12 were passed, to offer simultaneously seven amendments affecting these four sections and to pass these four sections simultaneously.

Reconsideration

On motion of Delegate Rayburn the votes by which Committee Proposal No. 7, Sections 3, 5, 6 and 12 were passed were reconsidered.

Section 3. State Superintendent of Public Elementary and Secondary Education

Section 3. (A) Term. There shall be a state superintendent of public education for elementary and secondary education, who shall be appointed by the State Board of Elementary and Secondary Education for a term not to exceed four years.

(B) Qualifications. The state superintendent shall possess the qualifications required of parish school superintendents and such additional qualifications as may be fixed by law.

(C) Functions. The powers, duties, responsibilities, and salary of the state superintendent of public education shall be prescribed by law.

Read.

Section 5. Qualifications and Certification of Teachers

Section 5. The board shall prescribe and provide for the qualifications to be met by teachers and for the certification of teachers of public elementary and secondary and special schools.

Read.

Section 6. Approval of Private Schools; Effect

Section 6. The board shall approve private elementary, secondary, and proprietary schools whose sustained curriculum is of a quality equal to that prescribed for similar public schools. The certificates issued by private schools so approved shall carry the same privileges as those issued by the state public schools.

Read.

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.

(B) Parish Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent, who need not be a resident of the parish in which he serves.

Read.

Delegate Rayburn sent up floor amendments, which were read as follows:

Amendments proposed by Delegates Rayburn, Thompson, Alexander, Anzalone, Asseff, Blair, Bollinger, Brien, Burson, Cannon, Champagne, Chatelain, Conino, Corne, De Blieux, Deshotels, Drew, Duval, Fayard, Fontenot, Fowler, Fulco, Ginn, Goldman, Graham, Gravel, Grier, Hayes, A. Jackson, Jenkins, Juneau, Kelly, Kilpatrick, Landrum, A. Landry, E. J. Landry, Lanier, Leithman, Jones, Mauberrret, Miller, Nunez, O'Neill, Ourso, Reeves, Roemer, Roy, Sandoz, Segura, Shannon, Slay, Smith, Stephenson, Sutherland, Toca, Toomy, Ulló, Velazquez, Warren, Wattigny, Willis and Winchester to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend Final Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 2, line 10, after the word "schools" and before the words "and special" insert the words and punctuation ", vocational-technical training."

AMENDMENT No. 2—

On page 3, line 20, after the word "education" change the comma "," to a colon ":" and delete the remainder of the line and delete line 21 in its entirety

AMENDMENT No. 3—

On page 4, line 4, after the word "education" add a period "." and delete the remainder of the line and at the beginning of line 5, delete the words and punctuation "ing and career education."

AMENDMENT No. 4—

On page 4, at the end of line 12, after the word "education" delete the word "and" and on line 13, delete the words "post-secondary vocational-technical training and career education"

AMENDMENT No. 5—

On page 4, line 17, after the word "education" delete the remainder of the line and on line 18, delete the words "technical training and career education"

AMENDMENT No. 6—

On page 4, line 31, after the words "management of" delete the colon ":" and delete lines 32 through 35, both inclusive, in their entirety and on page 5, delete line 1 in its entirety, and insert in lieu thereof the following: "state colleges and universities not managed by a higher education board created by or under this Article."

AMENDMENT No. 7—

On page 7, line 10, after the word "education" delete the remainder of the line and at the beginning of line 11, delete the word "education"

On motion of Delegate Rayburn the amendments were adopted.

Delegate Rayburn moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Sections 3, 5, 6 & 12 were read, as amended.

Delegate Rayburn moved the final passage of the Sections.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Avant	Bollinger
Alexander	Badeaux	Brien
Anzalone	Bel	Brown
Arnette	Bergeron	Burson
Asseff	Blair	Cannon

PAGE 12

119th Days Proceedings—January 16, 1974

Casey	Jackson, A.	Roemer
Champagne	Jackson, J.	Roy
Chatelain	Jenkins	Sandoz
Chehardy	Jones	Schmitt
Comar	Juneau	Segura
Conino	Kelly	Shannon
Corne	Kilpatrick	Singletary
Cowen	Landrum	Slay
D'Gerolamo	Landry, A.	Smith
De Blieux	Landry, E. J.	Soniat
Derbes	Lanier	Stagg
Deshotels	LeBleu	Stephenson
Drew	Leigh	Stovall
Duval	Leithman	Sutherland
Elkins	Lowe	Tapper
Fayard	McDaniel	Tate
Flory	Martin	Thistlethwaite
Fontenot	Mauberet	Tobias
Fowler	Maybuce	Toca
Fulco	Miller	Toomy
Gauthier	Mire	Ullo
Ginn	Newton	Velazquez
Goldman	Nunez	Vesich
Graham	O'Neill	Warren
Gravel	Ourso	Wattigny
Grier	Perez	Weiss
Guarisco	Perkins	Willis
Hardee	Planchard	Winchester
Hayes	Pugh	Wisham
Heine	Rayburn	Zervigon
Hernandez	Reeves	
Total—107.		

NAYS

Delegate Stinson.
Total—1.

NOT VOTING

Delegates—	Dunlap	Morris
Mr. Chairman	Edwards	Munson
Aertker	Giarrusso	Rachal
Alario	Haynes	Riecke
Burns	Jack	Thompson
Carmouche	Kean	Vick
Conroy	Kilbourne	Wall
Dennery	Lambert	Womack
Dennis		
Total—24.		

And the Chair declared that the above Sections were finally passed.

Delegate Rayburn moved to reconsider the vote by which the above Sections were finally passed, and, on his own motion, the motion to reconsider was laid on the table.

The Proposal was read in full.

Delegate Rayburn moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Casey	Flory
Abraham	Champagne	Fontenot
Alexander	Chatelain	Fowler
Anzalone	Chehardy	Fulco
Arnette	Comar	Ginn
Asseff	Conino	Goldman
Avant	Corne	Graham
Badeaux	Cowen	Gravel
Bel	D'Gerolamo	Grier
Bergeron	De Blieux	Guarisco
Blair	Derbes	Hardee
Bollinger	Deshotels	Hayes
Brien	Drew	Heine
Brown	Duval	Hernandez
Burson	Fayard	Jackson, A.
Cannon		

Jackson, J.	Newton	Stagg
Jenkins	Nunez	Stephenson
Jones	O'Neill	Stovall
Juneau	Ourso	Sutherland
Kilbourne	Perez	Tapper
Kilpatrick	Perkins	Tate
Landrum	Planchard	Thistlethwaite
Landry, A.	Pugh	Toca
Landry, E. J.	Rayburn	Toomy
Lanier	Reeves	Ullo
LeBleu	Roemer	Velazquez
Leigh	Roy	Warren
Leithman	Sandoz	Wattigny
Lowe	Schmitt	Weiss
McDaniel	Segura	Willis
Martin	Shannon	Winchester
Mauberet	Singletary	Wisham
Maybuce	Slay	Zervigon
Miller	Smith	
Mire	Sonlat	
Total—103.		

NAYS

Delegates—	Stinson	Tobias
Gauthier		
Kelly		
Total—4.		

NOT VOTING

Delegates—	Edwards	Rachal
Mr. Chairman	Elkins	Riecke
Aertker	Giarrusso	Thompson
Alario	Haynes	Vesich
Burns	Jack	Vick
Carmouche	Kean	Wall
Conroy	Lambert	Womack
Dennery	Morris	
Dennis	Munson	
Dunlap		
Total—25.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 15, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

SUPPLEMENTAL REPORT

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberet, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Reported with amendment.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

Delete the Convention Floor Amendment offered by Delegates Henry, et al. and adopted by the Convention on January 15, 1974, and insert in lieu thereof the following:

“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 to matter which already has gone through some artificial process.”

Respectfully submitted,

ALBERT TATE,
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the proposals contained in the Committee Report at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Maubert, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

Delete the Convention Floor Amendment offered by Delegates Henry, et al. and adopted by the Convention on January 15, 1974, and insert in lieu thereof the following:

“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 to matter which already has gone through some artificial process.”

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 16, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal has been properly enrolled in final form:

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, Gauthier, Gravel, A. Jackson, Pugh, Roy, Stovall and Warren:

A PROPOSAL

Providing for special juvenile procedures.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article ----, Section ----, Special Juvenile Procedures

Section ----, Except for a person fifteen 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 two-thirds 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 procedures would apply in individual cases.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 16, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled in final form:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the declaration and determination of inability of statewide elective officers, and related matters.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.

(B) Number of Departments. Except for the offices of

governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments. The powers, functions, and duties allocated by this constitution to any executive office or commission shall not be affected or diminished by the allocation provided herein except as authorized by Section 22 of this Article.

(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. 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 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. Election; Term

Section 3. (A) Election. The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections each 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 such official shall begin at noon on the second Monday in March next following the election.

(B) Limitation on Governor. 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.

(C) Additional Limitation. Except as provided by this constitution, no official shall be elected statewide.

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.

(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 office.

(D) Operating Budget. The governor shall submit to the legislature, at a time fixed by law, a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues.

(E) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and shall request implementation of the first year of the program.

(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 state, and remit fines and forfeitures imposed for such offenses. 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) 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.

(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.

(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 a bill over a veto.

(2) The governor shall veto line items or use means provided in the bill so that total appropriations for the year shall not exceed anticipated revenues for that year.

(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 name of an appointee 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, unless submitted to and confirmed by the Senate during that session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(J) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out these forces to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(L) Other Powers and Duties. The governor shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 6. Lieutenant Governor; Powers and Duties

Section 6. The lieutenant governor shall serve ex officio as a member of each committee, board, and commission on which the governor serves. He shall exercise the powers delegated to him by the governor and shall have other powers and perform other duties in the executive branch authorized by this constitution or provided by law.

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 trademark laws; serve as keeper of the Great Seal of the State of Louisiana 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. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to super-

sede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.

Section 9. Treasurer; Powers and Duties

Section 9. There shall be a Department of the Treasury. The treasurer shall head the department and shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and shall have other powers and perform other duties authorized by this constitution or provided by law.

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. 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 powers and perform duties authorized by this constitution or provided by law.

Section 12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 13. First Assistants; Appointment

Section 13. Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit the appointment to the Senate in the manner and subject to the procedures and limitations applicable to appointments submitted by the governor. The first assistant shall possess the qualifications required for election to the office.

Section 14. Vacancy in Office of Governor

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law. The successor shall serve the remainder of the term for which the governor was elected.

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 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.

Section 17. Other Vacancies

Section 17. (A) **Gubernatorial Appointment; Election.** 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.

(B) **Qualifications.** 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.

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. Declaration of Inability by Statewide Elected Officials

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. 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.

(B) **Determination by the Legislature.** The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the 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, the official shall continue in or resume office.

(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.

(D) **Determination by Supreme Court.** By preference and with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to the court, under such rules as it may adopt.

(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 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 21. Temporary Absences

Section 21. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence.

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 enacted by two-thirds of the elected members of each house, 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. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected mem-

PAGE 16

119th Days Proceedings—January 16, 1974

bers of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposal contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 16, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled in final form:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE V. JUDICIAL BRANCH

Section 1. Judicial Power

Section 1. The judicial power is vested in a supreme court, courts of appeal, district courts, and other courts authorized by this Article.

Section 2. Habeas Corpus, Needful Writs, Orders and Process; Contempt

Section 2. A judge may issue writs of habeas corpus and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law.

Section 3. Supreme Court; Composition; Judgments; Terms

Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a supreme court judge shall be ten years.

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.

Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) Supervisory Jurisdiction; Rule-Making Power; Assignment of Judges. The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court.

(B) Original Jurisdiction. The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar.

(C) Scope of Review. Except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) Appellate Jurisdiction. In addition to other appeals

provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional; (2) the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed.

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

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it.

Section 6. Supreme Court; Chief Justice

Section 6. The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Section 7. Supreme Court; Personnel

Section 7. The supreme court may select a judicial administrator, its clerks, and other personnel and prescribe their duties.

Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms

Section 8. (A) Circuits; Panels. The state shall be divided into at least four circuits, with one court of appeal in each. Each court shall sit in panels of at least three judges selected according to rules adopted by the court.

(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 before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

(C) Terms. The term of a court of appeal judge shall be ten years.

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.

Section 10. Courts of Appeal; Jurisdiction

Section 10. (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.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal extends to law and facts.

Section 11. Courts of Appeal; Certification

Section 11. A court of appeal may certify any question of law before it to the supreme court, and the supreme court then may give its binding instruction or decide the case upon the whole record.

Section 12. Courts of Appeal; Chief Judge

Section 12. The judge oldest in point of service on each court of appeal shall be chief judge of that court and shall administer the court subject to rules adopted by it.

Section 13. Courts of Appeal; Personnel

Section 13. Each court of appeal may select its clerk and other personnel and prescribe their duties.

Section 14. District Courts; Judicial Districts

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.

Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 20 of this Article, the legislature may abolish or merge trial courts of limited or specialized jurisdiction. The legislature may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter juris-

diction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 20 of this Article, the legislature may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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.

Section 16. District Courts; Jurisdiction

Section 16. (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 corporation, or political subdivisions, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships.

(B) Appellate Jurisdiction. A district court shall have appellate jurisdiction as provided by law.

Section 17. District Courts; Chief Judge

Section 17. Each district court shall elect from its members a chief judge who shall exercise, for a term designated by the court, the administrative functions prescribed by rule of court.

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.

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.

Section 20. Judges; Decrease in Terms and Compensation Prohibited

Section 20. The term of office, retirement benefits, and compensation of a judge shall not be decreased during the term for which he is elected.

Section 21. Judges; Election; Vacancy

Section 21. (A) Election. Except as otherwise provided in this Section, all judges shall be elected. Election shall be at the regular congressional election.

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within six months after 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, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

(C) End of Term. A judge serving on the effective date of this constitution shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the year of a regular congressional election, then through December thirty-first of the following year. The election for the next term shall be held in the year in which the term expires, as provided above.

Section 22. Judges; Retirement

Section 22. (A) Retirement System. Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the law enacting the system and in which a judge in office at that time may elect to become a member, with credit for all prior years of judicial service and without contribution therefor. The retirement benefits and judicial service rights of a judge in office or retired on the effective date of this con-

stitution shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

(B) Mandatory Retirement. Except as otherwise provided in this Section, a judge shall not remain in office beyond his seventieth birthday.

Section 23. Judges; Qualifications

Section 23. 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.

Section 24. Judiciary Commission

Section 24. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges' Association or its successor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct pre-judicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.

Section 25. District Attorneys

Section 25. (A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years preceding election. A district attorney may select assistants as authorized by law, and other personnel.

(B) Powers. Except as otherwise provided by this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law.

(C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge. A violation of this Paragraph shall be cause for removal.

Section 26. Sheriffs

Section 26. In each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and license fees as provided by law. This Section shall not apply to Orleans Parish.

Section 27. Clerks of Court

Section 27. (A) Powers and Duties; Deputies. In each parish a clerk of the district court shall be elected for a term of four years. He shall be ex officio notary public and parish

recorder of conveyances, mortgages, and other acts and shall have other duties and powers provided by law. The clerk may appoint deputies with duties and powers provided by law and, with the approval of the district judges, he may appoint minute clerks with duties and powers provided by law.

(B) Office Hours. The legislature shall establish uniform statewide office hours for clerks of the district courts.

Section 28. Coroners

Section 28. In each parish a coroner shall be elected for a term of four years. He shall be a licensed physician and possess the other qualifications and perform the duties provided by law. The requirement that he be a licensed physician shall be inapplicable in any parish in which no licensed physician will accept the office.

Section 29. Vacancies

Section 29. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated: (1) sheriff, by the chief criminal deputy; (2) district attorney, by the first assistant; (3) clerk of a district court, by the chief deputy; (4) coroner, by the chief deputy. If there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

Section 30. Reduction of Salaries and Benefits Prohibited

Section 30. The salary and retirement benefits of an attorney general, district attorney, sheriff, coroner, or clerk of the district court shall not be diminished during his term of office.

Section 31. Orleans Parish Courts, Officials

Section 31. 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.

Section 32. Jurors

Section 32. (A) Qualifications. A citizen of the state who has reached the age of majority is eligible to serve as a juror within the parish in which he is domiciled. The legislature may provide additional qualifications.

(B) Exemptions. The supreme court shall provide by rule for exemption of jurors.

Section 33. Grand Jury

Section 33. (A) Grand Jury. There shall be a grand jury or grand juries in each parish, whose qualifications, duties, and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of witnesses, shall be provided by law.

(B) Right to Counsel. The legislature may establish by law terms and conditions under which a witness may have the right to the advice of counsel while testifying before the grand jury.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

The Proposal contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 16, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly Re-Enrolled in final form:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. REVENUE AND FINANCE

Section 1. Ad Valorem Taxes

Section 1. (A) Assessments. Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in Paragraph (C), shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.

(B) Classification. The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:

Classifications	Percentages
1. Land	10%
2. Improvements for residential purposes	10%
3. Other property	15%

(C) Use Value. Bona fide agricultural, horticultural, marsh, and timber lands, as defined by general law, shall be assessed for tax purposes at ten percent of use value rather than fair market value. The legislature may provide by law similarly for buildings of historic architectural importance.

(D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor. Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph (C). Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

(E) Review. The correctness of assessments by the assessor shall be subject to review first by the parish governing authority, then by the Louisiana Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.

(F) Reappraisal. All property subject to taxation shall be reappraised and valued in accordance with this Section, at intervals of not more than four years.

Section 2. State Property Taxation; Rate Limitation

Section 2. State taxation on property for all purposes shall not exceed an annual rate of five and three-quarter mills on the dollar of assessed valuation.

Section 3. Homestead Exemption

Section 3. (A) Homeowners.

(1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation.

(2) By law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

(4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than one homestead owned by the husband or wife.

(5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

(B) Residential Lessees. Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or

rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.

Section 4. Other Property Exemptions

Section 4. In addition to the homestead exemption provided for in Section 3 of this Article, the following property and no other shall be exempt from ad valorem taxation:

(A) Public lands; other public property used for public purposes.

(B) (1) Property owned by a nonprofit corporation or association 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 or state income tax;

(2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

(3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes.

None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

(C) (1) Cash on hand or 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 Louisiana and the notes or other evidence thereof;

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

(7) debts due for merchandise or other articles of commerce or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

(11) agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, animals on the farm, and property belonging to an agricultural fair association;

(12) property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

(13) rights-of-way granted to the State Department of Highways;

(14) boats using gasoline as motor fuel;

(15) commercial vessels used for gathering seafood for human consumption; and

(16) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the states of the United States.

(D) (1) Raw materials, goods, commodities, and articles imported into this state from outside the states of the United States:

(a) so long as the imports remain on the public property of the port authority or docks of the common carrier where they first entered this state;

(b) so long as the imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in any public or private storage in the original form in bales,

sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in-trade for sale at retail.

(2) Raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the states of the United States.

(3) (a) Goods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether such destination was specified when transportation began or afterward.

(b) Property described in Paragraph (D), whether or not entitled to exemption, shall be reported to the proper taxing authority on the forms required by law.

(E) Motor vehicles used on the public highways of this state, from state, parish, and special ad valorem taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the governing authority thereof provides for the exemption by ordinance or resolution.

(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, deem 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.

All property exempted shall be listed on the assessment rolls and be 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 to matter which already has gone through some artificial process.

Section 5. No Impairment of Existing Taxes or Obligations
Section 5. This Article shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the effective date of this constitution.

Section 6. Adjustment of Ad Valorem Tax Millages

Section 6. Prior to the end of the third year after the effective date of this constitution, the assessors and the Louisiana Tax Commission or its successor shall complete determination of the fair market value or the use value of all property subject to taxation within each parish for use in implementing this Article. Except as provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which Sections 1 and 3 of this Article are implemented shall not be increased or decreased, because of their provisions, above or below ad valorem taxes collected by that taxing authority in the year preceding implementation. To accomplish this result, it shall be mandatory for each affected taxing authority, in the year in which Sections 1 and 3 of this Article are implemented, to adjust millages upwards or downwards without regard to millage limitations contained in this constitution, and the maximum authorized millages shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall remain in effect unless changed as permitted by this constitution. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 1 and 3 of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (a) levying additional or increased millages as provided by law; (b) placing additional property on the tax rolls; or (c) increases in the fair market or use value of property after the first de-

termination of that value to implement this Article. This Section shall not apply to millages required to be levied for the payment of general obligation bonds.

Section 7. Revenue Sharing Fund

(A) Creation of Fund. The Revenue Sharing Fund is created as a special fund in the state treasury.

(B) Annual Allocation. The sum of ninety million dollars is allocated annually from the state general fund to the revenue sharing fund. The legislature may appropriate additional sums to the fund.

(C) Distribution Formula. The revenue sharing fund shall be distributed annually as provided by law solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless otherwise provided by law, population statistics of the last federal decennial census shall be utilized for this purpose. After deductions in each parish for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, shall be distributed by first priority to the tax recipient bodies within the parish, as defined by law, to offset current losses because of homestead exemptions granted in this Article. Any balance remaining in a parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish as provided by law.

(D) Distributing Officer. The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board or its successor shall be distributed to and by the city treasurer of Monroe.

(E) Bonded Debt. A political subdivision, as defined by Article VI of this constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the revenue sharing fund, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys allocated within any parish from the balance remaining in its distribution may be pledged to the payment of the principal or interest of any bonds. Bonds issued under this Paragraph shall be issued and sold as provided by law, and shall require approval of the State Bond Commission or its successor prior to issuance and sale.

Section 8. Tax Assessors

(A) Election; Term. A tax assessor shall be elected by the electors of each parish, Orleans Parish excepted. His term of office shall be four years. His election, duties, and compensation shall be as provided by law.

(B) Orleans Parish. There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each. Their duties and compensation shall be as provided by law.

(C) Vacancy. When a vacancy occurs in the office of tax assessor, the duties of the office, until filled by election as provided by law, shall be assumed by the chief deputy assessor, except in Orleans Parish where the Board of Assessors shall appoint an interim assessor.

Section 9. Tax Sales

(A) Tax Sales. There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs' sales, in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs. The sale shall be without appraisalment.

A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

(B) Redemption. The property sold shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon, and interest at the rate of one percent per month until redemption.

(C) Annulment. No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must be served within five years after the date of the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

(D) Quieting Tax Title. The manner of notice and form of proceeding to quiet tax titles shall be provided by law.

(E) Movables; Tax Sales. When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Sale of the property shall be at public auction, without appraisalment, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.

(F) Postponement of Taxes. The legislature may postpone the payment of taxes, but only in cases of overflow, general conflagration, general crop destruction, or other public calamity, and may provide for the levying, assessing, and collecting of such postponed taxes. In such case, the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and may levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the Interim Emergency Board to the governing authority of the parish where the calamity occurs. The money loaned shall be applied to and shall not exceed the deficiency in revenue of the parish or a political subdivision therein or of which the parish is a part, caused by postponement of taxes. No loan shall be made to a parish governing authority without the approval of the Interim Emergency Board.

Section 10. Effective Date

Section 10 and Section 3 of this Article shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposal contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Motion

On motion of Delegate Tobias, the Convention altered the Order of Business to take up reading and adoption of the Previous Day's Journal at this time.

Reading of the Journal

On motion of Delegate Tobias, the reading of the Journal was dispensed with.

On motion of Delegate Tobias, the Journal of yesterday was adopted.

Motion

On motion of Delegate Pugh the rules were suspended in order to discharge Committee Proposal No. 4 from the Committee on Style and Drafting.

Reconsideration

On motion of Delegate Pugh the vote by which Committee Proposal No. 4 was passed, was reconsidered.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Motion

On motion of Delegate Pugh the Rules were suspended in order to call from the table the motion to Reconsider the vote by which Committee Proposal No. 4, Section 5 for the limited purpose of offering an amendment thereto.

Reconsideration

On motion of Delegate Pugh the vote by which Committee Proposal No. 4, Section 5, was passed, was reconsidered.

Section 5. Powers and Duties of Governor

Section 5. (A) Executive Authority. The governor shall be the chief executive officer of the state and shall faithfully support the constitution and laws of the state.

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session of the legislature, 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) Reports and Information. Any department head shall provide the governor with reports and information, in writing or otherwise, when requested by him on any subject relating to such department, excepting matters relating to investigations of the governor's office.

(D) Operating Budget. The governor shall prepare the state's annual operating budget, and shall transmit copies thereof to the legislature at least two weeks prior to the first day of each annual session. Upon adoption of the operating budget by the legislature, it shall become the official state budget and shall be executed and administered by the governor. Total appropriations for the year shall not exceed anticipated annual revenues as projected by the governor in the operating budget.

(E) Capital Budget. The governor shall prepare annually a five-year capital program and shall submit to each regular session of the legislature a proposed capital budget as provided by statute implementing the first year of the program. All capital projects approved by the legislature shall be made a part of the capital budget, and the operating budget for each year shall provide for amortization of the cost of each such capital project.

(F) Pardon, Commutation, Reprieve, Remission. Except in cases of conviction upon impeachment, the governor may re-

prieve, may grant commutation of sentence, and may pardon those convicted of offenses against the state and may remit fines and forfeitures imposed for such offenses. In addition, the legislature may provide additional methods for the foregoing and other post-conviction remedies.

(G) Signature on Bills; Veto. The date and time when each bill passed by the legislature is delivered to the governor shall be entered thereon. He shall then have thirty calendar days within which to act on it. If he approves, he shall sign it. If he disapproves, he shall veto it, giving his reason therefor, and if the legislature is in session, he shall return it to the house in which it originated within twenty-four hours. If he fails to veto within the time provided by this constitution, it shall become law.

(H) Appropriation Bills. (1) The governor may veto any line item in an appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

(2) The governor shall either veto line items, or use other means provided in the bill, in order that total appropriations for the year shall not exceed anticipated revenues for the year.

(I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

(2) Should the legislature be in 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, prior to the end of the session, shall constitute rejection of the appointment.

(3) Should the legislature not be in session, the governor may make interim appointments, which shall expire at the end of the next session of the legislature, unless submitted to and confirmed by the Senate during such session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(J) Removal. The governor may remove from office those whom he appoints, except those appointed for a term fixed by this constitution or as may be fixed by statute.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out the armed forces of the state to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(L) Extraordinary Session. (1) The governor may convene the legislature into extraordinary session by issuance of a proclamation to the legislature at least five days prior to the convening of the session. The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene, and the number of days for which the legislature is convened. The subject matter of the session may be amended, by proclamation to the legislature, until forty-eight hours prior to the hour at which the legislature convenes. The power to legislate, under the penalty of nullity, shall be limited to the subjects specially enumerated in the latest proclamation convening such extraordinary session. The session shall be limited to the time named therein, and shall not exceed thirty days.

(2) The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh and Stagg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend final enrollment proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 27, change the period "." to a comma "," and insert the following: "and shall see that the laws are faithfully executed."

On motion of Delegate Pugh the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 4, Section 5 was read, as amended.

Delegate Pugh moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Perez
Alexander	Graham	Perkins
Arnette	Gravel	Planchard
Asseff	Grier	Pugh
Avant	Guarisco	Rayburn
Badeaux	Hardee	Reeves
Bel	Hayes	Roemer
Bergeron	Haynes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Segura
Brien	Jackson, A.	Shannon
Burson	Jackson, J.	Singletary
Cannon	Jenkins	Smith
Casey	Jones	Soniat
Champagne	Juneau	Stagg
Chatelain	Kelly	Stephenson
Chehardy	Kilbourne	Stovall
Conino	Kilpatrick	Sutherland
Corne	Landrum	Tapper
Cowen	Landry, A.	Tate
D'Gerolamo	Landry, E. J.	Thistlethwaite
De Blieux	LeBleu	Thompson
Derbes	Leigh	Toca
Deshotels	Leithman	Toomy
Drew	Lowe	Ullio
Duval	McDaniel	Velazquez
Elkins	Mauberrret	Warren
Fayard	Maybuce	Wattigny
Flory	Miller	Weiss
Fontenot	Newton	Willis
Fowler	Nunez	Winchester
Fulco	O'Neill	Wisham
Gauthier	Ourso	Zervigon
Ginn		
Total—100.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Dunlap	Rachal
Aertker	Edwards	Riecke
Alario	Giarrusso	Roy
Anzalone	Jack	Slay
Brown	Kean	Stinson
Burns	Lambert	Tobias
Carmouche	Lanier	Vesich
Comar	Martin	Vick
Conroy	Mire	Wall
Dennery	Morris	Womack
Dennis	Munson	
Total—32.		

And the Chair declared that the above Section was finally passed.

Delegate Pugh moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

The Proposal was read, as amended.

Delegate Pugh moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Perez
Alexander	Gravel	Perkins
Arnette	Grier	Planchard
Asseff	Guarisco	Pugh
Avant	Hardee	Rayburn
Badeaux	Hayes	Reeves
Bel	Haynes	Roemer
Bergeron	Heine	Sandoz
Blair	Hernandez	Schmitt
Brien	Jackson, A.	Segura
Burson	Jackson, J.	Shannon
Cannon	Jenkins	Singletary
Casey	Jones	Smith
Champagne	Juneau	Soniat
Chatelain	Kelly	Stagg
Chehardy	Kilbourne	Stephenson
Conino	Kilpatrick	Stovall
Corne	Landrum	Sutherland
Cowen	Landry, A.	Tapper
D'Gerolamo	Landry, E. J.	Tate
De Blieux	Lanier	Thistlethwaite
Derbes	LeBleu	Thompson
Deshotels	Leigh	Toca
Drew	Leithman	Toomy
Duval	Lowe	Ullio
Elkins	McDaniel	Velazquez
Fayard	Mauberrret	Warren
Flory	Maybuce	Wattigny
Fontenot	Miller	Weiss
Fowler	Newton	Willis
Fulco	Nunez	Winchester
Gauthier	O'Neill	Wisham
Ginn	Ourso	Zervigon
Goldman		
Total—100.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Dennis	Rachal
Aertker	Dunlap	Riecke
Alario	Edwards	Roy
Anzalone	Giarrusso	Slay
Bollinger	Jack	Stinson
Brown	Kean	Tobias
Burns	Lambert	Vesich
Carmouche	Martin	Vick
Comar	Mire	Wall
Conroy	Morris	Womack
Dennery	Munson	
Total—32.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, Chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Thursday, January 17, 1974, at 8:00 o'clock a.m. in the Treaty Room and will consider the following agenda:

AGENDA

Consider further final structuring of document.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly

PAGE 23

119th Days Proceedings—January 16, 1974

posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Jack—1 day.
Delegate Carmouche—1 day.
Delegate Thompson—½ day.

Adjournment

Delegate Bollinger moved that the Convention do now adjourn until Thursday, January 17, 1974, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, January 17, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

ONE HUNDRED TWENTIETH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Thursday, January 17, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Ourso
Aertker	Gauthier	Perez
Alario	Giarrusso	Perkins
Alexander	Ginn	Planchard
Anzalone	Goldman	Pugh
Arnette	Graham	Rachal
Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Haynes	Schmitt
Bollinger	Heine	Segura
Brien	Hernandez	Shannon
Brown	Jackson, A.	Singletary
Burns	Jackson, J.	Slay
Burson	Jenkins	Smith
Cannon	Jones	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stinson
Chatelain	Kilbourne	Stovall
Chehardy	Kilpatrick	Sutherland
Comar	Lambert	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Thompson
Cowen	Lanier	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lowe	Ullo
Dennis	McDaniel	Velazquez
Derbes	Martin	Vesich
Deshotels	Mauberret	Vick
Drew	Maybuce	Warren
Dunlap	Miller	Wattigny
Duval	Mire	Weiss
Edwards	Morris	Willis
Elkins	Munson	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Zervigon
Fontenot		
Total—127.		

ABSENT

Delegates—		
Jack	Riecke	Womack
LeBleu	Wall	
Total—5.		

The Chairman announced that there were 127 members present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Morris led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Slay, the reading of the Journal was dispensed with.

On motion of Delegate Slay, the Journal of yesterday was adopted.

Regular Order

Reports of Committees

The following reports of committees were received and read.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

SUPPLEMENTAL REPORT:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Reported without amendments.

Respectfully submitted,

ALBERT TATE, JR.
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposals contained in the Committee Report at this time.

**Proposals on Calendar for Approval
of Final Styling**

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Committee Proposal No. 4 by Delegate Stagg, et al.

PAGE 2

120th Days Proceedings—January 17, 1974

Amend re-enrolled final enrollment proposal as follows:

AMENDMENT No. 1—

On page 2, line 27, after the words "United States" and before the words "and shall" delete the comma ","

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

Reports of Committees, Continued

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotel, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Reported with Amendment.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Delegate Proposal No. 98 by Delegates Henry, et al.

Amend first enrollment proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 27 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposals contained in the Committee Report at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotel, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollin-

ger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Read.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting to Delegate Proposal No. 98 by Delegates Henry, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 27 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"(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."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 51—

Introduced by Delegate Avant:

A RESOLUTION

To amend Rule 37.1 of the Standing Rules of the Constitutional Convention to add a Paragraph F to provide for the vote requirement by the people to adopt an alternative to the proposed constitution.

Read.

Under the rules referred to the Committee on Rules, Credentials and Ethics.

Reconsideration

DELEGATE PROPOSAL No. 97—

Introduced by Delegates Asseff, Anzalone, Miller, Bergeron, O'Neill, Kelly, Velazquez, Aertker, Burson, Giarrusso, Jones, Stinson, McDaniel, Wisham, Grier, Warren, Stephenson, Jack, Smith, Schmitt, Drew, Bel, Ourso, Edwards, Winchester, Perkins, Casey, Elkins, A. Landry, Ullo, Bollinger, Alario, Stinson, Heine, Roemer, Abraham, Kilbourne, Fulco, Cannon, Gauthier, Willis, Singletary, Planchard, Cowen, Weiss, Toomy, Leigh, Maybuce, Hernandez, Flory and Avant:

A PROPOSAL

To provide with respect to an alternative provision relative to the Executive Branch.

Read.

On motion of Delegate Asseff the vote by which the Proposal failed to pass on yesterday was reconsidered.

Returned to the Calendar under the rules.

Unfinished Business

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

Alternate Proposals on Final Passage

The following Alternate Proposals were taken up on final passage:

DELEGATE PROPOSAL No. 100—

Introduced by Delegates McDaniel, Elkins, Goldman, O'Neill, Asseff, Cowen, Gauthier, Champagne, Avant, Bel, Grier, Drew, Shannon, Ullo, Leigh, Bollinger, Sutherland, Sandoz, A. Landry, Aertker, Hardee, Brown, Perkins, Hernandez, Smith, Alario, Fontenot, Winchester, Miller, Jones, Zervigon, Roemer, Fulco, Henry, Planchard, E. J. Landry,

PAGE 3

120th Days Proceedings—January 17, 1974

Arnette, Velazquez, Schmitt, Cannon, Leithman, LeBleu and Singletary:

A PROPOSAL

To provide with respect to an alternative provision relative to the Executive Branch prohibiting a person elected as governor from being his own immediate successor.

Read.

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

- A. FOR permitting the governor to serve two consecutive terms.
- B. AGAINST permitting the governor to serve two consecutive terms.

Section 2. (A) If Alternative Proposition No. A permitting the governor to serve two consecutive terms is approved by the electors and if the proposed constitution is approved, then no change shall be made therein.

(B) If Alternative Proposition No. B prohibiting the governor from serving two consecutive terms is approved by the electors and if the proposed constitution is approved by the electors, then Section 3(A) as set forth in Committee Proposal Number 4 shall be null, void, and of no effect, and shall be deemed stricken from the proposed constitution and the following shall become Section 3(A) of Article IV of the new constitution:

"ARTICLE IV. EXECUTIVE BRANCH

* * *

Section 3. Election and Terms

Section 3. (A) The governor, lieutenant governor, secretary of state, attorney general, commissioner of agriculture, commissioner of elections, commissioner of insurance, superintendent of education, and treasurer shall each 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. After the first election of state officials following adoption of this constitution, no person shall be eligible as a candidate for nomination, election, or reelection to the office of governor for the term immediately following the term to which he was elected as governor; however, this provision shall not apply to the governor in office at the time of the adoption of this constitution, who shall be subject to law in effect at the time of his election."

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Delegate Proposal No. 100 by Delegate McDaniel, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 10 through 17, both inclusive, in their entirety.

Delegate De Blieux moved the adoption of the amendment.

Delegate McDaniel objected.

By a vote of 36 yeas and 76 nays the amendment was rejected.

Delegate McDaniel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alario to Delegate Proposal No. 100 by Delegate McDaniel, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

Delete Delegate Alario as co-author,

On motion of Delegate Alario the amendment was adopted.

Delegate Alario moved to reconsider the vote by which the

amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read.

Dleegate McDaniel moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Fulco	Nunez
Asseff	Goldman	Planchard
Badeaux	Grier	Roemer
Bollinger	Hardee	Sandoz
Cannon	Heine	Schmitt
Carmouche	Hernandez	Singletary
Champagne	Jenkins	Smith
Conino	Kean	Stinson
Cowen	Landrum	Sutherland
D'Gerolamo	Landry, E. J.	Tapper
De Blieux	Leigh	Toca
Drew	Lowe	Uilo
Elkins	McDaniel	Velazquez
Fontenot	Miller	Warren
Fowler	Morris	Willis
Total—45.		

NAYS

Delegates—		
Abraham	Gravel	Rayburn
Alario	Hayes	Reeves
Bel	Jackson, A.	Segura
Brien	Jackson, J.	Shannon
Burns	Juneau	Slay
Burson	Kelly	Soniat
Casey	Kilpatrick	Stagg
Chatelain	Landry, A.	Stephenson
Chehardy	Lanier	Stovall
Comar	Leithman	Toomy
Conroy	Martin	Wattigny
Corne	Maubert	Weiss
Dennery	Maybuce	Winchester
Dunlap	Mire	Wisham
Duval	Munson	Zervigon
Flory	Newton	
Graham	Rachal	
Total—49.		

NOT VOTING

Delegates—		
Mr. Chairman	Gauthier	Perkins
Aertker	Giarrusso	Pugh
Anzalone	Ginn	Riecke
Arnette	Guarisco	Roy
Avant	Haynes	Tate
Bergeron	Jack	Thistlethwaite
Blair	Jones	Thompson
Brown	Kilbourne	Tobias
Dennis	Lambert	Vesich
Derbes	LeBleu	Vick
Deshotels	O'Neill	Wall
Edwards	Ourso	Womack
Fayard	Perez	
Total—38.		

And the Chair declared that the above Proposal failed to pass.

Delegate Flory moved to reconsider the vote by which the above Proposal failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

DELEGATE PROPOSAL No. 101—

Introduced by Delegates Stagg, Roemer, Smith, Sutherland, Asseff, Casey, Abraham, Zervigon, Alexander, Kean, Fulco, Bollinger, Bel, Dennery, Duval, Thistlethwaite, De Blieux, Sandoz, Velazquez, Jones, Conroy, J. Jackson, Drew, Hardee, Grier, Elkins, Dennis, Champagne, A. Landry, Miller, Kilbourne, Warren, Vick, Jack, A. Jackson, Newton, Derbes, Schmitt, Lanier and Shannon:

A PROPOSAL

To provide with respect to an alternative provision relative to Revenue and Finance.

Read.

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

- 2A. FOR permitting local option property taxation assessment and homestead exemptions.
- 2B. AGAINST permitting local option property taxation assessment and homestead exemptions.

Section 2. (A). If alternative Proposition No. 2A concerning local option property taxation assessment and homestead exemption is approved by the electors and if the proposed constitution is approved by the electors, then the following sections shall become Sections 1 and 3 of Article XI of the new constitution and Sections 1 and 3 of Article XI as set forth in Committee Proposal Number 26 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution.

“ARTICLE XI. REVENUE AND FINANCE
* * *

Section 1. Assessment of Property; Classification; Assessors; Right of Taxpayer; Exemptions from Ad Valorem Property Taxation

Section 1. (A) Assessments. All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value.

(B) Classification. All property subject to ad valorem taxation shall be assessed at fifteen percent of its fair market value; however, upon adoption of an ordinance by the governing authority of any parish and with subsequent approval by the legislature, the percentage in any parish may be increased to twenty-five percent or decreased to ten percent of fair market value.

(C) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his parish or district, except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by the legislature.

(D) Review. The correctness of assessments by the assessor shall be subject to change by the parish governing authority, then by the Louisiana Tax Commission, and finally by the courts in accordance with procedures established by law.

(E) Use Value. Bona fide agricultural, horticultural, marsh, and timber lands, as defined by general law, shall be assessed for purposes of taxation at a percentage of use value rather than fair market value, as provided in Paragraph (B) hereof.

(F) Reappraisal. 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.

(G) Multi-parish Districts. A board of assessors is created for each multi-parish district in which the assessed value of property of one of the parishes differs from any other to be composed of the assessor of each parish or part of a parish which is included within the boundaries of a multi-parish district. Such board of assessors for each multi-parish district shall determine the fair market value of all taxable property within the boundaries of said district and shall assess all property within the boundaries of such multi-parish district equally and uniformly and at the percentage of fair market value fixed by the governing authority of each multi-parish district.

(H) Enforcement. The state treasurer shall disburse funds out of the state revenue sharing fund to the several local agencies only after the Louisiana Tax Commission has certified that assessments in each parish fall no more than ten percent below the legal assessment ratio for the parish. Local agencies where assessments fall more than ten percent below the legal ratio shall receive only that proportion of revenue sharing funds that the assessment ratio in their parish represents of the legal assessment ratio for the parish. A period of three months will be allowed in which parish assessments may be brought into full conformity with the legal ratio, after which the withheld revenue shall be paid the respective local agencies. Thereafter, if such ad-

justments are not made, the funds shall revert to the state general fund.

* * *

Section 3. Homestead Exemption

Section 3. (A) Homeowners. (1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation.

(2) By the law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

However, if the percentage of fair market or use value is changed in any parish as authorized in Paragraph (B) of Section 1 of this Article, the value of the homestead exemption for all eligible homeowners shall be adjusted to compensate for the change.

(4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than the full stead owned by the husband or wife.

(5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

(B) Residential Lessees. Notwithstanding any contrary provisions in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.”

2. (B) If Alternative Proposition No. 2A concerning local option property taxation assessment and homestead exemptions is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein.

Read.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Delegate Proposal No. 101 by Delegate Stagg, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, at the end of line 26, delete the word “the” and at the beginning of line 27, delete the words “full stead” and insert in lieu thereof the words “one homestead”

On motion of Delegate Stagg the amendment was adopted.

Delegate Stagg moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Landrum to Delegate Proposal No. 101 by Delegate Stagg, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Classification. The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:

Classifications	Percentages
1. Land	15%
2. Improvements for residential purposes	15%
3. Other property	20%

However, upon adoption of an ordinance by the governing authority of any parish and with subsequent approval by the legislature, the percentage in any parish may be increased to twenty-five percent or decreased to ten percent of fair market value."

AMENDMENT No. 2—

On page 2, line 28, after the words "taxation at" and before the words "of use" delete the words "a percentage" and insert in lieu thereof the words "fifteen percent"

On motion of Delegate Landrum the amendment was withdrawn.

Acting Chairman Reeves in the Chair

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Delegate Proposal No. 101 by Delegate Stagg, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, line 10, after the word "parish" delete the remainder of the line and at the beginning of line 11, delete the words and punctuation "by the legislature," and insert in lieu thereof the following:
"and with approval by a majority of the electors of the parish voting on the question at an election held for that purpose,"

Delegate Bollinger moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Duval	Newton
Alario	Elkins	Nunez
Alexander	Fayard	Perez
Anzalone	Fontenot	Perkins
Arnette	Fulco	Planchard
Asseff	Gauthier	Rayburn
Badeaux	Ginn	Roemer
Bel	Goldman	Sandoz
Bergeron	Graham	Schmitt
Blair	Gravel	Segura
Bollinger	Grier	Shannon
Brown	Hayes	Singletary
Burns	Heine	Smith
Burson	Hernandez	Soniat
Carmouche	Jackson, J.	Stagg
Casey	Jones	Stephenson
Champagne	Juneau	Stinson
Chatelain	Kean	Stovall
Chehardy	Kelly	Sutherland
Comar	Kilbourne	Tobias
Conino	Landrum	Toca
Conroy	Landry, A.	Toomy
Corne	Lanier	Ullo
D'Gerolamo	Leigh	Velazquez
De Blieux	Leithman	Vick
Dennery	Mauberret	Warren
Derbes	Miller	Wattigny
Deshotels	Morris	Weiss
Dunlap	Munson	Willis
Total—87.		

NAYS

Delegates—		
Avant	Haynes	O'Neill
Brien	Jackson, A.	Rachal
Cannon	Landry, E. J.	Slay
Cowen	Lowe	Tate
Drew	McDaniel	Thistlethwaite
Flory	Martin	Winchester
Fowler	Mire	Wisham
Hardee		
Total—22.		

NOT VOTING

Delegates—		
Mr. Chairman	Kilpatrick	Roy
Aertker	Lambert	Tapper
Dennis	LeBleu	Thompson
Edwards	Maybuce	Vesich
Giarrusso	Ourso	Wall
Guarisco	Pugh	Womack
Jack	Reeves	Zervigon
Jenkins	Riecke	
Total—23.		

And the amendment was adopted.

Delegate Bollinger moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Motion

Delegate Stagg moved that the Convention recess until 1:30 o'clock P.M.

Delegate Chehardy objected.

By a vote of 46 yeas and 56 nays the Convention refused to recess until 1:30 o'clock P.M.

The Proposal was read, as amended.

Delegate Stagg moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Jones	Shannon
Abraham	Kean	Smith
Bollinger	Lanier	Soniat
Casey	Leigh	Stagg
Conroy	Newton	Stovall
De Blieux	Perkins	Sutherland
Dennery	Rachal	Thistlethwaite
Dennis	Roemer	Velazquez
Derbes	Sandoz	Vick
Drew	Schmitt	Zervigon
Jackson, J.		
Total—31.		

NAYS

Delegates—		
Alario	Corne	Hernandez
Aertker	Cowen	Jackson, A.
Alexander	D'Gerolamo	Jenkins
Anzalone	Deshotels	Juneau
Arnette	Dunlap	Kelly
Asseff	Duval	Kilbourne
Avant	Edwards	Landrum
Badeaux	Elkins	Landry, A.
Bel	Fayard	Landry, E. J.
Bergeron	Flory	Leithman
Blair	Fontenot	Lowe
Brien	Fowler	McDaniel
Brown	Fulco	Martin
Burns	Ginn	Mauberret
Burson	Goldman	Maybuce
Cannon	Graham	Mire
Carmouche	Gravel	Morris
Champagne	Grier	Nunez
Chatelain	Hardee	Perez
Chehardy	Haes	Planchard
Comar	Haynes	Rayburn
Conino	Heine	Reeves

Segura	Thompson	Wattigny
Singletary	Tobias	Weiss
Slay	Toca	Willis
Stephenson	Toomy	Winchester
Stinson	Ullio	Wisham
Tate	Warren	
Total—83.		

NOT VOTING

Delegates—		
Gauthier	LeBleu	Riecke
Giarrusso	Miller	Roy
Guarisco	Munson	Tapper
Jack	O'Neill	Vesich
Kilpatrick	Ourso	Wall
Lambert	Pugh	Womack
Total—18.		

And the Chair declared that the above Proposal failed to pass.

Delegate Chehardy moved to reconsider the vote by which the above Proposal failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

DELEGATE PROPOSAL No. 102—

Introduced by Delegates Vick, Abraham, Aertker, Alexander, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bollinger, Brown, Carmouche, Casey, De Blieux, Dennery, Dennis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman, Grier, Guarisco, Hardee, Haynes, A. Jackson, J. Jackson, Jones, Juneau, Landrum, A. Landry, E. J. Landry, Leithman, McDaniel, Maybuce, Miller, Riecke, Roemer, Roy, Sandoz, Schmitt, Shannon, Singletary, Soniat, Stagg, Stovall, Sutherland, Tapper, Thistlethwaite, Tobias, Velazquez, Warren, Wisham and Zervigon:

A PROPOSAL

To provide with respect to an alternative provision relative to the Judicial Branch.

Read.

Section 1. Section 8 of Article IV as set forth in Committee Proposal Number 4 as finally enrolled is hereby deleted from said proposal.

Section 2. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

- 2A. FOR authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of the state.
- 2B. FOR authorizing the attorney general to institute, prosecute, or intervene in only civil suits to protect the interests of the state.

Section 3. (A) If Alternative Proposition No. 2A authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of the state is approved by the electors and if the proposed constitution is approved by the electors, then the following section shall become Section 8 of Article IV of the new constitution:

"ARTICLE IV. EXECUTIVE BRANCH

Section 8. Attorney General; Qualifications; Powers and Duties; Vacancies

Section 8. The attorney general and the assistants shall be learned in the law and shall have actually resided and practiced law, as duly licensed attorneys, in the state for at least five years preceding their election and appointment. They, or one of them, shall attend to, and have charge of all legal matters in which the state has an interest, or to which the state is a party, with power and authority to institute and prosecute or to intervene in any and all suits or other proceedings, civil or criminal, as they may deem necessary for the assertion or protection of the rights and interests of the state. They shall exercise supervision over the several district attorneys throughout the state, and perform all other duties imposed by law.

In case of a vacancy in the office of attorney general,

the first assistant attorney general shall perform the duties of the attorney general until his successor shall have been duly elected and qualified."

(B) If Alternative Proposition No. 2B authorizing the attorney general to institute, prosecute, or intervene in only civil suits to protect the interests of the state is approved by the electors and if the proposed constitution is approved by the electors, then the following section shall become Section 8 of Article IV of the new constitution:

"ARTICLE IV. EXECUTIVE BRANCH

Section 8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general may

- (1) institute, prosecute, or intervene in any civil action or proceeding;
- (2) advise and assist, upon the written request of a district attorney, in the prosecution of any criminal case; and
- (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) institute, prosecute, or intervene in any criminal action or proceeding, or (b) supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law."

Delegate Vick sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Vick to Delegate Proposal No. 102 by Delegate Vick, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 17 through 32, both inclusive, in their entirety and on page 2, delete lines 1 through 3, both inclusive in their entirety and insert in lieu thereof the following:

"Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

- 2A. FOR authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of the state.
- 2B. AGAINST authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of the state.

Section 2. (A) If Alternative Proposition No. 2A concerning authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of the state is approved by the electors and if the proposed constitution is approved by the electors, then the following sections shall become Section 8 of Article IV of the new constitution and Section 8 of Article IV as set forth in Committee Proposal No. 4 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution."

AMENDMENT No. 2—

On page 2, delete lines 25 through 32, both inclusive, in their entirety and on page 3, delete lines 1 through 20, both inclusive in their entirety and insert in lieu thereof the following:

"(B) If Alternative Proposition No. 2A concerning authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of the state is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein."

On motion of Delegate Vick the amendments were adopted.

Delegate Vick moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

The Proposal was read, as amended.

Delegate Vick moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Guarisco	Smith
Arnette	Jackson, A.	Soniat
Bel	Jackson, J.	Stagg
Brown	Jones	Stovall
Casey	Kean	Sutherland
De Blieux	Landry, E. J.	Tobias
Derbes	Leigh	Velazquez
Duval	Maybuce	Vick
Flory	O'Neill	Warren
Fulco	Rachal	Weiss
Giarrusso	Roemer	Wisham
Goldman	Shannon	Zervigon
Total—36.		

NAYS

Delegates—		
Abraham	Fontenot	Munson
Anzalone	Fowler	Newton
Asseff	Gauthier	Nunez
Avant	Graham	Ourso
Badeaux	Gravel	Perez
Bergeron	Grier	Perkins
Blair	Hardee	Planchard
Bollinger	Hayes	Rayburn
Brien	Heine	Reeves
Burns	Hernandez	Roy
Burson	Jenkins	Schmitt
Cannon	Juneau	Segura
Carmouche	Kilbourne	Slay
Champagne	Lambert	Stephenson
Chatelain	Landry, A.	Stinson
Conino	Lanier	Toca
Conroy	Leithman	Toomy
Cowen	Lowe	Ullo
Deshotels	McDaniel	Wattigny
Drew	Martin	Willis
Edwards	Mauberret	Winchester
Elkins	Mire	
Fayard	Morris	
Total—67.		

NOT VOTING

Delegates—		
Mr. Chairman	Ginn	Sandoz
Aertker	Haynes	Singletary
Alario	Jack	Tapper
Chehardy	Kelly	Tate
Comar	Kilpatrick	Thistlethwaite
Corne	Landrum	Thompson
D'Gerolamo	LeBleu	Vesich
Dennery	Miller	Wall
Dennis	Pugh	Womack
Dunlap	Riecke	
Total—29.		

And the Chair declared that the above Proposal failed to pass.

Delegate Burson moved to reconsider the vote by which the above Proposal failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

DELEGATE PROPOSAL No. 103—

Introduced by Delegates Elkins, Grier, Toca, Flory, Asseff, Weiss, Cowen, Vick, Jones, E. J. Landry, Carmouche, Hardee, Winchester, Dennis, Planchard, Conroy, Womack, Anzalone, Morris, Goldman, Smith, Conino, Willis, Heine, Tobias, Segura, Ullo, Guarisco, Cannon, Deshotels and Kilbourne:

A PROPOSAL

To provide with respect to an alternative provision relative to the Legislative Branch.

Read.

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following proposition:

- 2A. FOR reducing the number of days within which legislative sessions may be held.
- 2B. AGAINST reducing the number of days within which legislative sessions may be held.

Section 2(A). If Alternative Proposition No. 2A concerning the legislature and the legislative sessions is approved by the electors, and if the proposed constitution is approved by the electors, then the following Paragraph shall become Paragraph (A) of Section 2 of Article III of the new constitution and Paragraph (A) of Section 2 of Article III as set forth in Committee Proposal Number 3 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution.

"ARTICLE III. LEGISLATIVE BRANCH

Section 2. Sessions

Section 2. (A) Annual Session. The legislature shall meet annually in regular session in the state capitol for not more than sixty calendar days. The legislature shall convene at noon on the second Monday in May. No new matter intended to have the effect of law shall be introduced or received by either house after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. No measure levying a new tax or increasing an existing tax shall be introduced or enacted during a regular session held in an odd-numbered year."

* * *

"2(B) if Alternative Proposition No. 2A concerning the legislature and legislative sessions is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein."

Read.

Acting Chairman Lowe in the Chair

Motion

On motion of Delegate Flory the Proposal was withdrawn from the files of the Convention.

Chairman Henry in the Chair

Motion

Delegate Jenkins moved for a suspension of the rules in order to allow him ten minutes in which to explain a proposed amendment to Committee Proposal No. 26.

Delegate Roemer objected.

By a vote of 53 yeas and 36 nays the Convention refused to suspend the rules at this time.

Motion

Delegate Schmitt moved for a suspension of the rules in order to discharge Committee Proposal No. 26 from the Committee on Style and Drafting.

Delegate Newton objected.

By a vote of 23 yeas and 63 nays the Convention refused to suspend the rules, at this time.

Explanation of Vote

Delegate A. Landry sent up the following Explanation of Vote with respect to the motion for a Rules Suspension proposed by Delegate Schmitt:

"I voted not to re-open Committee Proposal No. 26 to consider the Schmitt amendment, due to the fact that penalties are set out in the Statutes for faithful performance of their duties, by the Assessors."

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up other Orders of Business at this time.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposals have been properly Re-enrolled in final form:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the declaration and determination of inability of statewide elective officers, and related matters.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.

(B) Number of Departments. Except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments. The powers, functions, and duties allocated by this constitution to any executive office or commission shall not be affected or diminished by the allocation provided herein except as authorized by Section 22 of this Article.

(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. 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 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. Election; Term

Section 3. (A) Election. The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections each 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 such official shall begin at noon on the second Monday in March next following the election.

(B) Limitation on Governor. 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.

(C) Additional Limitation. Except as provided by this constitution, no official shall be elected statewide.

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, 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 office.

(D) Operating Budget. The governor shall submit to the legislature, at a time fixed by law, a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues.

(E) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and shall request implementation of the first year of the program.

(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 state, and remit fines and forfeitures imposed for such offenses. 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) 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.

(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.

(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 a bill over a veto.

(2) The governor shall veto line items or use means provided in the bill so that total appropriations for the year shall not exceed anticipated revenues for that year.

(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 name of an appointee 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, unless submitted to and confirmed by the Senate during that session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(J) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out these forces to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(L) Other Powers and Duties. The governor shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 6. Lieutenant Governor; Powers and Duties

Section 6. The lieutenant governor shall serve ex officio as a member of each committee, board, and commission on which the governor serves. He shall exercise the powers delegated to him by the governor and shall have other

powers and perform other duties in the executive branch authorized by this constitution or provided by law.

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 trademark laws; serve as keeper of the Great Seal of the State of Louisiana 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. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.

Section 9. Treasurer; Powers and Duties

Section 9. There shall be a Department of the Treasury. The treasurer shall head the department and shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and shall have other powers and perform other duties authorized by this constitution or provided by law.

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. 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 powers and perform duties authorized by this constitution or provided by law.

Section 12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 13. First Assistants; Appointment

Section 13. Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit

the appointment to the Senate in the manner and subject to the procedures and limitations applicable to appointments submitted by the governor. The first assistant shall possess the qualifications required for election to the office.

Section 14. Vacancy in Office of Governor

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law. The successor shall serve the remainder of the term for which the governor was elected.

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 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.

Section 17. Other Vacancies

Section 17. (A) **Gubernatorial Appointment; Election.** 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.

(B) **Qualifications.** 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.

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. Declaration of Inability by Statewide Elected Officials

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 who would succeed to the office when a vacancy occurs 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. 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.

(B) **Determination by the Legislature.** The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the 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, the official shall continue in or resume office.

(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.

(D) Determination by Supreme Court. By preference and with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to the court, under such rules as it may adopt.

(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 21. Temporary Absences

Section 21. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence.

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 enacted by two-thirds of the elected members of each house, 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. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE IX. EDUCATION

Preamble

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body

corporate. It shall supervise and control the public elementary and secondary schools, vocational-technical training, and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.

(B) Membership; Terms. The board shall consist of fifteen electors appointed by the governor, with consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. At least one member, but no more than two members, shall be appointed from each congressional district.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, the addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every higher education board submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education in the state. It shall recommend priorities for capital construction and improvements.

(E) Powers Not Vested. Powers of management over public institutions of higher education not specifically vested by this Section in the Board of Regents are reserved to

the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other such board created pursuant to this Article, as to the institutions under the control of each.

Section 6. Board of Trustees for State Colleges and Universities

Section 6. (A) Creation; Functions. The Board of Trustees for State Colleges and Universities is created as a body corporate. Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of state colleges and universities not managed by a higher education board created by or under this Article.

(B) Membership; Terms. The board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by this Article in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system.

(B) Membership; Terms. Each board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

Section 8. Boards; Membership; Compensation.

Section 8. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) Student Membership. The legislature may provide for the membership of one student on the boards created by Sections 6 and 7 of this Article. The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members except the right to vote.

(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.

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.

(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.

Section 10. Existing Boards and Systems Recognized; Consolidation

Section 10. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board.

Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 11. Appropriations; State Boards

Section 11. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 12. Appropriations; Higher Education

Section 12. Appropriations for the institutions of higher education shall be made to their managing boards. The funds appropriated shall be administered by the managing boards and used solely as provided by law.

Section 13. Funding; Apportionment

Section 13. (A) Free School Books. The legislature 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.

(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 14. Tulane University

Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly Re-Re-Enrolled in final form:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the declaration and determination of inability of statewide elective officers, and related matters.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.

(B) Number of Departments. Except for the offices of governor and the lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments. The powers, functions, and duties allocated by this constitution to any executive office or commission shall not be affected or diminished by the allocation provided herein except as authorized by Section 22 of this Article.

(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. 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 election. During his tenure in office, a statewide elected official shall hold no other public office except by virtue of his elected office.

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Section 3. (A) Election. The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections each 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 such official shall begin at noon on the second Monday in March next following the election.

(B) Limitation on Governor. 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.

(C) Additional Limitation. Except as provided by this constitution, no official shall be elected statewide.

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Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law.

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(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 office.

(D) Operating Budget. The governor shall submit to the legislature, at a time fixed by law, a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues.

(E) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and shall request implementation of the first year of the program.

(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 state, and remit fines and forfeitures imposed for such offenses. 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) 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.

(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.

(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 a bill over a veto.

(2) The governor shall veto line items or use means provided in the bill so that total appropriations for the year shall not exceed anticipated revenues for that year.

(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 name of an appointee 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, unless submitted to and confirmed by the Senate during that session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(J) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out these forces to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(L) Other Powers and Duties. The governor shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 6. Lieutenant Governor; Powers and Duties

Section 6. The lieutenant governor shall serve ex officio as a member of each committee, board, and commission on which the governor serves. He shall exercise the powers

delegated to him by the governor and shall have other powers and perform other duties in the executive branch authorized by this constitution or provided by law.

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 trademark laws; serve as keeper of the Great Seal of the State of Louisiana 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. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.

Section 9. Treasurer; Powers and Duties

Section 9. There shall be a Department of the Treasury. The treasurer shall head the department and shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and shall have other powers and perform other duties authorized by this constitution or provided by law.

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. 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 powers and perform duties authorized by this constitution or provided by law.

Section 12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 13. First Assistants; Appointment

Section 13. Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and

may remove him at his pleasure. The official shall submit the appointment to the Senate in the manner and subject to the procedures and limitations applicable to appointments submitted by the governor. The first assistant shall possess the qualifications required for election to the office.

Section 14. Vacancy in Office of Governor

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law. The successor shall serve the remainder of the term for which the governor was elected.

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 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.

Section 17. Other Vacancies

Section 17. (A) **Gubernatorial Appointment; Election.** 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.

(B) **Qualifications.** 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.

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. Declaration of Inability by Statewide Elected Officials

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. 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.

(B) **Determination by the Legislature.** The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the 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, the official shall continue in or resume office.

(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.

(D) Determination by Supreme Court. By preference and with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to the court, under such rules as it may adopt.

(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 21. Temporary Absences

Section 21. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence.

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 enacted by two-thirds of the elected members of each house, 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. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

Respectfully submitted,
MOISE W. DENNERY
 Secretary.

The Proposal contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
 State of Louisiana

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal has been properly enrolled:

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

2A. FOR education article creating only a Board of Regents to govern higher education and no management boards.

2B. AGAINST education article creating only a Board of Regents to govern higher education and no management boards.

Section 2. (A) If Alternative Proposition No. 2A concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then the following Article shall become Article IX of the new constitution and Article IX as set forth in Committee Proposal Number 7 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution.

**"ARTICLE IX. EDUCATION
 PREAMBLE**

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education and the Board of Regents shall make the appointment. He shall be the administrative head of the Department of Education and the Board of Regents and shall implement the policies of the State Board of Elementary and Secondary Education and the Board of Regents and the laws affecting schools under their jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools, post-secondary vocational-technical schools, special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.

(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.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of higher education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, or a management board for an institution or group of institutions is proposed, addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher learning.

(5) To require that every institution of higher education submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education in the state. It shall recommend priorities for capital construction and improvements.

Section 6. Boards; Membership; Compensation

Section 6. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) 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.

Section 7. Parish School Boards; Parish Superintendents

Section 7. (A) Boards. The legislature shall create parish school boards and provide for the election of their members.

(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.

Section 8. Existing Boards and Systems Recognized; Consolidation

Section 8. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for the members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reappointment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election

held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 9. Appropriations; State Boards

Section 9. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 10. Appropriations; Higher Education

Section 10. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made and administered as provided by law.

Section 11. Funding; Apportionment

Section 11.(A) Free School Books. The legislature 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.

(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 12. Tulane University

Section 12. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884."

2.(B) If alternative Proposition No. 2A concerning education boards is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein.

Read.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Delegate Proposal has been properly enrolled in final form:

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennerly, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

2A. FOR education article creating only a Board of Regents to govern higher education and no management boards.

2B. AGAINST education article creating only a Board of Regents to govern higher education and no management boards.

Section 2. (A) If Alternative Proposition No. 2A concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then the following Article shall become Article IX of the new constitution and Article IX as set forth in Committee Proposal Number 7 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution.

"ARTICLE IX. EDUCATION**Preamble**

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education and the Board of Regents shall make the appointment. He shall be the administrative head of the Department of Education and the Board of Regents and shall implement the policies of the State Board of Elementary and Secondary Education and the Board of Regents and the laws affecting schools under their jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

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Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools, post-secondary vocational-technical schools, special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one

year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

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Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

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(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.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of higher education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, or a management board for an institution or group of institutions is proposed, addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every institution of higher education submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education in the state. It shall recommend priorities for capital construction and improvements.

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Section 6. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

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Section 8. Existing Boards and Systems Recognized; Consolidation

Section 8. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the

State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reappointment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 9. Appropriations; State Boards

Section 9. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 10. Appropriations; Higher Education

Section 10. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made and administered as provided by law.

Section 11. Funding; Apportionment.

Section 11. (A) Free School Books. The legislature 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.

(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

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Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no

others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 12. Tulane University

Section 12. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884."

2.(B) If alternative Proposition No. 2A concerning education boards is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Proposal contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly Re-Re-enrolled in final form:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Maubert, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI REVENUE AND FINANCE

Section 1. Ad Valorem Taxes

Section 1. (A) Assessments. Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in Paragraph (C), shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.

(B) Classification. The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:

Classifications	Percentages
1. Land	10%
2. Improvements for residential purposes	10%
3. Other property	15%

(C) Use Value. Bona fide agricultural, horticultural, marsh, and timber lands, as defined by general law, shall be assessed for tax purposes at ten percent of use value rather than fair market value. The legislature may provide by law similarly for buildings of historic architectural importance.

(D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor. Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph (C). Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

(E) Review. The correctness of assessments by the assessor shall be subject to review first by the parish governing authority, then by the Louisiana Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.

(F) Reappraisal. All property subject to taxation shall be reappraised and valued in accordance with this Section, at intervals of not more than four years.

Section 2. State Property Taxation; Rate Limitation

Section 2. State taxation on property for all purposes shall not exceed an annual rate of five and three-quarter mills on the dollar of assessed valuations.

Section 3. Homestead Exemption

Section 3. (A) Homeowners.

(1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation.

(2) By law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

(4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than one homestead owned by the husband or wife.

(5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

(B) Residential Lessees. Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.

Section 4. Other Property Exemptions

Section 4. In addition to the homestead exemption provided for in Section 3 of this Article, the following property and no other shall be exempt from ad valorem taxation:

(A) Public lands; other public property used for public purposes.

(B) (1) Property owned by a nonprofit corporation or association 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 or state income tax;

--(2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

(3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes.

None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

(C) (1) Cash on hand or 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 Louisiana and the notes or other evidence thereof;

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

(7) debts due for merchandise or other articles of commerce or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) Irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

(11) agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, animals on the farm, and property belonging to an agricultural fair association;

(12) property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

(13) rights-of-way granted to the State Department of Highways;

(14) boats using gasoline as motor fuel;

(15) commercial vessels used for gathering seafood for human consumption; and

(16) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the states of the United States.

(D) (1) Raw materials, goods, commodities, and articles imported into this state from outside the states of the United States:

(a) so long as the imports remain on the public property of the port authority or docks of the common carrier where they first entered this state;

(b) so long as the imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in-trade for sale at retail.

(2) Raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the states of the United States.

(3) (a) Goods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether such destination was specified when transportation began or afterward.

(b) Property described in Paragraph (D), whether or not entitled to exemption, shall be reported to the proper taxing authority on the forms required by law.

(E) Motor vehicles used on the public highways of this state, from state, parish, and special ad valorem taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the governing authority thereof provides for the exemption by ordinance or resolution.

(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.

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 new combinations to matter which already has gone through some artificial process.

Section 5. No Impairment of Existing Taxes or Obligations
Section 5. This Article shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution or (b) impair the obligations, validity, or security of any bonds or other

debt obligations authorized prior to the effective date of this constitution.

Section 6. Adjustment of Ad Valorem Tax Millages

Section 6. Prior to the end of the third year after the effective date of this constitution, the assessors and the Louisiana Tax Commission or its successor shall complete determination of the fair market value or the use value of all property subject to taxation within each parish for use in implementing this Article. Except as provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which Sections 1 and 3 of this Article are implemented shall not be increased or decreased, because of their provisions, above or below ad valorem taxes collected by that taxing authority in the year preceding implementation. To accomplish this result, it shall be mandatory for each affected taxing authority, in the year in which Sections 1 and 3 of this Article are implemented, to adjust millages upwards or downwards without regard to millage limitations contained in this constitution, and the maximum authorized millages shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall remain in effect unless changed as permitted by this constitution. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 1 and 3 of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (a) levying additional or increased millages as provided by law; (b) placing additional property on the tax rolls; or (c) increases in the fair market or use value of property after the first determination of that value to implement this Article. This Section shall not apply to millages required to be levied for the payment of general obligation bonds.

Section 7. Revenue Sharing Fund

Section 7. (A) Creation of Fund. The Revenue Sharing Fund is created as a special fund in the state treasury.

(B) Annual Allocation. The sum of ninety million dollars is allocated annually from the state general fund to the revenue sharing fund. The legislature may appropriate additional sums to the fund.

(C) Distribution Formula. The revenue sharing fund shall be distributed annually as provided by law solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless otherwise provided by law, population statistics of the last federal decennial census shall be utilized for this purpose. After deductions in each parish for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, shall be distributed by first priority to the tax recipient bodies within the parish, as defined by law, to offset current losses because of homestead exemptions granted in this Article. Any balance remaining in a parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish as provided by law.

(D) Distributing Officer. The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board or its successor shall be distributed to and by the city treasurer of Monroe.

(E) Bonded Debt. A political subdivision, as defined by Article VI of this constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the revenue sharing fund, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys allocated within any parish from the balance remaining in its distribution may be pledged to the payment of the principal or interest of any bonds. Bonds issued under this Paragraph shall be issued and sold as provided by law, and shall require approval of the State Bond Commission or its successor prior to issuance and sale.

Section 8. Tax Assessors

Section 8. (A) Election; Term. A tax assessor shall be elected by the electors of each parish, Orleans Parish ex-

cepted. His term of office shall be four years. His election, duties, and compensation shall be as provided by law.

(B) Orleans Parish. There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each. Their duties and compensation shall be as provided by law.

(C) Vacancy. When a vacancy occurs in the office of tax assessor, the duties of the office, until filled by election as provided by law, shall be assumed by the chief deputy assessor, except in Orleans Parish where the Board of Assessors shall appoint an interim assessor.

Section 9. Tax Sales

Section 9. (A) Tax Sales. There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs' sales, in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs. The sale shall be without appraisalment. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

(B) Redemption. The property sold shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon, and interest at the rate of one percent per month until redemption.

(C) Annulment. No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must be served within five years after the date of the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

(D) Quieting Tax Title. The manner of notice and form of proceeding to quiet tax titles shall be provided by law.

(E) Movables; Tax Sales. When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Sale of the property shall be at public auction, without appraisalment, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.

(F) Postponement of Taxes. The legislature may postpone the payment of taxes, but only in cases of overflow, general conflagration, general crop destruction, or other public calamity, and may provide for the levying, assessing, and collecting of such postponed taxes. In such case, the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and may levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the Interim Emergency Board to the governing authority of the parish where the calamity occurs. The money loaned shall be applied to and shall not exceed the deficiency in revenue of

PAGE 20

120th Days Proceedings—January 17, 1974

the parish or a political subdivision therein or of which the parish is a part, caused by postponement of taxes. No loan shall be made to a parish governing authority without the approval of the Interim Emergency Board.

Section 10. Effective Date

Section 10. Section 1 and Section 3 of this Article shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' home-
stead exemption.

Respectfully submitted,
MOISE W. DENNERY
Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Leave of Absence

Delegate Jack—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Friday, January 18, 1974, at 9:00 o'clock, A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, January 18, 1974, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED TWENTY-FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Friday, January 18, 1974, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	O'Neill
Abraham	Gauthier	Ourso
Aertker	Giarrusso	Perez
Alario	Ginn	Perkins
Alexander	Goldman	Planchard
Anzalone	Graham	Pugh
Arnette	Gravel	Rachal
Asseff	Grier	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hardee	Roemer
Bel	Hayes	Roy
Bergeron	Haynes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Shannon
Brien	Jack	Singletary
Brown	Jackson, A.	Slay
Burns	Jackson, J.	Smith
Burson	Jenkins	Soniat
Cannon	Jones	Stagg
Carmouche	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Killbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Lambert	Tate
Conino	Landrum	Thistlethwaite
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Leigh	Ullo
Dennery	Leithman	Velazquez
Dennis	Lowe	Vesich
Derbes	McDaniel	Vick
Deshotels	Martin	Warren
Drew	Mauberrret	Wattigny
Dunlap	Maybuce	Weiss
Duval	Miller	Willis
Elkins	Mire	Winchester
Fayard	Morris	Wisham
Flory	Munson	Womack
Fontenot	Newton	Zervigon
Fowler	Nunez	
Total—128.		

ABSENT

Delegates—		
Edwards	Segura	Wall
Riecke		
Total—4.		

The Chairman announced that there were 128 members present and a quorum.

Prayer

Prayer was offered by Delegate Wisham.

Pledge of Allegiance

Delegate Toca led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate O'Neill, the reading of the Journal was dispensed with.

On motion of Delegate O'Neill, the Journal of yesterday was adopted.

Regular Order

Proposals, Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Gerolamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Read.

ARTICLE XIV. TRANSITIONAL PROVISIONS

Section 1. Limitation on Transitional Provisions

Section 1. Nothing in this Article shall be construed or applied in such a manner as to invalidate the foregoing Articles of this constitution, but only to supplement and to provide for an orderly transition from the Constitution of 1921.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 17, both inclusive, in their entirety.

Delegate Conroy moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 17 yeas and 79 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, after the words "as to" delete the remainder of the line and insert in lieu thereof the following: "supersede or invalidate any provision of the foregoing"

On motion of Delegate Zervigon the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which

PAGE 2

121st Days Proceedings—January 18, 1974

the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant and Gravel to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, after the word "invalidate" contained in the text of Floor Amendment No. 1 proposed by Mrs. Zervigon and adopted by the Convention on January 18, 1974, insert a comma "," and add the following: "or limit or change the meaning of"

Delegate Avant moved the adoption of the amendment.

Delegate Kean objected.

By a vote of 95 yeas and 6 nays the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tate sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tate to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 11 and 12, insert the following: "PART II."

AMENDMENT No. 2—

On page 1, line 13, after the word "this" and before the word "shall" delete the word "Article" and insert in lieu thereof the word "Part"

On motion of Delegate Tate the amendments were adopted.

Delegate Tate moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, after the words "only to" and before the word "and" delete the word "supplement" and insert in lieu thereof the word "implement"

On motion of Delegate Duval the amendment was withdrawn.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 15, delete the words "to supplement and" after the word "only"

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 1, was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Maybuce
Aertker	Fayard	Miller
Alario	Flory	Mire
Alexander	Fontenot	Morris
Asseff	Fowler	Munson
Avant	Fulco	Nunez
Badeaux	Gauthier	O'Neill
Bel	Giarrusso	Perez
Bergeron	Goldman	Rachal
Blair	Graham	Rayburn
Bollinger	Grier	Reeves
Brien	Hardee	Roy
Brown	Haynes	Sandoz
Burns	Heine	Schmitt
Burson	Hernandez	Shannon
Cannon	Jackson, A.	Singletary
Carmouche	Jackson, J.	Slay
Casey	Jenkins	Smith
Chatelain	Jones	Soniat
Chehardy	Juneau	Stephenson
Comar	Kelly	Stinson
Conino	Kilbourne	Stovall
Corne	Landrum	Sutherland
D'Gerolamo	Landry, A.	Tapper
DeBlieux	Landry, E. J.	Tate
Dennery	Lanier	Thistlethwaite
Dennis	LeBleu	Vick
Deshotels	Leigh	Warren
Drew	Leithman	Weiss
Dunlap	Lowe	Willis
Duval	McDaniel	Wisham
Edwards	Martin	Zervigon
Total—96.		

NAYS

Delegates—		
Conroy	Perkins	Toomy
Kean	Tobias	Velazquez
Total—6.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Segura
Anzalone	Kilpatrick	Stagg
Arnette	Lambert	Thompson
Champagne	Maubret	Toca
Cowen	Newton	Ullo
Derbes	Ourso	Vesich
Ginn	Planchard	Wall
Gravel	Pugh	Wattigny
Guarisco	Riecke	Winchester
Hayes	Roemer	Womack
Total—30.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Casey the rules were suspended for the purpose of calling a meeting of the Executive Committee without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Henry, chairman of the Executive Committee, sent up the following notice:

The Executive Committee will meet on Friday, January 18,

1974, at Noon Recess in Committee Room 1 and will consider the following agenda:

AGENDA

Committee Business.

Respectfully submitted,

E. L. HENRY,

Chairman of the Executive Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 17 and 18, insert the following:
"Part III"

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 2. References to 1921 Constitution

Section 2. Whenever reference is made in this constitution to the Constitution of 1921, it shall mean the Louisiana Constitution of 1921, as amended.

Passage

Committee Proposal No. 38, Section 2 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Martin
Aertker	Flory	Mauberrret
Alario	Fontenot	Maybeuce
Alexander	Fowler	Miller
Anzalone	Fulco	Mire
Arnette	Gauthier	Morris
Asseff	Giarrusso	Newton
Avant	Ginn	Nunez
Bel	Goldman	O'Neill
Bergeron	Graham	Ourso
Blair	Gravel	Planchard
Bollinger	Grier	Pugh
Brien	Guarisco	Rachal
Burns	Hardee	Rayburn
Cannon	Hayes	Roemer
Carmouche	Heine	Roy
Casey	Jack	Schmitt
Champagne	Jackson, J.	Shannon
Chatelain	Jenkins	Singletery
Chehardy	Jones	Slay
Comar	Juneau	Smith
Conino	Kean	Soniat
Corne	Lambert	Stagg
Cowen	Landrum	Stephenson
D'Gerolamo	Landry, A.	Stinson
De Blieux	Landry, E. J.	Stovall
Dennery	Lanier	Sutherland
Derbes	Leigh	Tate
Drew	Leithman	Thistlethwaite
Duval	Lowe	Thompson
Elkins	McDaniel	Tobias

Toca	Vick	Winchester
Toomy	Warren	Wisham
Ullo	Wattigny	Zervigon
Velazquez	Weiss	
Vesich	Willis	
Total—106.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Perkins
Badeaux	Hernandez	Reeves
Brown	Jackson, A.	Riecke
Burson	Kelly	Sandoz
Conroy	Kilbourne	Segura
Dennis	Kilpatrick	Tapper
Deshotels	LeBleu	Wall
Dunlap	Munson	Womack
Edwards	Perez	
Total 26.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 3. Effect of Titles

Section 3. No title or sub-title, heading or sub-heading, marginal note, index, or table printed in or with this constitution shall be considered or construed to be a part of this constitution, but to be inserted only for convenience in reference.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate O'Neill to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 24, after the word "or" and before the word "table" insert the word "reference"

On motion of Delegate O'Neill the amendment was withdrawn.

Passage

Committee Proposal No. 38, Section 3, was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dennery	Jackson, J.
Aertker	Dennis	Jenkins
Alexander	Derbes	Juneau
Alario	Drew	Kilbourne
Arnette	Duval	Landrum
Asseff	Elkins	Landry, A.
Avant	Fayard	Landry, E. J.
Bel	Flory	Lanier
Bergeron	Fontenot	Leigh
Blair	Fowler	Leithman
Bollinger	Fulco	Lowe
Brien	Gauthier	McDaniel
Burns	Giarrusso	Martin
Cannon	Ginn	Mauberrret
Carmouche	Goldman	Maybeuce
Casey	Graham	Miller
Champagne	Gravel	Mire
Chatelain	Grier	Morris
Chehardy	Guarisco	Newton
Comar	Hardee	Nunez
Conino	Hayes	Ourso
Corne	Heine	Planchard
Cowen	Hernandez	Pugh
D'Gerolamo	Jack	Rachal
De Blieux	Jackson, A.	Rayburn

Schmitt	Stovall	Velazquez
Shannon	Sutherland	Vick
Singletary	Tate	Warren
Slay	Thistlethwaite	Wattigny
Smith	Thompson	Weiss
Soniat	Tobias	Willis
Stagg	Toca	Winchester
Stephenson	Toomy	Wisham
Stinson	Ullo	Zervigon
Total—102.		

Total—0.

NAYS

NOT VOTING

Delegates—		
Mr. Chairman	Jones	Reeves
Anzalone	Kean	Riecke
Badeaux	Kelly	Roemer
Brown	Kilpatrick	Roy
Burson	Lambert	Sandoz
Conroy	LeBleu	Segura
Deshotels	Munson	Tapper
Dunlap	O'Neill	Vesich
Edwards	Perez	Wall
Haynes	Perkins	Womack
Total—30.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 4. Inherent Power of Legislature

Section 4. The legislature shall have all powers not prohibited or denied by this constitution or by or under the constitution and laws of the United States and the absence in this constitution of a grant of power contained in the constitution hereby superseded shall not be construed as a limitation of the powers of state government.

Read.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean, Perez, Zervigon, Conroy, Jenkins, Casey, Lanier, Tate, Avant and Flory to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 28 through 32, both inclusive, in their entirety and on page 2, delete lines 1 and 2 in their entirety.

On motion of Delegate Zervigon the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Section 5. Continuation of Actions and Rights

Section 5. Continuation of Actions and Rights

Section 5. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, rights or causes of action, contracts, obligations, claims, demands, titles, and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with this constitution. All sentences as punishment for crime shall be executed according to their terms.

Read.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy and Duval to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, line 9, after the partial word "fected" delete the remainder of the line, and on line 10, delete the partial word "tion"

Delgate Duval moved the adoption of the amendment.

Delegate De Blieux objected.

By a vivi voce vote the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 11, delete the period "." and add a comma "," and the following: "subject, however, to the provisions relative to pardon, parole, and commutation of sentence existing at the time this constitution becomes effective.

On motion of Delegate Pugh the amendment was withdrawn.

Passage

Committee Proposal No. 38, Section 5 was read as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Newton
Abraham	Fowler	Nunez
Aertker	Fulco	O'Neill
Alexander	Gauthier	Ourso
Anzalone	Ginn	Perkins
Arnette	Goldman	Planchard
Asseff	Graham	Rachal
Avant	Gravel	Rayburn
Badeaux	Grier	Reeves
Bel	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Heine	Schmitt
Bollinger	Hernandez	Shannon
Brien	Jack	Singletary
Brown	Jacgson, A.	Slay
Burns	Jackson, J.	Smith
Cannon	Jenkins	Soniat
Carmouche	Jones	Stagg
Casey	Juneau	Stephenson
Champagne	Kelly	Stinson
Chatelain	Kilbourne	Stovall
Chehardy	Lambert	Sutherland
Comar	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Vick
Dennery	Lowe	Warren
Dennis	Martin	Wattigny
Derbes	Maubertret	Weiss
Drew	Maybuce	Willis
Duval	Miller	Winchester
Elkins	Mire	Wisham
Flyard	Morris	Zervigon
Flory		
Total—106.		

NAYS

Delegates—		
Hayes	Pugh	Velazquez
Total—3.		

NOT VOTING

Delegates—		
Alario	Kean	Segura
Burson	Kilpatrick	Tapper
Conroy	LeBleu	Tate
Deshotels	McDaniel	Toca
Dunlap	Munson	Vesich
Edwards	Perez	Wall
Giarrusso	Riecke	Womack
Haynes	Sandoz	
Total—23.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Explanation of Vote

Delegate Pugh sent up the following explanation of his vote on Committee Proposal 38, Section 5:

I voted against the adoption of this Section for the reason that, in my opinion, the last sentence deprives a person under sentence, for a crime, the benefits of pardon, parole and commutation of sentence available to him under the law at the time this Proposal becomes effective.

Section 6. Protection of Existing Taxes

Section 6. All taxes, penalties, fines, and forfeitures owing to the state or any political subdivision levied and collectible under the Constitution of 1921 and valid laws enacted thereunder shall inure to the entity entitled thereto. The provisions of this constitution shall not be construed or applied in such a manner as to invalidate taxes levied or authorized under the Constitution of 1921:

Read.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 16, delete the words "The provi—" and delete lines 17 through 19, both inclusive, in their entirety.

On motion of Delegate Jenkins the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 6 was read, as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Asseff	Blair
Aertker	Avant	Bollinger
Alexander	Badeaux	Brien
Anzalone	Bel	Brown
Arnette	Bergeron	Burns

Cannon	Jackson, J.
Carmouche	Jenkins
Casey	Jones
Champagne	Juneau
Chatelain	Kean
Chehardy	Kelly
Comar	Kilbourne
Conino	Kilpatrick
Corne	Lambert
Cowen	Landrum
D'Gerolamo	Landry, A.
De Blieux	Landry, E. J.
Dennery	Lanier
Derbes	LeBleu
Deshotels	Leigh
Duval	Leithman
Elkins	Lowe
Fayard	McDaniel
Flory	Martin
Fontenot	Mauberrert
Fulco	Maybuce
Giarrusso	Miller
Ginn	Mire
Goldman	Morris
Graham	Newton
Gravel	Nunez
Grier	O'Neill
Guarisco	Ourso
Heine	Perez
Hernandez	Perkins
Jack	Planchard
Jackson, A.	Pugh

Total—111.

Total—0.

NAYS

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Riecke
Alario	Fowler	Sandoz
Burson	Gauthier	Segura
Conroy	Hardee	Thompson
Dennis	Hayes	Vesich
Drew	Haynes	Vick
Dunlap	Munson	Wall
Total—21.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 7. Impairment of Debt Obligations Prohibited

Section 7. Nothing in this constitution shall be construed or applied in such a manner as to impair the obligation, validity, or security of any bonds or other debt obligations authorized under the Constitution of 1921.

Passage

Committee Proposal No. 38, Section 7 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Champagne	Fontenot
Aertker	Chatelain	Fulco
Alexander	Chehardy	Gauthier
Anzalone	Comar	Giarrusso
Arnette	Conino	Ginn
Asseff	Corne	Goldman
Avant	Cowen	Graham
Badeaux	D'Gerolamo	Gravel
Bel	De Blieux	Grier
Bergeron	Dennery	Guarisco
Blair	Derbes	Heine
Bollinger	Deshotels	Hernandez
Brien	Drew	Jack
Brown	Duval	Jackson, A.
Burns	Elkins	Jackson, J.
Carmouche	Fayard	Jenkins
Casey	Flory	Jones

PAGE 6

121st Days Proceedings—January 18, 1974

Juneau	Morris	Stephenson
Kean	Newton	Stinson
Kelly	Nunez	Stovall
Kilbourne	O'Neill	Sutherland
Kilpatrick	Ourso	Tapper
Lambert	Perez	Tate
Landrum	Perkins	Thistlethwaite
Landry, A.	Planchard	Tobias
Landry, E. J.	Pugh	Toca
Lanier	Rachal	Toomy
LeBleu	Rayburn	Ullo
Leigh	Reeves	Velazquez
Leithman	Roy	Warren
Lowe	Schmitt	Wattigny
McDaniel	Shannon	Weiss
Martin	Singletary	Willis
Mauberret	Slay	Winchester
Maybuce	Smith	Wisham
Miller	Soniat	Womack
Mire	Stagg	Zervigon
Total—111.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Roemer
Alario	Fowler	Sandoz
Burson	Hardee	Segura
Cannon	Hayes	Thompson
Conroy	Haynes	Vesich
Dennis	Munson	Vick
Dunlap	Riecke	Wall
Total—21.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Casey, Lanier, Tate, Flory, Avant, Conroy, Perez, Zervigon, Kean and Jenkins on Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

On page 5, between lines 7 and 8, insert the following:
PART III"

On motion of Delegate Casey the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Zervigon the Convention took up Section 12, out of its regular order, and acted upon as follows:

Section 12. Constitution Not Retroactive

Section 12. Except as otherwise specifically provided in this constitution, this constitution shall not be retroactive and shall not create any right or liability which did not exist under the Constitution of 1921 based upon actions or matters occurring prior to the effective date of this constitution.

Passage

Committee Proposal No. 38, Section 12 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Newton
Aertker	Gauthier	Nunez
Alexander	Giarrusso	O'Neill
Anzalone	Ginn	Ourso
Arnette	Goldman	Perez
Asseff	Graham	Perkins
Avant	Gravel	Planchard
Badeaux	Grier	Pugh
Bel	Guarisco	Rayburn
Bergeron	Haynes	Reeves
Blair	Heine	Roy
Bollinger	Hernandez	Sandoz
Brien	Jack	Schmitt
Brown	Jackson, A.	Shannon
Burns	Jenkins	Singletary
Cannon	Jones	Slay
Carmouche	Juneau	Smith
Casey	Kean	Soniat
Champagne	Kelly	Stagg
Chatelain	Kilbourne	Stephenson
Chehardy	Kilpatrick	Stinson
Comar	Lambert	Stovall
Conino	Landrum	Sutherland
Corne	Landry, A.	Tapper
Cowen	Landry, E. J.	Tate
D'Gerolamo	Lanier	Thistlethwaite
De Blieux	LeBleu	Thompson
Denney	Leigh	Toca
Dennis	Leithman	Toomy
Derbes	Lowe	Ullo
Deshotels	McDaniel	Velazquez
Drew	Martin	Warren
Duval	Mauberret	Weiss
Elkins	Maybuce	Willis
Fayard	Miller	Winchester
Flory	Mire	Womack
Fontenot	Morris	Zervigon
Fowler		
Total—112.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Hayes	Tobias
Alario	Jackson, J.	Vesich
Burson	Munson	Vick
Conroy	Rachal	Wall
Dunlap	Riecke	Wattigny
Edwards	Roemer	Wisham
Hardee	Segura	
Total—20.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 13. Legislative Provisions

Section 13. (A) President of Senate. The lieutenant governor in office on the effective date of this constitution shall continue to serve as president of the Senate until his term expires in 1976.

(B) First Session. The provisions of Article III of this constitution shall become effective for the first session of the legislature to be held in 1975. However, in 1976, the legislature shall convene in regular session at twelve o'clock noon on the second Monday in May, at which time the members elected at the statewide election in 1976 shall take office; otherwise, the legislature shall conduct that session as provided in Article III of this constitution.

(C) Legislative Auditor. The legislative auditor shall continue to exercise the powers and perform the functions set forth in Article VI, Section 26(2) of the Constitution of 1921 until otherwise provided by law.

(D) Legislative Reapportionment. The requirement for legislative reapportionment in Section 5 of Article III of this constitution shall apply to the reapportionment of the

legislature following the decennial census of 1980, and thereafter.

Read.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 22, delete the period "." and add the following: "and each session thereafter."

On motion of Delegate Zervigon the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 13 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing delegates and their names under the YEAS category. Includes names like Abraham, Aertker, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Duval, Elkins, Fayard, Flory, Fontenot, Fowler, and Total—111.

NAYS

Total—0.

NOT VOTING

Table listing delegates under the NOT VOTING category. Includes names like Mr. Chairman, Alario, Burns, Burson, Conroy, Dunlap, Edwards, Gravel, Hardee, Hayes, Haynes, Jackson, J., Lambert, Munson, O'Neill, Riecke, Roemer, Segura, Vesich, Vick, and Wall. Total—21.

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 14. Deletion of Obsolete Schedule Items

Section 14. The legislature by law may delete from this constitution this and any other Section of this Article when all events have occurred to which the Section to be deleted is or could become applicable. A legislative determination of fact forming the basis for application of this Section shall be subject to judicial review.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean, Jenkins, Casey, Lanier, Tate, Flory, Avant, Conroy, Perez and Zervigon to Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 5 through 11, both inclusive, in their entirety

On motion of Delegate Kean the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 15. Judiciary Commission

Section 15. The members of the judiciary commission in office on the effective date of this constitution shall serve until the expiration of their terms. Within thirty days after the effective date of this constitution, the additional two citizen members shall be selected as required by Article V, Section 24. A lawyer member, as thereby required, shall be selected to succeed the judge of a court of record other than a court of appeal whose term as a member of the commission first expires. Thereafter, when a vacancy occurs, the successor to the position shall be selected in accordance with Article V, Section 24.

Passage

Committee Proposal No. 38, Section 15 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing delegates and their names under the YEAS category. Includes names like Abraham, Aertker, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Carmouche, Casey, Champagne, Chatelain, Comar, Conino, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Duval, Elkins, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Grier, Guarisco, Haynes, Heine, Hernandez, Jack, Jackson, A., Jenkins, Jones, Juneau, Kean, Kelly, and Kilbourne.

Kilpatrick	Planchard	Tapper
Landrum	Pugh	Tate
Landry, A.	Rachal	Thistlethwaite
Landry, E. J.	Rayburn	Thompson
Lanier	Reeves	Tobias
LeBleu	Roemer	Toca
Leigh	Roy	Toomy
Lowe	Sandoz	Ullo
McDaniel	Schmitt	Velazquez
Martin	Shannon	Warren
Mauberet	Singletary	Wattigny
Maybuce	Slay	Weiss
Miller	Smith	Willis
Morris	Soniat	Winchester
Newton	Stagg	Wisham
Nunez	Stephenson	Womack
Ourso	Stinson	Zervigon
Perez	Stovall	
Perkins	Sutherland	
Total—109.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr., Chairman	Fayard	Munson
Alario	Gravel	O'Neill
Burson	Hardee	Riecke
Cannon	Hayes	Segura
Chehardy	Jackson, J.	Vesich
Conroy	Lambert	Vick
Dunlap	Leithman	Wall
Edwards	Mire	
Total—23.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 12 and 13, insert the following:
"PART III"

On motion of Delegate Lanier the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Zervigon Committee Proposal No. 38, Section 19, was taken up out of its regular order, and acted upon as follows:

Section 19. Statewide Elected Officials

Section 19. Officials elected statewide in 1978 under terms of the new constitution shall take office in May of that year. Thereafter, statewide elected officials shall take office in March as provided in the new constitution.

Read.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Zervigon, Avant, Conroy, Perez, Kean, Jenkins, Casey, Lanier, Tate and Flory to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 13 through 17, both inclusive, in their entirety and insert in lieu thereof the following"

"Section 19. Statewide Elected Officials

Section 19. Officials elected statewide in 1976 under the provisions of this constitution shall take office on the second Monday in May of that year. Thereafter, statewide elected officials shall take office on the second Monday in March as provided in this constitution."

On motion of Delegate Zervigon the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 19, was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Perez
Aertker	Ginn	Perkins
Alexander	Goldman	Planchard
Anzalone	Graham	Pugh
Arnette	Gravel	Rachal
Asseff	Grier	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hayes	Roemer
Bel	Haynes	Roy
Bergeron	Heine	Sandoz
Blair	Hernandez	Schmitt
Bollinger	Jack	Shannon
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Burns	Jenkins	Smith
Cannon	Jones	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Conino	Landrum	Tate
Cowen	Landry, A.	Thistlethwaite
D'Gerolamo	Landry, E. J.	Thompson
De Blieux	Lanier	Tobias
Dennery	LeBleu	Toca
Dennis	Leigh	Toomy
Derbes	Leithman	Ullo
Deshotels	Lowe	Velazquez
Drew	McDaniel	Warren
Duval	Martin	Wattigny
Elkins	Mauberet	Weiss
Fayard	Maybuce	Willis
Flory	Miller	Winchester
Fontenot	Mire	Wisham
Fowler	Morris	Womack
Fulco	Newton	Zervigon
Gauthier	Nunez	
Total—113.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Segura
Alario	Hardee	Stephenson
Burson	Lambert	Vesich
Comar	Munson	Vick
Conroy	O'Neill	Wall
Corne	Ourso	
Dunlap	Riecke	
Total—19.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Zervigon Committee Proposal No. 38, Section 21, was taken up out of its regular order, and acted upon as follows:

Section 21. Pardon Board

Section 21. Until a pardon board is appointed under the terms of this constitution, the lieutenant governor, attorney general, and presiding judge of the sentencing court shall continue to serve as a board of pardons.

Passage

Committee Proposal No. 38, Section 21 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Perkins
Aertker	Gravel	Planchard
Alexander	Grier	Pugh
Anzalone	Guarisco	Rachal
Arnette	Hayes	Rayburn
Asseff	Haynes	Reeves
Avant	Heine	Roy
Badeaux	Hernandez	Sandoz
Bel	Jack	Schmitt
Blair	Jackson, A.	Shannon
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Slay
Brown	Jones	Smith
Burns	Juneau	Soniat
Cannon	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Crampagne	Kilpatrick	Stovall
Chehardy	Landrum	Sutherland
Conino	Landry, A.	Tapper
Cowen	Landry, E. J.	Tate
De Blieux	Lanier	Thistlethwaite
Dennery	LeBleu	Thompson
Dennis	Leigh	Tobias
Derbes	Leithman	Toomy
Deshotels	Lowe	Ullo
Duval	Martin	Velazquez
Elkins	Mauberrret	Warren
Fayard	Maybuce	Wattigny
Flory	Miller	Weiss
Fontenot	Mire	Willis
Fowler	Morris	Winchester
Fulco	Newton	Wisham
Gauthier	Nunez	Womack
Giarrusso	O'Neill	Zervigon
Ginn	Ourso	
Goldman	Perez	
Total—109.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	D'Gerolamo	Riecke
Alario	Drew	Roemer
Bergeron	Dunlap	Segura
Burson	Edwards	Toca
Chatelain	Hardee	Vesich
Comar	Lambert	Vick
Conroy	McDaniel	Wall
Corne	Munson	
Total—23.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 22. Levee Districts; Compensation for Property

Section 22. The provisions of Article XVI, Section 6 of the Constitution of 1921 shall be continued as a statute, subject to change by the legislature, and the amount of compensation therein required to be paid for property used or destroyed for levee or levee drainage purposes shall be paid as provided in Section 6 of Article XVI of the Constitution of 1921 until the legislature enacts a law to effectuate Article VI, Section 43 of this constitution.

Passage

Committee Proposal No. 38, Section 22 was read.

Delegate Lanier moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Perez
Aertker	Ginn	Perkins
Alexander	Goldman	Planchard
Anzalone	Graham	Pugh
Arnette	Gravel	Rachal
Asseff	Grier	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hayes	Roy
Bel	Haynes	Sandoz
Bergeron	Heine	Schmitt
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Brown	Jackson, J.	Smith
Burns	Jenkins	Soniat
Cannon	Jones	Stagg
Carmouche	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Landrum	Tate
Conino	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Cowen	Lanier	Tobias
D'Gerolamo	LeBleu	Toca
De Blieux	Leigh	Toomy
Dennery	Leithman	Ullo
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vick
Deshotels	Martin	Warren
Drew	Mauberrret	Wattigny
Duval	Maybuce	Weiss
Elkins	Miller	Willis
Fayard	Mire	Winchester
Flory	Morris	Wisham
Fowler	Newton	Womack
Fulco	Nunez	Zervigon
Gauthier	Ourso	
Total—116.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Riecke
Alario	Hardee	Roemer
Burson	Lambert	Segura
Corne	Munson	Vesich
Dunlap	O'Neill	Wall
Edwards		
Total—16.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Zervigon Commlltee Proposal No. 38, Section 20 was taken up out of its regular order, and acted upon as follows:

Section 20. Commissioner of Elections

Section 20. The commissioner of elections, as provided by Article IV, first elected under this constitution shall be elected to take office in 1976. The custodian of voting machines in office on the effective date of this constitution shall continue to exercise the functions of that office, without change, until the expiration of his term.

Passage

Committee Proposal No. 38, Section 20 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing delegates and their names under the YEAS category for Section 20. Includes names like Abraham, Aertker, Alexander, etc., and a total of 112.

NAYS

Delegate Schmitt Total—1.

NOT VOTING

Table listing delegates and their names under the NOT VOTING category for Section 20. Includes names like Mr. Chairman, Alario, Burson, etc., and a total of 19.

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Motion

On motion of Delegate Zervigon Committee Proposal No. 38, Section 24, was taken up out of its regular order, and acted upon as follows:

Section 24. Tax Schedule

Section 24. (A) Property Taxes. The provisions of Article X of the Constitution of 1921 relating to ad valorem property taxes shall remain in effect until the provisions on that subject contained in Article XI of this constitution take effect as provided in said Article XI.

(B) The provisions of Article XI of the Constitution of 1921 shall be continued as a statute until the legislature enacts the law required by Article XI, Section 1 (Delegate Proposal No. 16) of this constitution, but the amount of the exemption shall be fifteen thousand dollars in value until otherwise fixed by law.

Passage

Committee Proposal No. 38, Section 24 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing delegates and their names under the YEAS category for Section 24. Includes names like Abraham, Aertker, Alexander, etc., and a total of 110.

NAYS

Delegate Roemer Total—1.

NOT VOTING

Table listing delegates and their names under the NOT VOTING category for Section 24. Includes names like Mr. Chairman, Alario, Burson, etc., and a total of 21.

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 25. Effective Date

Section 25. This constitution shall become effective at twelve o'clock midnight on January 1, 1975. The secretary of State shall promulgate the results of the election on the thirtieth day prior thereto; however, he shall announce the results of the election within thirty days after the date of the election at which the constitution is submitted to the people.

Read.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 8, line 27, after the word "on" and before the period "." delete "January 1, 1975" and insert in lieu thereof "December 31, 1974"

AMENDMENT No. 2—

On page 8, line 28, after the word "election" and before the word "on" insert "by publication in the official state journal"

On request of Delegate Gravel a division of the question was ordered.

Delegate Gravel moved the adoption of Amendment No. 1.

Delegate Anzalone objected.

By a vote of 101 yeas and 8 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel moved the adoption of Amendment No. 2.

Delegate Schmitt objected.

By a vote of 101 yeas and 8 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 25 was read, as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Carmouche	Deshotels
Aertker	Casey	Drew
Anzalone	Champagne	Duval
Arnette	Chatelain	Elkins
Asseff	Chehardy	Fayard
Avant	Conino	Flory
Badeaux	Conroy	Fontenot
Bel	Corne	Fowler
Bergeron	Cowen	Fulco
Blair	D'Gerolamo	Gauthier
Bollinger	De Blieux	Ginn
Brien	Dennery	Goldman
Brown	Dennis	Graham
Burns	Derbes	Gravel

Grier	McDaniel	Soniat
Guarisco	Martin	Stagg
Hardee	Maubert	Stephenson
Hayes	Maybuce	Stinson
Haynes	Miller	Stovall
Heine	Morris	Sutherland
Hernandez	Newton	Tapper
Jack	Nunez	Tate
Jackson, A.	Ourso	Thistlethwaite
Jackson, J.	Perez	Thompson
Jenkins	Perkins	Tobias
Jones	Planchard	Toca
Juneau	Pugh	Toomy
Kelly	Rachal	Uilo
Kilbourne	Rayburn	Velazquez
Kilpatrick	Reeves	Vick
Landrum	Roemer	Warren
Landry, A.	Roy	Weiss
Landry, E. J.	Sandoz	Willis
Lanier	Schmitt	Winchester
LeBieu	Shannon	Wisham
Leigh	Singletonary	Womack
Leithman	Slay	Zervigon
Lowe	Smith	
Total—113.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Riecke
Alario	Giarrusso	Segura
Alexander	Kean	Vesich
Burson	Lambert	Wall
Comar	Mire	Wattigny
Cannon	Munson	
Dunlap	O'Neill	
Total—19.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending .

Section 26. Extraordinary Legislative Session

Section 26. The Legislature of Louisiana is hereby directed to convene in extraordinary session at the State Capitol, upon a call issued by the governor, for a period not to exceed seventy-five days, for the purpose of enacting laws to implement this constitution.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegates Flory, Avant, Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier and Tate to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, delete lines 1 through 6, both inclusive, in their entirety.

Delegate Zervigon moved the adoption of the amendment.

Delegate Schmitt objected.

By a vivi voce vote the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Avant, Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate and Flory to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 24 and 25 insert the following:
"PART II"

On motion of Delegate Zervigon the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Zervigon Committee Proposal No. 38, Section 8, was taken up out of its regular order, and acted upon as follows:

Section 8. Existing Officials

Section 8. A person holding an office by election shall continue to exercise his powers and duties until his office is abolished, his successor takes office or the office is vacated, as provided by law. A person holding an office by appointment shall continue to exercise his powers and duties until his office is abolished, his term ends, or he is removed or replaced under the provisions of this constitution or by law. Each public body shall continue to exercise its powers and duties until changed as provided by this constitution or by law.

Passage

Committee Proposal No. 38, Section 8 was read, as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Pugh
Aertker	Gravel	Rachal
Anzalone	Grier	Rayburn
Arnette	Guarisco	Reeves
Asseff	Hardee	Roemer
Avant	Hayes	Roy
Badeaux	Haynes	Sandoz
Bel	Helne	Schmitt
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Brown	Jackson, J.	Smith
Burns	Jenkins	Soniat
Cannon	Jones	Stagg
Carmouche	Juneau	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Comar	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennerly	Lowe	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vick
Duval	Maubertret	Warren
Fayard	Maybuce	Wattigny
Flory	Miller	Weiss
Fontenot	Morris	Willis
Fowler	Newton	Winchester
Fulco	Nunez	Wisham
Gauthier	Ourso	Womack
Giarrusso	Perez	Zervigon
Ginn	Perkins	
Goldman	Planchard	
Total—112.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Drew	Munson
Alerio	Dunlap	O'Neill
Alexander	Edwards	Riecke
Bergeron	Elkins	Segura
Burson	Kean	Vesich
Chehardy	Lambert	Wall
Dennis	Mire	
Total—20.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 9. Provisions of 1921 Constitution Made Statutory

Section 9. (A) Provisions Continued as Statutes. Subject to change by law or as otherwise provided in this constitution, and except as any of them conflicts with this constitution, the following provisions of the Constitution of 1921 are continued as statutes, but restricted to the same effect as on the effective date of this constitution:

1. Article V, Sections 2, 7, 18, 20, and 21.
2. Article VI, Sections 1(a), 11.1, 19, 19.2, 19.3, 19.4, 26, 27, 28, 31, 32, 33, 35, 36.1, and 39.
3. Article VI-A, Sections 1 through 14, except any dedications therein contained.
4. Article VII, Sections 8, 12.1, 13, 20, 21, 28, 31, 31.1, 31.2, 33, 46 through 51, 51(a), 52, 53, 55, 80, 81, 82, 83, 85, 89 through 92, and 94 through 97.
5. Article IX, Section 4.
8. Article X, Sections 1(8), 1(9), 2, 2(1), 2(2), 6, 10(A), 15, and 23.
7. Article X-A, Sections 3 and 4.
8. Article XII, Sections 18, 19 through 22, 25, and 26.
9. Article XIV, Sections 3(b), 3(d) (first), 6, 10, 12, 14, 19, 21, 22(A), 23, 23.1 through 23.43, 24, 24.2 through 24.23, 25, 25.1, 26 through 28, 30, 30.1, 30.3, 30.4, 30.5, 31, 31.3, 31.6, 31.7, 32, 33, 34, 35, 36, 37.1, 38, 38, 38.1, 39, 39.1, 43, 44, 44.1, 45, 47, and 48.
10. Article XV, Section 1, 3, and 4.
11. Article XVI, Sections 1, 4, 6, 7, 8, and 8(a).
12. Article XVII, Sections 3 and 4.
13. Article XVIII, Sections 4 and 8.
14. Article XIX, Sections 6, 18, 19, 19(a), 20, and 27.
15. Article VI, Sections 22, 23 except any dedications contained therein, and 23.1; Article VI-A, Sections 1 through 14, except any dedications contained therein; Article V, Sections 7 and 9; Article X, Sections 7, 9, 16, and 21; Article XIV, Section 15.1, except Paragraph (34); and Article XVII, Section 13, all of which shall be continued as statutes, subject to change only by law enacted by two-thirds of the elected members of each house.

(B) Judicial Review. The question of whether or to what extent these Sections are in conflict with Articles I through XIII of this constitution shall be subject to judicial review.

(C) Arrangement. The legislature shall provide for the assignment of titles and sections to the provisions made statutory hereby and for their arrangement in proper statutory form.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete line 11 and insert in lieu thereof the following:

"1. Article V, Sections 2, 7, 9, 18, 20, and 21."

On motion of Delegate Conroy the amendment was withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervi-

gon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 12 and 13 in their entirety, and insert in lieu thereof the following:

"2. Article VI, Section 1, 1(A-1), 11.1, 19, 19.2, 19.3, 19.4, 22(1), 23 except any dedications contained therein, 23.1, 26, 28, 31, 32, 33, 35, 36.1, and 39.

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 16, strike out the number and punctuation "8," and insert in lieu thereof:

"7, 8,

On motion of Delegate Dennis the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 20 and 21, in their entirety and insert in lieu thereof the following:

"6. Article X, Sections 1, 2, 6, 7, 9, 10A, 15, 16, and 23; except any dedications contained therein."

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend Printed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 25, after the number and punctuation "21," and before the number "23" delete the number and punctuation "22(A),"

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, delete line 32 in its entirety and insert in lieu thereof the following:

"13. Article XVIII, Sections 4, 8, and 13."

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Perez to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, line 1, after the numeral and punctuation "6," and before the numeral and punctuation "19," delete the numeral and punctuation "18,"

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 2 through 9, both inclusive in their entirety.

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perkins to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, between lines 9 and 10, insert the following: "15. Article IV, Sections 2(c), 12-b, and 12-c."

AMENDMENT No. 2—

On page 4, between lines 9 and 10, insert the following: "16. Article XIII, Section 6."

On request of Delegate Bollinger a division of the question was ordered.

Delegate Perkins moved the adoption of Amendment No. 1.

On motion of Delegate Perkins the amendment was adopted.

Delegate Perkins moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

On motion of Delegate Perkins Amendment No. 2 was withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 10 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) The provisions made statutory in this Article shall be arranged in proper statutory form and recommendations made for additional laws and modifications as provided in R.S. 24:201 through 256, or as otherwise provided by law.”

On motion of Delegate Conroy the amendment was withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 10 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Arrangement. The provisions made statutory in this Article shall be arranged in proper statutory form and recommendations made for additional laws and modifications as provided in R.S. 24:201 through 256, or as otherwise provided by law.”

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 9 was read, as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dennery	Kean
Aertker	Dennis	Kelly
Alexander	Derbes	Kilpatrick
Anzalone	Deshotels	Landry, A.
Arnette	Drew	Landrum
Avant	Duval	Landry, E. J.
Badeaux	Elkins	Lanier
Bel	Fayard	LeBleu
Bergeron	Fontenot	Leigh
Blair	Flory	Leithman
Bollinger	Fowler	Lowe
Brien	Fulco	McDaniel
Brown	Gauthier	Mauberrert
Burns	Ginn	Maybuce
Burson	Goldman	Miller
Cannon	Graham	Mire
Casey	Grier	Morris
Champagne	Guarisco	Newton
Chatelain	Hayes	Nunez
Chehardy	Heine	O'Neill
Comar	Hernandez	Perez
Conino	Jack	Perkins
Conroy	Jackson, A.	Planchard
Corne	Jackson, J.	Pugh
D'Gerolamo	Jones	Rachal
DeBlieux	Juneau	Reeves

Roemer	Stovall	Vesich
Roy	Sutherland	Vick
Schmitt	Tapper	Warren
Shannon	Tate	Wattigny
Slay	Thistlethwaite	Weiss
Smith	Thompson	Willis
Soniati	Tobias	Winchester
Stagg	Toca	Wisham
Stephenson	Toomy	Zervigon
Stinson	Velazquez	
Total—107.		

NAYS

Delegate Asseff
Total—1.

NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Rayburn
Alario	Haynes	Riecke
Carmouche	Jenkins	Sandoz
Cowen	Kilbourne	Segura
Dunlap	Lambert	Singletary
Edwards	Martin	Ullo
Giarrusso	Munson	Wall
Gravel	Ourso	Womack
Total—24.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 10. Provisions of Constitution of 1921 Repealed

Section 10. Except as retained in Articles I through XIII of this constitution, all other provisions of the Constitution of 1921 are repealed, except that any provision which is inconsistent with this constitution which is a necessary procedure of government shall remain in effect for three years after the effective date of this constitution or until sooner superseded by statute, ordinance, rule, or regulation enacted pursuant to this constitution.

Read.

Delegate Zervigon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory, Avant and Conroy to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 18, after the word “as” and before the word “retained” insert the following:
“provided in this Article and except as”

AMENDMENT No. 2—

On page 4, line 19, after the word and punctuation “constitution,” and before the word “provisions” delete the word “all other” and insert in lieu thereof the word “the”

AMENDMENT No. 3—

On page 4, line 20 immediately after the word “repealed” change the comma “,” to a period “.” and delete the remainder of the line and delete lines 21 through 25, both inclusive, in their entirety

On motion of Delegate Kean the amendments were withdrawn.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory, Avant and Conroy to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, line 18, after the word “except” and before the word “as” insert the following:
“to the extent provided in this Article and except”

AMENDMENT No. 2—

On page 4, line 19, after the word and punctuation "constitution," and before the word "provisions" delete the word "all other" and insert in lieu thereof the word "the"

AMENDMENT No. 3—

On page 4, line 20 immediately after the word "repealed" change the comma "," to a period "." and delete the remainder of the line and delete lines 21 through 25, both inclusive, in their entirety

On motion of Delegate Perez the amendments were adopted.

Delegate Perez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 10 was read.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Graham	Planchard
Abraham	Grier	Pugh
Alexander	Hardee	Rayburn
Arnette	Haynes	Reeves
Avant	Heine	Roemer
Badeaux	Hernandez	Roy
Bel	Jack	Schmitt
Bergeron	Jackson, A.	Shannon
Blair	Jackson, J.	Singletary
Brien	Jenkins	Slay
Burns	Jones	Smith
Burson	Juneau	Soniat
Casey	Kilpatrick	Stagg
Champagne	Landrum	Stephenson
Chatelain	Landry, A.	Stovall
Chehardy	Landry, E. J.	Sutherland
Conino	Lanier	Tate
Conroy	LeBleu	Thistlethwaite
Corne	Leigh	Thompson
De Blieux	Lelthman	Tobias
Denney	Lowe	Toomy
Dennis	McDaniel	Ullo
Deshotels	Maybuce	Velazquez
Drew	Miller	Vick
Elkins	Mire	Warren
Flory	Newton	Weiss
Fowler	Nunez	Willis
Fulco	O'Neill	Wisham
Gauthier	Perez	Womack
Ginn	Perkins	Zervigon
Goldman		
Total—91.		

NAYS

Delegate Asseff
Total—1.

NOT VOTING

Delegates—		
Aertker	Fayard	Munson
Alario	Fontenot	Ourso
Anzalone	Giarrusso	Rachal
Bollinger	Gravel	Riecke
Brown	Guarisco	Sandoz
Cannon	Hayes	Segura
Carmouche	Kean	Stinson
Comar	Kelly	Tapper
Cowen	Kilbourne	Toca
D'Gerolamo	Lambert	Vesich
Derbes	Martin	Wall
Dunlap	Mauberret	Wattigny
Duval	Morris	Winchester
Edwards		
Total—40.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 11. Existing Laws

Section 11. (A) Retention. Laws in force on the effective date of this constitution, which were constitutional when enacted and are not inconsistent with this constitution, shall remain in effect until altered or repealed by the authority which enacted them or until they expire by their own limitation.

(B) Expiration of Inconsistent Law. Laws which are inconsistent with this constitution shall cease upon its effective date. However, a law which is inconsistent with a provision of this constitution requiring legislation to implement it shall remain in effect for three years after the effective date of this constitution, unless sooner repealed by the legislature.

Read.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Conroy, Perez, Zervigon, Kean, Jenkins, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 29, after the word "not" and before the word "with" delete the word "inconsistent" and insert in lieu thereof the words "in conflict"

AMENDMENT No. 2—

On page 4, line 30, after the word "repealed" delete the remainder of the line and at the beginning of line 31, delete the words "which enacted them"

AMENDMENT No. 3—

On page 5, line 3, after the word and punctuation "date." "in-" and at the beginning of line 2, delete the word "consistent" and insert in lieu thereof the words "in conflict"

AMENDMENT No. 4—

On page 5, line 3, after the word and punctuation "date." delete the remainder of the line and delete lines 4 through 7, both inclusive in their entirety

On motion of Delegate Perez the amendments were withdrawn.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Conroy, Perez, Zervigon, Kean, Casey, Lanier, Tate, Flory and Avant to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 29, after the word "not" and before the word "with" delete the word "inconsistent" and insert in lieu thereof the words "in conflict"

AMENDMENT No. 2—

On page 4, line 30, after the word "repealed" delete the remainder of the line and at the beginning of line 31, delete the words "which enacted them"

AMENDMENT No. 3—

On page 5, at the end of line 1, delete the partial word "in-" and at the beginning of line 2, delete the word "consistent" and insert in lieu thereof the words "in conflict"

AMENDMENT No. 4—

On page 5, line 3, after the word and punctuation "date" delete the remainder of the line and delete lines 4 through 7, both inclusive in their entirety

AMENDMENT No. 5—

On page 5, line 1, after the words "Expiration of" strike

PAGE 16

121st Days Proceedings—January 18, 1974

out the word "Inconsistent" and insert in lieu thereof "conflicting"

On motion of Delegate Perez the amendments were adopted.

Delegate Perez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 11 was read, as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Perkins
Alexander	Graham	Planchard
Arnette	Grier	Pugh
Avant	Hardee	Rayburn
Badeaux	Hayes	Reeves
Bel	Haynes	Roemer
Bergeron	Heine	Roy
Blair	Hernandez	Schmitt
Brien	Jack	Shannon
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Slay
Casey	Jenkins	Smith
Champagne	Jones	Soniat
Chatelain	Juneau	Stagg
Chehardy	Kilpatrick	Stephenson
Conino	Landrum	Stovall
Conroy	Landry, A.	Sutherland
Corne	Landry, E. J.	Tate
D'Gerolamo	Lanier	Thistlethwaite
De Blieux	LeBleu	Thompson
Dennery	Leigh	Tobias
Dennis	Leithman	Toca
Derbes	Lowe	Toomy
Deshotels	McDaniel	Ullo
Drew	Martin	Velazquez
Elkins	Maybuce	Warren
Flory	Miller	Weiss
Fontenot	Mire	Willis
Fowler	Newton	Wisham
Fulco	Nunez	Womack
Gauthier	O'Neill	Zervigon
Ginn	Perez	
Total—95.		

NAYS

Delegate Asseff
Total—1.

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Ourso
Aertker	Fayard	Rachal
Alario	Giarrusso	Riecke
Anzalone	Gravel	Sandoz
Bollinger	Guarisco	Segura
Brown	Kean	Stinson
Cannon	Kelly	Tapper
Carmouche	Kilbourne	Vesich
Comar	Lambert	Vick
Cowen	Mauberret	Wall
Dunlap	Morris	Wattigny
Duval	Munson	Winchester
Total—36.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 16. Ports; Transition to Statutes

Section 16. All provisions of Article VI, Sections 16, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 17, 29, 29.1, 29.2, 29.3, 29.4, 33.1, 34 and Article XIV, Section 30.2 of the Constitution of 1921 shall become statutes subject to amendment or repeal only as provided in Article VI, Section 44 of this constitution.

Read.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jenkins, Casey, Lanier, Tate, Flory, Avant, Conroy, Perez, Zervigon and Kean to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 23 and 24, insert the following:
"PART II"

On motion of Delegate Jenkins the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 16 was read, as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	O'Neill
Abraham	Gauthier	Perez
Alexander	Ginn	Perkins
Arnette	Goldman	Planchard
Asseff	Graham	Pugh
Avant	Grier	Rayburn
Badeaux	Hardee	Reeves
Bel	Hayes	Roemer
Bergeron	Haynes	Roy
Blair	Heine	Schmitt
Brien	Hernandez	Shannon
Burns	Jack	Singletary
Burson	Jackson, A.	Slay
Cannon	Jackson, J.	Smith
Casey	Jenkins	Soniat
Champagne	Jones	Stagg
Chatelain	Juneau	Stephenson
Chehardy	Kean	Stovall
Conino	Landrum	Sutherland
Conroy	Landry, A.	Tate
Corne	Landry, E. J.	Thistlethwaite
D'Gerolamo	Lanier	Thompson
De Blieux	LeBleu	Toca
Dennery	Leigh	Toomy
Dennis	Leithman	Ullo
Derbes	Lowe	Velazquez
Deshotels	McDaniel	Vick
Drew	Martin	Warren
Duval	Maybuce	Weiss
Elkins	Miller	Willis
Flory	Mire	Wisham
Fontenot	Newton	Womack
Fowler	Nunez	Zervigon
Total—99.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Bollinger	Comar
Alario	Brown	Cowen
Anzalone	Carmouche	Dunlap

Edwards	Lambert	Segura
Fayard	Mauberret	Stinson
Giarrusso	Morris	Tapper
Gravel	Munson	Tobias
Guarisco	Ourso	Vesich
Kelly	Rachal	Wall
Kilbourne	Riecke	Wattigny
Kilpatrick	Sandoz	Winchester
Total—33.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 17. Home Rule Charters; Authorization

Section 17. The provisions of Article XIV, Sections 3(a), 3(c), 3(d) (second), 22, 37, and 40(c) of the Constitution of 1921 are continued in effect as the constitutional authorization for home rule charters or plans of government ratified in Article VI, Section 4 of this constitution.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Avant and Gravel to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 31 and 32, in their entirety and on page 7, delete lines 1 through 4, both inclusive, in their entirety.

On motion of Delegate Avant the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 18. Public Service Commission

Section 18. At its next extraordinary or regular session, the legislature shall divide the state into five single-member districts as required by Article VIII, Section 14(A) and shall provide for a special election at which the two additional members of the commission shall be elected, the initial term to be served by each, and other matters necessary to effectuate said Section 14(A).

Read.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Tate, Flory, Avant, Conroy, Perez, Zervigon, Kean, Jenkins and Casey to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 12 and 13, insert the following:
"PART III"

On motion of Delegate Lanier the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 38, Section 18, was read, as amended.

Delegate Zervigon moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	O'Neill
Abraham	Ginn	Perez
Aertker	Goldman	Perkins
Alexander	Graham	Planchard
Arnette	Gravel	Pugh
Asseff	Grier	Rayburn
Avant	Hardee	Reeves
Badeaux	Hayes	Roy
Bel	Haynes	Schmitt
Bergeron	Heine	Shannon
Blair	Hernandez	Singletary
Brien	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Casey	Jones	Stephenson
Champagne	Kean	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
De Blieux	Leigh	Toca
Dennery	Leithman	Toomy
Dennis	Lowe	Ullo
Derbes	McDaniel	Velazquez
Desbotels	Martin	Warren
Duval	Maybuce	Weiss
Elkins	Miller	Willis
Flory	Mire	Wisham
Fontenot	Morris	Womack
Fowler	Newton	Zervigon
Fulco	Nunez	
Total—98.		

Total—0.

NAYS

NOT VOTING

Delegates—		
Alario	Giarrusso	Roemer
Anzalone	Guarisco	Sandoz
Bollinger	Juneau	Segura
Brown	Kelly	Stinson
Carmouche	Kilbourne	Tapper
Comar	Lambert	Vesich
Cowen	Landrum	Vick
D'Gerolamo	Mauberret	Wall
Drew	Munson	Wattigny
Dunlap	Ourso	Winchester
Edwards	Rachal	
Fayard	Riecke	
Total—34.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Section 23. Suits Against the State; Effective Date

Section 23. The provisions of Article III, Section 14 waiving the immunity of the state, its agencies, or political subdivisions from suit and liability in contract or for injury to person or property only shall apply to a cause of action arising after the effective date of this constitution.

Read.

Passage

Committee Proposal No. 38, Section 23, was read.

Delegate Zervigon moved the final passage of the Section

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Aertker	Arnette
Abraham	Alexander	Asseff

Avant	Graham	O'Neill
Badeaux	Gravel	Perez
Bel	Grier	Perkins
Bergeron	Hardee	Planchard
Blair	Hayes	Pugh
Brien	Haynes	Rayburn
Burns	Heine	Reeves
Burson	Hernandez	Roy
Cannon	Jack	Schmitt
Casey	Jackson, A.	Shannon
Champagne	Jackson, J.	Singletary
Chatelain	Jenkins	Slay
Chehardy	Jones	Smith
Conino	Juneau	Soniat
Conroy	Kilpatrick	Stephenson
Corne	Landrum	Stovall
Cowen	Landry, A.	Sutherland
DeBlieux	Landry, E. J.	Tate
Dennery	Lanier	Thistlethwaite
Dennis	LeBleu	Thompson
Derbes	Leigh	Tobias
Deshotels	Leithman	Toca
Drew	Lowe	Toomy
Elkins	Martin	Ullo
Flory	Maybuce	Velazquez
Fowler	Miller	Warren
Fulco	Mire	Willis
Gauthier	Morris	Wisham
Ginn	Newton	Womack
Goldman	Nunez	Zervigon
Total—96.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Alario	Giarrusso	Roemer
Anzalone	Guarisco	Sandoz
Bollinger	Kean	Segura
Brown	Kelly	Stagg
Carmouche	Kilbourne	Stinson
Comar	Lambert	Tapper
D'Gerolamo	McDaniel	Vesich
Dunlap	Mauberrret	Vick
Duval	Munson	Wall
Edwards	Ourso	Wattigny
Fayard	Rachal	Weiss
Fontenot	Riecke	Winchester
Total—36.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, between lines 6 and 7, insert a new Section as follows:

"Part I

Section 27. Board of Supervisors of Southern University Section 27. At the next session of the legislature following the effective date of this constitution, the governor shall submit to the Senate for its consent the names of his appointees to the Board of Supervisors of Southern University and Agricultural and Mechanical College in accordance with and to effectuate Article IX, Section 7."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

	YEAS	
Delegates—		
Mr. Chairman	Gauthier	Newton
Abraham	Ginn	Nunez
Aertker	Goldman	O'Neill
Alexander	Graham	Perez
Anzalone	Gravel	Perkins
Arnette	Grier	Planchard
Asseff	Hardee	Pugh
Avant	Hayes	Rayburn
Bel	Haynes	Reeves
Bergeron	Heine	Roemer
Blair	Jack	Roy
Brien	Jackson, A.	Singletary
Burns	Jackson, J.	Smith
Burson	Jenkins	Soniat
Cannon	Jones	Stephenson
Casey	Kean	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Landrum	Tate
Chehardy	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Tobias
Corne	Lanier	Toomy
Cowen	LeBleu	Ullo
De Blieux	Leigh	Velazquez
Dennery	Leithman	Warren
Dennis	Lowe	Weiss
Derbes	Martin	Willis
Flory	Maybuce	Wisham
Fontenot	Miller	Womack
Fowler	Mire	Zervigon
Fulco	Morris	
Total—89.		

NAYS

Delegates—
Schmitt
Total—2.

Shannon

NOT VOTING

Delegates—		
Alario	Fayard	Sandoz
Badeaux	Giarrusso	Segura
Bollinger	Guarisco	Slay
Brown	Hernandez	Stagg
Carmouche	Juneau	Stinson
Comar	Kelly	Tapper
Conroy	Kilbourne	Thompson
D'Gerolamo	Lambert	Toca
Deshotels	McDaniel	Vesich
Drew	Mauberrret	Vick
Dunlap	Munson	Wall
Duval	Ourso	Wattigny
Edwards	Rachal	Winchester
Elkins	Riecke	
Total—41.		

The amendment having received a majority vote of the total membership of the Convention necessary to add a Section to a Proposal, was passed.

Delegate J. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 38 Section 27 was read.

Delegate J. Jackson moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

	YEAS	
Delegates—		
Mr. Chairman	Avant	Cannon
Abraham	Bergeron	Casey
Aertker	Blair	Champagne
Alexander	Brien	Chatelain
Arnette	Burns	Chehardy
Asseff	Burson	Conino

PAGE 19

121st Days Proceedings—January 18, 1974

Corne	Kilpatrick	Roy
Cowen	Landrum	Shannon
De Blieux	Landry, A.	Singletary
Dennery	Landry, E. J.	Slay
Dennis	Lanier	Smith
Derbes	LeBleu	Soniat
Fontenot	Leigh	Stagg
Fowler	Leithman	Stephenson
Fulco	Lowe	Stovall
Gauthier	McDaniel	Sutherland
Ginn	Martin	Tate
Goldman	Maybece	Thistlethwaite
Graham	Miller	Tobias
Gravel	Mire	Toca
Grier	Morris	Toomy
Hardee	Newton	Ullo
Hayes	Nunez	Velazquez
Haynes	O'Neill	Warren
Heine	Perez	Weiss
Jack	Perkins	Willis
Jackson, A.	Planchard	Wisham
Jackson, J.	Pugh	Womack
Jones	Rayburn	Zervigon
Juneau	Reeves	
Kean	Roemer	
Total—91.		

NAYS

Delegate Schmitt
Total—1.

NOT VOTING

Delegates—	Edwards	Ourso
Alario	Elkins	Rachal
Anzalone	Fayard	Riecke
Badeaux	Flory	Sandoz
Bel	Glarrusso	Segura
Bollinger	Guarisco	Stinson
Brown	Hernandez	Tapper
Carmouche	Jenkins	Thompson
Comar	Kelly	Vesich
Conroy	Kilbourne	Vick
D'Gerolamo	Lambert	Wall
Deshotels	Mauberrret	Wattigny
Drew	Munson	Winchester
Dunlap		
Duval		
Total—40.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Delegate Tobias sent up a floor amendment, which was read as follows:

Amendment proposed by Delegates Tobias, Pugh, Derbes, Zervigon, and Dennery to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, after Convention Floor Amendment No. 1 proposed by Mr. Jackson and adopted by the Convention on January 18, 1974, insert the following:

"PART III

"Section 28. Effect of Adoption

Section 28. Notwithstanding any contrary provision of any law or the prior constitution, this constitution when approved in accordance with Delegate Resolution Number 52 of the Constitutional Convention established by Act 2 of 1972 of the Louisiana Legislature, as amended, shall be the Constitution of the State of Louisiana. Nothing in this constitution shall be construed as containing any provision whereby:

(1) The bonded or other indebtedness of the state or of any parish, municipality, district or other political subdivision or authority of the state shall be impaired;

(2) The terms of office of the members of the legislature

or of any other elected or of any appointed official of the state or of any political subdivision thereof shall be reduced or shortened prior to the expiration of the term of office being held at the time of the adoption of the new constitution, or the salaries of any such official reduced prior to the expiration of the term of office being held at the time of the adoption of the new constitution; however, retention in office beyond the date of the general state election for state officials who will take office in 1976 shall depend upon the provisions of such constitution or upon provisions of law enacted pursuant thereto;

(3) The state capitol is removed or may be removed from Baton Rouge."

On motion of Delegate Tobias the amendment was withdrawn.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Tobias, Pugh, Derbes, Zervigon, and Dennery to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, after Convention Floor Amendment No. 1 proposed by Mr. Jackson and adopted by the Convention on January 18, 1974, insert the following:

"PART III

"Section 28. Effect of Adoption

Section 28. Notwithstanding any contrary provision of any law or the prior constitution, this constitution when approved in accordance with Delegate Resolution Number 52 of the Constitutional Convention established by Act 2 of 1972 of the Louisiana Legislature, as amended, shall be the Constitution of the State of Louisiana.

Delegate Tobias moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Roemer
Abraham	Goldman	Roy
Alexander	Graham	Sandoz
Arnette	Gravel	Singletary
Badeaux	Haynes	Smith
Bergeron	Jack	Soniat
Casey	Jackson, A.	Stagg
Chatelain	Jackson, J.	Stovall
Conroy	Jenkins	Sutherland
Corne	Landrum	Tobias
De Blieux	Lanier	Velazquez
Dennery	LeBleu	Warren
Derbes	Miller	Weiss
Deshotels	Newton	Wisham
Fontenot	Pugh	Zervigon
Fulco		
Total—45.		

NAYS

Delegates—	Drew	Leithman
Aertker	Elkins	Lowe
Asseff	Flory	McDaniel
Avant	Fowler	Martin
Bel	Ginn	Maybece
Blair	Grier	Morris
Brien	Hardee	Nunez
Brown	Hayes	O'Neill
Burson	Heine	Perez
Cannon	Hernandez	Perkins
Champagne	Kean	Planchard
Chehardy	Kilpatrick	Rayburn
Conino	Landry, A.	Reeves
Cowen	Landry, E. J.	Schmitt
D'Gerolamo	Leigh	Slay
Dennis		

Stephenson	Toca	Willis
Tapper	Ulo	Womack
Thistlethwaite	Wattigny	
Total—53.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Riecke
Alario	Jones	Segura
Anzalone	Juneau	Shannon
Bollinger	Kelly	Stinson
Burns	Kilbourne	Tate
Carmouche	Lambert	Thompson
Comar	Mauberret	Toomy
Dunlap	Mire	Vesich
Duval	Munson	Vick
Edwards	Ourso	Wall
Fayard	Rachal	Winchester
Giarrusso		
Total—34.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Leithman sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Leithman and Juneau to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, immediately after the text of Convention Floor Amendment No. 1 proposed by Mr. Leithman and adopted by the Convention on January 18, 1974, add the following:

"PART I

Section 28. Transition to Board of Regents and State Board of Elementary and Secondary Education

Section 28. (A) If Alternative Proposition No. 2A concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then this Section shall become Section ---- of Article XIV of the new constitution and Sections ----, ----, and ---- of Article XIV shall be null, void, and of no effect. If Alternative Proposition No. 2A is not approved this Section shall be null and void and of no effect.

(B) (1) On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education and each member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term has not expired shall become a member of the Board of Regents. The legislature shall provide by law the procedure to effectuate the transition to the board, 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 membership of the board.

The elections and appointments shall be made in accordance with and to effectuate Article IX, Section 5 of Alternative Proposition No. ----, adopted as Delegate Proposal No. 98, by Delegates Henry, et al.

(2) 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 Regents. 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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article IX, Sections 3 and 5 of Alternative Proposition No. ----, adopted as Delegate Proposal No. 98, by Delegates Henry, et al.

(3) On the effective date of this constitution the Louisiana Coordinating Council for Higher Education is abolished and on such date all powers, duties, and functions thereof not inconsistent with this constitution shall be merged and consolidated into the Board of Regents.

(4) On the effective date of this constitution, all functions of the State Board of Education with respect to the governance, supervision, management, administration, and direction of institutions of higher education not inconsistent with this constitution shall be transferred to the Board of Regents, and in all other respects the functions of the State Board of Education not inconsistent with this constitution shall be transferred to and be exercised by the State Board of Elementary and Secondary Education.

On motion of Delegate Leithman the amendment was withdrawn.

Delegate Leithman sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Leithman and Juneau to Committee Proposal No. 38 by Delegate Zervigon.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, and after the language added by Convention Floor Amendment No. 1 proposed by Mr. J. Jackson and adopted by the Convention on January 18, 1974, add the following:

"PART I

Section 28. Transition to Board of Regents and State Board of Elementary and Secondary Education

Section 28. (A) If Alternative Proposition --- concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then this Section shall become Section --- of Article XIV of the new constitution and Sections ---, ---, and -- of Article XIV shall be null, void, and of no effect. If Alternative Proposition ---- is not approved this Section shall be null and void and of no effect.

(B) (1) On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education whose term has not expired shall become a member of the Board of Regents. The legislature shall provide by law the procedure to effectuate the transition to the board, 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 membership of the board.

The elections and appointments shall be made in accordance with and to effectuate Article IX, Section 5 of Alternative Proposition No. ----, adopted as Delegate Proposal No. 98, by Delegates Henry, et al.

(2) 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 Regents. 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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article IX, Sections 3 and 5 of Alternative Proposition No. ----, adopted as Delegate Proposal No. 98, by Delegates Henry, et al.

(3) On the effective date of this constitution the Louisiana Coordinating Council for Higher Education is abolished, and on such date all powers, duties, and functions thereof not inconsistent with this constitution shall be merged and consolidated into the Board of Regents.

(4) On the effective date of this constitution, all functions of the State Board of Education with respect to the governance, supervision, management, administration, and direction of institutions of higher education not inconsistent with this constitution shall be transferred to the Board of Regents, and in all other respects the functions of the State Board of Education not inconsistent with this constitution shall be transferred to and be exercised by the State Board of Elementary and Secondary Education.

(5) Subject to change by law and except as in conflict with this Alternative Proposition and Act 2 of 1972, the provisions

PAGE 21

121st Days Proceedings—January 18, 1974

of Article XII, Section 7A of the Constitution of 1921 are continued as a statute, but the powers of the board shall be limited to the management of the daily operations of the Louisiana State University system.

Delegate Leithman moved the adoption of the amendment.

Delegate J. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Morris
Abraham	Elkins	Newton
Aertker	Fayard	Nunez
Alexander	Flory	O'Neill
Anzalone	Fontenot	Perez
Arnette	Fowler	Planchard
Avant	Fulco	Rayburn
Badeaux	Gauthier	Reeves
Bel	Ginn	Roemer
Bergeron	Goldman	Roy
Bollinger	Graham	Sandoz
Brien	Gravel	Singletary
Brown	Hardee	Slay
Burns	Haynes	Smith
Burson	Hernandez	Stagg
Casey	Jones	Stinson
Champagne	Juneau	Stovall
Chatelain	Kean	Sutherland
Comar	Kelly	Tate
Conino	Kilpatrick	Tobias
Conroy	Landry, A.	Toca
Corne	Lanier	Toomy
Cowen	LeBleu	Ullo
D'Gerolamo	Leithman	Wattigny
De Blieux	Lowe	Weiss
Dennery	McDaniel	Willis
Dennis	Martin	Womack
Deshotels	Miller	Zervigon
Total—84.		

NAYS

Delegates—		
Asseff	Jackson, A.	Pugh
Blair	Jackson, J.	Schmitt
Cannon	Jenkins	Soniat
Chehardy	Landrum	Thistlethwaite
Grier	Landry, E. J.	Velazquez
Hayes	Leigh	Warren
Heine	Maybuce	Winchester
Jack	Perkins	Wisham
Total—24.		

NOT VOTING

Delegates—		
Alario	Kilbourne	Segura
Carmouche	Lambert	Shannon
Derbes	Mauberret	Stephenson
Drew	Mire	Tapper
Dunlap	Munson	Thompson
Edwards	Ourso	Vesich
Giarrusso	Rachal	Vick
Guarisco	Riecke	Wall
Total—24.		

The amendment having received a majority vote of the total membership of the Convention, necessary to add a Section to a Proposal, was passed.

Delegate Leithman moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 38, Section 28 was read.

Delegate Leithman moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	O'Neill
Abraham	Fayard	Perez
Aertker	Flory	Planchard
Alexander	Fontenot	Pugh
Anzalone	Fowler	Rayburn
Arnette	Fulco	Reeves
Avant	Gauthier	Roemer
Badeaux	Ginn	Roy
Bel	Goldman	Sandoz
Bergeron	Graham	Schmitt
Blair	Gravel	Singletary
Bollinger	Hardee	Slay
Brien	Hayes	Smith
Brown	Haynes	Soniat
Burns	Jones	Stagg
Burson	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Landry, A.	Tapper
Comar	Landry, E. J.	Tate
Conino	Lanier	Tobias
Conroy	LeBleu	Toca
Corne	Leithman	Toomy
Cowen	Lowe	Ullo
D'Gerolamo	McDaniel	Wattigny
De Blieux	Martin	Weiss
Dennery	Miller	Willis
Dennis	Morris	Winchester
Deshotels	Newton	Womack
Duval	Nunez	Zervigon
Total—93.		

NAYS

Delegates—		
Asseff	Jackson, J.	Thistlethwaite
Cannon	Jenkins	Velazquez
Grier	Landrum	Warren
Heine	Leigh	Wisham
Jack	Maybuce	
Jackson, A.	Perkins	
Total—16.		

NOT VOTING

Delegates—		
Alario	Kilbourne	Riecke
Carmouche	Hernandez	Segura
Derbes	Lambert	Shannon
Drew	Mauberret	Thompson
Dunlap	Mire	Vesich
Edwards	Munson	Vick
Giarrusso	Ourso	Wall
Guarisco	Rachal	
Total—23.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Delegate Lanier sent up a floor amendment, which was read as follows:

Amendment proposed by Delegates Lanier, Pugh, Roy and Stovall to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, line 8, following the amendment adopted this date proposed by Delegates Leithman, et al., add the following:

"Section 30. Severability Clause

Section 30. If any provision or section of this constitution is found by the United States Department of Justice, acting under the authority granted to it by the United States Congress, to be in violation of the Voting Rights Act of 1965 as amended, and its decision is not successfully challenged in

the federal courts as provided by law, that provision or section shall be null and void and shall not affect the validity of the entire constitution or any of its other provisions or sections.

Delegate Lanier moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	Miller
Alexander	Ginn	Morris
Arnette	Goldman	Newton
Avant	Graham	Pugh
Badeaux	Hayes	Rachal
Bel	Haynes	Reeves
Bergeron	Jack	Roy
Burson	Jackson, A.	Sandoz
Cannon	Juneau	Soniat
Chatelain	Kean	Stagg
Chehardy	Kelly	Stephenson
Comar	Kilpatrick	Stovall
Conroy	Landrum	Tate
Corne	Landry, A.	Toca
Cowen	Landry, E. J.	Ullo
D'Gerolamo	Lanier	Velazquez
De Blieux	LeBleu	Winchester
Dennery	Leithman	Wisham
Deshotels	Lowe	Womack
Flory	Martin	
Total—59.		

NAYS

Delegates—		
Abraham	Hernandez	Slay
Asseff	Jackson, J.	Smith
Brien	Jenkins	Stinson
Burns	Jones	Sutherland
Casey	Leigh	Tapper
Ccnino	Nunez	Thistlethwaite
Dennis	O'Neill	Thompson
Elkins	Perez	Toomy
Fontenot	Perkins	Warren
Fowler	Planchard	Weiss
Grier	Roemer	Willis
Hardee	Schmitt	Zervigon
Heine	Singletary	
Total—38.		

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Munson
Alario	Fayard	Ourso
Anzalone	Gauthier	Rayburn
B'air	Glarrusso	Riecke
Bollinger	Gravel	Segura
Brown	Guarisco	Shannon
Carmouche	Kilbourne	Tobias
Champagne	Lambert	Vesich
Derbes	McDaniel	Vick
Drew	Mauberrret	Wall
Dunlap	Maybuce	Wattigny
Duval	Mire	
Total—35.		

The amendment not having received a majority vote of the total membership of the Convention required to add a Section to a Proposal, failed to pass.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean, Conroy and Pugh to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, line 7, insert the following:

"Section 29. Effect of Adoption

Section 29. Notwithstanding any contrary provision of any law or the prior constitution, this constitution when approved by the electors of this state shall be the Constitution of the State of Louisiana upon the effective date as provided in Section 25 of this Article."

Delegate Pugh moved the adoption of the amendment.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention:

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Grier	Pugh
Abraham	Hardee	Rachal
Alexander	Hayes	Reeves
Arnette	Haynes	Roemer
Avant	Heine	Roy
Badeaux	Hernandez	Sandoz
Bel	Jack	Schmitt
Bergeron	Jackson, J.	Singletary
Brien	Jenkins	Slay
Burns	Jones	Smith
Cannon	Kean	Soniat
Casey	Kilpatrick	Stagg
Champagne	Landrum	Stephenson
Comar	Landry, A.	Stinson
Conino	Landry, E. J.	Stovall
Conroy	Lanier	Sutherland
Corne	LeBleu	Tapper
Cowen	Leigh	Tate
D'Gerolamo	Leithman	Thistlethwaite
De Blieux	Lowe	Thompson
Dennery	McDaniel	Tobias
Deshotels	Martin	Toca
Elkins	Miller	Toomy
Flory	Morris	Ullo
Fontenot	Newton	Velazquez
Fowler	Nunez	Warren
Fulco	O'Neill	Weiss
Ginn	Perez	Willis
Goldman	Perkins	Winchester
Graham	Planchard	Zervigon
Total—90.		

NAYS

Delegates—	
Asseff	Dennis
Total—2.	

NOT VOTING

Delegates—		
Aertker	Edwards	Mire
Alario	Fayard	Munson
Anzalone	Gauthier	Ourso
Blair	Glarrusso	Rayburn
Bollinger	Gravel	Riecke
Brown	Guarisco	Segura
Burson	Jackson, A.	Shannon
Carmouche	Juneau	Vesich
Chatelain	Kelly	Vick
Chehardy	Kilbourne	Wall
Derbes	Lambert	Wisham
Drew	Mauberrret	Wattigny
Dunlap	Maybuce	Womack
Duval		
Total—40.		

The amendment having received a majority vote of the total membership of the Convention required to add a Section to a Proposal, was passed.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 38, Section 29 was read.

Delegate Pugh moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Grier	Planchard
Abraham	Hardee	Pugh
Alexander	Hayes	Rachal
Arnette	Haynes	Reeves
Avant	Heine	Roemer
Badeaux	Hernandez	Roy
Bel	Jack	Sandoz
Bergeron	Jackson, A.	Schmitt
Brien	Jackson, J.	Singletary
Burns	Jenkins	Slay
Cannon	Jones	Smith
Casey	Juneau	Soniat
Champagne	Kean	Stagg
Chatelain	Kelly	Stephenson
Chehardy	Kilpatrick	Stinson
Comar	Landrum	Stovall
Conino	Landry, A.	Sutherland
Conroy	Landry, E. J.	Tapper
Corne	Lanier	Tate
Cowen	LeBleu	Thistlethwaite
D'Gerolamo	Leigh	Thompson
De Blieux	Leithman	Tobias
Dennery	Lowe	Toca
Deshotels	McDaniel	Toomy
Elkins	Martin	Ullo
Flory	Miller	Velazquez
Fontenot	Morris	Weiss
Fowler	Newton	Willis
Fulco	Nunez	Winchester
Ginn	O'Neill	Womack
Goldman	Perez	Zervigon
Graham	Perkins	
Total—95.		

NAYS

Delegates—	
Asseff	Dennis
Total—2.	

NOT VOTING

Delegates—		
Aertker	Edwards	Ourso
Alario	Fayard	Rayburn
Anzalone	Gauthier	Riecke
Blair	Giarrusso	Segura
Bollinger	Gravel	Shannon
Brown	Guarisco	Vesich
Burson	Kilbourne	Vick
Carmouche	Lambert	Wall
Derbes	Mauberrret	Warren
Drew	Maybeuce	Wattigny
Dunlap	Mire	Wisham
Duval	Munson	
Total—35.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 9, line 8, delete Floor Amendment No. 1 proposed by Delegates Pugh, et al., and adopted by the convention on January 18, 1974, and insert in lieu thereof the following:

"PART III

"Section 30. Severability Clause

Section 30. If any provision of this constitution is declared invalid for any reason, that provision shall not affect the validity of the entire constitution or any other provision thereof."

Delegate Jenkins moved the adoption of the amendment.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Grier	Rachal
Alexander	Hayes	Reeves
Arnette	Haynes	Roemer
Avant	Heine	Roy
Badeaux	Jack	Sandoz
Bel	Jackson, A.	Schmitt
Bergeron	Jackson, J.	Singletary
Brien	Jenkins	Slay
Burns	Jones	Smith
Cannon	Juneau	Soniat
Casey	Kean	Stagg
Champagne	Kelly	Stinson
Chatelain	Kilpatrick	Stovall
Comar	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Corne	Lanier	Thistlethwaite
Cowen	LeBleu	Thompson
D'Gerolamo	Leigh	Tobias
De Blieux	Leithman	Toca
Dennery	Lowe	Toomy
Dennis	McDaniel	Ullo
Derbes	Martin	Velazquez
Elkins	Miller	Warren
Flory	Morris	Weiss
Fontenot	Newton	Willis
Fowler	Nunez	Winchester
Fulco	O'Neill	Womack
Ginn	Perez	Zervigon
Goldman	Planchard	
Graham	Pugh	
Total—91.		

NAYS

Delegates—	
Asseff	Deshotels
Total—2.	

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Munson
Aertker	Fayard	Ourso
Alario	Gauthier	Perkins
Anzalone	Giarrusso	Rayburn
Blair	Gravel	Riecke
Bollinger	Guarisco	Segura
Brown	Hardee	Shannon
Burson	Hernandez	Stephenson
Carmouche	Kilbourne	Vesich
Chehardy	Lambert	Vick
Dunlap	Mauberrret	Wall
Duval	Maybeuce	Wattigny
Drew	Mire	Wisham
Total—39.		

PAGE 24

121st Days Proceedings—January 18, 1974

The amendment having received a majority vote of the total membership of the Convention required to add a Section to a Proposal, was passed.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 38, Section 30 was read.

Delegate Jenkins moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

DELEGATES—		
YEAS		
Mr .Chairman	Graham	Perez
Abraham	Grier	Planchard
Alexander	Hardee	Pugh
Arnette	Hayes	Rachal
Avant	Haynes	Reeves
Badeaux	Heine	Roemer
Bel	Hernandez	Roy
Bergeron	Jack	Sandoz
Brien	Jackson, A.	Schmitt
Burns	Jackson, J.	Singletary
Cannon	Jenkins	Slay
Casey	Jones	Smith
Champagne	Juneau	Soniat
Chatelain	Kean	Stagg
Comar	Kelly	Stinson
Conino	Kilpatrick	Stovall
Conroy	Landrum	Sutherland
Corne	Landry, A.	Tate
Cowen	Landry, E. J.	Thistlethwaite
De Blieux	Lanier	Thompson
Dennery	LeBleu	Tobias
Dennis	Leigh	Toca
Derbes	Leithman	Toomy
Deshotels	Lowe	Ullo
Elkins	McDaniel	Velazquez
Flory	Martin	Warren
Fontenot	Miller	Weiss
Fowler	Morris	Willis
Fulco	Newton	Winchester
Ginn	Nunez	Womack
Goldman	O'Neill	Zervigon
Total—92.		

Delegate Asseff
Total—1.

NAYS

NOT VOTING

DELEGATES—		
Aertker	Edwards	Perkins
Alario	Fayard	Rayburn
Anzalone	Gauthier	Riecke
Blair	Giarrusso	Segura
Bollinger	Gravel	Shannon
Brown	Guarisco	Stephenson
Burson	Kilbourne	Tapper
Carmouche	Lambert	Vesich
Chehardy	Mauberrret	Vick
D'Gerolamo	Maybeuce	Wall
Drew	Mire	Wattigny
Dunlap	Munson	Wisham
Duval	Ourso	
Total—38.		

And the Chair declared that the above Section was finally passed.

Motion to reconsider pending.

Passage

The Proposal was read, as amended.

Delegate Zervigon moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

DELEGATES—		
Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Perez
Aertker	Ginn	Perkins
Alexander	Goldman	Planchard
Arnette	Graham	Pugh
Avant	Grier	Rachal
Badeaux	Hayes	Reeves
Bel	Haynes	Roemer
Bergeron	Hernandez	Roy
Blair	Jack	Sandoz
Brien	Jackson, A.	Schmitt
Burns	Jackson, J.	Singletary
Cannon	Jenkins	Slay
Casey	Jones	Smith
Champagne	Juneau	Stagg
Chatelain	Kean	Stinson
Chehardy	Kilpatrick	Stovall
Comar	Landrum	Sutherland
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lowe	Ullo
Dennis	McDaniel	Velazquez
Derbes	Martin	Weiss
Deshotels	Miller	Willis
Elkins	Morris	Winchester
Flory	Newton	Womack
Fontenot	Nunez	Zervigon
Total—93.		

NAYS

DELEGATES—		
Kelly	Soniat	Warren
Asseff		
Total—4.		

NOT VOTING

DELEGATES—		
Alario	Giarrusso	Rayburn
Anzalone	Gravel	Riecke
Bollinger	Guarisco	Segura
Brown	Hardee	Shannon
Burson	Heine	Stephenson
Carmouche	Kilbourne	Tapper
Drew	Lambert	Vesich
Dunlap	Mauberrret	Vick
Duval	Maybeuce	Wall
Edwards	Mire	Wattigny
Fayard	Munson	Wisham
Gauthier	Ourso	
Total—35.		

And the Chair declared that the above Proposal was finally passed.

Motion to reconsider pending.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 17, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly Re-Re-enrolled in final form:

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberrret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. REVENUE AND FINANCE

Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided by this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax, an increase in an existing tax, or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of the elected members of each house of the legislature.

Section 3. Collection of Taxes

Section 3. The legislature shall prohibit the issuance of process to restrain the collection of any tax. It shall provide a complete and adequate remedy for the prompt recovery of an illegal tax paid by a taxpayer.

Section 4. Income Tax; Severance Tax; Political Subdivisions

Section 4. (A) Income Tax. Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the state individual and joint income tax schedule of rates shall never exceed the rates set forth in Title 47, Section 32 of the Louisiana Revised Statutes on January 1, 1974. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes for the same period.

(B) Severance Tax. Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation. Such 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. No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land.

(C) Severance Tax; Political Subdivisions. A political subdivision of the state shall not levy a severance tax, income tax, or tax on motor fuel.

(D) Severance Tax Allocation. One-third of the sulphur severance tax, but not to exceed one hundred thousand dollars; one-fifth of the severance tax on all natural resources, other than sulphur or timber, but not to exceed five hundred thousand dollars; and three-fourths of the timber severance tax shall be remitted to the governing authority of the parish in which 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.

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.

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 by law enacted by two-thirds of the elected members of each house of the legislature. The debt may be incurred or the bonds issued only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or a lower effective interest rate; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) Capital Improvements. If the purpose is to make capital improvements, the nature and location and, if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(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.

(D) Referendum. The legislature, by law enacted by two-thirds of the elected members of each house, may propose a statewide public referendum to authorize incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

(E) Exception. Nothing in this Section shall apply to any levee district, political subdivision, or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district, political subdivision, or local public agency.

Section 7. State Debt; Interim Emergency Board

Section 7. (A) Composition. The Interim Emergency Board is created. It shall be composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of the legislature, chairman of the Senate Finance Committee, and chairman of the House Appropriations Committee, or their designees.

(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 made or the indebtedness incurred only for a purpose for which the legislature may appropriate funds and then only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature. For the purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated by the legislature.

(C) Limits. The aggregate of indebtedness outstanding at any one time and the amount appropriated from the state general fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Allocation. An amount sufficient to pay indebtedness incurred during the preceding fiscal year under the authority of this Section is allocated, as a first priority, each year from the state general fund.

Section 8. State Bond Commission

Section 8. (A) Creation. The State Bond Commission is created. Its membership and authority shall be determined by law.

(B) Approval of Bonds. No bonds or other obligations shall

be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained.

(C) Contesting State Bonds. Bonds, notes, certificates, or other evidences of indebtedness of the state (hereafter referred to as "bonds") shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state, as provided by law, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in interest may contest the legality of the resolution, any provision of the bonds to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

Section 9. State Funds

Section 9. (A) Deposit in State Treasury. All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received:

(1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise;

(2) by trade or professional associations;

(3) by the employment security administration fund or its successor;

(4) by retirement system funds;

(5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce; and

(6) by a state board, agency, or commission, but pledged by it in connection with the issuance of revenue bonds as provided in Paragraph (C) of Section 6 of this Article, other than any surplus as may be defined in the law authorizing such revenue bonds.

(B) Bond Security and Redemption Fund. Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise. In each fiscal year an amount is allocated from the bond security and redemption fund sufficient to pay all obligations which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year, including principal, interest, premiums, sinking or reserve fund, and other requirements. Thereafter, except as otherwise provided by law, money remaining in the fund shall be credited to the state general fund.

(C) Exception. Nothing in this Section shall apply to a levee district or political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district or political subdivision.

Section 10. Expenditure of State Funds

Section 10. (A) Appropriations. Except as otherwise provided by this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law.

(B) Balanced Budget. Total appropriations by the legislature for any fiscal year shall not exceed anticipated state revenues for that fiscal year.

(C) Publication. The legislature shall have published a

regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(D) Public Purpose. No appropriation shall be made except for a public purpose.

Section 11. Budgets

Section 11. (A) Operating Budget. 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. He shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures and, if necessary, a bill or bills to raise additional revenues.

(B) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and request implementation of the first year of the program. Capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget, which shall be adopted by the legislature.

Section 12. Reports and Records

Section 12. Reports and records of the collection, expenditure, investment, and use of state money and those relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining to those returns.

Section 13. Investment of State Funds

Section 13. All money in the custody of the state treasurer which is available for investment shall be invested as provided by law.

Section 14. Donation, Loan, or Pledge of Public Credit

Section 14. (A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise.

(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; or (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law.

(C) Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual.

(D) Prior Obligations. Funds, credit, property, or things of value of the state or of a political subdivision heretofore loaned, pledged, dedicated, or granted by prior state law or authorized to be loaned, pledged, dedicated, or granted by the prior laws and constitution of this state shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless the authorization is revoked by law enacted by two-thirds of the elected members of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section.

Section 15. Release of Obligations to State, Parish, or Municipality

Section 15. (A) Release. The legislature shall have no power to release, extinguish, or authorize the releasing or extinguishing of any indebtedness, liability, or obligation of a corporation or individual to the state, a parish, or a municipality. However, the legislature, by law, may establish a system under which claims by the state or a political subdivision may be compromised, and may provide for the release of heirs to confiscated property from taxes due thereon at the date of its reversion to them.

(B) Exception. Whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication.

Section 16. Taxes; Prescription

Section 16. (A) Prescription. Taxes, except real property

taxes, and licenses shall prescribe in three years after the thirty-first day of December in the year in which they are due, but prescription may be interrupted or suspended as provided by law.

(B) Tidelands. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December in the year in which the controversy is finally resolved and settled.

Section 17. Legislation to Obtain Federal Aid

Section 17. The legislature may enact laws to enable the state, its agencies, boards, commissions, and political subdivisions and their agencies to comply with federal laws and regulations in order to secure federal participation in funding capital improvement projects.

Respectfully submitted,
MOISE W. DENNERY
 Secretary.

The Proposals contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
 Constitutional Convention of 1973

January 18, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

In accordance with the Rules of the Convention all proposals previously adopted by the Convention, excepting Committee Proposal No. 38, Delegate Proposal 198 and certain Sections of the proposed Article XIV are hereby reported with final styling amendments as a proposed Constitution for the State of Louisiana.

COMMITTEE AMENDMENT

Amendments proposed by Committee on Style and Drafting

AMENDMENT No. 1—

The organization of the constitution of 1974 shall be as follows:

"CONSTITUTION OF THE STATE OF LOUISIANA OF 1974

PREAMBLE

- I. DECLARATION OF RIGHTS
- II. DISTRIBUTION OF POWERS
- III. LEGISLATIVE BRANCH
- IV. EXECUTIVE BRANCH
- V. JUDICIAL BRANCH
- VI. LOCAL GOVERNMENT
 - PART I. General Provisions
 - Part II. Finance
 - PART III. Levee Districts
 - PART IV. Port Commissions and Districts
 - PART V. Definitions

- VII. REVENUE AND FINANCE
 - PART I. General Provisions
 - PART II. Property Taxation
 - PART III. Revenue Sharing
- VIII. EDUCATION
- IX. NATURAL RESOURCES
- X. PUBLIC OFFICIALS AND EMPLOYEES
 - PART I. State and City Civil Service
 - PART II. Fire and Police Civil Service
 - PART III. Other Provisions
- XI. ELECTIONS
- XII. GENERAL PROVISIONS
- XIII. CONSTITUTIONAL REVISION
- XIV. TRANSITIONAL PROVISIONS
 - PART I.
 - PART II.
 - PART III."

AMENDMENT No. 2—

Delete Section 18 of Committee Proposal Number 3 and insert in lieu thereof the following:

"Section 16. Appropriations

"Section 16. (A) Specific Appropriation for One Year. Except as otherwise provided by this constitution, no money shall be withdrawn from the state treasury except through specific appropriation, and no appropriation shall be made under the heading of contingencies or for longer than one year.

(B) Origin in House of Representatives. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

(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.

(D) Specific Purpose and Amount. All other bills for appropriating money shall be for a specific purpose and amount.

(E) Extraordinary Session. Except for expenses of the legislature, a bill appropriating money in an extraordinary session convened after final adjournment of the regular session in the last year of the term of office of a governor shall require the favorable vote of three-fourths of the elected members of each house."

AMENDMENT No. 3—

Delete Paragraphs (D) and (E) of Section 5 of Committee Proposal Number 4 and insert in lieu thereof the following and re-letter the succeeding paragraphs of Section 5 appropriately:

"(D) Operating and Capital Budget. The governor shall submit to the legislature an operating budget and a capital budget, as provided by Article VII, Section 11 of this constitution."

AMENDMENT No. 3A—

In Section 18 of Committee Proposal No. 4, delete the word "Article" and insert in lieu thereof the word "constitution"

AMENDMENT No. 4—

Delete the text of Committee Proposal No. 11 and make the following Section 29 in Part III of Article X:

"Section 29. Retirement and Survivor's Benefits

Section 29. (A) Public School Employees. The legislature shall provide for retirement of teachers and other employees of the public educational system through establishment of one or more retirement systems. Membership in such a retirement system shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member or retiree or to his lawful beneficiary upon his death.

(B) Other Officials and Employees. The legislature shall enact laws providing for retirement of officials and employees of the state, its agencies, and its political subdivisions, including persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member of a state retirement system or retiree or to his lawful beneficiary upon his death.

(C) Retirement Systems; Change; Notice. No proposal to effect any change in existing laws or constitutional pro-

visions relating to any retirement system for public employees shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given.

(D) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as defined by law, who die, or who died after June 30, 1972, as a result of injury sustained in the performance of official duties or in the protection of life or property while on or off duty."

AMENDMENT No. 5—

In Committee Proposal No. 15, Section 15 delete "(A) Release." and delete Paragraph (B) of Section 15 and make the following Section 12 of Article XIV:

"Section 12. Forfeitures Prior to 1880

Section 12. Whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication."

AMENDMENT No. 6—

In Committee Proposal No. 15, Section 16 delete "(A) Prescription." and delete Paragraph (B) of Section 16 and make the following Section 11 of Article XIV:

"Section 11. Prescription; Tidelands Taxes

Section 11. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December in the year in which the controversy is finally resolved and settled."

AMENDMENT No. 7—

Delete Section 43 of Committee Proposal No. 17 and insert in lieu thereof the following:

"Section 42. Compensation for Property Used or Destroyed; Tax

Section 42. (A) Compensation. Notwithstanding any contrary provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law. However, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to bature or to 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 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.

(B) Appropriation. Nothing in this Section shall prevent the appropriation of such property before payment."

AMENDMENT No. 8—

Delete Section 15 of Committee Proposal Number 21 and insert in lieu thereof the following:

"Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 21 of this Article, the legislature by law may abolish or merge trial courts of limited or specialized jurisdiction. The legislature by law may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 21 of this Article, the legislature by law may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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."

AMENDMENT No. 9—

Delete Section 10 of Committee Proposal No. 26 and insert the following as Section 13 in Part I of Article XIV:

"Section 13. Effective Date of Property Tax Provisions

Section 13. Section 18 and Section 20 of Article VII shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption."

AMENDMENT No. 10—

Delete Section 7 of Committee Proposal No. 35 and insert the following as Section 14 of Article XII:

"Section 14. Administrative Agency Codes

Section 14. Rules, regulations, and procedures adopted by all state administrative and quasi-judicial agencies, boards, and commissions shall be published in one or more codes and made available to the public."

AMENDMENT No. 11—

Change the title of Paragraph (A) of Section 24 of Committee Proposal No. 3 from "(A) Persons liable." to "(A) Persons Liable."

AMENDMENT No. 12—

Change the title of Section 17 of Committee Proposal No. 4 from "Section 17. Other Vacancies" to "Section 17. Filling of Vacancies"

AMENDMENT No. 13—

Change the title of Section 18 of Committee Proposal No. 21 from "Section 18. Juvenile Courts; Jurisdiction" to "Section 18. Juvenile and Family Courts; Jurisdiction"

AMENDMENT No. 14—

Change the title of Section 1 of Delegate Proposal No. 28 from "Article XIV, Section 1. Transition; Civil Service Commission; State; Cities" to "Section 8. Civil Service Commission; State; Cities" and insert in Part 1 of Article XIV

AMENDMENT No. 15—

Change the title of Section 2 of Delegate Proposal No. 28 from "Section 2. Transition; Civil Service Officers; Employees; State; Cities" to "Section 9. Civil Service Officers; Employees; State; Cities" and insert in Part I of Article XIV

AMENDMENT No. 16—

In Paragraph (B) of Section 1 of Committee Proposal Number 4 change the reference from Section 22 to Section 20 in the text of the Paragraph.

AMENDMENT No. 17—

In Section 2 of Committee Proposal Number 7 change the reference from Section 22 to Section 20 in the text of the Section.

AMENDMENT No. 18—

In Subparagraph (3) of Paragraph (D) of Section 4 in Committee Proposal 26 delete the letter "(a)" and "(b)"

AMENDMENT No. 19—

In Section 4 of Committee Proposal Number 26 change the reference from Section 3 to Section 20 in the text of the Section.

AMENDMENT No. 20—

In Section 5 of Committee Proposal No. 26, delete the word "Article" and insert in lieu thereof the word "Part"

AMENDMENT No. 21—

In Section 6 of Committee Proposal Number 26 change the references from Section 1 to Section 18 in the text of the Section and change the references from Section 3 to Section 20 in the text of the Section.

AMENDMENT No. 22—

In Section 10 of Committee Proposal Number 26 change the reference from Section 1 to Section 18 in the text of the Section and change the reference from Section 3 to Section 20 in the text of the section.

AMENDMENT No. 23—

In Paragraph (A) of Section 1 of Delegate Proposal Number 28 change the reference from Article VII to Article X in the text of the Paragraph and change the reference from Section 1 to Section 3 in the text of the paragraph and delete reference to Paragraph (C).

AMENDMENT No. 24—

In Paragraph (B) of Section 1 of Delegate Proposal Number 28 change the reference from Article VII to Article X in the text of the paragraph and change the reference to Paragraph (D) Section 1 to Section 4 in the text of the paragraph.

AMENDMENT No. 25—

Delete Section 5 of Committee Proposal No. 30 and make the following Section 5 of Article XIV:

"Section 5. Boards; New Appointments

Section 5. In making new appointments to a board created by Sections 5, 6, or 7 of Article VIII, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board."

AMENDMENT No. 26—

In Committee Proposal Number 30 change all references from Section 9 to Section 8 in the text of the proposal.

AMENDMENT No. 27—

Delete the entire text of Committee Proposal No. 10 and insert the following as PART II of Article X:

PART II. FIRE AND POLICE CIVIL SERVICE

Section 16. Establishment of System

Section 16. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

Section 17. Appointments and Promotions

Section 17. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable municipal fire and police civil service board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

Section 18. Prior Provisions

Section 18. Except as inconsistent with this Part, the provisions of Article XIV, Section 15.1 of the Constitution of 1921 are retained and continued in force and effect as statutes. By law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand

and according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

Section 19. Exclusion

Section 19. Nothing in Part I of this Article authorizing cities or other political subdivisions to be placed under the provisions of said Part by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population greater than thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

Section 20. Political Activities

Section 20. Article XIV, Section 15.1, Paragraph 34 of the Constitution of 1921 is retained and continued in force and effect.

AMENDMENT No. 28—

Delete the entire text of Committee Proposal No. 9 and insert the following as PART I of Article X:

**"ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES
PART I. STATE AND CITY CIVIL SERVICE**

Section 1. Civil Service Systems

Section 1. (A) State Civil Service. The state civil service is established and includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency, or joint state and municipal agency, regardless of the source of the funds used to pay for such employment. It shall not include persons holding offices and positions of any municipal board of health or local governmental subdivision.

(B) City Civil Service. The city civil service is established and includes all persons holding offices and positions of trust or employment in the employ of each city having over four hundred thousand population and in every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the affected city voting at an election held for that purpose approve their exclusion. The election shall be called by the municipal governing authority within one year after the effective date of this constitution.

Section 2. Classified and Unclassified Service

Section 2. (A) Classified Service. 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.

(B) Unclassified Service. The unclassified service shall include the following officers and employees in the state and city civil service:

- (1) elected officials and persons appointed to fill vacancies in elective offices;
- (2) the heads of each principal executive department 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;
- (7) one person holding a confidential position and one principal assistant or deputy to any officer, board, commission, or authority mentioned in (1), (2), (4), or (5) above, except civil service departments;
- (8) members of the military or naval forces;
- (9) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency;
- (10) employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney, of police juries, school boards, assessors, and of all offices provided for in Article V of this constitution except the offices of clerk of the municipal and traffic courts in New Orleans;

(11) commissioners of elections, watchers, and custodians and deputy custodians of voting machines; and

(12) mail cad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.

Additional positions may be added to the unclassified service and these positions may be revoked by rules adopted by a commission.

Section 3. State Civil Service Commission

Section 3. (A) Composition. The State Civil Service Commission is established and shall be domiciled in the state capital. It shall be composed of seven members who are electors of this state, four of whom shall constitute a quorum. No more than one appointed member shall be from each congressional district.

(B) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(C) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University of Louisiana at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission.

Section 4. City Civil Service Commission

Section 4. (A) Creation; Membership; Domicile. A city civil service commission shall exist in each city having a population exceeding four hundred thousand. The domicile of each commission shall be in the city it serves. Each commission shall be composed of five members, who are electors of the city, three of whom shall constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided.

(B) New Orleans; Nomination and Appointment. In New Orleans, the presidents of Dillard University, Loyola University, St. Mary's Dominican College, Tulane University of Louisiana, and Xavier University, after giving consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(C) Other Cities; Nomination and Appointment. In each other city subject to this Section, the presidents of any five institutions of higher education in the state, selected by the governing authority of the respective city, each shall nominate three persons, after giving consideration to representation of all groups. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(D) Vacancies. A vacancy shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If one of the nominating authorities fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the municipal governing authority shall make the appointment.

Section 5. Removal

Section 5. A member of the state or of a city civil service commission may be removed by the governor or the governing authority, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the appointing authority.

Section 6. Department of Civil Service; Directors

Section 6. (A) State Department. A Department of State Civil Service is established in the executive branch of the state government.

(B) City Departments. A department of city civil service shall exist in each city having a population exceeding four hundred thousand.

(C) Directors. Each commission shall appoint a director, after competitive examination, who shall be in the classified service. He shall be the administrative head of his department. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.

Section 7. Appointments; Promotions

Section 7. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department 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 competitive. 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, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments if certification is not required.

Section 8. Appeals

Section 8. (A) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. A classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(B) Discrimination. No classified employee shall be discriminated against because of his political or religious beliefs, sex, or race. A classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

Section 9. Prohibitions Against Political Activities

Section 9. (A) Party Membership; Elections. No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(B) Contributions. No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(C) Political Activity Defined. As used in this Part, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.

Section 10. Rules; Investigations; Wages and Hours

Section 10. Rules. (1) Powers. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; to require an

appointing authority to institute an employee training and safety program; and generally to accomplish the objectives and purposes of the merit system of civil service as herein established. It may make recommendations with respect to employee training and safety. Nothing herein shall prevent the legislature from enacting laws supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety and regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

(2) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States who served between the wartime dates of April 6, 1917 through November 11, 1918; or between September 16, 1940 through July 25, 1947; between June 27, 1950 through January 31, 1955; or in the Viet Nam Theater between July 1, 1958 through the date the United States government 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; in a peacetime campaign or expedition for which campaign badges are authorized. The state and city civil service departments 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 recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unremarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference, is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(3) Layoffs; Preference Employees. When a position in the classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classifications and performing functions transferred, or working in the state agency replaced, shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed lay-off within a reasonable length of time before its effective date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant or employee because of his membership or non-membership in any private organization; but this shall not prohibit any state agency, department, or political subdivision from

contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission.

(4) Effect. Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for violation of its rules by demotion in or suspension or discharge from position, with attendant loss of pay.

(B) Investigations. Each commission may investigate violations of this Part and the rules, statutes, or ordinances adopted pursuant hereto.

(C) Wages and Hours. Any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority.

Section 11. Penalties

Section 11. Willful violation of any provision of this Part shall be a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Section 12. Appeal

Section 12. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final.

Section 13. Appropriations

Section 13. (A) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable them to implement this Part efficiently and effectively. The amount so appropriated shall not be subject to veto by the governor.

(B) Cities. Each city subject to this Part shall make adequate annual appropriations to enable its civil service commission and department to implement this Part efficiently and effectively.

Section 14. Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly

Section 14. (A) Local Option. Each city having a population exceeding ten thousand but not exceeding four hundred thousand, each parish, and each parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the latest official decennial federal census, may elect to be governed by this Part by a majority vote of its electors voting at an election held for that purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing authority calling the election; or (b) the presentation to the governing authority of a petition calling for such an election signed by electors equal in number to five percent of the registered voters of the city, the parish, or the city-parish, as the case may be.

(B) Acceptance. If a majority of the electors vote to adopt this Part, its provisions shall apply permanently to the city, the parish, or the city-parish, as the case may be, and shall govern it as if this Part had originally applied to it. In such case, all officers and employees of the city, the parish, or the city-parish, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and thereafter shall be subject to and be governed by this Part and the rules and regulations adopted under it.

(C) Rejection. If a majority of the electors vote against the adoption of this Part, the question of its adoption shall not be resubmitted to the voters of the political subdivision within one year thereafter.

Section 15. City, Parish Civil Service System; Creation; Prohibition

Section 15. Nothing in this Part shall prevent the establishment by the legislature, or by the respective parish governing authority, of a parish civil service system in one or more parishes, applicable to any or all parish employees, except teaching and professional staffs and administrative officers of schools, or the establishment by the

legislature or by the respective municipal governing authority of a municipal civil service system in one or more municipalities having a population of less than four hundred thousand, in any manner now or hereafter provided by law. However, paid firemen and paid municipal policemen in a municipality operating a regularly paid fire and police department and having a population exceeding thirteen thousand, and paid firemen in all parishes and in fire protection districts, are expressly excluded from such a civil service system.

Nothing in this Part shall permit inclusion in the local civil service of officials and employees listed in Section 2 of this Article.

No law enacted after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall be effective in any parish or in any municipality until approved by ordinance adopted by the governing authority of the parish or municipality."

AMENDMENT No. 29—

Renumber Sections 5, 6, 7, 8, 9, and 10 of Committee Proposal Number 3 as Sections 6, 7, 8, 9, 10, and 11 respectively.

AMENDMENT No. 30—

Make Section 11 of Committee Proposal Number 3, Section 23 in Part III of Article X.

AMENDMENT No. 31—

Make Section 14 of Committee Proposal Number 3, Section 10 of Article XII.

AMENDMENT No. 32—

Make Section 15 of Committee Proposal Number 3, Section 11 of Article XII.

AMENDMENT No. 33—

Renumber Sections 16, 17, 19, 20, 21, and 22 of Committee Proposal Number 3 as Sections 14, 15, 17, 18, 19, and 20 respectively.

AMENDMENT No. 34—

Make Section 23 of Committee Proposal Number 3, Section 12 of Article XII.

AMENDMENT No. 35—

Make Section 24 of Committee Proposal Number 3, Section 24 in Part III of Article X.

AMENDMENT No. 36—

Make Section 25 of Committee Proposal Number 3, Section 25 in Part III of Article X.

AMENDMENT No. 37—

Make Section 26 of Committee Proposal Number 3, Section 26 in Part III of Article X.

AMENDMENT No. 38—

Make Section 27 of Committee Proposal Number 3, Section 5 of Article III.

AMENDMENT No. 39—

Make Section 17 of Committee Proposal Number 4, Section 27 in Part III of Article X.

AMENDMENT No. 40—

Make Section 18 of Committee Proposal Number 4, Section 28 in Part III of Article X.

AMENDMENT No. 41—

Renumber Sections 19, 20, 21, and 22 of Committee Proposal Number 4 as Sections 17, 18, 19, and 20 respectively.

AMENDMENT No. 42—

Make Section 1 of Committee Proposal Number 12, Section 7 of Article XII.

AMENDMENT No. 43—

Make Section 2 of Committee Proposal Number 14, Section 8 of Article XII.

AMENDMENT No. 44—

Place Sections 1, 2, 3, 4, 5, 8, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, and 17 of Committee Proposal Number 15 in Part I of Article VII.

AMENDMENT No. 45—

Make Section 1 of Delegate Proposal Number 16, Section 9 of Article XII.

AMENDMENT No. 46—

Make Section 1 of Delegate Proposal No. 18 Section 7 in Part I of Article XIV.

AMENDMENT No. 47—

Make Section 12 of Delegate Proposal Number 17, Section 6 of Article XII.

AMENDMENT No. 48—

Make Section 25 of Committee Proposal Number 17, Section 13 of Article XII.

AMENDMENT No. 49—

Renumber Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, and 45 of Committee Proposal Number 17 as Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 38, 37, 38, 39, 40, 41, 43, and 44 respectively.

AMENDMENT No. 50—

Renumber Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 of Committee Proposal Number 21 as Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 respectively.

AMENDMENT No. 51—

Make Section 1 of Committee Proposal Number 22, Section 21 in Part III of Article X.

AMENDMENT No. 52—

Make the text of Committee Proposal Number 23, Section 22 in Part III of Article X.

AMENDMENT No. 53—

Place Sections 1, 2, 3, 4, 5, 6, 8, and 9 of Committee Proposal Number 26 in Part II of Article VII and renumber as Sections 18, 19, 20, 21, 22, 23, 24, and 25 respectively.

AMENDMENT No. 54—

Make Section 7 of Committee Proposal Number 26, Section 26 in Part III of Article VII.

AMENDMENT No. 55—

Make Section 7 of Committee Proposal Number 34, Section 10 of Article XIV.

AMENDMENT No. 56—

Make Section 8 of Committee Proposal Number 34, Section 7

AMENDMENT No. 57—

Make Section 9 of Committee Proposal Number 34, Section 8

AMENDMENT No. 58—

Make Section 3 of Article XII of Committee Proposal Number 35, Section 30 in Part III of Article X.

AMENDMENT No. 59—

Renumber Sections 4, 1, 2, 8, and 5 of Article XII of Committee Proposal Number 35 as Sections 1, 2, 3, 4, and 5 of Article XII respectively.

AMENDMENT No. 60—

Make Section 14 of Committee Proposal Number 37, Section 21 of Article IV.

AMENDMENT No. 61—

Make the text of Delegate Proposal Number 43, Section 19 of Article V.

AMENDMENT No. 62—

Make Section 1 of Committee Proposal No. 31 Section 6 in Part I of Article XIV

Respectfully submitted,
ALBERT TATE, JR.,
Chairman.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Saturday, January 19, 1974 at 12:01 o'clock A.M. Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, January 19, 1974, at 12:01 o'clock A.M.

MOISE W. DENNERY
Secretary
DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ONE HUNDRED TWENTY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Saturday, January 19, 1974, Baton Rouge, La.

The Convention was called to order at 12:01 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Blair Bollinger Brien Brown Burns Burson Cannon Carmouche Casey Champagne Chatelain Chehardy Comar Conino Conroy Corne Cowen D'Gerolamo De Billeux Dennery Dennis Derbes Deshotels Drew Dunlap Duval Edwards Elkins Fayard Flory Fontenot Fowler	Fulco Gauthier Giarrusso Ginn Goldman Graham Gravel Grier Guarisco Hardee Hayes Haynes Heine Hernandez Jack Jackson, A. Jackson, J. Jenkins Jones Juneau Kean Kelly Kilbourne Kilpatrick Lambert Landrum Landry, A. Landry, E. J. Lanier LeBleu Leigh Leithman Lowe McDaniel Martin Maubertret Maybuce Miller Mire Morris Munson Newton Nunez O'Neill	Ourso Perez Perkins Planchard Pugh Rachal Rayburn Reeves Riecke Roemer Roy Sandoz Schmitt Segura Shannon Singletary Slay Smith Soniat Stagg Stephenson Stinson Stovall Sutherland Tapper Tate Thistlethwaite Thompson Tobias Toca Toomy Ullo Velazquez Vesich Vick Warren Wattigny Weiss Willis Winchester Wisham Womack Zervigon
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Total—131.

ABSENT

Delegate Wall
Total—1.

The Chairman announced that there were 131 members
present and a quorum.

Prayer

Prayer was offered by Delegate Tobias.

Pledge of Allegiance

Delegate Kelly led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Motion

On motion of Delegate Stagg the Reading and Adoption of
the previous Day's Journal was deferred at this time.

On motion of Delegate Tate, the Convention altered the
Order of Business to take up Amendments Proposed by the
Committee on Style and Drafting to the final document at
this time.

**Style and Drafting Amendments
Proposed to Final Document**

The following amendments reported by the Committee on
Style and Drafting to the final document were taken up and
acted upon as follows:

COMMITTEE AMENDMENT

Amendment proposed by Committee on Style and Drafting.

AMENDMENT No. 1—

The organization of the constitution of 1974 shall be as
follows:

"CONSTITUTION OF THE STATE OF LOUISIANA OF 1974

PREAMBLE

- I. DECLARATION OF RIGHTS
- II. DISTRIBUTION OF POWERS
- III. LEGISLATIVE BRANCH
- IV. EXECUTIVE BRANCH
- V. JUDICIAL BRANCH
- VI. LOCAL GOVERNMENT
 - PART I. General Provisions
 - PART II. Finance
 - PART III. Levee Districts
 - PART IV. Port Commissions and Districts
 - PART V. Definitions
- VII. REVENUE AND FINANCE
 - PART I. General Provisions
 - PART II. Property Taxation
 - PART III. Revenue Sharing
- VIII. EDUCATION
- IX. NATURAL RESOURCES
- X. PUBLIC OFFICIALS AND EMPLOYEES
 - PART I. State and City Civil Service
 - PART II. Fire and Police Civil Service
 - PART III. Other Provisions
- XI. ELECTIONS
- XII. GENERAL PROVISIONS
- XIII. CONSTITUTIONAL REVISION
- XIV. TRANSITIONAL PROVISIONS
 - PART I.
 - PART II.
 - PART III."

Read.

On motion of Delegate Tate Amendment No. 1 was adopted.

AMENDMENT No. 2—

Delete Section 18 of Committee Proposal Number 3 and
insert in lieu thereof the following:

"Section 16. Appropriations

"Section 16. (A) Specific Appropriation for One Year.
Except as otherwise provided by this constitution, no money
shall be withdrawn from the state treasury except through
specific appropriation, and no appropriation shall be made
under the heading of contingencies or for longer than one
year.

(B) Origin in House of Representatives. All bills for rais-
ing revenue or appropriating money shall originate in the
House of Representatives, but the Senate may propose or
concur in amendments, as in other bills.

(C) General Appropriation Bill; Limitations. The gen-
eral 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.

(D) Specific Purpose and Amount. All other bills for appropriating money shall be for a specific purpose and amount.

(E) Extraordinary Session. Except for expenses of the legislature, a bill appropriating money in an extraordinary session convened after final adjournment of the regular session in the last year of the term of office of a governor shall require the favorable vote of three-fourths of the elected members of each house."

Read.

On motion of Delegate Tate Amendment No. 2 was adopted.

AMENDMENT No. 3—

Delete Paragraphs (D) and (E) of Section 5 of Committee Proposal Number 4 and insert in lieu thereof the following and re-letter the succeeding paragraphs of Section 5 appropriately:

"(D) Operating and Capital Budget. The governor shall submit to the legislature an operating budget and a capital budget, as provided by Article VII, Section 11 of this constitution."

Read.

On motion of Delegate Tate Amendment No. 3 was adopted.

AMENDMENT No. 3A—

In Section 18 of Committee Proposal No. 4, delete the word "Article" and insert in lieu thereof the word "constitution"

Read.

On motion of Delegate Tate Amendment No. 3A was adopted.

AMENDMENT No. 4—

Delete the text of Committee Proposal No. 11 and make the following Section 29 in Part III of Article X:

"Section 29. Retirement and Survivor's Benefits

Section 29. (A) Public School Employees. The legislature shall provide for retirement of teachers and other employees of the public educational system through establishment of one or more retirement systems. Membership in such a retirement system shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member or retiree or to his lawful beneficiary upon his death.

(B) Other Officials and Employees. The legislature shall enact laws providing for retirement of officials and employees of the state, its agencies, and its political subdivisions, including persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member of a state retirement system or retiree or to his lawful beneficiary upon his death.

(C) Retirement Systems; Change; Notice. No proposal to effect any change in existing laws or constitutional provisions relating to any retirement system for public employees shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given.

(D) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as defined by law, who die, or who died after June 30, 1972, as a result of injury sustained in the performance of official duties or in the protection of life or property while on or off duty."

Read.

On motion of Delegate Tate Amendment No. 4 was adopted.

AMENDMENT No. 5—

In Committee Proposal No. 15, Section 15 delete "(A) Release." and delete Paragraph (B) of Section 15 and make the following Section 12 of Article XIV:

"Section 12. Forfeitures Prior to 1880

Section 12. Whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication."

Read.

Delegate Tate moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Ginn	O'Neill
Abraham	Goldman	Perez
Alexander	Graham	Perkins
Arnette	Grier	Planchard
Asseff	Hayes	Rachal
Avant	Haynes	Reeves
Bel	Heine	Roemer
Bergeron	Jack	Roy
Blair	Jackson, A.	Schmitt
Brien	Jackson, J.	Singletary
Burson	Jenkins	Slay
Cannon	Jones	Smith
Casey	Juneau	Stagg
Chatelain	Kean	Stephenson
Chehardy	Kelly	Stinson
Comar	Kilpatrick	Stovall
Conino	Landrum	Tate
Conroy	Landry, A.	Thompson
Cowen	Landry, E. J.	Tobias
D'Gerolamo	Lanier	Toca
De Blieux	LeBleu	Toomy
Dennery	Leigh	Uilo
Dennis	Leithman	Velazquez
Derbes	Lowe	Weiss
Deshotels	McDaniel	Willis
Elkins	Martin	Winchester
Flory	Morris	Zervigon
Fowler	Newton	
Fulco	Nunez	
Total—85.		

Total—0. NAYS

NOT VOTING

Delegates—		
Aertker	Gauthier	Riecke
Alario	Giarrusso	Sandoz
Anzalone	Gravel	Segura
Badeaux	Guarisco	Shannon
Bollinger	Hardee	Soniat
Brown	Hernandez	Sutherland
Burns	Kilbourne	Tapper
Carmouche	Lambert	Thistlethwaite
Champagne	Mauberrert	Vesich
Corne	Maybuce	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Drew	Munson	Wattigny
Edwards	Ourso	Wisham
Fayard	Pugh	Womack
Fontenot	Rayburn	
Total—47.		

And Amendment No. 5 was adopted.

AMENDMENT No. 6—

In Committee Proposal No. 15, Section 16 delete "(A) Pre-

scription." and delete Paragraph (B) of Section 16 and make the following Section 11 of Article XIV:

"Section 11. Prescription; Tidelands Taxes
Section 11. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December in the year in which the controversy is finally resolved and settled."

Read.

Delegate Tate moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Goldman	Nunez
Abraham	Graham	O'Neill
Alexander	Grier	Perez
Arnette	Hayes	Perkins
Asseff	Haynes	Plancharad
Avant	Heine	Reeves
Bergeron	Jack	Roemer
Blair	Jackson, A.	Roy
Brien	Jackson, J.	Schmitt
Burson	Jenkins	Singletary
Cannon	Jones	Slay
Casey	Juneau	Smith
Chatelain	Kean	Soniat
Chehardy	Kelly	Stagg
Comar	Kilpatrick	Stephenson
Conino	Landrum	Stinson
Conroy	Landry, A.	Stovall
D'Gerolamo	Landry, E. J.	Tate
De Blieux	Lanier	Thompson
Dennery	LeBleu	Tobias
Dennis	Leigh	Toomy
Derbes	Leithman	Uilo
Elkins	Lowe	Velazquez
Flory	McDaniel	Weiss
Fowler	Martin	Willis
Fulco	Morris	Winchester
Ginn	Newton	Zervigon
Total—81.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Corne	Giarrusso
Alario	Cowen	Gravel
Anzalone	Deshotels	Guarisco
Badeaux	Drew	Hardee
Bel	Dunlap	Hernandez
Bollinger	Duval	Kilbourne
Brown	Edwards	Lambert
Burns	Fayard	Mauberret
Carmouche	Fontenot	Maybuce
Champagne	Gauthier	Miller

Mire	Sandoz	Vesich
Munson	Segura	Vick
Ourso	Shannon	Wail
Pugh	Sutherland	Warren
Rachal	Tapper	Wattigny
Rayburn	Thistlethwaite	Wisham
Riecke	Toca	Womack
Total—51.		

And Amendment No. 6 was adopted.

AMENDMENT No. 7—

Delete Section 43 of Committee Proposal No. 17 and insert in lieu thereof the following:

"Section 42. Compensation for Property Used or Destroyed; Tax

Section 42. (A) Compensation. Notwithstanding any contrary provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law. However, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to 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 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.

(B) Appropriation. Nothing in this Section shall prevent the appropriation of such property before payment."

Read.

On motion of Delegate Tate Amendment No. 7 was adopted.

AMENDMENT No. 8—

Delete Section 15 of Committee Proposal Number 21 and insert in lieu thereof the following:

"Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 21 of this Article, the legislature by law may abolish or merge trial courts of limited or specialized jurisdiction. The legislature by law may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial Districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 21 of this Article, the legislature by law may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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."

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

Delete Section 10 of Committee Proposal No. 26 and insert the following as Section 13 in Part I of Article XIV:

"Section 13. Effective Date of Property Tax Provisions
Section 13. Section 18 and Section 20 of Article VII shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption."

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

PAGE 4

122nd Days Proceedings—January 19, 1974

AMENDMENT No. 10—

Delete Section 7 of Committee Proposal No. 35 and insert the following as Section 14 of Article XII:

"Section 14. Administrative Agency Codes

Section 14. Rules, regulations, and procedures adopted by all state administrative and quasi-judicial agencies, boards, and commissions shall be published in one or more codes and made available to the public."

Read.

On motion of Delegate Tate Amendment No. 10 was adopted.

AMENDMENT No. 11—

Change the title of Paragraph (A) of Section 24 of Committee Proposal No. 3 from "(A) Persons liable." to "(A) Persons Liable."

AMENDMENT No. 12—

Change the title of Section 17 of Committee Proposal No. 4 from "Section 17. Other Vacancies" to "Section 17. Filling of Vacancies"

Read.

On motion of Delegate Tate Amendment Nos. 11 and 12 were adopted.

AMENDMENT No. 13—

Change the title of Section 18 of Committee Proposal No. 21 from "Section 18. Juvenile Courts; Jurisdiction" to "Section 18. Juvenile and Family Courts; Jurisdiction"

AMENDMENT No. 14—

Change the title of Section 1 of Delegate Proposal No. 28 from "Article XIV, Section 1, Transition; Civil Service Commission; State; Cities" to "Section 8. Civil Service Commission; State; Cities" and insert in Part 1 of Article XIV

AMENDMENT No. 15—

Change the title of Section 2 of Delegate Proposal No. 28 from "Section 2. Transition; Civil Service Officers; Employees; State; Cities" to "Section 9. Civil Service Officers; Employees; State; Cities" and insert in Part I of Article XIV

Read.

On motion of Delegate Tate Amendment Nos. 13, 14 and 15 were adopted.

AMENDMENT No. 16—

In Paragraph (B) of Section 1 of Committee Proposal Number 4 change the reference from Section 22 to Section 20 in the text of the Paragraph.

Read.

On motion of Delegate Tate Amendment No. 16 was adopted.

AMENDMENT No. 17—

In Section 2 of Committee Proposal Number 7 change the reference from Section 22 to Section 20 in the text of the Section.

AMENDMENT No. 18—

In Subparagraph (3) of Paragraph (D) of Section 4 in Committee Proposal 26 delete the letter "(a)" and "(b)"

AMENDMENT No. 19—

In Section 4 of Committee Proposal Number 26 change the reference from Section 3 to Section 20 in the text of the Section.

AMENDMENT No. 20—

In Section 5 of Committee Proposal No. 26, delete the word "Article" and insert in lieu thereof the word "Part"

AMENDMENT No. 21—

In Section 6 of Committee Proposal Number 26 change the references from Section 1 to Section 18 in the text of the

Section and change the references from Section 3 to Section 20 in the text of the Section.

AMENDMENT No. 22—

In Section 10 of Committee Proposal Number 26 change the reference from Section 1 to Section 18 in the text of the Section and change the reference from Section 3 to Section 20 in the text of the section.

AMENDMENT No. 23—

In Paragraph (A) of Section 1 of Delegate Proposal Number 28 change the reference from Article VII to Article X in the text of the Paragraph and change the reference from Section 1 to Section 3 in the text of the paragraph and delete reference to Paragraph (C).

AMENDMENT No. 24—

In Paragraph (B) of Section 1 of Delegate Proposal Number 28 change the reference from Article VII to Article X in the text of the paragraph and change the reference to Paragraph (D) Section 1 to Section 4 in the text of the paragraph.

Read.

On motion of Delegate Tate Amendment Nos. 17 through 24 were adopted.

AMENDMENT No. 25—

Delete Section 5 of Committee Proposal No. 30 and make the following Section 5 of Article XIV:

"Section 5. Boards; New Appointments

Section 5. In making new appointments to a board created by Sections 5, 6, or 7 of Article VIII, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board."

AMENDMENT No. 26—

In Committee Proposal Number 30 change all references from Section 9 to Section 8 in the text of the proposal.

Read.

On motion of Delegate Tate Amendment Nos. 25 and 26 were adopted.

AMENDMENT No. 27—

Delete the entire text of Committee Proposal No. 10 and insert the following as PART II of Article X:

PART II. FIRE AND POLICE CIVIL SERVICE

Section 16. Establishment of System

Section 16. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

Section 17. Appointments and Promotions

Section 17. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable municipal fire and police civil service board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

Section 18. Prior Provisions

Section 18. Except as inconsistent with this Part, the provisions of Article XIV, Section 15.1 of the Constitution of 1921 are retained and continued in force and effect as statutes. By law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand and according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

Section 19. Exclusion

Section 19. Nothing in Part I of this Article authorizing cities or other political subdivisions to be placed under the

provisions of said Part by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population greater than thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

Section 20. Political Activities

Section 20. Article XIV, Section 15.1, Paragraph 34 of the Constitution of 1921 is retained and continued in force and effect.

Read.

On motion of Delegate Tate Amendment No. 27 was adopted.

AMENDMENT No. 28—

Delete the entire text of Committee Proposal No. 9 and insert the following as PART I of Article X:

"ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES PART I. STATE AND CITY CIVIL SERVICE

Section 1. Civil Service Systems

Section 1. (A) State Civil Service. The state civil service is established and includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency, or joint state and municipal agency, regardless of the source of the funds used to pay for such employment. It shall not include persons holding offices and positions of any municipal board of health or local governmental subdivision.

(B) City Civil Service. The city civil service is established and includes all persons holding offices and positions of trust or employment in the employ of each city having over four hundred thousand population and in every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the affected city voting at an election held for that purpose approve their exclusion. The election shall be called by the municipal governing authority within one year after the effective date of this constitution.

Section 2. Classified and Unclassified Service

Section 2. (A) Classified Service. 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.

(B) Unclassified Service. The unclassified service shall include the following officers and employees in the state and city civil service:

- (1) elected officials and persons appointed to fill vacancies in elective offices;
- (2) the heads of each principal executive department 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;
- (7) one person holding a confidential position and one principal assistant or deputy to any officer, board, commission, or authority mentioned in (1), (2), (4), or (5) above, except civil service departments;
- (8) members of the military or naval forces;
- (9) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency;
- (10) employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney, of police juries, school boards, assessors, and of all offices provided for in Article V of this constitution except the offices of clerk of the municipal and traffic courts in New Orleans;
- (11) commissioners of elections, watchers, and custodians and deputy custodians of voting machines; and

(12) railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.

Additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by a commission.

Section 3. State Civil Service Commission

Section 3. (A) Composition. The State Civil Service Commission is established and shall be domiciled in the state capital. It shall be composed of seven members who are electors of this state, four of whom shall constitute a quorum. No more than one appointed member shall be from each congressional district.

(B) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(C) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University of Louisiana at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission.

Section 4. City Civil Service Commission

Section 4. (A) Creation; Membership; Domicile. A city civil service commission shall exist in each city having a population exceeding four hundred thousand. The domicile of each commission shall be in the city it serves. Each commission shall be composed of five members, who are electors of the city, three of whom shall constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided.

(B) New Orleans; Nomination and Appointment. In New Orleans, the presidents of Dillard University, Loyola University, St. Mary's Dominican College, Tulane University of Louisiana, and Xavier University, after giving consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(C) Other Cities; Nomination and Appointment. In each other city subject to this Section, the presidents of any five institutions of higher education in the state, selected by the governing authority of the respective city, each shall nominate three persons, after giving consideration to representation of all groups. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(D) Vacancies. A vacancy shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If one of the nominating authorities fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the municipal governing authority shall make the appointment.

Section 5. Removal

Section 5. A member of the state or of a city civil service commission may be removed by the governor or the governing authority, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the appointing authority.

Section 6. Department of Civil Service; Directors

Section 6. (A) State Department. A Department of State Civil Service is established in the executive branch of the state government.

(B) City Departments. A department of city civil service shall exist in each city having a population exceeding four hundred thousand.

(C) Directors. Each commission shall appoint a director, after competitive examination, who shall be in the classified service. He shall be the administrative head of his department. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.

Section 7. Appointments; promotions

Section 7. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department 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 competitive. 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, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments if certification is not required.

Section 8. Appeals

Section 8. (A) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. A classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(B) Discrimination. No classified employee shall be discriminated against because of his political or religious beliefs, sex, or race. A classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

Section 9. Prohibitions Against Political Activities

Section 9. (A) Party Membership; Elections. No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(B) Contributions. No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(C) Political Activity Defined. As used in this Part, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.

Section 10. Rules; Investigations; Wages and Hours

Section 10. Rules. (1) Powers. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; to require an appointing authority to institute an employee training and safety program; and generally to accomplish the objectives

and purposes of the merit system of civil service as herein established. It may make recommendations with respect to employee training and safety. Nothing herein shall prevent the legislature from enacting laws supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety and regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

(2) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States who served between the wartime dates of April 6, 1917 through November 11, 1918; or between September 16, 1940 through July 25, 1947; between June 27, 1950 through January 31, 1955; or in the Viet Nam Theater between July 1, 1958 through the date the United States government 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; in a peacetime campaign or expedition for which campaign badges are authorized. The state and city civil service departments 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 recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unremarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(3) Layoffs; Preference Employees. When a position in the classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classifications and performing functions transferred, or working in the state agency replaced, shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed lay-off within a reasonable length of time before its effective date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant or employee because of his membership or non-membership in any private organization; but this shall not prohibit any state agency, department, or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission.

(4) Effect. Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for viola-

tion of its rules by demotion in or suspension or discharge from position, with attendant loss of pay.

(B) Investigations. Each commission may investigate violations of this Part and the rules, statutes, or ordinances adopted pursuant hereto.

(C) Wages and Hours. Any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority.

Section 11. Penalties

Section 11. Willful violation of any provision of this Part shall be a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Section 12. Appeal

Section 12. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final.

Section 13. Appropriations

Section 13. (A) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable them to implement this Part efficiently and effectively. The amount so appropriated shall not be subject to veto by the governor.

(B) Cities. Each city subject to this Part shall make adequate annual appropriations to enable its civil service commission and department to implement this Part efficiently and effectively.

Section 14. Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly

Section 14. (A) Local Option. Each city having a population exceeding ten thousand but not exceeding four hundred thousand, each parish, and each parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the latest official decennial federal census, may elect to be governed by this Part by a majority vote of its electors voting at an election held for that purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing authority calling the election; or (b) the presentation to the governing authority of a petition calling for such an election signed by electors equal in number to five percent of the registered voters of the city, the parish, or the city-parish, as the case may be.

(B) Acceptance. If a majority of the electors vote to adopt this Part, its provisions shall apply permanently to the city, the parish, or the city-parish, as the case may be, and shall govern it as if this Part had originally applied to it. In such case, all officers and employees of the city, the parish, or the city-parish, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and thereafter shall be subject to and be governed by this Part and the rules and regulations adopted under it.

(C) Rejection. If a majority of the electors vote against the adoption of this Part, the question of its adoption shall not be resubmitted to the voters of the political subdivision within one year thereafter.

Section 15. City, Parish Civil Service System; Creation; Prohibition

Section 15. Nothing in this Part shall prevent the establishment by the legislature, or by the respective parish governing authority, of a parish civil service system in one or more parishes, applicable to any or all parish employees, except teaching and professional staffs and administrative officers of schools, or the establishment by the legislature or by the respective municipal governing authority of a municipal civil service system in one or more municipalities having a population of less than four hun-

dred thousand, in any manner now or hereafter provided by law. However, paid firemen and paid municipal policemen in a municipality operating a regularly paid fire and police department and having a population exceeding thirteen thousand, and paid firemen in all parishes and in fire protection districts, are expressly excluded from such a civil service system.

Nothing in this Part shall permit inclusion in the local civil service of officials and employees listed in Section 2 of this Article.

No law enacted after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall be effective in any parish or in any municipality until approved by ordinance adopted by the governing authority of the parish or municipality."

Read.

On motion of Delegate Tate Amendment No. 28 was adopted.

AMENDMENT No. 29—

Renumber Sections 5, 6, 7, 8, 9, and 10 of Committee Proposal Number 3 as Sections 6, 7, 8, 9, 10, and 11 respectively.

AMENDMENT No. 30—

Make Section 11 of Committee Proposal Number 3, Section 23 in Part III of Article X.

AMENDMENT No. 31—

Make Section 14 of Committee Proposal Number 3, Section 10 of Article XII.

AMENDMENT No. 32—

Make Section 15 of Committee Proposal Number 3, Section 11 of Article XII.

AMENDMENT No. 33—

Renumber Sections 16, 17, 19, 20, 21, and 22 of Committee Proposal Number 3 as Sections 14, 15, 17, 18, 19, and 20 respectively.

AMENDMENT No. 34—

Make Section 23 of Committee Proposal Number 3, Section 12 of Article XII.

AMENDMENT No. 35—

Make Section 24 of Committee Proposal Number 3, Section 24 in Part III of Article X.

AMENDMENT No. 36—

Make Section 25 of Committee Proposal Number 3, Section 25 in Part III of Article X.

AMENDMENT No. 37—

Make Section 26 of Committee Proposal Number 3, Section 26 in Part III of Article X.

AMENDMENT No. 38—

Make Section 27 of Committee Proposal Number 3, Section 5 of Article III.

AMENDMENT No. 39—

Make Section 17 of Committee Proposal Number 4, Section 27 in Part III of Article X.

AMENDMENT No. 40—

Make Section 18 of Committee Proposal Number 4, Section 28 in Part III of Article X.

AMENDMENT No. 41—

Renumber Sections 19, 20, 21, and 22 of Committee Proposal Number 4 as Sections 17, 18, 19, and 20 respectively.

AMENDMENT No. 42—

Make Section 1 of Committee Proposal Number 12, Section 7 of Article XII.

AMENDMENT No. 43—

Make Section 2 of Committee Proposal Number 14, Section 8 of Article XII.

AMENDMENT No. 44—

Place Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of Committee Proposal Number 15 in Part I of Article VII.

- AMENDMENT No. 45—**
Make Section 1 of Delegate Proposal Number 16, Section 9 of Article XII.
- AMENDMENT No. 46—**
Make Section 1 of Delegate Proposal No. 18 Section 7 in Part I
- AMENDMENT No. 47—**
Make Section 12 of Delegate Proposal Number 17, Section 6 of Article XII.
- AMENDMENT No. 48—**
Make Section 25 of Committee Proposal Number 17, Section 13 of Article XII.
- AMENDMENT No. 49—**
Renumber Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, and 45 of Committee Proposal Number 17 as Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, and 44 respectively.
- AMENDMENT No. 50—**
Renumber Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 of Committee Proposal Number 21 as Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 respectively.
- AMENDMENT No. 51—**
Make Section 1 of Committee Proposal Number 22, Section 21 in Part III of Article X.
- AMENDMENT No. 52—**
Make the text of Committee Proposal Number 23, Section 22 in Part III of Article X.
- AMENDMENT No. 53—**
Place Sections 1, 2, 3, 4, 5, 6, 8, and 9 of Committee Proposal Number 26 in Part II of Article VII and renumber as Sections 18, 19, 20, 21, 22, 23, 24, and 25 respectively.
- AMENDMENT No. 54—**
Make Section 7 of Committee Proposal Number 26, Section 26 in Part III of Article VII.
- AMENDMENT No. 55—**
Make Section 7 of Committee Proposal Number 34, Section 10 of Article XIV.
- AMENDMENT No. 56—**
Make Section 8 of Committee Proposal Number 34, Section 7
- AMENDMENT No. 57—**
Make Section 9 of Committee Proposal Number 34, Section 8
- AMENDMENT No. 58—**
Make Section 3 of Article XII of Committee Proposal Number 35, Section 30 in Part III of Article X.
- AMENDMENT No. 59—**
Renumber Sections 4, 1, 2, 8, and 5 of Article XII of Committee Proposal Number 35 as Sections 1, 2, 3, 4, and 5 of Article XII respectively.
- AMENDMENT No. 60—**
Make Section 14 of Committee Proposal Number 37, Section 21 of Article IV.
- AMENDMENT No. 61—**
Make the text of Delegate Proposal Number 43, Section 19 of Article V.
- AMENDMENT No. 62—**
Make Section 1 of Committee Proposal No. 31 Section 6 in Part I of Article XIV

Read.

On motion of Delegate Tate Amendment Nos. 29 through 62 were adopted.

Motion

On motion of Delegate Tobias the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Saturday, January 19, at 8:00 o'clock A.M. in the Treaty Room and will consider the following agenda:

AGENDA

Committee Proposal No. 38.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on Style and Drafting.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Recess

On motion of Delegate Tobias the Convention recessed until 9:30 o'clock A.M.

After Recess

The Chairman called the Convention to order at 9:30 o'clock A.M.

The roll being called, the following named delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Ourso
Abraham	Gauthier	Perez
Aertker	Giarrusso	Perkins
Alario	Ginn	Planchar
Alexander	Goldman	Pugh
Anzalone	Graham	Rachal
Arnette	Gravel	Rayburn
Asseff	Grier	Reeves
Avant	Guarisco	Riecke
Badeaux	Hardee	Roemer
Bel	Hayes	Roy
Bergeron	Haynes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Segura
Brien	Jack	Shannon
Brown	Jackson, A.	Singletary
Burns	Jackson, J.	Slay
Burson	Jenkins	Smith
Cannon	Jones	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stinson
Chatelain	Kilbourne	Stovall
Chehardy	Kilpatrick	Sutherland
Comar	Lambert	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Thompson
Cowen	Lanier	Tobias
D'Gerolamo	LeBleu	Toca
De Blieux	Leigh	Toomy
Dennery	Leithman	Ullo
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Martin	Vick
Drew	Mauberret	Warren
Dunlap	Maybuce	Wattigny
Duval	Miller	Weiss
Edwards	Mire	Willis
Elkins	Morris	Winchester
Fayard	Munson	Wisham
Flory	Newton	Womack
Fontenot	Nunez	Zervigon
Fowler	O'Neill	
Total—	131.	

ABSENT

Delegate Wall
Total—1.

And the Chairman announced that there were 131 delegates present and a quorum.

Prayer

Prayer was offered by Delegate A. Landry.

Pledge of Allegiance

Delegate Stagg led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up reading and adoption of the previous day's Journal at this time.

Reading of the Journal

On motion of Delegate Reeves, the reading of the Journal was dispensed with.

On motion of Delegate Chatelain, the Journal of yesterday was adopted.

Motion

On motion of Delegate Stovall the Clerk of the Convention was authorized to correct the last day's Journal of the Convention.

Motion

On motion of Delegate Pugh, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions,
Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 52—

Introduced by Delegate Pugh:

A RESOLUTION

To provide:

(A) For the form and manner for the submission to the electors of the state of a proposed new constitution, together with alternative proposals relating to education, and the delegation of authority relating thereto to the appropriate officers of the convention;

(B) For the use of the facilities and services of boards, commissions, departments and agencies of the state and of the political subdivisions of the state;

(C) With respect to the disbursement of funds appropriated to the convention;

(D) A method of reconvening the convention without per diem for any purpose consistent with law; and

(E) For the supremacy of this Resolution over other actions of the convention.

WHEREAS:

(A) By law this convention has been granted full authority to determine the form and manner in which the proposed constitution, together with any Alternative Proposals, shall be submitted to the electors;

(B) By law this convention has been granted full authority to use the facilities and services of any board, commission, department or agency of the state and of any political subdivision of the state, and all such instrumentalities are charged by law to cooperate with this convention to the fullest extent in furnishing services, facilities and employees to this convention upon request;

(C) This convention may be required, after January 19, 1974, to expend some of the remaining funds appropriated

to it, consistent with the duties and obligations imposed upon it by law; and

(D) It may be deemed necessary to reconvene this convention after January 19, 1974, without per diem to take further action in regard to the responsibilities imposed upon it by law other than those directly relating to the drafting of a constitution and its Alternate Proposals.

(E) All rules and other actions inconsistent with the provisions of this Resolution must be suspended in so far as they may conflict herewith.

THEREFORE, BE IT RESOLVED (1) that all electors duly qualified to vote in this state at the time of the election shall be entitled to vote without regard to party affiliation in their respective precincts on the proposition for or against adoption of the constitution and on the question of adoption of one of two alternative provisions relating to education, on official ballots, printed and distributed at public expense, to read as follows:

"The Constitution of 1974 shall be adopted if a majority of those casting votes on the proposition is in favor thereof."

FOR the Constitution of 1974, as drafted by the Constitutional Convention and exclusive of either of the alternative provisions relating to education."

AGAINST the Constitution of 1974, as drafted by the Constitutional Convention and exclusive of either of the alternative provisions relating to education"

"A majority of those casting votes on the following alternative provisions shall be determinative of which alternative proposition shall be a part of the Constitution of 1974 if adopted. You may vote for only one of the alternatives."

A. The alternative provision drafted by the Constitutional Convention which provides for five constitutional boards for the governance of education."

OR

B. The alternative provision drafted by the Constitutional Convention which provides for two constitutional boards for the governance of education;"

(2) Thirty days prior to the election the board of supervisors of elections in each parish shall appoint three commissioners and one clerk to preside over the election of each polling precinct, each of whom shall be a qualified voter of the ward in which the polling precinct is located. If the election is held as a special election, no watchers shall be used. If the election is held at a general election the commissioners, clerks and watchers appointed therefor shall be used, notwithstanding any of the provisions hereof;

(3) Voting machines (booths) shall be used for the conduct of the election and insofar as practical the provisions of R.S. 18:1161 through 18:1198 shall be applicable;

(4) Absentee voting is authorized in the election and insofar as practical the provisions of R.S. 18:1071 through 18:1081 shall be applicable.

(5) The convention chairman and secretary, or either of them, are hereby jointly and severally granted the full power and authority to do all things which they or either of them may deem necessary effectively to carry out the provisions of this Resolution, including but not limited to the right to make full and final interpretations of the intent and meaning of this Resolution, subject only to judicial review, and to act for and in behalf of the convention in regard to, but solely limited to, the manner of the election, including when necessary the changing of any of the provisions hereof, and they shall have the convention's unlimited authority to call upon any instrumentality of the state or its political subdivisions to cooperate in the furnishing of services, facilities and employees for the purpose of carrying out the convention responsibilities of the convention in providing for the manner of the election;

(6) The cost of printing of tally sheets, cards of instruction to the commissioners, clerks, voters and any other persons shall be paid by the state and shall be prepaid and distributed by the state officials normally having responsibility therefor. All expenses imposed by law upon the parish governing authorities and accordingly paid in connection with the election shall be reimbursed to the parish governing authorities by the state upon warrant of the parish treasurer drawn on the state auditor, supported by such proof as the state auditor requires.

(7) The polls for the election shall be opened at 6:00 a.m. and closed at 8:00 p.m. All persons within the barriers or buildings where the election is being held may vote until 12:00 o'clock midnight on the election day. Before, during and after these hours, the commissioners, clerks and others mentioned herein or provided for shall have all of the powers and duties granted and shall be subject to the obligations

and penalties imposed by R.S. 18, §§557, 558, 559, 560, 561, 562, 563, 567, 568, 569, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, and 593 (together with other pertinent provisions of Title 18) insofar as the same be applicable and not inconsistent with the provisions of this Resolution. As to R.S. 18:567 the requirements as to the votes for candidates shall be deemed to refer to the constitution and alternative provisions submitted so as to give said Section meaning as to this election. The results of the election shall be promulgated by the Secretary of State on December 2, 1974.

BE IT FURTHER RESOLVED that each and every instrumentality of the state and its political subdivisions (including by specification the office and staff of both the Secretary of State and the Custodian of Voting Machines) are hereby called upon, in accordance with law, to cooperate with this convention and its designated officers to the fullest extent in furnishing services, facilities, and employees to this convention, upon request, to effectuate the calling and holding of the election herein contemplated.

BE IT FURTHER RESOLVED, that there is hereby allocated, if available and necessary and subject to the provisions of law and the obtaining of such further authority as the law may require, up to the sum of \$45,000.00, to the secretary of state for the State of Louisiana to be used by him in carrying out the necessary and usual functions of his office in connection with this election, including those relative to the furnishing of appropriate and comprehensive instructions to the proper party or parties as to

- (A) Voters and commissioners;
- (B) Posting of notices;
- (C) Computation by commissioners of precinct returns;
- (D) Transmission of returns;
- (E) Tabulation and promulgation of returns into both parish and statewide returns;
- (F) Time for compilation of tabulation of returns;
- (G) Promulgation of returns and time and manner in which publication is to be made;
- (H) Recordation of results by clerks of court on machines before they are cleared; and
- (I) Any other matters pertaining to the election.

BE IT FURTHER RESOLVED that the chairman or a majority of the officers of this convention be and he or they are hereby authorized to call this convention into session without per diem for any purpose for which he or they shall in their discretion deem necessary and appropriate to further provide as to the form and manner of submitting to the electors of this state the constitution, together with alternative provisions relative to education and for any additional purpose or purposes not inconsistent with law.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall take preference and priority over and shall be paramount to any rule, provision, Resolution or other action heretofore adopted or taken by the convention relating to the matters covered hereby.

Read.

Motion

On motion of Delegate Pugh the rules were suspended in order to consider the adoption of the Resolution.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 1, line 17, after the word "purpose" and before the word "law" delete the words "consistent with" and insert in lieu thereof the words "not prohibited by"

Delegate Gravel moved the adoption of the amendment.

Delegate Lanier objected.

By a vivi voce vote the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Kean, Sandoz, Cowen, Lowe, Champagne, McDaniel, Avant and Leigh to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, line 13, delete the words "one of two" and insert in lieu thereof the word "an" and delete the word "provisions" and insert in lieu thereof the word "provision"

AMENDMENT No. 2—

On page 2, line 19, delete the words "and exclusive of either" and delete line 20 in its entirety.

AMENDMENT No. 3—

On page 2, line 22, delete the words "and exclusive of" and delete line 23 in its entirety.

AMENDMENT No. 4—

On page 2, delete lines 24 through 35 inclusive in their entirety, and on page 3, delete lines 1 and 2 in their entirety, and insert in lieu thereof the following:

"The proposed constitution will include a provision for the creation of a single coordinating board for higher education with appointed members, and creation of three boards for the management of state colleges and universities unless a majority of those voting in favor of the constitution vote for the following alternate. Therefore, those electors who vote for the constitution may also vote on the following:

To have a single board for higher education, with both elected and appointed members."

AMENDMENT No. 5—

On page 4, line 22, delete the abbreviated word "sions" and insert in lieu thereof the abbreviated word "sion"

AMENDMENT No. 6—

On page 4, between lines 33 and 34, add the following:
 "The Custodian of Voting Machines shall arrange the ballot and the voting machines in such a manner that those electors who vote against the constitution will not be permitted to vote on the alternative proposal set forth in this resolution."

Motion

Delegate Roy moved that debate on the amendments be limited to 30 minutes for the proponents and 30 minutes for the opponents.

Delegate Conroy objected.

As a substitute Delegate Smith moved that debate on the Amendment be limited to 15 minutes for the proponents and 15 minutes for the opponents.

Delegate Chatelain objected.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Burns	Elkins
Abraham	Casey	Flory
Alario	Chehardy	Fowler
Alexander	Comar	Giarrusso
Anzalone	Conino	Ginn
Asseff	Cowen	Graham
Avant	D'Gerolamo	Guarisco
Bel	Dennery	Hardee
Bergeron	Derbes	Haynes
Blair	Deshotels	Heine
Bollinger	Drew	Jack
Brown	Duval	Jackson, J.

PAGE 11

122nd Days Proceedings—January 19, 1974

Jenkins	Rachal	Stovall
Jones	Rayburn	Thompson
Kean	Reeves	Tobias
Landry, A.	Roy	Toomy
Lanier	Sandoz	Ullo
LeBleu	Segura	Vesich
Leithman	Shannon	Vick
Lowe	Slay	Willis
Martin	Smith	Wisham
Maubernet	Stagg	Womack
Maybuce	Stephenson	
Nunez	Stinson	
Total—70.		

NAYS

Delegates—	Grier	Planchard
Aertker	Hayes	Pugh
Badeaux	Hernandez	Riecke
Brien	Jackson, A.	Roemer
Burson	Juneau	Schmitt
Cannon	Kelly	Singletary
Carmouche	Kilbourne	Soniat
Champagne	Kilpatrick	Sutherland
Chatelain	Lambert	Tapper
Conroy	Landrum	Thistlethwaite
Corne	Landry, E. J.	Toca
De Blieux	Leigh	Velazquez
Dennis	McDaniel	Warren
Fayard	Mire	Weiss
Fontenot	Morris	Winchester
Gauthier	Newton	Zervigon
Goldman	Ourso	
Gravel		
Total—50.		

NOT VOTING

Delegates—	Miller	Perkins
Arnette	Munson	Tate
Dunlap	O'Neill	Wall
Edwards	Perez	Wattigny
Fulco		
Total—12.		

And debate was limited to 15 minutes for the proponents and 15 minutes for the opponents.

Motion

Delegate Chatelain moved that each speaker on the amendments be limited to 3 minutes.

Delegate De Blieux objected.

By a vote of 80 yeas and 40 nays each speaker on the amendments were limited to 3 minutes.

On motion of Delegate Kean the amendments were withdrawn.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 35, both inclusive, in their entirety, and on page 3, delete lines 1 and 2 in their entirety, and insert in lieu thereof the following:

"OFFICIAL BALLOT"

The full text of the proposed constitution and the alternate proposition is available for inspection at your polling place. If the proposed constitution fails to receive a majority of the votes cast, alternate issues also fail;

PLEASE VOTE ON BOTH ISSUES 1 AND 2

1.

(Vote for One)

- FOR the proposed 1974 Constitution
- AGAINST the proposed 1974 Constitution

The proposed Constitution will include one Board of Regents with appointed members and three management boards for governance of higher education unless a majority of those voting on the alternative vote for Alternate 2B.

2.

(Vote for One)

- 2A FOR One Board of Regents for higher education with appointed members and three management boards.

OR

- 2B FOR One Board of Regents for higher education with appointed and elected members and no management boards."

Motion

Delegate Roy moved that debate on the amendment on the amendment be limited to 10 minutes for the proponents and 10 minutes for the opponents.

Delegate Chatelain objected.

By a vote of 64 yeas and 40 nays debate was limited to 10 minutes for the proponents and 10 minutes for the opponents.

Delegate Burson moved the adoption of the amendment.

Delegate Comar objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Graham	Pugh
Mr. Chairman	Gravel	Rachal
Alario	Guarisco	Reeves
Alexander	Haynes	Riecke
Anzalone	Badeaux	Roemer
Badeaux	Heine	Roy
Bergeron	Jack	Schmitt
Blair	Jackson, A.	Segura
Bollinger	Jackson, J.	Shannon
Burson	Jenkins	Singletary
Chatelain	Juneau	Slay
Conino	Kelly	Smith
Conroy	Kilbourne	Soniat
Corne	Kilpatrick	Stovall
De Blieux	Landry, A.	Sutherland
Dennery	Lanier	Tapper
Derbes	LeBleu	Tobias
Deshotels	Leithman	Toca
Duval	Martin	Toomy
Edwards	Maybuce	Ullo
Fayard	Miller	Velazquez
Fowler	Mire	Weiss
Fulco	Newton	Wisham
Gauthier	Ourso	Zervigon
Ginn	Perez	
Total—68.		

NAYS

Delegates—	Drew	Morris
Abraham	Elkins	Nunez
Aertker	Flory	O'Neill
Arnette	Fontenot	Perkins
Asseff	Goldman	Planchard
Avant	Grier	Rayburn
Bel	Hardee	Sandoz
Brien	Hayes	Stagg
Brown	Hernandez	Stephenson
Burns	Kean	Stinson
Cannon	Lambert	Thistlethwaite
Carmouche	Landrum	Thompson
Casey	Landry, E. J.	Warren
Champagne	Leigh	Wattigny
Chehardy	Lowe	Willis
Comar	McDaniel	Winchester
Cowen	Maubernet	Womack
D'Gerolamo		
Dennis		
Total—56.		

NOT VOTING

Delegates—		
Dunlap	Munson	Vick
Giarrusso	Tate	Wall
Jones	Vesich	
Total—8.		

And the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 35, both inclusive, in their entirety and on page 3, delete lines 1 and 2, in their entirety and strike out Floor Amendment No. 1 proposed by Mr. Burson and adopted by the Convention on January 19, 1974, and insert in lieu thereof the following:

OFFICIAL BALLOT

(Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed Constitution and the alternative propositions are available for inspection at the polling place. If the proposed Constitution receives a majority of the votes cast thereon, it shall become the Constitution of Louisiana and the alternative proposition which receives the higher number of votes shall be included in the new Constitution. If the proposed Constitution fails to receive a majority of the votes cast thereon, both the alternative propositions shall fail.)

1. Do you favor or oppose the adoption of the proposed 1974 Constitution?

(Vote for one)
 FOR adoption of the proposed 1974 Constitution.....
 or
 AGAINST adoption of the proposed 1974 Constitution...

ALTERNATIVE PROPOSITIONS

2. If the proposed 1974 Constitution is adopted, do you prefer inclusion of (A) the governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities, or (B) the governance of higher education solely by a Board of Regents?

(Vote for one)
 (A) Governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities
 or
 (B) Governance of higher education solely by a Board of Regents

Delegate Jenkins moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Bel	Casey
Alexander	Bergeron	Champagne
Anzalone	Blair	Chehardy
Asseff	Bollinger	Comar
Avant	Burns	Conino

Conroy	Kean	Roy
Corne	Kilpatrick	Sandoz
Cowen	Lambert	Segura
D'Gerolamo	Landry, A.	Shannon
De Blieux	Landry, E. J.	Slay
Deshotels	Lanier	Soniat
Edwards	LeBleu	Stagg
Fayard	Leithman	Stephenson
Flory	McDaniel	Stovall
Fontenot	Martin	Tapper
Fowler	Mauberret	Thistlethwaite
Gauthier	Maybuce	Thompson
Ginn	Mire	Tobias
Goldman	Munson	Toca
Graham	Newton	Toomy
Gravel	Nunez	Ullo
Guarisco	O'Neill	Vick
Hayes	Ourso	Warren
Haynes	Perez	Wattigny
Heine	Pugh	Weiss
Jack	Rachal	Willis
Jackson, A.	Rayburn	Winchester
Jackson, J.	Reeves	Wisham
Jenkins	Riecke	Womack
Juneau	Roemer	Zervigon
Total—90.		

NAYS

Delegates—		
Abraham	Drew	Lowe
Aertker	Duval	Miller
Badeaux	Elkins	Morris
Brien	Fulco	Perkins
Burson	Grier	Planchard
Carmouche	Kilbourne	Singletary
Dennery	Landrum	Smith
Dennis	Leigh	Velazquez
Total—24.		

NOT VOTING

Delegates—		
Mr. Chairman	Dunlap	Schmitt
Arnette	Giarrusso	Stinson
Brown	Hardee	Sutherland
Cannon	Hernandez	Tate
Chatelain	Jones	Vesich
Derbes	Kelly	Wall
Total—18.		

And the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Delegate Resolution No. 52 by Delegate Pugh.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 13 through 35, in their entirety, and at the top of page 3, delete lines 1 and 2, in their entirety, and strike out Convention Floor Amendment No. 1 proposed by Mr. Jenkins and adopted by the Convention on January 19, 1974 and insert in lieu thereof the following: "of one of two alternative provisions relating to education, on official ballots, printed and distributed at public expense, to read as follows:

- "The Constitution of 1974 shall be adopted if a majority of those casting votes on the proposition is in favor thereof."
- FOR the Constitution of 1974, as drafted by the Constitutional Convention.
- AGAINST the Constitution of 1974, as drafted by the Constitutional Convention.

The proposed Constitution includes a provision for the creation of a single coordinating board for higher education with appointed members, and creation of three boards for the management of state colleges and universities unless a majority of those voting in this election vote for Alternate 2A.

2A. To have a single board for higher education, with both elected and appointed members and with no geographic distribution requirement as to appointive members. FOR

AGAINST

Delegate Kean moved the adoption of the amendment.

Delegate De Billeux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Mire
Aertker	Flory	Morris
Alario	Fontenot	Nunez
Arnette	Fulco	Ourso
Asseff	Giarrusso	Perez
Avant	Grier	Perkins
Bel	Hardee	Planchard
Blair	Haynes	Rachal
Brien	Heine	Sandoz
Burns	Hernandez	Segura
Cannon	Jackson, J.	Stagg
Carmouche	Kean	Stinson
Champagne	Kilbourne	Tapper
Chehardy	Landrum	Thistlethwaite
Comar	Leigh	Thompson
Cowen	Lowe	Vesich
D'Gerolamo	McDaniel	Vick
Dennis	Martin	Wattigny
Drew	Mauberret	Winchester
Duval	Maybuce	Wisham
Edwards		
Total—61.		

NAYS

Delegates—		
Mr. Chairman	Graham	Roemer
Alexander	Guarisco	Roy
Anzalone	Jack	Schmitt
Badeaux	Jackson, A.	Shannon
Bergeron	Jenkins	Singletary
Bollinger	Jones	Slay
Burson	Juneau	Smith
Casey	Kelly	Soniati
Chatelain	Kilpatrick	Stephenson
Conino	Landry, A.	Stovall
Conroy	Landry, E. J.	Sutherland
Corne	Lanier	Tobias
De Blieux	LeBleu	Toca
Dennery	Leithman	Toomy
Derbes	Miller	Ullo
Deshotels	Newton	Velazquez
Fayard	Pugh	Warren
Fowler	Rayburn	Weiss
Gauthier	Reeves	Willis
Ginn	Riecke	Zervigon
Goldman		
Total—61.		

NOT VOTING

Delegates—		
Brown	Lambert	Tate
Dunlap	Munson	Wall
Gravel	O'Neill	Womack
Hayes		
Total—10.		

And the amendment was rejected.

Delegate Kelly moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Fontenot objected to tabling the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Graham	Roemer
Alario	Gravel	Roy
Alexander	Guarisco	Schmitt
Anzalone	Jack	Shannon
Badeaux	Jackson, A.	Singletary
Bergeron	Jenkins	Slay
Bollinger	Jones	Smith
Burson	Juneau	Soniati
Casey	Kelly	Stephenson
Chatelain	Kilpatrick	Stovall
Conino	Landry, A.	Sutherland
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Tobias
DeBlieux	Leithman	Toca
Dennery	Miller	Toomy
Derbes	Newton	Ullo
Deshotels	O'Neill	Velazquez
Duval	Pugh	Vick
Fayard	Rachal	Weiss
Fowler	Rayburn	Willis
Gauthier	Reeves	Wisham
Ginn	Riecke	Zervigon
Goldman		
Total—67.		

NAYS

Delegates—		
Abraham	Elkins	Mauberret
Aertker	Flory	Maybuce
Arnette	Fontenot	Mire
Asseff	Fulco	Morris
Avant	Giarrusso	Nunez
Bel	Grier	Ourso
Blair	Hardee	Perez
Brien	Hayes	Perkins
Burns	Heine	Planchard
Cannon	Hernandez	Sandoz
Carmouche	Jackson, J.	Segura
Champagne	Kean	Stagg
Chehardy	Kilbourne	Stinson
Comar	Landrum	Tapper
Cowen	Landry, E. J.	Thompson
D'Gerolamo	Leigh	Vesich
Dennis	Lowe	Warren
Drew	McDaniel	Wattigny
Edwards	Martin	Winchester
Total—57.		

NOT VOTING

Delegates—		
Brown	Lambert	Wall
Dunlap	Munson	Womack
Haynes	Tate	
Total—8.		

And the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 35, both inclusive, in their entirety, and on page 3, delete lines 1 and 2 in their entirety, and strike out Convention Floor Amendment No. 1 proposed by Mr. Jenkins and adopted by the Convention on January 19, 1974, and insert in lieu thereof the following:

"OFFICIAL BALLOT"

The full text of the proposed constitution and the alternate proposition is available for inspection at your polling place.

PAGE 14

122nd Days Proceedings—January 19, 1974

If the proposed constitution fails to receive a majority of the votes cast thereon, alternate issues also fail;

PLEASE VOTE ON BOTH ISSUES 1 AND 2

1.

(Vote for One)

- FOR the proposed 1974 Constitution
 - AGAINST the proposed 1974 Constitution
- The proposed Constitution will include one Board of Regents with appointed members and three management boards for governance of higher education unless the alternative is adopted by a majority of those voting on it.

2.

The Alternative is:

- FOR One Board of Regents for higher education with appointed and elected members and no management boards.
- AGAINST One Board of Regents for higher education with appointed and elected members and no management boards."

On motion of Delegate Drew the amendment was withdrawn.

Motion

On motion of Delegate Jack debate on this, and all other amendments affecting the ballot was limited to 5 minutes for the proponents and 5 minutes for the opponents.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 35, both inclusive, in their entirety, and on page 3, delete lines 1 and 2 in their entirety, and strike out Convention Floor Amendment No. 1 proposed by Mr. Jenkins and adopted by the Convention on January 19, 1974, and insert in lieu thereof the following:

"OFFICIAL BALLOT"

The full text of the proposed constitution and the alternate proposition is available for inspection at your polling place. If the proposed constitution fails to receive a majority of the votes cast thereon, alternate issues also fail;

PLEASE VOTE ON BOTH ISSUES 1 AND 2

1.

(Vote for One)

- FOR the proposed 1974 Constitution
 - AGAINST the proposed 1974 Constitution
- The proposed Constitution will include one Board of Regents with all appointed members and three management boards for governance of higher education unless the alternative is adopted by a majority of those voting on the alternative.

2.

The Alternative is:

(Vote for One)

- FOR One Board of Regents for higher education with appointed and elected members and no management boards.
- AGAINST One Board of Regents for higher education with appointed and elected members and no management boards."

Delegate Drew moved the adoption of the amendment.

Delegate Blair objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Abraham
Alario
Alexander
Avant
Bel
Bergeron
Bollinger
Burson
Casey
Chatelain
Comar
Conino
Conroy
Dennery
Dennis
Derbes
Drew
Duval
Flory
Gauthier
Total—62.

Giarrusso
Ginn
Grier
Hayes
Haynes
Heine
Juneau
Kilbourne
Landrum
Landry, A.
Landry, E.J.
Lanier
LeBleu
Leithman
Martin
Mauberret
Maybuce
Newton
Nunez
Perez
Planchard
Rachal
Reeves
Roy
Schmitt
Shannon
Smith
Soniat
Stagg
Stinson
Stovall
Sutherland
Tapper
Toomy
Uilo
Velazquez
Vick
Warren
Weiss
Wisham
Zervigon

NAYS

Delegates—
Aertker
Anzalone
Arnette
Asseff
Badeaux
Blair
Brien
Burns
Cannon
Carmouche
Champagne
Chehardy
Corne
Cowen
D'Gerolamo
DeBlieux
Deshotels
Elkins
Fayard
Fontenot
Fowler
Total—63.

Fulco
Goldman
Graham
Gravel
Guarisco
Hardee
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Jones
Kean
Kelly
Kilpatrick
Leigh
Lowe
McDaniel
Miller
Mire
Morris
Munson
O'Neill
Ourso
Perkins
Pugh
Rayburn
Riecke
Roemer
Sandoz
Segura
Singletary
Slay
Stephenson
Thistlethwaite
Thompson
Tobias
Toca
Wattigny
Willis
Winchester
Womack

NOT VOTING

Delegates—
Brown
Dunlap
Edwards
Total—7.

Lambert
Tate
Vesich
Wall

And the amendment was rejected.

Delegate Blair moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, line 16, in Floor Amendment No. 1 proposed by Delegate Jenkins and adopted by the convention on January 19, 1974, on line 25, after the language added by said amendment add the following:

"with the superintendent of education as its administrative head who shall implement the policies of the board of regents."

Delegate Avant moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 38 yeas and 81 nays the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the

amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 35, both inclusive, in their entirety, and on page 3, delete lines 1 and 2, in their entirety and all Floor Amendments thereto and insert in lieu thereof the following:

"OFFICIAL BALLOT

(Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed constitution and the alternative propositions are available for inspection at the polling place. If the proposed constitution receives a majority of the votes cast thereon and Alternative 2A below receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana. If the proposed constitution receives a majority of the votes cast thereon and Alternative 2B receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana, except that Article VIII of the proposed Constitution shall be deleted therefrom and Alternative 2B shall be inserted in lieu thereof. If the proposed constitution fails to receive a majority of the votes cast thereon, both of the alternative propositions shall also fail.)

1. Do you favor or oppose the adoption of the proposed 1974 Constitution?

(Vote for one)

FOR adoption of the proposed 1974 Constitution.....

or

AGAINST adoption of the proposed 1974 Constitution--

ALTERNATIVE PROPOSITIONS

2. If the proposed 1974 Constitution is adopted, do you prefer (A) the governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities, or (B) the governance of higher education solely by a Board of Regents?

(Vote for one)

(A) For governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities -----

or

(B) For governance of higher education solely by a Board of Regents -----

On motion of Delegate Jenkins the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Anzalone, Fayard and Rayburn to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 3, between lines 2 and 3, insert the following paragraph:

"(2) The secretary of state shall designate in numerical sequence each 'FOR' and 'AGAINST' item to be voted on in the order that each appears on the ballot."

AMENDMENT No. 2—

On page 3, line 3, change the "(2)" to "(3)"

AMENDMENT No. 3—

On page 3, line 12, change the "(3)" to "(4)"

AMENDMENT No. 4—

On page 3, line 15, change the "(4)" to "(5)"

AMENDMENT No. 5—

On page 3, line 18, change the "(5)" to "(6)"

AMENDMENT No. 6—

On page 3, line 34, change the "(6)" to "(7)"

AMENDMENT No. 7—

On page 4, change the "(7)" to "(8)"

On motion of Delegate Anzalone the amendments were adopted.

Delegate Anzalone moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Gravel and De Blieux to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 4, line 24, after the word "on" delete the date "December 2, 1974." and insert in lieu thereof the following: "the thirtieth day prior to twelve o'clock midnight on December 31, 1974, by publishing such results either in the Baton Rouge Sunday Advocate or the Baton Rouge State Times."

AMENDMENT No. 2—

On page 4, line 23, after the word "be" and before the word "promulgated" insert the word "officially"

On motion of Delegate De Blieux the amendments were adopted.

Delegate De Blieux moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alexander sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alexander to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 3, line 7, at the end of the line, delete the words "If the" and delete line 8 in its entirety and on line 9 at the beginning of the line, delete the word and punctuation "used."

On motion of Delegate Alexander the amendment was withdrawn.

FLOOR AMENDMENT

Amendment proposed by Delegate Alexander to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows.

AMENDMENT No. 1—

On page 3, line 8, immediately after the word "watchers" strike out the word "shall" and insert in lieu thereof the word "need"

On motion of Delegate Alexander the amendment was adopted.

Delegate Alexander moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Flory, Gravel, Pugh, Fulco and Lanier to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 3, delete lines 18 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

“(6) The Executive Committee of the convention is hereby granted the full power and authority to do all things which they may deem necessary to carry out the provisions of this Resolution and they shall have the convention’s unlimited authority to call upon any instrumentality of the state or its political subdivisions to cooperate in the furnishing of services, facilities, and employees for the purpose of carrying out the responsibilities of the convention in providing for the manner of the election;”

On motion of Delegate Flory the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jones sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jones to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 1 between lines 4 and 5 insert the following: “Part I”

AMENDMENT No. 2—

On page 1, delete lines 18 and 19 in their entirety

AMENDMENT No. 3—

On page 1, between lines 19 and 20 insert the following: “Part II”

AMENDMENT No. 4—

On page 5, delete lines 29 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

“BE IT FURTHER RESOLVED that the provisions of this resolution shall take preference and priority over and shall be paramount to any rule, provision or resolution heretofore adopted or taken by the convention relating to the matters in Part I of this resolution.”

On motion of Delegate Jones the amendments were withdrawn.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez, Gravel, Stovall and Carmouche to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, line 16, delete Floor Amendment No. 1 proposed by Delegate Jenkins and adopted by the convention on January 19, 1974, and insert in lieu thereof the following:

“OFFICIAL BALLOT

The full text of the proposed constitution including the alternate proposal on education is available for inspection at your polling place.

(Vote for one)

- 1. FOR the proposed 1974 Constitution including the education proposal with one Board of Regents with appointed members and three management boards for governance of higher education.

- 2. FOR the proposed 1974 Constitution with one Board of Regents for higher education with appointed and elected members and no management boards.
- 3. AGAINST the proposed 1974 Constitution. The votes cast in favor of propositions 1 and 2 shall be added together and if such total constitutes a majority of the votes cast in the election on the constitution, the constitution shall be adopted. Whichever proposition receives the greater number of votes shall become the constitution of the State of Louisiana.

Motion

On motion of Delegate Jack debate on the amendment was limited to 15 minutes for proponents and 15 minutes for the opponents.

Delegate Perez moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Hayes	Perez
Alexander	Heine	Perkins
Avant	Hernandez	Planchar
Bel	Jackson, J.	Reeves
Blair	Kean	Roy
Brien	Landrum	Sandoz
Cannon	Landry, E. J.	Schmitt
Carmouche	LeBleu	Segura
Champagne	Leigh	Slay
Comar	Leithman	Stephenson
Conroy	Lowe	Stinson
Cowen	McDaniel	Stovall
Derbes	Martin	Thistlethwaite
Edwards	Mauberret	Thompson
Elkins	Maybuce	Tobias
Flory	Miller	Vick
Fontenot	Mire	Wattigny
Fulco	Morris	Willis
Giarrusso	Munson	Winchester
Goldman	Nunez	Wisham
Gravel	Ourso	Womack
Hardee		
Total—64.		

NAYS

Delegates—		
Mr., Chairman	Deshotels	Newton
Abraham	Drew	O’Neill
Alario	Duval	Pugh
Anzalone	Fayard	Rachal
Arnette	Fowler	Rayburn
Asseff	Gauthier	Roemer
Badeaux	Ginn	Shannon
Bergeron	Graham	Singletary
Bollinger	Grier	Smith
Burns	Guarisco	Soniat
Buisson	Haynes	Stagg
Casey	Jack	Sutherland
Chatelain	Jackson, A.	Toca
Chehardy	Jenkins	Toomy
Conino	Jones	Velazquez
Corne	Juneau	Ullo
D’Gerolamo	Kelly	Warren
DeBlieux	Kilpatrick	Weiss
Dennery	Landry, A.	Zervigon
Dennis	Lanier	
Total—59.		

NOT VOTING

Delegates—		
Brown	Lambert	Tate
Dunlap	Riecke	Vesich
Kilbourne	Tapper	Wall
Total—9.		

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by thich

the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Arnette objected to tabling the motion to reconsider.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—		
Aertker	Gravel	Munson
Alexander	Grier	Nunez
Avant	Hardee	Ourso
Bel	Hayes	Perez
Blair	Heine	Perkins
Brien	Hernandez	Planchar
Cannon	Jackson,J.	Rachal
Carmouche	Kean	Roy
Champagne	Kilpatrick	Sandoz
Comar	Landry,E.J.	Schmitt
Conroy	LeBleu	Segura
Cowen	Leigh	Slay
Derbes	Leithman	Stinson
Drew	Lowe	Stovall
Edwards	McDaniel	Thistlethwaite
Elkins	Martin	Thompson
Flory	Mauberret	Tobias
Fontenot	Maybuce	Willis
Fulco	Miller	Winchester
Giarrusso	Mire	Wisham
Goldman	Morris	Womack
Total—63.		

YEAS

Delegates—		
Abraham	Duval	Rayburn
Alario	Fayard	Reeves
Anzalone	Fowler	Roemer
Arnette	Gauthier	Shannon
Asseff	Ginn	Singletary
Badeaux	Graham	Smith
Bergeron	Guarisco	Soniat
Bollinger	Haynes	Stagg
Burns	Jack	Stephenson
Burson	Jackson, A.	Sutherland
Casey	Jenkins	Toca
Chatelain	Jones	Toomy
Chehardy	Juneau	Ullo
Conino	Kelly	Velazquez
Corne	Landrum	Vick
D'Gerolamo	Landry,A.	Warren
De Blieux	Lanier	Wattigny
Dennery	Newton	Weiss
Dennis	O'Neill	Zervigon
Deshotels	Pugh	
Total—59.		

NAYS

Delegates—		
Mr. Chairman	Lambert	Tate
Brown	Riecke	Vesich
Dunlap	Tapper	Wall
Kilbourne		
Total—10.		

NOT VOTING

And the motion to reconsider was tabled.

Explanation of Vote

Delegate Robert Pugh sent up the following explanation of his vote on amendment to Delegate Resolution No. 52, proposed by Delegate Perez, et al:

As I had advised the convention in my opening remarks in the presentation of delegate proposal 52, I had considered but rejected this concept. From the practical standpoint, if the vote against the constitution was greater than each of the total votes for the constitution, the proposition would fail. If a majority vote is received for the constitution by

adding both of the total votes of the alternate proposals, then a person who wants 2 boards or nothing and one who wants 5 boards or nothing have each been deprived of his right to an alternative choice which would, in my opinion, cause the election to be unconstitutionally held. For these two reasons I have voted against the amendment.

Motion

Delegate O'Neill moved the previous question on the Resolution.

Delegate Burson objected.

By a vote of 47 yeas and 73 nays the Convention refused to order the previous question at this time.

Delegate Jones sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jones and Pugh to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word "over" delete the word "other" and insert in lieu thereof the word "inconsistent"

AMENDMENT No. 2—

On page 5, line 32, after the word "convention" delete the remainder of the line and delete line 33 in its entirety and insert in lieu thereof the following:

" , but only insofar as the same may be in conflict with the particular provisions of this Resolution."

On motion of Delegate Jones the amendment was adopted.

Delegate Jones moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Burson, Kean, Fayard, McDaniel and Lowe to Delegate Resolution No. 52 by Delegate Pugh.

Amend original proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 35, both inclusive, in their entirety, and on page 3, delete lines 1 and 2 in their entirety, including all amendments adopted thereto, and insert in lieu thereof the following:

"OFFICIAL BALLOT

The full text of the proposed constitution and the alternate proposition is available for inspection at your polling place. If the proposed constitution fails to receive a majority of the votes cast, alternate issues also fail:

PLEASE VOTE ON BOTH ISSUES 1 AND 2

1.

(Vote for One)

- FOR the proposed 1974 Constitution
- AGAINST the proposed 1974 Constitution

The proposed Constitution includes one Board of Regents with all appointed members and three management boards for governance of higher education. If the following alternative is adopted by a vote which is at least a majority of those voting in favor of the constitution, it shall replace the education article in the proposed Constitution.

2.

The Alternative Is:

- One Board of Regents for higher education with elected and appointed members and no management boards. FOR
- AGAINST

Delegate Burson moved the adoption of the amendment. Delegate Nunez objected.

By a vote of 102 yeas and 17 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which

the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Robert Pugh sent up the following explanation of his vote to an amendment to Delegate Resolution No. 52, proposed by Delegate Burson, et al:

I have voted against this amendment for two reasons. First I believe it is unconstitutional when it provides that the two board concept would carry if it received a majority of the votes cast FOR the constitution rather than a majority of the votes cast both FOR and AGAINST the constitution. Second it does not allow those who prefer a two board concept a fair manner of achieving said result. Both those in favor of the two board concept and those in favor of the five board concept would be prone to vote for the constitution, then those in favor of a five board concept would join with those who had voted against the constitution (or most of them) and vote against the two board concept, meanwhile those who were for the two board concept would not only be voting byt themselves but they would have the burden of overcoming their own vote for the constitution in that to win the two board concept would have to obtain a majority of the votes cast for the constitution which included their own vote in favor thereof.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 4, line 17, immediately after the figures and punctuation "591," and before "and 593" insert "671(C),"

On motion of Delegate Pugh the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hernandez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hernandez to Delegate Resolution No. 52 by Delegate Pugh

Amend original proposal as follows:

AMENDMENT No. 1—

On page 2, line 16, in Floor Amendment No. 1 proposed by Delegate Burson, et al., and adopted by the Convention on January 19, 1974, delete the text of the amendment which appears in the box immediately below the propositions "FOR" or "AGAINST" the Constitution and insert in lieu thereof the following:

"The proposed Constitution includes one Board of Regents with all appointed members, three management boards for governance of higher education, and a board of elementary and secondary education. If the following alternative is adopted by a vote which is at least a majority of those voting in favor of the constitution, it shall replace the education article in the proposed Constitution."

On motion of Delegate Hernandez the amendment was withdrawn.

Delegate Hernandez sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegate Hernandez to Delegate Resolution No. 52 by Delegate Pugh

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, line 16, in Floor Amendment No. 1 proposed by Delegate Burson, et al., and adopted by the Convention on January 19, 1974, delete the text of the amendment which appears in the box immediately below the propositions "FOR" or "AGAINST" the Constitution and insert in lieu thereof the following:

"The proposed Constitution includes one Board of Regents with all appointed members, three management boards for governance of higher education, and a board of elementary and secondary education. If the following alternative is adopted by a vote which is at least a majority of those voting in favor of the constitution, it shall replace the education article in the proposed Constitution."

AMENDMENT No. 2—

On page 2, line 16, in Floor Amendment No. 1 proposed by Delegate Burson and adopted by the Convention on January 19, 1974, strike out the sentence immediately following the words and punctuation "The Alternative is:" and insert in lieu thereof the following:

"One Board of Regents for higher education with elected and appointed members and no management boards, and a board of elementary and secondary education."

Delegate Hernandez moved the adoption of the amendment.

Delegate Mire objected.

By a vote of 38 yeas and 79 nays the amendment was rejected.

Delegate Tobias moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jenkins and Drew to Delegate Resolution No. 52 by Delegate Pugh.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 35, both inclusive, in their entirety, and on page 2, delete lines 1 and 2, in their entirety and all Floor Amendments thereto and insert in lieu thereof the following:

OFFICIAL BALLOT

(Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed constitution and the alternative propositions are available for inspection at the polling place. If the proposed constitution receives a majority of the votes cast thereon and Alternative 2A below receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana. If the proposed constitution receives a majority of the votes cast thereon and Alternative 2B receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana, except that Article VIII of the proposed Constitution shall be deleted therefrom and Alternative 2B shall be inserted in lieu thereof. If the proposed constitution fails to receive a majority of the votes cast thereon, both of the alternative propositions shall also fail.)

1. Do you favor or oppose the adoption of the proposed 1974 Constitution?

(Vote for one)

FOR adoption of the proposed 1974 Constitution ----[]

or

AGAINST adoption of the proposed 1974 Constitution...[]

ALTERNATIVE PROPOSITION

2. If the proposed 1974 Constitution is adopted, do you prefer (A) the governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities, or (B) the governance of higher education solely by a Board of Regents?

(Vote for one)

(A) For governance of higher education by a Board of Regents and management boards for the LSU system, the

PAGE 19

122nd Days Proceedings—January 19, 1974

Southern University system, and all other state colleges and universities -----[]

or
(B) For governance of higher education solely by a Board of Regents -----[]

AMENDMENT No. 2—

Strike out Convention Floor Amendment No. 1 proposed by Mr. Pugh to page 4, line 17.

Delegate Jenkins moved the adoption of the amendments.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Fayard	Perez
Abraham	Fowler	Pugh
Alario	Fulco	Rayburn
Alexander	Gauthier	Reeves
Anzalone	Giarrusso	Roemer
Arnette	Ginn	Roy
Asseff	Goldman	Sandoz
Badeaux	Graham	Schmitt
Bel	Gravel	Segura
Bergeron	Guarisco	Shannon
Blair	Haynes	Singletary
Bollinger	Heine	Slay
Brien	Jack	Smith
Brown	Jackson, A.	Soniat
Burns	Jackson, J.	Stagg
Burson	Jenkins	Stephenson
Cannon	Juneau	Sutherland
Casey	Kelly	Tapper
Chatelain	Kilpatrick	Thistlethwaite
Chehardy	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	LeBleu	Ullo
D'Gerolamo	Leithman	Vick
De Blieux	Martin	Warren
Dennery	Mauberret	Weiss
Dennis	Maybece	Willis
Derbes	Miller	Wisham
Drew	Munson	Womack
Duval	Newton	Zervigon
Edwards	Ourso	
Total—95.		

NAYS

Delegates—		
Aertker	Grier	Nunez
Avant	Hardee	Plancharde
Carmouche	Hayes	Perkins
Champagne	Hernandez	Rachal
Comar	Kean	Stinson
Deshotels	Leigh	Velazquez
Elkins	Lowe	Winchester
Flory	McDaniel	
Fontenot	Mire	
Total—23.		

NOT VOTING

Delegates—		
Dunlap	Morris	Tate
Jones	O'Neill	Vesich
Kilbourne	Riecke	Wall
Lambert	Stovall	Wattigny
Total—12.		

And the amendments were adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Robert Pugh sent up the following explanation of his vote on an amendment to Delegate Resolution No. 52, proposed by Delegates Jenkins and Drew:

I have voted in favor of this amendment for it reflects the same recommendation as contained in Delegate Proposal 52. The presentation concept is the same, only the descriptive words are different.

Delegate Pugh moved the adoption of the Resolution.

Delegate Lowe objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Perkins
Abraham	Fowler	Plancharde
Alario	Fulco	Pugh
Alexander	Gauthier	Rachal
Anzalone	Giarrusso	Rayburn
Arnette	Ginn	Reeves
Asseff	Goldman	Roemer
Badeaux	Graham	Roy
Bel	Gravel	Sandoz
Bergeron	Guarisco	Schmitt
Blair	Hayes	Segura
Bollinger	Haynes	Shannon
Brien	Heine	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Juneau	Stephenson
Casey	Kelly	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Thistlethwaite
Comar	Lanier	Thompson
Conino	LeBleu	Tobias
Conroy	Leithman	Toca
Corne	Martin	Toomy
Cowen	Mauberret	Ullo
D'Gerolamo	Maybece	Vick
De Blieux	Miller	Warren
Dennery	Mire	Wattigny
Dennis	Munson	Weiss
Derbes	Newton	Willis
Deshotels	Nunez	Winchester
Drew	O'Neill	Wisham
Duval	Ourso	Womack
Edwards	Perez	Zervigon
Total—108.		

NAYS

Delegates—		
Aertker	Grier	Leigh
Avant	Hardee	Lowe
Elkins	Hernandez	McDaniel
Flory	Kean	Stinson
Fontenot	Landrum	Velazquez
Total—15.		

NOT VOTING

Delegates—		
Dunlap	Lambert	Tate
Jones	Morris	Vesich
Kilbourne	Riecke	Wall
Total—9.		

And the resolution was adopted.

Delegate Pugh moved to reconsider the vote by which the Resolution was adopted, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 18, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Gerolamo, Drew, Hardec, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick, and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XIV. TRANSITIONAL PROVISIONS
PART II.

Section 1. Limitation on Transitional Provisions

Section 1. Nothing in this Part shall be construed or applied in such a manner as to supersede or invalidate, or limit or change the meaning of any provision of the foregoing Articles of this constitution, but only to provide for an orderly transition from the Constitution of 1921.

PART III

Section 2. References to 1921 Constitution

Section 2. Whenever reference is made in this constitution to the Constitution of 1921, it shall mean the Louisiana Constitution of 1921, as amended.

Section 3. Effect of Titles

Section 3. No title or sub-title, heading or sub-heading, marginal note, index, or table printed in or with this constitution shall be considered or construed to be a part of this constitution, but to be inserted only for convenience in reference.

Section 5. Continuation of Actions and Rights

Section 5. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgements, sentences, orders, decrees, appeals, rights or causes of action, contracts, obligations, claims, demands, titles, and rights existing on the effective date of this constitution shall continue unaffected. All sentences as punishment for crime shall be executed according to their terms.

Section 6. Protection of Existing Taxes

Section 6. All taxes, penalties, fines, and forfeitures owing to the state or any political subdivision levied and collectible under the Constitution of 1921 and valid laws enacted thereunder shall inure to the entity entitled thereto.

Section 7. Impairment of Debt Obligations Prohibited

Section 7. Nothing in this constitution shall be construed or applied in such a manner as to impair the obligation, validity, or security of any bonds or other debt obligations authorized under the Constitution of 1921.

PART II

Section 8. Existing Officials

Section 8. A person holding an office by election shall continue to exercise his powers and duties until his office is abolished, his successor takes office or the office is vacated, as provided by law. A person holding an office by appointment shall continue to exercise his powers and duties until his office is abolished, his term ends, or he is removed or replaced under the provisions of this constitution or by law. Each public body shall continue to exercise its powers and duties until changed as provided by this constitution or by law.

Section 9. Provisions of 1921 Constitution Made Statutory

Section 9. (A) Provisions Continued as Statutes. Subject to change by law or as otherwise provided in this constitution, and except as any of them conflicts with this constitution, the following provisions of the Constitution of 1921 are continued as statutes, but restricted to the same effect as on the effective date of this constitution:

- 1. Article V, Sections 2, 7, 18, 20, and 21.

- 2. Article VI, Sections 1, 1 (A-1), 11.1, 19, 19.2, 19.3, 19.4, 22(1), 23 except any dedications contained therein, 23.1, 26, 28, 31, 32, 33, 35, 36.1, and 39.

- 3. Article VI-A, Sections 1 through 14, except any dedications therein contained.

- 4. Article VII, Sections 7, 8, 9, 12.1, 13, 20, 21, 28, 31, 31.1, 31.2, 33, 46 through 51, 51(a), 52, 53, 55, 80, 81, 82, 83, 85, 89, through 92, and 94 through 97.

- 5. Article IX, Section 4.

- 6. Article X, Sections 1, 2, 6, 7, 9, 10A, 15, 16, and 23; except any dedications contained therein.

- 7. Article X-A, Sections 3 and 4.

- 8. Article XII, Sections 18, 19 through 22, 25, and 26.

- 9. Article XIV, Sections 3(b), 3(d) (first), 6, 10, 12, 14, 19, 21, 23, 23.1 through 23.43, 24, 24.2 through 24.23, 25, 25.1, 26 through 28, 30,30.1, 30.3, 30.4, 30.5, 31, 31.3, 31.6, 31.7, 32, 33, 34, 35, 36, 37.1, 38, 38.1, 39, 39.1, 43, 44, 44.1, 45, 47, and 48.

- 10. Article XV, Sections 1, 3, and 4.

- 11. Article XVI, Sections 1, 4, 6, 7, 8, and 8(a).

- 12. Article XVII, Sections 3 and 4.

- 13. Article XVIII, Sections 4, 8, and 13.

- 14. Article XIX, Sections 6, 19, 19(a), 20, and 27.

- 15. Article IV, Sections 2(c), 12-b, and 12-c.

(B) Arrangement. The provisions made statutory in this Article shall be arranged in proper statutory form and recommendations made for additional laws and modifications as provided in R.S. 24:201 through 256, or as otherwise provided by law.

Section 10. Provisions of Constitution of 1921 Repealed

Section 10. Except to the extent provided in this Article and except as retained in Articles I through XIII of this constitution, the provisions of the Constitution of 1921 are repealed.

Section 11. Existing Laws

Section 11. (A) Retention. Laws in force on the effective date of this constitution, which were constitutional when enacted and are not in conflict with this constitution, shall remain in effect until altered or repealed or until they expire by their own limitation.

(B) Expiration of Conflicting Law. Laws which are in conflict with this constitution shall cease upon its effective date.

PART III

Section 12. Constitution Not Retroactive

Section 12. Except as otherwise specifically provided in this constitution, this constitution shall not be retroactive and shall not create any right or liability which did not exist under the Constitution of 1921 based upon actions or matters occurring prior to the effective date of this constitution.

Section 13. Legislative Provisions

Section 13. (A) President of Senate. The lieutenant governor in office on the effective date of this constitution shall continue to serve as president of the Senate until his term expires in 1976.

(B) First Session. The provisions of Article III of this constitution shall become effective for the first session of the legislature to be held in 1975 and each session thereafter. However, in 1976, the legislature shall convene in regular session at twelve o'clock noon on the second Monday in May, at which time the members elected at the statewide election in 1976 shall take office; otherwise, the legislature shall conduct that session as provided in Article III of this constitution.

(C) Legislative Auditor. The legislative auditor shall continue to exercise the powers and perform the functions set forth in Article VI, Section 26(2) of the Constitution of 1921 until otherwise provided by law.

(D) Legislative Reapportionment. The requirement for legislative reapportionment in Section 5 of Article III of this constitution shall apply to the reapportionment of the legislature following the decennial census of 1980, and thereafter.

Section 15. Judiciary Commission

Section 15. The members of the judiciary commission in office on the effective date of this constitution shall serve until the expiration of their terms. Within thirty days after the effective date of this constitution, the additional two citizen members shall be selected as required by Article V, Section 24. A lawyer member, as thereby required, shall be selected to succeed the judge of a court of record other than a court of appeal whose term as a member of the commission first expires. Thereafter, when a vacancy occurs, the

successor to the position shall be selected in accordance with Article, V, Section 24.

PART II

Section 16. Ports; Transition to Statutes

Section 16. All provisions of Article VI, Sections 16, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 17, 29, 29.1, 29.2, 29.3, 29.4, 33.1, 34 and Article XIV, Section 30.2 of the Constitution of 1921 shall become statutes subject to amendment or repeal only as provided in Article VI, Section 44 of this constitution.

Section 18. Public Service Commission

Section 18. At its next extraordinary or regular session, the legislature shall divide the state into five single-member districts as required by Article VIII, Section 14(A) and shall provide for a special election at which the two additional members of the commission shall be elected, the initial term to be served by each, and other matters necessary to effectuate said Section 14(A).

PART III

Section 19. Statewide Elected Officials

Section 19. Officials elected statewide in 1976 under the provisions of this constitution shall take office on the second Monday in May of that year. Thereafter, statewide elected officials shall take office on the second Monday in March as provided in this constitution.

Section 20. Commissioner of Elections

Section 20. The commissioner of elections, as provided by Article IV, first elected under this constitution shall be elected to take office in 1976. The custodian of voting machines in office on the effective date of this constitution shall continue to exercise the functions of that office, without change, until the expiration of his term.

Section 21. Pardon Board

Section 21. Until a pardon board is appointed under the terms of this constitution, the lieutenant governor, attorney general, and presiding judge of the sentencing court shall continue to serve as a board of pardons.

Section 22. Levee Districts; Compensation for Property

Section 22. The provisions of Article XVI, Section 6 of the Constitution of 1921 shall be continued as a statute, subject to change by the legislature, and the amount of compensation therein required to be paid for property used or destroyed for levee or levee drainage purposes shall be paid as provided in Section 6 of Article XVI of the Constitution of 1921 until the legislature enacts a law to effectuate Article VI, Section 43 of this constitution.

Section 23. Suits Against the State; Effective Date

Section 23. The provisions of Article III, Section 14 waiving the immunity of the state, its agencies, or political subdivisions from suit and liability in contract or for injury to person or property only shall apply to a cause of action arising after the effective date of this constitution.

Section 24. Tax Schedule

Section 24. (A) Property Taxes. The provisions of Article X of the Constitution of 1921 relating to ad valorem property taxes shall remain in effect until the provisions on that subject contained in Article XI of this constitution take effect as provided in said Article XI.

(B) The provisions of Article XI of the Constitution of 1921 shall be continued as a statute until the legislature enacts the law required by Article XI, Section 1 (Delegate Proposal No. 16) of this constitution, but the amount of the exemption shall be fifteen thousand dollars in value until otherwise fixed by law.

Section 25. Effective Date

Section 25. This constitution shall become effective at twelve o'clock midnight on December 31, 1974. The secretary of state shall promulgate the results of the election by publication in the official state journal on the thirtieth day prior thereto; however, he shall announce the results of the election within thirty days after the date of the election at which the constitution is submitted to the people.

Part I

Section 27. Board of Supervisors of Southern University

Section 27. At the next session of the legislature following the effective date of this constitution, the governor shall submit to the Senate for its consent the names of his appointees to the Board of Supervisors of Southern University and Ag-

ricultural and Mechanical College in accordance with and to effectuate Article IX, Section 7.

PART I.

Section 28. Transition to Board of Regents and State Board of Elementary and Secondary Education

Section 28. (A) If Alternative Proposition concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then this Section shall become Section of Article XIV of the new constitution and Sections, and of Article XIV shall be null, void, and of no effect. If Alternative Proposition is not approved this Section shall be null and void and of no effect.

(B) (1) On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education whose term has not expired shall become a member of the Board of Regents. The legislature shall provide by law the procedure to effectuate the transition to the board, 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 membership of the board.

The elections and appointments shall be made in accordance with and to effectuate Article IX, Section 5 of Alternative Proposition No., adopted as Delegate Proposal No. 98, by Delegates Henry, et al.

(2) 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 Regents. 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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article IX, Sections 3 and 5 of Alternative Proposition No. —, adopted as Delegate Proposal No. 98, by Delegates Henry, et al.

(3) On the effective date of this constitution the Louisiana Coordinating Council for Higher Education is abolished, and on such date all powers, duties, and functions thereof not inconsistent with this constitution shall be merged and consolidated into the Board of Regents.

(4) On the effective date of this constitution, all functions of the State Board of Education with respect to the governance, supervision, management, administration, and direction of institutions of higher education not inconsistent with this constitution shall be transferred to the Board of Regents, and in all other respects the functions of the State Board of Education not inconsistent with this constitution shall be transferred to and be exercised by the State Board of Elementary and Secondary Education.

(5) Subject to change by law and except as in conflict with this Alternative Proposition and Act 2 of 1972, the provisions of Article XII, Section 7A of the Constitution of 1921 are continued as a statute, but the powers of the board shall be limited to the management of the daily operations of the Louisiana State University System.

Section 29. Effect of Adoption

Section 29. Notwithstanding any contrary provision of any law or the prior constitution, this constitution when approved by the electors of this state shall be the Constitution of the State of Louisiana upon the effective date as provided in Section 25 of this Article.

Section 30. Severability Clause

Section 30. If any provision of this constitution is declared invalid for any reason, that provision shall not affect the validity of the entire constitution or any other provision thereof.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 19, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Reported with amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

In Section 13 of Committee Proposal No. 38, change the reference in Paragraph (D) from "Section 5" to "Section 6"

AMENDMENT No. 2—

In Section 15 of Committee Proposal No. 38, change the references from "Section 24" to "Section 25"

AMENDMENT No. 3—

In Section 16 of Committee Proposal No. 38 change the reference from "Section 44" to "Section 43"

AMENDMENT No. 4—

In Section 18 of Committee Proposal No. 38 change the references from "Article VIII" to "Article IV" and change "Section 14(A)" to "Section 21(A)"

AMENDMENT No. 5—

In Section 22 of Committee Proposal No. 38, change the reference in the text from "Section 43" to "Section 42"

AMENDMENT No. 6—

In Section 23 of Committee Proposal No. 38, change the reference from "Article III, Section 14" to "Article XII, Section 10"

AMENDMENT No. 7—

In Paragraph (A) of Section 24 of Committee Proposal No. 38 change the references from "Article XI" to "Article VII" and in Paragraph (B) change the reference from "Article XI" to "Article XII" and change the reference from "Section 1" to "Section 9" and delete "(Delegate Proposal No. 16)"

AMENDMENT No. 8—

In Section 29 of Committee Proposal No. 38, change the reference from "Section 25" to "Section 35"

AMENDMENT No. 9—

Make subparagraph 15. of Paragraph (A) of Section 9 of Committee Proposal No. 38 subparagraph 1. thereof and renumber the succeeding subparagraphs appropriately.

AMENDMENT No. 10—

Make Section 27 of Committee Proposal No. 38, Section 3 in Part I of Article XIV and change the reference in the text of the Section from "Article IX" to "Article VIII" and renumber appropriately the succeeding sections of Part I

AMENDMENT No. 11—

Renumber Sections 1, 8, 9, 10, 11, 16 and 18 of Committee Proposal No. 38 and place them in Part II of Article XIV as Sections 14, 15, 16, 17, 18, 19 and 20 respectively

AMENDMENT No. 12—

In Committee Proposal No. 38 make Sections 2, 3, 5, 6, 7, 12, 13, 15, 19, 20, 21, 22, 23, 24, 25, 29, and 30, Sections 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 in Part III of Article XIV respectively.

AMENDMENT No. 13—

On page 1, line 18, at the end of the line, delete the words "the foregoing" and on line 19 after the word "Articles" and before the word "of" insert "I through XIII"

AMENDMENT No. 14—

On page 6, line 32, after the word "effect" insert a period "." and delete the remainder of the line.

AMENDMENT No. 15—

On page 6, delete lines 17 through 35, both inclusive in their entirety and on page 7 delete lines 1 and 2 and all Committee Amendments proposed by the Committee on Style and Drafting thereto and adopted this date and insert in lieu thereof the following:

"Section 34. Exemption from Seizure and Sale

Section 34. The provisions of Article XI of the Constitution of 1921 shall be continued as a statute until the legislature enacts the law required by Article XII, Section 9 of this constitution, but the amount of the exemption shall be fifteen thousand dollars in value until otherwise fixed by law."

Respectfully submitted,

ALBERT TATE, JR.
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the Proposal contained in the Committee Report at this time.

Proposals on Calendar for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Gerolamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend first enrolled proposal as follows:

AMENDMENT No. 1—

In Section 13 of Committee Proposal No. 38, change the reference in Paragraph (D) from "Section 5" to "Section 6"

AMENDMENT No. 2—

In Section 15 of Committee Proposal No. 38, change the references from "Section 24" to "Section 25"

AMENDMENT No. 3—

In Section 16 of Committee Proposal No. 38 change the reference from "Section 44" to "Section 43"

AMENDMENT No. 4—

In Section 18 of Committee Proposal No. 38 change the references from "Article VIII" to "Article IV" and change "Section 14(A)" to "Section 21(A)"

AMENDMENT No. 5—

In Section 22 of Committee Proposal No. 38, change the reference in the text from "Section 43" to "Section 42"

AMENDMENT No. 6—

In Section 23 of Committee Proposal No. 38, change the reference from "Article III, Section 14" to "Article XII, Section 10"

AMENDMENT No. 7—

In Paragraph (A) of Section 24 of Committee Proposal No. 38 change the references from "Article XI" to "Article

VII" and in Paragraph (B) change the reference from "Article XI" to "Article XII" and change the reference from "Section 1" to "Section 9" and delete "(Delegate Proposal No. 16)"

AMENDMENT No. 8—
In Section 29 of Committee Proposal No. 38, change the reference from "Section 25" to "Section 35"

AMENDMENT No. 9—
Make subparagraph 15. of Paragraph (A) of Section 9 of Committee Proposal No. 38 subparagraph 1. thereof and renumber the succeeding subparagraphs appropriately.

AMENDMENT No. 10—
Make Section 27 of Committee Proposal No. 38, Section 3 in Part I of Article XIV and change the reference in the text of the Section from "Article IX" to "Article VIII" and renumber appropriately the succeeding sections of Part I

AMENDMENT No. 11—
Renumber Sections 1, 8, 9, 10, 11, 16 and 18 of Committee Proposal No. 38 and place them in Part II of Article XIV as Sections 14, 15, 16, 17, 18, 19 and 20 respectively

AMENDMENT No. 12—
In Committee Proposal No. 38 make Sections 2, 3, 5, 6, 7, 12, 13, 15, 19, 20, 21, 22, 23, 24, 25, 29, and 30, Sections 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 in Part III of Article XIV respectively.

AMENDMENT No. 13—
On page 1, line 18, at the end of the line, delete the words "the foregoing" and on line 19 after the word "Articles" and before the word "of" insert "I through XIII"

AMENDMENT No. 14—
On page 6, line 32, after the word "effect" insert a period "." and delete the remainder of the line.

Read.
On motion of Delegate Tate Amendment Nos. 1 through 14 were adopted.

AMENDMENT No. 15—
On page 6, delete lines 17 through 35, both inclusive in their entirety and on page 7 delete lines 1 and 2 and all Committee Amendments proposed by the Committee on Style and Drafting thereto and adopted this date and insert in lieu thereof the following:

"Section 34. Exemption from Seizure and Sale
Section 34. The provisions of Article XI of the Constitution of 1921 shall be continued as a statute until the legislature enacts the law required by Article XII, Section 9 of this constitution, but the amount of the exemption shall be fifteen thousand dollars in value until otherwise fixed by law."

Read.
On motion of Delegate Tate Amendment No. 15 was adopted.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE RESOLUTION No. 53—
Introduced by Delegate Dennery:
A RESOLUTION
Relative to the printing and distribution of copies of the constitution throughout the state.
BE IT RESOLVED by the Constitutional Convention of Louisiana of 1973 that the publication of the constitution in the official journal of the state, prior to the election,

and the printing and distribution of copies of the constitution throughout the state, prior to the election shall be accomplished and paid for by the convention, and the Executive Committee is directed to do all things necessary and proper to accomplish the same."

Read.
Motion
On motion of Delegate Dennery the rules were suspended in order to consider the adoption of the resolution.

On motion of Delegate Dennery the Resolution was adopted.

Motion

On motion of Delegate Tate the rules were suspended for the purpose of calling a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Saturday, January 19, 1974, at 7:45 o'clock, P. M. in Senate Lounge and will consider the following agenda:

AGENDA

Committee business
Respectfully submitted,
ALBERT TATE,
Chairman of the Committee on Style and Drafting.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Henry the rules were suspended for the purpose of calling a meeting of the Executive Committee without giving the required 24 hours notice.

Delegate Henry, chairman of the Executive Committee, sent up the following notice:

The Executive Committee will meet on Saturday, January 19, 1974, at 7:45 o'clock, P. M. in Committee Room No. 1 and will consider the following agenda:

AGENDA

Committee Business
Respectfully submitted,
E. L. HENRY
Chairman of the Executive Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Dennery the remarks of Delegate Willis, delivered on the floor of the Convention on Saturday, January 19, 1974, were ordered inserted in the Official Journal as follows:

Mr. Chairman, E. L. Henry:
With unanimous consent to my last personal privilege here, I speak with a deep sense of humility on this occasion. With great personal satisfaction and pride and pleasure, I announce that I am fully mandated to voice the grateful sentiments of your colleagues regarding your chairmanship. Real gratitude, like joy, is a feeling that can neither be concealed, nor suppressed! It has to be expressed. Words cannot be sufficient recompense, because words cannot pay the debt we and our state owe for your gratuitous stewardship, but they are our most honest recompense.

You have opened the doors of courtesy to let in the fresh air of friendship, the garment of good will.

One of the treasures of our lives is that we were privileged to have served together here. The close friendships which resulted and exist among all of us will long endure for us to cherish as our fondest memory and priceless possession.

We vividly realize the depth of our love for each other at this hour nearing final adjournment and cannot omit the mention of your contribution to our great confraternity and our pleasant, productive, and constructive relationships which were facilitated by your stewardship.

You have made us tolerant of variety in opinions.

Because your authority was well-employed and never in the face of doubt, it was never resisted and cheerfully obeyed. Your rulings made common sense, and common sense is as rare as genius. Your genius for leadership continually manifested itself strategically, directly, and forthrightly at the heart of the target. You were always in the arena. We have all looked to you for wise counsel, and rigid standards of integrity and conciliatory and mutually-just negotiation via the "Henry Huddle." Throughout the storms of one emergency after another, of some clinging to the status quo and others to imaginative measures, your counsel and firm guidance brought us through to reasonable achievement.

Our constitution, which will favorably alter the face of Louisiana, was hammered out under your gavel to its final form by the most democratic process under brilliant lights and while all the eyes and ears of Louisiana were upon us.

Under your capable guidance, we never lost the feeling of being in the presence of a tried, true, fair, and good commander, whether we had your agreement or opposition or whether you had ours. How wonderful it was to know that, whether you agreed with us or not, you had time for us. You knew the minority must be heard even if the majority must prevail, although God is not always on the side of the biggest squadrons.

You never manifested the arrogance of power and you are unsullied by pomp and bluster. The bare fact is that neither opportunity nor circumstance to the abuse of power ever tempted you.

Your spirit saw to that because your use of persuasion was more pronounced than your use of power. You adhered to my first prayer opening a day's session.

The benevolence of your love, guidance, and leadership is written in our document, and your shadow will reach across the length and breadth of our state as this document is contemplated by our people, because no man can add or detract from your accomplishments here. Your scales of decision were not altered to accommodate the majesty of any other power or prestige than righteousness under our rules.

Your decisions on questions of order were prompt and impartial. Our parliamentary inquiries received full and fair response; personal privilege was allowed to any to puff; you never prompted the previous question; so, your deportment toward the delegation was with patience, good temper, some levity, yet dignified, and for the dispatch of the business of the convention, allowing fair exhibition of every subject presented for consideration.

In moments of agitation, from which no deliberative assembly is exempt, and which, to our credit, never resulted in physical combat, you were unshaken and firm and fair amidst the storms of sharp exchanges and, with the learned assistance of our esteemed clerk, who also served gratuitously, you guarded our rules from being sacrificed to the transitory pride, passion, prejudice, or interest of any delegate. You need not look back or have misgivings of your rulings or conduct during the heat of conflicting ambitions. You have acquitted yourself royally, even though we have no royalty in America. If we had, you would be a prince.

Your outstanding parliamentary skill enhanced our image of dignity and tradition as a diligently-deliberative body, which entitles you to immeasurable respect, esteem, and affection, and which all of us who had the privilege and honor to have served with you, hold for you today.

Mr. Chairman, this is an historic occasion. Louisiana history is being made here today and you have been our chief architect, because history-making is habitual with you.

Generations yet unborn will reap the harvest of your faithful devotion to and capable discharge of duty.

In simplicity, but with deep sincerity, we all join in paying this deserved tribute to a great Louisianian and a great American, indeed an All-American!

My regret is that I cannot vote for you in your district, but my wish is that someday I might when, I hope, your sphere is enlarged. At the pace you grow in governmental—and now constitutional—stature, I believe I might, as I consider the distinction your colleagues in the House, and this convention, have bestowed the highest office it was its and our privilege to bestow on you—the leadership of the people's chambers.

We need not sell this constitution to our people. A sale has three ingredients: the thing, the price, and the consent. The people have the thing, our document; they have paid the price; we now only need their consent.

Reckoning that we, of this generation, are the living link between the past and the future because we are the present, I, as one of "We the people" again give my consent to it here and now. I did not sign my name to it to make it more ornate. As delegate, lawyer, and citizen, I recommend and will recommend it to all Louisianians with the least bit of reserve.

I express premonitions that those who are hesitant will do likewise when more reliably advised and sincerely informed and will raise their own hue and cry of advice and consent.

The prologue to this assembly, the second act of our legislature of 1972, the monologues at the podium opening the debates on proposals and amendments, and the dialogues between the podium and interrogations from the floor maturing the debates will, I trust, entitle us to an epilogue of praise from our people when we present them our precise printed plan of government.

It is not and was never expected to be perfect. It is not the Ark of the Covenant. It is a better if it is not the best constitution for our state and one which any unselfish Louisianian may embrace.

Finally, Mr. Chairman, and before I return to my chair, I seize this last opportunity at the podium to express our profound thanks for your stewardship, and bid you farewell with bon voyage; and bid to our entire, intelligent and industrious staff, adieu; and bid to all of you, my fellow delegates, au revoir.

Motion

On motion of Delegate Casey, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE RESOLUTION No. 54—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrun, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Maubernet, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Uilo, Velazquez, Vesich, Vick, Wall, Warren, Watigny, Weiss, Willis, Winchester, Wisham, Womack, Zervigon:

A RESOLUTION

To commend and express the sincere gratitude and appreciation of the Constitutional Convention of Louisiana of

1973 to Norma M. Duncan, Director of Research, and her staff for the invaluable services rendered the convention.

WHEREAS, Norma M. Duncan has provided the Constitutional Convention of Louisiana of 1973 with her outstanding background, experience, and achievement and has tirelessly and skillfully served this convention in the capacity of Director of Research; and

WHEREAS, the convention has progressed and accomplished its objectives to a large extent through the efforts of Mrs. Duncan and her staff; and

WHEREAS, the many hours spent by Mrs. Duncan and her staff in assisting the delegates and the Constitutional Convention of Louisiana of 1973 have been invaluable to the Constitutional Convention and the State of Louisiana; and

WHEREAS, Mrs. Duncan and her staff, Coordinators Lee Hargrave, Audrey LeBlanc, and Gene Tarver; Executive Secretary Kathy Goss; Administrative Assistant Dan Blake; Clerical Supervisor Irmie Gaudet; Senior Research Assistants Ramon Arango, J. Reginald Coco, Jr., Leroy Colter, R. Judge Eames, C. B. Forgotston, Stephen Glassell, Jerry Hood, Walter Landry, Charles Machen, Lois Michelli, James Norris, Scott Reis, Joe Smith and Harry Wood; Junior Research Assistants Marius Carriere, Carol Coltharp, Jean Conner, Betty Field, Frank Koles, Robert Pellegrin and Fred Tinsley; Law Clerks Jasper Pharr and Gail Sandle; Secretaries Moise Allen, Rexie Artieta, Marietta Bell, Betty Blanchard, Paula Brumfield, Meredith Bunker, Johnnie Burks, Judy Cooper, Rita Ferachi, Mary Ann Fields, Paula Lato, Beverly Leake, Dolores McGibbon, Connie McManus, Margaret Matherne, Debbie Pratt and Judy Williams; Typists Judy Bishop, Gail Broussard, Cindy Cambre, Diane Couch and Lucy Tynes; Proofreaders Connie Brooks, Jerel Downing, Gretchen Gerstner, Martha Gibson, Olivia Johnston, Jane Noble and George Waldroup; Librarian Patsy Moore; Receptionist Adrienne Patty; Docket Clerks Ellen Ferguson and Frank Pizzolato; Law Students Michael Baer, Richard Brazan, Richard Cryer, Joseph Rausch, Reginald Ringuet, Bernice Roberts, Michael Wascom and Jay Zainey; Machine Operators Shirley Corley, Marvin Dorsey, Howard Gist and Terry Toney; and Messengers Willie Lunkin and Brenda Smith, have worked late hours and weekends tirelessly and impartially to meet, to the fullest extent possible, the individual and combined needs of the delegates to the Constitutional Convention of Louisiana of 1973; and

WHEREAS, Mrs. Duncan and her staff have given of their constitutional expertise to the Constitutional Convention of Louisiana of 1973 and have provided the delegates, the committees, and the convention with research, legal counsel, proposal and resolution drafting, amendment preparation, digesting, and numerous other means of assistance; and

WHEREAS, without the ability and dedication of Mrs. Duncan and her staff the work of the Constitutional Convention of Louisiana of 1973 would have been an extremely difficult task to accomplish.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, do hereby express grateful appreciation and the highest commendation to Norma M. Duncan, Director of Research, and her staff, Coordinators Lee Hargrave, Audrey LeBlanc, and Gene Tarver; Executive Secretary Kathy Goss; Administrative Assistant Dan Blake; Clerical Supervisor Irmie Gaudet; Senior Research Assistants Ramon Arango, J. Reginald Coco, Jr., Leroy Colter, R. Judge Eames, C. B. Forgotston, Stephen Glassell, Jerry Hood, Walter Landry, Charles Machen, Lois Michelli, James Norris, Scott Reis, Joe Smith and Harry Wood; Junior Research Assistants Marius Carriere, Carol Coltharp, Jean Conner, Betty Field, Frank Koles, Robert Pellegrin, Fred Tinsley; Law Clerks Jasper Pharr and Gail Sandle; Secretaries Moise Allen, Rexie Artieta, Marietta Bell, Betty Blanchard, Paula Brumfield, Meredith Bunker, Johnnie Burks, Judy Cooper, Rita Ferachi, Mary Ann Fields, Paula Lato, Beverly Leake, Dolores McGibbon, Connie McManus, Margaret Matherne, Debbie Pratt and Judy Williams; Typists Judy Bishop, Gail Broussard, Cindy Cambre, Diane Couch and Lucy Tynes; Proofreaders Connie Brooks, Jerel Downing, Gretchen Gerstner, Martha Gibson, Olivia Johnston, Jane Noble and George Waldroup; Librarian Patsy Moore; Receptionist Adrienne Patty; Docket Clerks Ellen Ferguson and Frank Pizzolato; Law Students Michael Baer, Richard Brazan, Richard Cryer,

Joseph Rausch, Reginald Ringuet, Bernice Roberts, Michael Wascom and Jay Zainey; Machine Operators Shirley Corley, Marvin Dorsey, Howard Gist and Terry Toney; and Messengers Willie Lunkin and Brenda Smith, for their faithful dedication and the high quality of the work and service which they have performed toward the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to each of the persons named herein.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 55—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Assaff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowern, D'Gerolamo, De Blieux, Denney, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A Landry, E. J. Landry, Latier, Lafleur, Leigh, Leithman, Lowe, McDaniel, Martin, Maubernet, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toea, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to David Poynter, Chief Clerk, and his staff for the services rendered the convention.

WHEREAS, David Poynter has provided the Constitutional Convention of Louisiana of 1973 with his excellent background and experience and has ably and faithfully served this convention in the capacity of Chief Clerk and Parliamentarian; and

WHEREAS, the convention has functioned smoothly and efficiently in its sessions largely due to the skillful performance of the office of the clerk of the convention under the direction of Mr. Poynter; and

WHEREAS, the accuracy of the official record of the convention, the daily journal, has been due to the close attention and supervision provided by Mr. Poynter and his staff; and

WHEREAS, the smooth operation of the office of Chief Clerk and the prompt attention to the myriad details in connection therewith is a tribute to the ability and dedication of Mr. Poynter and his staff, Edward Hardin, Assistant Chief Clerk, C. Wayne Hays, Journal Clerk, Samuel J. Bonnette, Jr., Calendar Clerk, Richard Broussard, Assistant Calendar Clerk, Eugene Limar, Assistant Endorsement Clerk, Julia LaBauve, Secretary to the Clerk, Alfred Speer, Head Page, Jules Regard, Assistant Head Page, and pages.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their deepest appreciation to David Poynter, Chief Clerk, and his staff, Edward Hardin, Assistant Chief Clerk, C. Wayne Hays, Journal Clerk, Samuel J. Bonnette, Jr., Calendar Clerk, Richard Broussard, Assistant Calendar Clerk, Eugene Limar, Assistant Endorsement Clerk, Julia LaBauve, Secretary to the Clerk, Alfred Speer, Head Page, Jules Regard, Assistant Head Page, and pages, for their invaluable services and the capable and untiring efforts that have contributed in large measure to the smooth and efficient operation of the convention and the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 56—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack, Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane Noble, Chief Clerk, Enrolling Room and her staff for the valuable services rendered the convention.

WHEREAS, the authenticity of all official proposals and resolutions introduced and the validity of all amendments thereto by the convention has been maintained largely due to the dedicated and skillful performance of Jane Noble, Chief Clerk, Enrolling Room and her staff; and

WHEREAS, Jane Noble and her staff, Agnes Hooper, Assistant Clerk, Margie Gaudin, Jean Glaze, Maxine Maglone, Claire Morvant, Jesse Noble, Elizabeth Politz, Mary Roush, Martha Schlicht, and Connie Swanner have labored diligently throughout the sessions of the convention and given tirelessly of themselves to provide the necessary assistance and accuracy which has greatly benefited the smooth operation of the office of the clerk of the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its sincere appreciation to Jane Noble and her staff, Agnes Hooper, Assistant Clerk, Margie Gaudin, Jean Glaze, Maxine Maglone, Claire Morvant, Jesse Noble, Elizabeth Politz, Mary Roush, Martha Schlicht, and Connie Swanner for the capable and untiring efforts that have greatly contributed to the smooth operation of the convention and the successful completion of writing a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 57—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca,

Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, iWisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane French, Chief Clerk, Official Transcript Office and her staff for the valuable services rendered the convention.

WHEREAS, the accuracy of the official transcripts of the convention has been largely due to the dedicated and skillful performance of Jane French, Chief Clerk, Official Transcript Office and her staff; and

WHEREAS, Jane French and her staff, Peggy Burgess, Barbara Clingo, Mary Crochet, Nancy Cross, Dorothy Flory, Carleen Huffstickler, Mike Lafleur, Marva Tuminello, Mary Wright, and Joyce Young have given tirelessly of themselves to provide the necessary assistance which has greatly benefited the smooth operation of the office of the clerk of the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its sincere appreciation to Jane French and her staff, Peggy Burgess, Barbara Clingo, Mary Crochet, Nancy Cross, Dorothy Flory, Carleen Huffstickler, Mike Lafleur, Marva Tuminello, Mary Wright, and Joyce Young for the capable and untiring efforts that have greatly contributed to the smooth operation of the convention and the successful completion of writing a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 58—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Labert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack, Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Legislature of the State of Louisiana.

WHEREAS, the enactment of Act 2 of 1972 by the members of the Legislature of the State of Louisiana made the Constitutional Convention of Louisiana of 1973 a reality; and

WHEREAS, the legislature has been very generous in its support of the convention by appropriating sufficient funds for its operations; and

WHEREAS, the legislature has made its own facilities available for the use of the convention when necessary; and

WHEREAS, the delegates to the Constitutional Convention of Louisiana of 1973 very much appreciate the support and assistance of the legislature; and

WHEREAS, the Constitutional Convention is privileged to have several outstanding members of the legislature, past and present, who have made lasting contributions to the history of our state and this convention; and

WHEREAS, delegates of the Constitutional Convention recognize the close parallels between constitutional law which they have been considering and statutory law which members of the legislature consider; and

WHEREAS, delegates to the Constitutional Convention of Louisiana of 1973 and members of the Legislature of the

State of Louisiana have a deep and abiding interest in the future of our state.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its appreciation to the Legislature of the State of Louisiana and its members individually, in this manner, for their invaluable contributions to the deliberations of this convention.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 59—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, DeBlieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Richard L. Barrios, Jr., Chief Sergeant-At-Arms, and his staff for the services rendered the convention.

WHEREAS, since its inception, the Constitutional Convention of Louisiana of 1973 has had the efficient and courteous services of Richard L. Barrios, Jr., as its Chief Sergeant-at-Arms; and

WHEREAS, the convention has been able to conduct its deliberations in an orderly and decorous manner because of the efficient work of Mr. Barrios and his staff, Sergeants-at Arms Wilmer Baudoin, L. G. Brassett, E. O. Cailleteau, Dan Campbell, Ellis Daigle, Joe Dazzio, Freddie Donald, Macon Gean, David Hamilton, Raymond Holloway, Eddie Joe, Heywood Jeffers, Joseph Keith, Bill Middleton, Steve Mogabgab, Joseph Richard, Mike Skinner, Charles Taylor; Security Personnel Wilson Chaney, Van Foster, Glenn Koepf, Lemmie Walker, and messengers.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their sincere appreciation to Mr. Barrios and his staff, Sergeants-at-Arms; Wilmer Baudoin, L. G. Brassett, E. O. Cailleteau, Dan Campbell, Ellis Daigle, Joe Dazzio, Freddie Donald, Macon Gean, David Hamilton, Raymond Holloway, Eddie Joe, Heywood Jeffers, Joseph Keith, Bill Middleton, Steve Mogabgab, Joseph Richard, Mike Skinner, Charles Taylor, Security Personnel; Wilson Chaney, Van Foster, Glen Koepf, Lemmie Walker, and messengers.

BE IT FURTHER RESOLVED, that his Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 60—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Billinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, DeBlieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dun-

lap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 of the staff personnel serving under the offices of the chairman of the convention and treasurer of the convention for the services rendered the convention.

WHEREAS, the office of the chairman of the convention has been ably and efficiently served by Gale B. Clausen, Personal Secretary to the Chairman, Roy Fugler, Assistant to the Chairman; and

WHEREAS, the office of the treasurer of the convention has been skillfully and capably assisted by Bernice Weaver, Chief Accountant, Brenda St. Romain, Assistant Accountant, and Carol Turk, Clerk; and

WHEREAS, these staff personnel have greatly contributed to the smooth and efficient operation of the Constitutional Convention of Louisiana of 1973.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their deep appreciation to Roy Fugler, Assistant to the Chairman, Bernice Weaver, Chief Accountant, Brenda St. Romain, Assistant Accountant, and Carol Turk, Clerk, for their capable and efficient efforts that have contributed to the smooth operation of the convention and the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 61—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, DeBlieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To express appreciation to the officials, operators and messengers of South Central Bell Telephone Company for the telephone services provided to the delegates of the Constitutional Convention of Louisiana of 1973.

WHEREAS, the South Central Bell Telephone Company has provided excellent telephone services to the delegates of the Constitutional Convention of Louisiana of 1973; and

WHEREAS, it is a real public service to make available to delegates telephone facilities in that the service greatly facilitates communication between each delegate and the people of the state; and

WHEREAS, the convenience of providing telephone and messenger service to the Constitutional Convention of Lou-

isiana of 1973 has helped tremendously in lessening the burden of performing our delegated duties, particularly since the service has been furnished with such competence and courtesy.

THEREFORE, BE IT RESOLVED, that the officials of the South Central Bell Telephone Company and the operators and messengers furnished by South Central Bell are hereby extended the official appreciation of the Constitutional Convention of Louisiana of 1973 and sincere personal commendation of each delegate thereof for their distinguished performance of a much needed service.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to South Central Bell Telephone Company.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 62—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchar, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend the members of the news media for their service to the public during the Constitutional Convention of Louisiana of 1973.

WHEREAS, the members of the news media of Louisiana, including the newspapers, radio, and television, have reported the actions and deliberations of the convention in its sessions and in its committee hearings for the past twelve and a half months with a sense of responsibility to the public and to their profession; and

WHEREAS, the members of the news media are to be commended for a job well done in relating the proceedings of this convention accurately and with a sense of history; and

WHEREAS, the people of this state have been informed of the progress and accomplishments of the convention.

THEREFORE, BE IT RESOLVED, by the Constitutional Convention of Louisiana of 1973, that the delegates of the convention take this means of commending the members of the news media for their excellent coverage of the events of this convention.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 63—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Land-

rum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchar, Pugh, Rachal, Rayburn, Reeves, Riecke, Romer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express sincere gratitude and appreciation to the Louisiana AFL-CIO for the use of equipment and workers.

WHEREAS, the Louisiana AFL-CIO has provided the most modern remote public address, audio, and recording equipment available for the use and convenience of the Constitutional Convention, and

WHEREAS, the Louisiana AFL-CIO has provided workers to operate said equipment, and

WHEREAS, these workers have spent many long hours operating and maintaining this equipment, and

WHEREAS, said equipment and workers have been indispensable to the effective and efficient operation of the Convention, and

WHEREAS, said equipment and workers would have been available to the Convention only at considerable expense to the Convention and their provision by the Louisiana AFL-CIO has resulted in great savings to the Convention, and

WHEREAS, this action on the part of the Louisiana AFL-CIO has been a great service to the Constitutional Convention and the people of the State of Louisiana.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commends and expresses its sincere gratitude and appreciation to the Louisiana AFL-CIO.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Louisiana AFL-CIO.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 64—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchar, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School, its dean, faculty, and staff for the use of its facilities.

WHEREAS, Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School, have graciously extended their hospitality to the Constitutional Convention of Louisiana of 1973 by providing working space in the Law Center and the use of the library and other facilities to the research staff of the convention; and

WHEREAS, the working space in the Law Center and the use of the Law School Library's extensive legal collection and other facilities have been provided by Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School without cost to the convention; and

WHEREAS, the dean, faculty, and staff members of the

Law School have graciously cooperated with the research staff and the Constitutional Convention of Louisiana of 1973.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its appreciation to Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School, its dean, faculty, and staff.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 65—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, DeBlieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Maubert, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Watigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the individuals who have assisted the convention.

WHEREAS, the task of writing a new constitution and the responsibilities of the delegates to the Constitutional Convention of Louisiana of 1973 have been complex and complicated; and

WHEREAS, the work of the convention would have been difficult to accomplish without the aid and assistance of the many people who aided and assisted the Constitutional Convention of Louisiana of 1973 before and during its existence; and

WHEREAS, for many months prior to the convening of the Constitutional Convention of Louisiana of 1973 and continuing through the year of the convention's existence the Louisiana Legislative Council and its staff has given invaluable assistance to the convention and its staff; and

WHEREAS, this assistance has been in the form of untold numbers of hours of advice, counsel, research, and other forms of assistance given graciously and whenever called upon; and

WHEREAS, in its beginnings, the research staff of the convention had to rely almost exclusively on the resources of the Legislative Council for its research capability; and

WHEREAS, the Division of Administration has worked very closely with the convention and in particular the office of the treasurer of the convention; and

WHEREAS, the Division of Administration at the outset of the convention assigned Jim Falkner, a member of its staff to assist the treasurer of the convention; and

WHEREAS, the decorum and safety within the convention hall and the areas in close proximity to the convention could not have been assured but for the unceasing efforts of the State Police officers assigned to the Constitutional Convention of Louisiana of 1973; and

WHEREAS, the staffs of the Speaker of the House of Representatives and the Clerk of the House have rendered valuable help and assistance to the convention and the delegates when called upon to do so; and

WHEREAS, the Secretary of State, the Attorney General,

and the Custodian of Voting Machines and their staffs have responded promptly and fairly when called upon to aid the convention in resolving some of the problems confronting it; and

WHEREAS, the courtesies which have so generously been supplied to the delegates to the Constitutional Convention of Louisiana of 1973 throughout its deliberations by the newspapers delivered daily by the Shreveport Journal without charge to the convention; and by the complimentary copies of "Citizen's Guide to the 1973 Constitutional Convention" and other material distributed by the Public Affairs Research Council of Louisiana greatly contributed to serving the needs of the delegates to the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its appreciation to the abovementioned individuals, agencies, organizations, and to all others who have contributed for the services they have rendered and the contributions they have made to the successful completion of a new constitution for the State of Louisiana.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons, agencies, and organizations named herein.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 66—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, DeBlieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Maubert, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Watigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Honorable Edwin W. Edwards, Governor of the State of Louisiana.

WHEREAS, the Honorable Edwin W. Edwards, Governor of the State of Louisiana, has long maintained that a need existed for a new constitution; and

WHEREAS, Governor Edwards advocated the calling of a constitutional convention during this campaign for governor; and

WHEREAS, soon after his inauguration, Governor Edwards began in earnest to work toward that end; and

WHEREAS, Governor Edwards sponsored legislation calling a constitutional convention; and

WHEREAS, that legislation became Act 2 of 1972 creating the Constitutional Convention of Louisiana of 1973; and

WHEREAS, Governor Edwards has maintained his interest and support throughout the deliberations of the convention; and

WHEREAS, the support of the Governor of this state is essential for the successful ratification of the new constitution; and

WHEREAS, the delegates to the Constitutional Convention of Louisiana of 1973 realize that the aid, support, interest, and cooperation of the Governor is desirable and necessary.

THEREFORE BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their sincere appreciation to the Honorable Edwin W. Edwards, Governor of the State of Louisiana, for his continuing interest and support of the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be

spread upon the official journal of the convention and that a copy hereof be transmitted to Governor Edwards.

Read.

On motion of Delegate Casey, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 67—

Introduced by Delegates Rayburn, Thompson, Brown, Reeves, Lambert and Nunez:

A RESOLUTION

Relative to the distribution of public information concerning the proposed Louisiana Constitution of 1974.

BE IT RESOLVED by the Constitutional Convention of Louisiana of 1973 that in the event the Committee on Public Information determines that information shall be disseminated to the people of the state through the medium of newspapers, said committee is hereby authorized and directed to take such steps as are necessary to assure that, where space is purchased, the information is printed at least in the official journal of each parish, and in all events shall make every effort to disseminate information relative to the proposed new constitution in the weekly newspapers throughout the state as well as in daily newspapers.

Read.

On motion of Delegate Thompson the rules were suspended in order to consider the adoption of the rules.

Motion

Delegate Perez moved the previous question of the resolution.

Delegate Rayburn objected.

By a vote of 91 yeas and 30 nays the previous question was ordered.

Delegate Thompson moved the adoption of the Resolution.

Delegate Juneau objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Pugh
Aertker	Fulco	Rachal
Alario	Ginn	Rayburn
Alexander	Grier	Reeves
Anzalone	Haynes	Roemer
Arnette	Heine	Segura
Avant	Hernandez	Shannon
Badeaux	Jack	Slay
Bel	Jackson, A.	Soniat
Brien	Lambert	Stagg
Brown	Landrum	Stinson
Burns	Landry, A.	Stovall
Bu. son	Landry, E. J.	Tapper
Cannon	Leigh	Thistlethwaite
Champagne	Leithman	Thompson
Chehardy	Lowe	Velazquez
Conino	Martin	Warren
D'Gerolamo	Maybuce	Wattigny
Dennis	Morris	Willis
Derbes	Munson	Winchester
Edwards	Nunez	Wisham
Elkins	O'Neill	Womack
Fayard	Ourso	
Flory	Planchard	
Total—70.		

NAYS

Delegates—		
Abraham	Bergeron	Casey
AssEFF	Bollinger	Chatelain

Conroy	Jenkins	Sandoz
Cowen	Jones	Schmitt
De Blieux	Juneau	Smith
Denery	Kean	Sutherland
Deshotels	Lanier	Tobias
Drew	LeBleu	Toca
Duval	Miller	Toomy
Goldman	Newton	Ullo
Graham	Perez	Vick
Guarisco	Perkins	Weiss
Hayes	Roy	Zervigon
Total—39.		

NOT VOTING

Delegates—		
Blair	Gravel	Mire
Carmouche	Hardee	Riecke
Comar	Jackson, J.	Singletary
Corne	Kelly	Stephenson
Dunlap	Kilbourne	Tate
Fontenot	Kilpatrick	Vesich
Gauthier	McDaniel	Wall
Giarrusso	Maubernet	
Total—23.		

And the Resolution was adopted.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:
State of Louisiana

Constitutional Convention
of 1973

January 19, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Denery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Reported with amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Delegate Proposal No. 98 by Delegate Henry, et al.

Amend Final Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, in Paragraph (A) of Section 2 change all references from "Article IX" to "Article VIII"

AMENDMENT No. 2—

On page 1, change "ARTICLE IX. EDUCATION" to "ARTICLE VIII. EDUCATION"

AMENDMENT No. 3—

On page 2, line 13, change "Section 22" to "Section 20"

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

PAGE 31

122nd Days Proceedings—January 19, 1974

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 19, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

SUPPLEMENTAL REPORT

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullio, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Reported with amendments.

Amendments proposed by Committee on Style and Drafting to Delegate Proposal No. 98 by Delegates Henry, et al.

Amend Final Enrollment Proposal as follows:

AMENDMENT No. 1—

In Delegate Proposal No. 98, in the Final Enrollment, Section 2, line 1, change "Section 2(A)" to "Section 39(A)" and after the word "Alternative" and before the partial word "con-" delete "Proposition No. 2A" and insert in lieu thereof "B" and on line 4, change "Article IX" to "Article VIII" and on line 5 change "Article IX" to "Article VIII" and after the word "in" delete the remainder of the line and insert "the proposed new constitution" and on line 6, delete "Number 7" and at the end of line 7, add "Alternative Article VIII shall be as follows:" and on line 8 change "Article IX." to "Article VIII."

AMENDMENT No. 2—

In Delegate Proposal No. 98, in the Final Enrollment, Section 2(B) on line 1, delete "2." and after the word "alternative" and before the word "concerning" delete the word "Proposition No. 2A" and insert in lieu thereof "B."

AMENDMENT No. 3—

Delete the text of Section 2 of Delegate Proposal No. 98 as amended and insert the said text as Section 39 in PART VI of Article XIV

AMENDMENT No. 4—

In Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted by the convention January 19, 1974, setting forth the organization of the proposed constitution at the end of the amendment add "PART IV"

Respectfully submitted,
ALBERT TATE, JR.,
Chairman.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

January 19, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

SUPPLEMENTAL REPORT

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Reported with amendments.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 7, line 20, change "Section 28." to "Section 40." and on line 22, change "Section 28. (A)" to "Section 40." and on line 22 after the word "Alternative" and before the word "concerning" delete "Proposition ----" and insert in lieu thereof "B"

AMENDMENT No. 2—

On page 7, line 25, at the beginning of the line, delete "----" and insert in lieu thereof the number "1" and after the word "Sections" delete the remainder of the line and insert in lieu thereof "1, 2, 3, 4, and 5" and at the beginning of line 26 delete "and ----" and at the end of the line add the word "the" and delete line 27 in its entirety and insert in lieu thereof the following:
"alternative is not approved, the following section shall be"

AMENDMENT No. 3—

On page 7, between lines 28 and 29 insert the following:
"Section 1. Educational Boards"

AMENDMENT No. 4—

On page 7, line 29, at the beginning of the line, delete "(B)" and insert in lieu thereof "Section 1."

AMENDMENT No. 5—

On page 8, delete lines 2, 3, and 4 and insert in lieu thereof the following:
"and to effectuate Article VIII, Section 5 of the alternative as set forth in Sections 38 and 39 of this Article."

AMENDMENT No. 6—

On page 8, line 14, delete "Article IX" and insert in lieu thereof "Article VIII"

AMENDMENT No. 7—

On page 8, delete lines 15 and 16 and insert in lieu thereof the following:
"3 and 5 of the alternative."

AMENDMENT No. 8—

Delete Section 1 of Delegate Proposal No. 98 and insert in lieu thereof the following in PART IV of Article XIV:

"Section 38. Alternative Proposition

Section 38. There shall be submitted to the people for the ratification of the proposed new constitution an official ballot containing the following propositions and instructions to voters:

OFFICIAL BALLOT

(Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed constitution and the alternative propositions are available for inspection at the polling place. If the proposed constitution receives a majority of the votes cast thereon and Alternative A below receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana. If the proposed constitution receives a majority of the votes cast thereon and Alternative B receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana, except that Article VIII of the proposed Constitution shall be deleted therefrom and Alternative Article VIII shall be inserted in lieu thereof. If the proposed constitution fails to receive a majority of the votes cast thereon, both of the alternative propositions shall also fail.)

PAGE 32

122nd Days Proceedings—January 19, 1974

Do you favor or oppose the adoption of the proposed 1974 Constitution?

(Vote for one)

FOR adoption of the proposed 1974 Constitution ---- 1
AGAINST adoption of the proposed 1974 Constitution ---- 2

ALTERNATIVE PROPOSITIONS

If the proposed 1974 Constitution is adopted, do you prefer (A) the governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities, or (B) the governance of higher education solely by a Board of Regents?

(Vote for one)

Alternative A For governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities -----3

or

Alternative B For governance of higher education solely by a Board of Regents -----4

AMENDMENT No. 9—

Make Section 28 of Committee Proposal No. 38 as amended Section 40 in PART IV of Article XIV

Respectfully submitted,
ALBERT TATE, JR.,
Chairman.

Suspension of the Rules

On motion of Delegate Tate the rules were suspended in order to take up the proposal contained in the Committee Report at this time.

Proposals on Calender for Approval of Final Styling

The following Proposals returned from the Committee on Style and Drafting for approval of final styling were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Delegate Proposal No. 98 by Delegate Henry, et al.

Amend Final Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 1, in Paragraph (A) of Section 2 change all references from "Article IX" to "Article VIII"

AMENDMENT No. 2—

On page 1, change "ARTICLE IX. EDUCATION" to "ARTICLE VIII. EDUCATION"

AMENDMENT No. 3—

On page 2, line 13, change "Section 22" to "Section 20"

Read.

On motion of Delegate Tate Amendment Nos. 1, 2, and 3 were adopted.

Proposals on Calender for Approval of Final Styling

The following Proposals returned from the Committee on

Style and Drafting for approval of final styling were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Conroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Read.

Amendments proposed by Committee on Style and Drafting to Delegate Proposal No. 98 by Delegates Henry, et al. Amend Final Enrollment Proposal as follows:

AMENDMENT No. 1—

In Delegate Proposal No. 98, in the Final Enrollment, Section 2, line 1, change "Section 2(A)" to "Section 39(A)" and after the word "Alternative" and before the partial word "con." delete "Proposition No. 2A" and insert in lieu thereof "B" and on line 4, change "Article IX" to "Article VIII" and on line 5 change "Article IX" to "Article VIII" and after the word "in" delete the remainder of the line and insert "the proposed new constitution" and on line 6, delete "Number 7" and at the end of line 7, add "Alternative Article VIII shall be as follows:" and on line 8 change "Article IX." to "Article VIII."

Read.

AMENDMENT No. 2—

In Delegate Proposal No. 98, in the Final Enrollment, Section 2(B) on line 1, delete "2." and after the word "alternative" and before the word "concerning" delete the word "Proposition No. 2A" and insert in lieu thereof "B".

AMENDMENT No. 3—

Delete the text of Section 2 of Delegate Proposal No. 98 as amended and insert the said text as Section 39 in PART VI of Article XIV

Read.

AMENDMENT No. 4—

In Committee Amendment No. 1 proposed by the Committee on Style and Drafting and adopted by the convention January 19, 1974, setting forth the organization of the proposed constitution at the end of the amendment add "PART IV"

Read.

On motion of Delegate Tate Amendment Nos 1, 2, 3, and 4 were adopted.

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

Read.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 38 by Delegate Zervigon, et al.

Amend First Enrollment Proposal as follows:

AMENDMENT No. 1—

On page 7, line 20, change "Section 28." to "Section 40." and on line 22, change "Section 28. (A)" to "Section 40." and on line 22 after the word "Alternative" and before the word "concerning" delete "Proposition ----" and insert in lieu thereof "B"

AMENDMENT No. 2—

On page 7, line 25, at the beginning of the line, delete "----" and insert in lieu thereof the number "1" and after the word "Sections" delete the remainder of the line and insert in lieu thereof "1, 2, 3, 4, and 5" and at the beginning of

line 26 delete "and ----" and at the end of the line add the word "the" and delete line 27 in its entirety and insert in lieu thereof the following:
"alternative is not approved, the following section shall be"

AMENDMENT No. 3—

On page 7, between lines 28 and 29 insert the following:
"Section 1. Educational Boards"

AMENDMENT No. 4—

On page 7, line 29, at the beginning of the line, delete "(B)" and insert in lieu thereof "Section 1."

AMENDMENT No. 5—

On page 8, delete lines 2, 3, and 4 and insert in lieu thereof the following:
"and to effectuate Article VIII, Section 5 of the alternative as set forth in Sections 38 and 39 of this Article."

AMENDMENT No. 6—

On page 8, line 14, delete "Article IX" and insert in lieu thereof "Article VIII"

AMENDMENT No. 7—

On page 8, delete lines 15 and 16 and insert in lieu thereof the following:
"3 and 5 of the alternative."

Read.

On motion of Delegate Tate Amendment Nos. 1 through 7 were adopted.

AMENDMENT No. 8—

Delete Section 1 of Delegate Proposal No. 98 and insert in lieu thereof the following in PART IV of Article XIV:
"Section 38. Alternative Proposition

Section 38. There shall be submitted to the people for the ratification of the proposed new constitution an official ballot containing the following propositions and instructions to voters:

OFFICIAL BALLOT

(Instructions to voters: Place an "X" in the boxes which express your preferences. The fully text of the proposed constitution and the alternative propositions are available for inspection at the polling place. If the proposed constitution receives a majority of the votes cast thereon and Alternative A below receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana. If the proposed constitution receives a majority of the votes cast thereon and Alternative B receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana, except that Article VIII of the proposed Constitution shall be deleted therefrom and Alternative Article VIII shall be inserted in lieu thereof. If the proposed constitution fails to receive a majority of the votes cast thereon, both of the alternative propositions shall also fail.)

Do you favor or oppose the adoption of the proposed 1974 Constitution?

(Vote for one)

FOR adoption of the proposed 1974 Constitution ---- 1
AGAINST adoption of the proposed 1974 Constitution ----- 2

ALTERNATIVE PROPOSITIONS

If the proposed 1974 Constitution is adopted, do you prefer

(A) the governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities, or (B) the governance of higher education solely by a Board of Regents?

(Vote for one)

Alternative A For governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities -----3

or

Alternative B For governance of higher education solely by a Board of Regents -----4

Read.

On motion of Delegate Tate Amendment No. 8 was adopted.

AMENDMENT No. 9—

Make Section 28 of Committee Proposal No. 38 as amended Section 40 in PART IV of Article XIV

Read.

On motion of Delegate Tate Amendment No. 9 was adopted.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 19, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Delegate Resolutions having been finally adopted by the Convention have been properly enrolled in final form:

Numbers: 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 19, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I am pleased to submit the following report:

That the following document constitutes the proposed constitution, including alternative propositions, of the Constitutional Convention of 1973 convened under the authority of Act No. 2 of the 1972 Regular Session of the Legislature, as amended, as that document is contained below the enacting clause of the several Committee and Delegate Proposals heretofore adopted by the Convention.

**CONSTITUTION
OF THE
STATE OF LOUISIANA
OF 1974**

PREAMBLE

- I. DECLARATION OF RIGHTS**
- II. DISTRIBUTION OF POWERS**
- III. LEGISLATIVE BRANCH**
- IV. EXECUTIVE BRANCH**
- V. JUDICIAL BRANCH**
- VI. LOCAL GOVERNMENT**
- VII. REVENUE AND FINANCE**
- VIII. EDUCATION**
- IX. NATURAL RESOURCES**
- X. PUBLIC OFFICIALS AND EMPLOYEES**
- XI. ELECTIONS**
- XII. GENERAL PROVISIONS**
- XIII. CONSTITUTIONAL REVISION**
- XIV. TRANSITIONAL PROVISIONS**

PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, or property, except by due process of law.

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations.

Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.

Section 4. Right to Property

Section 4. Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction. Personal effects, other than contraband, shall never be taken.

This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

Section 5. Right to Privacy

Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. 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. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

Section 6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

Section 7. Freedom of Expression

Section 7. No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.

Section 8. Freedom of Religion

Section 8. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Section 9. Right of Assembly and Petition

Section 9. No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances.

Section 10. Right to Vote

Section 10. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that 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.

Section 11. Right to Keep and Bear Arms

Section 11. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Section 12. Freedom from Discrimination

Section 12. In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

Section 13. Rights of the Accused

Section 13. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of

the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

Section 14. Right to Preliminary Examination

Section 14. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.

Section 15. Initiation of Prosecution

Section 15. Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained.

Section 16. Right to a Fair Trial

Section 16. Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf.

Section 17. Jury Trial in Criminal Cases

Section 17. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury.

Section 18. Right to Bail

Section 18. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.

Section 19. Right to Judicial Review

Section 19. No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

Section 20. Right to Humane Treatment

Section 20. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

Section 21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

Section 22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights.

Section 23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 24. Unenumerated Rights

Section 24. The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches

Section 1. The powers of government of the state are divided into three separate branches: legislative, executive, and judicial.

Section 2. Limitations on Each Branch

Section 2. Except as otherwise provided by this constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others.

ARTICLE III. LEGISLATIVE BRANCH

Section 1. Legislative Power; Composition; Continuous Body

Section 1. (A) Legislative Power of State. The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives. 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.

(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.

Section 2. Sessions

Section 2. (A) Annual Session. The legislature shall meet annually in regular session in the state capital for not more than sixty legislative days during a period of eighty-five calendar days. A legislative day is a calendar day on which either house is in session. No such session shall continue beyond the eighty-fifth calendar day after convening. The legislature shall convene at noon on the third Monday in April. No new matter intended to have the effect of law shall be introduced or received by either house after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. No measure levying a new tax or increasing an existing tax shall be introduced or enacted during a regular session held in an odd-numbered year.

(B) Extraordinary Session. The legislature may be convened at other times by the governor and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. The form of the petition shall be provided by law. At least five days prior to convening the legislature in extraordinary session, the governor or the presiding officers, as the case may be, shall issue a proclamation stating the objects of the session, the date on which it shall convene, and the number of days for which it is convened. The power to legislate shall be limited, under penalty of nullity, to the objects specifically enumerated in the proclamation. The session shall be limited to the number of days stated therein, which shall not exceed thirty calendar days.

(C) Emergency Session. The governor may convene the legislature in extraordinary session without prior notice or proclamation in the event of public emergency caused by epidemic, enemy attack, or public catastrophe.

Section 3. Size

Section 3. The number of members of the legislature shall be provided by law, but the number of senators shall not exceed thirty-nine and the number of representatives, one hundred five.

Section 4. Qualifications; Residence and Domicile Requirements; Term; Vacancies

Section 4. (A) Age; Residence; Domicile. An elector who at the time of qualification as a candidate has attained the age of eighteen years, resided in the state for the preceding two years, and been actually domiciled for the preceding year in the legislative district from which he seeks election is eligible for membership in the legislature.

(B) Domicile; Special Provisions. However, at the next regular election for members of the legislature following legislative reapportionment, an elector may qualify as a candidate from any district created in whole or in part from a district existing prior to reapportionment if he was domiciled in that prior district for at least one year immediately preceding his qualification and was a resident of the state for the two years preceding his qualification. The seat of any member who changes his domicile from the district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of retention of domicile to the contrary notwithstanding.

(C) Term. A member of the legislature shall be elected for a four-year term.

(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.

Section 5. Taking Office

Section 5. (A) Full Term. Members of the legislature shall take office on the same day as the governor and other officials elected statewide.

(B) Filling Vacancy. 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.

Section 6. Legislative Reapportionment; Reapportionment by Supreme Court; Procedure

Section 6. (A) Reapportionment by Legislature. By the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall reapportion the representation in each house as equally as practicable on the basis of population shown by the census.

(B) Reapportionment by Supreme Court. If the legislature fails to reapportion as required in Paragraph (A), the supreme court, upon petition of any elector, shall reapportion the representation in each house as provided in Paragraph (A).

(C) Procedure. The procedure for review and for petition shall be provided by law.

Section 7. Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion; Subpoenas; Contempt; Officers

Section 7. (A) Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion. Each house shall be the judge of the qualifications and elections of its members; shall determine its rules of procedure, not inconsistent with the provisions of this constitution; may punish its members for disorderly conduct or contempt; and may expel a member with concurrence of two-thirds of its elected members. Expulsion creates a vacancy in the office.

(B) Subpoena Power; Contempt. Each house may compel the attendance and testimony of witnesses and the production of books and papers before it, before any committee thereof, or before joint committees of the houses and may punish those in willful disobedience of its orders for contempt.

(C) Officers. Each house shall choose its officers, including a permanent presiding officer selected from its membership. The presiding officers shall be the president of the Senate and the speaker of the House of Representatives. The clerical officers shall be the clerk of the House of Rep-

resentatives and the secretary of the Senate, each of whom may administer oaths.

Section 8. Privileges and Immunities

Section 8. A member of the legislature shall be privileged from arrest, except for felony, during his attendance at sessions and committee meetings of his house and while going to and from them. No member shall be questioned elsewhere for any speech in either house.

Section 9. Conflict of Interest

Section 9. Legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature.

Section 10. Quorum; Compulsory Attendance; Journal; Adjournment With Consent of Other House

Section 10. (A) Quorum. Not less than a majority of the elected members of each house shall form a quorum to transact business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members.

(B) Journal. Each house shall keep a journal of its proceedings and have it published immediately after the close of each session. The journal shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays, with each member's vote published in the journal.

(C) Adjournment. When the legislature is in session, neither house shall adjourn for more than three days or to another place without consent of the other house.

Section 11. Legislative Auditor

Section 11. There shall be a legislative auditor responsible solely to the legislature. He shall serve as a fiscal advisor to it and shall perform the duties and functions provided by law related to auditing fiscal records of the state, its agencies, and political subdivisions. He shall be elected by the concurrence of a majority of the elected members of each house and may be removed by the concurrence of two-thirds of the elected members of each house.

Section 12. Prohibited Local and Special Laws

Section 12. (A) Prohibitions. Except as otherwise provided in this constitution, the legislature shall not pass a local or special law:

(1) For the holding and conducting of elections, or fixing or changing the place of voting.

(2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property.

(3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

(4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the constructing of street passenger railroads in any incorporated town or city.

(5) Exempting property from taxation; extending the time for the assessment or collection of taxes; relieving an assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; refunding moneys legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.

(7) Creating private corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

(8) Regulating the management of parish or city public schools, the building or repairing of parish or city schoolhouses, and the raising of money for such purposes.

(9) Legalizing the unauthorized or invalid acts of any officer, employee, or agent of the state, its agencies, or political subdivisions.

(10) Defining any crime.

(B) Additional Prohibition. The legislature shall not indirectly enact special or local laws by the partial repeal or suspension of a general law.

Section 13. Local or Special Laws; Notice of Intent; Publication

Section 13. No local or special law shall be enacted unless notice of the intent to introduce a bill to enact such a law has been published on two separate days, without cost to the state, in the official journal of the locality where the matter to be affected is situated. The last day of publication shall be at least thirty days prior to introduction of the bill. The notice shall state the substance of the contemplated law, and every such bill shall recite that notice has been given.

Section 14. Style of Laws; Enacting Clause

Section 14. The style of a law enacted by the legislature shall be, "Be it enacted by the Legislature of Louisiana." It shall be unnecessary to repeat the enacting clause after the first section of an act.

Section 15. Passage of Bills

Section 15. (A) Introduction; Title; Single Object; Public Meetings. The legislature shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution introduced during that session, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting.

(B) No General Reference. A bill enacting, amending, or reviving a law shall set forth completely the provisions of the law enacted, amended, or revived. No system or code of laws shall be adopted by general reference to it.

(C) Germane Amendments. No bill shall be amended in either house to make a change not germane to the bill as introduced.

(D) Three Readings. Each bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless a committee has held a public hearing and reported on the bill.

(E) Rejected Bills; Reconsideration. No bill rejected by either house may again be introduced or considered during the same session by the house which rejected it without the consent of a majority of the members elected to that house.

(F) Concurrence in Amendments. No amendment to a bill by one house shall be concurred in by the other, and no conference committee report shall be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote.

(G) Majority Vote; Record Vote. No bill shall become law without the favorable vote of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. In either house, a record vote shall be taken on any matter upon the request of one-fifth of the elected members.

Section 16. Appropriations

Section 16. (A) Specific Appropriation for One Year. Except as otherwise provided by this constitution, no money shall be withdrawn from the state treasury except through specific appropriation, and no appropriation shall be made under the heading of contingencies or for longer than one year.

(B) Origin in House of Representatives. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

(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.

(D) Specific Purpose and Amount. All other bills for

appropriating money shall be for a specific purpose and amount.

(E) Extraordinary Session. Except for expenses of the legislature, a bill appropriating money in an extraordinary session convened after final adjournment of the regular session in the last year of the term of office of a governor shall require the favorable vote of three-fourths of the elected members of each house.

Section 17. Signing of Bills; Delivery to Governor

Section 17. (A) Signing; Delivery. A bill passed by both houses shall be signed by the presiding officers and delivered to the governor within three days after passage.

(B) Resolutions. No joint, concurrent, or other resolution shall require the signature or other action of the governor to become effective.

Section 18. Signature of Governor on Bills; Veto

Section 18. (A) Gubernatorial 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.

(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.

(C) Veto Session. The legislature shall meet in veto session in the state capital at noon on the fortieth day following final adjournment of the most recent session, to consider all bills vetoed by the governor. If the fortieth day falls on Sunday, the session shall convene at noon on the succeeding Monday. No veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

No veto session shall be held if a majority of the elected members of either house declare in writing that a veto session is unnecessary. The declaration must be received by the presiding officer of the respective houses at least five days prior to the day on which the veto session is to convene.

Section 19. Effective Date of Laws

Section 19. All laws shall take effect on the sixtieth day after final adjournment of the session in which they were enacted, and shall be published prior thereto in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date.

Section 20. Suspension of Laws

Section 20. Only the legislature may suspend a law, and then only by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law. After the effective date of this constitution, every resolution suspending a law shall fix the period of suspension, which shall not extend beyond the sixtieth day after final adjournment of the next regular session.

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition; Number of Departments; Reorganization

Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.

(B) Number of Departments. Except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments. The powers, functions, and duties allocated by this constitution to any executive office or commission shall not be affected or diminished by the allocation provided herein except as authorized by Section 20 of this Article.

(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. 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 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. Election; Term

Section 3. (A) Election. The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections each 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 such official shall begin at noon on the second Monday in March next following the election.

(B) Limitation on Governor. 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.

(C) Additional Limitation. Except as provided by this constitution, no official shall be elected statewide.

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 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 office.

(D) Operating and Capital Budget. The governor shall submit to the legislature an operating budget and a capital budget, as provided by Article VII, Section 11 of this constitution.

(E) 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 state, and remit fines and forfeitures imposed for such offenses. 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) 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.

(F) 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.

(G) 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 a bill over a veto.

(2) The governor shall veto line items or use means provided in the bill so that total appropriations for the year shall not exceed anticipated revenues for that year.

(H) 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 name of an appointee 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, unless submitted to and confirmed by the Senate during that session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(I) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

(J) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out these forces to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(K) Other Powers and Duties. The governor shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 6. Lieutenant Governor; Powers and Duties

Section 6. The lieutenant governor shall serve ex officio as a member of each committee, board, and commission on which the governor serves. He shall exercise the powers delegated to him by the governor and shall have other powers and perform other duties in the executive branch authorized by this constitution or provided by law.

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 trademark laws; serve as keeper of the Great Seal of the State of Louisiana 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. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.

Section 9. Treasurer; Powers and Duties

Section 9. There shall be a Department of the Treasury.

The treasurer shall head the department and shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and shall have other powers and perform other duties authorized by this constitution or provided by law.

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. 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 powers and perform duties authorized by this constitution or provided by law.

Section 12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 13. First Assistants; Appointment

Section 13. Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit the appointment to the Senate in the manner and subject to the procedures and limitations applicable to appointments submitted by the governor. The first assistant shall possess the qualifications required for election to the office.

Section 14. Vacancy in Office of Governor

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law. The successor shall serve the remainder of the term for which the governor was elected.

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 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.

Section 17. Declaration of Inability by Statewide Elected Officials

Section 17. 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 18. Determination of Inability of Statewide Elected Official

Section 18. (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.

(B) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the 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, the official shall continue in or resume office.

(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.

(D) Determination by Supreme Court. By preference and with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to the court, under such rules as it may adopt.

(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 19. Temporary Absences

Section 19. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence.

Section 20. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 20. After the first election of state officials following the effective date of this constitution, the legislature may provide, by law enacted by two-thirds of the elected members of each house, 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. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

Section 21. Public Service Commission

Section 21. (A) Composition; Term; Domicile. There shall be a Public Service Commission in the executive branch. It shall consist of five members, who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law. Each commissioner serving on the effective date of this constitution shall be the commissioner for the new district in which he resides and shall complete the term for which he was elected. The commission annually shall elect one member as chairman. It shall be domiciled at the state capital, but may meet, conduct investigations, and render orders elsewhere in this state.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This Paragraph shall not apply to safety regulations pertaining to the operation of such utilities.

(D) Applications, Petitions, and Schedules; Protective Bond and Security. (1) Within twenty days after a common carrier or public utility files a proposed rate schedule which would result in a change in rates, it shall give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months after the effective filing date, the commission shall render a full decision on each application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in a rate increase, the commission may permit the proposed schedule to be put into effect, in whole or in part, pending its decision on the application for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only if and as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If a proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.

(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. These rights of appeal shall extend to any action by the commission, including but not limited to action taken by the commission or by a public utility under the provisions of Subparagraph (3) of Paragraph (D) of this Section.

ARTICLE V. JUDICIAL BRANCH

Section 1. Judicial Power

Section 1. The judicial power is vested in a supreme court, courts of appeal, district courts, and other courts authorized by this Article.

Section 2. Habeas Corpus, Needful Writs, Orders and Process; Contempt

Section 2. A judge may issue writs of habeas corpus and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law.

Section 3. Supreme Court; Composition; Judgments; Terms

Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a supreme court judge shall be ten years.

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.

Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) Supervisory Jurisdiction; Rule-Making Power; Assignment of Judges. The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court.

(B) Original Jurisdiction. The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar.

(C) Scope of Review. Except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) Appellate Jurisdiction. In addition to other appeals provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional; (2) the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed.

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

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it.

Section 6. Supreme Court; Chief Justice

Section 6. The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Section 7. Supreme Court; Personnel

Section 7. The supreme court may select a judicial administrator, its clerks, and other personnel and prescribe their duties.

Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms

Section 8. (A) Circuits; Panels. The state shall be divided into at least four circuits, with one court of appeal in each. Each court shall sit in panels of at least three judges selected according to rules adopted by the court.

(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 before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

(C) Terms. The term of a court of appeal judge shall be ten years.

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.

Section 10. Courts of Appeal; Jurisdiction

Section 10. (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.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal extends to law and facts.

Section 11. Courts of Appeal; Certification

Section 11. A court of appeal may certify any question

of law before it to the supreme court, and the supreme court then may give its binding instruction or decide the case upon the whole record.

Section 12. Courts of Appeal; Chief Judge

Section 12. The judge oldest in point of service on each court of appeal shall be chief judge of that court and shall administer the court subject to rules adopted by it.

Section 13. Courts of Appeal; Personnel

Section 13. Each court of appeal may select its clerk and other personnel and prescribe their duties.

Section 14. District Courts; Judicial Districts

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.

Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15. (A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family, juvenile, parish, city, and magistrate courts existing on the effective date of this constitution are retained. Subject to the limitations in Sections 16 and 21 of this Article, the legislature by law may abolish or merge trial courts of limited or specialized jurisdiction. The legislature by law may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 21 of this Article, the legislature by law may establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(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.

Section 16. District Courts; Jurisdiction

Section 16. (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 corporation, or political subdivisions, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships.

(B) Appellate Jurisdiction. A district court shall have appellate jurisdiction as provided by law.

Section 17. District Courts; Chief Judge

Section 17. Each district court shall elect from its members a chief judge who shall exercise, for a term designated by the court, the administrative functions prescribed by rule of court.

Section 18. Juvenile and Family 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.

Section 19. Special Juvenile Procedures

Section 19. Except for a person fifteen 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 two-thirds 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 procedures would apply in individual cases.

Section 20. Mayors' Courts; Justice of the Peace Courts
Section 20. Mayors' courts and justice of the peace courts existing on the effective date of this constitution are continued, subject to change by law.

Section 21. Judges; Decrease in Terms and Compensation Prohibited

Section 21. The term of office, retirement benefits, and compensation of a judge shall not be decreased during the term for which he is elected.

Section 22. Judges; Election; Vacancy

Section 22. (A) Election. Except as otherwise provided in this Section, all judges shall be elected. Election shall be at the regular congressional election.

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within six months after 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, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

(C) End of Term. A judge serving on the effective date of this constitution shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the year of a regular congressional election, then through December thirty-first of the following year. The election for the next term shall be held in the year in which the term expires, as provided above.

Section 23. Judges; Retirement

Section 23. (A) Retirement System. Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the law enacting the system and in which a judge in office at that time may elect to become a member, with credit for all prior years of judicial service and without contribution therefor. The retirement benefits and judicial service rights of a judge in office or retired on the effective date of this constitution shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

(B) Mandatory Retirement. Except as otherwise provided in this Section, a judge shall not remain in office beyond his seventieth birthday.

Section 24. Judges; Qualifications

Section 24. 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.

Section 25. Judiciary Commission

Section 25. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges' Association or its successor.

(B) Term; Vacancy. A member of the commission shall serve a four-year term and shall be ineligible to succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty,

wilful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.

Section 26. District Attorneys

Section 26. (A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years preceding election. A district attorney may select assistants as authorized by law, and other personnel.

(B) Powers. Except as otherwise provided by this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law.

(C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge. A violation of this Paragraph shall be cause for removal.

Section 27. Sheriffs

Section 27. In each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and license fees as provided by law. This Section shall not apply to Orleans Parish.

Section 28. Clerks of Court

Section 28. (A) Powers and Duties; Deputies. In each parish a clerk of the district court shall be elected for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have other duties and powers provided by law. The clerk may appoint deputies with duties and powers provided by law and, with the approval of the district judges, he may appoint minute clerks with duties and powers provided by law.

(B) Office Hours. The legislature shall establish uniform statewide office hours for clerks of the district courts.

Section 29. Coroners

Section 29. In each parish a coroner shall be elected for a term of four years. He shall be a licensed physician and possess the other qualifications and perform the duties provided by law. The requirement that he be a licensed physician shall be inapplicable in any parish in which no licensed physician will accept the office.

Section 30. Vacancies

Section 30. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated: (1) sheriff, by the chief criminal deputy; (2) district attorney, by the first assistant; (3) clerk of a district court, by the chief deputy; (4) coroner, by the chief deputy. If there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

adopted such a home rule charter or plan of government

Section 31. Reduction of Salaries and Benefits Prohibited
Section 31. The salary and retirement benefits of an attorney general, district attorney, sheriff, coroner, or clerk of the district court shall not be diminished during his term of office.

Section 32. Orleans Parish Courts, Officials

Section 32. 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.

Section 33. Jurors

Section 33. (A) Qualifications. A citizen of the state who has reached the age of majority is eligible to serve as a juror within the parish in which he is domiciled. The legislature may provide additional qualifications.

(B) Exemptions. The supreme court shall provide by rule for exemption of jurors.

Section 34. Grand Jury

Section 34. (A) Grand Jury. There shall be a grand jury or grand juries in each parish, whose qualifications, duties, and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of witnesses, shall be provided by law.

(B) Right to Counsel. The legislature may establish by law terms and conditions under which a witness may have the right to the advice of counsel while testifying before the grand jury.

ARTICLE VI. LOCAL GOVERNMENT

PART I. GENERAL PROVISIONS

Section 1. Parishes

Section 1. (A) Parishes and Boundaries Ratified. Parishes and their boundaries as established on the effective date of this constitution are recognized and ratified.

(B) Creation; Dissolution; Merger; Boundaries. The legislature by law may establish and organize new parishes, dissolve and merge parishes, and change parish boundaries if approved by two-thirds of the electors in each parish affected voting thereon at an election held for that purpose.

(C) Change of Parish Seat. The governing authority of a parish may call an election on the question of changing the parish seat. The parish seat shall be changed if approved by two-thirds of the electors voting thereon.

(D) Adjustment of Assets and Liabilities. When a parish is enlarged or established from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Section 2. Municipalities

Section 2. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall create a municipal corporation or amend, modify, or repeal a municipal charter. However, a special legislative charter existing on the effective date of this constitution may be amended, modified, or repealed by local or special law.

Section 3. Classification

Section 3. The legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of the classification. Legislation may be limited in its effect to any of such class or classes.

Section 4. Existing Home Rule Charters and Plans of Government

Section 4. Every home rule charter or plan of government existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with this constitution, each local governmental subdivision which has

shall retain the powers, functions, and duties in effect when this constitution is adopted. If its charter permits, each of them also shall have the right to powers and functions granted to other local governmental subdivisions.

Section 5. Home Rule Charter

Section 5. (A) Authority to Adopt; Commission. Subject to and not inconsistent with this constitution, any local governmental subdivision may draft, adopt, or amend a home rule charter in accordance with this Section. The governing authority of a local governmental subdivision may appoint a commission to prepare and propose a charter or an alternate charter, or it may call an election to elect such a commission.

(B) Petition to Elect Commission. The governing authority shall call an election to elect such a commission when presented with a petition signed by not less than ten percent of the electors or ten thousand electors, whichever is fewer, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) Adoption; Amendment; Repeal. A home rule charter shall be adopted, amended, or repealed when approved by a majority of the electors voting thereon at an election held for that purpose.

(D) Adoption by Two or More Local Governmental Subdivisions. Two or more local governmental subdivisions within the boundaries of one parish may adopt a home rule charter under this Section if approved by a majority of the electors in each affected local governmental subdivision voting thereon in an election held for that purpose. The legislature shall provide by law the method of appointment or election of a commission to prepare and propose a charter consistent with Paragraph (A) of this Section and the method by which the electors may petition for an election consistent with Paragraph (B) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision.

(E) Structure and Organization; Powers; Functions. A home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution.

(F) Additional Powers and Functions. Except as prohibited by its charter, a local governmental subdivision adopting a home rule charter under this Section shall have the additional powers and functions granted to local governmental subdivisions by other provisions of this constitution.

(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 law.

Section 6. Home Rule Charter or Plan of Government; Action by Legislature Prohibited

Section 6. The legislature shall enact no law the effect of which changes or affects the structure and organization or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

Section 7. Powers of Other Local Governmental Subdivisions

Section 7. (A) Powers and Functions. Subject to and not inconsistent with this constitution, the governing authority of a local governmental subdivision which has no home rule charter or plan of government may exercise any power and perform any function necessary, requisite, or proper for the management of its affairs, not denied by its charter or by general law, 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 powers. Otherwise, the local governmental subdivision shall have the powers authorized by this constitution or by law.

(B) Parish Officials and School Boards Not Affected. Nothing in this Section shall affect the powers and functions of a school board or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner.

Section 8. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 8. No parish plan of government or home rule charter shall prohibit the incorporation of a city, town, or village as provided by general law.

Section 9. Limitations of Local Governmental Subdivisions

Section 9. (A) Limitations. No local governmental subdivision shall (1) define and provide for the punishment of a felony; or (2) except as provided by law, enact an ordinance governing private or civil relationships.

(B) Police Power Not Abridged. Notwithstanding any provision of this Article, the police power of the state shall never be abridged.

Section 10. Codification of Ordinances

Section 10. Within two years after the effective date of this constitution, the governing authority of each political subdivision shall have a code prepared containing all of its general ordinances. When the code is prepared, the governing authority shall make copies available for public distribution. All general ordinances adopted after the approval of the code shall be amendments or additions to the code.

Section 11. Local Officials

Section 11. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members from single-member districts.

Section 12. Local Officials; Compensation

Section 12. The compensation or method of fixing the compensation of an elected official of any local governmental subdivision which operates under a home rule charter or plan of government, as provided in Sections 4 and 5 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of an elected official of any other local governmental subdivision shall be provided by law. Compensation of a local official shall not be reduced during the term for which he is elected.

Section 13. Vacancies

Section 13. (A) Vacancy; Appointment. Except as otherwise provided by this constitution, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a school district shall be filled by appointment by the particular governing authority of the local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

(B) Exception. This Section shall apply to each local governmental subdivision unless otherwise provided by its home rule charter or plan of government.

Section 14. Increasing Financial Burden of Political Subdivisions

Section 14. No law requiring increased expenditures for wages, hours, working conditions, pension and retirement benefits, vacation, or sick leave benefits of political subdivision employees, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall become effective until approved by ordinance enacted by the governing authority of the affected political subdivision or until the legislature appropriates funds for the purpose to the affected political subdivision and only to the extent and amount that such funds are provided. This Section shall not apply to a school board.

Section 15. Local Governmental Subdivisions; Control Over Agencies

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. Special Districts and Local Public Agencies

Section 16. (A) Consolidation. A local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the local governmental subdivision. Upon the consolidation and merger, the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, ju-

isdiction, authority, and powers of the special district or local public agency. 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 the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting thereon in an election held for that purpose in the local governmental subdivision in which the agency is located.

(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.

Section 17. Land Use; Zoning; Historic Preservation

Section 17. Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures. Existing constitutional authority for historic preservation commissions is retained.

Section 18. Industrial Areas

Section 18. (A) Authorization. The legislature by law may authorize parishes to create and define industrial areas within their boundaries in accordance with procedures and subject to regulations which it determines. An industrial area shall not be a political subdivision of the state.

(B) 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 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.

Section 19. Special Districts; Creation

Section 19. Subject to and not inconsistent with this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation and the power to incur debt and issue bonds.

Section 20. Intergovernmental Cooperation

Section 20. Except as otherwise provided by law, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, or with the United States or its agencies.

Section 21. Assistance to Local Industry

Section 21. (A) Authorization. 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, (2) provide for the establishment and furnishing of such industrial plant, or (3) provide movable or immovable property, or both, for pollution control facilities, the legislature by law may authorize, subject to restrictions it may impose, any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district to

(a) issue bonds, subject to approval by the State Bond Commission or its successor, and use the funds derived from the sale of the bonds to acquire and improve industrial plant sites and other property necessary to the purposes thereof;

(b) acquire, through purchase, donation, exchange, and (subject to Article I, Section 4) expropriation, and improve

industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and

(c) sell, lease, lease-purchase, or demolish all or any part of the foregoing.

(B) Property Expropriated; Sale to Aliens Prohibited. No property expropriated under the authority of this Section shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

(C) Exception. This Section shall not apply to a school board.

Section 22. Procedure for Certain Special Elections

Section 22. When an election is required in a political subdivision under the provisions of this constitution which require submission to the electors of a proposition or question, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by the law then in effect pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, or as may be otherwise provided by law.

Section 23. Acquisition of Property

Section 23. Subject to and not inconsistent with this constitution and subject to restrictions provided by general law, political subdivisions may acquire property for any public purpose by purchase, donation, expropriation, exchange, or otherwise.

Section 24. Servitudes of Way; Acquisition by Prescription

Section 24. The public, represented by local governmental subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Section 25. Courts Not Affected

Section 25. Notwithstanding any provision of this Article, courts and their officers may be established or affected only as provided in Article V of this constitution.

PART II. FINANCE

Section 26. Parish Ad Valorem Tax

Section 26. (A) Parish Tax for General Purposes; Millage Limits; Increase. The governing authority of a parish may levy annually an ad valorem tax for general purposes not to exceed four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills, and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors voting thereon in an election held for that purpose.

(B) Millage Increase Not for General Purposes. When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) Parish Tax in Municipality. The amount of the parish tax for general purposes which any parish, except Orleans Parish, may levy, without a vote of the electors, on property located wholly within any municipality which has a population exceeding one thousand inhabitants according to the last federal decennial census, or other census authorized by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

(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.

Section 27. Municipal Ad Valorem Tax

Section 27. (A) Municipal Tax for General Purposes; Millage Limits; Increase. The governing authority of a municipality may levy annually an ad valorem tax for general purposes not to exceed seven mills on the dollar of assessed valuation. However, if a municipality, by its charter or by law, is exempt from payment of parish taxes or, under legislative or constitutional authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors voting thereon in an election held for that purpose.

(B) Millage Increase Not for General Purposes. When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) Exception. This Section shall not apply to the city of New Orleans.

Section 28. Local Governmental Subdivisions; Occupational License Tax

Section 28. The governing authority of a local governmental subdivision may impose an occupational license tax not greater than that imposed by the state. Those who pay a municipal occupational license tax shall be exempt from a parish occupational license tax in the amount of the municipal tax. The governing authority of a local governmental subdivision may impose an occupational license tax greater than that imposed by the state when authorized by law enacted by the favorable vote of two-thirds of the elected members of each house of the legislature.

Section 29. Local Governmental Subdivisions and School Boards; Sales Tax

Section 29. (A) Sales Tax Authorized. Except as otherwise authorized in a home rule charter as provided for in Section 4 of this Article, the governing authority of any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose. The rate thereof, when combined with the rate of all other sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent.

(B) Additional Sales Tax Authorized. However, the legislature, by general or by local 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.

(C) Bonds; Security. Nothing in this Section shall affect any sales or use tax authorized or imposed on the effective date of this constitution or affect or impair the security of any bonds payable from the proceeds of the tax.

(D) Exemptions; Protection of Bonds. Except when bonds secured thereby have been authorized, the legislature by law may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state.

Section 30. Political Subdivisions; Taxing Power

Section 30. 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.

Section 31. Taxes; Ratification

Section 31. Any tax validly being levied by a political subdivision under prior legislative or constitutional authority on the effective date of this constitution is ratified.

Section 32. Special Taxes; Authorization

Section 32. For the purpose of acquiring, constructing, improving, maintaining or operating any work of public improvement, a political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote thereon in an election held for that purpose.

Section 33. Political Subdivisions; General Obligation Bonds

Section 33. (A) Authorization. Subject to approval by the State Bond Commission or its successor, general obligation

bonds may be issued only after authorization by a majority of the electors voting on the proposition at an election in the political subdivision issuing the bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely to retire the refunded indebtedness or bonds and to pay interest thereon and redemption premiums, if any, to the time of retirement.

(B) Full Faith and Credit. The full faith and credit of a political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Section 34. Limitations on Bonded Indebtedness

Section 34. The legislature by law shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions.

Section 35. Contesting Political Subdivision Bonds

Section 35. (A) Contesting Election; Time Limit. For sixty days after promulgation of the result of an election held to incur or assume debt, issue bonds, or levy a tax, any person in interest may contest the legality of the election, the bond issue provided for, or the tax authorized, for any cause. After that time no one shall have any cause or right of action to contest the regularity, formality, or legality of the election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for is not raised within the sixty days, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Contesting Ordinance or Resolution; Time Limit. Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision or, if there is none, in a newspaper having general circulation therein. For thirty days after the date of publication, any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.

Section 36. Local Improvement Assessments

Section 36. (A) Authorization. The legislature shall provide by general law or by local or special law the procedures by which a political subdivision may levy and collect local or special assessments on real property for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of Indebtedness; Security. Certificates of indebtedness may be issued to cover the cost of any such public improvement. They shall be secured by the pledge of the local or special assessments levied therefor and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) Exception. This Section shall not apply to a school board.

Section 37. Revenue-Producing Property

Section 37. (A) Authorization. The legislature by law may authorize political subdivisions to issue bonds or other debt obligations to construct, acquire, extend, or improve any revenue-producing public utility or work of public improvement. The bonds or other debt obligations may be secured

by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of the public utility or work of public improvement. They shall not be a charge upon the other income and revenues of the political subdivision.

(B) Exception. This Section shall not apply to a school board.

PART III. LEVEE DISTRICTS

Section 38. Levee Districts

Section 38. (A) Retention; Reorganization; Consolidation. Levee districts as organized and constituted on January 1, 1974 shall continue to exist, except that

(1) The legislature may provide by law for the consolidation, division, or reorganization of existing levee districts or may create new levee districts. However, the members of the board of commissioners of a district heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.

(2) A levee district whose flood control responsibilities are limited to and which is situated entirely within one 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.

(B) Obligation of Contract Affirmed. No action taken under this Section shall impair the obligation of outstanding bonded indebtedness or of any other contract of a levee district.

Section 39. Levee District Taxes

Section 39. (A) District Tax; Millage Limit. For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district may levy annually a tax not to exceed five mills, 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 subject to overflow.

(B) Millage Increase. If the necessity to raise additional funds arises in any levee district for any purpose set forth in Paragraph (A), or for any other purpose related to its authorized powers and functions as specified by law, the tax may be increased. 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.

Section 40. Bond Issues

Section 40. (A) Authorization. Subject to approval by the State Bond Commission or its successor, the governing authority of a levee district may fund the proceeds of its taxes or other revenues into bonds or other evidences of indebtedness. Proceeds thus derived shall be used for the purposes mentioned in Part III of this Article or for the funding or payment of any outstanding indebtedness.

(B) Sale. Bonds issued under the authority of Paragraph (A) shall be sold as provided by law concerning the issuance of bonds by levee districts.

Section 41. Cooperation with Federal Government

Section 41. The governing authority of any levee district may cooperate with the federal government in constructing and maintaining levees in this state, under terms and conditions provided by the federal authorities and accepted by the governing authority.

Section 42. Compensation for Property Used or Destroyed; Tax

Section 42. (A) Compensation. Notwithstanding any contrary provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law. However, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to bature or to property the control of which is vested in the state or any political subdivision for the pur-

pose of commerce. 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.

(B) Appropriation. Nothing in this Section shall prevent the appropriation of such property before payment.

PART IV. PORT COMMISSIONS AND DISTRICTS

Section 43. Port Commissions and Districts

Section 43. All deep-water port commissions and all deep-water port, harbor, and terminal districts as organized and constituted on January 1, 1974, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that

(1) The legislature by law may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts.

(2) Only by law enacted by the favorable vote of two-thirds of the elected members of each house, may the legislature consolidate or abolish any such commission or district or diminish, reduce, or withdraw from any such commission or district any of its powers and functions and affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions to or reductions of its territorial jurisdiction.

(3) The legislature shall enact laws with respect to the membership of the commissions provided in this Section. Once the law with respect to membership is enacted, it may be changed only by law enacted by the favorable vote of two-thirds of the elected members of each house.

PART V. DEFINITIONS

Section 44. Terms Defined

Section 44. As used in this Article:

(1) "Local governmental subdivision" means any parish or municipality.

(2) "Political subdivision" means 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.

(3) "Municipality" means an incorporated city, town, or village.

(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision.

(5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the state or which is uniformly applicable to all persons or to all political subdivisions within the same class.

(6) "General obligation bonds" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount.

(7) "Deep-water port commissions" and "deep-water port, harbor, and terminal districts" mean those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce.

ARTICLE VII. REVENUE AND FINANCE

PART I. GENERAL PROVISIONS

Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided by this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax, an increase in an existing tax, or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of the elected members of each house of the legislature.

Section 3. Collection of Taxes

Section 3. The legislature shall prohibit the issuance of process to restrain the collection of any tax. It shall provide

a complete and adequate remedy for the prompt recovery of an illegal tax paid by a taxpayer.

Section 4. Income Tax; Severance Tax; Political Subdivisions

Section 4. (A) Income Tax. Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the state individual and joint income tax schedule of rates shall never exceed the rates set forth in Title 47, Section 32 of the Louisiana Revised Statutes on January 1, 1974. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes for the same period.

(B) Severance Tax. Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation. Such 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. No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. 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 parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land.

(C) Severance Tax; Political Subdivisions. A political subdivision of the state shall not levy a severance tax, income tax, or tax on motor fuel.

(D) Severance Tax Allocation. One-third of the sulphur severance tax, but not to exceed one hundred thousand dollars; one-fifth of the severance tax on all natural resources, other than sulphur or timber, but not to exceed five hundred thousand dollars; and three-fourths of the timber severance tax shall be remitted to the governing authority of the parish in which 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.

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.

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 by law enacted by two-thirds of the elected members of each house of the legislature. The debt may be incurred or the bonds issued only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or a lower effective interest rate; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) Capital Improvements. If the purpose is to make capital improvements, the nature and location and, if more than one project, the amount allocated to each and the order

of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(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.

(D) Referendum. The legislature, by law enacted by two-thirds of the elected members of each house, may propose a statewide public referendum to authorize incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

(E) Exception. Nothing in this Section shall apply to any levee district, political subdivision, or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district, political subdivision, or local public agency.

Section 7. State Debt; Interim Emergency Board

Section 7. (A) Composition. The Interim Emergency Board is created. It shall be composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of the legislature, chairman of the Senate Finance Committee, and chairman of the House Appropriations Committee, or their designees.

(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 made or the indebtedness incurred only for a purpose for which the legislature may appropriate funds and then only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature. For the purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated by the legislature.

(C) Limits. The aggregate of indebtedness outstanding at any one time and the amount appropriated from the state general fund for the current fiscal year under the authority of this Section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Allocation. An amount sufficient to pay indebtedness incurred during the preceding fiscal year under the authority of this Section is allocated, as a first priority, each year from the state general fund.

Section 8. State Bond Commission

Section 8. (A) Creation. The State Bond Commission is created. Its membership and authority shall be determined by law.

(B) Approval of Bonds. No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained.

(C) Contesting State Bonds. Bonds, notes, certificates, or other evidences of indebtedness of the state (hereafter referred to as "bonds") shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state, as provided by law, a notice of intention to issue the bonds. The notice

shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in interest may contest the legality of the resolution, any provision of the bonds to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

Section 9. State Funds

Section 9. (A) Deposit in State Treasury. All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received:

(1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise;

(2) by trade or professional associations;

(3) by the employment security administration fund or its successor;

(4) by retirement system funds;

(5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce; and

(6) by a state board, agency, or commission, but pledged by it in connection with the issuance of revenue bonds as provided in Paragraph (C) of Section 6 of this Article, other than any surplus as may be defined in the law authorizing such revenue bonds.

(B) Bond Security and Redemption Fund. Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise. In each fiscal year an amount is allocated from the bond security and redemption fund sufficient to pay all obligations which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year, including principal, interest, premiums, sinking or reserve fund, and other requirements. Thereafter, except as otherwise provided by law, money remaining in the fund shall be credited to the state general fund.

(C) Exception. Nothing in this Section shall apply to a levee district or political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of the levee district or political subdivision.

Section 10. Expenditure of State Funds

Section 10. (A) Appropriations. Except as otherwise provided by this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law.

(B) Balanced Budget. Total appropriations by the legislature for any fiscal year shall not exceed anticipated state revenues for that fiscal year.

(C) Publication. The legislature shall have published a regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(D) Public Purpose. No appropriation shall be made except for a public purpose.

Section 11. Budgets

Section 11. (A) Operating Budget. 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. He shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures and, if necessary, a bill or bills to raise additional revenues.

(B) Capital Budget. The governor shall submit to the

legislature, at each regular session, a proposed five-year capital outlay program and request implementation of the first year of the program. Capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget, which shall be adopted by the legislature.

Section 12. Reports and Records

Section 12. Reports and records of the collection, expenditure, investment, and use of state money and those relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining to those returns.

Section 13. Investment of State Funds

Section 13. All money in the custody of the state treasurer which is available for investment shall be invested as provided by law.

Section 14. Donation, Loan, or Pledge of Public Credit

Section 14. (A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise.

(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; or (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law.

(C) Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual.

(D) Prior Obligations. Funds, credit, property, or things of value of the state or of a political subdivision heretofore loaned, pledged, dedicated, or granted by prior state law or authorized to be loaned, pledged, dedicated, or granted by the prior laws and constitution of this state shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless the authorization is revoked by law enacted by two-thirds of the elected members of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section.

Section 15. Release of Obligations to State, Parish, or Municipality

Section 15. The legislature shall have no power to release, extinguish, or authorize the releasing or extinguishing of any indebtedness, liability, or obligation of a corporation or individual to the state, a parish, or a municipality. However, the legislature, by law, may establish a system under which claims by the state or a political subdivision may be compromised, and may provide for the release of heirs to confiscated property from taxes due thereon at the date of its reversion to them.

Section 16. Taxes; Prescription

Section 16. Taxes, except real property taxes, and licenses shall prescribe in three years after the thirty-first day of December in the year in which they are due, but prescription may be interrupted or suspended as provided by law.

Section 17. Legislation to Obtain Federal Aid

Section 17. The legislature may enact laws to enable the state, its agencies, boards, commissions, and political subdivisions and their agencies to comply with federal laws and regulations in order to secure federal participation in funding capital improvement projects.

PART II. PROPERTY TAXATION

Section 18. Ad Valorem Taxes

Section 18. (A) Assessments. Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in Paragraph (C), shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.

(B) Classification. The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:

Classifications	Percentages
1. Land	10%
2. Improvements for residential purposes	10%
3. Other property	15%

(C) Use Value. Bona fide agricultural, horticultural, marsh, and timber lands, as defined by general law, shall be assessed for tax purposes at ten percent of use value rather than fair market value. The legislature may provide by law similarly for buildings of historic architectural importance.

(D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor. Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph (C). Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

(E) Review. The correctness of assessments by the assessor shall be subject to review first by the parish governing authority, then by the Louisiana Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.

(F) Reappraisal. All property subject to taxation shall be reappraised and valued in accordance with this Section, at intervals of not more than four years.

Section 19. State Property Taxation; Rate Limitation

Section 19. State taxation on property for all purposes shall not exceed an annual rate of five and three-quarter mills on the dollar of assessed valuation.

Section 20. Homestead Exemption

Section 20. (A) Homeowners.

(1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation.

(2) By law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

(4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than one homestead owned by the husband or wife.

(5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

(B) Residential Lessees. Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.

Section 21. Other Property Exemptions

Section 21. In addition to the homestead exemption provided for in Section 20 of this Article, the following property and no other shall be exempt from ad valorem taxation:

(A) Public lands; other public property used for public purposes.

(B) (1) Property owned by a nonprofit corporation or association 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 or state income tax;

(2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

(3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes.

None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

(C) (1) Cash on hand or 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 Louisiana and the notes or other evidence thereof;

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

(7) debts due for merchandise or other articles of commerce or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

(11) agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, animals on the farm, and property belonging to an agricultural fair association;

(12) property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

(13) rights-of-way granted to the State Department of Highways;

(14) boats using gasoline as motor fuel;

(15) commercial vessels used for gathering seafood for human consumption; and

(16) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the states of the United States.

(D) (1) Raw materials, goods, commodities, and articles imported into this state from outside the states of the United States:

(a) so long as the imports remain on the public property of the port authority or docks of the common carrier where they first entered this state;

(b) so long as the imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in-trade for sale at retail.

(2) Raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the states of the United States.

(3) Goods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage

within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether such destination was specified when transportation began or afterward.

Property described in Paragraph (D), whether or not entitled to exemption, shall be reported to the proper taxing authority on the forms required by law.

(E) Motor vehicles used on the public highways of this state, from state, parish, and special ad valorem taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the governing authority thereof provides for the exemption by ordinance or resolution.

(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 to matter which already has gone through some artificial process.

Section 22. No Impairment of Existing Taxes or Obligations

Section 22. This Part shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the effective date of this constitution.

Section 23. Adjustment of Ad Valorem Tax Millages

Section 23. Prior to the end of the third year after the effective date of this constitution, the assessors and the Louisiana Tax Commission or its successor shall complete determination of the fair market value or the use value of all property subject to taxation within each parish for use in implementing this Article. Except as provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which Sections 18 and 20 of this Article are implemented shall not be increased or decreased, because of their provisions, above or below ad valorem taxes collected by that taxing authority in the year preceding implementation. To accomplish this result, it shall be mandatory for each affected taxing authority, in the year in which Sections 18 and 20 of this Article are implemented, to adjust millages upwards or downwards without regard to millage limitations contained in this constitution, and the maximum authorized millages shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall remain in effect unless changed as permitted by this constitution. Nothing herein shall prohibit a taxing authority from collecting, in the year in which Sections 18 and 20 of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (a) levying additional or increased millages as provided by law; (b) placing additional property on the tax rolls; or (c) increases in the fair market or use value of property after the first determination of that value to implement this Article. This Section shall not apply to millages required to be levied for the payment of general obligation bonds.

Section 24. Tax Assessors

Section 24. (A) Election; Term. A tax assessor shall be elected by the electors of each parish, Orleans Parish ex-

cepted. His term of office shall be four years. His election, duties, and compensation shall be as provided by law.

(B) Orleans Parish. There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each. Their duties and compensation shall be as provided by law.

(C) Vacancy. When a vacancy occurs in the office of tax assessor, the duties of the office, until filled by election as provided by law, shall be assumed by the chief deputy assessor, except in Orleans Parish where the Board of Assessors shall appoint an interim assessor.

Section 25. Tax Sales

Section 25. (A) Tax Sales. There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs' sales, in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs. The sale shall be without appraisal. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

(B) Redemption. The property sold shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon, and interest at the rate of one percent per month until redemption.

(C) Annulment. No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must be served within five years after the date of the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

(D) Quieting Tax Title. The manner of notice and form of proceeding to quiet tax titles shall be provided by law.

(E) Movables; Tax Sales. When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Sale of the property shall be at public auction, without appraisal, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.

(F) Postponement of Taxes. The legislature may postpone the payment of taxes, but only in cases of overflow, general conflagration, general crop destruction, or other public calamity, and may provide for the levying, assessing, and collecting of such postponed taxes. In such case, the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and may levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the Interim Emergency Board to the governing authority of the parish where the calamity occurs. The money loaned shall be applied to and shall not exceed the deficiency in revenue of the parish

or a political subdivision therein or of which the parish is a part, caused by postponement of taxes. No loan shall be made to a parish governing authority without the approval of the Interim Emergency Board.

PART III. REVENUE SHARING

Section 26. Revenue Sharing Fund

Section 26. (A) Creation of Fund. The Revenue Sharing Fund is created as a special fund in the state treasury.

(B) Annual Allocation. The sum of ninety million dollars is allocated annually from the state general fund to the revenue sharing fund. The legislature may appropriate additional sums to the fund.

(C) Distribution Formula. The revenue sharing fund shall be distributed annually as provided by law solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless otherwise provided by law, population statistics of the last federal decennial census shall be utilized for this purpose. After deductions in each parish for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, shall be distributed by first priority to the tax recipient bodies within the parish, as defined by law, to offset current losses because of homestead exemptions granted in this Article. Any balance remaining in a parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish as provided by law.

(D) Distributing Officer. The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board or its successor shall be distributed to and by the city treasurer of Monroe.

(E) Bonded Debt. A political subdivision, as defined by Article VI of this constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the revenue sharing fund, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys allocated within any parish from the balance remaining in its distribution may be pledged to the payment of the principal or interest of any bonds. Bonds issued under this Paragraph shall be issued and sold as provided by law, and shall require approval of the State Bond Commission or its successor prior to issuance and sale.

ARTICLE VIII. EDUCATION

Preamble

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 20, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions,

duties, and responsibilities of the superintendent shall be provided by law.

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools, vocational-technical training and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.

(B) Membership; Terms. The board shall consist of fifteen electors appointed by the governor, with consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. At least one member, but no more than two members, shall be appointed from each congressional district.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, the addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every higher education board submit to it, at a time it specifies, an annual budget proposal for

operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education in the state. It shall recommend priorities for capital construction and improvements.

(E) Powers Not Vested. Powers of management over public institutions of higher education not specifically vested by this Section in the Board of Regents are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other such board created pursuant to this Article, as to the institutions under the control of each.

Section 6. Board of Trustees for State Colleges and Universities

Section 6. (A) Creation; Functions. The Board of Trustees for State Colleges and Universities is created as a body corporate. Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of state colleges and universities not managed by a higher education board created by or under this Article.

(B) Membership; Terms. The board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by this Article in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system.

(B) Membership; Terms. Each board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

Section 8. Boards; Membership; Compensation

Section 8. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) Student Membership. The legislature may provide for the membership of one student on the boards created by Sections 6 and 7 of this Article. The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members except the right to vote.

(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.

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.

(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.

Section 10. Existing Boards and Systems Recognized; Consolidation

Section 10. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 11. Appropriations; State Boards

Section 11. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 12. Appropriations; Higher Education

Section 12. Appropriations for the institutions of higher education shall be made to their managing boards. The funds appropriated shall be administered by the managing boards and used solely as provided by law.

Section 13. Funding; Apportionment

Section 13. (A) Free School Books. The legislature 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.

(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no

others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 14. Tulane University

Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884.

ARTICLE IX. NATURAL RESOURCES

Section 1. Natural Resources and Environment; Public Policy

Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy.

Section 2. Natural Gas

Section 2. (A) Public Policy; Regulation. Natural gas is declared to be affected with a public interest. Notwithstanding any provision of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide by law for regulation of natural gas by the regulatory authority it designates. It may designate the Public Service Commission as the regulatory authority.

(B) Pipelines. No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline, without a certificate of public convenience and necessity issued as provided by law after application for the connection and hearing thereon.

Section 3. Alienation of Water Bottoms

Section 3. The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided in this Section, the bed of a navigable water body may be reclaimed only for public use.

Section 4. Reservation of Mineral Rights; Prescription

Section 4. (A) Reservation of Mineral Rights. The mineral rights on property sold by the state shall be reserved, except when the owner or person having the right to redeem buys or redeems property sold or adjudicated to the state for taxes.

(B) Prescription. Lands and mineral interests of the state, of a school board, or of a levee district shall not be lost by prescription.

Section 5. Public Notice; Public Bidding Requirements

Section 5. No conveyance, lease, royalty agreement, or unitization agreement involving minerals or mineral rights owned by the state shall be effected without prior public notice or public bidding as shall be provided by law.

Section 6. Tidelands Ownership

Section 6. Revenues and royalties obtained from minerals located beyond the seaward boundary of the state belong to the state.

Section 7. Wildlife and Fisheries Commission

Section 7. (A) Members; Terms. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission. The commission shall be in the executive branch and shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as pro-

vided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law.

Section 8. Forestry

Section 8. (A) Forestry; Acreage Taxes. Forestry shall be practiced in the state, and the legislature may enact laws therefor. It may authorize parish governing authorities to levy acreage taxes, not to exceed two cents per acre, for the purposes of this Section. The provisions of this constitution exempting homesteads from taxation shall apply to forestry acreage taxes.

(B) Forestry Commission. The practice of forestry is placed under the Louisiana Forestry Commission. The commission shall be in the executive branch and shall consist of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law.

(C) State Forester. The commission shall appoint a state forester. He shall be a graduate of an accredited school of forestry and have at least four years of forestry experience, as provided by law.

ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES

PART I. STATE AND CITY CIVIL SERVICE

Section 1. Civil Service Systems

Section 1. (A) State Civil Service. The state civil service is established and includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency, or joint state and municipal agency, regardless of the source of the funds used to pay for such employment. It shall not include persons holding offices and positions of any municipal board of health or local governmental subdivision.

(B) City Civil Service. The city civil service is established and includes all persons holding offices and positions of trust or employment in the employ of each city having over four hundred thousand population and in every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the affected city voting at an election held for that purpose approve their exclusion. The election shall be called by the municipal governing authority within one year after the effective date of this constitution.

Section 2. Classified and Unclassified Service

Section 2. (A) Classified Service. 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.

(B) Unclassified Service. The unclassified service shall include the following officers and employees in the state and city civil service:

- (1) elected officials and persons appointed to fill vacancies in elective offices;
- (2) the heads of each principal executive department 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;
- (7) one person holding a confidential position and one principal assistant or deputy to any officer, board, commission, or authority mentioned in (1), (2), (4), or (5) above, except civil service departments;
- (8) members of the military or naval forces;
- (9) teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency;
- (10) employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, at-

torney general, each mayor and city attorney, of police juries, school boards, assessors, and of all offices provided for in Article V of this constitution except the offices of clerk of the municipal and traffic courts in New Orleans;

(11) commissioners of elections, watchers, and custodians and deputy custodians of voting machines; and

(12) railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.

Additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by a commission.

Section 3. State Civil Service Commission

Section 3. (A) Composition. The State Civil Service Commission is established and shall be domiciled in the state capital. It shall be composed of seven members who are electors of this state, four of whom shall constitute a quorum. No more than one appointed member shall be from each congressional district.

(B) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(C) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University of Louisiana at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint 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 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 nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission.

Section 4. City Civil Service Commission

Section 4. (A) Creation; Membership; Domicile. A city civil service commission shall exist in each city having a population exceeding four hundred thousand. The domicile of each commission shall be in the city it serves. Each commission shall be composed of five members, who are electors of the city, three of which shall constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided.

(B) New Orleans; Nomination and Appointment. In New Orleans, the presidents of Dillard University, Loyola University, St. Mary's Dominican College, Tulane University of Louisiana, and Xavier University, after giving consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(C) Other Cities; Nomination and Appointment. In each other city subject to this Section, the presidents of any five institutions of higher education in the state, selected by the governing authority of the respective city, each shall nominate three persons, after giving consideration to representation of all groups. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(D) Vacancies. A vacancy shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is

first on the list of nominees automatically shall become a member of the commission. If one of the nominating authorities fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the municipal governing authority shall make the appointment.

Section 5. Removal

Section 5. A member of the state or of a city civil service commission may be removed by the governor or the governing authority, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the appointing authority.

Section 6. Department of Civil Service; Directors

Section 6. (A) State Department. A Department of State Civil Service is established in the executive branch of the state government.

(B) City Departments. A department of city civil service shall exist in each city having a population exceeding four hundred thousand.

(C) Directors. Each commission shall appoint a director, after competitive examination, who shall be in the classified service. He shall be the administrative head of his department. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.

Section 7. Appointments; Promotions

Section 7. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department 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 competitive. 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, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments if certification is not required.

Section 8. Appeals

Section 8. (A) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. A classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(B) Discrimination. No classified employee shall be discriminated against because of his political or religious beliefs, sex, or race. A classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

Section 9. Prohibitions Against Political Activities

Section 9. (A) Party Membership; Elections. No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(B) Contributions. No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(C) Political Activity Defined. As used in this Part, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.

Section 10. Rules; Investigations; Wages and Hours

Section 10. (A) Rules. (1) Powers. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; to require an appointing authority to institute an employee training and safety program; and generally to accomplish the objectives and purposes of the merit system of civil service as herein established. It may make recommendations with respect to employee training and safety. Nothing herein shall prevent the legislature from enacting laws supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety and regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.

(2) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States who served between the wartime dates of April 6, 1917 through November 11, 1918; or between September 16, 1940 through July 25, 1947; between June 27, 1950 through January 31, 1955; or in the Viet Nam Theater between July 1, 1958 through the date the United States government 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; in a peacetime campaign or expedition for which campaign badges are authorized. The state and city civil service departments 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 recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unmarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unmarried widowed parent of any person who died in active wartime or peacetime service or who suffered 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 wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unmarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(3) Layoffs; Preference Employees. When a position in the classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classifications and performing functions transferred, or working in the state agency replaced, shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed lay-off within a reasonable length

of time before its effective date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant or employee because of his membership or non-membership in any private organization; but this shall not prohibit any state agency, department, or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission.

(4) Effect. Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for violation of its rules by demotion in or suspension or discharge from position, with attendant loss of pay.

(B) Investigations. Each commission may investigate violations of this Part and the rules, statutes, or ordinances adopted pursuant hereto.

(C) Wages and Hours. Any rule or determination affecting wages or hours shall have the effect of law and become effective only after approval by the governor or the appropriate governing authority.

Section 11. Penalties

Section 11. Willful violation of any provision of this Part shall be a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Section 12. Appeal

Section 12. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final.

Section 13. Appropriations

Section 13. (A) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable them to implement this Part efficiently and effectively. The amount so appropriated shall not be subject to veto by the governor.

(B) Cities. Each city subject to this Part shall make adequate annual appropriations to enable its civil service commission and department to implement this Part efficiently and effectively.

Section 14. Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly

Section 14. (A) Local Option. Each city having a population exceeding ten thousand but not exceeding four hundred thousand, each parish, and each parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the latest official decennial federal census, may elect to be governed by this Part by a majority vote of its electors voting at an election held for that purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing authority calling the election; or (b) the presentation to the governing authority of a petition calling for such an election signed by electors equal in number to five percent of the registered voters of the city, the parish, or the city-parish, as the case may be.

(B) Acceptance. If a majority of the electors vote to adopt this Part, its provisions shall apply permanently to the city, the parish, or the city-parish, as the case may be, and shall govern it as if this Part had originally applied to it. In such case, all officers and employees of the city, the parish, or the city-parish, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and thereafter shall be subject to and be governed by this Part and the rules and regulations adopted under it.

(C) Rejection. If a majority of the electors vote against

the adoption of this Part, the question of its adoption shall not be resubmitted to the voters of the political subdivision within one year thereafter.

Section 15. City, Parish Civil Service System; Creation; Prohibition

Section 15. Nothing in this Part shall prevent the establishment by the legislature, or by the respective parish governing authority, of a parish civil service system in one or more parishes, applicable to any or all parish employees, except teaching and professional staffs and administrative officers of schools, or the establishment by the legislature or by the respective municipal governing authority of a municipal civil service system in one or more municipalities having a population of less than four hundred thousand, in any manner now or hereafter provided by law. However, paid firemen and paid municipal policemen in a municipality operating a regularly paid fire and police department and having a population exceeding thirteen thousand, and paid firemen in all parishes and in fire protection districts, are expressly excluded from such a civil service system.

Nothing in this Part shall permit inclusion in the local civil service of officials and employees listed in Section 2 of this Article.

No law enacted after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand shall be effective in any parish or in any municipality until approved by ordinance adopted by the governing authority of the parish or municipality.

PART II. FIRE AND POLICE CIVIL SERVICE

Section 16. Establishment of System

Section 16. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

Section 17. Appointments and Promotions

Section 17. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable municipal fire and police civil service board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

Section 18. Prior Provisions

Section 18. Except as inconsistent with this Part, the provisions of Article XIV, Section 15.1 of the Constitution of 1921 are retained and continued in force and effect as statutes. By law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

Section 19. Exclusion

Section 19. Nothing in Part I of this Article authorizing cities or other political subdivisions to be placed under the provisions of said Part by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population

greater than thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

Section 20. Political Activities

Section 20. Article XIV, Section 15.1, Paragraph 34 of the Constitution of 1921 is retained and continued in force and effect.

PART III. OTHER PROVISIONS

Section 21. Code of Ethics

Section 21. The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions. The code shall be administered by one or more boards created by the legislature with qualifications, terms of office, duties, and powers provided by law. Decisions of a board shall be appealable; and the legislature shall provide the method of appeal.

Section 22. Dual Employment and Dual Officeholding

Section 22. The legislature shall enact laws defining and regulating dual employment and defining, regulating, and prohibiting dual officeholding in state and local government.

Section 23. Compensation of Elected Public Officials; Reduction

Section 23. The compensation of an elected public official shall not be reduced during the term for which he is elected.

Section 24. Impeachment

Section 24. (A) Persons Liable. A state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office of a felony or for malfeasance or gross misconduct while in such office.

(B) Procedure. Impeachment shall be by the House of Representatives and trial by the Senate, with senators under oath or affirmation for the trial. The concurrence of two-thirds of the elected senators shall be necessary to convict. The Senate may try an impeachment whether or not the House is in session and may adjourn when it deems proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent other action, prosecution, or punishment authorized by law.

Section 25. Removal by Suit; Officials Subject

Section 25. For the causes enumerated in Paragraph (A) of Section 24 of this Article, the legislature shall provide by general law for the removal by suit of any state, district, parochial, ward, or municipal official except the governor, lieutenant governor, and judges of the courts of record.

Section 26. Recall

Section 26. The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal official except judges of the courts of record. The sole issue at a recall election shall be whether the official shall be recalled.

Section 27. Filling of Vacancies

Section 27. (A) gubernatorial Appointment; Election. 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.

(B) Qualifications. 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.

Section 28. Definition of Vacancy

Section 28. A vacancy, as used in this Constitution, shall occur in the event of death, resignation, removal by any means, or failure to take office for any reason.

Section 29. Retirement and Survivor's Benefits

Section 29. (A) Public School Employees. The legislature shall provide for retirement of teachers and other employees of the public educational system through estab-

lishment of one or more retirement systems. Membership in such a retirement system shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member or retiree or to his lawful beneficiary upon his death.

(B) Other Officials and Employees. The legislature shall enact laws providing for retirement of officials and employees of the state, its agencies, and its political subdivisions, including persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member of a state retirement system or retiree or to his lawful beneficiary upon his death.

(C) Retirement Systems; Change; Notice. No proposal to effect any change in existing laws or constitutional provisions relating to any retirement system for public employees shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given.

(D) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as defined by law, who die, or who died after June 30, 1972, as a result of injury sustained in the performance of official duties or in the protection of life or property while on or off duty.

Section 30. Oath of Office

Section 30. Every official shall take the following oath or affirmation: "I . . . , do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as . . . , according to the best of my ability and understanding, so help me God."

ARTICLE XI. ELECTIONS

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.

Section 2. Secret Ballot; Absentee Voting; Preservation of Ballot

Section 2. In all elections by the people, voting shall be by secret ballot. The legislature shall provide a method for absentee voting. Proxy voting is prohibited. Ballots shall be counted publicly and preserved inviolate as provided by law until any election contests have been settled. In all elections by persons in a representative capacity, voting shall be viva-voce.

Section 3. Privilege from Arrest

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.

Section 4. Prohibited Use of Public Funds

Section 4. No public funds shall be used to urge any elector to vote for or against any 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.

Section 5. Registrar of Voters

Section 5. The governing authority of each parish shall

appoint a registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for other public office, a registrar shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing authority.

ARTICLE XII. GENERAL PROVISIONS

Section 1. State Capital

Section 1. The capital of Louisiana is the city of Baton Rouge.

Section 2. Civilian-Military Relations

Section 2. The military shall be subordinate to the civil power.

Section 3. Right to Direct Participation

Section 3. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

Section 4. Preservation of Linguistic and Cultural Origins

Section 4. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized.

Section 5. Forced Heirship and Trusts

Section 5. No law shall abolish forced heirship. The determination of forced heirs, the amount of the forced portion, and the grounds for disinheritance shall be provided by law. Trusts may be authorized by law, and a forced portion may be placed in trust.

Section 6. Lotteries; Gambling

Section 6. Neither the state nor any of its political subdivisions shall conduct a lottery. Gambling shall be defined by and suppressed by the legislature.

Section 7. State Penal Institutions; Reimbursement of Parish Expense

Section 7. 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.

Section 8. Welfare, Unemployment Compensation, and Health

Section 8. The legislature may establish a system of economic and social welfare, unemployment compensation, and public health.

Section 9. Exemptions From Seizure and Sale

Section 9. The legislature shall provide by law for exemptions from seizure and sale, as well as waivers of and exclusions from such exemptions. The exemption shall extend to at least fifteen thousand dollars in value of a homestead, as provided by law.

Section 10. Suits Against the State

Section 10. (A) No Immunity in Contract and Tort. Neither the state, a state agency, nor a political subdivision 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, a state agency, or a political subdivision. A measure authorizing suit shall waive immunity from suit and liability.

(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 11. Continuity of Government

Section 11. The legislature shall provide for orderly and temporary continuity of state government, in periods of emergency, until normal processes of government can be reestablished in accordance with the constitution and laws of the state; and, except as otherwise provided by this constitution, for the prompt and temporary succession to the

powers and duties of public offices when incumbents become unavailable to perform their functions.

Section 12. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges

Section 12. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege; however, the legislature may authorize the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by general law.

Section 13. Prescription Against State

Section 13. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law.

Section 14. Administrative Agency Codes

Section 14. Rules, regulations, and procedures adopted by all state administrative and quasi-judicial agencies, boards, and commissions shall be published in one or more codes and made available to the public.

ARTICLE XIII. CONSTITUTIONAL REVISION

Section 1. Amendments

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, at least ten days before the beginning of the session, in accordance with the rules of the house in which introduced. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to all of the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law.

(B) Form of Proposal. A proposed amendment shall have a title containing a brief summary of the changes proposed; shall be confined to one object; and shall set forth the entire article, or the sections or other subdivisions thereof, as proposed to be revised or only the article, sections, or other subdivisions proposed to be added. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which may contain multiple objects or changes. A section or other subdivision may be repealed by reference. When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately.

(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. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality.

Section 2. Constitutional Convention

Section 2. 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. The revision or the proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of Louisiana.

Section 3. Laws Effectuating Amendments

Section 3. Whenever the legislature shall submit amendments to this constitution, it may at the same session enact laws to carry them into effect, to become operative when the proposed amendments have been ratified.

ARTICLE XIV. TRANSITIONAL PROVISIONS

PART I

Section 1. Board of Regents

Section 1. On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education appointed by the governor whose term has not expired shall become a member of the Board of Regents until his respective term expires. The governor shall appoint additional members required to complete the membership of the board in accordance with and to effectuate Article VIII, Section 5.

Section 2. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 2. On the effective date of this constitution, each member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term has not expired shall become a member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until his term expires. The governor shall appoint additional members required in accordance with and to effectuate Article VIII, Section 7.

Section 3. Board of Supervisors of Southern University

Section 3. At the next session of the legislature following the effective date of this constitution, the governor shall submit to the Senate for its consent the names of his appointees to the Board of Supervisors of Southern University and Agricultural and Mechanical College in accordance with and to effectuate Article VIII, Section 7.

Section 4. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article VIII, Sections 3 and 6.

Section 5. Boards; New Appointments

Section 5. In making new appointments to a board created by Sections 5, 6, or 7 of Article VIII, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board.

Section 6. Mandatory Reorganization of State Government

Section 6. The legislature shall allocate, within not more than twenty departments, the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities within the executive branch, except those allocated by this constitution. The allocation, which shall not be subject to veto by the governor, shall become operative not later than December 31, 1977.

Section 7. Legislative Sessions

Section 7. The legislature shall provide, by rule or otherwise, for a recess, during the 1975 and 1976 regular annual sessions, which shall be for at least eight calendar days immediately after the first fifteen calendar days of the session.

Section 8. Civil Service Commission; State; Cities

Section 8. (A) State Commission. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Xavier University of Louisiana shall submit three names to the governor for appointment to the commission as provided in Article X, Section 3. Within ninety days after the effective date of this constitution, one member of the commission shall be elected by the classified employees of the state from their number as provided by law. The term of these appointees shall be six years. Within thirty days after the expiration of the term of the present member nominated by the president of Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as provided in Article X, Section 3. The term of this appointee shall be six years.

(B) City Commission. Each person who, on the effective date of this constitution, is a member of the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the presidents of St. Mary's Dominican College and Xavier University of Louisiana each shall submit three names to the governing body of the city for appointment to the commission as provided in Article X, Section 4. Within thirty days after the expiration of the term of the present member nominated by the governing body of the city, the president of Dillard University shall submit three names to the governing body of the city for appointment to the New Orleans City Civil Service Commission as provided in Article X, Section 4. The term of these appointees shall be six years.

Section 9. Civil Service Officers; Employees; State; Cities

Section 9. Upon the effective date of this constitution, all officers and employees of the state and of the cities covered hereunder who have status in the classified service shall retain said status in the position, class, and rank that they have on such date and shall thereafter be subject to and governed by the provisions of this constitution and the rules and regulations adopted under the authority hereof.

Section 10. Offshore Mineral Revenues; Use of Funds

Section 10. Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury when received. Upon such settlement, these funds and the interest from their investment, except the portion otherwise allocated or dedicated by this constitution, shall be used by the state treasurer to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.

Section 11. Prescription; Tidelands Taxes

Section 11. No state, district, parish, or other tax, license, fee, or assessment of any kind, and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation on any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954, shall prescribe until three years after the thirty-first day of December in the year in which the controversy existing between the United States and this state over the state gulfward boundary is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within

one year after the thirty-first day of December in the year in which the controversy is finally resolved and settled.

Section 12. Forfeitures Prior to 1880

Section 12. Whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs, successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that the forfeiture or adjudication was irregular and null or that the property has been redeemed. The state and its assigns shall be estopped forever from claiming any title to the property because of such forfeiture or adjudication.

Section 13. Effective Date of Property Tax Provisions

Section 13. Section 18 and Section 20 of Article VII shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption.

PART II**Section 14. Limitation on Transitional Provisions**

Section 14. Nothing in this Part shall be construed or applied in such a manner as to supersede or invalidate or limit or change the meaning of any provision of the foregoing Articles of this constitution, but only to provide for an orderly transition from the Constitution of 1921.

Section 15. Existing Officials

Section 15. A person holding an office by election shall continue to exercise his powers and duties until his office is abolished, his successor takes office or the office is vacated, as provided by law. A person holding an office by appointment shall continue to exercise his powers and duties until his office is abolished, his term ends, or he is removed or replaced under the provisions of this constitution or by law. Each public body shall continue to exercise its powers and duties until changed as provided by this constitution or by law.

Section 16. Provisions of 1921 Constitution Made Statutory

Section 16. (A) Provisions Continued as Statutes. Subject to change by law or as otherwise provided in this constitution, and except as any of them conflicts with this constitution, the following provisions of the Constitution of 1921 are continued as statutes, but restricted to the same effect as on the effective date of this constitution:

1. Article IV, Sections 2(c), 12-b, and 12-c.
2. Article V, Sections 2, 7, 18, 20, and 21.
3. Article VI, Sections 1, 1 (A-1), 11.1, 19, 19.2, 19.3, 19.4, 22(1), 23 except any dedications contained therein, 23.1, 26, 28, 31, 32, 33, 35, 36.1, and 39.
4. Article VI-A, Sections 1 through 14, except any dedications therein contained.
5. Article VII, Sections 7, 8, 9, 12.1, 13, 20, 21, 28, 31, 31.1, 31.2, 33, 46 through 51, 51(a), 52, 53, 55, 80, 81, 82, 83, 85, 89 through 92, and 94 through 97.
6. Article IX, Section 4.
7. Article X, Sections 1, 2, 6, 7, 9, 10A, 15, 16, and 23; except any dedications contained therein.
8. Article X-A, Sections 3 and 4.
9. Article XII, Sections 18, 19 through 22, 25, and 26.
10. Article XIV, Sections 3(b), 3(d) (first), 6, 10, 12, 14, 19, 21, 23, 23.1 through 23.43, 24, 24.2 through 24.23, 25, 25.1, 26 through 28, 30, 30.1, 30.3, 30.4, 30.5, 31, 31.3, 31.6, 31.7, 32, 33, 34, 35, 36, 37.1, 38, 38, 38.1, 39, 39.1, 43, 44, 44.1, 45, 47, and 48.
11. Article XV, Sections 1, 3, and 4.
12. Article XVI, Sections 1, 4, 6, 7, 8, and 8(a).
13. Article XVII, Sections 3 and 4.
14. Article XVIII, Sections 4, 8, and 13.
15. Article XIX, Sections 6, 19, 19(a), 20, and 27.

(B) Arrangement. The provisions made statutory in this Article shall be arranged in proper statutory form and recommendations made for additional laws and modifications as provided in R.S. 24:201 through 256, or as otherwise provided by law.

Section 17. Provisions of Constitution of 1921 Repealed

Section 17. Except to the extent provided in this Article and except as retained in Articles I through XIII of this con-

stitution, the provisions of the Constitution of 1921 are repealed.

Section 18. Existing Laws

Section 18. (A) Retention. Laws in force on the effective date of this constitution, which were constitutional when enacted and are not in conflict with this constitution, shall remain in effect until altered or repealed or until they expire by their own limitation.

(B) Expiration of Conflicting Law. Laws which are in conflict with this constitution shall cease upon its effective date.

Section 19. Ports; Transition to Statutes

Section 19. All provisions of Article VI, Sections 16, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 17, 29, 29.1, 29.2, 29.3, 29.4, 33.1, 34 and Article XIV, Section 30.2 of the Constitution of 1921 shall become statutes subject to amendment or repeal only as provided in Article VI, Section 43 of this constitution.

Section 20. Public Service Commission

Section 20. At its next extraordinary or regular session, the legislature shall divide the state into five single-member districts as required by Article IV, Section 21(A) and shall provide for a special election at which the two additional members of the commission shall be elected, the initial term to be served by each, and other matters necessary to effectuate said Section 21(A).

PART III

Section 21. References to 1921 Constitution

Section 21. Whenever reference is made in this constitution to the Constitution of 1921, it shall mean the Louisiana Constitution of 1921, as amended.

Section 22. Effect of Titles

Section 22. No title or sub-title, heading or sub-heading, marginal note, index, or table printed in or with this constitution shall be considered or construed to be a part of this constitution, but to be inserted only for convenience in reference.

Section 23. Continuation of Actions and Rights

Section 23. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, rights or causes of action, contracts, obligations, claims, demands, titles, and rights existing on the effective date of this constitution shall continue unaffected. All sentences as punishment for crime shall be executed according to their terms.

Section 24. Protection of Existing Taxes

Section 24. All taxes, penalties, fines, and forfeitures owing to the state or any political subdivision levied and collectible under the Constitution of 1921 and valid laws enacted thereunder shall inure to the entity entitled thereto.

Section 25. Impairment of Debt Obligations Prohibited

Section 25. Nothing in this constitution shall be construed or applied in such a manner as to impair the obligation, validity, or security of any bonds or other debt obligations authorized under the Constitution of 1921.

Section 26. Constitution Not Retroactive

Section 26. Except as otherwise specifically provided in this constitution, this constitution shall not be retroactive and shall not create any right or liability which did not exist under the Constitution of 1921 based upon actions or matters occurring prior to the effective date of this constitution.

Section 27. Legislative Provisions

Section 27. (A) President of Senate. The lieutenant governor in office on the effective date of this constitution shall continue to serve as president of the Senate until his term expires in 1976.

(B) First Session. The provisions of Article III of this constitution shall become effective for the first session of the legislature to be held in 1975 and each session thereafter. However, in 1976, the legislature shall convene in regular session at twelve o'clock noon on the second Monday in May, at which time the members elected at the statewide election

in 1976 shall take office; otherwise, the legislature shall conduct that session as provided in Article III of this constitution.

(C) Legislative Auditor. The legislative auditor shall continue to exercise the powers and perform the functions set forth in Article VI, Section 26(2) of the Constitution of 1921 until otherwise provided by law.

(D) Legislative Reapportionment. The requirement for legislative reapportionment in Section 6 of Article III of this constitution shall apply to the reapportionment of the legislature following the decennial census of 1980, and thereafter.

Section 28. Judiciary Commission

Section 28. The members of the judiciary commission in office on the effective date of this constitution shall serve until the expiration of their terms. Within thirty days after the effective date of this constitution, the additional two citizen members shall be selected as required by Article V, Section 25. A lawyer member, as thereby required, shall be selected to succeed the judge of a court of record other than a court of appeal whose term as a member of the commission first expires. Thereafter, when a vacancy occurs, the successor to the position shall be selected in accordance with Article V, Section 25.

Section 29. Statewide Elected Officials

Section 29. Officials elected statewide in 1976 under the provisions of this constitution shall take office on the second Monday in May of that year. Thereafter, statewide elected officials shall take office on the second Monday in March as provided in this constitution.

Section 30. Commissioner of Elections

Section 30. The commissioner of elections, as provided by Article IV, first elected under this constitution shall be elected to take office in 1976. The custodian of voting machines in office on the effective date of this constitution shall continue to exercise the functions of that office, without change, until the expiration of his term.

Section 31. Pardon Board

Section 31. Until a pardon board is appointed under the terms of this constitution, the lieutenant governor, attorney general, and presiding judge of the sentencing court shall continue to serve as a board of pardons.

Section 32. Levee Districts; Compensation for Property

Section 32. The provisions of Article XVI, Section 6 of the Constitution of 1921 shall be continued as a statute, subject to change by the legislature, and the amount of compensation therein required to be paid for property used or destroyed for levee or levee drainage purposes shall be paid as provided in Section 6 of Article XVI of the Constitution of 1921 until the legislature enacts a law to effectuate Article VI, Section 42 of this constitution.

Section 33. Suits Against the State; Effective Date

Section 33. The provisions of Article XII, Section 10 waiving the immunity of the state, its agencies, or political subdivisions from suit and liability in contract or for injury to person or property only shall apply to a cause of action arising after the effective date of this constitution.

Section 34. Exemption from Seizure and Sale

Section 34. The provisions of Article XI of the Constitution of 1921 shall be continued as a statute until the legislature enacts the law required by Article XII, Section 9 of this constitution, but the amount of the exemption shall be fifteen thousand dollars in value until otherwise fixed by law.

Section 35. Effective Date

Section 35. This constitution shall become effective at twelve o'clock midnight on December 31, 1974. The secretary of state shall promulgate the results of the election by publication in the official state journal on the thirtieth day prior thereto; however, he shall announce the results of the election within thirty days after the date of the election at which the constitution is submitted to the people.

Section 36. Effect of Adoption

Section 36. Notwithstanding any contrary provision of any law or the prior constitution, this constitution when approved by the electors of this state shall be the Constitution of the State of Louisiana upon the effective date as provided in Section 35 of this Article.

Section 37. Severability Clause

Section 37. If any provision of this constitution is declared

invalid for any reason, that provision shall not affect the validity of the entire constitution or any other provision thereof.

PART IV

Section 38. Alternative Proposition

Section 38. There shall be submitted to the people for the ratification of the proposed new constitution an official ballot containing the following propositions and instructions to voters:

OFFICIAL BALLOT

(Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed constitution and the alternative propositions are available for inspection at the polling place. If the proposed constitution receives a majority of the votes cast thereon and Alternative A below receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana. If the proposed constitution receives a majority of the votes cast thereon and Alternative B receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana, except that Article VIII of the proposed Constitution shall be deleted therefrom and Alternative Article VIII shall be inserted in lieu thereof. If the proposed constitution fails to receive a majority of the votes cast thereon, both of the alternative propositions shall also fail.)

Do you favor or oppose the adoption of the proposed 1974 Constitution?

(Vote for one)

- FOR adoption of the proposed 1974 Constitution
- or
- AGAINST adoption of the proposed 1974 Constitution

ALTERNATIVE PROPOSITIONS

If the proposed 1974 Constitution is adopted, do you prefer (A) the governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities, or (B) the governance of higher education solely by a Board of Regents?

(Vote for one)

- ALTERNATIVE A For governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities
- or
- ALTERNATIVE B For governance of higher education solely by a Board of Regents

Section 39. (A) If Alternative B concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then the following Article shall become Article VIII of the new constitution and Article VIII as set forth in the proposed new constitution shall be null, void and of no effect and shall be deemed stricken from the proposed constitution. Alternative Article VIII shall be as follows:

"ARTICLE VIII. EDUCATION

Preamble

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education who, subject to provisions for appointment in lieu of election set

forth in Article IV, Section 20, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education and the Board of Regents shall make the appointment. He shall be the administrative head of the Department of Education and the Board of Regents and shall implement the policies of the State Board of Elementary and Secondary Education and the Board of Regents and the laws affecting schools under their jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools, post-secondary vocational-technical schools, special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three 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.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

Section 5. Board of Regents

Section 5. (A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.

(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.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of higher education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, or a management board for an institution or group of institutions is proposed, addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after

one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every institution of higher education submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education in the state. It shall recommend priorities for capital construction and improvements.

Section 6. Boards; Membership; Compensation

Section 6. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) 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.

Section 7. Parish School Boards; Parish Superintendents

Section 7. (A) Boards. The legislature shall create parish school boards and provide for the election of their members.

(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.

Section 8. Existing Boards and Systems Recognized; Consolidation

Section 8. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 9. Appropriations; State Boards

Section 9. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 10. Appropriations; Higher Education

Section 10. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made and administered as provided by law.

Section 11. Funding; Apportionment

Section 11. (A) Free School Books. The legislature 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.

(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 adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 12. Tulane University

Section 12. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884."

(B) If Alternative B concerning education boards is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein.

Section 40. Transition to Board of Regents and State Board of Elementary and Secondary Education

Section 40. (A) If Alternative B concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then the following Section shall become Section 1 of Article XIV of the new constitution and Sections 1, 2, 3, 4, and 5 of Article XIV shall be null, void, and of no effect. If the alternative proposition is not approved, this Section shall be null and void and of no effect.

"Section 1. Educational Boards

Section 1. (1) On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education whose term has not expired shall become a member of the Board of Regents. The legislature shall provide by law the procedure to effectuate the transition to the board, 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 membership of the board.

The elections and appointments shall be made in accordance with and to effectuate Article VIII, Section 5 of the alternative proposition as set forth in Sections 38 and 39 of this Article.

(2) 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 Regents. 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 membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article VIII, Sections 3 and 5 of the alternative proposition.

(3) On the effective date of this constitution the Louisiana

Coordinating Council for Higher Education is abolished, and on such date all powers, duties, and functions thereof not inconsistent with this constitution shall be merged and consolidated into the Board of Regents.

(4) On the effective date of this constitution, all functions of the State Board of Education with respect to the governance, supervision, management, administration, and direction of institutions of higher education not inconsistent with this constitution shall be transferred to the Board of Regents, and in all other respects the functions of the State Board of Education not inconsistent with this constitution shall be transferred to and be exercised by the State Board of Elementary and Secondary Education.

(5) Subject to change by law and except as in conflict with this Alternative Proposition and Act 2 of 1972, the provisions of Article XII, Section 7A of the Constitution of 1921 are continued as a statute, but the powers of the board shall be limited to the management of the daily operations of the Louisiana State University System."

Respectfully submitted,
MOISE W. DENNERY
 Secretary.

Delegate J. Jackson moved that the above document contained in the report of the Secretary of the Convention be accepted and adopted as the proposed constitution, together with the proposed alternatives, of the Constitutional Convention of 1973 convened under the authority of Act No. 2 of the 1972 Regular Session of the Legislature, as amended.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	O'Neill
Abraham	Giarrusso	Perez
Aertker	Ginn	Perkins
Alario	Goldman	Planchard
Alexander	Graham	Pugh
Anzalone	Gravel	Rachal
Arnette	Grier	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hardee	Roemer
Bel	Hayes	Roy
Bergeron	Haynes	Sandoz
Bhair	Heine	Schmitt
Bollinger	Hernandez	Segura
Brien	Jack	Shannon
Brown	Jackson, A.	Singletery
Burns	Jackson, J.	Slay
Burson	Jenkins	Smith
Cannon	Jones	Soniart
Casey	Juneau	Stagg
Champagne	Kean	Stephenson
Chatelain	Kelly	Stinson
Chehardy	Kilpatrick	Sutherland
Comar	Lambert	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Thompson
Cowen	Lanier	Tobias
D'Gerolamo	LeBleu	Toca
De Blieux	Leigh	Toomy
Dennery	Leithman	Ullo
Dennis	Lowe	Velazquez
Derbes	Martin	Vick
Deshotels	Mauberrert	Warren
Drew	Maybuce	Wattigny
Duval	Miller	Weiss
Edwards	Mire	Willis
Elkins	Morris	Winchester
Fayard	Munson	Wisham
Fowler	Newton	Womack
Fulco	Nunez	Zervigon
Total—120.		

NAYS

Delegate Asseff
 Total—1.

NOT VOTING

Delegates—		
Carmouche	Kilbourne	Stovall
Dunlap	McDaniel	Vesich
Flory	Ourso	Wall
Fontenot	Riecke	
Total—11.		

And the above document was finally adopted as the proposed constitution, together with the proposed alternatives, of the Constitutional Convention of 1973 convened under the authority of Act No. 2 of the 1972 Regular Session of the Legislature, as amended.

Delegate Schmitt moved to reconsider the vote by which the final document was passed, and, on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

January 19, 1974

This is to certify that I was present when the proposed constitution was signed but refused to sign it and voted against final adoption because I do not feel that it is in the best interest of all of the people of Louisiana.

EMMETT ASSEFF
 Delegate, District 7

Reasons for Not Voting on Final Passage of the 1974 Constitution:

I was appointed as a delegate to represent organized labor and as such have participated in each day's session and have voted on each issue. In order for my vote not to be misinterpreted, I chose not to cast my vote either for or against the final passage of the 1974 Constitution; but to await the final decision of the group that I was appointed to represent.

GORDON FLORY

Explanation of Vote

Delegate Kendall L. Vick sent up the following explanation of his vote on the proposed Constitution:

"I voted yes on final passage to forward the proposed Constitution to the Governor pursuant to Act 2 of 1972, however, I dissent in part for the following reasons.

The proposed section (Art. IV, Section 8) with regard to the Powers and Duties of the Attorney General has

(1) divested the Attorney General and his assistants of the power "to institute and prosecute or to intervene in criminal proceedings as they may deem necessary for the assertion or protection of the rights and interest of the State."

(2) divested the Attorney General and his assistants of the power to "exercise supervision over the several District Attorneys throughout the State."

The Attorney General requested Francis C. Sullivan, Associate Dean and Professor of Law at LSU Law School to analyze the so-called "compromise section" on the Attorney General and to compare the present powers of the office with those proposed. Dean Sullivan replied to the Attorney General in two letters dated December 14, 1973, copies of which are attached hereto and made a part hereof as though sent out in their entirety.

It should also be noted that the powers the Convention removed from the Attorney General the President's Commission on Law Enforcement and Administration of Justice recommended be included in the office of the Attorney General to strengthen the coordination of local prosecution. The report stated: (1) "In those states where the local prosecutor is independently selected, the Attorney General should retain power to initiate prosecutions when, in his opinion, the interests of the state so require. Experience demonstrates that such authority, when granted, is used only infrequently. (2) In those rare instances where local prosecutors are unable or unwilling to prosecute a case properly, the Attorney General should be able to enter the case and to assist or direct the prosecutor. Where such power presently exists, it is rarely exercised, but it should be available to the Attorney General."

The power of the Attorney General to institute criminal prosecution reflected in Article VII, Section 56 of the present Constitution, has been in the law of Louisiana since 1813. Therefore, I must respectfully dissent as to Section 8 of Article IV, as proposed."

Louisiana State University
Baton Rouge, Louisiana 70803
The Law School

December 14, 1973

Honorable William J. Guste, Jr.
Attorney General
State of Louisiana
P. O. Box 66323
Baton Rouge, La. 70806

Dear Mr. Attorney General:

At your request I have examined the so-called "compromise article" which would apparently be a possible substitute for the present proposed Section 27 of Article V as drafted by the Constitutional Convention. In connection with the grant of power and authority to the Attorney General in criminal cases, I would make the following comments.

Apart from minor changes in language which do not appear to be significant, only one change is made by the compromise article. The change would grant to the Attorney General the power to institute, prosecute or intervene in any criminal action or proceeding where the action is "for cause" and with the authorization of the appropriate court. The propriety of the action of the Attorney General is specifically made subject to judicial review.

It seems apparent that this power is essentially designed to supplement the power of supersession. Primarily this provision would serve to authorize an appropriate district judge to authorize the Attorney General to commence and conduct a prosecution in a situation where if the prosecution had been initiated by the appropriate district attorney the Attorney General would have been authorized by the judge to supersede the district attorney in the prosecution of the case. The problem envisioned is one where the district attorney wrongfully fails or refuses to prosecute a criminal violation.

Once the prosecution has been initiated by a district attorney the appropriate remedy for prosecutorial misconduct of any type would seem to be supersession. The power to intervene without the power to supervise is at best meaningless and at worst productive of complete disruption of the proper prosecution of a case. I would call your attention to my previous comments concerning the inherent deficiencies of the power of supersession.

I would raise for your consideration, without here attempting to answer, the serious problems involved in the grant to district judges of significant control over the initiation and conduct of criminal prosecutions.

Clearly the compromise article would deprive the Attorney General of the two key constitutional powers he now possesses in criminal cases: the independent power to institute, prosecute or intervene in criminal proceedings; and the power to supervise the district attorneys in the exercise of their criminal jurisdiction.

In my opinion the compromise article upon close examination proves to be no compromise at all.

FRANCIS C. SULLIVAN
Associate Dean

Louisiana State University
Baton Rouge, Louisiana 70803
The Law School

December 14, 1973

Honorable William J. Guste, Jr.
Attorney General
State of Louisiana
P. O. Box 67323
Baton Rouge, Louisiana 70806

Dear Mr. Attorney General:

Pursuant to your request for an opinion, I have ex-

amined the Constitution, statutes, jurisprudence and other legal materials of the State of Louisiana to determine the powers and responsibilities of the Attorney General in conducting criminal proceedings both under the existing state of the law and under the proposed revision of the Louisiana Constitution as presently adopted by the Constitutional Convention. Specifically, three areas will be considered below: 1) the original criminal jurisdiction of the Attorney General; 2) the power of supervision of the Attorney General over the district attorneys; and 3) the power of the Attorney General to supersede a district attorney in a specific criminal prosecution.

(A) The Existing State of the Law

1) Original Criminal Jurisdiction

Section 56 of Article VII of the Constitution provides that the Attorney General "shall attend to, and have charge of all legal matters in which the State has an interest, or to which the State is a party, with power and authority to institute and prosecute or to intervene in any and all suits or other proceedings, civil or criminal, as they may deem necessary for the assertion or protection of the rights and interests of the State." This can only be interpreted as a plain and clear grant of authority to the Attorney General to institute, prosecute and intervene in any criminal prosecution brought in the name of the state in a court of criminal jurisdiction. Article 62 of the Code of Criminal Procedure reinforces this grant in the following language: "The attorney general has authority to institute and prosecute, or to intervene in any proceeding, as he may deem necessary for the assertion or protection of the rights and interests of the state."

Although these provisions would seem to leave no room for doubt that the Attorney General has complete original criminal jurisdiction in any case in which he chooses to exercise it, certain questions have arisen as to whether this power conflicts with the powers of the district attorneys. Such question is raised, for instance, by the language of the Official Revision Comment to Article 62 of the Code of Criminal Procedure: "The relative rights of a district attorney and the attorney general under this constitutional provision (Const. Art. VII, §56) are still somewhat hazy. . ."

This problem, if indeed one really exists, arises from the decision in *Kemp v. Stanley*, 204 La. 110, 15 So. 2d 1 (1943). One sitting justice of the Supreme Court of Louisiana has aptly characterized the *Kemp* case as follows: "The opinion, by a bare majority, is replete with dicta. . ." (*Summers, Justice, dissenting in City of New Orleans v. Harrison*, 257 La. 923, 943, 244 So. 2d 834, 1971.) In *Kemp*, a supersession case, the Supreme Court on rehearing chose to find a constitutional basis for the prosecutorial power of the district attorneys: "While the Constitution does not enumerate the powers and duties of a District Attorney, his right and authority thereunder to institute and prosecute criminal proceedings against persons charged with crime, if not expressly provided for, is clearly and necessarily implied from the . . . Constitution. . . Briefly, (the district attorneys) are made prosecuting attorneys by the provisions of the Constitution." (15 So.2d 1, 10.) In my opinion the *Kemp* case should be read to mean simply that the district attorneys share on an equal basis with the Attorney General the power to institute and prosecute criminal proceedings. This power of the district attorneys is, however, subject to the authority of the Attorney General to exercise supervision over the district attorneys as provided both by Section 56 of Article VII of the Constitution and Articles 61 and 62 of the Code of Criminal Procedure. The power of supervision will be discussed later in this opinion.

It should be pointed out that this power of the Attorney General is a discretionary one which he may exercise or not, in the Constitutional language, "as (he) may deem necessary for the assertion or protection of the rights and interests of the State." Certain language in *Kemp* would indicate that this discretion may be reviewed by the courts: ". . . Section 56 of Article VII of the Constitution does not confer upon the Attorney General an unreviewable discretion in exercising the powers granted to him thereby. . ." (15 So. 2d 1, 12.) However, it is difficult to envision a situation in which the power of the Attorney General to institute and prosecute criminal prosecutions could be found to be an arbitrary and unconstitutional exercise of discretion.

I conclude, therefore, that the Attorney General possesses the complete constitutional and statutory power and au-

thority to institute, prosecute or intervene in any criminal prosecution brought in the name of the state without the request, permission or agreement of the district attorney involved, I further find that the district attorneys of this state possess the same power and authority to institute and prosecute criminal proceedings, subject to the power of supervision of the Attorney General.

2.) Power of Supervision

Section 56 of Article VII of the Constitution specifically empowers the Attorney General to "exercise supervision over the several district attorneys throughout the State." This authority is restated in almost identical language in Article 62 of the Code of Criminal Procedure. From the language of Article 61, C.Cr.P.: "Subject to the supervision of the attorney general, . . . , the district attorney has entire charge and control of every criminal prosecution instituted or pending in his district, and determines whom, when, and how he shall prosecute.", it seems evident that the Legislature has implemented the constitutional provision by making every act of the district attorney in a criminal case from decision to prosecute to the final disposition subject to the supervision of the Attorney General. This is obviously an area of potential difficulty since the term "supervision" is not subject to ready or easy interpretation. It must also be kept in mind that the Supreme Court in **Kemp v. Stanley** stated: "We refrain from attempting to state generally in this opinion the extent of the Attorney-General's powers. . . . Each case must be decided as it arises and is presented to us." (15 So. 2d 1, 16.)

In my opinion both the Constitution and the Code of Criminal Procedure confer upon the Attorney General the final authority over the institution and conduct of all criminal proceedings in this State, and where the Attorney General chooses to invoke his power of supervision in any criminal case, the decision of the Attorney General must be considered as binding upon a district attorney should a dispute as to policy or judgment arise.

3.) Power of Supersession

The power to supersede a district attorney in the prosecution of a specific criminal case is the power to "put him out of the proceedings entirely." (**Kemp v. Stanley**, supra, 15 So. 2d 1, 8.) No such power is conferred upon the Attorney General either by the Constitution or by statute. It should also be noted that a former Attorney General of this State issued an opinion on March 21, 1963 to the effect that an Attorney General "has no legal authority to relieve, supplant or supersede a district attorney, willing to perform his duties." (Report and Opinions of the Attorney General of Louisiana, March 1, 1962 to March 1, 1964, p. 48.)

In view of the broad power of supervision available to the Attorney General, it would seem that the present absence of a power to supersede is a matter of little, if any, concern.

B.) Proposed Constitutional Revision

1.) Original Criminal Jurisdiction

The present proposed revision of the Constitution, as adopted by the Constitutional Convention, establishes the powers and duties of the Attorney General in Section 27 of Article V. A substantial change is made from the provisions of the 1921 Constitution in that the power to institute, prosecute or intervene in criminal proceedings is eliminated. In place of this power the Attorney General is granted the authority only to "advise and assist, upon request of a district attorney, in the prosecution of a criminal case." (Art. V, §27(A)(2).) Clearly this reduces the power of the Attorney General in criminal cases, removes entirely the authority to initiate criminal prosecutions, and reduces the possible participation of the Attorney General in the prosecution of criminal cases to that of advising and assisting a district attorney, and this only upon request of the particular district attorney. This represents a very significant change in the policy which has heretofore been a part of the basic law of this State.

It should be noted that the proposed revision does not specify the powers and duties of district attorneys (See Art. V, §28,29.). This was also the case in the 1921 Constitution. However it must be remembered that the Supreme Court of Louisiana in **Kemp v. Stanley** found that the district

attorneys possess the right and authority under the 1921 Constitution to institute and prosecute criminal cases. This would be authority for the Court to hold in some future case that similar powers are created by the revision, should it be adopted.

Even though Section 27 of the proposed revision provides that the Attorney General "shall have such other powers and perform such other duties as may be . . . provided by statute," it would seem that the Legislature could not enlarge the power of the Attorney General to initiate and prosecute criminal cases in the face of a specific provision limiting such power.

2.) Power of Supervision

The power of the Attorney General to supervise the district attorneys is eliminated completely from the proposed constitutional revision. This again represents a very significant change in the policy which was expressed in the 1921 Constitution. Should the revision become effective the district attorneys would have complete control over all criminal prosecutions and would be completely free of any control or direction by the Attorney General. In my opinion this would also require the repeal of Article 62 of the Code of Criminal Procedure and the elimination of the supervisory power of the Attorney General from Article 61.

3.) Power of Supersession

A new power is granted to the Attorney General to supersede a district attorney in any criminal action by Section 27(A)(3) of the proposed constitutional revision. Apparently in keeping with the implications of **Kemp v. Stanley**, this authority has been limited to those situations where the supersession is "for cause" and is further limited to those cases in which the supersession is authorized by the court of original jurisdiction in which the case is pending. The entire process is specifically made subject to judicial review. The very difficult task of defining "for cause" is left either to the Legislature or the Supreme Court acting on a case by case basis. In view of the limitations created, it is my opinion that any attempted exercise of this power would produce such difficulty and protracted litigation as to make it ineffective in any practical sense. Although outside of the scope of this opinion, it should be noted that any dispute arising over the attempted exercise of this power which would require protracted judicial review might well have an adverse effect on the right to a speedy trial of the defendant in the particular criminal proceeding and thus be in violation of rights guaranteed by the United States Constitution.

FRANCIS C. SULLIVAN
Associate Dean and
Professor of Law

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 19, 1974, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Delegate Resolutions having been finally adopted by the Convention have been properly enrolled in final form:

DELEGATE RESOLUTION No. 52—

Introduced by Delegate Pugh:

A RESOLUTION

To provide:

(A) For the form and manner for the submission to the electors of the state of a proposed new constitution, together with alternative proposals relating to education, and the delegation of authority relating thereto to the appropriate officers of the convention;

(B) For the use of the facilities and services of boards, commissions, departments and agencies of the state and of the political subdivisions of the state;

(C) With respect to the disbursement of funds appropriated to the convention;

(D) A method of reconvening the convention without per diem for any purpose not prohibited by law; and

(E) For the supremacy of this Resolution over inconsistent actions of the convention.

WHEREAS:

(A) By law this convention has been granted full authority

to determine the form and manner in which the proposed constitution, together with any Alternative Proposals, shall be submitted to the electors;

(B) By law this convention has been granted full authority to use the facilities and services of any board, commission, department or agency of the state and of any political subdivision of the state, and all such instrumentalities are charged by law to cooperate with this convention to the fullest extent in furnishing services, facilities and employees to this convention upon request;

(C) This convention may be required, after January 19, 1974, to expend some of the remaining funds appropriated to it, consistent with the duties and obligations imposed upon it by law; and

(D) It may be deemed necessary to reconvene this convention after January 19, 1974, without per diem to take further action in regard to the responsibilities imposed upon it by law other than those directly relating to the drafting of a constitution and its Alternate Proposals.

(E) All rules and other actions inconsistent with the provisions of this Resolution must be suspended insofar as they may conflict herewith.

THEREFORE, BE IT RESOLVED (1) that all electors duly qualified to vote in this state at the time of the election shall be entitled to vote without regard to party affiliation in their respective precincts on the proposition for or against adoption of the constitution and on the question of adoption of one of two alternative provisions relating to education, on official ballots, printed and distributed at public expense, to read as follows:

OFFICIAL BALLOT

(Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed constitution and the alternative propositions are available for inspection at the polling place. If the proposed constitution receives a majority of the votes cast thereon and Alternative 2A below receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana. If the proposed constitution receives a majority of the votes cast thereon and Alternative 2B receives a majority of the votes cast on the alternative propositions, the proposed constitution shall become the Constitution of Louisiana, except that Article VIII of the proposed Constitution shall be deleted therefrom and Alternative 2B shall be inserted in lieu thereof. If the proposed constitution fails to receive a majority of the votes cast thereon, both of the alternative propositions shall also fail.)

1. Do you favor or oppose the adoption of the proposed 1974 Constitution?

(Vote for one)

FOR adoption of the proposed 1974 Constitution -----
 AGAINST adoption of the proposed 1974 Constitution --

ALTERNATIVE PROPOSITIONS

2. If the proposed 1974 Constitution is adopted, do you prefer (A) the governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities, or (B) the governance of higher education solely by a Board of Regents?

(Vote for one)

(A) For governance of higher education by a Board of Regents and management boards for the LSU system, the Southern University system, and all other state colleges and universities -----

or

(B) For governance of higher education solely by a Board of Regents -----

(2) The secretary of state shall designate in numerical sequence each "FOR" and "AGAINST" item to be voted on in the order that each appears on the ballot.

(3) Thirty days prior to the election the board of supervisors of elections in each parish shall appoint three commissioners and one clerk to preside over the election of each polling precinct, each of whom shall be a qualified voter of the ward in which the polling precinct is located. If the election is held as a special election, no watchers need be used. If the election is held at a general election the commis-

sioners, clerks and watchers appointed therefor shall be used, notwithstanding any of the provisions hereof;

(4) Voting machines [booths] shall be used for the conduct of the election and insofar as practical the provisions of R.S. 18:1161 through 18:1198 shall be applicable;

(5) Absentee voting is authorized in the election and insofar as practical the provisions of R.S. 18:1071 through 18:1081 shall be applicable.

(6) The convention chairman and secretary, or either of them, are hereby jointly and severally granted the full power and authority to do all things which they or either of them may deem necessary effectively to carry out the provisions of this Resolution, including but not limited to the right to make full and final interpretations of the intent and meaning of this Resolution, subject only to judicial review, and to act for and in behalf of the convention in regard to, but solely limited to, the manner of the election, including when necessary the changing of any of the provisions hereof, and they shall have the convention's unlimited authority to call upon any instrumentality of the state or its political subdivisions to cooperate in the furnishing of services, facilities and employees for the purpose of carrying out the convention responsibilities of the convention in providing for the manner of the election;

(7) The cost of printing of tally sheets, cards of instruction to the commissioners, clerks, voters and any other persons shall be paid by the state and shall be prepaid and distributed by the state officials normally having responsibility therefor. All expenses imposed by law upon the parish governing authorities and accordingly paid in connection with the election shall be reimbursed to the parish governing authorities by the state upon warrant of the parish treasurer drawn on the state auditor, supported by such proof as the state auditor requires.

(8) The polls for the election shall be opened at 6:00 a.m. and closed at 8:00 p.m. All persons within the barriers or buildings where the election is being held may vote until 12:00 o'clock midnight on the election day. Before, during and after these hours, the commissioners, clerks and others mentioned herein or provided for shall have all of the powers and duties granted and shall be subject to the obligations and penalties imposed by R.S. 18, §§557, 558, 559, 560, 561, 562, 563, 567, 568, 569, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, and 593 (together with other pertinent provisions of Title 18) insofar as the same be applicable and not inconsistent with the provisions of this Resolution. As to R.S. 18:567 the requirements as to the votes for candidates shall be deemed to refer to the constitution and alternative provisions submitted so as to give said Section meaning as to this election. The results of the election shall be officially promulgated by the Secretary of State on the thirtieth day prior to twelve o'clock midnight on December 31, 1974, by publishing such results either in the Baton Rouge Sunday Advocate or the Baton Rouge State Times.

BE IT FURTHER RESOLVED that each and every instrumentality of the state and its political subdivisions (including by specification the office and staff of both the Secretary of State and the Custodian of Voting Machines) are hereby called upon, in accordance with law, to cooperate with this convention and its designated officers to the fullest extent in furnishing services, facilities, and employees to this convention, upon request, to effectuate the calling and holding of the election herein contemplated.

BE IT FURTHER RESOLVED, that there is hereby allocated, if available and necessary and subject to the provisions of law and the obtaining of such further authority as the law may require, up to the sum of \$45,000.00, to the secretary of state for the State of Louisiana to be used by him in carrying out the necessary and usual functions of his office in connection with this election, including those relative to the furnishing of appropriate and comprehensive instructions to the proper party or parties as to

- (A) Voters and commissioners;
- (B) Posting of notices;
- (C) Computation by commissioners of precinct returns;
- (D) Transmission of returns;
- (E) Tabulation and promulgation of returns into both parish and statewide returns;
- (F) Time for compilation of tabulation of returns;
- (G) Promulgation of returns and time and manner in which publication is to be made;
- (H) Recordation of results by clerks of court on machines before they are cleared; and
- (I) Any other matters pertaining to the election.

BE IT FURTHER RESOLVED that the chairman or a

majority of the officers of this convention be and he or they are hereby authorized to call this convention into session without per diem for any purpose for which he or they shall in their discretion deem necessary and appropriate to further provide as to the form and manner of submitting to the electors of this state the constitution, together with alternative provisions relative to education and for any additional purpose or purposes not inconsistent with law.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall take preference and priority over and shall be paramount to any rule, provision, Resolution or other action heretofore adopted or taken by the convention, but only insofar as the same may be in conflict with the particular provisions of this Resolution.

DELEGATE RESOLUTION No. 53—

Introduced by Delegate Dennery:

A RESOLUTION

Relative to the printing and distribution of copies of the constitution throughout the state.

BE IT RESOLVED by the Constitutional Convention of Louisiana of 1973 that the publication of the constitution in the official journal of the state, prior to the election, and the printing and distribution of copies of the constitution throughout the state, prior to the election shall be accomplished and paid for by the convention, and the Executive Committee is directed to do all things necessary and proper to accomplish the same.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

DELEGATE RESOLUTION No. 54—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Maubernet, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchar, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vlck, Wall, Warren, Watigny, Weiss, Willis, Winchester, Wisham, Womack, and Zervigon:

A RESOLUTION

To commend and express the sincere gratitude and appreciation of the Constitutional Convention of Louisiana of 1973 to Norma M. Duncan, Director of Research, and her staff for the invaluable services rendered the convention.

WHEREAS, Norma M. Duncan has provided the Constitutional Convention of Louisiana of 1973 with her outstanding background, experience, and achievement and has tirelessly and skillfully served this convention in the capacity of Director of Research; and

WHEREAS, the convention has progressed and accomplished its objectives to a large extent through the efforts of Mrs. Duncan and her staff; and

WHEREAS, the many hours spent by Mrs. Duncan and her staff in assisting the delegates and the Constitutional Convention of Louisiana of 1973 have been invaluable to the Constitutional Convention and the State of Louisiana; and

WHEREAS, Mrs. Duncan and her staff, Coordinators Lee Hargrave, Audrey LeBlanc, and Gene Tarver; Executive Secretary Kathy Goss; Administrative Assistant Dan Blake; Clerical Supervisor Irmie Gaudet; Senior Research Assis-

tants Ramon Arango, J. Reginald Coco, Jr., Leroy Colter, R. Judge Eames, C. B. Forgotston, Stephen Glassell, Jerry Hood, Walter Landry, Charles Machen, Lois Michelli, James Norris, Scott Reis, Joe Smith and Harry Wood; Junior Research Assistants Marius Carriere, Carol Coltharp, Jean Conner, Betty Field, Frank Koles, Robert Pellegrin and Fred Tinsley; Law Clerks Jasper Pharr and Gail Sandle; Secretaries Moise Allen, Rexie Artieta, Marietta Bell, Betty Blanchard, Paula Brumfield, Meredith Bunker, Johnnie Burks, Judy Cooper, Rita Ferachi, Mary Ann Fields, Paula Lato, Beverly Leake, Dolores McGibbon, Connie McManus, Margaret Matherne, Debbie Pratt and Judy Williams; Typists Judy Bishop, Gail Broussard, Cindy Cambre, Diane Couch and Lucy Tynes; Proofreaders Connie Brooks, Jerel Downing, Gretchen Gerstner, Martha Gibson, Olivia Johnston, Jane Noble and George Waldroup; Librarian Patsy Moore; Receptionist Adrienne Patty; Docket Clerks Ellen Ferguson and Frank Pizzolato; Law Students Michael Baer, Richard Brazan, Richard Cryer, Joseph Rausch, Reginald Ringuet, Bernice Roberts, Michael Wascom and Jay Zainey; Machine Operators Shirley Corley, Marvin Dorsey, Howard Gist and Terry Toney; and Messengers Willie Lunkin and Brenda Smith, have worked late hours and weekends tirelessly and impartially to meet, to the fullest extent possible, the individual and combined needs of the delegates to the Constitutional Convention of Louisiana of 1973; and

WHEREAS, Mrs. Duncan and her staff have given of their constitutional expertise to the Constitutional Convention of Louisiana of 1973 and have provided the delegates, the committees, and the convention with research, legal counsel, proposal and resolution drafting, amending preparation, digesting, and numerous other means of assistance; and

WHEREAS, without the ability and dedication of Mrs. Duncan and her staff the work of the Constitutional Convention of Louisiana of 1973 would have been an extremely difficult task to accomplish.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, do hereby express grateful appreciation and the highest commendation to Norma M. Duncan, Director of Research, and her staff, Coordinators Lee Hargrave, Audrey LeBlanc, and Gene Tarver; Executive Kathy Goss; Administrative Assistant Dan Blake; Clerical Supervisor Irmie Gaudet; Senior Research Assistants Ramon Arango, J. Reginald Coco, Jr., Leroy Colter, R. Judge Eames, C. B. Forgotston, Stephen Glassell, Jerry Hood, Walter Landry, Charles Machen, Lois Michelli, James Norris, Scott Reis, Joe Smith and Harry Wood; Junior Research Assistants Marius Carriere, Carol Coltharp, Jean Conner, Betty Field, Frank Koles, Robert Pellegrin, Fred Tinsley; Law Clerks Jasper Pharr and Gail Sandle; Secretaries Moise Allen, Rexie Artieta, Marietta Bell, Betty Blanchard, Paula Brumfield, Meredith Bunker, Johnnie Burks, Judy Cooper, Rita Ferachi, Mary Ann Fields, Paula Lato, Beverly Leake, Dolores McGibbon, Connie McManus, Margaret Matherne, Debbie Pratt and Judy Williams; Typists Judy Bishop, Gail Broussard, Cindy Cambre, Diane Couch and Lucy Tynes; Proofreaders Connie Brooks, Jerel Downing, Gretchen Gerstner, Martha Gibson, Olivia Johnston, Jane Noble and George Waldroup; Librarian Patsy Moore; Receptionist Adrienne Patty; Docket Clerks Ellen Ferguson and Frank Pizzolato; Law Students Michael Baer, Richard Brazan, Richard Cryer, Joseph Rausch, Reginald Ringuet, Bernice Roberts, Michael Wascom and Jay Zainey; Machine Operators Shirley Corley, Marvin Dorsey, Howard Gist and Terry Toney; and Messengers Willie Lunkin and Brenda Smith, for their faithful dedication and the high quality of the work and service which they have performed toward the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to each of the persons named herein.

DELEGATE RESOLUTION No. 55—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones,

Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Uilo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to David Poynter, Chief Clerk, and his staff for the services rendered the convention.

WHEREAS, David Poynter has provided the Constitutional Convention of Louisiana of 1973 with his excellent background and experience and has ably and faithfully served this convention in the capacity of Chief Clerk and Parliamentarian; and

WHEREAS, the convention has functioned smoothly and efficiently in its sessions largely due to the skillful performance of the office of the clerk of the convention under the direction of Mr. Poynter; and

WHEREAS, the accuracy of the official record of the convention, the daily journal, has been due to the close attention and supervision provided by Mr. Poynter and his staff; and

WHEREAS, the smooth operation of the office of Chief Clerk and the prompt attention to the myriad details in connection therewith is a tribute to the ability and dedication of Mr. Poynter and his staff, Edward Hardin, Assistant Chief Clerk, C. Wayne Hays, Journal Clerk, Samuel J. Bonnette, Jr., Calendar Clerk, Richard Broussard, Assistant Calendar Clerk, Eugene Limar, Assistant Endorsement Clerk, Julia LaBauve, Secretary to the Clerk, Alfred Speer, Head Page, Jules Regard, Assistant Head Page, and pages.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their deepest appreciation to David Poynter, Chief Clerk, and his staff, Edward Hardin, Assistant Chief Clerk, C. Wayne Hays, Journal Clerk, Samuel J. Bonnette, Jr., Calendar Clerk, Richard Broussard, Assistant Calendar Clerk, Eugene Limar, Assistant Endorsement Clerk, Julia LaBauve, Secretary to the Clerk, Alfred Speer, Head Page, Jules Regard, Assistant Head Page, and pages, for their invaluable services and the capable and untiring efforts that have contributed in large measure to the smooth and efficient operation of the convention and the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

DELEGATE RESOLUTION No. 56—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Uilo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane Noble,

Chief Clerk, Enrolling Room and her staff for the valuable services rendered the convention.

WHEREAS, the authenticity of all official proposals and resolutions introduced and the validity of all amendments thereto by the convention has been maintained largely due to the dedicated and skillful performance of Jane Noble, Chief Clerk, Enrolling Room and her staff; and

WHEREAS, Jane Noble and her staff, Agnes Hooper, Assistant Clerk, Margie Gaudin, Jean Glaze, Maxine Maglone, Claire Morvant, Jesse Noble, Elizabeth Politz, Mary Roush, Martha Schlicht, and Connie Swanner have labored diligently throughout the sessions of the convention and given tirelessly of themselves to provide the necessary assistance and accuracy which has greatly benefited the smooth operation of the office of the clerk of the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its sincere appreciation to Jane Noble and her staff, Agnes Hooper, Assistant Clerk, Margie Gaudin, Jean Glaze, Maxine Maglone, Claire Morvant, Jesse Noble, Elizabeth Politz, Mary Roush, Martha Schlicht, and Connie Swanner for the capable and untiring efforts that have greatly contributed to the smooth operation of the convention and the successful completion of writing a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

DELEGATE RESOLUTION No. 57—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Uilo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack, and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane French, Chief Clerk, Official Transcript Office and her staff for the valuable services rendered the convention.

WHEREAS, the accuracy of the official transcripts of the convention has been largely due to the dedicated and skillful performance of Jane French, Chief Clerk, Official Transcript Office and her staff; and

WHEREAS, Jane French and her staff, Peggy Burgess, Barbara Clingo, Mary Crochet, Nancy Cross, Dorothy Flory, Carleen Huffstickler, Mike Lafleur, Marva Tuminello, Mary Wright, and Joyce Young have given tirelessly of themselves to provide the necessary assistance which has greatly benefited the smooth operation of the office of the clerk of the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its sincere appreciation to Jane French and her staff, Peggy Burgess, Barbara Clingo, Mary Crochet, Nancy Cross, Dorothy Flory, Carleen Huffstickler, Mike Lafleur, Marva Tuminello, Mary Wright, and Joyce Young for the capable and untiring efforts that have greatly contributed to the smooth operation of the convention and the successful completion of writing a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

DELEGATE RESOLUTION No. 58—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dun-

lap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Legislature of the State of Louisiana.

WHEREAS, the enactment of Act 2 of 1972 by the members of the Legislature of the State of Louisiana made the Constitutional Convention of Louisiana of 1973 a reality; and

WHEREAS, the legislature has been very generous in its support of the convention by appropriating sufficient funds for its operations; and

WHEREAS, the legislature has made its own facilities available for the use of the convention when necessary; and

WHEREAS, the delegates to the Constitutional Convention of Louisiana of 1973 very much appreciate the support and assistance of the legislature; and

WHEREAS, the Constitutional Convention is privileged to have several outstanding members of the legislature, past and present, who have made lasting contributions to the history of our state and this convention; and,

WHEREAS, delegates of the Constitutional Convention recognize the close parallels between constitutional law which they have been considering and statutory law which members of the legislature consider; and

WHEREAS, delegates to the Constitutional Convention of Louisiana of 1973 and members of the Legislature of the State of Louisiana have a deep and abiding interest in the future of our state.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its appreciation to the Legislature of the State of Louisiana and its members individually, in this manner, for their invaluable contributions to the deliberations of this convention.

DELEGATE RESOLUTION No. 59—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Wills, Winchester, Wisham, Womack, and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Richard L. Barrios, Jr., Chief Sergeant-At-Arms, and his staff for the services rendered the convention.

WHEREAS, since its inception, the Constitutional Convention of Louisiana of 1973 has had the efficient and courteous services of Richard L. Barrios, Jr., as its Chief Sergeant-At-Arms; and

WHEREAS, the convention has been able to conduct its deliberations in an orderly and decorous manner because of the efficient work of Mr. Barrios and his staff, Sergeants-At-Arms Wilmer Baudoin, L. G. Brassett, E. O. Cailleteau, Dan Campbell, Ellis Daigle, Joe Dazzio, Freddie Donald, Macon Gean, David Hamilton, Raymond Holloway, Eddie Joe, Heywood Jeffers, Joseph Keith, Bill Middleton, Steve Mogabgab, Joseph Richard, Mike Skinner, Charles Taylor; Security Personnel Wilson Chaney, Van Foster, Glenn Koepp, Lemmie Walker, and messengers.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their sincere appreciation to Mr. Barrios and his staff, Sergeants-At-Arms, Wilmer Baudoin, L. G. Brassett, E. O. Cailleteau, Dan Campbell, Ellis Daigle, Joe Dazzio, Freddie Donald, Macon Gean, David Hamilton, Raymond Holloway, Eddie Joe, Heywood Jeffers, Joseph Keith, Bill Middleton, Steve Mogabgab, Joseph Richard, Mike Skinner, Charles Taylor, Security Personnel; Wilson Chaney, Van Foster, Glen Koepp, Lemmie Walker, and messengers.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

DELEGATE RESOLUTION No. 60—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the staff personnel serving under the offices of the chairman of the convention and treasurer of the convention for the services rendered the convention.

WHEREAS, the office of the chairman of the convention has been ably and efficiently served by Gale B. Clausen, Personal Secretary to the Chairman, Roy Fugler, Assistant to the Chairman; and

WHEREAS, the office of the treasurer of the convention has been skillfully and capably assisted by Bernice Weaver, Chief Accountant, Brenda St. Romain, Assistant Accountant, and Carol Turk, Clerk; and

WHEREAS, these staff personnel have greatly contributed to the smooth and efficient operation of the Constitutional Convention of Louisiana of 1973.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their deep appreciation to Gale B. Clausen, Personal Secretary to the Chairman, Roy Fugler, Assistant to the Chairman, Bernice Weaver, Chief Accountant, Brenda St. Romain, Assistant Accountant, and Carol Turk, Clerk, for their capable and efficient efforts that have contributed to the smooth operation of the convention and the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.

DELEGATE RESOLUTION No. 61—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler,

Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, U'lo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack, and Zervigon:

A RESOLUTION

To express appreciation to the officials, operators and messengers of South Central Bell Telephone Company for the telephone services provided to the delegates of the Constitutional Convention of Louisiana of 1973.

WHEREAS, the South Central Bell Telephone Company has provided excellent telephone services to the delegates of the Constitutional Convention of Louisiana of 1973; and

WHEREAS, it is a real public service to make available to delegates telephone facilities in that the service greatly facilitates communication between each delegate and the people of the state; and

WHEREAS, the convenience of providing telephone and messenger service to the Constitutional Convention of Louisiana of 1973 has helped tremendously in lessening the burden of performing our delegated duties, particularly since the service has been furnished with such competence and courtesy.

THEREFORE, BE IT RESOLVED, that the officials of the South Central Bell Telephone Company and the operators and messengers furnished by South Central Bell are hereby extended the official appreciation of the Constitutional Convention of Louisiana of 1973 and sincere personal commendation of each delegate thereof for their distinguished performance of a much needed service.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to South Central Bell Telephone Company.

DELEGATE RESOLUTION No. 62—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, U'lo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend the members of the news media for their service to the public during the Constitutional Convention of Louisiana of 1973.

WHEREAS, the members of the news media of Louisiana, including the newspapers, radio, and television, have reported the actions and deliberations of the convention in its sessions and in its committee hearings for the past twelve and a half months with a sense of responsibility to the public and to their profession; and

WHEREAS, the members of the news media are to be commended for a job well done in relating the proceedings of this convention accurately and with a sense of history; and

WHEREAS, the people of this state have been informed of the progress and accomplishments of the convention.

THEREFORE, BE IT RESOLVED, by the Constitutional Convention of Louisiana of 1973, that the delegates of the convention take this means of commending the members of the news media for their excellent coverage of the events of this convention.

DELEGATE RESOLUTION NUMBER 63—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, U'lo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack, and Zervigon:

A RESOLUTION

To commend and express sincere gratitude and appreciation to the Louisiana AFL-CIO for the use of equipment and workers.

WHEREAS, the Louisiana AFL-CIO has provided the most modern remote public address, audio, and recording equipment available for the use and convenience of the Constitutional Convention, and

WHEREAS, the Louisiana AFL-CIO has provided workers to operate said equipment, and

WHEREAS, these workers have spent many long hours operating and maintaining this equipment, and

WHEREAS, said equipment and workers have been indispensable to the effective and efficient operation of the Convention, and

WHEREAS, said equipment and workers would have been available to the Convention only at considerable expense to the Convention and their provision by the Louisiana AFL-CIO has resulted in great savings to the Convention, and

WHEREAS, this action on the part of the Louisiana AFL-CIO has been a great service to the Constitutional Convention and the people of the State of Louisiana.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commends and expresses its sincere gratitude and appreciation to the Louisiana AFL-CIO.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Louisiana AFL-CIO.

DELEGATE RESOLUTION No. 64—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, U'lo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School, its dean, faculty, and staff for the use of its facilities.

WHEREAS, Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School, have graciously extended their hospitality to

the Constitutional Convention of Louisiana of 1973 by providing working space in the Law Center and the use of the library and other facilities to the research staff of the convention; and

WHEREAS, the working space in the Law Center and the use of the Law School Library's extensive legal collection and other facilities have been provided by Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School without cost to the convention; and

WHEREAS, the dean, faculty, and staff members of the Law School have graciously cooperated with the research staff and the Constitutional Convention of Louisiana of 1973.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its appreciation to Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School, its dean, faculty, and staff.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School.

DELEGATE RESOLUTION No. 65—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmeuche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Denney, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandez, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack, and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the individuals who have assisted the convention.

WHEREAS, the task of writing a new constitution and the responsibilities of the delegates to the Constitutional Convention of Louisiana of 1973 have been complex and complicated; and

WHEREAS, the work of the convention would have been difficult to accomplish without the aid and assistance of the many people who aided and assisted the Constitutional Convention of Louisiana of 1973 before and during its existence; and

WHEREAS, for many months prior to the convening of the Constitutional Convention of Louisiana of 1973 and continuing through the year of the convention's existence the Louisiana Legislative Council and its staff has given invaluable assistance to the convention and its staff; and

WHEREAS, this assistance has been in the form of untold numbers of hours of advice, counsel, research, and other forms of assistance given graciously and whenever called upon; and

WHEREAS, in its beginnings, the research staff of the convention had to rely almost exclusively on the resources of the Legislative Council for its research capability; and

WHEREAS, the Division of Administration has worked very closely with the convention and in particular the office of the treasurer of the convention; and

WHEREAS, the Division of Administration at the outset of the convention assigned Jim Falkner, a member of its staff to assist the treasurer of the convention; and

WHEREAS, the decorum and safety within the convention hall and the areas in close proximity to the convention could not have been assured but for the unceasing efforts of the State Police officers assigned to the Constitutional Convention of Louisiana of 1973; and

WHEREAS, the staffs of the Speaker of the House of Representatives and the Clerk of the House have rendered valuable help and assistance to the convention and the delegates when called upon to do so; and

WHEREAS, the Secretary of State, the Attorney General, and the Custodian of Voting Machines and their staffs have responded promptly and fairly when called upon to aid the convention in resolving some of the problems confronting it; and

WHEREAS, the courtesies which have so generously been supplied to the delegates to the Constitutional Convention of Louisiana of 1973 throughout its deliberations by the newspapers delivered daily by the Shreveport Journal without charge to the convention; and by the complimentary copies of "Citizen's Guide to the 1973 Constitutional Convention" and other material distributed by the Public Affairs Research Council of Louisiana greatly contributed to serving the needs of the delegates to the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its appreciation to the abovementioned individuals, agencies, organizations, and to all others who have contributed for the services they have rendered and the contributions they have made to the successful completion of a new constitution for the State of Louisiana.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons, agencies, organizations named herein.

DELEGATE RESOLUTION No. 66—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmeuche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Denney, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandez, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Honorable Edwin W. Edwards, Governor of the State of Louisiana.

WHEREAS, the Honorable Edwin W. Edwards, Governor of the State of Louisiana, has long maintained that a need existed for a new constitution; and

WHEREAS, Governor Edwards advocated the calling of a constitutional convention during his campaign for governor; and

WHEREAS, soon after his inauguration, Governor Edwards began in earnest to work toward that end; and

WHEREAS, Governor Edwards sponsored legislation calling a constitutional convention; and

WHEREAS, that legislation became Act 2 of 1972 creating the Constitutional Convention of Louisiana of 1973; and

WHEREAS, Governor Edwards has maintained his interest and support throughout the deliberations of the convention; and

WHEREAS, the support of the Governor of this state is essential for the successful ratification of the new constitution; and

WHEREAS, the delegates to the Constitutional Convention of Louisiana of 1973 realize that the aid, support, interest, and cooperation of the Governor is desirable and necessary.

THEREFORE BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their sincere appreciation to the Honorable Edwin W. Edwards, Governor of the State of Louisiana, for his continuing interest and support of the successful completion of a new constitution for the State of Louisiana and its people.

PAGE 72

122nd Days Proceedings—January 19, 1974

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be transmitted to Governor Edwards.

DELEGATE RESOLUTION No. 67—

Introduced by Delegates Rayburn, Thompson, Brown, Reeves, Lambert and Nunez:

A RESOLUTION

Relative to the distribution of public information concerning the proposed Louisiana Constitution of 1974.

BE IT RESOLVED by the Constitutional Convention of Louisiana of 1973 that in the event the Committee on Public Information determines that information shall be disseminated to the people of the state through the medium of newspapers, said committee is hereby authorized and directed to take such steps as are necessary to assure that, where space is purchased, the information is printed at least in the official journal of each parish, and in all events shall make every effort to disseminate information relative to the proposed new constitution in the weekly newspapers throughout the state as well as in daily newspapers.

Respectfully submitted,

Moise W. Dennery
Secretary.

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Motion

On motion of Delegate Miller the following lyrics were ordered entered upon the journal:

SHOULD AULD ACQUAINTANCE BE FORGOT
AND NEVER BROUGHT TO MIN'?
WE SHOULD REMEMBER THAT WE DID
THE CONSTITUTION SIGN.

SO BANG THE GAVEL ONCE AGAIN
AND OPEN THE MACHINE
WHILE BUBBA HENRY STANDS ALOFT
WITH COUNTENANCE SERENE

WHEN WELLBORN JACK BEGINS TO SPEAK
THE MEMBERS, TO A MAN
QUIET DOWN TO HEAR THE WISDOM FLOW
FROM NORTH LOUISIANE

AND THEN ST. MARTIN'S ORATOR
SPOUTS BIBLE AND THE BARD
AS MR. PEREZ ARGUES WITH
HIS FRIENDS FROM ST. BERNARD

ASSESSORS ALL WITH BATED BREATH
AWAIT CHEHARDY'S JOKE
WHILE CASEY AND MS. ZERVIGON
ARE BOTH ABOUT TO CHOKE

THEN ALPHONSE JACKSON AND CHRIS ROY
THEIR CIVIL RIGHTS THING DO
AND E. J. LANDRY AND AMBROISE
DISCUSS LAFOURCHE BAYOU

JUDGE ALBERT TATE GOES TO THE MIKE
TO SPEAK OF DRAFT AND STYLE
AS GRAHAM, GRAVEL AND ROBERT PUGH
ALL VISIT IN EACH AISLE

THEN LOUD VOICED ALVIN FROM SLIDELL
ASKS QUESTIONS FROM THE FLOOR
WHILE MUNSON AND HERNANDEZ, PETE,
FOR TIMBER DO IMPLORE

THE SHERIFFS AND THE CLERKS OF COURT
AGREE WITH THE D.A.'s
AND ALL THE FOLKS FROM THIBODAU
SING OUT LA MARSEILLAISE

THEN FLORY AND AVANT ARISE
AND BOTH APPROACH THE CHAIR
THEY LABOR LONG AND LABOR HARD
THEIR GRIEVANCES TO AIR

THE VET FROM NOUVELLE ORLEANS
COMPUTES THE RATE OF TAX
WHILE SIXTY AND THE SENATORS
GIVE P.A.R. THE AXE

THE LADIES—AND WE BLESS THEM ALL—
THEIR LIBERATION FLOUT
AS ALL THE MANY MINISTERS
COME FORTH WITH PRAYERS DEVOUT

WHILE NORMA DUNCAN AND THE STAFF
WORK OVERTIME GALORE
THE PAGES AND THE SARG AT ARMS
TRY ORDER TO RESTORE

I KNOW I HAVE FORGOTTEN SOME
BUT NONE DID I MALIGN
AND NE'ER WILL I FORGET YOU ALL
IN DAYS OF AULD LANG SYNE.

MOISE W. DENNERY

1. Should auld acquaintance be forgot
and never brought to mind?
Though nerves were frayed
There were mem'ries made
Pleasant thoughts our hearts can find.

For days of CC/73
Are coming to an end
We've done our best
Now the biggest test—
Will the voter be our friend?

2. We've come though many storms and trials
We have often disagreed.
Our work is done and our race is run
Though it can't be said "with speed".

For days of CC/73
We never more shall see
And as we part
We have saddened hearts
Leaving CC/73.

For auld lang syne my dear
For auld lang syne
We'll take a cup of kindness yet
For CC/73.

CORINNE DARLEE MAYBUCE

Delegate Segura moved that the Convention do now adjourn subject to recall.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned subject to recall.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

Constitutional Convention of 1973

of the

STATE OF LOUISIANA

CALENDAR

OF THE CONSTITUTIONAL CONVENTION OF 1973
HELD IN ACCORDANCE WITH ACT 2 OF THE
1972 REGULAR SESSION OF THE LEGISLATURE



Ending Saturday, January 19, 1974

BY AUTHORITY

E. L. HENRY
Chairman

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

Constitutional Convention

Index by Author and Number

Name of Delegate	Committee Proposals	Delegate Proposals	Committee Resolutions	Delegate Resolutions
Abraham-----	4, 5, 19, 22, 23, 31, 32	23, 67, 68, 69, 70, 71, 72, 73, 80, 81, 82, 83, 84, 85, 86, 96, 97, 98, 99, 101, 102	10	1, 5, 8, 14, 16, 17, 24, 49, 54, 55, 56, 57
Alario-----	15, 26	16, 18, 97, 98, 100	10	2, 8, 14, 16, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Alexander-----	4, 5, 19, 22, 31, 32	37, 99, 101, 102	10	8, 14, 16, 48, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Anzalone-----	4, 5, 19, 22, 31	97, 98, 103	10	8, 14, 16, 28, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Armentor-----	7, 9, 10, 11, 12, 13, 14, 18		10	8, 14, 16
Arnette-----	4, 5, 19, 22, 23, 31, 32	98, 99, 100, 102	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Asseff-----	19, 31, 32	1, 2, 3, 4, 25, 29, 51, 52, 97, 99, 100, 101, 102, 103	10	8, 10, 14, 16, 20, 28, 34, 46, 47, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Avant-----	6, 21	15, 97, 99, 100, 102	10	8, 11, 14, 16, 49, 51, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Badeaux-----	15			8, 14, 16
Badeaux, C.-----		98, 99, 102	10	49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Bel-----	6, 21	37, 40, 41, 61, 95, 96, 97, 99, 100, 101, 102	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Bergeron-----	6, 21	14, 37, 97, 98, 99, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Berry-----		74, 96		
Blair-----	3		10, 11	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Bollinger-----	16, 34, 37	97, 98, 99, 100, 101, 102	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Brien-----	4, 5, 19, 22, 23, 31	49	10	8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Brown-----	15, 26	99, 100, 102	10	8, 14, 16, 21, 27, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67
Burns-----	6, 21	7	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Burson-----	8, 17, 27, 28, 29	13, 62, 63, 75, 76, 93, 97	10	8, 14, 16, 29, 30, 31, 37, 38, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Cannon-----	8, 17, 27, 28, 29	97, 100, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Carmouche-----	7, 9, 10, 11, 12, 13, 14, 18, 30	99, 102, 103	10	8, 14, 16, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Casey-----	3	18, 37, 38, 39, 96, 97, 98, 99, 100, 102	10, 11	8, 14, 16, 26, 40, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Champagne-----	15	100, 101	10	8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66

Name of Delegate	Committee Proposals	Delegate Proposals	Committee Resolutions	Delegate Resolutions
Chatelain-----	8, 17, 26, 27, 28 29	98	10	8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Chehardy-----	15, 26	16	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Colten-----				8
Comar-----			12	49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Conino-----	8, 17, 27, 28, 29	98, 103	1, 10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Conroy-----	15	22, 98, 101, 103	10	8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Corne-----	7, 9, 10, 11, 12, 13, 14, 18, 30	54, 98	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 23, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Cowen-----	7, 9, 10, 11, 12, 13, 14, 18, 30	97, 100, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
DeBlieux-----	15	99, 101, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
D'Gerolamo-----	8, 17, 27, 28, 29, 38		10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Dennery-----	4, 5, 19, 22, 23, 31	12, 18, 27, 28, 31, 42, 96, 98, 99, 101, 102	10	8, 14, 16, 19, 49, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Dennis-----	6, 21	33, 34, 99, 101, 102, 103	10, 11	8, 14, 15, 16, 18, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Derbes-----	16, 34, 37	98, 99, 101, 102	10	7, 8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Deshotels-----	6, 21	79, 98, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Drew-----	6, 38, 21	32, 47, 48, 97, 100, 101	1, 10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Dunlop-----	1, 2, 20, 24, 25, 33, 35, 36		10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Duval-----	4, 5, 19, 22, 31	11, 99, 101, 102	1, 10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Edwards-----	15, 26	16, 97	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Elkins-----	16, 34, 37	97, 99, 100, 101, 102, 103	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Fayard-----	3, 38	98	10, 11, 12	3, 8, 14, 16, 26, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Flory-----	7, 9, 10, 11, 12, 13, 14, 18, 30	57, 58, 97, 99, 102, 103	2, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Fontenot-----	15	55, 100	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Fowler-----	8, 17, 27, 28, 29	98	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66

CONSTITUTIONAL CONVENTION CALENDAR

Name of Delegate	Committee Proposals	Delegate Proposals	Committee Resolutions	Delegate Resolutions
Fulco-----	3	98, 97, 99, 100, 101, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Gauthier-----	6, 21	43, 45, 97, 98, 100	1, 10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Giarrusso-----	8, 17, 27, 28, 29	97, 99, 102	1, 10	4, 8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Ginn-----	3	98	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Goldman-----	26	96, 98, 99, 100, 102, 103		49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Graham-----		98		49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Gravel-----	4, 5, 19, 22, 23, 31, 32	18, 36, 43, 74, 98	10	8, 14, 16, 32, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Grier-----	7, 9, 10, 11, 12, 13, 14, 18, 30	97, 99, 100, 101, 102, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Guarisco-----	1, 2, 20, 24, 25, 33, 35, 36	96, 98, 99, 102, 103	10	8, 13, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Guidry-----	16		10	8, 14, 16
Hardee-----	16, 34, 37, 38	99, 100, 101, 102, 103	10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Hayes-----	8, 17, 27, 28, 29		10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Haynes-----	7, 9, 10, 11, 12, 13, 14, 18, 30	59, 96, 99, 102	2, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Heine-----	8, 17, 27, 28, 29	97, 103	10	49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Henry-----		98, 100	10, 11	8, 14, 16, 49, 54, 55, 56, 57
Hernandez-----	7, 9, 10, 11, 12, 13, 14, 18, 30	97, 100	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Jack-----	16, 34, 37	20, 21, 97, 101	10	8, 14, 16, 32, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Jackson, A.-----	1, 2, 20, 24, 25, 33, 35, 36	43, 96, 98, 99, 101, 102	10, 11	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Jackson, J.-----	8, 17, 27, 28, 29, 38	37, 43, 96, 99, 101, 102	10, 11, 12	8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Jenkins-----	1, 2, 20, 24, 25, 33, 36	60	10	8, 9, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Jones-----		97, 99, 100, 101, 102, 103		49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Juneau-----	3	10, 54, 98, 99, 102	1, 10	3, 8, 14, 16, 17, 26, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Kean-----	8, 17, 27, 28, 29	101	1, 10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Kelly-----	6, 21	97, 98	1, 10	8, 14, 16, 26, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66

CONSTITUTIONAL CONVENTION CALENDAR

Name of Delegate	Committee Proposals	Delegate Proposals	Committee Resolutions	Delegate Resolutions
Kilbourne-----	6, 21	97, 101, 103		8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Kilpatrick, K.---	3		10	8, 14, 16
Kilpatrick, P.---		98		49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Lambert-----	16, 34, 37, 38		10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67
Landry, A.-----	6, 21	97, 98, 99, 100, 101, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Landry, E. J.---	7, 9, 10, 11, 12, 13, 14, 18, 30	99, 100, 102, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Lanier-----	8, 17, 27, 28, 29, 38	101	10, 11, 12	8, 14, 16, 17, 32, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
LeBleu-----	16, 34, 37, 38	98, 100	10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
LeBreton-----	3, 38	96	10, 11	8, 14, 16
Leigh-----	16, 34, 37	97, 100	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Leithman-----	7, 9, 10, 11, 12, 13, 14, 18, 30	8, 9, 53, 54, 98, 99, 100, 102	10	8, 14, 16, 33, 49, 54, 55, 56, 57, 58, 59, 60, 81, 62, 63, 64, 65, 66
Lennox-----	7, 9, 10, 11, 12, 13, 14, 18, 30, 38	4, 30, 37, 88, 89, 90, 96	10, 11, 12	8, 14, 16, 28
Lowe-----	15		10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
McDaniel-----	15	97, 99, 100, 102	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Martin-----	6, 21		10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Mauberret-----	15, 26	16, 37	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Maybuce-----		97, 98, 99, 102		49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Miller-----	16, 34, 37	35, 96, 97, 98, 99, 100, 101, 102	10, 11	8, 14, 16, 17, 28, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Mire-----	15, 26	16	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Morris-----		103		49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Munson-----	16, 34, 37, 38		10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Newton-----	15	22, 26, 98, 101	1, 10	8, 14, 16, 17, 32, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Nunez-----	15, 26	16	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67
O'Neill-----	3	97, 98, 100	10	8, 14, 16, 17, 23, 25, 41, 42, 43, 44, 49, 50, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66

Name of Delegate	Committee Proposals	Delegate Proposals	Committee Resolution	Delegate Resolutions
Ourso-----	6, 21	97	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Perez-----	8, 17, 27, 28, 29		1, 10, 11	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Perkins-----	16, 34, 37	97, 100	1, 10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Planchar-----	15, 26	16, 17, 97, 100, 103	10	8, 14, 16, 28, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Pugh-----	34, 37	43, 94, 96, 98, 103	10	49, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Rachal-----	7, 9, 10, 11, 12, 13, 14, 18, 30	96	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Rayburn-----	15, 26, 38	16	10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67
Reeves-----	8, 17, 27, 28, 29		10	8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67
Riecke-----	7, 9, 10, 11, 12, 13, 14, 18, 30	18, 37, 96, 98, 99, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Robinson-----	7, 9, 10, 11, 12, 13, 14, 18, 30	66, 77, 78, 92	10	8, 14, 16
Roemer-----	15	97, 98, 99, 100, 101, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Roy-----	1, 2, 20, 24, 25, 33, 35, 36	43, 65, 99, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Sandoz-----	6, 21	99, 100, 101, 102	1, 2, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Schmitt-----	15	24, 97, 98, 99, 100, 101, 102	10	4, 8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Segura-----	7, 9, 10, 11, 12, 13, 14, 18, 30	87, 103	10	8, 14, 16, 36, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Shannon-----	8, 17, 27, 28, 29	98, 99, 100, 101, 102	2, 9, 10, 13	8, 12, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Silverberg-----	7, 9, 10, 11, 12, 13, 14, 18, 30		10	8, 14, 16
Singletoy-----	16, 34, 37	47, 48, 97, 99, 100, 102	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Slay-----	15, 26	16	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Smith-----	15, 38	97, 100, 101, 103	1, 10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Soniat-----	1, 2, 20, 24, 25, 33, 35, 36	96, 99, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Stagg-----	4, 5, 19, 22, 23, 31, 32	99, 101, 102	1, 2, 9, 10, 11, 13	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Stephenson-----	8, 17, 27, 28, 29	97	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Stinson-----	1, 2, 20, 24, 25, 33, 35, 36	97	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66

Name of Delegate	Committee Proposals	Delegate Proposals	Committee Resolution	Delegate Resolutions
Stovall-----	4, 5, 19, 22, 23, 31	42, 43, 96, 98, 99, 102	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 22, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Sutherland-----	7, 9, 10, 11, 12, 13, 14, 18, 30	96, 98, 99, 100, 101, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Tapper-----	4, 5, 19, 22, 23, 31	37, 99, 102	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Tate-----	6, 21		10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Taylor-----	8, 17, 27, 28, 29		10	8, 14, 16, 17
Thistlewaite-----	7, 9, 10, 11, 12, 13, 14, 18, 30	50, 99, 101, 102	10	8, 14, 16, 23, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Thompson-----	16, 34, 37, 38		10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67
Tobias-----	6	46, 98, 99, 102, 103	10	8, 14, 16, 17, 35, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Toca-----	7, 9, 10, 11, 12, 13, 14, 18, 30	64, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Toomy-----	8, 17, 27, 28, 29	56, 97, 98	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Triche-----	15		10	8, 14, 16, 17
Ullo-----	8, 17, 27, 28, 29	97, 98, 100, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Velazques-----	16, 34, 37	19, 96, 97, 99, 100, 101, 102	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13	4, 8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Vesich-----	6, 21	37, 40, 41, 61	10	8, 14, 16, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Vick-----	1, 2, 20, 24, 25, 33, 35, 36	37, 44, 96, 98, 99, 101, 102, 103	10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Wall-----	1, 2, 20, 24, 25, 33, 35, 36		10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Warren-----	16, 34, 37	37, 43, 97, 98, 99, 101, 102	2, 3, 4, 5, 6, 7, 8, 9, 10, 13	8, 14, 16, 45, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Wattigny-----		98		49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Weiss-----	1, 2, 20, 24, 25, 33, 35, 36	5, 6, 96, 97, 98, 103	10	6, 8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Willis-----		97, 98, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Winchester-----	15, 26	16, 97, 100, 103	10	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Wisham-----	7, 9, 10, 11, 12, 13, 14, 18, 30	97, 99, 102, 103	10	8, 14, 16, 28, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Womack-----	16, 34, 37, 38	4	1, 10, 11, 12	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Zervigon-----	8, 17, 27, 28, 29, 38	91, 98, 99, 100, 101, 102	10, 11, 12	8, 14, 16, 17, 39, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Aertker-----	7, 9, 10, 11, 12, 13, 14, 18, 30	97, 99, 100, 102	10, 11	8, 14, 16, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66
Landrum-----	3	37, 99, 102	10	8, 14, 16, 17, 49, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66

CALENDAR INDEX

	Pages		Pages
January 5, 1973		August 4, 1973	
1st Day's Proceedings	1-7	26th Day's Proceedings	264-270
January 12, 1973		August 8, 1973	
2nd Day's Proceedings	8-21	27th Day's Proceedings	271-275
January 13, 1973		August 9, 1973	
3rd Day's Proceedings	22-29	28th Day's Proceedings	276-285
January 16, 1973		August 10, 1973	
4th Day's Proceedings	30-36	29th Day's Proceedings	286-307
January 17, 1973		August 15, 1973	
5th Day's Proceedings	37-44	30th Day's Proceedings	308-317
January 18, 1973		August 16, 1973	
6th Day's Proceedings	45-53	31st Day's Proceedings	318-327
January 19, 1973		August 17, 1973	
7th Day's Proceedings	54-58	32nd Day's Proceedings	328-337
January 30, 1973		August 18, 1973	
8th Day's Proceedings	59-65	33rd Day's Proceedings	338-347
January 31, 1973		August 22, 1973	
9th Day's Proceedings	66-77	34th Day's Proceedings	348-358
July 5, 1973		August 23, 1973	
10th Day's Proceedings	78-83	35th Day's Proceedings	359-372
July 6, 1973		August 24, 1973	
11th Day's Proceedings	84-140	36th Day's Proceedings	373-387
July 11, 1973		August 28, 1973	
12th Day's Proceedings	141-144	37th Day's Proceedings	388-395
July 12, 1973		August 29, 1973	
13th Day's Proceedings	145-148	38th Day's Proceedings	396-404
July 13, 1973		August 30, 1973	
14th Day's Proceedings	149-158	39th Day's Proceedings	405-417
July 14, 1973		August 31, 1973	
15th Day's Proceedings	159-164	40th Day's Proceedings	418-425
July 18, 1973		September 5, 1973	
16th Day's Proceedings	165-169	41st Day's Proceedings	426-433
July 19, 1973		September 6, 1973	
17th Day's Proceedings	170-177	42nd Day's Proceedings	434-443
July 20, 1973		September 7, 1973	
18th Day's Proceedings	178-186	43rd Day's Proceedings	444-452
July 25, 1973		September 8, 1973	
19th Day's Proceedings	187-198	44th Day's Proceedings	453-463
July 26, 1973		September 12, 1973	
20th Day's Proceedings	199-206	45th Day's Proceedings	464-468
July 27, 1973		September 13, 1973	
21st Day's Proceedings	207-221	46th Day's Proceedings	469-478
July 28, 1973		September 14, 1973	
22nd Day's Proceedings	222-229	47th Day's Proceedings	479-486
August 1, 1973		September 15, 1973	
23rd Day's Proceedings	230-237	48th Day's Proceedings	487-494
August 2, 1973		September 19, 1973	
24th Day's Proceedings	238-250	49th Day's Proceedings	495-502
August 3, 1973		September 20, 1973	
25th Day's Proceedings	251-263	50th Day's Proceedings	503-509

	Pages		Pages
September 21, 1973		November 2, 1973	
51st Day's Proceedings	510-515	77th Day's Proceedings	713-721
September 22, 1973		November 3, 1973	
52nd Day's Proceedings	516-519	78th Day's Proceedings	722-729
September 25, 1973		November 6, 1973	
53rd Day's Proceedings	520-525	79th Day's Proceedings	730-742
September 26, 1973		November 7, 1973	
54th Day's Proceedings	526-533	80th Day's Proceedings	743-753
September 27, 1973		November 8, 1973	
55th Day's Proceedings	534-542	81st Day's Proceedings	754-771
September 28, 1973		November 9, 1973	
56th Day's Proceedings	543-550	82nd Day's Proceedings	772-783
September 29, 1973		November 10, 1973	
57th Day's Proceedings	551-555	83rd Day's Proceedings	784-791
October 2, 1973		November 13, 1973	
58th Day's Proceedings	556-570	84th Day's Proceedings	792-801
October 3, 1973		November 14, 1973	
59th Day's Proceedings	571-581	85th Day's Proceedings	802-811
October 4, 1973		November 15, 1973	
60th Day's Proceedings	582-589	86th Day's Proceedings	812-828
October 5, 1973		November 16, 1973	
61st Day's Proceedings	590-601	87th Day's Proceedings	829-845
October 6, 1973		November 17, 1973	
62nd Day's Proceedings	602-608	88th Day's Proceedings	946-858
October 9, 1973		November 18, 1973	
63rd Day's Proceedings	609-616	89th Day's Proceedings	859-875
October 10, 1973		November 19, 1973	
64th Day's Proceedings	617-622	90th Day's Proceedings	876-889
October 11, 1973		November 20, 1973	
65th Day's Proceedings	623-627	91st Day's Proceedings	890-897
October 17, 1973		December 5, 1973	
66th Day's Proceedings	628-633	92nd Day's Proceedings	898-909
October 18, 1973		December 6, 1973	
67th Day's Proceedings	634-637	93rd Day's Proceedings	910-920
October 19, 1973		December 7, 1973	
68th Day's Proceedings	638-647	94th Day's Proceedings	921-925
October 20, 1973		December 8, 1973	
69th Day's Proceedings	648-654	95th Day's Proceedings	926-931
October 23, 1973		December 11, 1973	
70th Day's Proceedings	655-660	96th Day's Proceedings	932-942
October 24, 1973		December 12, 1973	
71st Day's Proceedings	661-669	97th Day's Proceedings	943-950
October 25, 1973		December 13, 1973	
72nd Day's Proceedings	670-676	98th Day's Proceedings	951-964
October 26, 1973		December 14, 1973	
73rd Day's Proceedings	677-691	99th Day's Proceedings	965-988
October 27, 1973		December 15, 1973	
74th Day's Proceedings	692-698	100th Day's Proceedings	989-997
October 31, 1973		December 16, 1973	
75th Day's Proceedings	699-704	101st Day's Proceedings	998-1008
November 1, 1973		December 17, 1973	
76th Day's Proceedings	705-712	102nd Day's Proceedings	1009-1024

	Pages		Pages
December 18, 1973		January 9, 1974	
103rd Day's Proceedings	1025-1039	113th Day's Proceedings	1142-1153
December 19, 1973		January 10, 1974	
104th Day's Proceedings	1040-1052	114th Day's Proceedings	1154-1184
December 20, 1973		January 11, 1974	
105th Day's Proceedings	1053-1069	115th Day's Proceedings	1185-1212
December 21, 1973		January 12, 1974	
106th Day's Proceedings	1070-1076	116th Day's Proceedings	1213-1226
January 3, 1974		January 14, 1974	
107th Day's Proceedings	1077-1093	117th Day's Proceedings	1227-1268
January 4, 1974		January 15, 1974	
108th Day's Proceedings	1094-1105	118th Day's Proceedings	1269-1309
January 5, 1974		January 16, 1974	
109th Day's Proceedings	1106-1108	119th Day's Proceedings	1310-1332
January 6, 1974		January 17, 1974	
110th Day's Proceedings	1109-1114	120th Day's Proceedings	1333-1352
January 7, 1974		January 18, 1974	
111th Day's Proceedings	1115-1123	121st Day's Proceedings	1353-1384
January 8, 1974		January 19, 1974	
112th Day's Proceedings	1124-1141	122nd Day's Proceedings	1385-1456

TABLE OF CONTENTS

(As recommended by Committee
on Style and Drafting)

January 17, 1974

PREAMBLE

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government [CP 25, Sec. 1] -----	27
Section 2. Due Process of Law [CP 25, Sec. 2] -----	27
Section 3. Right to Individual Dignity [CP 25, Sec. 3] --	27
Section 4. Right to Property [CP 25, Sec. 4] -----	27
Section 5. Right to Privacy [CP 25, Sec. 5] -----	27
Section 6. Freedom from Intrusion [CP 25, Sec. 6] ----	27
Section 7. Freedom of Expression [CP 25, Sec. 9] -----	27
Section 8. Freedom of Religion [CP 25, Sec. 10] -----	27
Section 9. Right of Assembly and Petition [CP 25, Sec. 11] -----	27
Section 10. Right to Vote [CP 25, Sec. 19] -----	28
Section 11. Right to Keep and Bear Arms [CP 25, Sec. 20] -----	28
Section 12. Freedom from Discrimination [CP 25, Sec. 26] -----	28
Section 13. Rights of the Accused [CP 25, Sec. 12] -----	27
Section 14. Right to Preliminary Examination [CP 25, Sec. 27] -----	29
Section 15. Initiation of Prosecution [CP 25, Sec. 13] ---	28
Section 16. Right to a Fair Trial [CP 25, Sec. 15] -----	28
Section 17. Jury Trial in Criminal Cases [CP 25, Sec. 16] -----	28
Section 18. Right to Bail [CP 25, Sec. 17] -----	28
Section 19. Right to Judicial Review [CP 25, Sec. 12] --	27
Section 20. Right to Humane Treatment [CP 25, Sec. 18] 28	28
Section 21. Writ of Habeas Corpus [CP 25, Sec. 21] ----	28
Section 22. Access to Courts [CP 25, Sec. 22] -----	28
Section 23. Prohibited Laws [CP 25, Sec. 23] -----	28
Section 24. Unenumerated Rights [CP 25, Sec. 25] -----	28

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches [CP 35, Sec. 1] -----	36
Section 2. Limitations on Each Branch [CP 35, Sec. 2] -	36

ARTICLE III. LEGISLATIVE BRANCH

Section 1. Legislative Power; Composition; Continuous Body [CP 3, Sec. 1] -----	1
(A) Legislative Power of State	
(B) Continuous Body	
Section 2. Sessions [CP 3, Sec. 2] -----	1
(A) Annual Session	
(B) Extraordinary Session	
(C) Emergency Session	
Section 3. Size [CP 3, Sec. 3] -----	1
Section 4. Qualifications; Residence and Domicile Requirements; Term; Vacancies [CP 3, Sec. 4] -----	1
(A) Age; Residence; Domicile	
(B) Domicile; Special Provisions	
(C) Term	
(D) Vacancy	
Section 5. Taking Office [CP 3, Sec. 27] -----	4
(A) Full Term	
(B) Filling Vacancy	
Section 6. Legislative Reapportionment; Reapportionment by Supreme Court; Procedure [CP 3, Sec. 5] -----	1
(A) Reapportionment by Legislature	
(B) Reapportionment by Supreme Court	
(C) Procedure	
Section 7. Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion; Subpoenas; Contempt; Officers [CP 3, Sec. 6] -----	1
(A) Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion	
(B) Subpoena Power; Contempt	
(C) Officers	
Section 8. Privileges and Immunities [CP 3, Sec. 7] ----	2

Section 9. Conflict of Interest [CP 3, Sec. 8] -----	2
Section 10. Quorum; Compulsory Attendance; Journal; Adjournment With Consent of Other House [CP 3, Sec. 9] -----	2
(A) Quorum	
(B) Journal	
(C) Adjournment	
Section 11. Legislative Auditor [CP 3, Sec. 10] -----	2
Section 12. Prohibited Local and Special Laws [DP 22, Sec. 12] -----	44
(A) Prohibitions	
(B) Additional Prohibition	
Section 13. Local or Special Laws; Notice of Intent; Publication [CP 3, Sec. 13] -----	2
Section 14. Style of Laws; Enacting Clause [CP 3, Sec. 16] -----	3
Section 15. Passage of Bills [CP 3, Sec. 17] -----	3
(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 16. Appropriations [CP 3, Sec. 18] -----	3
(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 17. Signing of Bills; Delivery to Governor [CP 3, Sec. 19] -----	3
(A) Signing; Delivery	
(B) Resolutions	
Section 18. Signature of Governor on Bills; Veto [CP 3, Sec. 20] -----	3
(A) Gubernatorial Action	
(B) Veto	
(C) Veto Session	
Section 19. Effective Date of Laws [CP 3, Sec. 21] ----	3
Section 20. Suspension of Laws [CP 3, Sec. 22] -----	3

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition; Number of Departments; Reorganization [CP 4, Sec. 1] -----	4
(A) Composition	
(B) Number of Departments	
(C) Reorganization	
Section 2. Qualifications [CP 4, Sec. 2] -----	4
Section 3. Election; Term [CP 4, Sec. 3] -----	4
(A) Election	
(B) Limitation on Governor	
(C) Additional Limitation	
Section 4. Compensation [CP 4, Sec. 4] -----	4
Section 5. Governor; Powers and Duties [CP 4, Sec. 5] -----	4
(A) Executive Authority	
(B) Legislative Reports and Recommendations	
(C) Departmental Reports and Information	
(D) Operating and Capital Budget	
(E) Pardon, Commutation, Reprieve, and Remission; Board of Pardons	
(F) Receipt of Bills from the Legislature	
(G) Item Veto	
(H) Appointments	
(I) Removal Power	
(J) Commander-in-Chief	
(K) Other Powers and Duties	
Section 6. Lieutenant Governor; Powers and Duties [CP 4, Sec. 6] -----	5
Section 7. Secretary of State; Powers and Duties [CP 4, Sec. 7] -----	5
Section 8. Attorney General; Powers and Duties [CP 4, Sec. 8] -----	5
Section 9. Treasurer; Powers and Duties [CP 4, Sec. 9] -----	5

Section 10. Commissioner of Agriculture; Powers and Duties [CP 4, Sec. 10] ----- 5

Section 11. Commissioner of Insurance; Powers and Duties [CP 4, Sec. 11] ----- 5

Section 12. Commissioner of Elections; Powers and Duties [CP 4, Sec. 12] ----- 5

Section 13. First Assistants; Appointment [CP 4, Original Sec. 10] ----- 5

Section 14. Vacancy in Office of Governor [CP 4, Sec. 11] ----- 5

Section 15. Vacancy in Office of Lieutenant Governor [CP 4, Sec. 12] ----- 5

Section 16. Vacancies in Other Statewide Elective Offices [CP 4, Sec. 13] ----- 6

Section 17. Declaration of Inability by Statewide Elected Officials [CP 4, Sec. 16] ----- 6

Section 18. Determination of Inability of Statewide Elected Official [CP 4, Sec. 17] ----- 6

(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

Section 19. Temporary Absences [CP 4, Sec. 18] ----- 6

Section 20. Appointment of Officials; Merger, Consolidation of Offices and Departments [CP 4, Sec. 23] ----- 6

Section 21. Public Service Commission [CP 37, Sec. 14] ----- 6

(A) Composition; Term; Domicile

(B) Powers and Duties

(C) Limitation

(D) Applications; Petitions and Schedules; Protective Bond and Security

(E) Appeals

ARTICLE V. JUDICIAL BRANCH

Section 1. Judicial Power [CP 21, Sec. 1] ----- 22

Section 2. Habeas Corpus, Writs, Orders and Process; Contempt [CP 21, Sec. 2] ----- 22

Section 3. Supreme Court; Composition; Judgments; Terms [CP 21, Sec. 3] ----- 22

Section 4. Supreme Court; Districts [CP 21, Sec. 4] ----- 22

Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges [CP 21, Sec. 5] ----- 22

(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 [CP 21, Sec. 6] ----- 22

Section 7. Supreme Court; Personnel [CP 21, Sec. 7] ----- 22

Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms [CP 21, Sec. 8] ----- 22

(A) Circuits; Panels

(B) Judgments

(C) Terms

Section 9. Courts of Appeal; Circuits and Districts [CP 21, Sec. 9] ----- 22

Section 10. Courts of Appeal; Jurisdiction [CP 21, Sec. 10] ----- 22

(A) Jurisdiction

(B) Scope of Review

Section 11. Courts of Appeal; Certification [CP 21, Sec. 11] ----- 22

Section 12. Courts of Appeal; Chief Judge [CP 21, Sec. 12] ----- 22

Section 13. Courts of Appeal; Personnel [CP 21, Sec. 13] ----- 23

Section 14. District Courts; Judicial Districts [CP 21, Sec. 14] ----- 23

Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms [CP 21, Sec. 15] ----- 23

(A) Court Retention; Trial Courts of Limited Jurisdiction

(B) Judicial Districts

(C) Term

(D) Number of Judges

Section 16. District Courts; Jurisdiction [CP 21, Sec. 16] ----- 23

(A) Original Jurisdiction

(B) Appellate Jurisdiction

Section 17. District Courts; Chief Judge [CP 21, Sec. 17] ----- 23

Section 18. Juvenile and Family Courts; Jurisdiction [CP 21, Sec. 18] ----- 23

Section 19. Special Juvenile Procedures [DP 43] ----- 47

Section 20. Mayors' Courts; Justice of the Peace Courts [CP 21, Sec. 19] ----- 23

Section 21. Judges; Decrease in Terms and Compensation Prohibited [CP 21, Sec. 21] ----- 23

Section 22. Judges; Election; Vacancy [CP 21, Sec. 22] ----- 23

(A) Election

(B) Vacancy

(C) End of Term

Section 23. Judges; Retirement [CP 21, Sec. 23] ----- 23

(A) Retirement System

(B) Mandatory Retirement

Section 24. Judges; Qualifications [CP 21, Sec. 24] ----- 24

Section 25. Judiciary Commission [CP 21, Sec. 25] ----- 24

(A) Composition

(B) Term; Vacancy

(C) Powers

(D) Other Disciplinary Action

Section 26. District Attorneys [CP 21, Sec. 28] ----- 24

(A) Election; Qualifications; Assistants

(B) Powers

(C) Prohibition

Section 27. Sheriffs [CP 21, Sec. 30] ----- 24

Section 28. Clerks of Court [CP 21, Sec. 31] ----- 24

(A) Powers and Duties; Deputies

(B) Office Hours

Section 29. Coroners [CP 21, Sec. 32] ----- 25

Section 30. Vacancies [CP 21, Sec. 33] ----- 25

Section 31. Reduction of Salaries and Benefits Prohibited [CP 21, Sec. 34] ----- 25

Section 32. Orleans Parish Courts, Officials [CP 21, Sec. 35] ----- 25

Section 33. Jurors [CP 21, Sec. 36] ----- 25

(A) Qualifications

(B) Exemptions

Section 34. Grand Jury [CP 21, Sec. 37] ----- 25

(A) Grand Jury

(B) Right to Counsel

ARTICLE VI. LOCAL GOVERNMENT

PART I GENERAL PROVISIONS

Section 1. Parishes [CP 17, Sec. 1] ----- 15

(A) Parishes and Boundaries Ratified

(B) Creation; Dissolution; Merger; Boundaries

(C) Change of Parish Seat

(D) Adjustment of Assets and Liabilities

Section 2. Municipalities [CP 17, Sec. 5] ----- 15

Section 3. Classification [CP 17, Sec. 6] ----- 15

Section 4. Existing Home Rule Charters and Plans of Government [CP 17, Sec. 7] ----- 16

Section 5. Home Rule Charter [CP 17, Sec. 8] ----- 16

(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 School Boards Not Affected

Section 6. Home Rule Charter or Plan of Government; Action by Legislature Prohibited [CP 17, New Sec. 6] ----- 16

Section 7. Powers of Other Local Governmental Subdivisions [CP 17, Sec. 9] ----- 16

(A) Powers and Functions

(B) Parish Officials and School Boards Not Affected

Section 8. Home Rule Parish; Incorporation of Cities, Towns, and Villages [CP 17, Sec. 11] ----- 16

Section 9. Limitations of Local Governmental Subdivisions [CP 17, Sec. 12] -----	16	(B) Certificates of Indebtedness; Security (C) Exception	
Section 10. Codification of Ordinances [CP 17, Sec. 12.1] -----	16	Section 37. Revenue-Producing Property [CP 17, Sec. 43] -----	20
Section 11. Local Officials [CP 17, Sec. 13] -----	16	(A) Authorization	
Section 12. Local Officials; Compensation [CP 17, Sec. 14] -----	16	(B) Exception	
Section 13. Vacancies [CP 17, Sec. 15] -----	17	PART III. LEVEE DISTRICTS	
(A) Vacancy; Appointment		Section 38. Levee Districts [CP 17, Sec. 44] -----	20
(B) Exception		(A) Retention; Reorganization; Consolidation	
Section 14. Increasing Financial Burden of Political Subdivision [CP 17, Sec. 16] -----	17	(B) Obligation of Contract Affirmed	
Section 15. Local Governmental Subdivisions; Control Over Agencies [CP 17, Sec. 17] -----	17	Section 39. Levee District Taxes [CP 17, Sec. 45] -----	20
Section 16. Special Districts and Local Public Agencies [CP 17, Sec. 18] -----	17	(A) District Tax; Millage Limit	
(A) Consolidation		(B) Millage Increase	
(B) Assumption of Debt		Section 40. Bond Issues [CP 17, Sec. 46] -----	20
Section 17. Land Use; Zoning; Historic Preservation [CP 17, Sec. 19] -----	17	(A) Authorization	
Section 18. Industrial Areas [CP 17, Sec. 21] -----	17	(B) Sale	
(A) Authorization		Section 41. Cooperation with Federal Government [CP 17, Sec. 48] -----	20
(B) Access by Public Road; Police Protection		Section 42. Compensation for Property Used or Destroyed; Tax [CP 17, Sec. 49] -----	20
Section 19. Special Districts; Creation [CP 17, Sec. 22] -----	17	(A) Compensation	
Section 20. Intergovernmental Cooperation [CP 17, Sec. 23] -----	17	(B) Appropriation	
Section 21. Assistance to Local Industry [CP 17, Sec. 24] -----	17	PART IV. PORT COMMISSIONS AND DISTRICTS	
(A) Authorization		Section 43. Port Commissions and Districts [CP 17, Sec. 50] -----	21
(B) Property Expropriated; Sale to Aliens Prohibited		PART V. DEFINITIONS	
(C) Exception		Section 44. Terms Defined [CP 17, Sec. 51] -----	21
Section 22. Procedure for Certain Special Elections [CP 17, Sec. 26] -----	18	ARTICLE VII. REVENUE AND FINANCE	
Section 23. Acquisition of Property [CP 17, Sec. 27] -----	18	PART I. GENERAL PROVISIONS	
Section 24. Servitudes of Way; Acquisition by Prescription [CP 17, Sec. 28] -----	18	Section 1. Power to Tax; Public Purpose [CP 15, Sec. 1] -----	13
Section 25. Courts Not Affected [CP 17, New Sec. 26] -----	18	Section 2. Power to Tax; Limitation [CP 15, Sec. 2] -----	13
PART II. FINANCE			
Section 26. Parish Ad Valorem Tax [CP 17, Sec. 31] -----	18	Section 3. Collection of Taxes [CP 15, Sec. 3] -----	13
(A) Parish Tax for General Purposes; Millage Limits; Increase		Section 4. Income Tax; Severance Tax; Political Subdivisions [CP 15, Sec. 4] -----	13
(B) Millage Increase Not for General Purposes		(A) Income Tax	
(C) Parish Tax in Municipality		(B) Severance Tax	
(D) Withdrawal from Parish Taxing Authority		(C) Severance Tax; Political Subdivision	
Section 27. Municipal Ad Valorem Tax [CP 17, Sec. 32] -----	18	(D) Severance Tax Allocation	
(A) Municipal Tax for General Purposes; Millage Limits; Increase		(E) Royalties Allocation	
(B) Millage Increase Not for General Purposes		Section 5. Motor Vehicle License Tax [CP 15, Sec. 5] -----	13
(C) Exception		Section 6. State Debt; Full Faith and Credit Obligations [CP 15, Sec. 7] -----	13
Section 28. Local Governmental Subdivisions; Occupational License Tax [CP 17, Sec. 33] -----	18	(A) Authorization	
Section 29. Local Governmental Subdivision and School Boards; Sales Tax [CP 17, Sec. 34] -----	18	(B) Capital Improvements	
(A) Sales Tax Authorized		(C) Full Faith and Credit	
(B) Additional Sales Tax Authorized		(D) Referendum	
(C) Bonds; Security		(E) Exception	
(D) Exemptions; Protection of Bonds		Section 7. State Debt; Interim Emergency Board [CP 15, Sec. 8] -----	14
Section 30. Political Subdivisions; Taxing Power [CP 17, Sec. 35] -----	19	(A) Composition	
Section 31. Taxes; Ratification [CP 17, Sec. 36] -----	19	(B) Powers	
Section 32. Special Taxes; Authorization [CP 17, New Sec. 33] -----	19	(C) Limits	
Section 33. Political Subdivisions; General Obligation Bonds [CP 17, Sec. 38] -----	19	(D) Allocation	
(A) Authorization		Section 8. State Bond Commission [CP 15, Sec. 10] -----	14
(B) Full Faith and Credit		(A) Creation	
Section 34. Limitations on Bonded Indebtedness [CP 17, Sec. 40] -----	19	(B) Approval of Bonds	
Section 35. Contesting Political Subdivision Bonds [CP 17, Sec. 41] -----	20	(C) Contesting State Bonds	
(A) Contesting Election; Time Limit		Section 9. State Funds [CP 15, Sec. 11] -----	14
(B) Contesting Ordinance or Resolution; Time Limit		(A) Deposit in State Treasury	
Section 36. Local Improvement Assessments [CP 17, Sec. 42] -----	20	(B) Bond Security and Redemption Fund	
(A) Authorization		(C) Exception	
		Section 10. Expenditure of State Funds [CP 15, Sec. 12] -----	14
		(A) Appropriations	
		(B) Balanced Budget	
		(C) Publication	
		(D) Public Purpose	
		Section 11. Budgets [CP 15, Sec. 13] -----	14
		(A) Operating Budget	
		(B) Capital Budget	
		Section 12. Reports and Records [CP 15, Sec. 14] -----	14
		Section 13. Investment of State Funds [CP 15, Sec. 15] -----	14

Section 14. Donation, Loan, or Pledge of Public Credit [CP 15, Sec. 16] ----- 14
 (A) Prohibited Uses
 (B) Authorized Uses
 (C) Cooperative Endeavors
 (D) Prior Obligations
 Section 15. Release of Obligations to State, Parish, or Municipality [CP 15, Sec. 17] ----- 14
 Section 16. Taxes; Prescription [CP 15, New Sec. 16] -- 14
 Section 17. Legislation to Obtain Federal Aid [CP 15, Sec. 18] ----- 15

PART II. PROPERTY TAXATION

Section 18. Ad Valorem Taxes [CP 26, Sec. 1] ----- 29
 (A) Assessments
 (B) Classification
 (C) Use Value
 (D) Valuation
 (E) Review
 (F) Reappraisal
 Section 19. State Property Taxation; Rate Limitation [CP 26, Sec. 2] ----- 29
 Section 20. Homestead Exemption [CP 26, Sec. 3] ----- 29
 (A) Homeowners
 (B) Residential Lessees
 Section 21. Other Property Exemptions [CP 26, New Sec. 4] ----- 29, 30
 Section 22. No Impairment of Existing Taxes or Obligations [CP 26, Sec. 4] ----- 29
 Section 23. Adjustment of Ad Valorem Tax Millages [CP 26, Sec. 5] ----- 30
 Section 24. Tax Assessors [CP 26, Sec. 8] ----- 30
 (A) Election; Term
 (B) Orleans Parish
 (C) Vacancy
 Section 25. Tax Sales [CP 26, Sec. 9] ----- 30
 (A) Tax Sales
 (B) Redemption
 (C) Annulment
 (D) Quieting Tax Title
 (E) Movables; Tax Sales
 (F) Postponement of Taxes

PART III. REVENUE SHARING

Section 26. Revenue Sharing Fund [CP 26, Sec. 6] ----- 30
 (A) Creation of Fund
 (B) Annual Allocation
 (C) Distribution Formula
 (D) Distributing Officer
 (E) Bonded Debt

ARTICLE VIII. EDUCATION

Preamble

Section 1. Public Educational System [CP 7, Sec. 2] -- 7
 Section 2. State Superintendent of Education [CP 7, Sec. 3] ----- 7
 Section 3. State Board of Elementary and Secondary Education [CP 7, Sec. 4] ----- 8
 (A) Creation; Functions
 (B) Membership; Terms
 (C) Vacancy
 Section 4. Approval of Private Schools [CP 7, Sec. 6] ----- 8
 Section 5. Board of Regents [CP 7, Sec. 7] ----- 8
 (A) Creation; Functions
 (B) Membership; Terms
 (C) Vacancy
 (D) Powers
 (E) Powers Not Vested
 Section 6. Board of Trustees for State Colleges and Universities [CP 7, Sec. 8] ----- 8
 (A) Creation; Functions
 (B) Membership; Terms
 (C) Vacancy
 Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College [CP 7, Sec. 9] ----- 8
 (A) Creation; Powers

(B) Membership; Terms
 (C) Vacancy
 Section 8. Boards; Membership; Compensation [CP 7, Sec. 11] ----- 8
 (A) Dual Membership
 (B) Student Membership
 (C) Compensation
 Section 9. Parish School Boards; Parish Superintendents [CP 7, Sec. 12] ----- 8
 (A) Boards
 (B) Superintendents
 Section 10. Existing Boards and Systems Recognized; Consolidation [CP 7, Sec. 13] ----- 8
 (A) Recognition
 (B) Ouachita Parish and Monroe City School Systems; Board Membership
 (C) Consolidation
 Section 11. Appropriations; State Bonds [CP 7, Sec. 14] ----- 9
 Section 12. Appropriations; Higher Education [CP 7, Sec. 15] ----- 9
 Section 13. Funding; Apportionment [CP 7, Sec. 16] ---- 9
 (A) Free School Books
 (B) Minimum Foundation Program
 (C) Local Funds
 (D) Municipal School Systems
 Section 14. Tulane University [CP 7, Sec. 17] ----- 9

ARTICLE IX. NATURAL RESOURCES

Section 1. Natural Resources and Environment; Public Policy [CP 34, Sec. 1] ----- 34
 Section 2. Natural Gas [CP 34, Sec. 2] ----- 34
 (A) Public Policy; Regulation
 (B) Pipelines
 Section 3. Alienation of Water Bottoms [CP 34, Sec. 4] ----- 34
 Section 4. Reservation of Mineral Rights; Prescription [CP 34, Sec. 5] ----- 34
 (A) Reservation of Mineral Rights
 (B) Prescription
 Section 5. Public Notice; Public Bidding Requirements [CP 34, New Sec. 6.1] ----- 34
 Section 6. Tidelands Ownership [CP 34, Sec. 9] ----- 34
 Section 7. Wildlife and Fisheries Commission [CP 34, Sec. 12] ----- 35
 (A) Members; Terms
 (B) Duties; Compensation
 Section 8. Forestry [CP 34, Sec. 13] ----- 35
 (A) Forestry; Acreage Taxes
 (B) Forestry Commission
 (C) State Forester

ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES

PART I. STATE AND CITY CIVIL SERVICE

Section 1. Civil Service Systems [CP 9, Sec. 1] ----- 10
 (A) State Civil Service
 (B) City Civil Service
 Section 2. Classified and Unclassified Service [CP 9, Sec. 2] ----- 10
 (A) Classified Service
 (B) Unclassified Service
 Section 3. State Civil Service Commission [CP 9, Sec. 3] ----- 10
 (A) Composition
 (B) Appointment
 (C) Nominations
 Section 4. City Civil Service Commission [CP 9, Sec. 4] ----- 10
 (A) Creation; Membership; Domicile
 (B) New Orleans; Nomination and Appointment
 (C) Other Cities; Nomination and Appointment
 (D) Vacancies
 Section 5. Removal [CP 9, Sec. 5] ----- 10
 Section 6. Department of Civil Service; Directors [CP 9, Sec. 6] ----- 10
 (A) State Department
 (B) City Departments
 (C) Directors

Section 7. Appointments; Promotions [CP 9, Sec. 7] --- 10
 Section 8. Appeals [CP 9, Sec. 8] ----- 10
 (A) Disciplinary Actions
 (B) Discrimination
 Section 9. Prohibitions Against Political Activities
 [CP 9, Sec. 9] ----- 10
 (A) Party Memberships; Elections
 (B) Contributions
 (C) Political Activity Defined
 Section 10. Rules; Investigations; Wages and Hours
 [CP 9, Sec. 10] ----- 10
 (A) Rules
 (1) Powers
 (2) Veterans
 (3) Layoffs; Preference Employees
 (4) Effect
 (B) Investigations
 (C) Wages and Hours
 Section 11. Penalties [CP 9, Sec. 11] ----- 10
 Section 12. Appeal [CP 9, Sec. 12] ----- 10
 Section 13. Appropriations [CP 9, Sec. 13] ----- 10
 (A) State
 (B) Cities
 Section 14. Acceptance of Act; Other Cities, Parishes;
 City and Parish Governed Jointly
 [CP 9, Sec. 14] ----- 10
 (A) Local Option
 (B) Acceptance
 (C) Rejection
 Section 15. City, Parish Civil Service System; Creation;
 Prohibition [CP 9, Sec. 15] ----- 10

PART II. FIRE AND POLICE CIVIL SERVICE

Section 16. Establishment [CP 10, Sec. 16] ----- 11
 Section 17. Appointments and Promotions
 [CP 10, Sec. 17] ----- 11
 Section 18. Prior Provisions [CP, 10, Sec. 18] ----- 11
 Section 19. Exclusion [CP 10, Sec. 19] ----- 11
 Section 20. Political Activities [CP 10, Sec. 20] ----- 11

PART III. OTHER PROVISIONS

Section 21. Code of Ethics [CP 22] ----- 26
 Section 22. Dual Employment and Dual Officeholding
 [CP 23] ----- 26
 Section 23. Compensation of Elected Officials;
 Reduction [CP 3, Sec. 11] ----- 2
 Section 24. Impeachment [CP 3, Sec. 24] ----- 3
 (A) Persons Liable
 (B) Procedure
 Section 25. Removal by Suit; Official Subject
 [CP 3, Sec. 26] ----- 4
 Section 26. Recall [CP 3, Sec. 27] ----- 4
 Section 27. Filling of Vacancies [CP 4, Sec. 14] ----- 6
 (A) Gubernatorial Appointment; Election
 (B) Qualifications
 Section 28. Definition of Vacancy [CP 4, Sec. 15] ----- 6
 Section 29. Retirement and Survivor's Benefits
 [CP 11, Sec. 1] ----- 11
 (A) Public School Employees
 (B) Other Officials and Employees
 (C) Retirement Systems; Change; Notice
 (D) Compensation for Survivors of Law
 Enforcement Officers and Firemen
 Section 30. Oath of Office [CP 35, Sec. 5] ----- 36

ARTICLE XI. ELECTIONS

Section 1. Election Code [CP 33, Sec. 2] ----- 32
 Section 2. Secret Ballot; Absentee Voting; Preservation
 of Ballot [CP 33, Sec. 3] ----- 32
 Section 3. Privilege from Arrest [CP 33, Sec. 6] ----- 32
 Section 4. Prohibited Use of Public Funds
 [CP 33, Sec. 4] ----- 32
 Section 5. Registrar of Voters [CP 33, Sec. 11] ----- 32

ARTICLE XII. GENERAL PROVISIONS

Section 1. State Capital [CP 35, Sec. 6] ----- 36
 Section 2. Civilian-Military Relations [CP 35, Sec. 3] ----- 36
 Section 3. Right to Direct Participation [CP 35, Sec. 4] ----- 36
 Section 4. Preservation of Linguistic and Cultural
 Origins [CP 35, Sec. 11] ----- 36

Section 5. Forced Heirship and Trusts [CP 35, Sec. 7] - 36
 Section 6. Lotteries; Gambling [DP 17, Sec. 12] ----- 43
 Section 7. State Penal Institutions; Reimbursement of
 Parish Expense [CP 12, New Sec. 1] ----- 12
 Section 8. Welfare, Unemployment Compensation, and
 Health [CP 14, Sec. 1] ----- 12
 Section 9. Exemptions from Seizure and Sale
 [DP 16, Sec. 1] ----- 43
 Section 10. Suits Against the State [CP 3, Sec. 14] ---- 2
 (A) No Immunity in Contract and Tort
 (B) Waiver in Other Suits
 (C) Procedure; Judgments
 Section 11. Continuity of Government [CP 3, Sec. 15] -- 3
 Section 12. Corporations; Perpetual or Indefinite
 Duration; Dissolution; Perpetual
 Franchises or Privileges [CP 3, Sec. 23] ---- 3
 Section 13. Prescription Against State [CP 17, Sec. 29]- 18
 Section 14. Administrative Agency Codes
 [CP 35, Sec. 10] ----- 36

ARTICLE XIII. CONSTITUTION REVISION

Section 1. Amendments [CP 36, Sec. 1] ----- 37
 (A) Procedure
 (B) Form of Proposal
 (C) Ratification
 Section 2. Constitutional Convention [CP 36, Sec. 2] -- 37
 Section 3. Laws Effectuating Amendments
 [CP 36, Sec. 4] ----- 37

ARTICLE XIV. TRANSITIONAL MEASURES

PART I

Section 1. Board of Regents [CP 30, Sec. 1] ----- 31
 Section 2. Board of Supervisors of Louisiana State
 University and Agricultural and
 Mechanical College [CP 30, Sec. 2] ----- 31
 Section 3. Board of Supervisors of Southern
 University [CP 38, Sec. 27] ----- 39
 Section 4. State Board of Elementary and Secondary
 Education; Board of Trustees for State
 Colleges and Universities [CP 30, Sec. 3] -- 31
 Section 5. Boards; New Appointments
 [CP 30, New Sec. 5] ----- 32
 Section 6. Mandatory Reorganization of State
 Government [CP 31, Sec. 1] ----- 32
 Section 7. Legislative Sessions [DP 18, Sec. 1] ----- 43
 Section 8. Civil Service Commission; State; Cities
 [DP 28, Sec. 1] ----- 45
 (A) State Commission
 (B) City Commission
 Section 9. Civil Service Officers; Employees; State;
 Cities [DP 28, Sec. 2] ----- 45
 Section 10. Offshore Mineral Revenues; Use of Funds
 [CP 34, Sec. 10] ----- 35
 Section 11. Prescription; Tidelands Taxes
 [CP 15, New Sec. 16] ----- 14
 Section 12. Forfeitures Prior to 1800 [CP 15, Sec. 17B] - 14
 Section 13. Effective Date of Property Tax Provisions
 [CP 26, Sec. 10] ----- 30

PART II

Section 14. Limitation on Transitional Provisions
 [CP 38, Sec. 1] ----- 38
 Section 15. Existing Officials [CP 38, Sec. 8] ----- 38
 Section 16. Provisions of 1921 Constitution Made
 Statutory [CP 38, Sec. 9] ----- 38
 Section 17. Provisions of Constitution of 1921 Repealed
 [CP 38, Sec. 10] ----- 38
 Section 18. Existing Laws [CP 38, Sec. 11] ----- 38
 Section 19. Ports; Transition to Statutes
 [CP 38, Sec. 16] ----- 39
 Section 20. Public Service Commission
 [CP 38, Sec. 18] ----- 39

PART III

Section 21. References to 1921 Constitution
 [CP 38, Sec. 2] ----- 38
 Section 22. Effect of Titles [CP 38, Sec. 3] ----- 38
 Section 23. Continuation of Actions and Rights
 [CP 38, Sec. 5] ----- 38

Section 24. Protection of Existing Taxes [CP 38, Sec. 6] -----	38	Section 1. Public Educational System [DP 98] -----	54
Section 25. Impairment of Debt Obligations Prohibited [CP 38, Sec. 7] -----	38	Section 2. State Superintendent of Education [DP 98] -----	54
Section 26. Constitution Not Retroactive [CP 38, Sec. 12] -----	38	Section 3. State Board of Elementary and Secondary Education [DP 98] --	54
Section 27. Legislative Provisions [CP 38, Sec. 13] -----	38	Section 4. Approval of Private Schools [DP 98] -----	54
Section 28. Judiciary Commission [CP 38, Sec. 15] -----	39	Section 5. Board of Regents [DP 98] -----	54
Section 29. Statewide Elected Officials [CP 38, Sec. 19] -----	39	Section 6. Boards; Membership; Compensation [DP 98] -----	54
Section 30. Commissioner of Elections [CP 38, Sec. 20] -----	39	Section 7. Parish School Boards; Parish Superintendents [DP 98] -----	54
Section 31. Pardon Board [CP 38, Sec. 21] -----	39	Section 8. Existing Boards and Systems Recognized; Consolidated [DP 98] -----	54
Section 32. Levee Districts; Compensation for Property [CP 38, Sec. 22] -----	39	Section 9. Appropriations; State Boards [DP 98] -----	54
Section 33. Suits Against the State; Effective Date [CP 38, Sec. 23] -----	39	Section 10. Appropriations; Higher Education [DP 98] -----	54
Section 34. Exemption from Seizure and Sale [CP 38, Sec. 24b] -----	39	Section 11. Funding; Apportionment [DP 98] -----	54
Section 35. Effective Date [CP 38, Sec. 25] -----	39	Section 12. Tulane University [DP 98] -----	54
Section 36. Effect of Adoption [CP 38, Sec. 29] -----	39	Section 40. Transition to Board of Regents and State Board of Elementary and Secondary Education [CP 38, Sec. 28] -----	39
Section 37. Severability Clause [CP 38, Sec. 30] -----	40		
PART IV			
Section 38. Alternative Proposition [DP 98] -----	54		
Section 39. Alternative Article VIII			

PAGE NUMBERS AT END OF EACH ACTION REFER TO THE DAILY JOURNAL PAGE NUMBER(S) ON THE DATE THAT THE ACTION OCCURRED.

CONSTITUTIONAL CONVENTION CALENDAR

COMMITTEE PROPOSALS

COMMITTEE PROPOSAL No. 1—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Providing for general governmental provisions.

July 5—

Read, lies over under the rules. p. 4

July 6—

Read. p. 51

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 52

December 17—

Reported by substitute. p. 16

Rules suspended.

Read, Substitute adopted. p. 16

Becomes Committee Proposal No. 35. p. 16

COMMITTEE PROPOSAL No. 2—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

July 5—

Read, lies over under the rules. p. 5.

July 6—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 52

August 22—

Reported by substitute. p. 10

Rules suspended. p. 10

Read. p. 10

Substitute adopted. p. 10

Becomes Committee Proposal No. 25. p. 10

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

July 5—

Read, lies over under the rules. p. 5

July 6—

Read. p. 52

Under the rules.

Referred to the Committee on Legislative Powers and Functions. p. 52

July 12—

Reported with amendments. p. 1

Rules suspended.

Amendments adopted. p. 3

Read and ordered engrossed. p. 3

Rules suspended.

Read, ordered re-engrossed and passed to its third reading. p. 3

July 13—

Read. p. 4

Section 1. Legislative Power of State; Vesting; Continuous Body

[Const. Art. III, Sec. 1]

Title amended.

July 13—

Read. p. 4

Amended. pp. 4, 5

Read, roll called, yeas 103, nays 8, passed. p. 5

November 18—

Style and Drafting Amendments Adopted. p. 8

Section 2. Sessions; Annual, Extraordinary

[Const. Art. III, Sec. 2]

Title amended.

July 13—

Read. p. 6

Amended. p. 6

July 14—

Read. p. 2

Amended. p. 3

July 18—

Read. p. 2

July 19—

Read. p. 2

Amended. pp. 3, 5

Read, roll called, yeas 92, nays 8, passed. p. 5

November 18—

Style and Drafting Amendments Adopted. pp. 6, 7

Section 3. Size

[Const. Art. III, Sec. 3]

July 19—

Read. p. 5

Amended. p. 6

Read, roll called, yeas 102, nays 11, passed. p. 6

November 18—

Style and Drafting Amendments Adopted. p. 7

Section 4. Qualifications; Residence Requirements; Term; Vacancies; Salary

[Const. Art. III, Sec. 4]

Title amended.

July 19—

Read. p. 6

Amended. p. 7

July 20—

Read. p. 3

Amended. pp. 3, 5, 6

Read, roll called, yeas 98, nays 2, passed. pp. 6, 7

November 18—

Reconsidered. p. 12

Read. p. 12

Amended. p. 12

Read, roll called, yeas 78, nays 0, passed. p. 13

Style and Drafting Amendments Adopted. p. 7

Section 5. Legislative Apportionment; Judicial Review; Apportionment by Supreme Court

[Const. Art. III, Sec. 6]

Title amended.

Amended to become Section 6.

- July 20—**
Read. p. 7
Amended. p. 7
- July 25—**
Read. p. 2
Amended. pp. 3, 4
Read, roll called, yeas 82, nays 12, passed. p. 4
- November 18—**
Style and Drafting Amendments Adopted. p. 7
- January 19—**
Style and Drafting amendments adopted.
- Section 6. Judging Qualifications and Election; Procedural Rules; Discipline; Officers**
[Const. Art. III, Sec. 7]
- Title amended.
- Amended to become Section 7.
- July 25—**
Read. p. 5
Amended. p. 5
Read, roll called, yeas 91, nays 4, passed. p. 6
- November 18—**
Style and Drafting Amendments Adopted. pp. 7, 8
- January 19—**
Style and Drafting Amendments Adopted.
- Section 7. Privileges and Immunities**
[Const. Art. III, Sec. 8]
- Amended to become Section 8.
- July 25—**
Read, roll called, yeas 67, nays 26, passed. p. 6
- November 18—**
Style and Drafting Amendments Adopted. p. 8
- January 19—**
Style and Drafting amendments adopted.
- Section 8. Conflict of Interest**
[Const. Art. III, Sec. 9]
- Amended to become Section 9.
- July 25—**
Read, roll called, yeas 92, nays 4, passed. p. 6
- November 18—**
Style and Drafting Amendments Adopted. p. 8
- January 19—**
Style and Drafting amendments adopted.
- Section 9. Quorum; Compulsory Attendance; Journal; Adjournment; Consent of Other House**
[Const. Art. III, Sec. 10]
- Title amended.
- Amended to become Section 10.
- July 25—**
Read. p. 7
Amended. p. 7
Read, roll called, yeas 96, nays 1, passed. p. 7
- November 18—**
Style and Drafting Amendments Adopted. p. 8
- January 19—**
Style and Drafting amendments adopted.
- Section 10. Legislative Auditor**
[Const. Art. III, Sec. 11]
- Amended to become Section 11.
- July 25—**
Read. p. 8
- Amended. p. 8
Read, roll called, yeas 103, nays 1, passed. pp. 8, 9
- November 18—**
Style and Drafting Amendments Adopted. p. 8
- January 19—**
Style and Drafting amendments adopted.
- Section 11. Salaries of Public Officers; Change**
[Const. Art. X, Part III, Sec. 23]
- Title amended.
- Amended to become Section 23.
- July 25—**
Read. p. 9
Amended. p. 10
- July 26—**
Read. p. 3
Amended. p. 4
Read, roll called, yeas 76, nays 23, passed. p. 4
- November 18—**
Style and Drafting Amendments Adopted. p. 8
- January 19—**
Style and Drafting Amendments Adopted.
- Section 12. Local or Special Laws**
- July 26—**
Read, action deferred. p. 4
- July 28—**
Read. p. 8
Action deferred. p. 8
- August 1—**
Read. p. 1
Amended. pp. 2, 3
Read, roll called, yeas 88, nays 15, the section was deleted. p. 3
- Section 13. Local or Special Laws; Notice of Intention; Publication**
[Const. Art. III, Sec. 13]
- July 26—**
Read. p. 4
Amended. p. 4
Read, roll called, yeas 103, nays 0, passed. p. 4
- November 18—**
Style and Drafting Amendments Adopted. p. 8
- January 19—**
Style and Drafting amendments adopted.
- Section 14. Suits Against the State**
[Const. Art. XII, Sec. 10]
- July 26—**
Read. p. 5
Amended. p. 7
- July 27—**
Read. p. 2
Amended. pp. 3, 5
Read, roll called, yeas 76, nays 35, passed. p. 6
- November 18—**
Style and Drafting Amendments Adopted. p. 14
Reconsidered. p. 13
Read. p. 13
Amended. p. 13
Read, roll called, yeas 79, nays 0, passed. pp. 13, 14
- January 19—**
Style and Drafting Amendments Adopted.

Section 15. Continuity of Government
[Const. Art. XII, Sec. 11]

July 27—
Read. p. 7
Amended. p. 7
Read, roll called, yeas 86, nays 12, passed. pp. 7, 8

November 18—
Style and Drafting Amendments Adopted. p. 8

January 19—
Style and Drafting Amendments Adopted.

Section 16. Style of Laws; Enacting Clause
[Const. Art. III, Sec. 14]

Amended to become Section 14.

July 27—
Read. p. 8
Amended. p. 8
Read, roll called, yeas 97, nays 0, passed. p. 8

November 18—
Style and Drafting Amendments Adopted. p. 9

January 19—
Style and Drafting amendments adopted.

Section 17. Passage of Bills
[Const. Art. III, Sec. 15]

Amended to become Section 15.

July 27—
Read. p. 8
Amended. p. 9
Read, roll called, yeas 96, nays 0, passed. p. 10

November 18—
Reconsidered. p. 9
Read. p. 9
Amended. p. 9
Read, roll called, yeas 86, nays 1, passed. p. 9
Style and Drafting Amendments Adopted. p. 10

January 19—
Style and Drafting Amendments Adopted.

Section 18. Appropriations
[Const. Art. III, Sec. 16]

Amended to become Section 16.

July 27—
Read. p. 10
Amended. p. 10
Read, roll called, yeas 95, nays 0, passed. p. 11

November 18—
Style and Drafting Amendments Adopted. p. 10

January 19—
Style and Drafting Amendments Adopted.

Section 19. Signing of Bills; Delivery to Governor
[Const. Art. III, Sec. 17]

Amended to become Section 17.

July 27—
Read, roll called, yeas 96, nays 4, passed. p. 11

November 18—
Reconsidered. p. 14
Read. p. 14
Amended. p. 14
Read, roll called, yeas 81, nays 0, passed. pp. 14, 15
Style and Drafting Amendments Adopted. p. 11

January 19—
Style and Drafting Amendments Adopted.

Section 20. Signature of Governor on Bills; Veto
[Const. Art. III, Sec. 18]

Amended to become Section 18.

July 27—
Read. p. 11
Amended. pp. 12, 13
Read, roll called, yeas 91, nays 2, passed. p. 13

November 18—
Style and Drafting Amendments Adopted. p. 11

January 19—
Style and Drafting Amendments Adopted.

Section 21. Effective Date of Laws
[Const. Art. III, Sec. 19]

Amended to become Section 19.

July 28—
Read. p. 1
Amended. p. 1
Read, roll called, yeas 87, nays 0, passed. p. 2

November 18—
Reconsidered. p. 15
Read. p. 15
Amended. p. 15
Read, roll called, yeas 77, nays 2, passed. p. 15

Section 22. Suspension of Laws
[Const. Art. III, Sec. 20]

Amended to become Section 20.

July 28—
Read. p. 2
Amended. pp. 2, 3
Action postponed. p. 3
Read. p. 7
Amended. p. 7
Read, roll called, yeas 80, nays 3, passed. p. 7

November 18—
Style and Drafting Amendments Adopted. p. 11

January 19—
Style and Drafting Amendments Adopted.

Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges
[Const. Art. XII, Sec. 12]

July 28—
Read. p. 3
Amended. p. 3
Read, roll called, yeas 84, nays 12, passed. p. 3

November 18—
Style and Drafting Amendments Adopted. p. 11

January 19—
Style and Drafting Amendments Adopted.

Section 24. State and District Officers; Impeachment; Conviction; Effect
[Const. Art. X, Part III, Sec. 24]

Amended to become Impeachment.

July 28—
Read. p. 4
Amended. pp. 4, 5
Read, roll called, yeas 85, nays 5, passed. p. 5

November 18—
Reconsidered. p. 16
Read. 16
Amended. p. 16
Read, roll called, yeas 78, nays 0, passed. p. 16
Style and Drafting Amendments Adopted. p. 17

January 19—
Style and Drafting Amendments Adopted.

CONSTITUTIONAL CONVENTION CALENDAR

Section 25. Removal on Address by Legislature

July 28—

Read. p. 5

Amended. p. 5

Read, roll called, yeas 75, nays 0. The section was deleted. p. 5

Section 26. Removal by Suit; Officers Subject; Commencement of Suit

[Const. Art. X, Part III, Sec. 25]

Amended to become Section 25.

July 28—

Read. p. 5

Amended. p. 6

Read, roll called, yeas 78, nays 0, passed. p. 6

November 18—

Style and Drafting Amendments Adopted. p. 12

January 19—

Style and Drafting Amendments Adopted.

Section 27. Recall

[Const. Art. X, Part III, Sec. 26]

Amended to become Section 26.

July 28—

Read. p. 6

Read, roll called, yeas 83, nays 0, passed. p. 6

November 18—

Style and Drafting Amendments Adopted. p. 12

January 19—

Style and Drafting Amendments Adopted.

Section 27. Taking Office

[Const. Art. III, Sec. 5]

Added by floor amendment.

August 1—

Read, roll called, yeas 78, nays 26, passed. p. 4

January 19—

Style and Drafting Amendments Adopted.

August 1—

Read, roll called on final passage, yeas 102, nays 7, finally passed. p. 5

August 2—

Enrolled referred to the Committee on Styling and Drafting. p. 10

November 8—

Reported with amendments. pp. 12, 13, 14, 15, 16

November 18—

Read. p. 6

Amendments adopted. pp. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

November 19—

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 11, 12, 13

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

July 5—

Read, lies over under the rules. p. 5

July 6—

Read. p. 52

Under the rules.

Referred to the Committee on Executive Department. p. 52

July 11—

Reported with amendments. p. 1

Rules suspended. p. 1

Recommitted to the Committee on Executive Department. p. 2

July 12—

Reported with amendments. p. 3

July 13—

Amendments adopted. p. 4

Read, and ordered engrossed. p. 4

Referred to the Committee on Style and Drafting. p. 4

July 20—

Reported without amendments. p. 2

Rules suspended. p. 2

Read, ordered re-engrossed and passed to its third reading. p. 2

August 1—

Read. p. 7

Section 1. Composition

[Const. Art. IV, Sec. 1]

Title amended.

August 1—

Read. p. 7

August 2—

Read. p. 2

Amended. pp. 3, 5, 7, 9

Read, roll called, yeas 95, nays 3, passed. p. 9

January 10—

Style and Drafting Amendments Adopted.

January 15—

Rules suspended, Reconsidered, Read, Amended.

Read, roll called, yeas 106, nays 0, passed. p. 18

Section 2. Qualifications

[Const. Art. IV, Sec. 2]

August 3—

Read. p. 2

Amended. p. 3

Read, roll called, yeas 96, nays 5, passed. p. 4

January 10—

Style and Drafting Amendments Adopted.

Section 3. Elections and Terms

[Const. Art. IV, Sec. II]

Title amended.

August 3—

Read. p. 4

Amended. pp. 4, 5, 7

Read, roll called, yeas 107, nays 0, passed. p. 8

January 10—

Style and Drafting Amendments Adopted.

Section 4. Compensation

[Const. Art. IV, Sec. 4]

August 3—

Read. p. 8

Amended. p. 8

Read, roll called, yeas 91, nays 5, passed. p. 9

January 10—

Style and Drafting Amendments Adopted.

Section 5. Powers and Duties of Governor

[Const. Art. IV, Sec. 5]

Title amended.

August 3—

Read. p. 10
Amended. p. 11

August 4—

Read. p. 1
Amended. pp. 2, 4, 5
Read, roll called, yeas 104, nays 0, passed. p. 5

January 10—

Style and Drafting Amendments Adopted.

January 16—

Rules suspended.
Reconsidered. p. 21
Amended. pp. 21, 22
Read, roll called, yeas 100, nays 0, passed. p. 22

Section 6. Powers and Duties of the Lieutenant Governor

[Const. Art. IV, Sec. 6]

Title amended.

August 4—

Read, roll called, yeas 93, nays 10, passed. p. 6

January 10—

Style and Drafting Amendments Adopted.

Section 7. Powers and Duties of the Secretary of State

[Const. Art. IV, Sec. 7]

Title amended.

August 4—

Read. p. 6
The convention resolved itself into a committee of the whole p. 6
The committee of the whole rose. p. 7

August 8—

Read. p. 1
The convention resolved itself into a committee of the whole. p. 2
The committee rose. p. 2
Amended. p. 3
Read, roll called, yeas 88, nays 22, passed. p. 3

January 10—

Style and Drafting Amendments Adopted.

Section 8. Powers and Duties of the Attorney General

[Const. Art. IV, Sec. 8]

Title amended.

August 8—

Read. p. 4
Amended. p. 4
Read, roll called, yeas 106, nays 4, passed. p. 4

January 10—

Style and Drafting Amendments Adopted.

January 15—

Rules suspended, Reconsidered. p. 18
Amended. p. 19
Read, roll called, yeas 102, nays 7, passed. p. 19

Section 9. Powers and Duties of the Treasurer

[Const. Art. IV, Sec. 9]

Title amended.

August 8—

Read. p. 4

August 9—

Read. p. 1
Amended. pp. 2, 3
Read, roll called, yeas 102, nays 0, passed. p. 3

January 10—

Style and Drafting Amendments Adopted.

Section 10. Powers and Duties of the Commissioner of Agriculture

[Const. Art. IV, Sec. 10]

Title amended.

August 9—

Added by floor amendment
By a vote of 82 yeas, 33 nays. p. 4
Read, roll called, yeas 86, nays 26, passed. p. 8

January 10—

Style and Drafting Amendments Adopted.

Section 11. Powers and Duties of the Commissioner of Insurance

[Const. Art. IV, Sec. 11]

Title amended.

August 9—

Added by floor amendment
By a vote of 67 yeas, 48 nays. p. 6
Read, roll called, yeas 60, nays 55. Failed to pass. p. 7
Reconsidered. p. 7
Read, roll called, yeas 78, nays 36, passed. p. 8

January 10—

Style and Drafting Amendments Adopted.

Section 12. Department of Elections and Registration

[Const. Art. IV, Sec. 12]

Title amended.

August 10—

Added by floor amendment.
By a vote of 86 yeas, 23 nays. p. 2
Read, roll called, yeas 91, nays 19, passed. p. 2

January 10—

Style and Drafting Amendments Adopted.

Original Section 10. First Assistants

[Const. Art. IV, Sec. 13]

Title amended.

Amended to become Section 13.

August 10—

Read. p. 3
Amended. p. 4
Read, roll called, yeas 75, nays 38, passed. p. 5

January 10—

Style and Drafting Amendments Adopted.

Original Section 11. Vacancy in Office of Governor

[Const. Art. IV, Sec. 14]

Amended to become Section 14.

August 10—

Read. p. 6
Amended. p. 6
Read, roll called, yeas 105, nays 9, passed. p. 6

January 10—

Style and Drafting Amendments Adopted.

Original Section 12. Vacancy in Office of Lieutenant Governor

[Const. Art. IV, Sec. 15]

Amended to become Section 15.

August 10—

Read. p. 6
Amended. p. 7
Read, roll called, yeas 104, nays 9, passed. p. 8

January 10—

Style and Drafting Amendments Adopted.

Original Section 13. Vacancies in other Statewide Elective Offices

[Const. Art. IV, Sec. 16]

Amended to become Section 16.

August 10—

Read. p. 8

Amended. pp. 8, 9

Read, roll called, yeas 110, nays 0, passed. p. 9

January 10—

Style and Drafting Amendments Adopted.

Original Section 14. Other Vacancies

[Const. Art. X, Part III, Sec. 27]

Title amended.

Amended to become Section 17.

August 10—

Read. p. 9

Amended. p. 9

Read, roll called, yeas 108, nays 4, passed. p. 10

January 10—

Style and Drafting Amendments Adopted.

Original Section 15. Definition of Vacancy

[Const. Art. X, Part III, Sec. 28]

Amended to become Section 18.

August 10—

Read. p. 10

Amended. p. 10

Read, roll called, yeas 112, nays 0, passed. p. 11

January 10—

Style and Drafting Amendments Adopted.

Original Section 16. Declaration of Inability

[Const. Art. IV, Sec. 17]

Title amended.

Amended to become Section 19.

August 10—

Read. p. 13

Amended. p. 13

Read, roll called, yeas 87, nays 19, passed. p. 13

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Original Section 17. Determination of Inability

[Const. Art. IV, Sec. 18]

Title amended.

Amended to become Section 20.

August 10—

Read. p. 14

Amended. p. 15

Read, roll called, yeas 82, nays 25, passed. p. 15

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Original Section 18. Absences

[Const. Art. IV, Sec. 19]

Title amended.

Amended to become Section 21.

August 10—

Read. p. 15

Amended. p. 15

Read, roll called, yeas 107, nays 0, passed. p. 15

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Original Section 19. Reorganization

[Const. Art. XIV, Sec. 6]

Title amended.

Amended to become Section 22.

August 10—

Read. p. 16

Amended. p. 16

Read, roll called, yeas 91, nays 18, passed. p. 16

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Original Section 20. Impeachment

[Const. Art. X, Part III, Sec. 24]

August 10—

Read. p. 17

Amended, and by a vote of 97 yeas, 7 nays the Section was deleted. p. 17

August 10—

Title amended. p. 18

Read, roll called on final passage, yeas 59, nays 50. Failed to pass, motion to reconsider pending. p. 20

August 15—

Reconsidered. p. 2

August 18—

Made Special Order of the Day for Thursday, August 23, 1973. p. 2

"Section 23. Appointment of Officials; Merger, Consolidation of Offices and Departments

[Const. Art. IV, Sec. 20]

Amended to become Section 22.

August 23—

Added by Floor Amendment. p. 2

By a vote of 71 yeas, 50 nays. p. 2

Amended. pp. 3, 5

Read, roll called, yeas 79, nays 40, passed. p. 5

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

August 23—

Read, roll called on final passage, yeas 82, nays 38, finally passed. p. 6

Enrolled, Referred to the Committee on Styling and Drafting. p. 12

January 10—

Reported with amendments. pp. 13, 14, 15, 16, 17

Amendments adopted. pp. 17, 18, 19, 20, 21, 22

Returned to the Calendar subject to call. p. 22

January 15—

Called from the Calendar. p. 18

Read. p. 18

Reconsidered. p. 18

Read, roll called on final passage, yeas 105, nays 4, finally passed. pp. 19, 20

Returned to the Calendar subject to call. p. 20

COMMITTEE PROPOSALS

Called from the Calendar. p. 25
Read. p. 25
Recommitted to the Committee on Style and Drafting.

January 16—
Reported with amendments. pp. 1, 2
Rules suspended.
Amendments adopted. p. 3
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 13, 14, 15, 16
Rules suspended.
Discharged from the Committee on Styling and Drafting. p. 21
Reconsidered. p. 21
Read, roll called on final passage, yeas 100, nays 0, finally passed. p. 22
Recommitted to the Committee on Style and Drafting.

January 17—
Reported with amendments. p. 1
Rules suspended.
Amendments adopted. p. 2
Finally re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 8, 9, 10
Finally, re-re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 12, 13, 14
Finally re-re-re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention.

COMMITTEE PROPOSAL No. 5—
Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:
A PROPOSAL
Making provisions for the Public Service Commission and necessary provisions with respect thereto.

July 5—
Read, lies over under the rules. p. 5
July 6—
Read.
Under the rules.
Referred to the Committee on Executive Department. p. 52

September 14—
Reported with amendments. p. 7
Rules suspended.
Amendments adopted. p. 7
Ordered engrossed and passed to its third reading. p. 7

Section 1. Public Service Commission

January 8—
Withdrawn from the files of the Convention. p. 2

COMMITTEE PROPOSAL No. 6—
Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotel, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate, Tobias and Vesich:

A PROPOSAL
Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

July 5—
Read, lies over under the rules. p. 5
July 6—
Read.
Under the rules.
Referred to the Committee on Judiciary. p. 52
August 10—
Reported by substitute. p. 11
Rules suspended. p. 11
Read. p. 11
Substitute adopted. p. 11
Becomes CP 21. p. 11

COMMITTEE PROPOSAL No. 7—
Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL
Making provisions for education and necessary provisions with respect thereto.

July 5—
Read, lies over under the rules. p. 5
July 6—
Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 52

August 31—
Reported with amendments. p. 1

September 5—
Amendments adopted. p. 3
Read, ordered engrossed and passed to its third reading. p. 3

November 9—
Read. p. 1

Section 1. Educational Goals
[Const. Art. VIII, Preamble]

Amended to become Preamble. p. 1

November 9—
Read. p. 1
Amended. p. 2
Read, roll called, yeas 94, nays 9, passed. p. 2, 3

January 11—
Style and Drafting Amendments Adopted.

Section 2. Public Educational System
[Const. Art. VIII, Sec. 1]

Amended to become Section 1.

November 9—
Read. p. 3
Amended. p. 3
Read, roll called, yeas 93, nays 1, passed. p. 3, 4

January 11—
Style and Drafting Amendments Adopted.

Section 3. State Superintendent of Public Elementary and Secondary Education
[Const. Art. VII, Sec. 2]

Title amended.
Amended to become Section 2.

November 9—
Read. p. 4
Action deferred. p. 4

November 10—
Read. p. 4
Amended. pp. 4, 5, 6
Read, roll called, yeas 77, nays 17, passed. p. 7

January 11—
Style and Drafting Amendments Adopted.

January 16—
Rules suspended.
Reconsidered. p. 11
Read. p. 11
Amended. p. 11
Read, roll called, yeas 107, nays 1, passed. pp. 11, 12

January 19—
Style and Drafting Amendments Adopted.

Section 4. State Board of Elementary and Secondary Education

[Const. Art. VIII, Sec. 3]

Amended to become Section 3.

November 9—

Read. p. 5
Amended. p. 7

November 10—

Read. p. 1
Amended. pp. 2, 3
Read. p. 7

November 13—

Read. p. 1
Amended. pp. 1, 2
Read, roll called, yeas 80, nays 18, passed. p. 4

January 11—

Style and Drafting Amendments Adopted.

Section 5. Qualifications and Certification of Teachers

November 13—

Read. p. 4
Deleted by floor amendment. p. 4
By a vote of 68 yeas, 28 nays. p. 4

January 16—

Rules suspended.
Reconsidered. p. 11
Read. p. 11
Amended. p. 11
Read, roll called, yeas 107, nays 1, passed. pp. 11, 12

Section 6. Approval of Private Schools; Effect
[Const. Art. VIII, Sec. 4]

Title amended.

Amended to become Section 4.

November 13—

Read. p. 4
Amended. p. 4
Read, roll called, yeas 85, nays 20, passed. pp. 4, 5

January 11—

Style and Drafting Amendments Adopted.

January 16—

Rules suspended.
Reconsidered. p. 11
Read. p. 11
Amended. p. 11
Read, roll called, yeas 107, nays 1, passed pp. 11, 12

January 19—

Style and Drafting Amendments Adopted.

Section 7. Board of Regents

[Const. Art. VIII, Sec. 5]

Amended to become Section 5.

November 13—

Read. p. 5
Amended. pp. 7, 8, 9

November 14—

Read. p. 1
Amended. pp. 2, 3
Read, roll called, yeas 74, nays 38, passed. p. 5

January 11—

Style and Drafting Amendments adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 8. Board of Trustees for State Colleges and Universities

[Const. Art. VIII, Sec. 6]

Amended to become Section 6.

November 14—

Action deferred. p. 5

November 15—

Read. p. 4
Amended. pp. 6, 7
Read, roll called, yeas 89, nays 21, passed. p. 7

January 11—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College
[Const. Art. VIII, Sec. 7]

Title amended.

Amended to become Section 7.

November 14—

Read. p. 5
Amended. pp. 8, 9
Amendment reconsidered. p. 10

November 15—

Read. p. 2
Read, roll called, yeas 92, nays 27, passed. pp. 8, 9

January 11—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 10. Minority Representation

November 15—

Read. p. 9
Deleted by floor amendment. p. 9

Section 11. Boards Dual Membership Prohibited
[Const. Art. VIII, Sec. 8]

Title amended.

Amended to become Section 8.

November 15—

Read. p. 9
Amended. pp. 9, 10
Read, roll called, yeas 100, nays 18, passed. p. 11

January 11—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 12. Parish School Boards; Parish Superintendents

[Const. Art. VIII, Sec. 9]

Amended to become Sec. 9.

November 15—

Read, roll called, yeas 104, nays 7, passed. p. 12

January 11—

Style and Drafting Amendments Adopted.

January 16—

Rules suspended.
Reconsidered. p. 11
Read. p. 11
Amended. p. 11
Read, roll called, yeas 107, nays 1, passed. pp. 11, 12

January 19—

Style and Drafting Amendments Adopted.

Section 13. Recognition of Existing Boards and Systems; Consolidation

[Const. Art. VIII, Sec. 10]

Title amended.

Amended to become Section 10.

November 16—
Read. p. 2
Amended. p. 3
Read, roll called, yeas 103, nays 5, passed. pp. 3, 4

January 11—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 14. Appropriations; Boards
[Const. Art. VIII, Sec. 11]

Title amended.

Amended to become Section 11.

November 16—
Read, roll called, yeas 100, nays 9, passed. p. 6

January 11—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 15. Appropriations; Higher Education
[Const. Art. VIII, Sec. 12]

Amended to become Section 12.

November 16—
Read. p. 6
Amended. p. 6
Read, roll called, yeas 112, nays 6, passed. p. 7

January 11—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 16. Funding; Elementary and Secondary Education; Apportionment
[Const. Art. VIII, Sec. 13]

Title amended.

Amended to become Section 13.

November 16—
Read. p. 7
Amended. pp. 8, 9
Action Deferred. p. 9
Amended. pp. 12, 13, 14
Read, roll called, yeas 58, nays 53. Failed to pass, motion to reconsider pending. p. 14
Reconsidered. p. 17

November 17—
Read. p. 1
Amended. pp. 2, 3
Read, roll called, yeas 96, nays 17, passed. p. 3

January 11—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 17. Tulane University
[Const. Art. VIII, Sec. 14]

Amended to become Section 14.

November 16—
Read, roll called, yeas 89, nays 21, passed. pp. 9, 10

January 11—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

November 17—
Read, roll called on final passage, yeas 72, nays 43, finally

passed. p. 4
Enrolled, Referred to the Committee on Style and Drafting. p. 12

January 11—
Reported with amendments. pp. 3, 4, 5, 6
Rules suspended.
Amendments adopted. pp. 6, 7, 8, 9, 10
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 25, 26, 27

January 16—
Rules suspended. p. 10
Discharged from the Committee on Style and Drafting. p. 10
Reconsidered. p. 11
Read, roll called on final passage, yeas 103, nays 4, finally passed. p. 12
Recommitted to the Committee on Style and Drafting. p. 12

January 17—
Reported without amendments. p. 1
Finally re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 10, 11

COMMITTEE PROPOSAL No. 8—
Introduced by Delegate Perez, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making provisions for local and parochial government and necessary provisions with respect thereto.

July 5—
Read, lies over under the rules. p. 5

July 6—
Read.
Under the rules.
Referred to the Committee on Local and Parochial Government. p. 52

COMMITTEE PROPOSAL No. 9—
Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

July 5—
Read, lies over under the rules. p. 5

July 6—
Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 52

September 20—
Reported with amendments. p. 1

September 21—
Amendments adopted. p. 2
Read, ordered engrossed and passed to its third reading. p. 2

December 6—
Read. p. 1

Section 1. State and City Civil Service
[Const. Art. X, Part I]

December 6—
Read. pp. 2, 3, 4, 5
Amended. pp. 5, 6, 7

December 7—
 Read. p. 1
 Amendment No. 1. Reconsidered, rejected. p. 2
 Amendment No. 2. Reconsidered, rejected. pp. 2, 3

December 8—
 Read. p. 1
 Amended. pp. 1, 2, 3, 4, 5

December 11—
 Read. pp. 1, 2
 Amended. pp. 2, 4, 5, 6, 7, 8, 9, 10, 11

December 12—
 Read. p. 1
 Amended. pp. 2, 3, 4, 5, 6, 7

December 13—
 Read. p. 1
 Amended. pp. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10
 Read, roll called, yeas 66, nays 36. Failed to pass, motion to reconsider pending. p. 10
 Reconsidered. p. 11
 Amended. pp. 11, 12
 Read, roll called, yeas 83, nays 19, passed. pp. 12, 13

January 15—
 Rules suspended. p. 11
 Reconsidered. p. 11
 Amended. pp. 11, 12
 Read, roll called, yeas 107, nays 1, passed. p. 12
 Style and Drafting Amendments adopted.

December 13—
 Read, roll called on final passage, yeas 80, nays 22, finally passed. p. 13

December 14—
 Enrolled, referred to the Committee on Style and Drafting. pp. 21, 22, 23, 24

January 14—
 Reported with amendments. pp. 33, 34, 35, 36

January 15—
 Amendments adopted. pp. 3, 4, 5, 6
 Returned to the Calendar subject to call. p. 6
 Called from the Calendar. p. 10
 Amendments adopted. pp. 10, 11
 Read, roll called on final passage, yeas 106, nays 1, finally passed. pp. 12, 13
 Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 29, 30, 31

January 19—
 Style and Drafting amendments adopted as follows:

Article VII. Human Resources becomes:

ARTICLE X. Public Officials and Employees

Part I. State and City Civil Service
 [Const. Art. X, Part I]

Section 1. Civil Service System
 [Const. Art. X, Part I]

Section 2. Classified and Unclassified Service
 [Const. Art. X, Sec. 2]

Section 3. State Civil Service Commission
 [Const. Art. X, Sec. 3]

Section 4. City Civil Service Commission
 [Const. Art. X, Sec. 4]

Section 5. Removal
 [Const. Art. X, Sec. 5]

Section 6. Department of Civil Service; Directors
 [Const. Art. X, Sec. 6]

Section 7. Appointments; Promotions
 [Const. Art. X, Sec. 7]

Section 8. Appeals
 [Const. Art. X, Sec. 8]

Section 9. Prohibitions Against
 [Const. Art. X, Sec. 9]

Section 10. Rules, Investigations; Wages and Hours
 [Const. Art. X, Sec. 10]

Section 11. Penalties
 [Const. Art. X, Sec. 11]

Section 12. Appeal
 [Const. Art. X, Sec. 12]

Section 13. Appropriations
 [Const. Art. X, Sec. 13]

Section 14. Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly
 [Const. Art. X, Sec. 14]

Section 15. City, Parish Civil Service System; Creation; Prohibition
 [Const. Art. X, Sec. 15]

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

July 5—
 Read, lies over under the rules. p. 5

July 6—
 Read.
 Under the rules.
 Referred to the Committee on Education and Welfare. p. 52

September 20—
 Reported with amendments. p. 1

September 21—
 Amendments adopted. p. 2
 Read, ordered engrossed and passed to its third reading. p. 2

Section 1. Municipal Fire and Police Civil Service
 [Const. Art. X, Part II]

Title amended.

December 14—
 Read. pp. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10
 Amended. pp. 12, 13, 14
 Read, roll called, yeas 55, nays 54. Failed to pass, motion to reconsider pending. pp. 14, 15
 Returned to the Calendar subject to call. p. 15

December 15—
 Called from the Calendar. p. 2
 Read. p. 2
 Reconsidered. p. 2
 Amended. pp. 2, 3
 Read, roll called, yeas 97, nays 13, passed. pp. 3, 4
 Read, roll called on final passage, yeas 99, nays 11, finally passed. p. 4
 Enrolled, referred to the Committee on Style and Drafting. pp. 8, 9

January 15—
Style and Drafting Amendments Adopted.

January 14—
Reported with amendments. p. 36

January 15—
Amendments adopted pp. 6, 7
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention, pp. 31, 32
Divided into the following Sections by styling and drafting amendments adopted January 15, 1974.

January 19—
Style and Drafting Amendments Adopted.

Article VII. Human Resources becomes:

Article X. Public Officials and Employees
Part II. Fire and Police Civil Service

Section 16. Establishment of System
[Const. Art. X, Part II, Sec. 16]

Section 17. Appointments and Promotions
[Const. Art. X, Part II, Sec. 17]

Section 18. Prior Provisions
[Const. Art. X, Part II, Sec. 18]

Section 19. Exclusion
[Const. Art. X, Part II, Sec. 19]

Section 20. Political Activities
[Const. Art. X, Part II, Sec. 20]

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

July 5—
Read, lies over under the rules. p. 5

July 6—
Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 52

November 7—
Reported with Amendments. p. 11

November 8—
Amendments adopted. p. 2
Read, ordered reengrossed and passed to it's third reading. p. 2

December 5—
Read. p. 4

Section 1. Retirement and Survivors' Benefits

December 5—
Rules suspended. p. 4

(A) Retirement System; Public School Employees. The legislature shall provide for the retirement of
[Const. Art. X, Part III, Sec. 29]

Title amended.
Read. p. 4
Amended. pp. 4, 5
Read, roll called, yeas 87, nays 14, passed. p. 6

January 11—
Reconsidered. p. 11
Read. p. 11
Amended. pp. 11, 12
Read, roll called, yeas 100, nays, 0, passed. p. 12
Style and Drafting Amendments Adopted.

(B) Retirement System; State Officers and Employees.
[Const. Art. X, Part III, Sec. 29]

Title amended.

December 5—
Read. p. 6
Amended. pp. 6, 7
Read, roll called, yeas 90, nays 11, passed. p. 7

January 11—
Style and Drafting Amendments Adopted.

(C) Financial Security for Surviving Spouses and Children of Law Enforcement Officers in Certain Cases.
[Const. Art. X, Part III, Sec. 29]

Title amended.

Amended to become (d)

December 5—
Read. pp. 7, 8
Amended. pp. 8, 9
Read, roll called, yeas 103, nays 3, passed. pp. 9, 10

January 11—
Style and Drafting Amendments Adopted.

(D) Retirement Systems; Notice of Intention to Propose Amendments or Change; Publication.
[Const. Art. X, Part III, Sec. 29]

Title amended.

Amended to become (C)

December 5—
Read, roll called, yeas 98, nays 3, passed. p. 10
Read, roll called on passage of Section, yeas 91, nays 14, passed. pp. 10, 11

January 11—
Style and Drafting Amendments Adopted.

Article VII. Human Resources

Section 1. Retirement and Survivors Benefits Becomes:

Article X

Part III. Other Provisions

Section 29. Retirement and Survivors Benefits
[Const. Art. X, Part III, Sec. 29]

December 5—
Read, roll called on final passage, yeas 92, nays 15, finally passed. p. 11

December 6—
Enrolled, referred to the Committee on Style and Drafting. p. 11

January 11—
Reported with amendments. p. 6
Rules suspended.
Amendments adopted. pp. 10, 11
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 27

January 19—
Style and Drafting Amendments Adopted. p. 2

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of

the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

July 5—

Read, lies over under the rules. p. 5

July 6—

Read. p. 52

Under the rules.

Referred to the Committee on Education and Welfare. p. 53

July 25—

Reported favorably. p. 2

July 26—

Read, ordered engrossed and passed to its third reading. p. 2

Section 1. Penal Institutions and Convict Labor

November 19—

Read. p. 4

Deleted by floor amendments. pp. 4, 5

New Section 1. Penal Institutions

[Const. Art. XII, Sec. 7]

Title amended.

November 19—

Added by floor amendment.

By a vote of 79 yeas, 12 nays. pp. 6, 7

Read, roll called, yeas 87, nays 10, passed. p. 7

November 19—

Read, roll called on final passage, yeas 86, nays 10, finally passed. pp. 7, 8

Read.

Enrolled, Referred to the Committee on Style and Drafting. pp. 10, 11

January 10—

Reported with amendments. p. 10

Rules suspended.

Amendments adopted. p. 11

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 30

January 19—

Style and Drafting Amendments Adopted.

COMMITTEE PROPOSAL No. 13—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for the settlement of disagreements through arbitration.

July 5—

Read, lies over under the rules. p. 5

July 6—

Read.

Under the rules.

Referred to the Committee on Education and Welfare. p. 53

July 25—

Reported by substitute. p. 2

July 26—

Read, substitute adopted. p. 2

Becomes CP 18. p. 2

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, 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.

July 5—

Read, lies over under the rules. p. 6

July 6—

Read.

Under the rules.

Referred to the Committee on Education and Welfare. p. 53

July 25—

Reported favorably. p. 2

July 26—

Read, ordered engrossed and passed to its third reading. p. 2

Section 1. Economic Security, Social Welfare, Unemployment Compensation, and Public Health

[Const. Art. XII, Sec. 8]

Title amended.

Amended to become Section 2.

November 17—

Read. p. 4

Amended. pp. 5, 6, 7, 8

Read, roll called, yeas 44, nays 40. Failed to pass, motion to reconsider pending. pp. 9, 10

Returned to the Calendar subject to call. p. 10

November 19—

Called from the Calendar. p. 8

Read, roll called on final passage, yeas 82, nays 10, finally passed. p. 10

Reconsidered. p. 8

Read. p. 8

Amended. pp. 8, 9

Read, roll called, yeas 71, nays 21, passed. p. 10

January 19—

Style and Drafting Amendments Adopted.

November 20—

Enrolled, Referred to Committee on Style and Drafting. p. 7

January 10—

Reported with amendments. p. 10

Rules suspended.

Amendments adopted. p. 11

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 30

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

July 5—

Read, lies over under the rules. p. 6

July 6—

Read.
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 53

November 20—

Reported with amendments. pp. 6, 7

December 5—

Amendments adopted. pp. 1, 2
Read, ordered engrossed and passed to its third reading. p. 2

Section 1. Power to Tax; Public Purpose
[Const. Art. VII, Sec. 1]

December 14—

Read. p. 15
Amended. p. 15
Read, roll called, yeas 106, nays 0, passed. pp. 15, 16

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 2. Power to Tax; Limitation
[Const. Art. VII, Sec. 2]

December 14—

Read. p. 16
Amended. p. 16
Read, roll called, yeas 106, nays 0, passed. pp. 16, 17

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 3. Collection and Refund of Taxes
[Const. Art. VII, Sec. 3]

Title amended.

December 14—

Read. p. 17
Amended. p. 17
Read, roll called, yeas 104, nays 3, passed. p. 17

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State
[Const. Art. VII, Sec. 4]

Title amended.

December 14—

Read. pp. 17, 18
Action Deferred. p. 18

December 15—

Read. p. 6
Amended. pp. 6, 7

December 16—

Read. p. 1
Amended. pp. 5, 6, 7
Read, roll called, yeas 75, nays 18, passed. p. 10

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 5. Annual Motor Vehicle License Tax
[Const. Art. VII, Sec. 5]

Title amended.

December 14—

Read, roll called, yeas 88, nays 17, passed. p. 19

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 6. Forestry

December 14—

Read. p. 19
Action Deferred. p. 19

December 17—

Read. p. 1
Deleted by floor amendment. p. 2

Section 7. State Debt; Full Faith and Credit Obligations
[Const. Art. VII, Sec. 6]

Amended to become Section 6.

December 14—

Read. pp. 19, 20
Amended. p. 20
Read, roll called, yeas 72, nays 19, passed. pp. 20, 21

December 17—

Called from the Table. p. 12
Reconsidered. p. 12
Read. p. 12
Amended. pp. 12, 13
Read, roll called, yeas 94, nays 1, passed. p. 13

December 17—

Read, roll called on final passage, yeas 66, nays 27. Failed to pass. Motion to reconsider pending. pp. 15, 16

December 18—

Read, reconsidered. p. 2
Returned to Calendar. p. 2
Called from Calendar. p. 3
Read roll called on final passage, yeas 80, nays 19, finally passed. p. 3
Enrolled, referred to the Committee on Style and Drafting. pp. 12, 13, 14

January 12—

Rules suspended.
Discharged from Style and Drafting. p. 8
Reconsidered. p. 8 [For the purpose of reconsidering Section 7.]

January 12—

Reconsidered. p. 8
Read. p. 8
Read, roll called, yeas 108, nays 0, passed. p. 8

January 14—

Read, roll called on final passage, yeas 99, nays 0. p. 9
Recommitted to the Committee on Style and Drafting. p. 9
Reported with amendments. pp. 25, 26, 27, 28
Rules suspended. p. 28
Amendments adopted. pp. 28, 29, 30, 31, 32

January 14—

Style and Drafting Amendments Adopted.

January 15—

Discharged from Style and Drafting. p. 13
Reconsidered. p. 13

Section 6.

January 15—

Rules suspended. p. 13
Reconsidered. p. 13
Amended. pp. 13, 14
Read, roll called, yeas 108, nays 1, passed. p. 14

January 19—

Style and Drafting Amendments Adopted.

Section 8. State Debt; Interim Emergency Board
[Const. Art. VII, Sec. 7]

Amended to become Section 7.

December 15—

Read. p. 4
Amended. p. 4
Read, roll called, yeas 95, nays 5, passed. p. 6

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments adopted

Section 9. State Debt; Maximum Debt Service Expense for All Purposes

December 17—

Read. p. 2
Amended. p. 2
Read, roll called, yeas 4, nays 68. Failed to pass, motion to reconsider tabled. pp. 2, 3

Section 10. State Debt; Political Subdivisions of the State; Issuance and Sale of Obligations; State Bond Commission; Approval Required
[Const. Art. VII, Sec. 8]

Amended to become Section 8.
Title amended.

December 17—

Read. p. 3
Amended. p. 4
Read, roll called, yeas 74, nays 4, passed. p. 4

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 11. Collection of State Funds; Bond Security and Redemption Fund
[Const. Art. VII, Sec. 9]

Title amended.

Amended to become Section 9.

December 17—

Read. pp. 4, 5
Amended. p. 5
Read, roll called, yeas 77, nays 7, passed. p. 5

January 14—

Style and Drafting Amendments Adopted.

January 15—

Rules Suspended. p. 14
Reconsidered. p. 14.
Read. p. 14
Amended. pp. 14, 15
Read, roll called, yeas 104, nays 2, passed. p. 15.

January 19—

Style and Drafting Amendments Adopted.

Section 12. Expenditure of State Funds
[Const. Art. VII, Sec. 10]

Amended to become Section 10.

December 17—

Read. pp. 5, 6
Amended. p. 6
Read, roll called, yeas 90, nays 0, passed. p. 6

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 13. Management of State Funds; Budgets
[Const. Art. VII, Sec. 11]

Title amended.

Amended to become Section 11.

December 17—

Read. p. 6
Amended. p. 7
Read, roll called, yeas 86, nays 1, passed. p. 7

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 14. Management of State Funds; Public Record
[Const. Art. VII, Sec. 12]

Title amended.

Amended to become Section 12.

December 17—

Action deferred. p. 7
Read, roll called, yeas 90, nays 1, passed. p. 9

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 15. Management of State Funds; Investment
[Const. Art. VII, Sec. 13]

Title amended.

Amended to become Section 13.

December 17—

Action deferred. p. 7
Read, roll called, yeas 90, nays 3, passed. p. 10

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 16. Management of State Funds; Prohibition of Loan, Pledge, or Donation of Public Property; Exception for Public Purpose
[Const. Art. VII, Sec. 14]

Title amended.

Amended to become Section 14.

December 17—

Read. p. 7
Amended. pp. 7, 8
Read, roll called, yeas 91, nays 1, passed. p. 9
Reconsidered. p. 13
Read, roll called, yeas 86, nays 5, passed. pp. 13, 14

January 14—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

New Section 16. Taxes Prescription
[Const. Art. VII, Sec. 16]

January 14—

Read, roll called, yeas 102, nays 0, passed. p. 32

Section 17. Release of Obligation to State, Parish or Municipal Corporation; Taxes on Confiscated Property
[Const. Art. VII, Sec. 15]

Title amended.

Amended to become Section 15.

December 17—
 Read. p. 10
 Amended. pp. 10, 11
 Read, roll called yeas 85, nays 9, passed. pp. 11, 12

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 18. Legislation to Enable Compliance with Federal Laws and Regulations to Secure Federal Aid in Capital Improvement Projects
 [Const. Art. VII, Sec. 17]

Title amended.

Amended to become Section 17.

December 17—
 Read, roll called, yeas 84, nays 4, passed. p. 12

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

January 15—
 Read, roll called on final passage, yeas 109, nays 0, finally passed. p. 15
 Recommitted to the Committee on Style and Drafting. p. 15
 Finally re-enrolled, read and signed by the chairman of the Convention and attested by the Secretary of the Convention. pp. 26, 27, 28

January 16—
 Reported with amendments. p. 2
 Rules suspended.
 Amendments adopted. p. 3

January 18—
 Finally re-re-enrolled, read and signed by the chairman of the Convention and attested by the Secretary of the Convention. pp. 24-32

COMMITTEE PROPOSAL No. 16—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack:

A PROPOSAL

Making provisions relating to natural resources and environment.

July 6—
 Read, lies over under the rules. p. 55

July 11—
 Read.
 Under the rules.
 Referred to the Committee on Natural Resources and Environment. p. 3

December 5—
 Reported by substitute. p. 11

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

July 20—
 Read, lies over under the rules. p. 8

July 25—
 Read.

Under the rules.
 Referred to the Committee on Local and Parochial Government. p. 2

September 8—
 Reported with amendments. p. 9
 Rules suspended. p. 9
 Amendments adopted. pp. 9, 10, 11
 Read, ordered engrossed and passed to its third reading. p. 11 .

September 19—
 Read. p. 1

Section 1. Parishes; Ratification of Boundaries, Creation, Consolidation, and Dissolution
 [Const. Art. VI, Sec. 1]

Title Amended.

September 19—
 Read. p. 2
 Amended. p. 2
 Read, roll called, yeas 105, nays 1, passed. p. 3

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 2. Change of Parish Lines; Election

September 19—
 Read. p. 3
 Deleted by floor amendment. p. 4

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities
 [Const. Art. VI, Sec. 1 D]

Amended to become Section 1 (d).

September 19—
 Read, roll called, yeas 93, nays 17, passed. pp. 4, 5

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 4. Change of Location of Parish Seat

Title amended.

September 19—
 Read. p. 5
 Deleted by floor amendment. p. 5

Section 5. Municipalities; Incorporation, Consolidation, Merger, and Government
 [Const. Art. VI, Sec. 2]

Title amended.

Amended to become Section 2.

September 19—
 Read, roll called, yeas 109, nays 1, passed. p. 5

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 6. Classification
 [Const. Art. VI, Sec. 3]

Amended to become Section 3.

September 19—
 Read. p. 6
 Amended. p. 6
 Read, roll called, yeas 111, nays 3, passed. p. 6

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 7. Existing Home Rule Charters and Plans of Government of Parishes and Municipalities Ratified
[Const. Art. VI, Sec. 4]

Title amended.

Amended to become Section 4.

September 19—
Read. p. 7

September 20—
Read. p. 2
Amended. pp. 3, 4
Read, roll called, yeas 113, nays 3, passed. p. 4

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 8. Home Rule Charter
[Const. Art. VI, Sec. 5]

Amended to become Section 5 .

September 20—
Read. p. 4

September 21—
Read. p. 3
Amended. pp. 4, 5, 6

September 22—
Read. p. 1
Amended. pp. 2, 3
Read, roll called, yeas 69, nays 37, passed. pp. 3, 4

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

New Section 6. Home Rule Charter or Plan of Government, Action by Legislature Prohibited
[Const. Art. VI, Sec. 6]

January 14—
Read. p. 9
Added by Style and Drafting Committee Amendments by a vote of 96 yeas and 0 nays. pp. 9, 10

Section 9. Powers of Other Local Governmental Subdivisions
[Const. Art. VI, Sec. 7]

Title amended.

Amended to become Section 7.

September 25—
Read. p. 1
Amended. pp. 2, 4
Read, roll called, yeas 58, nays 43. Failed to pass, motion to reconsider pending. p. 4

September 26—
Read.
Reconsidered. p. 1
Amended. pp. 2, 3
Read, roll called, yeas 110, nays 7, passed. p. 3

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 10. Powers of Local Governmental Subdivisions; Liberal Construction

September 25—
Read. p. 4
Deleted by floor amendment. p. 4

Section 11. Home Rule Parish; Incorporation of Cities, Towns and Villages
[Const. Art. VI, Sec. 8]

Amended to become Section 8.

September 25—
Read. p. 4
Amended. pp. 4, 5, 6

September 26—
Read. p. 2
Action deferred. p. 2
Read. p. 3
Amended. p. 5
Read, roll called, yeas 74, nays 36, passed. p. 5

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 12. Limitations of Local Governmental Subdivisions
[Const. Art. VI, Sec. 9]

Amended to become Section 9.

September 26—
Read. p. 6
Amended. pp. 6, 7

September 27—
Read. p. 1
Amended. p. 2
Read, roll called, yeas 114, nays 7, passed. pp. 3, 4

January 14—
Style and Drafting Amendments Adopted.

Section 12.1 Codification of Ordinances
[Const. Art. VI, Sec. 10]

Amended to become Section 10

September 27—
Added by floor amendment.
By a vote of 109 yeas, 8 nays. p. 4
Read, roll called, yeas 108, nays 5, passed. pp. 4, 5

January 14—
Style and Drafting Amendments Adopted.

Section 13. Local Officials
[Const. Art. VI, Sec. 11]

Amended to become Section 11.

September 27—
Read. p. 5
Amended. p. 5
Action deferred. p. 6
Read, amended, roll called, yeas 107, nays 0, passed. p. 7

January 14—
Style and Drafting Amendments Adopted.

Section 14. Local Officials; Compensation
[Const. Art. VI, Sec. 12]

Amended to become Section 12.

September 27—
Read, roll called, yeas 100, nays 5, passed. pp. 6, 7

January 14—
Style and Drafting Amendment Adopted.

January 19—
 Style and Drafting Amendment Adopted.

Section 15. Filling of Vacancies; Appointment
 [Const. Art. VI, Sec. 13]

Amended to become Section 13.

Title amended.

September 27—
 Read. p. 8
 Amended. p. 9
 Read, roll called, yeas 97, nays 7, passed. p. 9

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 16. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval
 [Const. Art. VI, Sec. 14]

Title amended.

Amended to become Section 14.

September 28—
 Read. p. 1
 Amended. pp. 1, 3, 4, 5
 Read, roll called, yeas 85, nays 30, passed. p. 5

January 14—
 Style and Drafting Amendments Adopted.

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create
 [Const. Art. VI, Sec. 15]

Title amended.

Amended to become Section 15.

September 28—
 Read. p. 5
 Amended. p. 6
 Read, roll called, yeas 108, nays 0, passed. pp. 6, 7

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 18. Special Districts and Local Public Agencies; Consolidation, Merger, and Assumption of Debt
 [Const. Art. VI, Sec. 16]

Title amended.

Amended to become Section 16.

September 28—
 Read, roll called, yeas 109, nays 5, passed. p. 7

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 19. Historic Preservation Districts
 [Const. Art. VI, Sec. 17]

Title amended.

Amended to become Section 17.

September 28—
 Read. p. 8

September 29—
 Read.
 Action deferred. p. 1

October 2—
 Read. p. 5
 Amended. pp. 5, 9
 Read, roll called, yeas 87, nays 19, passed. p. 10

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 20. Zoning
September 29—
 Deferred action. p. 1

October 2—
 Read. p. 11
 Deleted by floor amendment. p. 11

Section 21. Industrial Areas
 [Const. Art. VI, Sec. 18]

Amended to become Section 18.

September 29—
 Read. p. 1
 Amended. p. 2
 Read, roll called, yeas 97, nays 14, passed. p. 3

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 22. Creation of Special Districts by the Legislature; Authority
 [Const. Art. VI, Sec. 19]

Title Amended.

Amended to become Section 19.

September 29—
 Read. p. 3
 Amended. p. 3
 Read, roll called, yeas 106, nays 8, passed. p. 4

January 14—
 Style and Drafting Amendments Adopted.

Section 23. Intergovernmental Cooperation
 [Const. Art. VI, Sec. 20]

Amended to become Section 20.

September 29—
 Read. p. 4
 Amended. p. 4
 Action deferred. p. 5

October 2—
 Read. p. 11
 Amended. pp. 11, 12, 13
 Read, roll called, yeas 50, nays 36. Failed to pass, motion to reconsider pending. p. 14

October 3—
 Reconsidered. p. 1
 Read. pp. 7, 8
 Amended. p. 8
 Read, roll called, yeas 87, nays 16, passed. p. 8

January 14—
 Style and Drafting Amendments Adopted.

Section 24. Assistance to Local Industry by Political Subdivisions
 [Const. Art. VI, Sec. 21]

Amended to become Section 21.

Title amended.

September 29—
Read. p. 5

October 2—
Read. p. 1
Amended. pp. 3, 4
Read, roll called, yeas 85, nays 19, passed. p. 5

January 14—
Style and Drafting Amendments Adopted.

Section 25. Appropriation to Political Subdivisions

October 3—
Read. p. 1
Amended. p. 2
Deleted by floor amendment. p. 2

Section 26. Uniform Procedure for Calling, Conducting, and Canvassing the Returns of Certain Special Elections [Const. Art. VI, Sec. 22]

Title amended.
Amended to become Section 22.

October 3—
Read. p. 2
Amended. pp. 2, 3
Read, roll called, yeas 105, nays 1, passed. p. 3

January 14—
Style and Drafting Amendments Adopted.

Section 27. Acquisition of Property [Const. Art. VI, Sec. 23]

Amended to become Section 23.

October 3—
Read. p. 3
Amended. p. 3
Read, roll called, yeas 105, nays 6, passed. p. 4

January 14—
Style and Drafting Amendments Adopted.

Section 28. Servitudes of Way; Acquisition by Prescription [Const. Art. VI, Sec. 24]

Amended to become Section 24.

October 3—
Read. p. 4
Amended. p. 4
Read, roll called, yeas 108, nays 2, passed. pp. 4, 5

January 14—
Style and Drafting Amendments Adopted.

Section 29. Prescription Against State, School Districts, and Political Subdivisions [Const. Art. XII, Sec. 13]

Title amended.
Amended to become Section 25.

October 3—
Read. p. 5
Amended. pp. 5, 6
Read, roll called, yeas 106, nays 2, passed. pp. 6, 7

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

New Section 26. Courts Not Affected [Const. Art. VI, Sec. 25]

January 14—
Read. p. 12
Added by Style and Drafting Committee Amendment by a vote of 99 yeas, and 0 nays. p. 12

Section 30. Supremacy of Constitution

October 3—
Read. p. 7
Deleted by floor amendment. p. 7

Section 31. Parish Tax Limits; Increase; Withdrawal of Municipality from Parish Taxing Authority [Const. Art. VI, Sec. 26]

Title amended.
Amended to become Section 27.
Amended to become Section 26.

October 3—
Action deferred. p. 9

November 6—
Read. p. 6
Amended. p. 6
Read, roll called, yeas 103, nays 2, passed. p. 6

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 32. Municipal Tax Limits; Increase [Const. Art. VI, Sec. 27]

Title amended.
Amended to become Section 28.
Amended to become Section 27.

October 3—
Action deferred. p. 9

November 6—
Read. p. 7
Amended. p. 7
Read, roll called, yeas 105, nays 2, passed. p. 7

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 33. Local Governmental Subdivision; Occupational License Tax; Limitations [Const. Art. VI, Sec. 28]

Title amended.
Amended to become Section 29.
Amended to become Section 28.

October 3—
Action deferred. p. 9

November 6—
Read. p. 8
Amended. p. 8
Read, roll called, yeas 104, nays 3, passed. p. 8

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 34. Local Governmental Subdivisions; Sales Tax Authorized [Const. Art. VI, Sec. 29]

Title amended.

Amended to become Section 30.
 Amended to become Section 29.

October 3—
 Action deferred. p. 9

November 6—
 Read. p. 8
 Amended. p. 9

November 7—
 Read. p. 1
 Amended. p. 2
 Read, roll called, yeas 87, nays 11, passed. p. 2

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 35. Political Subdivisions; Taxing Power; Limitations
 [Const. Art. VI, Sec. 30]
 Title amended.
 Amended to become Section 31.
 Amended to become Section 30.

October 3—
 Action deferred. p. 9

November 7—
 Read, roll called, yeas 102, nays 4, passed. p. 2

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 36. Special Taxes; Ratified
 [Const. Art. VI, Secs. 31 and 32]
 Title amended.
 Amended to become Section 32.
 Amended to become Section 31.

October 3—
 Action deferred. p. 9

November 7—
 Read. p. 3
 Amended. p. 3
 Read, roll called, yeas 105, nays 3, passed. p. 3

January 14—
 Style and Drafting Amendments Adopted.

New Section 32. Special Taxes; Ratification
 [Const. Art. VI, Sec. 31]
 Title amended.

January 14—
 Reconsidered. p. 16
 Amended. p. 16
 Read, roll called, yeas 105, nays 0, passed. pp. 16, 17

New Section 33. Special Taxes; Authorization
 [Const. Art. VI, Sec. 32]

January 14—
 Read, roll called, yeas 106, nays 0, passed. p. 17

Section 37. Political Subdivisions; Exclusive Authority to Levy and Collect Ad Valorem Taxes

October 3—
 Action deferred. p. 9

November 7—
 Read. p. 3
 Deleted by floor amendment. p. 3
 By a vote of 98 yeas, 9 nays. pp. 3, 4

Section 38. Bonds of Political Subdivisions; General Obligations
 [Const. Art. VI, Sec. 33]
 Title amended.
 Amended to become Section 33.
 Amended to become Section 34.

October 3—
 Action deferred. p. 9

November 7—
 Read, roll called, yeas 107, nays 0, passed. p. 4

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 39. Taxpayer Authorization of Political Subdivision Bonds
 [Const. Art. VI, Sec. 33A]
 Title amended.
 Amended to become Section 34.
 Amended to become Section 33A.

October 3—
 Action deferred. p. 9

November 7—
 Read. p. 4
 Amended. p. 4
 Read, roll called, yeas 106, nays 5, passed. p. 5

January 14—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions
 [Const. Art. VI, Sec. 34]
 Title amended.
 Amended to become Section 34.
 Amended to become Section 35.

October 3—
 Action deferred. p. 9

November 7—
 Read. p. 5
 Action Deferred. p. 5

November 7—
 The Convention resolved itself into Committee as a Whole. p. 9
 The Committee of the Whole Rose. p. 9
 Read.
 Amended. p. 9
 Read, roll called, yeas 59, nays 47. Failed to pass, motion to reconsider pending. pp. 10, 11

November 8—
 Read. p. 4
 Reconsidered. p. 2
 Action deferred. pp. 4, 5
 Amended. pp. 9, 10
 Read, roll called, yeas 103, nays 4, passed. p. 10

January 14—
 Style and Drafting Amendments Adopted.

CONSTITUTIONAL CONVENTION CALENDAR

January 19—
Style and Drafting Amendments Adopted.

Section 41. Limited Time for Contesting Bonds of Political Subdivisions
[Const. Art. VI, Sec. 35]

Title amended.

Amended to become Section 35.

Amended to become Section 36.

October 3—
Action deferred. p. 9

November 7—
Read. p. 5
Action deferred. p. 5
Amended. p. 8
Read, roll called, yeas 104, nays 4, passed. p. 8

November 8—
Reconsidered. p. 3
Read, roll called, yeas 81, nays 10, passed. p. 3

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 42. Local Improvement Assessments
[Const. Art. VI, Sec. 36]

Amended to become Section 36.

Amended to become Section 37.

October 3—
Action deferred. p. 9

November 7—
Read. p. 5
Amended. p. 6
Read, roll called, yeas 104, nays 1, passed. p. 6

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 43. Revenue-Producing Property
[Const. Art. VI, Sec. 37]

Amended to become Section 37.

Amended to become Section 38.

October 3—
Action deferred. p. 9

November 7—
Read. p. 6
Amended. p. 6
Read, roll called, yeas 105, nays 0, passed. pp. 6, 7

November 8—
Reconsidered. p. 3
Read. p. 4
Amended. p. 4
Read, roll called, yeas 92, nays 2, passed. p. 4

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 44. Levee Districts
[Const. Art. VI, Sec. 38]

Amended to become Section 38.

Amended to become Section 39.

October 3—
Read. p. 9
Amended. pp. 9, 10

October 4—
Read. p. 1
Amended. p. 2
Read, roll called, yeas 97, nays 18, passed. p. 4

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 45. District Taxes; Increase in Tax to Raise Additional Funds
[Const. Art. VI, Sec. 39]

Title amended.

Amended to become Section 39.

Amended to become Section 40.

October 4—
Read. p. 4
Action deferred. p. 4

November 8—
Read. p. 5
Amended. p. 5
Read, roll called, yeas 99, nays 2, passed. p. 5

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 46. Bond Issues
[Const. Art. VI, Sec. 40]

Amended to become Section 40.

Amended to become Section 41.

October 4—
Read. p. 4
Action deferred. p. 4

November 8—
Read, roll called, yeas 101, nays 0, passed. pp. 5, 6

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 47. Interstate Districts

October 4—
Read. p. 4
Deleted by floor amendment. pp. 4, 5

Section 48. Cooperation with Federal Government
[Const. Art. VI, Sec. 41]

Amended to become Section 41.

Amended to become Section 42.

October 4—
Read. p. 5
Read, roll called, yeas 113, nays 0, passed. p. 5

January 14—
Style and Drafting Amendments Adopted.

Section 49. Compensation for Property Used or Destroyed; Tax
[Const. Art. VI, Sec. 42]

Amended to become Section 42.

Amended to become Section 43.

COMMITTEE PROPOSALS

October 4—
Read. p. 5
Action deferred. p. 5

November 8—
Read. p. 6
Amended. p. 7
Read, roll called, yeas 103, nays 4, passed. p. 9

January 14—
Style and Drafting Amendments Adopted.

Section 50. Ports
[Const. Art. VI, Sec. 43]

Title amended.
Amended to become Section 43.
Amended to become Section 44.

October 4—
Read. p. 5
Amended. p. 6

October 5—
Read. p. 3
Amended. pp. 4, 5
Read, roll called, yeas 95, nays 18, passed. pp. 5, 6

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 51. Terms Defined
[Const. Art. VI, Sec. 44]

Amended to become Section 44.
Amended to become Section 45.

October 5—
Read. p. 6
Amended. p. 6
Read, roll called, yeas 105, nays 7, passed. p. 7
Returned to the Calendar Subject to call. p. 7

November 6—
Called from the Calendar. p. 6

January 14—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

November 8—
Read, roll called on final passage, yeas 108, nays 4, finally passed. pp. 11, 12

November 9—
Enrolled, referred to the Committee on Style and Drafting. pp. 8-12

November 15—
Reenrolled, reflecting correction of an error discovered with respect to Section 16. pp. 13-17

January 14—
Reported with amendments. pp. 2, 3, 4, 5, 6, 7, 8
Rules suspended.
Amendments adopted. pp. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

January 15—
Finally re-re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 36, 37, 38, 39, 40

COMMITTEE PROPOSAL No. 18—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes.

Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham. A substitute proposal for Committee Proposal No. 13 by Delegate Aertker, et al.

A PROPOSAL

Making provisions for human resources by prohibiting compulsory arbitration.

A substitute for CP 13.

July 26—
Read. p. 2
Returned to the Calendar.
Under the rules. p. 2

July 27—
Read, ordered engrossed and passed to its third reading. p. 2

Amended to become Article VII, Human Resources.

Section 1. Arbitration

November 18—
Read. p. 1
Amended. p. 2
Deleted by floor amendment p. 2
By a vote of 88 yeas, 11 nays. p. 2

November 18—
Read, roll called on final passage, yeas 0, nays 95. Failed to pass, motion to reconsider tabled. p. 3

COMMITTEE PROPOSAL No. 19—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Denney, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions in the Schedule provisions of the Constitution for mandatory reorganization of the executive branch of state government.

August 1—
Read, lies over under the rules. p. 1

August 2—
Read.
Under the rules.
Referred to the Committee on Executive Department. p. 2

September 14—
Reported by substitute. p. 7
Rules suspended.
Read. p. 8
Substitute adopted. p. 8
Becomes CP No. 31. p. 8

COMMITTEE PROPOSAL No. 20—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall, and Weiss:

A PROPOSAL

Making general provisions for elections.

August 9—
Read, lies over under the rules. p. 9

August 10—
Read. p. 1
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 1

September 20—
Reported by substitute. p. 6

September 21—
Read. p. 2
Substitute adopted. p. 2
Becomes CP 33.

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

A substitute for CP 6.

August 10—

Read. p. 11
Rules suspended. p. 11
Ordered engrossed and passed to its third reading. p. 11

August 15—

Read. p. 2
Amended Title. p. 2

Section 1. Judicial Power
[Const. Art. V, Sec. I]

August 15—

Read, roll called, yeas 105, nays 2, passed. pp. 1, 2

January 9—

Style and Drafting Amendment Adopted.

Section 2. Habeas Corpus, Needful Writs, Orders and Process

[Const. Art. V, Sec. 2]

Title amended.

August 15—

Read, roll called, yeas 111, nays 0, passed. p. 3

January 9—

Style and Drafting Amendments Adopted.

Section 3. Supreme Court; Composition; Judgments; Terms

[Const. Art. V, Sec. 3]

August 15—

Read. p. 3
Amended. p. 3
Read, roll called, yeas 77, nays 32, passed. p. 4

January 9—

Style and Drafting Amendments Adopted.

Section 4. Supreme Court; Districts
[Const. Art. V, Sec. 4]

August 15—

Read. p. 4
Read, roll called, yeas 103, nays 9, passed. p. 6

January 9—

Style and Drafting Amendments Adopted.

Section 5. Supreme Court; Supervisory, Original, and Appellate Jurisdiction; Rule-Making Power; Assignment of Judges

[Const. Art. V, Sec. 5]

Title amended.

August 15—

Read. p. 6
Amended. p. 9
Read, roll called, yeas 112, nays 0, passed. pp. 9, 10

January 9—

Style and Drafting Amendments Adopted.

Section 6. Supreme Court; the Chief Justice
[Const. Art. V, Sec. 6]

Title amended.

August 16—

Read. p. 2
Amended. p. 2
Read, roll called, yeas 101, nays 15, passed. p. 3

January 9—

Style and Drafting Amendments Adopted.

Section 7. Supreme Court; Judicial Administrator, Clerks and Staff
[Const. Art. V, Sec. 7]

Title amended.

August 16—

Read. p. 3
Amended. p. 3
Read, roll called, yeas 114, nays 1, passed. p. 3

January 9—

Style and Drafting Amendments Adopted.

Section 8. Courts of Appeal; Panels; Number Necessary to Decision; Terms
[Const. Art. V, Sec. 8]

Title amended.

August 16—

Read. p. 4
Amended. p. 4
Read, roll called, yeas 97, nays 21, passed. p. 5

January 9—

Style and Drafting Amendments Adopted.

Section 9. Courts of Appeal; Circuits and Districts
[Const. Art. V, Sec. 9]

August 16—

Read. p. 5
Amended. p. 6
Read, roll called, yeas 101, nays 8, passed. p. 6

January 9—

Style and Drafting Amendments Adopted.

Section 10. Courts of Appeal; Appellate and Supervisory Jurisdiction

[Const. Art. V, Sec. 10]

Title amended.

August 16—

Read, roll called, yeas 113, nays 1, passed. p. 7

January 9—

Style and Drafting Amendments Adopted.

Section 11. Courts of Appeal; Certification to Supreme Court; Determination

[Const. Art. V, Sec. 11]

Title amended.

August 16—

Read, roll called, yeas 116, nays 0, passed. p. 8

January 9—

Style and Drafting Amendments Adopted.

Section 12. Courts of Appeal; Chief Judge; Duties
[Const. Art. V, Sec. 12]

Title amended.

August 16—

Read. p. 8
Amended. p. 8
Read, roll called, yeas 112, nays 0, passed. pp. 8, 9

January 9—

Style and Drafting Amendments Adopted.

Section 13. Courts of Appeal; Clerks and Staff
[Const. Art. V, Sec. 13]

Title amended.

August 16—

Read. p. 9
Amended. p. 9
Read, roll called, yeas 113, nays 0, passed. p. 9

January 9—

Style and Drafting Amendments Adopted.

Section 14. District Courts; Judicial Districts
[Const. Art. V, Sec. 14]

August 16—

Read, roll called, yeas 110, nays 4, passed. p. 10

January 9—

Style and Drafting Amendments Adopted.

Section 15. Courts; Continued; Jurisdiction; Judicial Districts; Changes; Terms
[Const. Art. V, Sec. 15]

Title amended.

August 17—

Read. p. 1
Amended, pp. 1, 2, 3, 4, 5, 6
Read, roll called, yeas 115, nays 1, passed. p. 6

January 9—

Style and Drafting Amendments adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 15.1 City Court Judges; Terms

Added by floor amendment.

August 28—

By a vote of 85 yeas, 22 nays. p. 4
Read, roll called, yeas 96, nays 13, passed. p. 5

January 9—

Style and Drafting Amendments Adopted.

Section 16. District Courts; Original Jurisdiction
[Const. Art. V, Sec. 16]

Title amended.

August 17—

Read. p. 6
Amended. p. 6
Read, roll called, yeas 109, nays 0, passed. p. 7

January 9—

Style and Drafting Amendments Adopted.

Section 17. District Courts; Chief Judge
[Const. Art. V, Sec. 17]

August 17—

Read. p. 7
Read, roll called, yeas 95, nays 15, passed. p. 8

January 9—

Style and Drafting Amendments Adopted.

Section 18. Juvenile Courts; Jurisdiction
[Const. Art. V, Sec. 18]

Title amended.

August 17—

Read, action deferred. p. 8

August 28—

Read. p. 2
Amended. p. 3
Read, roll called, yeas 101, nays 9, passed. p. 4

January 9—

Style and Drafting Amendment Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 19. Mayors' Courts; Justices of the Peace; Continued
[Const. Art. V, Sec. 20]

Title amended.

Amended to become Section 20

August 17—

Read. p. 8
Roll called, yeas 106, nays 3, passed. p. 9

January 9—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 20. Preservation of Evidence

August 17—

Read, roll called, yeas 37, nays 67. Failed to pass, motion to reconsider tabled. p. 9

Section 21. Judges: Term of Office or Compensation May Not Be Decreased
[Const. Art. V, Sec. 21]

Title amended.

Amended to become Section 21.

Amended to become Section 20.

August 17—

Read, roll called, yeas 105, nays 0, passed. p. 10

January 9—

Style and Drafting Amendment Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 22. Judges; Election; Vacancy in Office
[Const. Art. V, Sec. 22]

Title amended.

Amended to become Section 22.

Amended to become Section 21.

August 18—

Read. p. 2
Amended. pp. 3, 4, 5, 6, 7
Read, roll called, yeas 107, nays 3, passed. p. 7

January 9—

Style and Drafting Amendments adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 23. Retirement of Judges
[Const. Art. V, Sec. 23]

Title amended.

Amended to become Section 23.

Amended to become Section 22.

August 18—

Read. pp. 7, 8
Amended. p. 8, 9

August 22—

Read. p. 2
Amended. pp. 2, 3, 4
Read, roll called, yeas 104, nays 10, passed. p. 4

January 9—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 24. Judges; Qualifications; Practice of Law Prohibited
[Const. Art. V, Sec. 24]

Title amended.

Amended to become Section 24.

Amended to become Section 23.

August 22—
Read. p. 4
Amended. p. 4
Action deferred. p. 5
Read, roll called yeas 113, nays 5, passed. p. 8
The Committee Resolved Itself into the Committee of the Whole. p. 8
The Committee Rose. p. 9

January 9—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 25. Judiciary Commission; Composition; Terms; Vacancy; Grounds for Removal; Powers

Amended to become Section 24.

Amended to become Section 25.

Title amended.

August 22—
Read. p. 5
Amended. pp. 6, 7
Read, roll called, yeas 108, nays 6, passed. p. 7.

August 24—
Called from the table. p. 13
Reconsidered. p. 13
Amended. p. 13
Read, roll called, yeas 96, nays 0, passed. p. 14

January 9—
Style and Drafting Amendments Adopted.

January 15—
Rules suspended. p. 20
Reconsidered. p. 20
Read. p. 20
Deleted by floor amendment by a vote of 102 yeas, and 2 nays. p. 20

Section 26. Department of Justice, Composition; Attorney General; Election and Assistants.
[Const. Art. IV, Sec. 8]

Amended to become Section 25.

Amended to become Section 26.

August 22—
Read. p. 9
Amended. p. 9
Read, roll called, yeas 116, nays 7, passed. p. 10

January 9—
Style and Drafting Amendments Adopted.

January 15—
Rules suspended. p. 20
Reconsidered. p. 20
Read. p. 20
Deleted by floor amendment by a vote of 105 yeas and 2 nays. p. 21

Section 27. Attorney General; Powers and Duties; Vacancy
[Const. Art. IV, Sec. 8]

Title amended.

Amended to become Section 26B.

Amended to become Section 27.

August 23—
Read. p. 6
Amended. p. 8
Read, roll called, yeas 111, nays 4, passed. p. 8

January 9—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 28. District Attorney; Election; Qualifications; Assistants
[Const. Art. V, Sec. 26]

Amended to become Section 27 (A).

Amended to become Section 28.

August 23—
Read. p. 9
Amended. p. 9
Read, roll called, yeas 110, nays 3, passed. p. 11

January 9—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 29. Defense of Criminal Prosecution; Removal
[Const. Art. V, Sec. 26C]

Title amended.

Amended to become Section 27 (C).

Amended to become Section 28.

Amended to become Section 26C.

August 24—
Read. p. 2
Read, roll called, yeas 115, nays 4, passed. p. 3

January 9—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 30. Sheriff; Duties; Tax Collector
[Const. Art. V, Sec. 27]

Title amended.

Amended to become Section 28.

Amended to become Section 26.

Amended to become Section 27.

August 24—
Read. p. 3
Amended. p. 3
Read, roll called, yeas 120, nays 1, passed. p. 4

January 9—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 31. Clerks; Election; Powers and Duties; Deputies; Office Hours
[Const. Art. V, Sec. 28]

Title amended.

Amended to become Section 29.

Amended to become Section 27.

Amended to become Section 28.

August 24—

Read. p. 4

Read, roll called, yeas 119, nays 0, passed. p. 5

January 9—

Style and Drafting Amendments Adopted.

Section 32. Coroner; Election; Term; Qualifications; Duties

[Const. Art. V, Sec. 29]

Title amended.

Amended to become Section 30.

Amended to become Section 28.

Amended to become Section 29.

August 24—

Read. p. 5

Amended. p. 5

Read, roll called, yeas 112, nays 0, passed. p. 5

January 9—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 33. Vacancies

[Const. Art. V, Sec. 30]

Amended to become Section 31.

Amended to become Section 29.

Amended to become Section 30.

August 24—

Read, roll called, yeas 109, nays 3, passed. pp. 6, 7

January 9—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 34. Reduction of Salaries and Benefits Prohibited

[Const. Art. V, Sec. 31]

Amended to become Section 32.

Amended to become Section 30.

Amended to become Section 31.

August 24—

Read. p. 7

Amended. p. 7

Read, roll called, yeas 102, nays 12, passed. p. 7

January 9—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 35. Orleans Parish Courts, Officials; Continued

[Const. Art. V, Sec. 32]

Title amended.

Amended to become Section 33.

Amended to become Section 31.

Amended to become Section 32.

August 24—

Read. p. 7

Amended. pp. 7, 8

Read, roll call, yeas 113, nays 3, passed. p. 8

January 9—

Style and Drafting Amendments Adopted.

January 11—

Reconsidered. p. 17

Read. p. 17

Amended. p. 18

Read, roll called, yeas 101 nays 3, passed. p. 18

January 19—

Style and Drafting Amendments Adopted.

Section 36. Jurors; Qualifications; Exemptions
[Const. Art. V, Sec. 33]

Title amended.

Amended to become Section 34.

Amended to become Section 32.

Amended to become Section 33.

August 24—

Read. p. 9

Amended. p. 9

Read, roll called, yeas 111, nays 2, passed. p. 9

January 9—

Style and Drafting Amendments Adpoted.

January 19—

Style and Drafting Amendments Adopted.

Section 37. Grand Jury

[Const. Art. V, Sec. 34]

Amended to become Section 35.

Amended to become Section 33.

Amended to become Section 34.

August 24—

Read. p. 10

Amended. pp. 10, 11, 12

Read, roll called, yeas 99, nays 3, passed. p. 12

January 9—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 38. Fees; Orleans Parish

August 24—

Read. p. 13

Roll called, yeas 4, nays 97, failed to pass, motion to reconsider tabled. p. 13

August 28—

Read, roll called on final passage, yeas 99, nays 16, finally passed. p. 5

August 29—

Enrolled, Referred to Committee on Styling and Drafting. pp. 6, 7, 8

January 8—

Reported with amendments. pp. 11, 12, 13, 14

January 9—

Read.

Amendments adopted. pp. 7, 8, 9, 10, 11

January 10—

Finally enrolled, read and signed by the Chairman of

CONSTITUTIONAL CONVENTION CALENDAR

the Convention and attested by the Secretary of the Convention. pp. 27, 28, 29, 30

January 11—

Rules suspended.
Discharged from Style and Drafting. p. 17
Reconsidered. p. 17
Read, roll called on final passage, yeas 104, nays 2, finally passed. pp. 18, 19

January 12—

Recommitted to the Committee on Style and Drafting.
Finally re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 10, 11

January 15—

Rules suspended.
Discharged from the Committee on Style and Drafting. p. 20
Reconsidered. p. 20
Read, roll called on final passage, yeas 105, nays 2, finally passed. p. 21

January 16—

Finally re-re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 16

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

August 15—

Read, lies over under the rules. p. 10

August 16—

Read.
Under the rules.
Referred to the Committee on Executive Department. p. 1

August 23—

Reported favorably. p. 1

August 24—

Read, ordered engrossed and passed to its third reading. p. 2

Section ——. Code of Ethics; Board of Ethics
[Const. Art. X, Part III, Sec. 21]

Title amended.

September 15—

Read, roll called, yeas 101, nays 14, passed. p. 4

September 15—

Read. p. 1
Amended. pp. 3, 4
Read, roll called on final passage, yeas 83, nays 27, finally passed. pp. 5, 6

September 19—

Enrolled, Referred to the Committee on Style and Drafting. p. 7

January 10—

Style and Drafting Amendments Adopted.

January 10—

Reported with amendments. p. 10
Rules suspended.
Amendments adopted. p. 11
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 30

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the

Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state and local government.

August 15—

Read, lies over under the rules. p. 10

August 16—

Read.
Under the rules.
Referred to the Committee on Executive Department. p. 1

August 23—

Reported favorably. p. 1

August 24—

Read, ordered engrossed and passed to its third reading. p. 2

Article——. Section——. Dual Employment and Dual Officeholding
[Const. Art. X, Part III, Sec. 22]

October 11—

Read. p. 1
Amended, p. 2
Read, roll called, yeas 103, nays 11, passed. pp. 2, 3

October 11—

Read, roll called on final passage, yeas 105, nays 10, finally passed. p. 3

October 17—

Enrolled and referred to the Committee on Style and Drafting. p. 6

January 10—

Style and Drafting Amendments Adopted.

January 10—

Reported with amendments. p. 10
Rules suspended.
Amendments adopted. p. 11
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 30

January 19—

Style and Drafting Amendments Adopted.

COMMITTEE PROPOSAL No. 24—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Relative to constitutional revision.

August 18—

Read, lies over under the rules. p. 1

August 22—

Read. p. 2
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 2

December 18—

Reported by substitute. p. 12
Rules suspended.
Read, substitute adopted. p. 12
Becomes C. P. 36

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates

Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

A substitute for Committee Proposal No. 2.

August 22—

Read. p. 10

Rules suspended. p. 10

Ordered engrossed and passed to its third reading. p. 10

August 28—

Read. p. 6

A PREAMBLE

August 28—

Read. p. 6

Roll called, yeas 87, nays 13, passed. p. 8

January 10—

Style and Drafting Amendments Adopted.

Section 1. Origin and Purpose of Government
[Const. Art. I, Sec. I]

August 29—

Read. p. 1

Amended. p. 1

Action deferred. p. 2

Amended. p. 4

Read, roll called, yeas 119, nays 0, passed. p. 4

January 10—

Style and Drafting Amendments Adopted.

Section 2. Due Process of Law
[Const. Art. I, Sec. 2]

August 29—

Read. p. 2

Amended. p. 3

Read, roll called, yeas 109, nays 1, passed. p. 3

January 10—

Style and Drafting Amendments Adopted.

Section 3. Right to Individual Dignity
[Const. Art. I, Sec. 3]

August 29—

Read. p. 4

August 30—

Read. p. 1

Amended. p. 1

Read, roll called, yeas 104, nays 3, passed. p. 2

January 10—

Style and Drafting Amendments Adopted.

Section 4. Right to Property
[Const. Art. I, Sec. 4]

August 30—

Read. p. 2

Amended. pp. 3, 8, 9

Read, roll called, yeas 68, nays 45, passed. p. 12

September 13—

Reconsidered. p. 6

Amended. p. 7

Read, roll called, yeas 85, nays 22, passed. pp. 7, 8

January 10—

Style and Drafting Amendments Adopted.

Section 5. Right to Privacy
[Const. Art. I, Sec. 5]

August 31—

Read. p. 3

Roll called, yeas 96, nays 13, passed. p. 4

January 10—

Style and Drafting Amendments Adopted.

Section 6. Freedom from Intrusion
[Const. Art. I, Sec. 6]

August 31—

Read, roll called, yeas 107, nays 1, passed. pp. 4, 5

January 10—

Style and Drafting Amendments Adopted.

Section 7. Freedom from Discrimination

August 31—

Read. p. 5

Amended. pp. 5, 8

September 5—

Read. p. 4

By a vote of 101 yeas, 9 nays, the section was deleted. p. 4

Section 8. Trial by Jury in Civil Cases

September 5—

Read. p. 4

Amended. pp. 4, 5

Read, roll called, yeas 17, nays 98. Failed to pass motion to reconsider tabled. p. 6

Section 9. Freedom of Expression
[Const. Art. I, Sec. 7]

Amended to become Section 7.

September 5—

Read. p. 6

September 6—

Read. p. 4

Amended. p. 4

Read, roll called, yeas 108, nays 2, passed. p. 8

January 10—

Style and Drafting Amendments Adopted.

Section 10. Freedom of Religion
[Const. Art. I, Sec. 8]

Amended to become Section 8

September 6—

Read, roll called, yeas 105, nays 0, passed. pp. 6, 7

January 10—

Style and Drafting Amendments Adopted.

Section 11. Freedom of Assembly and Movement
[Const. Art. I, Sec. 9]

Title amended.

Amended to become Section 9.

September 6—

Read. p. 7

Amended. pp. 7, 8

Read, roll called, yeas 113, nays 0, passed. p. 8

January 10—

Style and Drafting Amendments Adopted.

Section 12. Rights of the Accused
[Const. Art. I, Sec. 13]
[Const. Art. I, Sec. 19]

Amended to become Section 31.

September 6—

Read. p. 8

Amended. pp. 8, 9

September 7—
 Read. p. 2
 Amended. pp. 2, 3, 4
 Read, roll called, yeas 98, nays 13, passed. pp. 4, 5

January 10—
 Style and Drafting Amendments Adopted.

Section 13. Initiation of Prosecution
 [Const. Art. I, Sec. 15]
 Amended to become Section 15.

September 7—
 Read. p. 5
 Amended. pp. 5, 6
 Read, roll called, yeas 100, nays 14, passed. pp. 6, 7

January 10—
 Style and Drafting Amendments Adopted.

Section 14. Grand Jury Proceedings

September 7—
 Read, roll called, yeas 62, nays 49, the section was deleted. p. 7

Section 15. Fair Trial
 [Const. Art. I, Sec. 16]
 Title amended.
 Amended to become Section 16.

September 7—
 Read. p. 8
 Amended. p. 8
 Read, roll called, yeas 108, nays 2, passed. p. 8

January 10—
 Style and Drafting Amendments Adopted.

Section 16. Trial by Jury in Criminal Cases
 [Const. Art. I, Sec. 17]
 Title amended.
 Amended to become Section 17.

September 8—
 Read. p. 1
 Action deferred.
 Amended. p. 3
 Read, roll called, yeas 104, nays 3, passed. p. 3

January 10—
 Style and Drafting Amendments Adopted.

Section 17. Right to Bail
 [Const. Art. I, Sec. 18]
 Amended to become Section 18.

September 8—
 Read. p. 1
 Amended. p. 2
 Read, roll called, yeas 104, nays 0, passed. p. 2

January 10—
 Style and Drafting Amendments adopted.

Section 18. Right to Humane Treatment
 [Const. Art. I, Sec. 20]
 Amended to become Section 20.

September 8—
 Read. p. 4
 Amended. pp. 4, 5, 6
 Read, roll called, yeas 88, nays 16, passed. p. 7

January 10—
 Style and Drafting Amendments Adopted.

Section 19. Right to Vote
 [Const. Art. I, Sec. 10]
 Amended to become Section 10.

September 8—
 Read. p. 7
 Amended. pp. 7, 8
 Read, roll called, yeas 81, nays 21, passed. p. 9

January 10—
 Style and Drafting Amendments Adopted.

Section 20. Right to Keep and Bear Arms
 [Const. Art. I, Sec. 11]
 Amended to become Section 11.

September 12—
 Read. p. 1
 Amended. pp. 1, 2
 Read, roll called, yeas 100, nays 3, passed. pp. 2, 3

January 10—
 Style and Drafting Amendments Adopted.

Section 21. Writ of Habeas Corpus
 [Const. Art. I, Sec. 21]

September 12—
 Read, roll called, yeas 106, nays 0, passed. p. 3

Section 22. Access to Courts
 [Const. Art. I, Sec. 22]

September 12—
 Read. p. 3
 Amended. pp. 3, 4
 Read, roll called, yeas 105, nays 0, passed. p. 4

January 10—
 Style and Drafting Amendments Adopted.

Section 23. Prohibited Laws
 [Const. Art. I, Sec. 23]

September 13—
 Read, roll called, yeas 113, nays 0, passed. pp. 2, 3

Section 24. Freedom of Commerce

September 13—
 Read.
 Deleted by floor amendment by a vote of 100 yeas, 15 nays. p. 3

Section 25. Unenumerated Rights
 [Const. Art. I, Sec. 24]
 Amended to become Section 24.

September 13—
 Read. p. 3
 Roll called, yeas 103, nays 14, passed. p. 4

January 10—
 Style and Drafting Amendments Adopted.

Section 26. Freedom from Discrimination
 [Const. Art. I, Sec. 12]
 Amended to become Section 12.

September 13—
 Added by floor amendment.
 By a vote of 79 yeas, 16 nays. p. 8
 Read, roll called, yeas 88, nays 15, passed. p. 9

January 10—
 Style and Drafting Amendments Adopted.

Section 27. Right to Preliminary Hearing
[Const. Art. I, Sec. 14]

Title amended.

Amended to become Section 14.

September 14—

Added by floor amendment.
By a vote of 96 yeas, 18 nays. pp. 3, 4
Read, roll called, yeas 100, nays 10, passed. pp. 4, 5

January 10—

Style and Drafting Amendments Adopted.

September 14—

Read, roll called on final passage, yeas 89, nays 28, finally passed. p. 6

September 15—

Enrolled, referred to the Committee on Style and Drafting. pp. 7, 8

January 8—

Reported with amendments. pp. 14, 15, 16

January 10—

Amendments adopted. pp. 1, 2, 3
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 26, 27

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

August 23—

Read.
Lies over under the rules. p. 12

August 24—

Read. p. 2
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 2

October 5—

Reported with amendments. p. 9
Rules suspended. p. 9
Amendments adopted. pp. 9, 10, 11, 12
Rules suspended.
Read.
Ordered engrossed and passed to its third reading. p. 12

October 17—

Read. p. 1

Section 1. Assessment of Property; Classification; Assessors; Right of Taxpayer
[Const. Art. VII, Part II, Sec. 18]

Title amended.

October 17—

Read. p. 1
Amended. pp. 1, 2

October 18—

Read. p. 3

October 18—

Read.
The Convention resolved itself into a Committee of the Whole. p. 3
The Committee rose. p. 3

October 19—

Read. p. 1
Rules suspended. p. 2, 3
Amended. pp. 3, 4

October 20—

Read. p. 1
Amended. pp. 2, 5

October 23—

Read. p. 1
Amended. pp. 3, 4, 5, 6

October 24—

Read. p. 1
Amended. pp. 1, 2, 3
Read, roll called, yeas 97, nays 23, passed. p. 6

January 12—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 1. Ad Valorem Taxes

January 12—

Rules suspended.
Reconsidered. p. 6
Amended. p. 7
Read, roll called, yeas 91, nays 0, passed. p. 7

Section 2. Rate of State Property Taxation; Limitation
[Const. Art. VII, Part II, Sec. 19]

Title amended.

October 24—

Read, roll called, yeas 101, nays 19, passed. pp. 6, 7

January 12—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 3. Homestead Exemptions; Other Property Exemptions

[Const. Art. VII, Part II, Sec. 20]
[Const. Art. VII, Part II, Sec. 21]

Title amended.

Amended to become Section 4.

Amended to become Section 20.

October 24—

Read. pp. 7, 8
Amended. p. 8

October 25—

Read. pp. 1, 2
Amended. pp. 2, 3, 4, 5, 6, 7

October 26—

Read. pp. 1, 2
Amended. pp. 5, 6, 7, 8, 9, 10, 11, 12, 13

October 27—

Read. pp. 1, 2
Action deferred. p. 2

October 31—

Read. pp. 2, 3
Amended. pp. 3, 4

November 1—

Read. pp. 1, 2
Amended. pp. 2, 5
Read, roll called, yeas 96, nays 19, passed. p. 5

January 12—

Style and Drafting Amendments Adopted.

Section 4. No Impairment of Existing Taxes or Obligations

[Const. Art. VII, Part II, Sec. 22]

Amended to become Section 5.

Amended to become Section 22.

October 27—
 Read. p. 4
 Amended. p. 2
 Read, roll called, yeas 99, nays 7, passed. p. 3.

January 12—
 Style and Drafting Amendments Adopted.

January 15—
 Rules suspended. p. 21
 Reconsidered. p. 22
 Read. p. 22
 Read, roll called, yeas 99, nays 3, passed. p. 22
 Rules suspended. p. 22
 Reconsidered. p. 23
 Read. p. 23
 Amended. p. 23
 Read, roll called, yeas 78, nays 30, passed. pp. 23, 24.

Section 4.1. Specific Property Taxes
 [Art. VII, Sec. 21B]

November 6—
 Added by floor amendment. p. 2
 By vote of 72 yeas, 20 nays. p. 5
 Read. p. 3
 Read, roll called, yeas 64, nays 32. Failed to pass, motion to reconsider tabled. p. 5

January 19—
 Style and Drafting Amendments Adopted.

Section 5. Adjustment of Ad Valorem Tax Millages
 [Const. Art. VII, Part II, Sec. 23]

Amended to become Section 6.
 Amended to become Section 23.

October 27—
 Read. p. 3
 Amended. p. 4
 Action deferred. p. 4

November 1—
 Read. p. 5
 Amended. pp. 5, 6, 7
 Read, roll called, yeas 114, nays 1, passed. p. 7

January 12—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 6. Revenue Sharing Fund
 [Const. Art. VII, Part III, Sec. 26]

Amended to become Section 7.

November 1—
 Read. p. 7

November 2—
 Read. p. 1
 Amended. pp. 1, 2, 3, 4, 5, 6
 Read, roll called, yeas 54, nays 47. Failed to pass, motion to reconsider pending. p. 8

November 3—
 Reconsidered. p. 1
 Amended. pp. 3, 4
 Read, roll called, yeas 87, nays 16, passed. p. 4

January 12—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 7. Method of Distribution of Revenue Sharing Funds

November 2—
 Action deferred. p. 8

November 3—
 Read. p. 5
 Deleted by Floor Amendment. p. 5

Section 8. Tax Assessor
 [Const. Art. VII, Part II, Sec. 24]

November 2—
 Read. pp. 8, 9
 Amended. p. 9

November 3—
 Read. p. 1
 Amendment Reconsidered. p. 2
 Withdrawn
 By a vote of 69 yeas, 26 nays. p. 2
 Action deferred. p. 3
 Read, roll called, yeas 82, nays 12, passed. p. 6

January 12—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Section 9. Tax Sales Redemption of Property
 [Const. Art. VII, Part II, Sec. 25]

Title amended.

November 6—
 Read.
 Added by floor amendment.
 By a vote of 88 yeas, 10 nays. pp. 3, 4
 Read, roll called, yeas 92, nays 15, passed. p. 5

January 12—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

November 6—
 Read, roll called on final passage, yeas 83, nays 25, finally passed. p. 5
 Enrolled, referred to the Committee on Style and drafting. pp. 10, 11, 12, 13

January 11—
 Reported with amendments. pp. 22, 23, 24, 25

January 12—
 Amendments adopted. pp. 2, 3, 4, 5, 6, 7, 8

Section 10. Effective Date
 (Const. Art. XIV, Section 13, Transitional)

Added by Style and Drafting amendment.

January 12—
 Read, roll called, yeas 97, nays 0, passed.

January 19—
 Style and Drafting Amendments Adopted.

January 14—
 Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 39, 40, 41
 Recommended to the Committee on Style and Drafting.

January 15—
 Rules suspended. p. 21
 Discharged from the Committee on Style and Drafting. p. 21
 Reconsidered. p. 21
 Read, roll called on final passage, yeas 100, nays 11, finally passed. p. 24
 Reconsidered. p. 24
 Read, roll called on final passage, yeas 92, nays 11, finally passed. pp. 24, 25
 Recommended to the Committee on Style and Drafting. p. 25

COMMITTEE PROPOSALS

January 16—

Finally re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 18, 19, 20

Reported with amendments. pp. 12, 13

Rules suspended.

Amendments adopted. p. 13

January 17—

Finally re-re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 17, 18, 19, 20

COMMITTEE PROPOSAL No. 27—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing with respect to the donation, loan, or pledge of public funds, credit or property.

August 30—

Read, lies over under the rules. p. 12

August 31—

Read.

Under the rules.

Referred to the Committee on Local and Parochial Government. p. 2

November 20—

Reported with amendments. p. 7

December 5—

Read. p. 2

Amendments adopted. pp. 2, 3

Read, ordered engrossed and passed to its third reading. p. 3

January 8—

Withdrawn from the files of the Convention. p. 2

COMMITTEE PROPOSAL No. 28—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for the office of tax assessor and the Board of Assessors in Orleans Parish.

August 30—

Read, lies over under the rules. p. 12

August 31—

Read.

Under the rules.

Referred to the Committee on Local and Parochial Government. p. 2

November 20—

Reported without action. p. 7

December 5—

Read. p. 3

Withdrawn from the files of the Convention. p. 3

COMMITTEE PROPOSAL No. 29—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for a Revenue Sharing Fund.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.

Under the rules.

Referred to the Committee on Local and Parochial Government. p. 2

November 20—

Reported without action. p. 7

December 5—

Read. p. 3

Withdrawn from the files of the Convention. p. 3

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

September 5—

Read, lies over under the rules. p. 1

September 6—

Read.

Under the rules.

Referred to the Committee on Education and Welfare. p. 1

November 7—

Reported with Amendments. p. 11

November 8—

Amendments adopted. p. 2

Read, ordered reengrossed and passed to its third reading. p. 2

Section 1. Board of Regents

[Const. Art. XIV, Part I, Sec. 1]

Amended to become Section 2.

Amended to become Section 1.

November 20—

Read. p. 2

Amended. p. 2

Read, roll called, yeas 97, nays 8, passed. p. 2

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 2. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

[Const. Art. XIV, Part I, Sec. 2]

Amended to become Section 3.

Amended to become Section 2.

November 20—

Read. p. 2

Amended. p. 3

Read, roll called, yeas 84, nays 21, passed. p. 3

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 3. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

[Const. Art. XIV, Sec. 4]

Amended to become Section 4.

CONSTITUTIONAL CONVENTION CALENDAR

November 20—
 Read. p. 3
 Amended. p. 3
 Read, roll called, yeas 96, nays 9, passed. pp. 3, 4

January 15—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments adopted.

New Section 5. Boards; New Appointments:
 [Const. Art. XIV, Sec. 5]

Added by floor amendment.

November 20—
 By a vote of 69 yeas and 37 nays. p. 4
 Read. p. 4
 Amended. p. 4
 Read, roll called, yeas 76, nays 30, passed. pp. 4, 5

January 15—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

November 20—
 Read, roll called on final passage, yeas 88, nays 21, finally passed. p. 5

December 5—
 Enrolled, referred to the Committee on Style and drafting. pp. 11, 12

January 15—
 Reported with amendments. pp. 1, 2
 Rules suspended.
 Amendments adopted. p. 9
 Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 32

COMMITTEE PROPOSAL No. 31—
 Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall, and Tapper (A Substitute for Committee Proposal No. 19):

A PROPOSAL

Making provisions in the Schedule provisions of the constitution for mandatory reorganization of the executive branch of state government.

A Substitute for Committee Proposal No. 19. p. 8

September 14—
 Read. p. 8
 Rules suspended. p. 8
 Ordered engrossed and passed to its third reading. p. 8

Section 1. Mandatory Reorganization of State Government
 [Const. Art. XIV, Part I, Sec. 6]

November 18—
 Read. p. 3
 Amended. pp. 3, 4
 Read, roll called, yeas 81, nays 10, passed. p. 5

January 19—
 Style and Drafting Amendments Adopted.

November 18—
 Read, roll called on final passage, yeas 83, nays 8, finally passed. p. 6
 Enrolled and referred to the Committee on Style and Drafting. p. 17

January 10—
 Reported with amendments. p. 10
 Rules suspended.
 Amendments adopted. pp. 11, 12

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 30

COMMITTEE PROPOSAL No. 32—
 Introduced by Delegates Asseff, Abraham, Alexander, Arnette, Gravel, and Stagg (A Substitute for Delegate Proposal No. 29):

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

A Substitute for Delegate Proposal No. 29. p. 8

September 14—
 Read. p. 8
 Rules suspended. p. 8
 Ordered engrossed and passed to its third reading. p. 8

January 8—
 Returned to the Calendar subject to call p. 2

COMMITTEE PROPOSAL No. 33—
 Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

A substitute for CP 20

September 21—
 Read. p. 2
 Rules suspended.
 Ordered engrossed and passed to its third reading. p. 2

October 5—
 Read. p. 7

Section 1. Election Code

October 5—
 Added by floor amendment.
 By a vote of 81 yeas, 27 nays. p. 7
 Read, roll called, yeas 94, nays 14, passed. p. 8

October 6—
 Reconsidered. p. 3
 Deleted by floor amendment. p. 3

January 10—
 Style and Drafting Amendments Adopted.

Original Section 1. Free Elections

October 5—
 Read. p. 8
 Deleted by floor amendment. p. 8

Section 2. Election Code; Right to Vote
 [Const. Art. XI, Sec. I]

Title amended.
 Amended to become Section 1.

October 6—
 Added by floor amendment.
 By a vote of 94 yeas, 5 nays. p. 2
 Read, roll called, yeas 96, nays 3, passed. p. 2

January 10—
 Style and Drafting Amendments Adopted.

January 19—
 Style and Drafting Amendments Adopted.

Original Section 2. Registration of Voters

October 6—
 Read. p. 3
 Deleted by floor amendment. p. 4

Section 3. Secret Ballot
[Const. Art. XI, Sec. 2]

Title amended.

Amended to become Section 2.

October 6—

Read. p. 4

Amended. p. 4

Read, roll called, yeas 97, nays 1, passed. p. 5

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 4. Residence of Electors

October 6—

Read. p. 6

Deleted by floor amendment. p. 6

New Section 4. Prohibited Use of Public Funds
[Const. Art. XI, Sec. 4]

October 10—

Added by floor amendment by a vote 67 yeas and 45 nays.

Read. p. 3

Amended. p. 3

Read, roll called, yeas 87, nays 26, passed.

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 5. Political Activities

October 6—

Read. p. 6

Deleted by floor amendment. pp. 6, 7

Section 6. Privilege from Arrest
[Const. Art. XI, Sec. 3]

Amended to become Section 3.

October 9—

Read, roll called, yeas 78, nays 0, passed. p. 2

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 7. Candidacy for Public Office

October 9—

Read. p. 2

Deleted by floor amendment. p. 2

Section 8. Vote Required for Election

October 9—

Read. p. 3

Deleted by floor amendment. p. 3

Section 9. Limitation on Term of Office

October 9—

Read. p. 3

Deleted by floor amendment. pp. 3, 4

Section 10. Prohibited Use of Public Funds

October 9—

Read. p. 4

Deleted by floor amendment. p. 4

Section 11. Registrars of Voters
[Const. Art. XI, Sec. 5]

Title amended.

Amended to become Section 5.

October 9—

Read. p. 5

Action deferred. p. 5

October 10—

Read. p. 1

Amended. p. 2

Read, roll called, yeas 89, nays 24, passed. p. 2

January 10—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 12. Commissioners and Poll Watchers

October 9—

Read. p. 5

Deleted by floor amendment. p. 5

Section 13. Election Returns

October 9—

Read. p. 5

Deleted by floor amendment. p. 5

Section 14. Registration Challenges

October 9—

Read. p. 5

Deleted by floor amendment. pp. 5, 6

Section 15. Election Contests

October 9—

Read. p. 6

Deleted by floor amendment. p. 6

Section 16. Election Fraud

October 9—

Read. p. 7

Deleted by floor amendment. p. 7

Section 17. Code of Elections

October 9—

Read. p. 7

Deleted by floor amendment. p. 7

Section 18. Prohibited Use of Public Funds

October 10—

Added by floor amendment. p. 2

Amended. p. 3

Amended to become New Section 4. p. 3

October 10—

Read, roll called on final passage, yeas 116, nays 0, finally passed. p. 5

October 11—

Enrolled, referred to the Committee on Style and Drafting. p. 4

January 8—

Reported with amendments. p. 16

January 10—

Amendments adopted. pp. 3, 4

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 27

COMMITTEE PROPOSAL No. 34—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack:

(A Substitute for Committee Proposal No. 16):
A PROPOSAL

Making provisions relating to natural resources and environment.

A substitute for CP 16.

December 6—

Read. p. 1

Rules Suspended. p. 1

Read, ordered reengrossed and passed to its third reading.
p. 1

December 18—

Read. p. 2

Section 1. Natural Resources and Environment; Public Policy
[Const. Art. IX, Sec. 1]

December 18—

Read, roll called, yeas 98, nays 0, passed. p. 2

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

December 18—

Returned to the Calendar subject to call. p. 3
Called from the Calendar. p. 3

Section 2. Natural Gas; Public Policy; Interstate and Intrastate Pipelines
[Const. Art. IX, Sec. 2]

Title amended.

December 18—

Read. p. 4

Amended. pp. 5, 6

Read, roll called, yeas 93, nays 6, passed. pp. 6, 7

December 21—

Read. p. 2

Reconsidered. p. 2

Amended. pp. 2, 3

Read, roll called, yeas 99, nays 4, passed. p. 3

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 3. Geopressure-Geothermal Resources

December 18—

Read. p. 7

Deleted by floor amendment. p. 7

By a vote of 69 yeas and 33 nays. p. 7

Section 4. Alienation of Water Bottoms
[Const. Art. IX, Sec. 3]

Amended to become Section 3.

December 18—

Read. p. 7

Amended. p. 7

Read, roll called, yeas 98, nays 5, passed. p. 8

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 5. Reservation of Mineral Rights
[Const. Art. IX, Sec. 4]

Title amended.

Amended to become Section 4.

December 18—

Read. p. 8

Amended. pp. 8, 9, 10

Read, roll called, yeas 91, nays 0, passed. p. 10

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 6. Mineral Rights; Alluvion

December 18—

Action deferred. p. 10

December 20—

Read. p. 3

Deleted by floor amendment. p. 4

By a vote of 62 yeas and 42 nays. p. 4

New Section 6.1 Public Notice; Public Bidding Requirements.

[Const. Art. IX, Sec. 5]

Amended to become Section 5.

December 20—

Added by floor amendment. p. 8

By a vote of 75 yeas and 28 nays. p. 8

Read, roll called, yeas 97, nays 5, passed. pp. 8, 9

January 15—

Style and Drafting amendments Adopted.

January 19—

Style and Drafting amendments adopted.

Section 7. Mineral Rights; Erosion

December 18—

Action deferred. p. 10

December 20—

Read. p. 4

Deleted by floor amendment. p. 4

By a vote of 93 yeas and 7 nays. p. 4

Section 8. Royalty Road Fund

[Const. Art. VII, Sec. 4E]

December 18—

Action deferred. p. 10

December 20—

Read. p. 4

Amended. p. 5

Read, roll called, yeas 95, nays 4, passed. p. 5

January 15—

Style and Drafting Amendments Adopted.

Section 9. Minerals Beyond Three-Mile Limit
[Const. Art. IX, Sec. 6]

Title amended.

Amended to become Section 6.

December 18—

Read. p. 10

Amended. p. 10

Read, roll called, yeas 89, nays 3, passed. pp. 10, 11

January 15—

Style and Drafting Amendments Adopted.

Section 10. Offshore Mineral Revenues; Use of Funds
[Const. Art. XIV, Sec. 10]

Amended to become Section 7.

December 18—
Read. p. 11
Action deferred. p. 12

December 19—
Read. p. 1
Amended. p. 2
Read, roll called, yeas 102, nays 0, passed. p. 2

January 15—
Style and Drafting amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 11. Commissioner of Agriculture

December 19—
Read. p. 2
Deleted by floor amendment. pp. 2, 3
By a vote of 64 yeas and 39 nays. p. 3

Section 12. Wildlife and Fisheries Commission
[Const. Art. IX, Sec. 7]

Amended to become Section 8.

Amended to become Section 7.

December 19—
Read. p. 3
Amended. pp. 4, 5, 6
Read, roll called, yeas 92, nays 10, passed. p. 6

January 15—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 13. Forestry Commission; State Forester
[Const. Art. IX, Sec. 8]

Title amended.

Amended to become Section 9.

Amended to become Section 8.

December 19—
Read. pp. 6, 7
Amended. pp. 7, 8
Read, roll called, yeas 92, nays 19, passed. p. 9

January 15—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 14. Public Service Commission

December 19—
Read. p. 9
Rules suspended. p. 9

December 21—
Rules suspended.

January 3—
Read. p. 8
Deleted by floor amendment. p. 8

(A) Composition; Term

December 19—
Read. p. 9
Amended. p. 11
Read, roll called, yeas 89, nays 22, passed. pp. 11, 12

(B) Powers and Duties

December 19—
Read. p. 12

December 20—
Read. p. 1
Action deferred. p. 1
Amended. p. 11
Read, roll called, yeas 101, nays 6, passed. p. 11

(C) Limitation

December 20—
Read. p. 11
Amended. p. 12
Read, roll called, yeas 105, nays 3, passed. p. 12

(D) Decisions on Applications, Petitions, and Schedules

December 20—
Read. pp. 12, 13
Amended. pp. 14, 15, 16, 17

December 21—
Read. p. 1

(E) Appeals.

(F) Jurisdiction

Section 15. Department of Wildlife and Fisheries; Commissioned Enforcement Officers
[Const. Art. X, Sec. 10A(1)]

January 3—
Added by floor amendment by a vote of 95 yeas and 15 nays. pp. 8, 9
Read, roll called, yeas 95, nays 12, passed. p. 9

December 21—
Returned to the Calendar, Subject to call. pp. 3, 4
Called from the Calendar. p. 4
Returned to the Calendar, subject to call. p. 4
Called from the Calendar. p. 5
Rules suspended. p. 5

January 3—
Read. p. 2
Returned to the Calendar subject to call. p. 2
Called from the Calendar p. 7
Read, roll called on final passage, yeas 103, nays 7, finally passed. pp. 9, 10
Enrolled. Referred to the Committee on Style and Drafting. pp. 16, 17

January 14—
Reported with amendments. pp. 37, 38

January 15—
Amendments adopted. pp. 7, 8, 9
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 32, 33

COMMITTEE PROPOSAL No. 35—
Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 1, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall):

A PROPOSAL

Providing for general governmental provisions.

A substitute for CP 1.

December 17—
Rules suspended.
Read, ordered engrossed and passed to its third reading. p. 16

January 3—
Read. p. 10
Amended. p. 10

Section 1. Three Branches
[Const. Art. II, Sec. I]

January 3—
Read. p. 10
Read, roll called, yeas 100, nays 0, passed. p. 10

January 12—
Style and Drafting Amendments Adopted.

Section 2. Limitations of Each Branch
[Const. Art. II, Sec. 2]

Title amended.

January 3—
Read, roll called, yeas 107, nays 1, passed. pp. 10, 11

January 12—
Style and Drafting Amendments Adopted.

Section 3. Civilian-Military Relations
[Const. Art. XII, Sec. 2]

Amended to become Section 1.

January 3—
Read, roll called, yeas 106, nays 0, passed. p. 11

January 12—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 4. Right to Direct Participation
[Const. Art. XII, Sec. 3]

Amended to become Section 2.

January 3—
Read, roll called, yeas 104, nays 6, passed. pp. 11, 12

January 12—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 5. Oath of Office
[Const. Art. X, Part III, Sec. 30]

Amended to become Section 3.

January 3—
Read. p. 12
Action deferred. p. 12
Amended. p. 15
Read, roll called, yeas 98, nays 4, passed. p. 15

January 12—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 6. State Capital
[Const. Art. XII, Sec. 1]

Amended to become Section 4.

January 3—
Read, roll called, yeas 105, nays 1, passed. p. 12

January 12—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 7. Forced Helrship and Trusts
[Const. Art. XII, Sec. 5]

Amended to become Section 5.

January 3—
Read. p. 7
Amended. p. 13
Read, roll called, yeas 102, nays 6, passed. pp. 13, 14

January 12—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 8. Protection of Vested Rights

January 3—
Read. p. 14
Amended. p. 14
Deleted by floor amendment by a vote of 72 yeas and 30 nays. p. 14

Section 9. Limitations on Banking

January 4—
Read. p. 3
Amended. pp. 3, 4
Read, roll called, yeas 75, nays 30, passed. p. 4
Reconsidered. p. 11
Deleted by floor amendment p. 11
Added by floor amendment by a vote of 85 yeas, and 25 nays. p. 10
Amended. p. 10, 11
Read, roll called, yeas 78, nays 24, passed. p. 11

January 11—
Reconsidered. p. 20
Read. p. 20
Amended. p. 20
Deleted by floor amendment by a vote of 82 yeas and 27 nays. p. 20

New Section 9. Limitations on Banking

Section 10. Admininstrative and Quasi—Judicial Agency Code.
[Const. Art. XII, Sec. 14]

Amended to become Section 7.

Title amended.

January 4—
Added by floor amendment by a vote of 87 yeas, 0 nays. p. 5
Read, roll called, yeas 87, nays 0, passed. p. 6

January 12—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

Section 11. Preservation of Linguistic and Cultural Origin
[Const. Art. XII, Sec. 4]

Amended to become Section 8.

January 4—
Added by floor amendment by a vote of 95 yeas and 1 nay. pp. 6, 7
Read, roll called, yeas 99, nays 1, passed. p. 7

January 12—
Style and Drafting Amendments Adopted.

January 19—
Style and Drafting Amendments Adopted.

January 4—
Read, roll called on final passage, yeas 81, nays 26, finally passed. pp. 11, 12

January 5—

Enrolled, Referred to the Committee on Style and Drafting. pp. 2, 3

January 11—

Rules suspended.
Discharged from Style and Drafting. p. 19
Reconsidered. p. 19
Read, roll called on final passage, yeas 92, nays 16, finally passed. pp. 20, 21
Reported with amendments. p. 21

January 12—

Amendments adopted. pp. 1, 2
Re-enrolled, referred to the Committee on Style and Drafting. p. 9
Finally re-re-enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 10

COMMITTEE PROPOSAL No. 36—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 24, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall, and Weiss):

A PROPOSAL

Relative to constitutional revision.

A substitute for CP 24.

December 18—

Rules suspended.
Read, ordered engrossed and passed to its third reading. p. 12

January 5—

Read. p. 1

Section 1. Amendments
[Const. Art. XIII, Sec. 1]

January 5—

Read. p. 1
Amended. p. 2

January 6—

Read. p. 1
Amended. pp. 2, 4, 5

January 7—

Read. pp. 1, 2
Amended. p. 2
Read, roll called, yeas 87, nays 12, passed. p. 2

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 2. Convention Called by Legislature
[Const. Art. XIII, Sec. 2]

Title amended.

January 7—

Read. p. 3
Amended. p. 3
Read, roll called, yeas 90, nays 6, passed. p. 4

January 15—

Style and Drafting Amendments Adopted.

January 19—

Style and Drafting Amendments Adopted.

Section 3. Convention Called by People

January 7—

Read. p. 4
Deleted by floor amendment. p. 4
By a vote of 54 yeas, 43 nays. p. 4

Section 4. Laws Effectuating Amendments
[Const. Art. XIII, Sec. 3]

Amended to become Section 3.

January 7—

Read, roll called, yeas 99, nays 0, passed. pp. 5, 6

January 15—

Style and Drafting Amendments adopted.

January 19—

Style and Drafting Amendments Adopted.

January 7—

Read, roll called on final passage, yeas 74, nays 24, finally passed. p. 6

January 8—

Enrolled, referred to the Committee on Style and Drafting. p. 18

January 15—

Reported with amendments. pp. 2, 3,
Rules suspended.
Amendments adopted. pp. 9, 10
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 33

COMMITTEE PROPOSAL No. 37—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment:
A PROPOSAL

Making provisions relating to the Public Service Commission.

December 21—

Rules suspended. p. 4
Read, ordered engrossed and passed to its third reading. pp. 4, 5

January 3—

Read.

Section 14. Public Service Commission
[Const. Art. IV, Sec. 21]

January 3—

Read. p. 2
Amended. pp. 4, 5, 6
Read, roll called, yeas 67, nays 47, passed. p. 6, 7
Read, roll called on final passage, yeas 67, nays 47, finally passed. p. 7
Enrolled, Referred to the Committee on Style and Drafting pp. 16, 17

January 14—

Style and Drafting Amendments Adopted.
Rules suspended.
Reconsidered. p. 23
Read. p. 23
Amended. p. 23
Read, roll called, yeas 109, nays 0, passed. p. 24
Rules suspended.
Reconsidered. p. 24
Amended. pp. 24, 25
Read, roll called, yeas 87, nays 22, passed. p. 25

January 19—

Style and Drafting Amendments Adopted.

January 14—

Reported with amendments. pp. 20, 21
Rules suspended.
Amendments adopted, pp. 21, 22, 23

January 15—

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 40

COMMITTEE PROPOSAL No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Del-

egates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A PROPOSAL

Making provisions relative to transitional provisions.

January 15—

Read, lies over under the rules. p. 26

January 16—

Read. p. 3

Rules suspended. p. 3

Read, ordered engrossed and passed to its third reading. p. 3

January 18—

Read. p. 1

Amended. pp. 3, 6, 7

Section I. Limitation on Transitional Provisions
[Const. Art. XIV, Part II, Sec. 14]

Amended to become Section 14.

January 18—

Read. p. 1

Amended. pp. 1, 2

Read, roll called, yeas 96, nays 6, passed. p. 2

January 19—

Style and Drafting Amendments Adopted.

Section 2. References to 1921 Constitution
[Const. Art. XIV, Part III, Sec. 21]

Amended to become Section 21.

January 18—

Read, roll called, yeas 106 nays 0, passed. p. 3

January 19—

Style and Drafting Amendments Adopted.

Section 3. Effect of Titles
[Const. Art. XIV, Part III, Sec. 22]

Amended to become Section 22.

January 18—

Read, roll called, yeas 102, nays 0, passed. pp. 3, 4

January 19—

Style and Drafting Amendments Adopted.

Section 4. Inherent Power of Legislature

January 18—

Read. p. 4

Deleted by floor amendment. p. 4

Section 5. Continuation of Actions and Rights
[Const. Art. XIV, Part III, Sec. 23]

Amended to become Section 23.

January 18—

Read. p. 4

Amended. p. 4

Read, roll called, yeas 106, nays 3, passed. pp. 4, 5

January 19—

Style and Drafting Amendments Adopted.

Section 6. Protection of Existing Taxes
[Const. Art. XIV, Part III, Sec. 24]

Amended to become Section 24.

January 18—

Read. p. 5

Amended. p. 5

Read, roll called, yeas 111, nay 0, passed. p. 5

January 19—

Style and Drafting Amendments Adopted.

Section 7. Impairment of Debt Obligations Prohibited
[Const. Art. XIV, Part III, Sec. 25]

Amended to become Section 25.

January 18—

Read, roll called, yeas 111, nays 0, passed. pp. 5, 6

January 19—

Style and Drafting Amendments Adopted.

Section 8. Existing Officials
[Const. Art. XIV, Part II, Sec. 15]

Amended to become Section 15.

January 18—

Read, roll called, yeas 112, nays 0, passed. p. 12

January 19—

Style and Drafting Amendments Adopted.

Section 9. Provisions of 1921 Constitution Made Statutory
[Const. Art. XIV, Part II, Sec. 16]

Amended to become Section 16.

January 18—

Read. p. 12

Amended. pp. 12, 13, 14

Read, roll called, yeas 107, nays 1, passed. p. 14

January 19—

Style and Drafting Amendments Adopted.

Section 10. Provisions of Constitution of 1921 Repealed
[Const. Art. XIV, Part II, Sec. 17]

Amended to become Section 17.

January 18—

Read. p. 14

Amended. pp. 14, 15

Read, roll called, yeas 91, nays 1, passed. p. 15

January 19—

Style and Drafting Amendments Adopted.

Section 11. Existing Laws
[Const. Art. XIV, Part II, Sec. 18]

Amended to become Section 18

January 18—

Read. p. 15

Amended. pp. 15, 16

Read, roll called, yeas 95, nays 1, passed. p. 16

January 19—

Style and Drafting Amendments Adopted.

Section 12. Constitution Not Retroactive
[Const. Art. XIV, Part III, Sec. 26]

Amended to become Section 26.

January 18—

Read, roll called, yeas 112, nays 0, passed. p. 6

January 19—

Style and Drafting Amendments Adopted.

Section 13. Legislative Provisions
[Const. Art. XIV, Part III, Sec. 27]

Amended to become Section 27.

January 18—

Read. p. 6

Amended. p. 7

Read, roll called, yeas 111, nays 0, passed. p. 7

January 19—

Style and Drafting Amendments Adopted.

Section 14. Deletion of Obsolete Schedule Items

January 18—
Read, p. 7
Deleted by floor amendment. p. 7

Section 15. Judiciary Commission
[Const. Art. XIV, Part III, Sec. 28]

Amended to become Section 28.

January 18—
Read, roll called yeas 109, nays 0, passed. pp. 7, 8

January 19—
Style and Drafting Amendments Adopted.

Section 16. Ports; Transition to Statutes
[Const. Art. XIV, Part II, Sec. 19]

Amended to become Section 19.

January 18—
Read, amended. p. 16
Read, roll called, yeas 99, nays 0, passed. pp. 16, 17

January 19—
Style and Drafting Amendments Adopted.

Section 17. Home Rule Charters; Authorization

January 18—
Read, p. 17
Deleted by floor amendment. p. 17

Section 18. Public Service Commission
[Const. Art. XIV, Part II, Sec. 20]

Amended to become Section 20.

January 18—
Read, amended. p. 17
Read, roll called, yeas 98, nays 0, passed. p. 17

January 19—
Style and Drafting Amendments Adopted.

Section 19. Statewide Elected Officials
[Const. Art. XIV, Part III, Sec. 29]

Amended to become Section 29.

January 18—
Read, p. 8
Amended. p. 8
Read, roll called, yeas 113, nays 0, passed. p. 8

January 19—
Style and Drafting Amendments Adopted.

Section 20. Commissioner of Elections
[Const. Art. XIV, Part III, Sec. 30]

Amended to become Section 30.

January 18—
Read, roll called, yeas 112, nays 1, passed. p. 10

January 19—
Style and Drafting Amendments Adopted.

Section 21. Pardon Board
[Const. Art. XIV, Part III, Sec. 31]

Amended to become Section 31.

January 18—
Read, roll called, yeas 109, nays 0, passed. p. 9

January 19—
Style and Drafting Amendments Adopted.

Section 22. Levee Districts, Compensation for Property
[Const. Art. XIV, Part III, Sec. 32]

Amended to become Section 32.

January 18—
Read, roll called, yeas 116, nays 0, passed. p. 9

January 19—
Style and Drafting Amendments Adopted.

Section 23. Suits Against the State; Effective Date
[Const. Art. XIV, Part III, Sec. 33]

Amended to become Section 33.

January 18—
Read, roll called, yeas 96, nays 0, passed. pp. 17, 18

January 19—
Style and Drafting Amendments Adopted.

Section 24. Tax Schedule
[Const. Art. XIV, Part III, Sec. 24]

Title amended.

January 18—
Read, roll called, yeas 110, nays 1, passed. p. 10

January 19—
Style and Drafting Amendments Adopted.

Section 25. Effective Date
[Const. Art. XIV, Part III, Sec. 35]

Amended to become Section 35.

January 18—
Read, p. 11
Amended. p. 11
Read, roll called, yeas 113, nays 0, passed. p. 11

January 19—
Style and Drafting Amendments Adopted.

Section 26. Extraordinary Legislative Session

January 18—
Read, p. 11
Deleted by floor amendment. p. 11

Section 27. Board of Supervisors of Southern University
[Const. Art. XIV, Part I, Sec. 3]

January 18—
Read, p. 18
Added by floor amendment. p. 18
By a vote of 89 yeas, 2 nays. p. 18
Read, roll called, yeas 91, nays 1, passed. pp. 18, 19

January 19—
Style and Drafting Amendments Adopted.

Section 28. Transition to Board of Regents and State Board of Elementary and Secondary Education
[Const. Art. XIV, Part IV, Sec. 40]

Amended to become Section 40.

January 18—
Read, p. 21
Added by floor amendment.
By a vote of 84 yeas, 24 nays. pp. 20, 21
Read, roll called, yeas 93, nays 16, passed. p. 21

January 19—
Style and Drafting Amendments Adopted.

Section 29. Effect of Adoption
[Const. Art. XIV, Part III, Sec. 36]

Amended to become Section 36.

January 18—
Read.
Added by floor amendment.
By a vote of 90 yeas, 2 nays. p. 22
Read, roll called, yeas 95, nays 2, passed. p. 23

CONSTITUTIONAL CONVENTION CALENDAR

January 19—
Style and Drafting Amendments Adopted.

Section 30. Severability Clause
[Const. Art. XIV, Part III, Sec. 37]

Amended to become Section 37.

January 18—
Read. p. 23
Added by floor amendment.
By a vote of 91 yeas, 2 nays. p. 23
Read, roll called, yeas 92, nays 1, passed. p. 24

January 19—
Style and Drafting Amendments Adopted.

January 18—
Read, roll called on final passage, yeas 93, nays 4, finally passed. p. 24

January 19—
Enrolled, referred to the Committee on Style and Drafting.

Rules suspended. p. 21
Reported with amendments. p. 22
Rules suspended. p. 22
Amendments adopted. pp. 22, 23
Supplemental report from Style and Drafting reported with amendments. pp. 31, 32
Rules suspended.
Amendments adopted. pp. 32, 33

CONSTITUTIONAL CONVENTION CALENDAR

DELEGATE PROPOSALS

DELEGATE PROPOSAL No. 1—

Introduced by Delegate Asseff:

A PROPOSAL

For supplemental pay increases for state policemen.

July 5—

Read, lies over under the rules. p. 6

July 6—

Read.

Under the rules.

Referred to the Committee on Local and Parochial Government. p. 53

August 2—

Reported without action. p. 2

August 3—

Read.

Recommitted to the Committee on Education and Welfare. p. 1

September 20—

Reported unfavorably. p. 1

September 21—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 2—

Introduced by Delegate Asseff:

A PROPOSAL

To protect the sources of information of news reporters.

July 5—

Read, lies over under the rules. p. 6

July 6—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 53

January 11—

Reported unfavorably. p. 1

Rules suspended.

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 3—

Introduced by Delegate Asseff:

A PROPOSAL

Relative to legislation increasing financial burdens of school boards.

July 6—

Read, lies over under the rules. p. 51

July 11—

Read.

Under the rules.

Referred to the Committee on Education and Welfare. p. 3

January 3—

Reported without action. p. 1

January 4—

Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 4—

Introduced by Delegates Asseff, Lennox and Womack:

A PROPOSAL

Relative to the management of the State Highway System.

July 6—

Read, lies over under the rules. p. 51

July 11—

Read.

Under the rules.

Referred to the Committee on Executive Department. p. 3

October 4—

Reported unfavorably. p. 7

October 5—

Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 5—

Introduced by Delegate Weiss:

A PROPOSAL

To provide a guarantee of the right to life and to provide exceptions thereto.

July 6—

Read, lies over under the rules. p. 51

July 11—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 3

January 11—

Reported unfavorably. p. 1

Rules suspended.

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 6—

Introduced by Delegate Weiss:

A PROPOSAL

Making general provisions for elections.

July 11—

Read, lies over under the rules. p. 2

July 12—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 3

October 17—

Reported without action. p. 6

October 18—

Withdrawn from the files of the Convention. pp. 1, 2

DELEGATE PROPOSAL No. 7—

Introduced by Delegate Burns:

A PROPOSAL

Making provisions for gambling, futures of agricultural products, and lotteries and necessary provisions with respect thereto.

July 12—

Read, lies over under the rules. p. 3

July 13—

Read.

Under the rules.

Referred to the Committee on Legislative Powers and Functions. p. 2

DELEGATE PROPOSAL No. 8—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

July 12—

Read, lies over under the rules. p. 3

July 13—

Read.

Under the rules.

Referred to the Committee on Education and Welfare. p. 2

CONSTITUTIONAL CONVENTION CALENDAR

August 31—
Reported unfavorably. p. 1

September 5—
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 9—
Introduced by Delegate Leithman:
A PROPOSAL
Making provisions for education and necessary provisions with respect thereto.

July 12—
Read, lies over under the rules. p. 3

July 13—
Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 2

August 31—
Reported unfavorably. p. 1

September 5—
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 10—
Introduced by Delegate Juneau:
A PROPOSAL
Making provisions for education and necessary provisions with respect thereto.

July 12—
Read, lies over under the rules. p. 3

July 13—
Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 2

August 31—
Reported unfavorably. p. 1

September 5—
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 11—
Introduced by Delegate Duval:
A PROPOSAL
For prohibition against dual officeholding.

July 12—
Read, lies over under the rules. p. 3

July 13—
Read.
Under the rules.
Referred to the Committee on Executive Department. p. 2

October 4—
Reported unfavorably. p. 7

October 5—
Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 12—
Introduced by Delegate Denny:
A PROPOSAL
To provide for uniform compensation to members of all state boards, commissions, and authorities.

July 18—
Read, lies over under the rules. p. 1

July 19—
Read.
Under the rules.
Referred to the Committee on Executive Department. p. 2

October 5—
Reported with amendments. p. 9

October 6—
Read.
Amendments adopted. p. 1
Read, ordered engrossed and passed to its third reading. p. 1

Title amended to read
"Article IV. Executive Branch
Section—. Compensation
Section —."

Article IV, Section 1. Compensation

November 19—
Read. p. 2
Amended. p. 3
Deleted by floor amendment.
By a vote of 61 yeas, 51 nays. p. 3

November 19—
Read, roll called on final passage, yeas 2, nays 77. Failed to pass, motion to reconsider tabled. p. 3

DELEGATE PROPOSAL No. 13—
Introduced by Delegate Burson:
A PROPOSAL
Making provisions for the selection of jurors and necessary provisions with respect thereto.

July 19—
Read, lies over under the rules. p. 2

July 20—
Read.
Under the rules.
Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 14—
Introduced by Delegate Bergeron:
A PROPOSAL
Relative to amending the constitution.

July 19—
Read, lies over under the rules. p. 2

July 20—
Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 2

August 9—
Reported unfavorably. p. 9

August 10—
Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 15—
Introduced by Delegate Avant:
A PROPOSAL
To provide for making appeals from the Public Service Commission.

July 20—
Read, lies over under rules. p. 8

July 25—
Read.
Under the rules.
Referred to the Committee on Executive Department. p. 2

September 14—
Reported unfavorably. p. 7
Rules suspended. p. 7
Withdrawn from the files of the Convention. p. 8

DELEGATE PROPOSAL No. 16—
Introduced by Delegates Alario, Chehardy, Edwards, Mire,

DELEGATE PROPOSALS

Rayburn, Nunez, Winchester, Mauberret, Slay and Plan-
chard:

A PROPOSAL

Making provisions for homestead exemptions.

July 20—

Read, lies over under the rules. p. 8

July 25—

Read.

Under the rules.

Referred to the Committee on Revenue, Finance and
Taxation. p. 2

December 13—

Reported with amendments. p. 14

December 14—

Amendments adopted.

Read, ordered engrossed and passed to its third reading.
p. 1

January 8—

Returned to the calendar subject to call. p. 3

January 10—

Called from the Calendar. p. 12

Returned to the Calendar subject to call. p. 13

Called from the Calendar. p. 22

Section 1. Property Exempt; Valuation; Claim of Ben-
efit.

[Const. Art. XII, Sec. 9]

Title amended.

January 10—

Read. p. 12

Amended. pp. 22, 23

Read, roll called, yeas 81, nays 17, passed. p. 23

Section 2. Debts Excluded From Exemption

January 10—

Read roll called, yeas 2, nays 97. Failed to pass, mo-
tion to reconsider tabled. pp. 23, 24

Section 3. Sales; Waiver of Homestead

January 10—

Read roll called, yeas 0, nays 101. Failed to pass, mo-
tion to reconsider tabled. p. 24

Section 4. Registration of Homestead

January 10—

Read roll called, yeas 0, nays 99. Failed to pass, mo-
tion to reconsider tabled. pp. 24, 25

January 10—

Read, roll called on final passage, yeas 87, nays 14, fi-
nally passed. p. 25

January 11—

Enrolled referred to the committee on Style and Drafting.
p. 25

January 14—

Reported without amendments. pp. 1, 2

Finally enrolled, read and signed by the Chairman of the
Convention and attested by the Secretary of the Conven-
tion. p. 38

January 19—

Style and Drafting Amendments adopted.

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

July 25—

Read, lies over under the rules. p. 12

July 26—

Read.

Under the rules.

Referred to the Committee on Revenue, Finance and Taxa-
tion. p. 2

December 13—

Reported favorably. p. 14

December 14—

Read, ordered engrossed and passed to its third reading.
p. 1

January 8—

Returned to the calendar subject to call. p. 3

Called from the calendar. p. 9

Read. p. 9

Section 14. Lotteries

[Const. Art. XII, Sec. 6]

Amended to become Section 12.

Title Amended.

January 8—

Amended. p. 10, 11

January 9—

Read. p. 1

Amended. pp. 2, 3, 4

Read, roll called, yeas 78, nays 29, passed. p. 6

January 9—

Read, roll called on final passage, yeas 78, nays 29,
finally passed. pp. 6, 7

Enrolled, referred to the Committee on Style and Drafting.
p. 12

January 14—

Reported without amendments. p. 2

Finally enrolled, read and signed by the Chairman of the
Convention and attested by the Secretary of the Convention.
p. 38

January 19—

Style and Drafting Amendments Adopted.

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery and
Gravel:

A PROPOSAL

Providing for meeting of the legislature for the next three
years following the adoption of this constitution.

July 25—

Read, lies over under the rules. p. 12

July 26—

Read.

Under the rules.

Referred to the Committee on Legislative Powers and
Functions. p. 2

November 20—

Reported with amendments. p. 1

December 5—

Read. p. 3

Amendments adopted. p. 3

Read, ordered engrossed and passed to its third reading.
p. 3

January 7—

Read. p. 6

Title amended. p. 7

Read, roll called, yeas 85, nays 6, passed. p. 7

Section 1. Legislative Sessions

[Const. Art. XIV, Sec. 7]

January 7—

Read. p. 6

Amended. p. 7

Read, roll called on final passage, yeas 85, nays 6,
finally passed. p. 7

CONSTITUTIONAL CONVENTION CALENDAR

January 8—
Enrolled, referred to the Committee in Style and Drafting.
p. 17

January 14—
Reported without amendments. p. 2
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention.
pp. 38, 39

January 19—
Style and Drafting Amendments Adopted.

DELEGATE PROPOSAL No. 19—
Introduced by Delegate Velazquez:
A PROPOSAL
To provide for the Public Service Commission and necessary provisions.

July 27—
Read, lies over under the rules. p. 13

July 28—
Read.
Under the rules.
Referred to the Committee on Executive Department. p. 1

September 14—
Reported unfavorably. p. 7
Rules suspended. p. 7
Withdrawn from the files of the Convention. p. 8

DELEGATE PROPOSAL No. 20—
Introduced by Delegate Jack:
A PROPOSAL
Limiting the number of proposed constitutional amendments that may be submitted to the voters at any one election.

August 1—
Read, lies over rules the rules. p. 8

August 2—
Read.
Under the rules.
Referred to the Committee Bill of Rights and Elections.
p. 2

December 14—
Reported unfavorably. p. 21

December 15—
Read, ordered engrossed and passed to it's third reading.
p. 1

January 8—
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 21—
Introduced by Delegate Jack:
A PROPOSAL
Making provisions for a deduction in state income taxes for federal income tax payments made during the same period.

August 1—
Read, lies over under rules. p. 8

August 2—
Read.
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 2

December 14—
Reported favorably. p. 21

December 15—
Read, ordered engrossed and passed to it's third reading.
p. 1

January 8—
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 22—
Introduced by Delegates Conroy and Newton:
A PROPOSAL
To provide for the prohibition of certain enumerated local and special laws.

August 1—
Read, lies over under the rules. p. 8

August 2—
Read.
Under the rules.
Referred to the Committee on Legislative Powers and Functions. p. 2

November 20—
Reported favorably. p. 1

Dccember 5—
Read, ordered engrossed and passed to it's third reading.
p. 3

January 8—
Returned to the calendar subject to call. p. 2
Called from the calendar. p. 3
Read. p. 3

Section 12. Local and Special Laws; Prohibition Against Enactment.
[Const. Art. III, Sec. 12]

Title amended.

January 8—
Read. p. 3
Amended. pp. 3,4
Rules suspended.
Read, roll called, yeas 74, nays 20, passed. pp. 4, 5

January 8—
Read, roll called on final passage, yeas 74, nays 20, finally passed. pp. 4, 5
Enrolled, referred to the Committee on Style and Drafting.
p. 17

January 14—
Reported with amendments. p. 33

January 15—
Amendments adopted. p. 3
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention.
pp. 33, 34

DELEGATE PROPOSAL No. 23—
Introduced by Delegate Abraham:
A PROPOSAL
Relative to appropriations by the legislature for the state budget.

August 2—
Read, lies over under the rules. p. 2

August 3—
Read.
Under the rules.
Referred to the Committee on Executive Department. p. 1

October 4—
Reported favorably. p. 7

October 5—
Read.
Ordered engrossed and passed to its third reading. p. 1

Article III, Section 18. Appropriations

November 19—
Read. p. 1
Amended. p. 1
Deleted by floor amendment.
By a vote of 71 yeas, 9 nays. p. 2

DELEGATE PROPOSALS

November 19—

Read, roll called, yeas 0, nays 80. Failed to pass, motion to reconsider tabled. p. 2

DELEGATE PROPOSAL No. 24—

Introduced by Delegate Schmitt:

A PROPOSAL

Providing for a commissioner of consumer affairs.

August 8—

Read, lies over under the rules. p. 1

August 9—

Read.

Under the rules.

Referred to the Committee on Executive Department. p. 1

October 5—

Reported without action. p. 9

October 6—

Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 25—

Introduced by Delegate Asseff:

A PROPOSAL

To prohibit favoritism in the law towards women.

August 10—

Read, lies over under the rules. p. 1

August 15—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 2

January 11—

Reported unfavorably. p. 1

Rules suspended.

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 26—

Introduced by Delegate Newton:

A PROPOSAL

To establish a Board of Highways, a director, its powers, duties, and functions.

August 10—

Read, lies over under the rules. p. 21

August 15—

Read.

Under the rules.

Referred to the Committee on Executive Department. p. 2

October 4—

Reported unfavorably. p. 7

October 5—

Withdrawn from the files of the Convention. p. 1.

DELEGATE PROPOSAL No. 27—

Introduced by Delegate Denberry:

A PROPOSAL

To establish state and city civil service.

August 18—

Read, lies over under the rules. p. 1

August 22—

Read. p. 2

Under the rules.

Referred to the Committee on Education and Welfare. p. 2

September 20—

Reported unfavorably. p. 1

September 21—

Read, ordered engrossed and passed to its third reading. p. 3

January 8—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Denberry:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

August 18—

Read, lies over under the rules. p. 1

August 22—

Read. p. 2

Under the rules.

Referred to the Committee on Education and Welfare. p. 2

September 20—

Reported unfavorably. p. 1

September 21—

Read, ordered engrossed and passed to its third reading. p. 3

January 7—

Read. p. 7

Section 1. Transition; Civil Service Commission; State; Cities

[Const. Art. XIV, Sec. 8]

Title amended.

Amended to become Section 8.

January 7—

Read. p. 7

Amended. pp. 7, 8

Read, roll called, yeas 86, nays 0, passed. p. 8

January 19—

Style and Drafting Amendments Adopted.

Section 2. Transition; Civil Service Officers; Employees; State; Cities

[Const. Art. XIV, Sec. 9]

Title amended.

Amended to become Section 9.

January 7—

Read. p. 8

Amended. p. 8

Read, roll called, yeas 86, nays 0, passed. p. 8

January 19—

Style and Drafting Amendments Adopted.

January 7—

Read, roll called on final passage, yeas 86, nays 0, finally passed. p. 8

January 8—

Enrolled, referred to the Committee on Style and Drafting. pp. 17, 18

January 14—

Reported without amendments. p. 2

Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 39

DELEGATE PROPOSAL No. 29—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

August 22—

Read, lies over under the rules. p. 1

August 23—

Read. p. 1

Under the rules.

Referred to the Committee on Executive Department. p. 1

CONSTITUTIONAL CONVENTION CALENDAR

September 14—

Reported by substitute. p. 7
 Rules suspended. p. 7
 Read. p. 8
 Substitute adopted. p. 8
 Becomes Committee Proposal No. 32. p. 8

DELEGATE PROPOSAL No. 30—

Introduced by Delegate Edward N. Lennox:
 A PROPOSAL
 Relative to levee districts

August 22—

Read, lies over under the rules. p. 1

August 23—

Read. p. 1
 Under the rules.
 Referred to the Committee on Local and Parochial Government. p. 1

November 20—

Reported unfavorably. p. 7

December 5—

Read. p. 3
 Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 31—

Introduced by Delegate Dennery:
 A PROPOSAL
 Providing for trust; forced heirship.

August 29—

Read, lies over under the rules. p. 6

August 30—

Read.
 Under the rules.
 Referred to the Committee on Bill of Rights and Elections. p. 1

January 11—

Reported Unfavorably. p. 1
 Rules suspended.
 Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 32—

By Delegate Drew:
 A PROPOSAL
 To provide with respect to the court of appeal circuits and districts.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
 Under the rules.
 Referred to the Committee on Judiciary. p. 2

November 15—

Reported without action. p. 1

November 16—

Read, ordered engrossed and passed to its third reading. pp. 1, 2

November 16—

"Article V Section 9. Courts of Appeal; Circuits and Districts."
 Amended to become

Section 9. Courts of Appeal; Circuits and Districts
 [Const. Art. V, Sec. 9]

November 20—

Read. p. 5
 Amended. p. 5
 Read, roll called, yeas 105, nays 2, passed. p. 6

November 20—

Read, roll called on final passage, yeas 107, nays 1, finally passed. p. 6

December 5—

Enrolled, referred to the Committee on Style and Drafting. p. 12

January 14—

Reported with amendments. p. 37

January 15—

Amendment adopted. p. 10

DELEGATE PROPOSAL No. 33—

Introduced by Delegate Dennis:
 A PROPOSAL
 Providing for the financing of the judicial system.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
 Under the rules.
 Referred to the Committee on Revenue, Finance and Taxation. p. 2

December 14—

Reported without action. p. 21

December 15—

Read.
 Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 34—

Introduced by Delegate Dennis:
 A PROPOSAL
 Providing for the financing of the state judicial system.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
 Under the rules.
 Referred to the Committee on Revenue, Finance and Taxation. p. 2

January 7—

Reported without action. p. 9

January 8—

Withdrawn from the files of the convention. p. 1

DELEGATE PROPOSAL No. 35—

Introduced by Delegate Miller:
 A PROPOSAL
 Providing for supreme court districts.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
 Under the rules.
 Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 36—

Introduced by Delegate Gravel:
 A PROPOSAL
 To provide with respect to retirement systems and plans for public officials and employees and judges.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
 Under the rules.
 Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 37—

Introduced by Delegates Bel, Bergeron, Casey, Lennox,

DELEGATE PROPOSALS

Mauberrret, Tapper, Vesich, Vick, Alexander, Landrum, J. Jackson, Warren Riecke:

A PROPOSAL

Relative to Orleans Parish courts and officials.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
Under the rules.
Referred to the Committee on Judiciary. p. 3

DELEGATE PROPOSAL No. 38—

Introduced by Delegate Casey:

A PROPOSAL

To provide for the prohibition of local and special laws where general laws can be made applicable.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
Under the rules.
Referred to the Committee on Legislative Powers and Functions. p. 3

DELEGATE PROPOSAL No. 39—

Introduced by Delegate Casey:

A PROPOSAL

To provide for a date for taking office of members of the legislature at the beginning of each term, or to fill the remainder of an unexpired term.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
Under the rules.
Referred to the Committee on Legislative Powers and Functions. p. 3

DELEGATE PROPOSAL No. 40—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to the terms of district court judges.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
Under the rules.
Referred to the Committee on Judiciary. p. 3

DELEGATE PROPOSAL No. 41—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to the terms of appellate judges.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
Under the rules.
Referred to the Committee on Judiciary. p. 3

DELEGATE PROPOSAL No. 42—

Introduced by Delegates Dennery and Stovall:

A PROPOSAL

Providing for the lieutenant governor as ombudsman.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
Under the rules.
Referred to the Committee on Executive Department. p. 3

November 20—

Reported favorably. p. 1

December 5—

Read, ordered engrossed and passed to it's third reading. p. 3

January 8—

Returned to the calendar subject to call. p. 2
Called from he calendar. p. 5
Read. p. 5

Section— Powers and Duties of the Lieutenant Governor

January 8—

Read. p. 5
Amended. p. 5
Read roll called, yeas 37, nays 58. Failed to pass, motion to reconsider tabled. p.6

January 8—

Withdrawn from the files of the Convention. p. 6

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh, and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

August 30—

Read, lies over under the rules. p. 13

August 31—

Read.
Under the rules.
Referred to the Committee on Judiciary. p. 3

November 15—

Reported without action. p. 1

November 16—

Read, ordered engrossed and passed to it's third reading. p. 2

January 8—

Returned to the calendar subject to call. p. 2
Called from he calendar. p. 7
Read. p. 7

Section— Juvenile Courts; Jurisdiction

January 8—

Read. p. 7
Deleted by floor amendment. p. 9
By a vote of 53 yeas and 39 nays. p. 9

January 8—

Returned to the calendar subject to call. p. 9

January 15—

Called from the Calendar. p. 16

**Article V, Section 19. Special Juvenile Procedures.
[Const. Art. V, Sec. 19]**

January 15—

Read. p. 16
Added by floor amendment by a vote of 78 yeas and 35 nays. pp. 16, 17
Read, roll called, yeas 80, nays 29, passed. p. 17

January 15—

Read, roll called on final passage, yeas 98, nays 13, finally passed. p. 17
Enrolled, referred to the Committee on Style and Drafting. pp. 28, 29

January 16—

Style and Drafting Amendments Adopted.

CONSTITUTIONAL CONVENTION CALENDAR

January 16—
 Reported with amendments. p. 2
 Rules suspended.
 Amendments adopted. pp. 2, 3
 Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 13

January 19—
 Style and Drafting Amendments Adopted.

DELEGATE PROPOSAL No. 44—
 Introduced by Delegate Vick:
 A PROPOSAL
 Making provision for the powers, duties, and qualifications for the state attorney general.

August 31—
 Read, lies over under the rules. p. 2

September 5—
 Read.
 Under the rules.
 Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 45—
 Introduced by Delegate Gauthier:
 A PROPOSAL
 To provide a retirement system for judges.

August 31—
 Read, lies over under the rules. p. 7

September 5—
 Read.
 Under the rules.
 Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 46—
 Introduced by Delegate Tobias:
 A PROPOSAL
 Providing for the continuance of Orleans Parish courts and officials.

August 31—
 Read, lies over under the rules. p. 7

September 5—
 Read.
 Under the rules.
 Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 47—
 Introduced by Delegates Drew and Singletary:
 A PROPOSAL
 Providing with respect to the expropriation of private property for public purposes.

August 31—
 Read, lies over under the rules. p. 7

September 5—
 Read.
 Under the rules.
 Referred to the Committee on Bill of Rights and Elections. p. 2

January 11—
 Reported unfavorably. p. 1
 Rules suspended.
 Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 48—
 Introduced by Delegates Singletary and Drew:
 A PROPOSAL
 Making provisions for equal protection of the laws, prohibiting discrimination, slavery and involuntary servitude.

August 31—
 Read, lies over under the rules. p. 7

September 5—
 Read.
 Under the rules.
 Referred to the Committee on Bill of Rights and Elections. p. 2

January 11—
 Reported unfavorably. p. 1
 Rules suspended.
 Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 49—
 Introduced by Delegate Brien:
 A PROPOSAL
 Providing with respect to consumer education and information councils.

August 31—
 Read, lies over under the rules. p. 7

September 5—
 Read.
 Under the rules.
 Referred to the Committee on Executive Department. p. 2

November 20—
 Reported with amendments. p. 1

December 5—
 Amendments adopted. pp. 3, 4
 Read, ordered engrossed and passed to its third reading. pp. 3, 4

January 8—
 Returned to the Calendar subject to call. p. 3
 Called from the Calendar. p. 6
 Read. p. 6

Section 1. Consumer Education and Information Councils

January 8—
 Read. p. 6
 Amended. p. 6
 Read roll called, yeas 49, nays 44. Failed to pass, motion to reconsider tabled. pp. 6, 7

January 8—
 Withdrawn from the files of the Convention. p. 7

DELEGATE PROPOSAL No. 50—
 Introduced by Delegate Thistlethwaite:
 A PROPOSAL
 To provide a preamble and a declaration of rights to the constitution.

August 31—
 Read, lies over under the rules. p. 8

September 5—
 Read.
 Under the rules.
 Referred to the Committee on Bill of Rights and Elections. p. 2

January 11—
 Reported unfavorably. p. 1
 Rules suspended.
 Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 51—
 Introduced by Delegate Asseff:
 A PROPOSAL
 Providing for appointment of officials; merger, and consolidation.

September 5—
 Read, lies over under the rules. p. 1

September 6—
 Read.
 Under the rules.

DELEGATE PROPOSALS

Referred to the Committee on Executive Department.
p. 1

DELEGATE PROPOSAL No. 52—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for appointment of officials; merger, and consolidation.

September 5—

Read, lies over under the rules. p. 1

September 6—

Read.
Under the rules.

Referred to the Committee on Executive Department.
p. 1

DELEGATE PROPOSAL No. 53—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

September 5—

Read, lies over under the rules. p. 2

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare.
p. 2

January 3—

Reported without action. p. 1

January 4—

Withdrawn from the files of the Convention. pp. 1, 2

DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

September 5—

Read, lies over under the rules. p. 2

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare.
p. 2

October 4—

Reported with amendments. p. 7

October 5—

Read.
Amendments adopted. p. 1
Ordered engrossed and passed to its third reading. p. 1

January 8—

Returned to the Calendar subject to call. p. 2

DELEGATE PROPOSAL No. 55—

Introduced by Delegate Fontenot:

A PROPOSAL

Making provisions for exemptions from taxation.

September 5—

Read, lies over under the rules. p. 2

September 6—

Read.
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 2

December 14—

Reported without action. p. 21

December 15—

Read.
Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 56—

Introduced by Delegate Toomy:

A PROPOSAL

Providing with respect to local officials and employees.

September 5—

Read, lies over under the rules. p. 3

September 6—

Read.
Under the rules.
Referred to the Committee on Local and Parochial Government. p. 2

November 20—

Reported without action. p. 7

December 5—

Read. p. 4
Withdrawn from the files of the Convention. p. 4

DELEGATE PROPOSAL No. 57—

Introduced by Delegate Flory:

A PROPOSAL

To provide for the registration of corporate stockholders.

September 5—

Read, lies over under the rules. p. 3

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare.
p. 2

January 3—

Reported without action. p. 1

January 4—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 58—

Introduced by Delegate Flory:

A PROPOSAL

Providing for municipal fire and police civil service.

September 5—

Read, lies over under the rules. p. 4

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare.
p. 2

January 3—

Reported without action. p. 1

January 4—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 59—

Introduced by Delegate Haynes:

A PROPOSAL

Making provisions for freedom from discrimination.

September 5—

Read, lies over under the rules. p. 4

September 6—

Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 2

September 13—

Reported unfavorably. p. 10

September 14—

Withdrawn from the files of the Convention. p. 1

CONSTITUTIONAL CONVENTION CALENDAR

DELEGATE PROPOSAL No. 60—

Introduced by Delegate Jenkins:
A PROPOSAL

Making provision to control future growth of state tax revenues.

September 5—

Read, lies over under the rules. p. 6

September 6—

Read.
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 2

January 7—

Reported without action. p. 9

January 8—

Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 61—

Introduced by Delegates Bel and Vesich:
A PROPOSAL

To provide with respect to judicial districts.

September 5—

Read, lies over under the rules. p. 6

September 6—

Read.
Under the rules.
Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 62—

Introduced by Delegate Burson:
A PROPOSAL

Making provisions for the grand jury.

September 5—

Read, lies over under the rules. p. 6

September 6—

Read.
Under the rules.
Referred to the Committee on Judiciary. p. 2

DELEGATE PROPOSAL No. 63—

Introduced by Delegate Burson:
A PROPOSAL

Making provisions for legislative limitation on executive power of communication.

September 5—

Read, lies over under the rules. p. 6

September 6—

Read.
Under the rules.
Referred to the Committee on Executive Department. p. 2

DELEGATE PROPOSAL No. 64—

Introduced by Delegate Toca:
A PROPOSAL

Making provision for a board of commissioners of the Louisiana State Library.

September 5—

Read, lies over under the rules. p. 6

September 6—

Read.
Under the rules.
Referred to the Committee on Executive Department. p. 2

October 4—

Reported unfavorably. p. 7

October 5—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 65—

Introduced by Delegate Roy:
A PROPOSAL

Making provisions regarding civil service employment.

September 5—

Read, lies over under the rules. p. 7

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 2

September 20—

Reported with amendments. p. 2

September 21—

Read.
Amendments adopted. p. 3
Read, ordered engrossed and passed to its third reading. p. 3

January 8—

Returned to the Calendar subject to call. p. 2
Called from the Calendar. p. 5
Withdrawn from the files of the Convention. p. 5

DELEGATE PROPOSAL No. 66—

Introduced by Delegate Robinson:
A PROPOSAL

Making provisions to prohibit the appropriation of public funds for private or sectarian schools.

September 5—

Read, lies over under the rules. p. 7

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 2

November 7—

Reported without action. p. 11

November 8—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 67—

Introduced by Delegate Abraham:
A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

September 5—

Read.
Lies over under the rules. p. 7

September 6—

Read.
Under the rules.
Referred to the Committee on Executive Department. p. 2

October 4—

Reported favorably. p. 7

October 5—

Read, ordered engrossed and passed to its third reading. p. 2

January 8—

Returned to the Calendar subject to call. p. 2

Section 1. Composition

January 15—

Called from the Calendar. p. 40
Read. p. 40
Withdrawn from the files of the Convention. p. 41

DELEGATE PROPOSALS

DELEGATE PROPOSAL No. 68—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

September 5—

Read.

Lies over under the rules. p. 7

September 6—

Read.

Under the rules.

Referred to the Committee on Executive Department. p. 2

September 14—

Reported unfavorably. p. 7

Rules suspended. p. 7

Withdrawn from the files of the Convention. p. 8

DELEGATE PROPOSAL No. 69—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

September 5—

Read.

Lies over under the rules. p. 7

September 6—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 2

October 17—

Reported without action. p. 6

October 18—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 70—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

September 5—

Read.

Lies over under the rules. p. 7

September 6—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Election. p. 3

October 17—

Reported without action. p. 6

October 18—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

September 5—

Read.

Lies over under the rules. p. 7

September 6—

Read.

Under the rules.

Referred to the Committee on Executive Department. p. 3

October 4—

Reported favorably. p. 7

October 5—

Read, ordered engrossed and passed to its third reading. p. 3

January 8—

Returned to the Calendar subject to call. p. 2

Section 8. Powers and Duties of the Attorney General

January 15—

Called from the Calendar. p. 41

Read. p. 41

Withdrawn from the files of the Convention. p. 41

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

September 5—

Read.

Lies over under the rules. p. 7

September 6—

Read.

Under the rules.

Referred to the Committee on Executive Department. p. 3

October 4—

Reported favorably. p. 7

October 5—

Read, ordered engrossed and passed to its third reading. p. 3

January 8—

Returned to the Calendar subject to call. p. 2

Section 1. Sections 26 and 27 of Article V of the proposed

January 15—

Called from the Calendar. p. 41

Read. p. 41

Withdrawn from the files of the Convention. p. 41

DELEGATE PROPOSAL No. 73—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for open primary elections.

September 5—

Read.

Lies over under the rules. p. 7

September 6—

Read.

Under the rules.

Referred to the Committee on Bill of Rights and Elections. p. 3

October 17—

Reported without action. p. 6

October 18—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 74—

Introduced by Delegates Gravel and Berry:

A PROPOSAL

Providing for freedom from discrimination.

September 5—

Read.

Lies over under the rules. p. 7

September 6—

Read.

Under the rules.

CONSTITUTIONAL CONVENTION CALENDAR

Referred to the Committee on Bill of Rights and Elections. p. 3

September 13—
Reported unfavorably. p. 10

September 14—
Withdrawn from the files of the Convention. p. 1

DELEGATE PROPOSAL No. 75—
Introduced by Delegate Burson:
A PROPOSAL
Providing with respect to trial by jury in criminal cases.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 3

January 11—
Reported unfavorably. p. 2
Rules suspended.
Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 76—
Introduced by Delegate Burson:
A PROPOSAL
For initiation of the prosecution of felonies.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 3

January 11—
Reported unfavorably. p. 2
Rules suspended.
Withdrawn from the files of the Convention. pp. 2, 3

DELEGATE PROPOSAL No. 77—
Introduced by Delegate Robinson:
A PROPOSAL
To provide for the financing of the office of sheriff.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 3

December 14—
Reported without action. p. 21

December 15—
Read.
Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 78—
Introduced by Delegate Robinson:
A PROPOSAL
Making provisions to prohibit religious discrimination and to prohibit the direct or indirect appropriation of money from the public treasury for sectarian, private, charitable or benevolent purposes, except for designated state charities.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 3

January 11—
Reported unfavorably. p. 2
Rules suspended.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 79—
Introduced by Delegate Deshotel:
A PROPOSAL
Providing for a right to privacy.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 3

January 11—
Reported unfavorably. p. 2
Rules suspended.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 80—
Introduced by Delegate Abraham:
A PROPOSAL
Making provisions for the registration of voters.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 81—
Introduced by Delegate Abraham:
A PROPOSAL
Making provision for open primary elections.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 3

October 17—
Reported without action. p. 6

October 18—
Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 82—
Introduced by Delegate Abraham:
A PROPOSAL
Making provisions for the right to property.

September 5—
Read.
Lies over under the rules. p. 7

September 6—
Read.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 83—
Introduced by Delegate Abraham:
A PROPOSAL
Making provisions for the inclusion of the attorney general in the Executive Branch of government.

DELEGATE PROPOSALS

September 5—

Read.
Lies over under the rules. p. 7

September 6—

Read.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 84—

Introduced by Delegate Abraham:
A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

September 5—

Read.
Lies over under the rules. p. 7

September 6—

Read.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 85—

Introduced by Delegate Abraham:
A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of Government.

September 5—

Read.
Lies over under the rules. p. 8

September 6—

Read.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 86—

Introduced by Delegate Abraham:
A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

September 5—

Read.
Lies over under the rules. p. 8

September 6—

Read.
Withdrawn from the files of the Convention. p. 4

DELEGATE PROPOSAL No. 87—

Introduced by Delegate Segura:
A PROPOSAL

Providing for state and city civil service.

September 5—

Read.
Lies over under the rules. p. 8

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 4

January 3—

Reported without action. p. 1

January 4—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 88—

Introduced by Delegate Lennox:
A PROPOSAL

To provide for the continuous operation of government.

September 5—

Read.
Lies over under the rules. p. 8

September 6—

Read.
Under the rules.

Referred to the Committee on Education and Welfare. p. 4

January 3—

Reported without action. p. 1

January 4—

Withdrawn from the files of the convention. p. 2

DELEGATE PROPOSAL No. 89—

Introduced by Delegate Lennox:
A PROPOSAL

Prohibiting strikes by public employees.

September 5—

Read.
Lies over under the rules. p. 8

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 4

January 3—

Reported without action. p. 2

January 4—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 90—

Introduced by Delegate Lennox:
A PROPOSAL

To prohibit monopolistic control over employment in any industry within the state.

September 5—

Read.
Lies over under the rules. p. 8

September 6—

Read.
Under the rules.
Referred to the Committee on Education and Welfare. p. 4

January 3—

Reported without action. p. 2

January 4—

Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 91—

Introduced by Delegate Zervigon:
A PROPOSAL

Making provisions for property taxation.

September 5—

Read.
Lies over under the rules. p. 8

September 6—

Read.
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 4

January 7—

Reported without action. p. 9

January 8—

Recommitted to the Committee on Revenue, Finance and Taxation. pp. 1, 2

DELEGATE PROPOSAL No. 92—

Introduced by Delegate Robinson:
A PROPOSAL

Making provisions for public elementary and secondary education and necessary provisions with respect thereto.

September 5—

Read.
Lies over under the rules. p. 8

CONSTITUTIONAL CONVENTION CALENDAR

September 6—
Read.
Under the rules.
Referred to the Committee on Education and Welfare.
p. 4

November 7—
Reported without action. p. 11

November 8—
Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 93—
Introduced by Delegate Burson:
A PROPOSAL
Providing with respect to grand jury proceedings.

September 5—
Read.
Lies over under the rules. p. 8

September 6—
Read.
Under the rules.
Referred to the Committee on Bill of Rights and Elections. p. 4

January 11—
Reported unfavorably. p. 2
Rules suspended.
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 94—
Introduced by Delegate Pugh:
A PROPOSAL
Prohibiting the purchase or subscription by the state or its political subdivisions of stock of any corporation or association or for any private enterprise and providing exceptions.

September 5—
Read.
Lies over under the rules. p. 8

September 6—
Read.
Under the rules.
Referred to the Committee on Education and Welfare.
p. 4

January 3—
Reported without action. p. 2

January 4—
Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 95—
Introduced by Delegate Bel:
A PROPOSAL
Making provisions for property taxation.

September 5—
Read.
Lies over under the rules. p. 8

September 6—
Read.
Under the rules.
Referred to the Committee on Revenue, Finance and Taxation. p. 4

January 7—
Reported without action. p. 9

January 8—
Withdrawn from the files of the Convention. p. 2

DELEGATE PROPOSAL No. 96—
Introduced by Delegates Vick, Abraham, Bel, Berry, Casey, Dennery, Goldman, Guarisco, Haynes, A. Jackson, J. Jackson, LeBreton, Lennox, Miller, Pugh, Rachal, Riecke, Sonlat, Stovall, Sutherland, Velazquez, and Weiss:
A PROPOSAL
Providing for the powers and duties of the attorney general.

September 5—
Read.
Lies over under the rules. p. 8

September 6—
Read.
Under the rules.
Referred to the Committee on Executive Department.
p. 4

October 4—
Reported without action. p. 7

October 5—
Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 97—
Introduced by Delegates Asseff, Anzalone, Miller, Bergeron, O'Neill, Kelly, Velazquez, Aertker, Burson, Giarrusso, Jones, Stinson, McDaniel, Wisham, Grier, Warren, Stephenson, Jack, Smith, Schmitt, Drew, Bel, Ourso, Edwards, Winchester, Perkins, Casey, Elkins, A. Landry, Ullio, Bollinger, Alario, Stinson, Heine, Roemer, Abraham, Kilbourne, Fulco, Cannon, Gauthier, Willis, Singletary, Planchard, Cowen, Weiss, Toomy, Leigh, Maybuce, Hernandez, Flory and Avant:

A PROPOSAL
To provide with respect to an alternative provision relative to the Executive Branch.

January 14—
Read.
Lies over under the rules. p. 42

January 16—
Read. p. 4
Read, roll called on final passage, yeas 53, nays 52, Failed to pass, motion to reconsider pending. pp. 4, 5

January 17—
Read. p. 3
Reconsidered. p. 2
Returned to the Calendar under the rules. p. 3

DELEGATE PROPOSAL No. 98—
Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullio, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Cenroy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL
To provide with respect to an alternative provision relative to education.

January 15—
Read, lies over under the rules. p. 25

January 16—
Read. p. 5
Amended. pp. 7, 8
Read, roll called on final passage, yeas 80, nays 35, finally passed. p. 10
Enrolled, referred to the Committee on Style and Drafting.

January 17—
Reported with amendments. p. 2
Rules suspended.
Amendments adopted. p. 2
Finally enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 16, 17

January 19—
Reported with amendments. p. 30
Supplemental report from Style and Drafting. p. 31
Rules suspended.
Amendments adopted. p. 32

[Const. Art. XIV, Part IV, Sec. 38]

DELEGATE PROPOSAL No. 99—
Introduced by Delegates Vick, Abraham, Aertker, Alexan-

DELEGATE PROPOSALS

der, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bollinger, Brown, Carmouche, Casey, DeBlieux, Dennery, Dennis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman, Grier, Guarisco, Hardee, Haynes, A. Jackson, J. Jackson, Jones, Juneau, Landrum, A. Landry, E. J. Landry, Leithman, McDaniel, Maybuce, Miller, Riecke, Roemer, Roy, Sandoz, Schmitt, Shannon, Singletary, Soniat, Stagg, Stovall, Sutherland, Tapper, Thistlethwaite, Tobias, Velazquez, Warren, Wisham and Zervigon:

A PROPOSAL

To provide with respect to an alternative provision relative to the Judicial Branch.

January 15—

Read, lies over under the rules. p. 25

January 16—

Read. p. 3

Withdrawn from the files of the Convention. p. 3

DELEGATE PROPOSAL No. 100—

Introduced by Delegates McDaniel, Elkins, Goldman, O'Neill, Asseff, Cowen, Gauthier, Champagne, Avant, Bel, Grier, Drew, Shannon, Ullo, Leigh, Bollinger, Sutherland, Sandoz, A. Landry, Aertker, Hardee, Brown, Perkins, Hernandez, Smith, Alario, Fontenot, Winchester, Miller, Jones, Zervigon, Roemer, Fulco, Henry, Planchard, E. J. Landry, Arnette, Velazquez, Schmitt, Cannon, Leithman, LeBleu and Singletary:

A PROPOSAL

To provide with respect to an alternative provision relative to the Executive Branch prohibiting a person elected as governor from being his own immediate successor.

January 15—

Read, lies over under the rules. p. 26

Section 1.

Section 2.

January 17—

Read. p. 3

Amended. p. 3

Read, roll called on final passage, yeas 45, nays 49.

Failed to pass, motion to reconsider tabled. p. 3

DELEGATE PROPOSAL No. 101—

Introduced by Delegates Stagg, Roemer, Smith, Sutherland, Asseff, Casey, Abraham, Zervigon, Alexander, Kean, Fulco, Bollinger, Bel, Dennery, Duval, Thistlethwaite, De Blieux, Sandoz, Velazquez, Jones, Conroy, J. Jackson, Drew, Hardee, Grier, Elkins, Dennis, Champagne, A. Landry, Miller, Kil-

bourne, Warren, Vick, Jack, A. Jackson, Newton, Derbes, Schmitt, Lanier and Shannon:

A PROPOSAL

To provide with respect to an alternative provision relative to Revenue and Finance.

January 15—

Read, lies over under the rules. p. 26

January 17—

Read. pp. 3, 4

Amended. p. 5

Read, roll called on final passage, yeas 31, nays 83.

Failed to pass, motion to reconsider tabled. pp. 5, 6

DELEGATE PROPOSAL No. 102—

Introduced by Delegates Vick, Abraham, Aertker, Alexander, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bollinger, Brown, Carmouche, Casey, De Blieux, Dennery, Dennis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman, Grier, Guarisco, Hardee, Haynes, A. Jackson, J. Jackson, Jones, Juneau, Landrum, A. Landry, E. J. Landry, Leithman, McDaniel, Maybuce, Miller, Riecke, Roemer, Roy, Sandoz, Schmitt, Shannon, Singletary, Soniat, Stagg, Stovall, Sutherland, Tapper, Thistlethwaite, Tobias, Velazquez, Warren, Wisham and Zervigon:

A PROPOSAL

To provide with respect to an alternative provision relative to the Judicial Branch.

January 15—

Read, lies over under the rules. p. 26

January 17—

Read. p. 6

Amended. p. 6

Read, roll called on final passage, yeas 36, nays 67.

Failed to pass, motion to reconsider tabled. p. 7

DELEGATE PROPOSAL No. 103—

Introduced by Delegates Elkins, Grier, Toca, Flory, Asseff, Weiss, Cowen, Vick, Jones, E. J. Landry, Carmouche, Hardee, Winchester, Pugh, Dennis, Planchard, Conroy, Wisham, Anzalone, Morris, Goldman, Smith, Conino, Willis, Heine, Tobias, Segura, Ullo, Guarisco, Cannon, Deshotels and Kilbourne:

A PROPOSAL

To provide with respect to an alternative provision relative to the Legislative Branch.

January 15—

Read, lies over under the rules. p. 26

January 17—

Read. p. 7

Withdrawn from the files of the Convention. p. 7

CONSTITUTIONAL CONVENTION CALENDAR

COMMITTEE RESOLUTIONS

COMMITTEE RESOLUTION No. 1—

Introduced by Delegate Stagg on Behalf of the Temporary Committee on Rules:

A RESOLUTION

To provide for the standing rules of the Constitutional Convention.

January 12—

Read. p. 3

Rule No. 1. Call to Order.

Read. p. 8

Adopted. p. 8

Rule No. 2. Quorum.

Read. p. 8.

Adopted. p. 8

Rule No. 3. Roll Call.

Read, amended, adopted. pp. 8, 9

Rule No. 4. Quorum Calls.

Read, adopted. p. 9

Rule No. 5. Absence from Convention Service.

Read, amended, adopted. pp. 9, 10

Rule No. 6. Absent Delegates.

Read, adopted. p. 10

Rule No. 7. Expense of Compelling Attendance.

Read, adopted. p. 10

Rule No. 8. Persons admitted.

Read, adopted. p. 10

Rule No. 9. Restrictions on the Convention Floor.

Read, amended, adopted. pp. 10, 11

Rule No. 10. Special Permission.

Read, adopted. p. 11

Rule No. 11. News Media.

Read, adopted. p. 11

Rule No. 12. Administration of Rules.

Read, adopted. p. 11

Rule No. 13. Regulation of Convention Area.

Read, adopted. p. 11

Rule No. 14. Restrictions on Non-Delegates.

Read, amended, adopted. p. 11

Rule No. 15. Open Meetings.

Read, adopted. pp. 11, 12

Rule No. 16. Convention Officers.

Read, passed over. p. 12

Read. p. 13

Rule No. 18. Duties, Executive Committee.

Read, amended, adopted. pp. 12, 13

January 13—

Rule No. 16. Convention Officers.

Read, amended, adopted. pp. 1, 2, 3

Rule No. 17. Convention Employees.

Read, adopted. p. 3

Rule No. 19. Duties, Chairman.

Read, amended, adopted. pp. 3, 4

Rule No. 20. Duties, First Vice-Chairman.

Read, amended, adopted. p. 4

Rule No. 21. Duties, Vice-Chairmen.

Read, amended, adopted. p. 4

Rule No. 22. Duties, Secretary.

Read, amended, adopted. p. 5

Rule No. 23. Delegation of Secretary's Duties to Chief Clerk.

Read, adopted. p. 5

Rule No. 24. Duties, The Treasurer.

Read, adopted. p. 5

Rule No. 25. Duties, Chief Clerk.

Read, amended, adopted. pp. 5, 6

Rule No. 26. Duties, Sergeant-at-Arms.

Read, adopted. p. 6

Rule 26.1 Vacancies

Added by Amendment. p. 8

Read, adopted. p. 6

Rule No. 27. Delegates Oaths.

Read, amended, adopted. p. 6

Rule No. 28. Recognition in Debate.

Read, adopted. p. 6

Rule No. 29. Transgression of Rules.

Read, adopted. p. 6

Rule No. 30. Limits on Debate.

Read, adopted. p. 6

Rule No. 31. Prohibited Behavior.

Read, adopted. pp. 6, 7

Rule No. 32. Questions of Order.

Read, adopted. p. 7

Rule No. 33. Answering Roll Calls.

Read, adopted. p. 7

Rule No. 34. Absence from Daily Sessions.

Read, adopted. p. 7

Rule No. 35. Vacancies.

Read, adopted. p. 7

Rule No. 36. Voting in Person.

Read, adopted. p. 7

Rule No. 37. Proposal.

Read, adopted. p. 7

Rule No. 38. Resolutions.

Read, adopted. p. 7

Rule No. 39. Introduction.

Read, adopted. p. 7

Rule No. 40. Introduction of Committee Proposals.

Read, amended, adopted. pp. 7, 8

Rule No. 41. Form of Proposals.

Read, adopted. p. 8

January 16—

Rule No. 42. Deadline on Proposals.

Read, amended, adopted. p. 1

Rule No. 43. Printing.

Read, adopted. p. 1

Rule No. 44. Order of Processing.

Read, amended, adopted. p. 2

Rule No. 45. Order of Proposals.

Read, adopted. p. 2

Rule No. 46. Amendments.

Read, adopted. p. 2

COMMITTEE RESOLUTIONS

Rule No. 47. Styling and Drafting.

Read, adopted. p. 2

Rule No. 48. Distribution.

Read, adopted. p. 2

Rule No. 49. Substantive Committees.

Read, amended, adopted. pp. 2, 3, 5

Rule No. 50. Procedural Committees.

Read, amended, adopted. pp. 5, 6

Rule No. 51. Appointment of Committees.

Read, amended, adopted. p. 6

Rule No. 52. Committee on Committees.

Read, amended, adopted. pp. 6, 7

Rule No. 53. Service on Committees.

Read. p. 7

Amended. p. 7

January 17—

Rule No. 53. Service on Committee

Read, amended, adopted. pp. 1, 2

Rule No. 54. Coordinating Committee.

Read, amended, adopted. pp. 2, 3

Rule No. 55. Other Committees.

Read, amended, adopted. pp. 3, 4

Rule No. 56. Proposals.

Read, adopted. p. 4

Rule No. 57. Quorum and Rules of Committees.

Read, amended, adopted. p. 4

Rule No. 58. A. Public Hearings; Records.

Read, amended, adopted. pp. 4, 5

Rule No. 59. Calling of Committees and Agenda.

Read, amended, adopted. pp. 5, 6

Rule No. 60. Reports.

Read, amended, adopted. p. 6

Rule No. 61. Form of Reports.

Read, adopted. p. 6

Rule No. 62. Notice of Committee Meetings.

Read, amended, adopted. pp. 6, 7

Rule No. 63. Subcommittees.

Read, adopted. p. 7

Rule No. 64. Records.

Read, adopted. p. 7

Rule No. 65. Procedure.

Read, adopted. p. 7

Rule No. 66. Order.

Read, amended, adopted. p. 8

Rule No. 67. Change in Daily Order.

Read, adopted. p. 8

Rule No. 68. Time of Committee Referral.

Read, adopted. p. 8

Rule No. 69. Privileged Motions.

Read, amended. p. 8

January 18—

Rule No. 69. Privileged Motions.

Read, amended, adopted. pp. 1, 2

Rule No. 70. Motions Not Debatable.

Read, adopted. p. 3

Rule No. 71. Withdrawal.

Read, adopted. p. 3

Rule No. 72. Format of Motions and Seconds.

Read, amended, adopted. p. 3

Rule No. 73. Motion for Reconsideration.

Read, adopted. p. 3

Rule No. 74. Motion to Call from the Table.

Read, adopted. p. 3

Rule No. 75. Division of a Question.

Read, amended, adopted. pp. 3, 4

Rule No. 76. Previous Questions.

Read, amended, adopted. pp. 4, 5

Rule No. 77. Adjournment and Recess.

Read, adopted. p. 5

Rule No. 78. Voting after Decision is Announced.

Read, adopted. p. 5

Rule No. 79. Explanation of Vote.

Read, adopted. p. 5

Rule No. 80. Tie Votes.

Read, amended, adopted. p. 5

Rule No. 81. Recording the Vote.

Read, adopted. p. 5

Rule No. 82. Consent.

Read, amended, adopted. p. 5

Rule No. 83. Precedence.

Read, adopted. p. 5

Rule No. 84. Change in Rules.

Read, amended, adopted. pp. 5, 6

Rule No. 85. Suspension of Rules.

Read, amended, adopted. p. 6

Rule No. 86. Consideration of Proposals without Committee Recommendation.

Read, adopted. p. 6

Rule No. 87. Notice.

Read, adopted. p. 6

Rule No. 88. Authority.

Read, adopted. p. 6

Rule No. 89. Name Abbreviation.

Added by amendment. p. 6

Read, adopted. p. 6

And the Resolution was adopted. p. 6

January 31—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 5, 6, 7, 8, 9, 10, 11, 12

COMMITTEE RESOLUTION No. 2—

Introduced by Delegate Stovall on behalf of the Committee on Rules, Credentials and Ethics:

RULES COMMITTEE RESOLUTION

Before lobbying for defeat or passage of proposals before the Convention, its committees, sub-committees or delegates, a lobbyist shall submit a registration statement setting forth his or her name and address, the name and address of the person or entity by whom the lobbyist is employed and the name and address of the person or entity whose interest the lobbyist represents.

January 31—

Read. p. 2

Rules suspended. p. 2

Withdrawn from the files of the Convention. p. 2

COMMITTEE RESOLUTION No. 3—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide expressly for submission of alternative proposals.

CONSTITUTIONAL CONVENTION CALENDAR

July 5—

Read, lies over under the rules. p. 4

July 6—

Read.

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 51

December 18—

Reported by substitute. p. 1

Rules suspended. p. 1

Substitute adopted. p. 2

Becomes C.R. 13. p. 1

COMMITTEE RESOLUTION No. 4—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

July 5—

Read. p. 4

Rules suspended.

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 4

July 6—

Reported with amendments. p. 50

Rules suspended.

Returned to Calendar Subject to Call. p. 50

Called from the Calendar. p. 53

Amended. pp. 53, 54, 55

Read, rejected. p. 55

By a vote of 49 yeas, 68 nays. p. 55

COMMITTEE RESOLUTION No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

July 5—

Read, lies over under the rules. p. 4

July 6—

Read. p. 51

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 51

July 13—

Reported with amendments. p. 1

July 14—

Read. p. 1

Amendments adopted. p. 2

Ordered engrossed and passed to its third reading. p. 2

July 18—

Read, amended, adopted. p. 1

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 4, 5

COMMITTEE RESOLUTION No. 6—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 41 of the Standing Rules of the Constitutional Convention, to change the placement of page

numbers on proposals to be introduced in this convention.

July 5—

Read. p. 4

Rules suspended.

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics p. 4

July 6—

Reported favorably. p. 50

Rules suspended.

Read, adopted. p. 51

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 56

COMMITTEE RESOLUTION No. 7—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for submission of minority proposals.

July 5—

Read, lies over under the rules. p. 4

July 6—

Read. p. 51

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 51

July 13—

Reported with amendments. p. 1

July 14—

Read. p. 2

Amendments adopted. p. 2

ordered engrossed and passed to its third reading p. 2

July 18—

Read. pp. 1, 2

Recommitted to the Committee on Rules, Credentials and Ethics. p. 2

COMMITTEE RESOLUTION No. 8—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 40 of the Standing Rules of the Constitutional Convention to clarify the requirement that each committee proposal shall bear the signature of a majority of the members of the committee.

July 11—

Read. p. 1

Rules suspended.

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 1

July 19—

Reported with amendments. p. 1

July 20—

Amendments adopted. p. 2

Ordered engrossed and passed to its third reading. p. 2

August 1—

Read, adopted.

By a vote of 105 yeas, 3 nays. p. 5

August 2—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 10

COMMITTEE RESOLUTIONS

COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes, McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session.

July 13—

Read, lies over under the rules. p. 9

July 14—

Read.

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 1

July 19—

Reported with amendments. p. 1

July 20—

Amendments adopted. p. 2

Read, ordered engrossed and passed to its third reading. pp. 2, 3

August 1—

Read, adopted.

By a vote of 106 yeas, 0 nays. p. 5

August 2—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 10

COMMITTEE RESOLUTION No. 10—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics and Delegates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention to provide for the limitation of debate.

July 20—

Read, lies over under the rules. p. 7

July 25—

Read.

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 2

July 26—

Reported with amendments. p. 1

July 27—

Amendments adopted. p. 2

Read, ordered engrossed and passed to its third reading. p. 2

August 1—

Read, amended, adopted. p. 6

By a vote of 103 yeas, 0 nays. p. 7

August 2—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 10

COMMITTEE RESOLUTION No. 11—

Introduced by Delegate LeBreton, Chairman, on behalf of the Committee on Legislative Liaison and Transitional Measures, and Delegate Henry, Chairman, on behalf of the Co-

ordinating Committee, and Delegates Aertker, Blair, Casey, Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson, Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack, and Zervigon:

A RESOLUTION

To recommend categories for the orderly transition of material from the Louisiana Constitution of 1921.

August 23—

Read, lies over under the rules. p. 11

August 24—

Read. p. 1

Under the rules.

Referred to the Committee on Legislative Liaison and Transitional Measures. p. 2

August 30—

Reported favorably. p. 12

August 31—

Read, ordered engrossed and passed to its third reading. p. 3

September 15—

Read, adopted. p. 1

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 6

COMMITTEE RESOLUTION No. 12—

Introduced by Delegate Zervigon, Chairperson of the Committee on Legislative Liaison and Transitional Measures, and Delegates Comar, D'Gerolamo, Drew, Fayard, Hardee, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Munson, Rayburn, Smith, Thompson, Vick and Womack:

A RESOLUTION

To extend the date by which certain reports shall be transmitted to the Committee on Legislative Liaison and Transitional Measures.

October 27—

Read, lies over under the rules. p. 4

October 31—

Read. p. 1

Rules suspended. p. 1

Adopted by a vote of 87 yeas, 0 nays. p. 1

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 5

COMMITTEE RESOLUTION No. 13—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics (Substitute for Committee Resolution No. 3, by Delegate Stovall, et al.):

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule 37.1, to provide expressly for submission to alternative provisions.

A substitute for CR No. 3.

December 18—

Read. p. 1

Rules suspended. p. 2

Passed to its third reading. p. 2

January 10—

Made Special Order of the day for January 11, 1974. p. 25

January 11—

Read, amended, adopted. pp. 12, 13, 14, 15, 16

By a vote of 79 yeas and 33 nays. pp. 16, 17

January 12—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 13

CONSTITUTIONAL CONVENTION CALENDAR

DELEGATE RESOLUTIONS

DELEGATE RESOLUTION No. 1—

Introduced by Delegate Abraham:

A RESOLUTION

BE IT RESOLVED that this Constitutional Convention adopt its permanent rules of procedure as its first order of business before electing its permanent chairman and executive committee, in accordance with the priorities set forth in Act 2 of 1972, and that a rules committee is hereby established, this committee to be comprised of sixteen delegates to be elected as follows:

January 5—

Read. p. 3

Delegate Resolution Number 2 became a Substitute for Delegate Resolution Number 1. p. 4

DELEGATE RESOLUTION No. 2—

Introduced by Delegate Alario:

A RESOLUTION

BE IT RESOLVED BY the Louisiana Constitutional Convention of 1973 convened pursuant to Act 2 of the Regular Session of the Louisiana Legislature of 1972, that the following order of business shall be regularly followed:

A substitute for Delegate Resolution No. 1. p. 4

January 5—

Read. p. 4

Delegate Resolution Number 3 became a Substitute for Delegate Resolution Number 2. p. 4

DELEGATE RESOLUTION No. 3—

Introduced by Delegates Juneau and Fayard:

A RESOLUTION

BE IT RESOLVED that a Temporary Committee on Rules and Resolutions be established for the purpose of preparing a proposed set of rules to be submitted to the Convention for its consideration.

A substitute for Delegate Resolution No. 2 p. 4

January 5—

Read. p. 4

Adopted. p. 4

By vote of 72 yeas, 60 nays. p. 4

January 31—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 2

DELEGATE RESOLUTION No. 4—

Introduced by Delegates Velazquez and Schmitt:

A RESOLUTION

WHEREAS a tragedy has taken place in New Orleans, La., the effects, which have gone beyond that City—affecting the State and the Nation.

January 12—

Read. p. 1

Adopted. p. 1

January 31—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 3

DELEGATE RESOLUTION No. 5—

Introduced by Delegate Abraham:

A RESOLUTION

BE IT RESOLVED that the delegates to the Louisiana Constitutional Convention do hereby re-enact, re-affirm and adopt as their own and as the Act of the Convention, every act taken at the meeting of elected delegates held on January 5, 1973, including but not limited to the roll call of delegates, the swearing of delegates and all other acts taken by said delegates as members of the Louisi-

ana Constitutional Convention from that time to the present.

January 12—

Read. p. 2

Adopted. p. 2

January 31—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 3

DELEGATE RESOLUTION No. 6—

Introduced by Delegate Weiss:

A RESOLUTION

Relative to the use of existing Louisiana Hospital Television Network Facilities by the Louisiana Constitutional Convention of 1973, acting through its committees.

January 18—

Read, R.S., adopted. p. 7

January 31—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 3

DELEGATE RESOLUTION No. 7—

Introduced by Delegate Derbes:

A RESOLUTION

To adopt the following standing rule of the Constitutional Convention.

January 18—

Read, lies over under the rules. pp. 7, 8

January 19—

Read. pp. 1, 2

Rules suspended. p. 2

Under the rules.

Referred to the Committee on Rules, Credentials and Ethics. p. 2

DELEGATE RESOLUTION No. 8—

Introduced by Delegates Roy, Gauthier and Dennis:

A RESOLUTION

WHEREAS, pursuant to Act 2 of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and

January 18—

Read, R.S., amended, adopted. p. 8

January 31—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 3, 4

DELEGATE RESOLUTION No. 9—

Introduced by Delegate Jenkins:

A RESOLUTION

To provide with respect to the purchase of printing, materials, supplies, equipment and services, except employment, and to provide further with respect thereto.

January 18—

Read.

And under a suspension of the rules placed on the Calendar. p. 8

January 19—

Read. p. 2

Amended. p. 2

Under the rules.

Referred to Executive Committee. p. 2

January 30—

Reported without action. p. 4

Rules suspended. p. 4

Withdrawn from the files of the Convention. p. 4

DELEGATE RESOLUTIONS

DELEGATE RESOLUTION No. 10—

Introduced by Delegate Asseff:
A RESOLUTION

To urge public and private employers in Louisiana to give preference in their employment practices to disabled veterans.

January 18—
Read, R.S. adopted. p. 8

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 4

DELEGATE RESOLUTION No. 11—

Introduced by Delegate Avant:
A RESOLUTION

BE IT RESOLVED that no resolution, memorial or petition be in order unless it is germane to the business of this Convention as such.

January 18—
Read, R.S. adopted. p. 8

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 4

DELEGATE RESOLUTION No. 12—

Introduced by Delegate Shannon:
A RESOLUTION

To commend and express the appreciation of this convention to all persons, groups and organizations for assistance during the organizational period of the convention.

January 18—
Read, R.S. adopted. p. 8

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 4

DELEGATE RESOLUTION No. 13—

Introduced by Delegate Guarisco:
A RESOLUTION

To direct the Chairman and the Executive Committee of the 1973 Constitutional Convention to furnish each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.

January 18—
Read, R.S., amended, adopted. pp. 8, 9

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 4

DELEGATE RESOLUTION No. 14—

Introduced by Delegates Arnette, Sutherland and all delegates to the Constitutional Convention of 1973:
A RESOLUTION

WHEREAS, pursuant to Act 2 of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and

January 18—
Read, R.S., adopted. p. 9

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 4

DELEGATE RESOLUTION No. 15—

Introduced by Delegate Dennis:
A RESOLUTION

To provide with respect to the functioning of the committees of the Constitutional Convention of 1973.

January 19—
Read, R.S., adopted. p. 1

January 31—

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 4

DELEGATE RESOLUTION No. 16—

Introduced by Delegate Casey and all the delegates to the Convention:

A RESOLUTION

To commend and express the appreciation of the Convention to the Honorable Wade O. Martin, Jr., Secretary of State, for his valuable contributions to the Louisiana Constitutional Convention of 1973.

January 19—
Read, R.S., amended, adopted. pp. 2, 3

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 4, 5

DELEGATE RESOLUTION No. 17—

Introduced by Delegates Abraham, Brien, Champagne, Chatelain, Conroy, Derbes, J. Jackson, Juneau, Landrum, Lanier, Miller, Newton, O'Neill, Reeves, Taylor, Tobias, Triche, Weiss and Zervigon:

A RESOLUTION

WHEREAS, it is the desire of all delegates to the Constitutional Convention of 1973 that all Citizens of the State of Louisiana participate in the drafting of a new Constitution for the State of Louisiana; and

January 30—
Read, R.S., adopted. p. 2

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 5

DELEGATE RESOLUTION No. 18—

Introduced by Delegate Dennis:
A RESOLUTION

To create and establish a composite committee to hold public hearings with respect to matters with which the Louisiana Constitutional Convention of 1973 is concerned.

January 30—
Read, lies over under the rules. p. 2

January 31—
Read, R.S., adopted. p. 1
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 5

DELEGATE RESOLUTION No. 19—

Introduced by Delegate Dennery:
A RESOLUTION

To authorize the Executive Committee of the Louisiana Constitutional Convention to utilize the Division of Administration in purchasing and procuring supplies, equipment and printing for the convention and to provide that the provisions of law relative to the letting of public contracts shall be applicable to the purchase or procurement of supplies, equipment or printing by the convention.

January 30—
Read, R.S., adopted. p. 4

January 31—
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 5

DELEGATE RESOLUTION No. 20—

Introduced by Delegate Asseff:
A RESOLUTION

To require each substantive committee to report to the Convention any portion or portions of the constitution that have been omitted and to indicate clearly and specifically all changes that are being proposed.

July 5—
Read, lies over under the Rules. p. 4

CONSTITUTIONAL CONVENTION CALENDAR

<p>July 6— Read. Under the rules. Referred to the Committee on Style and Drafting. p. 51</p>	<p>July 14— Read. Withdrawn from the files of the Convention. p. 2</p>
<p>DELEGATE RESOLUTION No. 21— Introduced by Delegate Brown: A RESOLUTION To send best wishes to the members of the Constitutional Convention of Louisiana of 1921 still living and request their assistance and advice.</p> <p>July 5— Read, lies over under the rules. p. 4</p> <p>July 6— Read, R.S., adopted. p. 51 Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 56</p>	<p>DELEGATE RESOLUTION No. 25— Introduced by Delegate O'Neill: A RESOLUTION Relative to the time for convention meetings.</p> <p>July 6— Read, lies over under the rules. p. 55</p> <p>July 11— Read. p. 2 Under the rules. Referred to the Committee on Rules, Credentials and Ethics. p. 3</p>
<p>DELEGATE RESOLUTION No. 22— Introduced by Delegate Stovall: A RESOLUTION To amend and readopt Paragraph B of Rule No. 62 of the Standing Rules of the Constitutional Convention, relative to the notice required for committee meetings.</p> <p>July 5— Read, lies over under the rules. p. 4</p> <p>July 6— Read. Under the rules. Referred to the Committee on Rules, Credentials and Ethics. p. 51</p> <p>July 13— Reported unfavorably. pp. 1, 2</p> <p>July 14— Read. Withdrawn from the files of the Convention. p. 2</p>	<p>DELEGATE RESOLUTION No. 26— Introduced by Delegates Juneau, Fayard, Casey and Kelly: A RESOLUTION Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.</p> <p>July 13— Read, lies over under the rules. p. 1</p> <p>July 14— Read. Under the rules. Referred to the Committee on Rules, Credentials and Ethics. p. 1</p> <p>July 19— Reported favorably. p. 1</p> <p>July 20— Read, ordered engrossed and passed to its third reading. p. 3</p>
<p>DELEGATE RESOLUTION No. 23— Introduced by Delegates O'Neill, Thistlethwaite and Corne: A RESOLUTION Amending Rule Nos. 3 and 36 of the Standing Rules of the Constitutional Convention to provide for greater independence of delegate voting.</p> <p>July 5— Read. Rules suspended. Under the rules. Referred to the Committee on Rules, Credentials and Ethics. p. 4</p> <p>July 6— Read. p. 50 Reported unfavorably. p. 50 Withdrawn from the files of the Convention. p. 50</p>	<p>August 1— Read, adopted. By a vote of 88 yeas, 21 nays. p. 6</p> <p>August 2— Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 9</p>
<p>DELEGATE RESOLUTION No. 24— Introduced by Delegate Abraham: A RESOLUTION Relative to explanation of Substantive Committee Proposals.</p> <p>July 6— Read, lies over under the rules. p. 50</p> <p>July 11— Read. Under the rules. Referred to the Committee on Rules, Credentials and Ethics. p. 2</p> <p>July 13— Reported unfavorably. p. 2</p>	<p>DELEGATE RESOLUTION No. 27— Introduced by Delegate Brown: A RESOLUTION To extend greetings and commendations to the surviving delegates of the Louisiana Constitutional Convention of 1921 and to request their assistance and advice in the work of this convention.</p> <p>July 13— Read, lies over under the rules. p. 9</p> <p>July 14— Read. Under the rules. Referred to the Committee on Rules, Credentials and Ethics. p. 1</p> <p>August 2— Reported favorably. p. 1</p> <p>August 3— Read, ordered engrossed and passed to its third reading. p. 1</p> <p>August 10— Read, adopted. p. 2 Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 21</p>

DELEGATE RESOLUTIONS

DELEGATE RESOLUTION No. 28—

Introduced by Delegates Asseff, Lennox, Miller, Plan-
chard, Wisham and Anzalone:

A RESOLUTION

Relative to reports of substantive committees.

July 14—

Read.
Rules suspended.
Under the rules.
Referred to the Committee on Rules, Credentials and
Ethics. p. 6

August 2—

Reported unfavorably. p. 1

August 3—

Read.
Withdrawn from the files of the Convention. p. 1

DELEGATE RESOLUTION No. 29—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 45 of the Standing Rules of the Con-
stitutional Convention to provide for adoption of pro-
posals by subsection or paragraph rather than by section.

July 18—

Read, lies over under the rules. p. 4

July 19—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and
Ethics. p. 2

July 26—

Reported with amendments. p. 1

July 27—

Amendments adopted. p. 2
Read, ordered engrossed and passed to its third reading.
p. 2

August 1—

Read, rejected.
By a vote of 40 yeas, 65 nays. p. 7

DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Con-
stitutional Convention to require that amendments to
proposals be germane.

July 18—

Read, lies over under the rules. p. 4

July 19—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and
Ethics. p. 2

July 26—

Reported favorably. p. 1

July 27—

Read, ordered engrossed and passed to its third reading.
p. 2

August 1—

Read, amended, adopted.
By a vote of 93 yeas, 6 nays. p. 7

August 2—

Enrolled, read and signed by the Chairman of the Con-
vention and attested by the Secretary of the Convention. p. 10

DELEGATE RESOLUTION No. 31—

Introduced by Delegate Burson:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of

the Constitutional Convention, relative to limits on de-
bate.

July 19—

Read, lies over under the rules. p. 1

July 20—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and
Ethics. p. 2

July 26—

Reported without action. p. 1

July 27—

Read.
Withdrawn from the files of the Convention. p. 2

DELEGATE RESOLUTION No. 32—

Introduced by Delegates Gravel, Lanier, Jack and Newton:

A RESOLUTION

To amend and readopt Rule No. 46 of the Standing Rules
of the Constitutional Convention to provide that floor
amendments be distributed one calendar day before in-
troduction.

July 20—

Read, lies over under the rules. p. 8

July 25—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and
Ethics. p. 2

DELEGATE RESOLUTION No. 33—

By Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the
Rules of Procedure.

July 25—

Read, lies over under the rules. p. 12

July 26—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and
Ethics. p. 2

August 2—

Reported with amendments. p. 1

August 3—

Amendments adopted. p. 2
Read, ordered engrossed and passed to its third reading.
p. 2

August 10—

Read, adopted. p. 2
By a vote 92 yeas, 3 nays. p. 2
Enrolled, read and signed by the Chairman of the Con-
vention and attested by the Secretary of the Convention. p. 21

DELEGATE RESOLUTION No. 34—

Introduced by Delegate Asseff:

A RESOLUTION

To amend Rule No. 76 relative to the previous question.

July 26—

Read, lies over under the rules. p. 1

July 27—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and
Ethics. p. 1

August 2—

Reported unfavorably. p. 1

CONSTITUTIONAL CONVENTION CALENDAR

August 3—

Read.
Withdrawn from the files of the Convention. p. 2

DELEGATE RESOLUTION No. 35—

Introduced by Delegate Tobias:
A RESOLUTION

To amend the Standing Rules of the Constitutional Convention.

August 10—

Read, lies over under the rules. p. 20

August 15—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 36—

Introduced by Delegate Segura:
A RESOLUTION

To amend Rule No. 33 and Rule No. 36 of the Standing Rules of the Constitutional Convention and to allow proxy voting under certain conditions.

August 10—

Read, lies over under the rules. p. 21

August 15—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 2

September 13—

Reported unfavorably. p. 1
Rules suspended.
Withdrawn from the files of the Convention. p. 2

DELEGATE RESOLUTION No. 37—

Introduced by Delegate Burson:
A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule to require committee action on any proposed new Section to a Committee Proposal.

August 15—

Read, lies over under the rules. p. 10

August 16—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

September 13—

Reported unfavorably. p. 1
Rules suspended.
Withdrawn from the files of the Convention. p. 2

DELEGATE RESOLUTION No. 38—

Introduced by Delegate Burson:
A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to prohibit amendments in conflict with Sections previously adopted by the convention.

August 15—

Read, lies over under the rules. p. 10

August 16—

Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

September 13—

Reported unfavorably. p. 1
Rules suspended.
Withdrawn from the files of the Convention. p. 2

DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:
A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Constitutional Convention to provide that delegates not voting, rather than absentees, shall be listed separately.

August 18—

Read, lies over under the rules. p. 1

August 22—

Read. p. 1
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

September 13—

Reported favorably. p. 1
Rules suspended.
Read, ordered engrossed and passed to its third reading. p. 2

September 15—

Read, adopted. p. 1
By a vote of 94 yeas, 12 nays. p. 1
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 6

DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:
A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of the Standing Rules of the Constitutional Convention to require that the recommendations of the Committee on Style and Drafting on proposals adopted be submitted to the substantive committee involved prior to report to the convention.

August 18—

Read, lies over under the rules. p. 10

August 22—

Read. p. 1
Under the rules.
Referred to the Committee on Rules, Credentials, and Ethics. p. 1

September 13—

Reported favorably. p. 1
Rules suspended.
Read, ordered engrossed and passed to its third reading. p. 2.

September 15—

Read, adopted. p. 1
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 6

DELEGATE RESOLUTION No. 41—

Introduced by Delegate O'Neill:
A RESOLUTION

To provide for the submission of an alternative proposal relative to the method of selecting the commissioner of agriculture.

August 24—

Read, lies over under the rules. p. 1

August 28—

Read. p. 1
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 42—

Introduced by Delegate O'Neill:
A RESOLUTION

To provide for the submission of an alternative proposal relative to the method of selecting the commissioner of elections.

DELEGATE RESOLUTIONS

August 24—
Read, lies over under the rules. p. 1

August 28—
Read. p. 1
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 43—
Introduced by Delegate O'Neill:
A RESOLUTION
To provide for the submission of an alternative proposal relative to the method of selecting the commissioner of insurance.

August 24—
Read, lies over under the rules. p. 1

August 28—
Read. p. 1
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 44—
Introduced by Delegate O'Neill:
A RESOLUTION
To provide for the submission of alternative proposals relative to the method of selecting the commissioner of agriculture, the commissioner of elections, and the commissioner of insurance.

August 24—
Read, lies over under the rules. p. 1

August 28—
Read. p. 1
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 45—
Introduced by Delegate Warren:
A RESOLUTION
To provide for the submission of an alternative proposal relative to the method of selecting the superintendent of education.

August 28—
Read, lies over under the rules. p. 1

August 29—
Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 46—
Introduced by Delegate Asseff:
A RESOLUTION
To provide for the submission of an alternate provision relative to the appointment, merger, or consolidation of certain officials in the executive branch of government.

September 5—
Read, lies over under the rules. p. 1

September 6—
Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 47—
Introduced by Delegate Asseff:
A RESOLUTION
To provide for the submission of an alternate provision relative to the appointment, merger, or consolidation of certain officials in the executive branch of government.

September 5—
Read, lies over under the rules. p. 1

September 6—
Read.
Under the rules.
Referred to the Committee on Rules Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 48—
Introduced by Delegate Alexander:
A RESOLUTION
To amend the Standing Rules of the Constitutional Convention to add a new Rule 30.1.

September 8—
Read, lies over under the rules. p. 11

September 12—
Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 1

DELEGATE RESOLUTION No. 49—
Introduced by Delegate Casey and all other delegates to the Convention:
A RESOLUTION
To convey to Delegate Anthony J. Vesich the good wishes of the Convention for a speedy and complete recovery.

December 20—
Read.
Rules suspended, adopted. p. 17
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 17

DELEGATE RESOLUTION No. 50—
Introduced by Delegate O'Neill:
A RESOLUTION
To amend the Standing Rules of the Constitutional Convention to add a new Rule 47.1, to provide for the printing of an attestation clause for the proposed draft of the constitution and for the distribution of copies of the proposed draft and to urge and request the governor to take the necessary steps to see that a copy of the Louisiana Constitution of 1974 is exhibited permanently in the state capitol.

January 14—
Read, lies over under the rules. p. 1

January 15—
Read.
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. p. 3

DELEGATE RESOLUTION No. 51—
Introduced by Delegate Avant:
A RESOLUTION
To amend Rule 37.1 of the Standing Rules of the Constitutional Convention to add a Paragraph F to provide for the vote requirement by the people to adopt an alternative to the proposed constitution.

January 16—
Read, lies over under the rules. p. 1

January 17—
Under the rules.
Referred to the Committee on Rules, Credentials and Ethics. pp. 1, 2

DELEGATE RESOLUTION No. 52—
Introduced by Delegate Pugh:
A RESOLUTION
To provide:
(A) For the form and manner for the submission to the electors of the state of a proposed new constitution, together with alternative proposals relating to education, and the delegation of authority relating thereto to the appropriate officers of the convention;

CONSTITUTIONAL CONVENTION CALENDAR

(B) For the use of the facilities and services of boards, commissions, departments and agencies of the state and of the political subdivisions of the state;

(C) With respect to the disbursement of funds appropriated to the convention;

(D) A method of reconvening the convention without per diem for any purpose not prohibited by law; and

(E) For the supremacy of this Resolution over inconsistent actions of the convention.

January 19—

Read, pp. 9, 10

Rules suspended.

Amended, pp. 10, 11, 12, 15, 16, 17, 18, 19

Adopted, p. 19

By a vote of 108 yeas, 15 nays. p. 19

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 55, 56, 57

Style and Drafting Amendments Adopted.

[Const. Art. XIV, Part IV, Sec. 38]

DELEGATE RESOLUTION No. 53—

Introduced by Delegate Denney:

A RESOLUTION

Relative to the printing and distribution of copies of the constitution throughout the state.

January 19—

Read, rules suspended, adopted. p. 23

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 67

DELEGATE RESOLUTION No. 54—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Killy, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the sincere gratitude and appreciation of the constitutional Convention of Louisiana of 1973 to Norma M. Duncan, Director of Research, and her staff for the invaluable services rendered the convention.

January 19—

Read, rules suspended, adopted. pp. 24, 25

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 67

DELEGATE RESOLUTION No. 55—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer,

Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to David Poynter, Chief Clerk, and his staff for the services rendered the convention.

January 19—

Read, rules suspended, adopted. p. 25

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 67, 68

DELEGATE RESOLUTION No. 56—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane Noble, Chief Clerk, Enrolling Room and her staff for the valuable services rendered the convention.

January 19—

Read, rules suspended, adopted. p. 26

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 68

DELEGATE RESOLUTION No. 57—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane French, Chief Clerk, Official Transcript Office and her staff for the valuable services rendered the convention.

January 19—

Read, rules suspended, adopted. p. 26

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 68

DELEGATE RESOLUTIONS

DELEGATE RESOLUTION No. 58—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Legislature of the State of Louisiana.

January 19—

Read, rules suspended, adopted. pp. 26, 27

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 68, 69

DELEGATE RESOLUTION No. 59—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Richard L. Barrios, Jr., Chief Sergeant-At-Arms, and his staff for the services rendered the convention.

January 19—

Read, rules suspended, adopted. p. 27

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 69

DELEGATE RESOLUTION No. 60—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay,

Smith Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the staff personnel serving under the offices of the chairman of the convention and treasurer of the convention for the services rendered the convention.

January 19—

Read, rules suspended, adopted. p. 27

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 69

DELEGATE RESOLUTION No. 61—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To express appreciation to the officials, operators and messengers of South Central Bell Telephone Company for the telephone services provided to the delegates of the Constitutional Convention of Louisiana of 1973.

January 19—

Read, rules suspended, adopted. pp. 27, 28

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 69, 70

DELEGATE RESOLUTION No. 62—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend the members of the news media for their service to the public during the Constitutional Convention of Louisiana of 1973.

January 19—

Read, rules suspended, adopted. p. 28

Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 70

DELEGATE RESOLUTION No. 63—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bliar, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express sincere gratitude and appreciation to the Louisiana AFL-CIO for the use of equipment and workers.

January 19—

Read, rules suspended, adopted, p. 28
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 70

DELEGATE RESOLUTION No. 64—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Louisiana State University and Agricultural and Mechanical College and the Louisiana State University Law School, its dean, faculty, and staff for the use of its facilities.

January 19—

Read, rules suspended, adopted, pp. 28, 29
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 70, 71

DELEGATE RESOLUTION No. 65—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

dy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the individuals who have assisted the convention.

January 19—

Read, rules suspended, adopted, p. 29
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 71

DELEGATE RESOLUTION No. 66—

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carmouche, Casey, Champagne, Chatelain, Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo, De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew, Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot, Fowler, Fulco, Gauthier, Giarrusso, Ginn, Goldman, Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes, Heine, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret, Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez, O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal, Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt, Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss, Willis, Winchester, Wisham, Womack and Zervigon:

A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Honorable Edwin W. Edwards, Governor of the State of Louisiana.

January 19—

Read, rules suspended, adopted, pp. 29, 30
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. pp. 71, 72

DELEGATE RESOLUTION No. 67—

Introduced by Delegates Rayburn, Thompson, Brown, Reeves, Lambert and Nunez:

A RESOLUTION

Relative to the distribution of public information concerning the proposed Louisiana Constitution of 1974.

January 19—

Read.
Rules suspended.
By a vote of 70 yeas, 39 nays.
Adopted, p. 30
Enrolled, read and signed by the Chairman of the Convention and attested by the Secretary of the Convention. p. 72

INDEX
TO
CONVENTION PROPOSALS
AND RESOLUTIONS

**NOTE: Includes all proposals and resolutions submitted for introduction
through Saturday, January 19, 1974**

Committee Proposals — 1-38

Delegate Proposals — 1-103

Committee Resolutions — 1-13

Delegate Resolutions — 1-67

Compiled

by

LOUISIANA LEGISLATIVE COUNCIL

INDEX

	Instru- ment No.	(Sec- tion No.)		ment Instru- No.	tion (Sec- No.)
Assembly, petition	CP 25	(11)	system	CP 9	(1)
	CP 2	(11)		DP 21	(1)
	DP 50		Employment	DP 65	
Civil service employees, political activity	CP 9	(1)	Levee employees	DP 30	(1)
	CP 10	(1)	Municipal system		
	DP 27	(1)	Commission Department, definition	CP 9	(1)
Discrimination	DP 59		Establishment	DP 27	(1)
	DP 74		Members; transition	DP 28	(1)
	CP 25	(3, 7, 12)	Employees	DP 28	(2)
	CP 2	(3, 7)	Fire, police; boards, departments,	DP 56	
Due process of law	CP 25	(2)	Establishment	CP 10	(1)
	CP 2	(2, 22)	State Examiner	CP 10	(1)
	DP 50		Retirement	DP 36	
Equal protection of law	CP 25	(3)	State police officers, supplemental pay	CP 11	(1)
	CP 2	(3)	State system	DP 1	
	DP 48		Commission		
Expression	CP 25	(9)	Definition, department	CP 9	(1)
	CP 2	(9)	Establishment	DP 27	(1)
Fair trials	CP 25	(15)	Members; transition	DP 28	(1)
Felonies			Employees	DP 28	(2)
Grand jury indictment	CP 25	(13)	State examiner of municipal fire,		
Preliminary examination	CP 25	(27)	police civil service	CP 10	(1)
Generally	CP 2		Strikes, prohibition	DP 88	
	DP 50		Unions, monopolistic employment	DP 89	
Habeus corpus	CP 25	(21)	control	DP 90	
	CP 2	(21)			
	DP 50		CLERKS OF COURT (See COURTS)		
Individual dignity	CP 25	(3)	COLLEGES AND UNIVERSITIES		
Inherent rights	DP 50		(See EDUCATION)		
Intrusion	CP 25	(6)	COMMENDATIONS, CONGRATULATIONS		
Judicial review	CP 25	(12)	AND SALUTATIONS (See		
Jury trials	CP 2	(8)	CONSTITUTIONAL CONVENTION)		
	CP 25	(8, 16)	COMMERCE (See BUSINESS AND		
Life, right to; guarantee, exceptions	DP 5		INDUSTRY)		
News reporter, information sources;			COMMISSIONS (See particular subject)		
protection	DP 1		COMMITTEES (See CONSTITUTIONAL		
Petition	DP 50		CONVENTION)		
Physical condition	CP 25	(3)	COMPENSATION (See also particular		
Political activities, party			official, subject)		
Denial prohibited	CP 20	(4)	Unsalaries members; state boards,		
Prohibitions, civil service	CP 33	(5)	commissions, authorities	DP 12	
Press	CP 10	(1)			
Privacy, search, seizure, quarter	CP 25	(5)	CONDOLENCES (See CONSTITUTIONAL		
	DP 79		CONVENTION)		
	CP 2	(5)	CONSERVATION (See NATURAL		
	DP 50		RESOURCES, ENVIRONMENT,		
	CP 35	(8)	WILDLIFE AND FISHERIES,		
Property	CP 2	(4)	AGRICULTURE)		
	CP 25	(4)	CONSTITUTION AND CONSTITUTIONAL		
	DP 74		AMENDMENTS		
	DP 79		Constitution of 1921	CP 38	(1, 2)
Race (See "Discrimination" herein)			Constitutional Amendments		
Redress	DP 50		Enactment of laws to effect	CP 24	(4)
Religious freedom	CP 25	(10)	Procedure	CP 36	(4)
	CP 2	(10)	Proposal		
	DP 50		Number Limitation	DP 20	(1)
	DP 59		Power	CP 1	(4)
	DP 78		Submission	CP 24	(1)
Sex (See "Discrimination," "Women"			Convention	CP 36	(1)
herein)			Call by		
Speech	CP 25	(9)	Legislature		
	DP 50		Composition	CP 24	(2)
Trials	CP 25	(8, 15, 16)	Procedure	CP 36	(2)
	CP 2	(8)	Procedure	CP 24	(2)
Unenumerated	CP 25	(25)	CP 36	CP 36	(2)
	CP 2	(25)			
	DP 50				
Vested rights, property	CP 35	(8)			
Vote	CP 25	(19)			
	CP 2	(19)			
Women					
Favoritism, prohibition	DP 25				
Jury service	DP 13				
CIVIL SERVICE					
City-parish governments; establishment of					

CONSTITUTIONAL CONVENTION CALENDAR

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
People			Rules and Resolutions, committee		
Decennial proposition, 1986			composition	DR 3	
and thereafter	CP 24	(3)	Television facilities, closed circuit	DR 6	
Procedure	CP 24	(3)	Condolences		
	CP 36	(3)	Coleman, Phil	DR 4	
Delegates; dual officeholding,			Harrell, Albert	DR 4	
exclusion	CP 23		Persigo, Paul	DR 4	
Declaration of rights	CP 2		Sirgo, Louis	DR 4	
	CP 25		Distribution of copies	DP 53	
	DP 50		Effective date	CP 38	(25)
Preamble	CP 2		January session		
	CP 25		Delegate actions, swearing in;		
Supremacy	CP 8	(49)	reaffirmation	DR 5	
	CP 17	(30)	Procedure	DR 1, 2	
Transitional provisions	CP 38	(1-26)	New Orleans Tragedy Fund,		
			endorsement	DR 4	
			Resolutions, memorials, petitions;		
			germane	DR 11	
CONSTITUTIONAL CONVENTION OF 1973			Rules		
Administration, Division of; personnel,			Alternative proposals,		
supplies, eservices	DR 19		(Rule No. 37.1)	CR 3, CR 13,	
Commendations, congratulations, and			CR 51	
salutations			Amendments (Rule No. 46)		
AFL-CIO	DR 63		Floor, distribution	CR 32	
Assisting Individuals, organizations	DR 12		Germane	DR 30	
Attorney General Staff	DR 65		New sections		
Barrios, Richard L., Jr.	DR 59		committee referral (Rule		
Chief Clerk's Staff	DR 55		No. 46.1)	DR 37	
Clausen, Gale B.	DR 60		Introduction (Rule No.		
Custodian of Voting Machines Staff	DR 65		45.1)	DR 35	
Delegates, living; 1921 Constitution			Prohibition (Rule No. 45.1)	DR 38	
Convention	DR 21		Attestation (Rule No. 47.1)	DR 50	
Division of Administration	DR 65		Committees		
Duncan, Norma Mayo	DR 54		Meetings, notice while in session		
Edwards, Edwin W.	DR 66		(Rule No. 62 B.)	DR 22	
Enrolling Room Staff	DR 56		Proposals by, Signature of		
Falkner, Jim	DR 65		majority of members (Rule		
Fowler, Douglas	DR 65		No. 40)	CR 8	
French, Jane	DR 57		Style and Drafting,		
Fugler, Roy	DR 60		recommendations; submission		
Guste, William J., Jr.	DR 65		to substantive committee		
Hamlin, Walter B.	DR 8		involved (Rule No. 50)	DR 40	
House of Representatives Staff	DR 65		Daily business, numbering sequence		
Legislature of Louisiana	DR 58		(Rule No. 66)	DR 33	
Louisiana Legislative Council	DR 65		Debate, limits on (Rule No. 30)	DR 31	
Louisiana State University and			CR 10	
Agriculture Mechanical College	DR 64		(Rule No. 30.1)	DR 48	
Louisiana State University Law			Delegates, material distribution		
School	DR 64		Floor amendments		
Martin, Wade O.	DR 16, DR 65		(Rule No. 46)	CR 32	
Messengers	DR 59		Generally (Rule No. 90, 91*)	CR 9	
News Media	DR 62		Duplication equipment, use		
Noble, Jane	DR 56		(Rule No. 90)	CR 9	
Official Transcript Office Staff	DR 57		Lobbying (Rule No. 90)	CR 2	
Poynter, David R.	DR 55		CR 4	
Public Affairs Research Council			DR 26	
of Louisiana	DR 65		DR 7	
Research Staff	DR 54		Minority committee proposals,		
Sanders, Joseph W.	DR 14		introduction (Rule No. 40.1)	CR 7	
Secretary of State Staff	DR 16		Motion, previous question		
	DR 65		(Rule No. 76)	DR 34	
Sergeants-at-Arms	DR 59		Proposals, page numbers		
Shreveport Times	DR 65		(Rule No. 41)	CR 6	
South Central Bell Telephone Co.	DR 61		Public information; journal,		
State Police	DR 65		each parish	DP 67	
Treasurer, Convention; Staff	DR 60		Roll call voting, display		
Vesich, Anthony J.	DR 49		(Rule No. 3)	DR 23	
Committees (See also "Rules" herein)			Standing	CR 1	
Citizen participation	DR 17		Third reading and final passage,		
Composite committee, composition	DR 18		adoption (Rule No. 45)	DR 29	
Duties, Functions; commencing	DR 15		Three readings (Rule No. 44)	CR 5	
Materials, categories for transition to			Voting		
statutes	CR 11, CR 12		Announcement of decision	DR 39	
Reports			In person (Rule No. 36)	DR 23	
Constitutional changes,			DR 36	
omissions	DR 20, 28		Record (Rule No. 81)	DR 29	
Proposal explanations,			Roll call; proxy (Rule No. 33)	DR 36	
chairman	DR 24		Sessions, Schedule	DR 25	

INDEX

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Stationery, delegate	DR 13				
Television facilities, closed circuit	DR 6				
CONSUMER AFFAIRS					
Commissioner	DP 24	(1)			
Education, information councils	DP 49				
CONTRACTS AND CONTRACTORS:					
Contractual obligations, protection.....	CP 2	(23)			
	CP 25	(23)			
	DP 50				
CORONERS					
Election, term, qualifications, duties.....	CP 6	(34)			
	CP 21	(32)			
Powers, home rule charter	CP 17	(8)			
Salary, retirement benefits, reduction.....	CP 21	(34)			
	CP 21	(34)			
Vacancies	CP 6	(35)			
	CP 21	(33)			
CORPORATIONS (See also BUSINESS AND INDUSTRY)					
Authorization, duration, privileges.....	CP 3	(23)			
Convict labor, lease	CP 12	(1)			
Secretary of state, administration of laws	CP 4	(7)			
Stockholding					
Prohibition; state, political sub- divisions	DP 94				
Registration, secretary of state	DP 57				
CORRECTIONAL AND PENAL INSTITUTIONS					
Convict labor, lease	CP 12	(1)			
Pardon, commutation, reprieve, gubernatorial	CP 4	(5)			
Pardons, Board of	CP 4	(5)			
Parishes, reimbursement by state	CP 12	(1)			
	DP 12	(1)			
COURTS					
Accessibility	CP 2	(22)			
	CP 25	(22)			
Appeal, Courts of					
Certifications to Supreme Court.....	CP 6	(11)			
	CP 21	(11)			
Circuits, panels	CP 6	(8, 9)			
	CP 21	(8, 9)			
	DP 32				
Election	CP 6	(9)			
	CP 21	(9)			
Generally	CP 6	(1, 8-13)			
	CP 21	(1, 8-13)			
Jurisdiction	CP 6	(10)			
	CP 21	(10)			
Membership, terms, election, chief judges, duties	CP 6	(8, 9, 12)			
	CP 21	(8, 9, 12)			
Staff	CP 6	(13)			
	CP 21	(13)			
Terms	CP 6	(8)			
	CP 21	(8)			
	DP 41				
City Courts					
Generally	CP 6	(19)			
	CP 21	(15)			
Judges, terms	CP 21	(15.1)			
Clerks of Court (See also "Supreme Court", "Courts of Appeal" herein)					
Election, powers, duties, staff	CP 6	(33)			
	CP 21	(31)			
Powers; home rule charter	CP 17	(8)			
Salary, retirement benefits; reduction	CP 6	(36)			
	CP 21	(34)			
	CP 21	(33)			
Vacancies	CP 6	(35)			
Women, jury service; written declaration, filing	DP 13				
Contempt, power limitation	CP 6	(2)			
	CP 21	(2)			
Court system, financing	DP 33	(8, 9)			
District Courts (See also "Orleans Parish" herein)					
Districts, terms, chief judges.....	CP 6	(14, 15, 17)			
	CP 21	(14, 15, 17)			
	DP 40				
	DP 61				
Generally	CP 6	(1, 14- 17)			
	CP 21	(1, 14- 17)			
Jurisdiction	CP 6	(18)			
	CP 21	(16)			
Property, assessment; questioning ..	CP 26	(1)			
Evidence, preservation	CP 21	(30)			
Family Courts					
Appeal, Courts of; jurisdiction	CP 6	(10)			
	CP 21	(10)			
Establishment, abolition, merger, retention	CP 6	(19)			
	CP 21	(15)			
Jurisdiction, legislative provision....	CP 21	(18)			
Judges (See also particular court herein)					
Courts of record, certain removal immunities	CP 3	(25, 26, 27)			
Generally	CP 6	(2, 23- 27)			
	CP 21	(2, 21- 25)			
Qualifications, limitations	CP 6	(26)			
	CP 21	(24)			
Recall	CP 8	(27)			
Retirement	CP 6	(25)			
	CP 21	(23)			
	DP 45				
Salary, retirement benefits; reduction	CP 21	(34)			
Term, compensation decrease	CP 6	(23)			
	CP 21	(21)			
Vacancies	CP 8	(13)			
	CP 6	(24)			
	CP 17	(15)			
	CP 21	(22)			
Writs, orders, process; issuance	CP 6	(2)			
Judiciary Commission	CP 6	(27)			
	CP 21	(25)			
Judicial system financing	DP 33				
Juries and Jurors					
Grand Juries					
Criminal charges, proceedings.....	DP 62				
	DP 93				
Generally	CP 6	(39)			
	CP 21	(37)			
	DP 62				
	DP 93				
Indictment, proceedings	CP 2	(13, 14)			
	CP 25	(13, 14)			
Qualifications, selection	CP 6	(38)			
	CP 21	(36)			
Selection, women jurors	DP 13				
Jury trials					
Certain civil cases	CP 2	(8)			
	CP 25	(8)			
Criminal cases	DP 75				
Justices of the Peace	CP 6	(21)			
	CP 21	(19)			
Juvenile Courts					
Appeal, Courts of; jurisdiction	CP 6	(10)			
	CP 21	(10)			
Establishment, abolition, merger, retention	CP 6	(19)			
	CP 21	(15)			
Generally	CP 6	(18, 19)			
	CP 21	(15, 18)			

INDEX

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Elementary and secondary education			Legislation increasing local expendi- tures -----	DP 3	
Curricula; Board of Regents, coordinating responsibilities -----	CP 7	(7)	Parish, creation -----	DP 8	(9)
Funding -----	DP 54	(4.1)		DP 92	(5)
Instruction materials, books -----	DP 54	(4.2)		DP 53	(9)
State Board of				DP 54	(7)
Existing school boards, systems; supervision -----	CP 7	(13)		CP 7	(12)
	DP 92	(6)	Powers; home rule charter -----	CP 17	(8)
Ouachita Parish and Monroe City School Systems; board membership -----	CP 7	(13)	Sales tax, authorization -----	CP 8	(35)
Functions, membership, terms -----	CP 7	(3)	Superintendents; creation, selection	DP 54	(7)
	DP 92	(3)		CP 7	(12)
Parish superintendent; qualifications, duties -----	CP 7	(12)		DP 92	(5)
	DP 92	(5)		DP 8	(9)
Racial balance -----	CP 7	(10)	State Board of Education		
State Board of Education members, transitional membership -----	CP 30	(3)	Boards, other; transitional member- ship -----	CP 30	(3)
Superintendent of Public Education			Composition -----	DP 53	(3, 4)
Appointment -----	DP 92	(2)		DP 8	(3)
Secretary, officer, duties -----	CP 7	(3)	State Department of Education -----	DP 53	(6)
Vacancies, election -----	CP 7	(4)		DP 8	(6)
Finance -----	CP 7	(14-16)	State Public School Fund -----	CP 7	(16)
	DP 8	(15)	Superintendent, Public Education (See also PUBLIC OFFICIALS: Statewide elected)		
	DP 92	(7-9)	Generally -----	CP 7	(3)
	DP 10	(3)		DP 8	(4, 5)
	DP 54	(4, 9, 4.1, 4.2)		CP 4	
	DP 53	(15)		DP 92	(2)
Higher Education (See "Colleges and Universities" herein)			Selection -----	DP 53	(3)
Private Schools			Superintendent (See SCHOOL BOARDS herein)		
Appropriations, prohibition -----	DP 66		Teachers		
	DP 92	(9)	Dual office holding -----	CP 23	
Approval -----	DP 8	(8)	Qualifications, certification -----	DP 53	(7)
	DP 54	(6)		DP 8	(7)
	DP 53	(8)	State board of elementary and secondary education -----	CP 7	(5)
	DP 92	(4)	Tidelands revenues, allocations -----	CP 16	(4)
	CP 7	(6)		CP 34	(9)
Public Education Board			Universities (See COLLEGES AND UNIVERSITIES herein)		
Duties -----	DP 8	(4)	Vocational-technical training, post- secondary (See COLLEGES AND UNIVERSITIES herein)		
	DP 53	(3, 7, 8)			
Membership, compensation, vacancies -----	DP 8	(16)	ELECTIONS		
	DP 53	(5, 16)	Agriculture commissioner -----	CP 16	(5)
Public education finance -----	DP 54	(4, 9)		CP 34	(11)
	DP 53	(15)		DR 41	
	DP 10	(3)		DR 44	
Public education system			Appeal, Courts of; judges -----	CP 6	(8, 9)
Generally -----	CP 7	(1, 2)		CP 21	(9, 24)
	DP 8	(1, 2)	Assessors -----	CP 26	(8)
	DP 10	(1)	Attorney General -----	CP 6	(28)
	DP 54	(2)	Candidacy, public office; denial prohibited -----	CP 20	(6)
	DP 53	(2)		CP 33	(7)
	DP 92	(1)	City Courts; establish, abolish, merge	CP 21	(15)
	DP 9		Code, legislative enactment -----	CP 20	(16)
Retirement, Survivor's Benefits -----	CP 11	(1)		CP 33	(1, 17)
Regents, Board of -----	CP 7	(7-10)	Commissioner (See also PUBLIC OFFICIALS: Statewide elected) -----	CP 4	(1, 3, 12)
	DP 8	(11-14, 16)		DR 42	
	DP 53	(11, 12, 14, 16)		DR 44	
School Board, Districts				CP 33	(12)
Bonded indebtedness, limitations -----	CP 8	(38)		CP 38	(20)
Consolidation; legislation, voter ap- proval -----	CP 7	(13)	Constitutional amendments		
	DP 54	(8)	Generally -----	DP 14	
	DP 92	(6)	Procedure -----	CP 24	(1)
Existing, recognition -----	CP 7	(13)	Consumer affairs commissioner -----	DP 24	(1)
	DP 8	(9, 10)	Contest of; enactment of judicial determination -----	CP 20	(14)
	DP 54	(8)		CP 33	(15)
	DP 92	(6)	Coroners -----	CP 6	(34)
	DP 53	(10)		CP 21	(32)

CONSTITUTIONAL CONVENTION CALENDAR

	Instru- ment No.	(Sec- tion No.)
District Courts; establish, abolish, merge; judges -----	CP 6 CP 21	(15) (15, 28)
Education board members, state -----	CP 30	(3)
Education, superintendent of -----	CP 7 DR 45	(3)
Elementary and Secondary Education, State Board of; certain members ----	CP 7 DP 92	(3) (3)
Family Court; establish, abolish, merge	CP 21	(15)
Fraud -----	CP 20	(15)
Generally -----	CP 33 CP 33	(16) (1) (1)
Initiative; reserved power, procedures, enactment, limitations, provision execution -----	CP 1	(4-10)
Insurance commissioner -----	DR 43 DR 44	
Judges -----	CP 6 CP 21	(24) (22, 24)
Juvenile Courts Establish, abolish, merge -----	CP 6 CP 21	(19) (15)
Orleans Parish -----	CP 21	(35)
Laws, schedules, elector privilege from arrest -----	DP 6	
Levee districts, tax increase -----	CP 8 CP 17	(44) (45)
Local government Bonds, contesting; limited period----	CP 8 CP 17	(39) (41)
Call, conduct, canvass returns -----	CP 8 CP 17	(28) (26)
Change of parish line -----	CP 8 CP 17	(2) (2)
Charter, home rule -----	CP 8 CP 17	(8) (8)
Commission, home rule charter -----	CP 8 CP 17	(8) (8)
Incorporation of municipalities, home rule parish -----	CP 8 CP 17	(9) (11)
Municipalities Civil Service -----	DP 27	(1)
Millage rates, increase -----	CP 8 CP 17	(31) (32)
Officials Selection -----	CP 8 CP 17 CP 17	(12) (13) (13)
Vacancies, appointments -----	CP 8 CP 17 CP 17	(13) (15) (18)
Parish seat change -----	CP 8 CP 17	(4) (4)
Sales tax, authorization -----	CP 8 CP 17	(35) (34)
Special districts -----	CP 8 CP 17	(18) (18)
Special taxes, public improvements----	CP 8 CP 17	(32) (36)
Parishes Boundary change -----	CP 8 CP 17	(2) (1, 2)
Courts, establish, abolish, merge----	CP 6 CP 21	(19, 20) (15)
Millage rates increases -----	CP 8	(30)
Orleans, certain officials -----	CP 6 CP 21	(37) (35)
Seat change -----	CP 8 CP 17	(4) (4)
Superintendent of schools -----	CP 7	(12)
Primary, open -----	DP 73 DP 81	
Privilege from arrest; exception-----	CP 20 CP 33	(5) (6)
Public Education Board -----	DP 8 DP 53	(4) (5)
Public funds; use prohibited -----	CP 20 CP 33	(9) (10, 18)

	Instru- ment No.	(Sec- tion No.)
Public Service Commission -----	CP 5 CP 16 DP 19	(1) (10) (1, 3)
Qualifications, residence -----	DP 68 CP 20	
Recall -----	CP 20 CP 33	(3) (4)
Regents, Board of -----	CP 3 CP 8	(26) (27)
Registrar of voters Appointment -----	DP 53 CP 20 CP 33	(11) (10) (11)
Service as; prohibition, conditions----	CP 20 CP 33	(10) (11)
Registration Denial of; contest -----	CP 20 CP 33	(13) (2)
Procedure -----	DP 69	
Returns Secretary of state -----	CP 20 CP 33	(12) (13)
Statewide executive officials -----	CP 4	(3)
Rolls, removal of names, denial; contest	CP 20	(13)
School system consolidation -----	CP 7 DP 54 DP 92	(13) (8) (6)
Secretary of state; chief elections officers, election law administrator -----	CP 4 CP 7	(7) (3)
Superintendent of Public Education----	DR 45	
Supreme Court, judges -----	CP 6	(4)
Tax assessors -----	CP 26	(8)
Terms, limitations; four years -----	CP 20 CP 33	(8) (9)
Vacancies, statewide elective officials----	CP 4	(16)
Vacancies, statewide elective officials----	CP 4	(16)
Voting and Voters Commissioners Dual officeholding, excluded ----	CP 23	
Poll watcher; selection -----	CP 20 CP 33	(1) (12)
Highest number cast -----	CP 33 CP 2	(8) (19)
Qualifications, rights -----	CP 25 CP 33	(19) (3)
Proxy voting -----	CP 20	(13)
Registration -----	CP 33 DR 69	(14) (14)
Secret balloting -----	CP 20	(2)
Viva voce -----	CP 33 CP 33	(3) (3)
EMPLOYMENT AND EMPLOYEES (See CIVIL SERVICE, LABOR)		
ENVIRONMENT AND ENVIRONMENTAL CONTROL (See also NATURAL RE- SOURCES, AGRICULTURE, WILDLIFE AND FISHERIES, WATER AND WATER DISTRICTS, BUSINESS AND INDUSTRY)		
Generally -----	CP 16 CP 34	(6) (1)
Junkyards, highway areas; control ----	DP 4	
Outdoor advertising, highway areas; control -----	DP 4	
EQUAL RIGHTS (See CIVIL RIGHTS)		
ETHICS Board, creation -----	CP 4 CP 22	(20) (20)
Codes, legislative enactment -----	CP 3 CP 4 CP 22	(8) (20) (20)
Legislature -----	CP 3	(8)
State employees, elected officials -----	CP 4	(20)

INDEX

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
EXECUTIVE DEPARTMENT (See also particular official, subject)					
Alternative proposal	DP 97		Tideland revenues	CP 16	(4)
Compensation, non-salaried commissioners	DP 12		Bond Commission, State; membership, authority	CP 15	(10)
Generally	CP 4		Bond Security and Redemption Fund	CP 15	(11)
	CP 5		Budgets		
	DP 67		Capital	CP 4	(5)
Governmental power division, limitations	CP 1	(1, 2)	Estimate, general appropriation bill, capital outlay program	CP 15	(13)
	CP 35	(1, 2)	Operating	CP 4	(5)
Reorganization	CP 4	(22, 23)	Capital improvements	CP 15	(7)
	CP 19	(1)	Education	CP 7	(14-16)
	DR 46		Federal funds		
	DR 47		Legislation	CP 15	(18)
	DP 29		Interim Emergency Board	CP 15	(8)
	DP 51		Liquidation of State Debt, Board of	CP 16	(4)
	DP 52		Public funds		
EXPROPRIATION (See PROPERTY)			Custody, investment, disbursement; treasurer	CP 4	(9)
			Elections, use prohibited	CP 20	(8)
			Management; donation, loan, credit pledge	CP 33	(8, 10)
			Revenue sharing		
			Distribution of funds	CP 26	(7)
			Fund	CP 26	(6)
			Royalty Road Fund	CP 16	(2, 4)
			State funds		
			Collection, deposit	CP 15	(11)
			Expenditure	CP 15	(12)
			Investment	CP 15	(15)
			Loans, credit, donations	CP 15	(16)
			Management	CP 15	(13-16)
			Public records	CP 15	(14)
			State Public School Fund	CP 7	(16)
			Taxes and taxation (See also ASSESSORS herein)		
			Ad valorem tax		
			Alternative proposal	DP 101	
			Bonds, general obligation	CP 8	(38)
			Generally	CP 17	(40)
			DP 91		(1-10)
			DP 95		(1-4)
			Local government		
			Authority	CP 8	(33)
			Full faith and credit	CP 17	(37)
			Millage adjustment	CP 8	(36)
			Municipal levy	CP 17	(38)
			Parish levy	CP 8	(5)
			Parish school boards	CP 8	(31)
			State rate	CP 17	(32)
			Schedule	CP 8	(30)
			Timber	CP 17	(31)
			State rate	CP 7	(16)
			Schedule	CP 26	(2)
			Timber	CP 38	(29)
			Collection	CP 15	(4)
			Sheriff	CP 15	(3)
			Exemptions	CP 6	(32)
			Existing taxes, protection	CP 26	(3)
			Generally	DP 55	
			DP 91		(8)
			DP 95		(3)
			CP 38		(6, 24)
			CP 15		(1-5, 12, 17)
			Graduated rates	CP 15	(4)
			Homestead exemption	CP 26	(3)
			Income tax	DP 16	(1, 2, 3)
			Federal; state deduction	CP 15	(4)
			Legislation, consideration; odd-numbered years	DP 21	(1)
			Levee districts; certain property	CP 3	(2)
			DP 30		(44)
			CP 17		(2)
			CP 17		(45)
			Motor vehicle license tax	CP 15	(5)

CONSTITUTIONAL CONVENTION CALENDAR

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Occupational license tax	CP 8	(34)	Trustees, Board of	CP 7	(8)
	CP 17	(33)	Wildlife and Fisheries Commission	CP 16	(7)
Political subdivisions	CP 15	(4)	Budget preparation	CP 4	(5)
Power to tax, limitations	CP 15	(1, 2, 4)	Budget submission, legislature	CP 15	(13)
Property exemptions	CP 26	(3)	Charters, home rule; petitions	CP 8	(9)
	DP 55			CP 17	(11)
	DP 91	(8)	Commander-in-chief, state armed forces	CP 4	(5)
	DP 95	(3)	Compensation	CP 4	(4)
Property tax (See AD VALOREM TAX herein)			Convention, constitutional, delegates, appointment	CP 24	(2)
Public improvement	CP 8	(32)	Proclamation	CP 24	(2)
	CP 17	(36)	Election	CP 4	(3)
Refund	CP 15	(3)	Election, special call		
Revenues, control	DP 60		Judgeships	CP 6	(24)
Sales tax, local government	CP 8	(35)		CP 21	(22)
	CP 17	(34)	Elementary and Secondary Education, State Board of; certain members, initial terms	CP 7	(3)
Severance tax	CP 15	(4)	Executive branch	CP 4	(1)
Special taxes			Generally	DP 28	
Levy continued	CP 8	(32)	Reorganization	CP 19	(1)
	CP 17	(36)		CP 31	(1)
Tax Sales; Redemption of Property	CP 26	(9)		CP 52	
Tideland revenues	CP 16	(4)	Highways, Board of	DP 26	
FINANCIAL INSTITUTIONS			Initiative election, special call	CP 1	(7)
Banks			Interim Emergency Board, member	CP 15	(8)
Investment of state funds	CP 16	(4)	Legislation; receipt, signing, veto	CP 3	(20)
Limitations	CP 35	(9)		CP 4	(5)
FIREMEN, Civil Service (See CIVIL SER- VICE, Municipal)			Legislative removal immunity	CP 3	(25, 26)
FORESTRY (See NATURAL RESOURCES)			Legislative session call, extraordinary	CP 3	(2)
			Pardon; commutation, reprieve, remission	CP 4	(5)
-G-				DP 63	
GAMBLING			Powers, duties	CP 4	(5)
Futures, agricultural products; articles of necessity; prohibition	DP 7		Qualifications	CP 4	(2)
Lotteries, prohibition	DP 7		Removal of appointed officials	CP 4	(5)
	DP 17			CP 9	(1)
GAS (See NATURAL RESOURCES)			Term of office		
GOVERNMENT; origin, purpose	CP 25	(1)	Alternative proposal	DP 100	
GOVERNMENTAL REORGANIZATION (See REORGANIZATION, GOVERNMENTAL)			Length, number	CP 4	(3)
GOVERNOR			Treasurer's report	CP 4	(9)
Absence, procedure	CP 4	(21)	Vacancy, succession procedure	CP 4	(14)
Appointments (See also VACANCIES herein)			Vacancies, filling of		
Agriculture commissioner	DR 41		Elected public officials	CP 4	(17)
	DR 44		Elementary and Secondary Educa- tion, State Board of	CP 7	(3)
Education board members, state; notification	CP 30	(2)		DP 92	(3)
Education superintendent	DR 45		Library, state; board of commissioners	DP 64	
Elections commissioner	DR 42		LSU Board of Supervisors	CP 7	(9)
	DR 44		Office, suspension due to impeach- ment proceeding	CP 3	(24)
Elementary and Secondary Education, State Board of	CP 7	(3)	Public Education Board	DP 53	(16)
Forestry Commission	CP 16	(8)	Regents, Board of	CP 7	(7)
Generally	CP 4	(5)		DP 53	(16)
Highway board	DP 4		Superintendent of Public Education	CP 7	(4)
	DP 26		Trustees, Board of	CP 7	(8)
Insurance commissioner	DR 43		Veto powers		
	DR 44		Executive reorganization	CP 19	(1)
Library, state, board of commis- sioners	DP 64			CP 31	(1)
LSU Board of Supervisors	CP 7	(9)	Generally	CP 3	(20)
	CP 30	(2)		CP 4	(5)
Pardons, Board of	CP 4	(5)	-H-		
Public Education Board	DP 8	(4)	HANDICAPPED PERSONS, physically	CP 25	(3)
	DP 53	(5)	HEALTH, Public		
Public Service Commission	DP 19	(1)	Environment	CP 16	(6)
Regents, Board of	CP 7	(7)		CP 34	(1)
	DP 8	(11)	System	CP 14	(1)
	CP 30	(1)	HIGHER EDUCATION (See EDUCATION: Colleges and Universities)		
	DP 53	(11)	HIGHWAYS, BRIDGES AND ROADS		
State civil service commission	CP 9	(1)	General highway fund	DP 4	
	DP 27	(1)	Highway department, board; officers, membership, duties	DP 4	
	DP 28	(1)		DP 26	

INDEX

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Royalty Board Fund	CP 16	(2)	LEGISLATIVE AUDITOR		
State highway, bridge system	DP 4		Election, duties	CP 3	(10)
HISTORICAL PRESERVATION (See ART, HISTORICAL AND CULTURAL PRESERVATION)			Interim Emergency Board, member.....	CP 15	(8)
HOMESTEAD EXEMPTIONS (See PROPERTY)			Suits; certain law enforcement officers, survivors	CP 11	(1)
-I-			Transition	CP 38	(13)
IMPEACHMENT (See LEGISLATURE AND LEGISLATORS, PUBLIC OFFICIALS)			LEGISLATURE AND LEGISLATORS		
INDUSTRY (See BUSINESS AND INDUSTRY)			Adjournment	CP 3	(9)
INITIATIVE (See ELECTIONS)			Agriculture commissioner; powers, duties	CP 16	(5)
INSURANCE, Commissioner (See also PUBLIC OFFICIALS: Statewide elected) ..	CP 4	(1, 3, 11)	Alternative proposal	DP 103	
	DR 43		Appeal, Courts of; circuits, districts, number of judges	CP 6	(9, 10)
	DR 44			CP 21	(9)
				DP 32	
INTERGOVERNMENTAL RELATIONS			Appropriation		
Levee Districts			Civil Service		
Adjoining states	CP 8	(46)	State examiner	CP 10	
	CP 17	(47)	State system	CP 9	
U. S. Government	CP 8	(47)		DP 27	(1)
	CP 17	(48)	Educational purposes	CP 7	(14-16)
Local government, generally	CP 8	(26)		DP 54	(9)
	CP 17	(23)	Exceed anticipated revenues, prohi- bition	DP 23	(1)
-J-			Generally	CP 3	(18)
JUDGES (See COURTS)			Law enforcement officers, survivors.....	CP 11	(1)
JUDICIARY (See also ATTORNEY GEN- ERAL, COURTS)			Private, sectarian schools; prohi- bition	DP 66	
Generally	CP 6		State police supplemental pay	DP 1	
	CP 21		Assessment; agricultural, horticultural, marsh, timber lands; certain historical buildings	CP 26	(1)
Governmental power division, limita- tions	CP 1	(1, 2)	Assessors; duties, compensation, election.....	CP 26	(8)
	CP 35	(1, 2)	Bicameral unit	CP 3	(1)
Judicial system, financing	DP 33		Bond Commission, State; membership, authority	CP 15	(10)
Judiciary Commission			Bond issuance, indebtedness; authoriza- tion, limitations	CP 15	(7, 9, 17)
Generally	CP 6	(27)	Budget, submission	CP 15	(13)
	CP 21	(25)	Capital outlay program	CP 15	(13)
Transition	CP 38	(15)	Civil service, parishes, municipalities; establishment	CP 9	(1)
Justice, Department of	CP 6	(28)		CP 10	(1)
	CP 4	(8)	Clerical officers	CP 3	(6)
JURIES AND JURORS (See COURTS)			Commerce, regulation	CP 2	(24)
JUSTICE, DEPARTMENT OF (See ATTOR- NEY GENERAL, JUDICIARY)			Compensation, unsalaried members; state boards, commissions, authorities	DP 12	
-L-			Constitutional amendments		
LABOR			Approval	DP 14	
Arbitration			Enact laws to effect	CP 24	(4)
Compulsory	CP 18	(1)		CP 36	(4)
Legislation	CP 13	(1)	Proposal	CP 24	(1)
Strikes, government employees	DP 88		Constitutional convention, proposal for.....	CP 24	(2)
	DP 89		Consumer council	DP 49	
Unemployment compensation	CP 14	(1)	Corporations, authorization	CP 3	(23)
Unions, monopolistic employment control	DP 90		Criminal legislation, uniform application	CP 3	(12)
LAWS			Discipline	CP 3	(6)
Constitutional Amendments; legislation to effect	CP 24	(4)	District Courts; districts, judgeship terms	CP 6	(15)
	CP 36	(4)		CP 21	(15)
Effective date	CP 3	(21)	Economic security, system of	CP 14	(1)
General laws, definition	CP 8	(50)	Education boards, statewide	CP 7	(4-10)
	CP 17	(51)		CP 30	(3)
Legislative enactments; promulgation, publication; secretary of state	CP 4	(7)	Elections		
Local, special laws	CP 3	(12)	Code enactment	CP 20	(16)
	CP 8	(50)		CP 33	(1, 17)
	CP 17	(51)	Commissioners, poll watchers, selection	CP 20	(11)
Suspension	CP 3	(22)		CP 33	(12)
	DP 38		Contest of; enactment of judicial determination	CP 20	(14)
	DP 38			CP 33	(15)
	CP 3		Fraud provisions, penalties	CP 20	(15)
	DP 38			CP 33	(16)
			Laws, procedures	DP 6	

CONSTITUTIONAL CONVENTION CALENDAR

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Registration -----	CP 33	(2)	membership -----	DP 64	
Ties, method for breaking -----	CP 20	(7)	Lieutenant governor, vacancy; successor confirmation -----	CP 4	(12)
Elementary and Secondary Education,	CP 33	(8)	Limitations		
State Board of; members -----	CP 7	(3)	Governmental power division -----	CP 1	(1, 2)
	CP 30	(3)		CP 35	(1, 2)
	DP 92	(3)	Inherent powers -----	CP 38	(4)
Emergency powers -----	CP 3	(15)	Local government		
Environmental quality, legislation -----	CP 16	(6)	Consolidation -----	CP 8	(26)
Ethics			CP 17		(23)
Codes -----	CP 3	(8)	Favoritism to women, prohibition -----	DP 25	
	CP 4	(20)	Finances -----	CP 8	(14)
	CP 22		CP 17		(16)
Dual officeholding -----	CP 23		Intergovernmental cooperation -----	CP 8	(26)
Executive branch reorganization (See REORGANIZATION herein)			CP 17		(23)
Expropriation, private property -----	DP 70		Local, special laws -----	DP 38	
Expulsion -----	CP 3	(6, 9)	Supremacy of Constitution -----	CP 8	(49)
Family court jurisdiction -----	CP 21	(18)	CP 17		(30)
Federal compliance legislation -----	CP 15	(18)	Taxing powers -----	CP 15	(1, 2, 4, 17)
Financial Institutions, limitations -----	CP 35	(9)	Local government		
Governmental power division, limitations -----	CP 1	(1, 2)	Bonds		
Governor			Debt obligations, limitations		
Reports, recommendations -----	CP 4	(5)	increase -----	CP 8	(38)
Commutation powers, limitation -----	DP 63		CP 17		(40)
Health, public system -----	CP 14	(1)	Public utilities -----	CP 8	(41)
Heirship, Trusts, determination, degree -----	CP 35	(7)	CP 17		(43)
Highway board member, removal -----	DP 4		Expenditure of funds -----	CP 8	(15)
Home rule charters; commission, prohibition -----	CP 8	(8)	CP 17		(25)
	CP 17	(8)	Industry, private; inducement -----	CP 8	(25)
House of Representatives (See "Membership", "Presiding Officers", "Procedure", etc. herein)			CP 17		(24)
Appropriations			Limitations; police power -----	CP 17	(12)
Committee chairman; Interim			Property assessment procedure, improvements -----	CP 8	(40)
Emergency Board, member -----	CP 15	(8)	CP 17		(42)
Generally -----	CP 3	(18)	Taxation -----	CP 8	(29)
Impeachments -----	CP 3	(24)	CP 17		(35)
Industrial areas, authorization -----	CP 8	(24)	Local, special laws -----	CP 3	(12, 13)
	CP 17	(21)	DP 38		
Initiative petition, signature requirements -----	CP 1	(6)	Municipalities; incorporation, consolidation, merger; special laws -----	CP 8	(5)
Judges			CP 17		(5)
Number in judicial district -----	CP 21	(15)	Parishes		
Retirement -----	CP 21	(23)	Classification -----	CP 8	(6)
	DP 38		CP 17		(6)
Judgments -----	CP 3	(14)	Courts; establish, abolish, merge -----	CP 6	(19, 20)
Journals			CP 21		(15)
Official state -----	CP 3	(21)	Creation, consolidation, dissolution -----	CP 8	(1)
Proceedings -----	CP 3	(9)	CP 17		(1)
Juror qualifications -----	CP 21	(36)	Orleans courts, certain officials; duties, powers -----	CP 6	(37)
Juvenile Courts -----	CP 6	(18, 19)	CP 21		(35)
	CP 21	(15, 18)	DP 37		
Labor			DP 46		
Arbitration -----	CP 13	(1)	Ports, harbors, terminal changes; jurisdiction -----	CP 8	(42)
	CP 18	(1)	CP 17		(50)
Unemployment compensation -----	CP 14	(1)	Post-secondary career education, vocational-technical training; super- vision authorization -----	CP 7	(8)
Legislation (See also particular subjects herein)			Post-secondary educational institutions, new; approval -----	CP 7	(7)
Enacting clause -----	CP 3	(16)	Presiding officers		
Passage of bills -----	CP 3	(17)	Extraordinary session call -----	CP 3	(2)
Public action -----	CP 3	(17)	Selection -----	CP 3	(6)
Resolutions, governors signature -----	CP 3	(19)	Signing of bills, delivery to governor -----	CP 3	(19)
Signature, veto by governor -----	CP 3	(19, 20)	Statewide elective official, disability declaration -----	CP 4	(17, 19, 20)
	CP 4	(5)	CP 38		(13)
Signing, delivery to governor -----	CP 3	(19)	Veto Session convening -----	CP 3	(20)
Vetoed, procedure -----	CP 3	(20)	Private school, education board approval -----	DP 54	(6)
Levee Districts			Privileges, immunities -----	CP 3	(7)
Adjoining states -----	CP 8	(46)	Procedural rules -----	CP 3	(6)
	CP 17	(47)	Property valuation, criteria -----	CP 26	(1)
	DP 30	(3)			
Consolidation, division, reorganization -----	CP 8	(43)			
	CP 17	(44)			
Generally -----	DP 30				
Library, state; board of commissioners,					

INDEX

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Public Education Board; per diem, expenses -----	DP 53	(16)	Regents, Board of -----	CP 7	(7)
Public educational system				DP 8	(11)
Educational responsibilities -----	CP 7	(2)		DP 53	(11)
Finance responsibilities -----	DP 10	(2, 3)	Trustees, Board of -----	CP 7	(8)
	DP 8	(15)	Appropriations -----	CP 3	(18)
	DP 53	(15)	Finance committee chairman; Interim		
	DP 54	(4)	Emergency Board, member -----	CP 15	(8)
Public funds, management -----	CP 27		Impeachment trial -----	CP 3	(24)
Public notice			Sessions		
Local, special laws -----	CP 3	(13)	Alternative proposal -----	DP 103	
Retirement laws, changes -----	CP 11	(1)	Annual -----	CP 3	(2)
Public officials			Extraordinary		
Impeachment -----	CP 3	(24)	Appropriation -----	CP 3	(18)
Legislative removal -----	CP 3	(25)	Generally -----	CP 3	(2)
Recall -----	CP 3	(26, 27)	Governor, call -----	CP 3	(2)
	CP 8	(27)		CP 4	(5)
Salary changes -----	CP 3	(11)	Implemental -----	CP 38	(26)
Public Service Commission; initial terms, rate proposals -----	CP 16	(10, 13)	Length -----	CP 3	(2)
	DP 19	(1, 4)	Recess -----	DP 18	(1)
	DP 68		Veto -----	CP 3	(20)
Public welfare system -----	CP 14	(1)	Size -----	CP 3	(3)
Qualifications -----	CP 3	(4, 6)	Statewide elected officials		
Quorum -----	CP 3	(9)	Appointment in lieu of election -----	CP 4	(23)
Reapportionment -----	CP 3	(4, 5)		DR 46	
	CP 38	(13)		DR 47	
Recall, governmental officials -----	CP 8	(27)		DP 51	
	CP 3	(26)		DP 52	
Regents, Board of				DP 92	(2)
Per diem, expenses -----	CP 7	(7)	Compensation -----	CP 4	(4)
Staff -----	DP 53	(14)	Inability declaration, consideration -----	CP 4	(19, 20)
Reorganization, executive branch -----	CP 4	(22, 23)	Reestablish elective office -----	DR 46	
	CP 19			DR 47	
	CP 31	(1)		DP 51	
	CP 32			DP 52	
	DP 29		Subpoena powers -----	CP 3	(6)
	DR 46		Special districts, creation -----	CP 8	(16)
	DR 47			CP 17	(22)
Retirement			Suits against the state -----	CP 3	(14)
Public school employees -----	CP 11	(1)	Supreme Court; districts, number of judges -----	CP 6	(4)
State officers and employees -----	CP 11	(1)		CP 21	(4)
	DP 36			DP 35	
Revenue Sharing			Suspension of laws -----	CP 3	(22)
Fund, allocations to -----	CP 26	(6)		DP 38	
Funds, distribution -----	CP 26	(7)	Taxation		
Rules, discipline -----	CP 3	(6)	Ad valorem prohibition -----	CP 8	(33)
Salaries				CP 17	(37)
Legislators -----	CP 3	(4)	Legislation; introduction, considera- tion; certain sessions -----	CP 3	(2)
Public officers -----	CP 3	(11)	Local government -----	CP 8	(29)
	DP 56			CP 17	(35)
School board expenditures, increases -----	DP 3		Occupational license tax local gov- ernment levy -----	CP 8	(34)
School boards, systems; existing, legislative power; creation -----	CP 7	(13)		CP 17	(33)
	DP 53	(9)	Powers, limitations -----	CP 15	(1, 2, 4, 17)
	DP 54	(7)	Relief -----	CP 26	(1)
	DP 92	(5)	Sales tax, exemptions -----	CP 8	(35)
Senate (See also "Membership", "Presiding Officers", Procedure", etc. herein)				CP 17	(34)
Appointment confirmations			Term of office, taking office -----	DP 39	
First assistants, statewide elected officials -----	CP 4	(13)		CP 3	(4, 27)
Gubernatorial			Treasurer's report -----	CP 4	(9)
Education Superintendent -----	DR 45		determination, degree -----	CR 35	(7)
Elementary and Secondary Education, State Board of; certain members -----	CP 7	(3)	Trusts; heirship, substitution -----	DP 31	
Generally -----	CP 4	(5)	Vacancies -----	CP 3	(4, 6)
Library, state; board of commissioners -----	DP 64		Vote, record -----	CP 3	(9)
LSU Board of Supervisors -----	CP 7	(9)	Water bottoms, alienation -----	CP 16	(1)
Pardons, Board of -----	CP 4	(5)	Wildlife and Fisheries Commission; functions, duties, compensation -----	CP 16	(7)
Public education board -----	DP 8		LEVEES AND LEVEE DISTRICTS		
Public Service Commission -----	DP 53	(5)	Bonds, indebtedness use of tax avails -----	CP 8	(45)
	DP 19	(1)		CP 17	(46)
			Districts		
			Existence, continuation -----	CP 8	(43)
				CP 17	(44)
			Interstate, creation -----	CP 8	(46)
				CP 17	(47)
				DP 30	(3)

CONSTITUTIONAL CONVENTION CALENDAR

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Organization -----	DP 30		Powers		
Orleans Board of Levee Commissioners; taxation, increase -----	CP 8	(44)	Control, agencies -----	CP 8	(17)
	CP 17	(45)	Generally -----	CP 17	(17*)
Property use, destruction; compensation -----	CP 8	(48)		CP 8	(10)
	CP 17	(49)	Intergovernmental cooperation -----	CP 17	(9)
Taxation				CP 8	(26)
Levy -----	DP 30	(2)	Liberal construction -----	CP 8	(23)
Millage limitation -----	CP 8	(44)		CP 17	(10)
	CP 17	(45)	Limitations -----	CP 8	(10)
Property use, destruction; compen- sation -----	CP 8	(48)		CP 17	(10)
	CP 17	(49)	Taxation -----	CP 8	(11, 49)
Transition, statutory -----	CP 38	(22)	Prescription -----	CP 8	(12, 30)
U. S. government, cooperation -----	CP 8	(47)		CP 17	(24)
	CP 17	(48)	Property		
			Acquisition, expropriation -----	CP 8	(20)
				CP 7	(27)
			Servitudes, acquisition -----	CP 8	(21)
				CP 17	(28)
			Zoning -----	CP 8	(23)
				CP 17	(20)
LIBRARY, State; board of commissioners..	DP 64		Special districts		
LIEUTENANT GOVERNOR			Creation by legislature -----	CP 8	(16)
Compensation -----	CP 4	(4)		CP 17	(22)
Election, term of office -----	CP 4	(3)	Mergers, consolidation; election -----	CP 8	(18)
Executive branch -----	CP 4	(1)		CP 17	(18)
Governor, acting -----	CP 4	(21)	Taxation		
Legislative removal immunity -----	CP 3	(25, 26)	Ad Valorem		
Powers, duties -----	CP 4	(6)	Certificates of indebtedness, public improvements -----	CP 8	(40)
	DP 42			CP 17	(42)
Qualifications -----	CP 4	(2)	Levy authority -----	CP 8	(33)
Vacancy, succession procedure -----	CP 4	(15)		CP 17	(37)
LOBBYING (See CONSTITUTIONAL CON- VENTION, Rules)			Bonds, general obligation; full faith credit -----	CP 8	(36)
LOCAL GOVERNMENT				CP 17	(38)
Assessment procedures, public improve- ments -----	CP 8	(40)	Occupational license tax -----	CP 8	(34)
	CP 17	(42)		CP 17	(33)
Authority; codify ordinances -----	CP 17	(12.1)	Sales tax levy -----	CP 8	(35)
Bonds, general obligation				CP 17	(34)
Authorization -----	CP 8	(37)	Special taxes: public improvements..	CP 8	(32)
	CP 17	(39)		CP 17	(36)
Publication of issue; election -----	CP 8	(39)	Terms, definition -----	CP 8	(50)
	CP 17	(41)		CP 17	(51)
Charters			LOTTERIES (See GAMBLING)		
Continued effect -----	CP 38	(17)			
Home rule -----	CP 8	(7, 8)			
	CP 17	(7, 8)			
Employees; duties, compensation -----	DP 56				
Ethics -----	CP 22				
Finances					
Expenditure, determination -----	CP 8	(15)	MILITARY AFFAIRS		
	CP 17	(25)	Arms, right to bear -----	CP 2	(20)
Judicial system excess funds, legislative allocation -----	DP 33			CP 25	(20)
Legislation, local approval -----	CP 8	(14)	Governor, commander-in-chief; state armed forces -----	CP 4	(5)
	CP 17	(16)	National guard, reserve; dual officeholding, exclusion -----	CP 23	
Management -----	CP 28	(1)	Powers -----	CP 1	(3)
				CP 35	(3)
Franchises, perpetual; granting, prohi- bition -----	CP 3	(23)	MINERALS (See NATURAL RESOURCES)		
Historical preservation districts; estab- lishment, commission -----	CP 8	(19)	MINORS		
	CP 17	(19)	Heirship, adoption -----	DP 31	
Industry, private; assistance, inducement -----	CP 17	(24)	MUNICIPALITIES (See also Civil Service, Local Government, Municipal System, Parishes)		
	CP 17	(24)	Baton Rouge; government, home rule charter -----	CP 8	(7)
Officials, local				CP 17	(7)
Compensation -----	CP 17	(14)	Bogalusa; educational finance, treatment as parish -----	CP 7	(16)
Dual officeholding, generally -----	CP 23			DP 54	(4.1)
Duties -----	DP 58		Charter, home rule		
Elections -----	CP 8	(12)	Commission; election -----	CP 8	(8)
	CP 17	(13, 15)		CP 17	(8)
Powers -----	CP 17	(9, 10)	Generally -----	CP 8	(7)
Recall -----	CP 8	(27)		CP 17	(7)
	CP 17	(15)	Incorporation -----	CP 8	(9)
	CP 3	(26)		CP 17	(11)
Removal by suit -----	CP 3	(25)			
Vacancies, appointments -----	CP 8	(13)			
	CP 17	(15)			

INDEX

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Legislative action -----	CP 8	(5)	NEWS MEDIA	Free activity -----	CP 2 (9) CP 25 (9)
Classification by population, other basis	CP 8	(6)		Journal, official	
Ethics -----	CP 17	(6)		Initiative proposal, publication	CP 1 (7)
Governing authority; codify ordinances	CP 22	(12.1)		Laws enacted, publication	CP 3 (21)
Incorporation, consolidation, merger, government -----	CP 17	(12.1)		Reporters, information sources; protection -----	CP 8 (5) CP 17 (5) DP 2
Monroe; educational finance purposes, treatment as parish -----	CP 7 (16) DP 54 (4.1)	(16) (4.1)		NOTARIES PUBLIC	
New Orleans				Dual officeholding, exclusion	CP 23
Assessors, Board of; election, terms	CP 26	(8)		Ex officio, clerks of district court	CP 6 (33) CP 21 (31)
Government, home rule charter	CP 8 (7) CP 17 (7)	(7) (7)		-O-	
Tax limits, exception -----	CP 8 (31) CP 17 (32)	(31) (32)		OIL (See NATURAL RESOURCES)	
Parish school board, general ad valorem tax proceeds -----	CP 7 (16) DP 54 (4.1)	(16) (4.1)		-P-	
Board, teachers; dual officeholding	CP 23			PARDON, BOARD	
School financing; bonded indebtedness, limitations -----	CP 8 (38) CP 17 (40)	(38) (40)		Continuance, provisional	CP 38 (21)
Shreveport; government, home rule charter -----	CP 8 (7) CP 17 (7)	(7) (7)		PARISHES (See also LOCAL GOVERNMENT, MUNICIPALITIES)	
Statute applicability, ordinance	CP 8 (6) CP 17 (6)	(6) (6)		Boundaries	
Taxation, ad valorem; levy, increase	CP 8 (31) CP 17 (32)	(31) (32)		Assets, liabilities; proportionate adjustment -----	CP 8 (3) CP 17 (3)
Terms, definitions -----	CP 8 (50) CP 17 (51)	(50) (51)		Election -----	CP 8 (2) CP 17 (2)
-N-				Generally -----	CP 8 (1) CP 17 (1)
NATURAL RESOURCES (See also ENVIRONMENT, WILDLIFE AND FISHERIES, AGRICULTURE, WATER AND WATER DISTRICTS)				Charter, home rule -----	CP 8 (7) CP 17 (7)
Alienation, water bottoms; legislative authority -----	CP 16 (1) CP 34 (4)	(1) (4)		Commission, election -----	CP 8 (8) CP 17 (8)
Alluvion, mineral rights -----	CP 16 (15) CP 34 (6)	(15) (6)		Incorporation -----	CP 8 (9) CP 17 (11)
Coastal waterways, three-mile limit; minerals -----	CP 16 (3) CP 34 (7)	(3) (7)		City-parish government; civil service, establishment -----	CP 9 (1) CP 10 (1) DP 27 (1)
Erosion, land lost; mineral rights -----	CP 16 (16) CP 34 (7)	(16) (7)		Classification by population, other basis	CP 8 (6) CP 17 (6)
Forestry				East Baton Rouge Parish; government, home rule charter -----	CP 8 (7) CP 17 (7) CP 22
Acreage taxes -----	CP 34 (13) CP 16 (8)	(13) (8)		Ethics -----	CP 22
Commission -----	CP 34 (13) CP 15 (6)	(13) (6)		Governing authority	
Generally -----	CP 15 (6) CP 16 (9)	(6) (9)		Bonds, general obligation	CP 34 (8)
State Forester -----	CP 34 (13) CP 15 (4)	(13) (4)		Certain vacancies, filling	CP 6 (35) CP 21 (33)
Timber, ad valorem taxation	CP 15 (4) CP 16 (14) CP 34 (3)	(4) (14) (3)		Codify ordinances -----	CP 17 (12.1)
Geothermal-Geopressure Resources				Industrial areas, authorization	CP 8 (24) CP 17 (21)
Minerals				Jackson Parish, ad valorem taxation	CP 8 (30) CP 17 (31)
Leases				Jefferson Parish; government, home rule charter -----	CP 8 (7) CP 17 (7)
Generally; public notice	CP 34 (6.1)	(6.1)		Ouachita Parish, Monroe school funds	DP 54 (4.1)
Royalty Road Fund	CP 16 (2, 4)	(2, 4)		School systems -----	CP 7 (16)
Natural gas -----	CP 34 (2)	(2)		Orleans Parish	
Pipelines, interstate, intrastate	CP 34 (2)	(2)		Assessor board, composition	CP 26 (8) CP 28 (1)
Public Policy -----	CP 34 (2)	(2)		Board of Commissioners, Port of New Orleans -----	CP 8 (42) CP 17 (50)
Mineral rights				Levee Commissioners, board; tax increases -----	CP 8 (44) CP 17 (45)
Prescription -----	CP 34 (5)	(5)		Municipal civil service -----	CP 9 (1) DP 27 (1)
Public notice, bidding	CP 34 (6.1)	(6.1)		Parish court officials, certain; con- tinuation -----	CP 6 (37) CP 21 (35) DP 37 DP 46
Reservation -----	CP 34 (5)	(5)			
Severance tax -----	CP 15 (4)	(4)			
Tidelands, mineral revenues	CP 16 (4) CP 34 (10)	(4) (10)			
Water bottoms, mineral rights	CP 16 (1) CP 34 (9)	(1) (9)			

CONSTITUTIONAL CONVENTION CALENDAR

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
Taxation, ad valorem -----	CP 8	(30)	Legislation, action -----	CP 3	(17)
	CP 17	(31)	Observance, individual right -----	CP 1	(11)
	DP 54	(4.1)		CP 35	(4)
Plaquemines Parish; government, home rule charter -----	CP 8	(7)	PUBLIC OFFICIALS		
	CP 17	(7)	Advisory boards, commissions; dual of- ficeholding, exclusion -----	CP 23*	
Registrar of voters, appointment -----	CP 20	(10)	Compensation; non-salaried com- missioners -----	DP 12*	
Royalty Road Fund -----	CP 16	(2, 4)	Dual officeholding -----	DP 11	
School board, teachers; dual office- holding -----	CP 23			CP 23	
Seat, change; petition, election -----	CP 8	(4)		CP 4	(19)
	CP 17	(4)	Highway, Board of -----	DP 26	
Sheriff, financing office -----	DP 77		Elected (See also, "Statewide elected officials" herein)		
State penal institutions, reimbursement -----	CP 12	(1)	Existing -----	CP 30	(8)
Statute applicability, ordinance -----	CP 8	(6)	Generally -----	CP 4	(5-12)
	CP 17	(6)	Terms, limitations; four years -----	CP 20	(8)
Superintendent of schools; creation, election, qualifications, duties -----	CP 7	(12)		CP 33	(9)
	DP 53	(9)		CP 38	(19)
Taxation, ad valorem -----	CP 8	(30)	Ethics -----	CP 22	
	CP 17	(31)	Ex officio positions; dual officeholding, exclusion -----	CP 23	
PENAL INSTITUTIONS (See CORREC- TIONAL AND PENAL INSTITUTIONS)			Oath of office -----	CP 1	(12)
POLICE AND POLICEMEN, Civil Service (See CIVIL SERVICE, Municipal)				CP 35	(5)
POLICE JURIES (See PARISHES, LOCAL GOVERNMENT)			Removal, certain officials		
POLITICAL RIGHTS (See CIVIL RIGHTS)			Impeachment -----	CP 3	(24)
POLITICAL SUBDIVISIONS (See LOCAL GOVERNMENT, PARISHES, MUNICI- PALITIES, particular subject)			Legislative suit -----	CP 3	(25)
			Recall -----	CP 3	(26)
			Retirement -----	DP 36	
				CP 11	(1)
			Salary changes, legislative power -----	CP 3	(11)
			Statewide elected		
			Absence, procedure -----	CP 4	(21)
			Disability, inability; procedure -----	CP 4	(19, 20)
			First assistants -----	CP 4	(13, 16)
			Salaries -----	CP 4	(4)
			Selection by appointment		
			Elector decision -----	DR 41	
				DR 42	
				DR 43	
				DR 44	
				DR 45	
			Legislative power -----	CP 4	(23)
				DP 92	(2)
				DP 51	
				DP 52	
				DR 46	
				DR 47	
			Reestablishment of elective office, legislative power -----	DR 46	
				DR 47	
				DP 51	
				DP 52	
			Vacancies, filling -----	CP 4	(16)
			Voting, viva voce -----	CP 33	
PORTS, HARBORS AND TERMINALS			PUBLIC RECORDS		
Board of Commissioners, Port of New Orleans, composition, powers, func- tions, territorial jurisdiction -----	CP 8	(42)	Examination, individual right -----	CP 1	(11)
	CP 17	(50)	Mineral leases; public notice -----	CP 34	(1)
Commissions, districts; existence con- tinued -----	CP 8	(42)	Financial reports, records -----	CP 15	(14)
	CP 17	(50)	Journal, official state -----	CP 1	(7)
Terms, definitions -----	CP 8	(50)		CP 8	(21)
	CP 17	(51)	Official; administration, preservation; secretary of state -----	CP 4	(7)
Transition, statutory -----	CP 38	(16)	Parish recorder, clerk of district court -----	CP 6	(33)
PRESCRIPTION; state, political sub- divisions -----	CP 8	(22)	PUBLIC SERVICE COMMISSION		
	CP 17	(29)	Authority, limitations, decisions -----	CP 5	
PROPERTY (See also NATURAL RESOURCES)				CP 16	(11-13)
Confiscated, taxes -----	CP 15	(17)		CP 37	(14)
Highway rights of way, acquisition -----	DP 4			DP 15	
Homestead exemptions -----	DP 16	(1, 2, 3)		DP 19	(1)
Levees				DP 68	
Appropriation -----	CP 25	(3)	Membership; compensation, election -----	CP 16	(10)
Districts; use, destruction; com- pensation -----	CP 8	(48)		CP 34	(14)
Local government				CP 37	(14)
Acquisition, expropriation -----	CP 8	(20, 21)		CP 5	
	CP 17	(27, 28)		CP 16	(11-13)
Zoning -----	CP 8	(23)		CP 37	(14)
	CP 17	(20)		DP 15	
Private ownership, expropriation -----	CP 2	(4)		DP 19	(1)
	CP 25	(4)		DP 68	
	DP 47			CP 16	(10)
	DP 70			CP 34	(14)
	DP 79			CP 37	(14)
Public				CP 5	
Loan, credit, donation -----	CP 15	(18)			
Seizure, judgment -----	CP 3	(14)			
	CP 35	(7)			
State-owned, definition -----	CP 34	(8)			
Trusts, minors; heirship -----	DP 31				
Vested Rights -----	CP 35	(8)			
PUBLIC HEALTH (See HEALTH)					
PUBLIC MEETINGS					
Assembly, right to -----	CP 2	(11)			
	CP 25	(11)			

INDEX

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
	DP 10	(1)	Qualifications	CP 4	(2)
	DP 68		Statewide elective official; disability declaration, filing	CP 4	(19)
Five districts	CP 38	(18)	Vacancies, local government; notification	CP 17	(15)
PUBLIC UTILITIES			SHERIFFS AND EX OFFICIO TAX		
Bonds, debt obligation; local govern- ment	CP 8	(41)	COLLECTORS		
Public Service Commission, authority...	CP 18	(11-13)	Election, term, duties	CP 6	(32)
	CP 5			CP 21	(30)
	DP 15		Financing of office	DP 77	
	DP 19	(2)	Orleans Parish; continuation, terms, duties, powers; reduction of terms, retirement benefits, compensation	CP 6	(37)
	DP 68		Powers; home rule charter	CP 17	(8)
PUBLIC WELFARE				CP 21	(35)
Economic security	CP 14	(1)	Salary, retirement benefits; reduction...	CP 21	(34)
System	CP 14	(1)	Vacancies	CP 6	(35)
				CP 21	(33)
-R-					
RACE (See CIVIL RIGHTS)			SPECIAL DISTRICTS		
REAPPORTIONMENT (See LEGISLATURE, COURTS)			Consolidation, debt assumption	CP 8	(18)
RECALL (See ELECTIONS)				CP 17	(18)
RELIGION (See CIVIL RIGHTS)			Prescription	CP 8	(22)
REORGANIZATION, GOVERNMENTAL; executive branch	CP 4	(22, 23)		CP 17	(29)
	CP 19	(1)	STATE AGENCIES		
	CP 31	(1)	Executive Department, number	CP 4	(1)
	CP 32		Stock purchase; corporations, associations; prohibition	DP 94	
	DP 29		SUITS AGAINST THE STATE AND PO- LITICAL SUBDIVISIONS		
	DR 48		Legislative authorization	CP 3	(14)
	DR 47		Survivors, certain law enforcement officers	CP 11	(1)
	DP 51		Waiving immunity; effective date	CP 38	(23)
	DP 52		-T-		
RETIREMENT AND RETIREMENT SYSTEMS			TAXATION (See FINANCE)		
Amendments, legislative changes; public notice	CP 11	(1)	TRADEMARKS (See BUSINESS AND INDUSTRY)		
Generally	CP 11	(1)	TRANSITIONAL PROVISIONS (Also see particular subject)		
Judges	CP 6	(25)		CP 38	(1-26)
	CP 21	(23)	TREASURER		
	DP 45		Compensation	CP 4	(4)
Law enforcement officers, survivors; financial security	CP 11	(1)	Election, term of office	CP 4	(3)
Monies, handling	CP 4	(9)	Executive branch	CP 4	(1)
Public school employees	CP 11	(1)	Interim Emergency Board, member...	CP 15	(8)
State officers and employees	CP 11	(1)	Investment, state funds	CP 15	(15)
REVENUE (See FINANCE)			Powers, duties	CP 4	(9)
ROADS (See HIGHWAYS, BRIDGES AND ROADS)			Qualifications	CP 4	(2)
RULES (See CONSTITUTIONAL CONVEN- TION)			Retirement monies	CP 4	(9)
RUSSELL SAGE WILDLIFE AND GAME REFUGE			Revenue Sharing Fund	CP 29	(1)
	CP 34	(8)		CP 26	(6)
				CP 16	(2, 4)
				CP 34	(10)
-S-					
SALARIES (See particular official)			Tidelands, revenues; special fund, ex- penditures		
SCHOOLS (See EDUCATION)				CP 16	(4)
SECRETARY OF STATE			-U-		
Compensation	CP 4	(4)	UTILITIES (See PUBLIC SERVICE COM- MISSION, PUBLIC UTILITIES)		
Corporate stockholders, registration	DP 57		UNIVERSITIES (See EDUCATION)		
Election returns, promulgation	CP 4	(3)	-V-		
	CP 20	(12)	VACANCIES (See LEGISLATURE AND LEGISLATORS, GOVERNOR, particular officials)		
	CP 33	(13)	VETERANS AND VETERANS' AFFAIRS		
Election, state education boards; notification	CP 30	(3)	Civil Service		
Election, term of office	CP 4	(3)	Municipal system, reinstatement...	CP 10	(1)
Executive branch	CP 4	(1)	Preference	CP 9	(1)
Initiative, procedures	CP 1	(5-7)	Disabled, employer preference	DR 10	
Powers, duties	CP 4	(7)			

CONSTITUTIONAL CONVENTION CALENDAR

	Instru- ment No.	(Sec- tion No.)		Instru- ment No.	(Sec- tion No.)
VOCATIONAL-TECHNICAL EDUCATION (See EDUCATION)			WATER AND WATER DISTRICTS)		
VOTING (See ELECTIONS, SECRETARY OF STATE)			Commission	CP 16	(7)
-W-			Director, Forestry Commission member	CP 34	(12)
WATER AND WATER DISTRICTS, mineral rights	CP 16	(1)	Wildlife, definition	CP 16	(8)
WELFARE (See PUBLIC WELFARE)				CP 34	(13)
WILDLIFE AND FISHERIES (See also ENVIRONMENT, NATURAL RESOURCES,			WOMEN (See CIVIL RIGHTS)	CP 16	(7)
			-Z-	CP 34	(12)
			ZONING		
			Highway development	DP 4	

