

**Records of the
Louisiana Constitutional
Convention of 1973:
Convention Instruments**

VOLUME IV

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

1973



Records of the Louisiana Constitutional Convention of 1973: Convention Instruments

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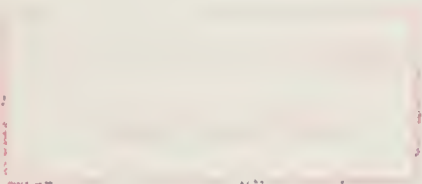
VOLUME FOUR

by

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

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

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NOTES ON THE DOCUMENTS

Nature and Source

The documents reproduced in this volume are the formal instruments introduced in the Constitutional Convention in plenary session and used in the conduct of its deliberations. Two types of instruments were provided for in the Convention Rules of Procedure Nos. 37 and 38. **Proposals** were “any original suggestion, proposition, or draft intended to become part of the Constitution. . . .” Other Convention matters not intended to become part of the Constitution were designated as **Resolutions**. These two types of instruments were further designated as either Committee or Delegate, depending on their origin with a committee or an individual delegate or group of delegates.

As reproduced here, the instruments appear as they did in the indicated format, reduced in size, maintaining original pagination and line numbers. This method of reproduction was utilized in order to maximize the utility of this volume as a research tool when used in conjunction with the *Journal* and *Transcripts of Proceedings*. In using this volume, care should be taken to refer to the correct version of the instrument in question because many instruments appear in several different forms representing the progress of the instrument in the Convention deliberative process. A **Proposal** may appear in this volume in one or more of the following forms: Original, Printed, Reprinted as Engrossed, Reprinted as Reengrossed, First Enrollment, or Final Enrollment. **Resolutions** follow this same pattern but, because they dealt with “general convention business” as opposed to potential constitutional matter, they did not follow the more elaborate procedures utilized in consideration of proposals. The description of the various versions of Convention instruments below apply to both **Proposals** and **Resolutions** unless otherwise noted.

INSTRUMENT FORMAT, DESCRIPTION AND CONVENTION FUNCTION

Original

The instrument, usually in a standard typescript format, as introduced in the Convention.

Printed

A typeset version of the original instrument given general circulation to delegates, staff and the general public. When an instrument had been introduced and referred to committee for consideration, the Printed **Resolution** or **Proposal** was employed for the amending process. Most committee amendments were offered to this version of the instrument.

Reprinted as Engrossed

When reported by the committee to which it was referred for consideration and after the adoption of committee amendments, a *pro forma* function, the instrument was ordered engrossed and passed to its third reading. The resulting instrument, incorporating any committee amendments adopted by the Convention, was printed and circulated in the same fashion as the Printed.

This instrument was used during the floor debates on final passage of the **Proposal** or **Resolution**. Frequently **Resolutions** did not advance to this stage because of rules suspensions which allowed immediate consideration and adoption of the resolution following the report of the committee. **Proposals**, with few exceptions, followed the normal processes to final passage consideration.

Consideration of **Proposals** on third reading and final passage was seriatim, section by section, as provided by Rule 45.

Reprinted as Reengrossed

If a **Proposal** was recommitted to committee after it had been ordered engrossed, when it was reported for a second time, it was ordered reengrossed and the same procedures were then observed as for instruments reprinted as engrossed.

First Enrollment

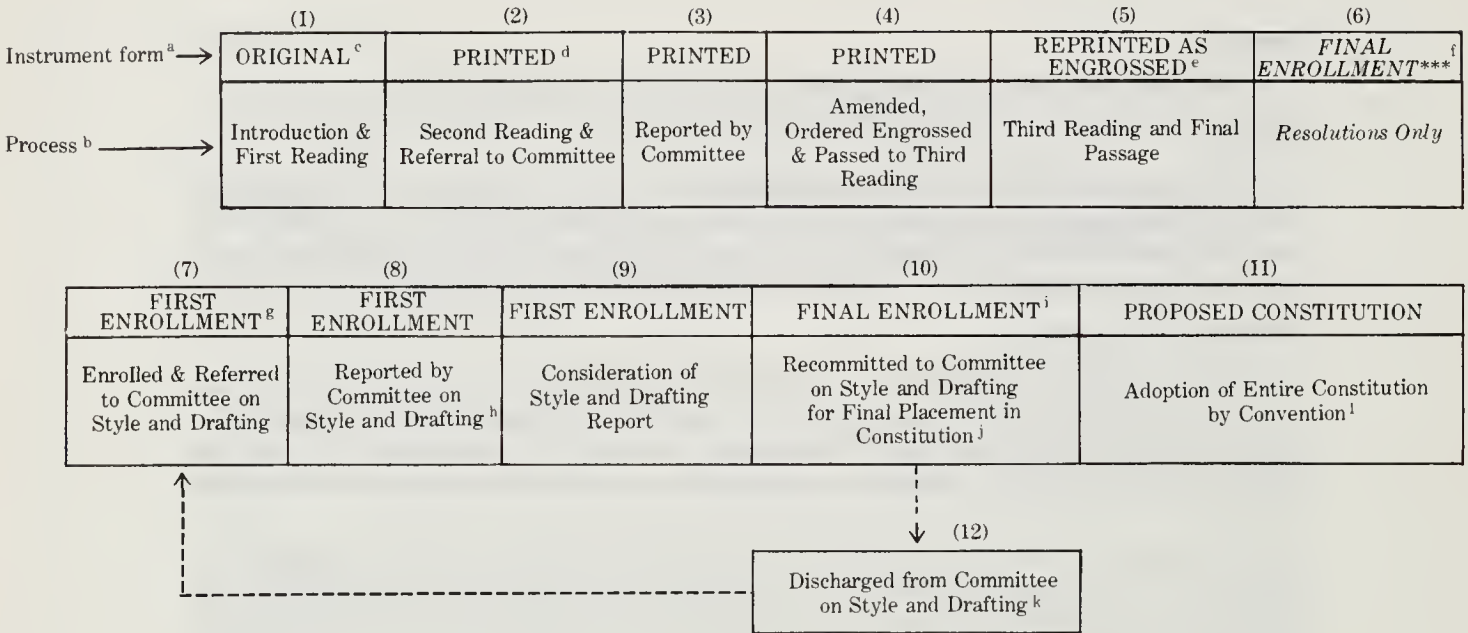
Following final passage of the entire **Proposal**, it was enrolled to reflect all changes that had been made by way of amendment during the final passage process. This typescript instrument was considered by the Committee on Style and Drafting to which all finally passed **Proposals** were referred under the provisions of Rule 47 for the purpose of achieving an "orderly arrangement" and "to the end that the document [Constitution] shall be properly coordinated and uniform in style. . . ." Each **Proposal** was reported to the full convention with suggested amendments to achieve those ends.

Final Enrollment

After the Style and Drafting amendments had been considered and adopted, the **Proposal** was again enrolled to reflect its final form and signed by the Chairman of the Convention and attested by the Secretary. This finally adopted **Proposal** was again referred to the Committee on Style and Drafting which retained all **Proposals** until final styling and arrangement of all **Proposals** was offered for Convention consideration in the final two days of the Convention. From time to time, finally enrolled **Proposals** were discharged from the committee in order to allow substantive changes by the Convention. If proposed changes were adopted, the instrument was then "re-finally" enrolled. Most final enrollments have been omitted from this volume because they are set out in their entirety in the *Journal of Proceedings*. References are made to these omissions in the Table of Contents of this volume.

Generally, **Resolutions** were finally enrolled without reference to the Committee on Style and Drafting because of their procedural nature. Final Enrollments of **Resolutions** have also been omitted but reference is made to where they may be found in the *Journal of Proceedings*.

CONVENTION INSTRUMENTS IN RELATION TO THE CONVENTION RULES AND PROCESS



^a Rule No. 41, as amended, by C. R. No. 6, *infra* at 409, I *Journal* 138–139.

^b Rule No. 44 provided for the order of processing of *Proposals*. See I *Journal* 73.

^c Rule No. 41, as amended, by C. R. No. 6, *infra* at 409, I *Journal* 138–139.

^d Rule Nos. 41, 43 provided for printing and distribution of *Proposals*, I *Journal* 73.

^e Instrument may appear in this volume as reprinted as reengrossed indicating that after engrossment, it had been recommitted to committee.

^f Rule No. 38, I *Journal* 73, provided that “Resolutions were subject to the same rules . . . as proposals.” However, *Resolutions* were finally enrolled after final passage without referral to the Committee on Style and Drafting.

^g These instruments are visually distinguishable from Printed and Reprinted as Engrossed because they are typescript rather than typeset.

^h Comparative presentation showing recommended Style and Drafting changes are included with Style and Drafting materials in Volume XIV of this work.

ⁱ Final Enrollments, as a general rule, have been excluded from this volume. They are set out in their entirety in the *Journal* as indicated in the Table of Contents in this volume.

^j See report of the Committee on Style and Drafting, II *Journal* 1379–1384.

^k Some instruments were discharged from the Committee on Style and Drafting for the purpose of offering substantive changes. If the motion for discharge was successful and the instrument was amended and readopted, it was reenrolled to reflect the changes that had been made.

^l See Report of the Secretary of the Convention, II *Journal* 1417–1447, the proposed Constitution including the alternative proposition.

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1 **COMMITTEE PROPOSAL No. 1—**

2 Introduced by Delegate Jackson, Chairman, on behalf of
3 the Committee on Bill of Rights and Elections, and Delegates
4 Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall,
5 and Weiss:

6 **A PROPOSAL**

7 Providing for general governmental provisions.

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

10 **ARTICLE II. GENERAL GOVERNMENTAL PROVI-**
11 **SIONS**

12 **Section 1. Three Departments**

13 **Section 1.** The powers of government of the State of
14 Louisiana are divided into three distinct departments—legis-
15 lative, executive, and judicial.

16 **Section 2. Limitations of Each Department**

17 **Section 2.** No one of these departments, nor any person
18 holding office in one of them, shall exercise power belong-
19 ing to either of the others, except as otherwise provided
20 in this constitution.

21 **Section 3. Civilian-Military Relations**

22 **Section 3.** The military shall be subordinate to the civil
23 power.

24 **Section 4. Reserved Power of the Initiative**

25 **Section 4.** The people reserve to themselves the power
26 to propose constitutional amendments and statutes and local
27 ordinances and resolutions and to enact or repeal the same
28 at the polls independently of the legislature or any local
29 governing authority.

30 **Section 5. Activation of an Initiative Proposal**

31 **Section 5.** An initiative proposal shall be activated when
32 an interested party has filed an application with the secre-

1 tary of state containing the text of the proposal and bearing
2 the signatures of at least one hundred electors of the juris-
3 diction as sponsors. The secretary of state shall within
4 thirty days assign a title and a number to the proposal,
5 place it in proper form, and certify that it is open for
6 signatures. Denial of certification is subject to judicial re-
7 view.

8 **Section 6. Initiative Petitions**

9 **Section 6.** To be valid, petitions endorsing such proposal
10 must be filed within one year after certification with the
11 secretary of state who shall attest to their legality within
12 thirty days after each is received. Petitions must be signed
13 by a number of electors of the jurisdiction equal to at least
14 fifteen percent of the largest vote cast in any election in
15 the jurisdiction in the previous ten years. The legislature
16 may provide that fewer signatures are required in any in-
17 stance. All petitions must comply substantially with such
18 reasonable formalities as may be established by the secre-
19 tary of state.

20 **Section 7. Initiative Elections**

21 **Section 7.** The proposal shall appear on the ballot with
22 its title and a brief description containing not more than
23 twenty-five words prepared by the interested party. It
24 shall be voted on during the next general election at least
25 ninety days after a sufficient number of petitions have
26 been filed with the secretary of state, or during a special
27 election called for that purpose by the governor or by the
28 local governing authority, provided that the proposal shall
29 have been published once, at least forty-five days before
30 the election, at the expense of the interested party, in the
31 official journal of the state and, in the case of local matters,
32 in the official journal of the local governing authority.

1 Section 8. Enactment of Initiative Proposals
 2 Section 8. The proposal shall become law thirty days
 3 after approval by a majority of the electors who vote for
 4 or against the proposal or at such later date as the pro-
 5 posal may provide.

6 Section 9. Limitations of the Initiative
 7 Section 9. No proposal shall embrace more than one sub-
 8 ject nor shall it appropriate money or levy, repeal, or dedi-
 9 cate any tax. An initiative proposal defeated by the electors
 10 shall not be reactivated for two years after its defeat.

11 Section 10. Execution of Initiative Provisions
 12 Section 10. Initiative provisions are self-executing but laws
 13 may be enacted to facilitate the use of the initiative. No
 14 legislation shall be enacted to impair powers herein re-
 15 served to the people.

16 Section 11. Right to Direct Participation
 17 Section 11. No person shall be denied the right to observe
 18 the deliberations of public bodies and examine public docu-
 19 ments except in cases established by law in which the
 20 demands of privacy exceed the merits of public disclosure.

21 Section 12. Oath of Office
 22 Section 12. All officers before entering upon the duties
 23 of their respective offices shall take the following oath or
 24 affirmation: "I, (A B), do solemnly swear (or affirm) that
 25 I will support the constitution and laws of the United States
 26 and the constitution and laws of this state and that I will
 27 faithfully and impartially discharge and perform all the
 28 duties incumbent upon me as according
 29 to the best of my ability and understanding, so help me God."

30 Section 13. State Capital
 31 Section 13. The capital of Louisiana is the city of Baton
 32 Rouge.

1 **COMMITTEE PROPOSAL No. 2—**

2 Introduced by Delegate Jackson, Chairman, on behalf of
 3 the Committee on Bill of Rights and Elections, and Delegates
 4 Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall
 5 and Weiss:

6 **A PROPOSAL**

7 To provide a preamble and a declaration of rights to the
 8 constitution.
 9 Be it adopted by the Constitutional Convention of Louisi-
 10 ana of 1973:

11 **A PREAMBLE**

12 We, the people of Louisiana, grateful to Almighty God for
 13 the civil, political, economic, and religious liberties we enjoy,
 14 and desiring to protect individual rights to life, liberty, and
 15 property; afford opportunity for the fullest development of
 16 the individual; assure equality of rights; provide for the
 17 health, safety, education, and welfare of the people; main-
 18 tain a representative and orderly government; ensure do-
 19 mestic tranquility; provide for the common defense; and
 20 secure the blessings of freedom and justice to ourselves and
 21 our posterity, do ordain and establish this constitution.

22 **ARTICLE I. DECLARATION OF RIGHTS**

23 Section 1. Origin and Purpose of Government
 24 Section 1. All government, of right, originates with the
 25 people, is founded on their will alone, and is instituted to pro-
 26 tect the rights of the individual and for the good of the whole.
 27 Its only legitimate ends are to secure justice for all, preserve
 28 peace, and promote and protect the rights, happiness, and
 29 general welfare of the people. The rights enumerated in this
 30 Article are inalienable and shall be preserved inviolate.

31 Section 2. Due Process of Law

32 Section 2. No person shall be deprived of life, liberty, prop-

1 erty, or other rights without substantive and procedural due
2 process of law.

3 Section 3. Right to Individual Dignity.

4 Section 3. No person shall be denied the equal protection
5 of the laws nor shall any law discriminate against a person
6 in the exercise of his rights on account of birth, race, sex,
7 social origin or condition, or political or religious ideas.
8 Slavery and involuntary servitude are prohibited, except in
9 the latter case as a punishment for crime.

10 Section 4. Right to Property

11 Section 4. Every person has the right to acquire by volun-
12 tary means, to own, to control, to enjoy, to protect, and to
13 dispose of private property. This right is subject to the
14 reasonable exercise of the police power and to the law of
15 forced heirship. Property shall not be taken or damaged
16 except for a public and necessary purpose and with just
17 compensation previously paid to the owner or into court for
18 his benefit. The owner shall be compensated to the full extent
19 of his loss and has the right to a trial by jury to determine
20 such compensation. No business enterprise or any of its
21 assets shall be taken for the purpose of operating that enter-
22 prise or for the purpose of halting competition with govern-
23 ment enterprises, nor shall the intangible assets of any
24 business enterprise be taken. Unattached movable property
25 shall not be expropriated except when necessary in emer-
26 gencies to save lives or property, and personal effects, other
27 than contraband, shall never be taken. The issue of whether
28 the contemplated purpose be public and necessary shall be a
29 judicial question, and determined as such without regard to
30 any legislative assertion.

31 Section 5. Right to Privacy

32 Section 5. Every person shall be secure in his person,

1 property, communications, houses, papers, and effects against
2 unreasonable searches, seizures, or invasions of privacy. No
3 warrant shall issue without probable cause, supported by oath
4 or affirmation particularly describing the place to be searched,
5 the persons or things to be seized, and the lawful purpose or
6 reason for the search. Any person adversely affected by a
7 search or seizure conducted in violation of this section shall
8 have standing to raise the illegality of that search or seizure
9 in the appropriate court of law.

10 Section 6. Freedom from Intrusion

11 Section 6. No person shall be quartered in any house with-
12 out the consent of the owner or lawful occupant.

13 Section 7. Freedom from Discrimination

14 Section 7. All persons shall be free from discrimination
15 on the basis of race, color, creed, national ancestry, and sex
16 in access to public accommodations or in the sale or rental of
17 property by persons or agents who derive a substantial in-
18 come from such business activity. Nothing herein shall be
19 construed to impair freedom of association.

20 Section 8. Trial by Jury in Civil Cases

21 Section 8. In all civil cases, except, summary, domestic,
22 and adoption cases, the right to trial by jury shall not be
23 abridged. No fact determined by a judge or jury shall be
24 reexamined on appeal. Determination of facts by an admin-
25 istrative body shall be subject to review.

26 Section 9. Freedom of Expression

27 Section 9. No law shall abridge the freedom of every per-
28 son to speak, write, publish, photograph, illustrate, or broad-
29 cast on any subject or to gather, receive, or transmit knowl-
30 edge or information, but each person shall be responsible for
31 the abuse of that liberty; nor shall such activities ever be
32 subject to censorship, licensure, registration, control, or

1 special taxation.

2 Section 10. Freedom of Religion

3 Section 10. No law shall be enacted respecting an estab-
4 lishment of religion or prohibiting the free exercise thereof.

5 Section 11. Freedom of Assembly and Movement

6 Section 11. No law shall impair the right of every person
7 to assemble peaceably, to petition government for a redress
8 of grievances, to travel freely within the state, and to enter
9 and leave the state. Nothing herein shall prohibit quaran-
10 tines or restrict the authority of the state to supervise persons
11 subject to parole or probation.

12 Section 12. Rights of the Accused

13 Section 12. When a person has been detained, he shall im-
14 mediately be advised of his legal rights and the reason for
15 his detention. In all criminal prosecutions, the accused shall
16 be precisely informed of the nature and cause of the accusa-
17 tion against him. At all stages of the proceedings, every
18 person shall be entitled to assistance of counsel of his choice,
19 or appointed by the court in indigent cases if charged with
20 a serious offense.

21 Section 13. Initiation of Prosecution

22 Section 13. Prosecution of felonies shall be initiated by
23 indictment or information, provided that no person shall be
24 held to answer for a capital crime or a felony necessarily
25 punishable by hard labor, except on indictment by a grand
26 jury. No person shall be twice placed in jeopardy for the
27 same offense, except on his own application for a new trial
28 or where there is a mistrial or motion in arrest of judgment
29 is sustained.

30 Section 14. Grand Jury Proceedings

31 Section 14. At all stages of the grand jury proceedings,
32 after arrest, the accused shall have the right to the advice

1 of counsel while testifying, to compulsory process for pre-
2 senting witnesses to the grand jury for interrogation, and
3 to any transcribed testimony of any witnesses appearing
4 before the grand jury in his case.

5 Section 15. Fair Trial

6 Section 15. Every person charged with a crime shall be
7 presumed innocent until proven guilty, and shall be entitled
8 to a speedy, public, and impartial trial in the parish where
9 the offense or an element of the offense occurred, unless
10 venue be changed in accordance with law. No person shall
11 be compelled to give evidence against himself. An accused
12 shall be entitled to confront and cross-examine the witnesses
13 against him, to compel the attendance of witnesses, to present
14 a defense, and to take the stand in his own behalf.

15 Section 16. Trial by Jury in Criminal Cases

16 Section 16. Any person charged with an offense or set of
17 offenses punishable by imprisonment of more than six months
18 may demand a trial by jury. In cases involving a crime neces-
19 sarily punishable by hard labor, the jury shall consist of
20 twelve persons, all of whom must concur to render a verdict
21 in capital cases or cases in which no parole or probation is
22 permitted, and ten of whom must agree in others. In cases
23 not necessarily punishable by hard labor, the jury may con-
24 sist of a smaller number of persons, all of whom must con-
25 cur to render a verdict. The accused shall have the right to
26 voir dire and to challenge jurors peremptorily.

27 Section 17. Right to Bail

28 Section 17. Excessive bail shall not be required. Before
29 and during trial, a person shall be bailable by sufficient
30 sureties, unless charged with a capital offense and the proof
31 is evident and the presumption is great. After conviction
32 and before sentencing, a person shall be bailable if the maxi-

1 mum sentence which may be imposed is less than five years
 2 and, the judge may grant bail if the maximum sentence which
 3 may be imposed is greater. After sentencing and until final
 4 judgment, persons shall be bailable if the sentence actually
 5 imposed is less than five years, and the judge may grant bail
 6 if the sentence actually imposed is greater.

7 Section 18. Right to Humane Treatment

8 Section 18. No person shall be subjected to torture or to
 9 cruel, unusual, or excessive punishments or treatments, and
 10 full rights shall be restored by termination of state or federal
 11 supervision for any offense.

12 Section 19. Right to Vote

13 Section 19. No person eighteen years of age or older who
 14 is a resident or domiciliary of the state shall be denied the
 15 right to register and to vote, except that this right may be
 16 suspended while a person is judicially committed and insti-
 17 tutionalized, or under an order of imprisonment for convic-
 18 tion of a felony.

19 Section 20. Right to Keep and Bear Arms

20 Section 20. A well-regulated militia is necessary to the
 21 security of a free state. The right of each person to keep
 22 and bear arms and ammunition shall not be abridged, but
 23 this provision shall not prevent the passage of laws to pro-
 24 hibit the carrying of concealed weapons.

25 Section 21. Writ of Habeas Corpus

26 Section 21. The writ of habeas corpus shall not be sus-
 27 pended.

28 Section 22. Access to Courts

29 Section 22. All courts shall be open, and every person shall
 30 have an adequate remedy by due process of law and justice,
 31 administered without denial, partiality, or unreasonable delay
 32 for actual or threatened injury to him in his person, prop-

1 erty, reputation, or other rights. Neither the state, its politi-
 2 cal subdivisions, nor any private person shall be immune
 3 from suit.

4 Section 23. Prohibited Laws

5 Section 23. No bill of attainder, ex post facto law, or law
 6 impairing the obligation of contracts shall be enacted.

7 Section 24. Freedom of Commerce

8 Section 24. No law shall impair the right of every person
 9 to engage in commerce by arbitrarily limiting the practice
 10 of any occupation to a certain class of persons, by controlling
 11 the production or distribution of goods, by dictating the qual-
 12 ity or price of products, or by requiring any business to open
 13 or close at a given time, except that the legislature may enact
 14 reasonable laws regulating commerce when necessary to
 15 protect the public health and safety.

16 Section 25. Unenumerated Rights

17 Section 25. The enumeration in this constitution of certain
 18 rights shall not be construed to deny or disparage other rights
 19 retained by each person.

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1 **COMMITTEE PROPOSAL No. 3—**

2 Introduced by Delegate Blair, Chairman, on behalf of the
3 Committee on Legislative Powers and Functions, and Dele-
4 gates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Lan-
5 drum, LeBreton and O'Neill:

6 **A PROPOSAL**

7 Making provisions for the legislative branch of government,
8 impeachment and removal of officials, and necessary pro-
9 visions with respect thereto.

10 Be it adopted by the Constitutional Convention of Louisi-
11 ana of 1973:

12 **ARTICLE III. LEGISLATIVE DEPARTMENT**

13 **Section 1. Legislative Power of State; Vesting; Continu-**
14 **ous Body**

15 Section 1. (A) The legislative power of the state is vested
16 in a legislature, consisting of a Senate and a House of Repre-
17 sentatives.

18 (B) The legislature shall be a continuous body during the
19 term for which its members are elected.

20 **Section 2. Sessions; Annual, Extraordinary**

21 Section 2. (A) The legislature shall meet in regular annual
22 sessions. In each year the regular session shall not extend for
23 more than sixty legislative days within a one hundred and
24 twenty day period; however, upon the consent of a majority
25 of the elected members of each house, the legislature may ex-
26 tend the regular session in any year for not to exceed fifteen
27 legislative days within the one hundred and twenty day
28 period.

29 (B) The legislature may be convened at other times by the
30 governor or, at the written request of a majority of the elected
31 members of each house, by the presiding officers of both houses.
32 The governor or the presiding officers of both houses, as the

1 case may be, shall issue a proclamation convening the legis-
2 lature into extraordinary session. The proclamation shall
3 state the object or objects for convening the legislature in
4 extraordinary sessions, the date on which the legislature is
5 to be convened, and the number of days for which the legis-
6 lature is convened. The power to legislate, under the penalty
7 of nullity, shall be limited to the objects specifically enumer-
8 ated in the proclamation convening the extraordinary session,
9 and the session shall be limited to the number of days named
10 therein, which shall never exceed thirty calendar days.

11 **Section 3. Size**

12 Section 3. The number of members of the legislature shall
13 be provided by law, but the number of Senate members shall
14 not exceed forty-one and the number of House members shall
15 not exceed one hundred and eleven.

16 **Section 4. Qualifications; Residence Requirements; Term;**
17 **Vacancies**

18 Section 4. (A) Every elector who at the time of his elec-
19 tion has reached the age of eighteen years shall be eligible to
20 membership in the House of Representatives. Every elector
21 who at the time of his election has reached the age of twenty-
22 one years shall be eligible to membership in the Senate.

23 (B) No person shall be eligible to membership in the legis-
24 lature unless at the time of his election he has been a resident
25 of the state for two years and actually domiciled within the
26 legislative district from which he seeks election for one year
27 immediately preceding his election. However, at the first elec-
28 tion following the reapportionment of the legislature only, a
29 person may qualify for election from any district created in
30 whole or in part from the district existing prior to reappor-
31 tionment in which such person was domiciled, if he was domi-
32 ciled in that prior district for at least one year immediately

1 preceding his election. The seat of any member who changes
2 his domicile from the legislative district which he represents
3 shall be vacated thereby, any declaration of a retention of
4 domicile to the contrary notwithstanding.

5 (C) The members of the legislature shall be elected for
6 terms of four years each.

7 (D) When a vacancy occurs in either house of the legis-
8 lature, the remainder of the term shall be filled only by elec-
9 tion, as provided by law.

10 Section 5. Legislative Apportionment; Judicial Review;
11 Apportionment by Supreme Court

12 Section 5. (A) Not later than the end of the first year
13 following the year in which the population of this state is
14 reported to the president of the United States for each de-
15 cennial federal census, the legislature shall apportion the
16 representation in each house on the basis of the total state
17 population as shown by the census. Within ten days after the
18 legislature adopts an apportionment plan the presiding offi-
19 cers of the two houses shall submit the plan to the supreme
20 court for review.

21 (B) If the legislature fails to apportion itself, the supreme
22 court, upon petition therefor, by the attorney general within
23 ten days after the close of the year above specified shall ap-
24 portion each house thereof as provided in Paragraph (A)
25 of this Section.

26 (C) The procedure for review and petition shall be pro-
27 vided by law.

28 Section 6. Judging Qualifications and Election; Procedural
29 Rules; Discipline; Officers

30 Section 6. (A) Each house shall be the judge of the quali-
31 fications and elections of its own members, determine the
32 rules of its procedure, and may punish its members for dis-

1 orderly conduct or contempt and, with the concurrence of
2 two-thirds of its elected members, may expel a member. Ex-
3 pulsion shall create a vacancy in the office.

4 (B) Each house shall have power to compel the attend-
5 ance and testimony of witnesses and the production of books
6 and papers before such house as a whole, before any com-
7 mittee thereof, or before joint committees of the houses and
8 shall have the power to punish for contempt those in willful
9 disobedience of its orders.

10 (C) Each house shall choose its own officers, including a
11 permanent presiding officer selected from its membership,
12 who shall be designated in the Senate as the president of the
13 Senate and in the House as the speaker of the House of
14 Representatives.

15 Section 7. Privileges and Immunities

16 Section 7. The members of the legislature shall in all cases,
17 except felony, be privileged from arrest during their attend-
18 ance at the sessions and committee meetings of their respec-
19 tive houses and in going to and returning from the same. No
20 member shall be questioned in any other place for any speech
21 or debate in either house.

22 Section 8. Conflict of Interest

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

28 Section 9. Quorum; Compulsory Attendance; Journal; Ad-
29 journment; Consent of Other House

30 Section 9. (A) Not less than a majority of the elected
31 members of each house shall form a quorum to transact busi-
32 ness, but a smaller number may adjourn from day-to-day and

1 shall have power to compel the attendance of absent members.

2 (B) Each house shall keep a journal of its proceedings
3 which shall be published from day-to-day and which shall
4 accurately reflect the proceedings of that house, including
5 all record votes. A record vote is a written, printed, or oral
6 vote by yeas and nays.

7 (C) Whenever the legislature is in session neither house
8 shall adjourn for more than three days or to any other place
9 than that in which it is then meeting, without the consent of
10 the other house.

11 Section 10. Legislative Auditor

12 Section 10. There shall be a legislative auditor who shall
13 be elected by the consent of a majority of the elected members
14 of each house and may be removed by the consent of two-
15 thirds of the elected members of each house. The legislative
16 auditor shall be responsible solely to the legislature and shall
17 serve as fiscal advisor to the legislature. He shall perform
18 such duties and functions relating to the auditing of the
19 fiscal records of state and local governments as are provided
20 by law.

21 Section 11. Salaries of Public Officers; Change

22 Section 11. Salaries of public officers may be changed
23 only by two-thirds of the elected members of each house of
24 the legislature.

25 Section 12. Local or Special Laws

26 Section 12. The legislature shall pass no local or special
27 law when a general law is or can be made applicable.

28 Section 13. Local or Special Laws; Notice of Intention;
29 Publication

30 Section 13. No local or special law shall be introduced into
31 the legislature unless notice of the intention to introduce such
32 law has been published, without cost to the state, in the local-

1 ity where the matter or things to be affected are situated on
2 two separate days, the last day of which is at least thirty
3 days prior to the introduction of such a bill into the legisla-
4 ture. The notice shall state the substance of the contemplated
5 law. Every such bill shall contain a recital that the notice
6 has been given.

7 Section 14. Suits Against the State

8 Section 14. The legislature may authorize suit to be filed
9 against the state, its agencies, and political subdivisions, and
10 shall provide a method of procedure and the effect of the
11 judgments which may be rendered therein. Any law enacted
12 for the purpose shall waive immunity from suit and from
13 liability.

14 Section 15. Continuity of Government

15 Section 15. The legislature shall provide for the orderly
16 and temporary continuity of government, in periods of emer-
17 gency, until such time as the normal processes of government
18 can be reestablished in accordance with the constitution and
19 laws of the state. It shall also provide for the prompt and
20 temporary succession to the powers and duties of public
21 offices, the incumbents of which may become unavailable to
22 execute the functions of their offices.

23 Section 16. Style of Laws; Enacting Clause

24 Section 16. The style of the laws of this state shall be:
25 "Be it enacted by the Legislature of Louisiana." It shall not
26 be necessary to repeat the enacting clause after the first sec-
27 tion of an act.

28 Section 17. Passage of Bills

29 Section 17. (A) The legislature shall enact no law and
30 propose no amendment to the constitution except by a bill.
31 Every bill, except the general appropriation bill and bills for
32 the enactment, rearrangement, codification, or revision of a

system of laws, shall be confined to one object and shall contain a brief title indicative of its object.

(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 so amended in its passage through either house as to change its original object.

(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 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.

Section 18. Appropriations

(A) No money shall be withdrawn from the state treasury except through specific appropriation, and no appropriation of money shall be made for contingencies or for longer than two years.

(B) All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Sen-

ate may propose or concur in amendments, as in other bills.

(C) 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 and interest thereon.

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

(E) Any bill appropriating money in an extraordinary session of the legislature convened after final adjournment of the regular session held in the last year of the term of office of a governor, except for expenses of the legislature, shall require the approval of three-fourths of the elected members of each house.

Section 19. Signing of Bills; Delivery to Governor

(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.

Section 20. Signature of Governor on Bills; Veto

(A) A bill shall become law if the governor does not sign or veto the bill within ten days after its delivery to him if the legislature is in session or within twenty days if the legislature is adjourned.

(B) If the governor does not approve of a bill, he may veto it and return it to the legislature, with his veto message, within twelve days after its delivery to him if the legislature is in session. If the legislature has adjourned before the governor vetoes or returns one or more bills, he shall return them, with his veto message, to the legislature as provided by

1 law. Any bill thus returned by the governor and subsequently
2 approved by two-thirds of the elected members of each house
3 shall become law.

4 (C) The presiding officers of both houses shall convene
5 the legislature in veto session upon the written request there-
6 for, by at least a majority of the members elected to each
7 house, on the thirty-fifth day after final adjournment of each
8 session, for the sole purpose of reconsidering the bills vetoed
9 by the governor. The veto session shall not exceed five con-
10 secutive days.

11 Section 21. Effective Date of Laws

12 Section 21. All laws shall be published as provided by law
13 and shall take effect on the sixtieth day after final adjourn-
14 ment of the session in which they were enacted. However,
15 any bill may specify an earlier or later effective date.

16 Section 22. Suspension of Laws

17 Section 22. No power of suspending laws of this state shall
18 be exercised except by the legislature and then only by the
19 same vote required for final passage of the law proposed to
20 be suspended. The vote thereon shall be by record vote.

21 Section 23. Corporations; Perpetual or Indefinite Dura-
22 tion; Dissolution; Perpetual Franchises or Privileges

23 Section 23. The legislature may authorize the organiza-
24 tion of corporations for perpetual or indefinite duration.
25 However, every corporation shall be subject to dissolution
26 or forfeiture of its charter or franchise, as provided by law.
27 Neither the state nor any political subdivision shall grant a
28 perpetual franchise or privilege to any person or corporation.

29 Section 24. State and District Officers; Impeachment; Con-
30 viction; Effect

31 Section 24. (A) All state and district officers, whether
32 elected or appointed, shall be liable to impeachment for fel-

1 onies, incompetency, corruption, extortion, oppression in of-
2 fice, gross misconduct, or habitual drunkenness.

3 (B) All impeachments shall be originated by the House of
4 Representatives and shall be tried by the Senate. Two-thirds
5 of the members elected to the Senate shall be necessary to
6 convict. The Senate may sit for said purpose whether or not
7 the House is in session and may adjourn as it thinks proper.

8 (C) Judgment of conviction in impeachment cases removes
9 and debars the person from holding any office under the state,
10 but neither conviction nor acquittal shall prevent prosecution
11 and punishment otherwise according to law. Impeachment
12 proceedings shall suspend any officer except the governor or
13 acting governor, and the office shall be filled by the governor
14 until decision of impeachment.

15 Section 25. Removal by Suit; Officers Subject; Commence-
16 ment of Suit

17 Section 25. The legislature shall provide for the removal
18 by suit of any state, district, parochial, ward, or municipal
19 officer except the governor, lieutenant governor, and judges
20 of the courts of record.

21 Section 26. Recall

22 Section 26. The legislature shall provide for the recall by
23 election of any state, district, parochial, ward, or municipal
24 officer except judges of the courts of record. The sole issue
25 at any recall election shall be whether such officer shall be
26 recalled.

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Constitutional Convention of Louisiana of 1973

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1 **COMMITTEE PROPOSAL No. 3—**

2 Introduced by Delegate Blair, Chairman, on behalf of the
3 Committee on Legislative Powers and Functions, and Dele-
4 gates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Lan-
5 drum, LeBreton and O'Neill:

6 **A PROPOSAL**

7 Making provisions for the legislative branch of government,
8 impeachment and removal of officials, and necessary pro-
9 visions with respect thereto.

10 Be it adopted by the Constitutional Convention of Louisi-
11 ana of 1973:

12 **ARTICLE III. LEGISLATIVE DEPARTMENT**

13 **Section 1. Legislative Power of State; Vesting; Continu-**
14 **ous Body**

15 **Section 1. (A)** The legislative power of the state is vested
16 in a legislature, consisting of a Senate and a House of Repre-
17 sentatives.

18 **(B)** The legislature shall be a continuous body during the
19 term for which its members are elected.

20 **Section 2. Sessions; Annual, Extraordinary**

21 **Section 2. (A)** The legislature shall meet in regular annual
22 sessions. In each year the regular session shall extend for
23 not more than fifty-five legislative days. The legislature shall
24 convene at twelve o'clock noon on the fourth Monday in
25 April of each year for not to exceed five calendar days.
26 During this period no committee shall report and neither
27 house shall adopt any bill or resolution which is intended
28 to have the effect of law. Not later than the close of the
29 fifth calendar day the legislature shall adjourn and stand
30 in recess until twelve o'clock noon on the second Monday in
31 May, at which time the legislature shall reconvene for not
32 to exceed fifty legislative days, which shall not extend in

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1 any year beyond sixty calendar days following the second
2 Monday in May. During the interim between adjournment
3 and reconvening, the committees of the houses may meet and
4 hold hearings, but shall take no vote with respect to any
5 bill or resolution referred to them. No new matter intended
6 to have the effect of law shall be introduced during any
7 regular session after midnight of the third Monday in May
8 of each year. A legislative day is a calendar day on which
9 either house of the legislature is in session.

10 **(B)** The legislature may be convened at other times by the
11 governor or, shall be convened upon the written request of
12 a majority of the elected members of each house, by the
13 presiding officers of both houses. The governor or the
14 presiding officers of both houses, as the case may be, shall
15 issue a proclamation at least five days prior to convening the
16 legislature into extraordinary session. The proclamation shall
17 state the object or objects for convening the legislature in
18 extraordinary sessions, the date on which the legislature is
19 to be convened, and the number of days for which the legis-
20 lature is convened. The power to legislate, under the penalty
21 of nullity, shall be limited to the objects specifically enumer-
22 ated in the proclamation convening the extraordinary session,
23 and the session shall be limited to the number of days named
24 therein, which shall never exceed thirty calendar days.

25 **Section 3. Size**

26 **Section 3.** The number of members of the legislature shall
27 be provided by law, but the number of Senate members shall
28 not exceed forty-one and the number of House members shall
29 not exceed one hundred and eleven.

30 **Section 4. Qualifications; Residence Requirements; Term;**
31 **Vacancies; Salary**

32 **Section 4. (A)** Every elector who at the time of the general

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1 election shall have reached the age of eighteen years shall be
2 eligible to membership in the House of Representatives. Every
3 elector who at the time of the general election shall have
4 reached the age of twenty-one years shall be eligible to
5 membership in the Senate.

6 (B) No person shall be eligible to membership in the legis-
7 lature unless at the time of the general election he shall have
8 been a resident of the state for two years and actually
9 domiciled within the legislative district from which he seeks
10 election for one year immediately preceding his election.
11 However, at the next regular election for members of the
12 legislature following the reapportionment of the legislature, a
13 person may qualify for election to either house of the legis-
14 lature from any district created in whole or in part from the
15 district existing prior to reapportionment in which such
16 person was domiciled, if he was domiciled in that prior
17 district for at least one year immediately preceding his elec-
18 tion. The seat of any member who changes his domicile
19 from the legislative district which he represents shall be
20 vacated thereby, any declaration of a retention of domicile
21 to the contrary notwithstanding.

22 (C) The members of the legislature shall be elected for
23 terms of four years each.

24 (D) When a vacancy occurs in either house of the legia-
25 lature, the remainder of the term shall be filled only by elec-
26 tion, aa provided by law.

27 (E) The members of the legislature shall be compensated
28 by an annual salary which shall be fixed by a majority
29 vote of the elected members of each house of the legislature.
30 The amount fixed may be changed only by two-thirds of the
31 elected members of each house of the legislature, to be
32 effective at a term other than that for the members presently

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1 serving.

2 Section 5. Legislative Apportionment; Judicial Review;
3 Apportionment by Supreme Court

4 Section 5. (A) Not later than the end of the first year
5 following the year in which the population of this state is
6 reported to the president of the United States for each de-
7 cennial federal census, the legislature shall apportion the
8 representation in each house on the basis of the total state
9 population as shown by the census. Within ten days after the
10 legislature adopts an apportionment plan the presiding offi-
11 cers of the two houses shall submit the plan to the supreme
12 court for review.

13 (B) If the legislature fails to apportion itself, the supreme
14 court, upon petition therefor, by the attorney general within
15 ten days after the close of the year above specified shall ap-
16 portion each house thereof as provided in Paragraph (A)
17 of this Section.

18 (C) The procedure for review and petition shall be pro-
19 vided by law.

20 Section 6. Judging Qualifications and Election; Procedural
21 Rules; Discipline; Officers

22 Section 6. (A) Each house shall be the judge of the quali-
23 fications and elections of its own members, determine the
24 rules of its procedure, and may punish its members for dis-
25 orderly conduct or contempt and, with the concurrence of
26 two-thirds of its elected members, may expel a member. Ex-
27 pulsion shall create a vacancy in the office.

28 (B) Each house shall have power to compel the atten-
29 dance and testimony of witnesses and the production of books
30 and papers before such house as a whole, before any com-
31 mittee thereof, or before joint committees of the houses and
32 shall have the power to punish for contempt those in willful

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1 disobedience of its orders.

2 (C) Each house shall choose its own officers, including a
3 permanent presiding officer selected from its membership,
4 who shall be designated in the Senate as the president of the
5 Senate and in the House as the speaker of the House of
6 Representatives. The clerical officers of the two houses
7 shall be the clerk of the House of Representatives and the
8 secretary of the Senate, each of whom shall have the power
9 to administer oaths.

10 Section 7. Privileges and Immunities

11 Section 7. The members of the legislature shall in all cases,
12 except felony, be privileged from arrest during their atten-
13 dance at the sessions and committee meetings of their respec-
14 tive houses and in going to and returning from the same. No
15 member shall be questioned in any other place for any speech
16 or debate in either house.

17 Section 8. Conflict of Interest

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

23 Section 9. Quorum; Compulsory Attendance; Journal; Ad-
24 journment; Consent of Other House

25 Section 9. (A) Not less than a majority of the elected
26 members of each house shall form a quorum to transact busi-
27 ness, but a smaller number may adjourn from day-to-day and
28 shall have power to compel the attendance of absent members.

29 (B) Each house shall keep a journal of its proceedings
30 which shall be published from day-to-day and which shall
31 accurately reflect the proceedings of that house, including
32 all record votes. A record vote is a vote by yeas and nays,

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1 with said yeas and nays being published in the journal.

2 (C) Whenever the legislature is in session neither house
3 shall adjourn for more than three days or to any other place
4 than that in which it is then meeting, without the consent of
5 the other house.

6 Section 10. Legislative Auditor

7 Section 10. There shall be a legislative auditor who shall
8 be elected by the consent of a majority of the elected members
9 of each house and may be removed by the consent of two-
10 thirds of the elected members of each house. The legislative
11 auditor shall be responsible solely to the legislature and shall
12 serve as fiscal advisor to the legislature. He shall perform
13 such duties and functions relating to the auditing of the
14 fiscal records of state and local governments as are provided
15 by law.

16 Section 11. Salaries of Public Officers; Change

17 Section 11. Except as otherwise provided in this constitu-
18 tion, salaries of public officials may be changed only by
19 two-thirds vote of the elected members of each house of
20 the legislature; provided that the salaries of public officers
21 shall not be reduced during the term for which they are
22 elected or appointed.

23 Section 12. Local or Special Laws

24 Section 12. The legislature shall pass no local or special
25 law when a general law is or can be made applicable.

26 Section 13. Local or Special Laws; Notice of Intention;
27 Publication

28 Section 13. No local or special law shall be introduced into
29 the legislature unless notice of the intention to introduce such
30 law has been published, without cost to the state, in the local-
31 ity where the matter or things to be affected are situated on
32 two separate days, the last day of which is at least thirty

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1 days prior to the introduction of such a bill into the legisla-
2 ture. The notice shall state the substance of the contemplated
3 law. Every such bill shall contain a recital that the notice
4 has been given.

5 Section 14. Suits Against the State

6 Section 14. The legislature may authorize suit to be filed
7 against the state, its agencies, and political subdivisions, and
8 shall provide a method of procedure and the effect of the
9 judgments which may be rendered therein. Any law enacted
10 for the purpose shall waive immunity from suit and from
11 liability.

12 Section 15. Continuity of Government

13 Section 15. The legislature shall provide for the orderly
14 and temporary continuity of state government, in periods of
15 emergency, until such time as the normal processes of govern-
16 ment can be reestablished in accordance with the constitution
17 and laws of the state. It shall also provide for the prompt and
18 temporary succession to the powers and duties of public
19 offices, the incumbents of which may become unavailable to
20 execute the functions of their offices.

21 Section 16. Style of Laws; Enacting Clause

22 Section 16. The style of the laws of this state shall be:
23 "Be it enacted by the Legislature of Louisiana." It shall not
24 be necessary to repeat the enacting clause after the first sec-
25 tion of an act.

26 Section 17. Passage of Bills

27 Section 17 (A) The legislature shall enact no law except
28 by a bill, and shall propose no amendment to the constitution
29 except by a joint resolution, which shall be processed as a
30 bill. Every bill, except the general appropriation bill and bills
31 for the enactment, rearrangement, codification, or revision of
32 a system of laws, shall be confined to one object and shall

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1 contain a brief title indicative of its object.

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

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

9 (D) Every bill shall be read at least by title on three
10 separate days in each house. No bill shall be considered for
11 final passage unless it has been reported on by a committee.

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

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

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

26 Section 18. Appropriations

27 Section 18. (A) No money shall be withdrawn from the
28 state treasury except through specific appropriation, and no
29 appropriation of money shall be made for contingencies or
30 for longer than two years.

31 (B) All bills for raising revenue or appropriating money
32 shall originate in the House of Representatives, but the Sen-

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1 ate may propose or concur in amendments, as in other bills.

1 them, with his veto message, to the legislature as provided by

2 (C) The general appropriation bill shall be itemized and
3 shall contain only appropriations for the ordinary operating
4 expenses of government, public charities, pensions, and the
5 public debt and interest thereon.

2 law. Any bill thus returned by the governor and subsequently
3 approved by two-thirds of the elected members of each house
4 shall become law.

6 (D) All other bills for appropriating money shall be for a
7 specific purpose and for a specific amount.

5 (C) The legislature shall meet in veto session at the seat
6 of government at twelve o'clock noon on the thirty-fifth
7 day following the sine die adjournment of the most recent
8 session of the legislature for the purpose of considering
9 all measures vetoed by the governor, except that if such
10 day falls on a Sunday the session shall convene at noon on
11 the next succeeding Monday. No veto session shall exceed
12 five calendar days in length, and any veto session may be
13 adjourned sine die prior to the end of the fifth day upon
14 the vote of two-thirds of the elected members of each house.

8 (E) Any bill appropriating money in an extraordinary
9 session of the legislature convened after final adjournment
10 of the regular session held in the last year of the term of
11 office of a governor, except for expenses of the legislature,
12 shall require the approval of three-fourths of the elected
18 members of each house.

15 No veto session shall be held if a simple majority of the
16 elected members of either or both houses indicate in writing
17 that a veto session is not necessary. Such written notice
18 must be received by the presiding officer of the respective
19 houses at least two days prior to the day on which the veto
20 session is to convene.

14 Section 19. Signing of Bills; Delivery to Governor

21 Section 21. Effective Date of Laws

15 Section 19. (A) A bill that has been passed by both houses
16 of the legislature shall be signed by the presiding officers of
17 both houses and shall be submitted to the governor for his
18 signature or other action. Delivery to the governor shall be
19 within three days after passage.

22 Section 21. All laws shall be published as provided by law
23 and shall take effect on the sixtieth day after final adjourn-
24 ment of the session in which they were enacted. However,
25 any bill may specify an earlier or later effective date.

21 (B) No joint, concurrent, or other resolution shall require
22 the signature or other action of the governor.

26 Section 22. Suspension of Laws

22 Section 20. Signature of Governor on Bills; Veto

23 Section 20. (A) A bill, except a joint resolution, shall
24 become law if the governor does not sign or veto the bill
25 within ten days after its delivery to him if the legislature
26 is in session or within twenty days if the legislature is
27 adjourned.

27 Section 22. No power of suspending laws of this state shall
28 be exercised except by the legislature and then only by the
29 same vote required for final passage of the law proposed to
30 be suspended. The vote thereon shall be by record vote.

28 (B) If the governor does not approve of a bill, he may
29 veto it and return it to the legislature, with his veto message,
30 within twelve days after its delivery to him if the legislature
31 is in session. If the legislature has adjourned before the gov-
32 ernor vetoes or returns one or more bills, he shall return

31 Section 23. Corporations; Perpetual or Indefinite Dura-
32 tion; Dissolution; Perpetual Franchises or Privileges

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1 Section 23. The legislature may authorize the organiza-
2 tion of corporations for perpetual or indefinite duration.
3 However, every corporation shall be subject to dissolution
4 or forfeiture of its charter or franchise, as provided by law.
5 Neither the state nor any political subdivision shall grant a
6 perpetual franchise or privilege to any person or corporation.

7 Section 24. State and District Officers; Impeachment; Con-
8 viction; Effect

9 Section 24. (A) All state and district officers, whether
10 elected or appointed, shall be liable to impeachment for fel-
11 onies, incompetency, corruption, extortion, oppression in of-
12 fice, gross misconduct, or habitual drunkenness.

13 (B) All impeachments shall be by the House of Representa-
14 tives and shall require the favorable vote of at least a
15 majority of the elected members thereof. Impeachments shall
16 be tried by the Senate. Two-thirds of the members elected
17 to the Senate shall be necessary to convict. The Senate may
18 sit for said purpose whether or not the House is in session
19 and may adjourn as it thinks proper.

20 (C) Judgment of conviction in impeachment cases removes
21 and debars the person from holding any office under the state,
22 but neither conviction nor acquittal shall prevent prosecution
23 and punishment otherwise according to law. Impeachment
24 shall suspend any officer except the governor or acting
25 governor, and the appointing authority shall make an in-
26 terim appointment until decision of impeachment.

27 Section 25. Removal on Address by Legislature

28 Section 25. For any reasonable cause, whether or not
29 sufficient for impeachment, upon the address of two-thirds
30 of the members elected to each house of the legislature and
31 after a public hearing by the committee of the whole in
32 each house, any officer except the governor or acting gover-

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1 nor may be removed from office. Any officer so removed
2 shall be ineligible to succeed himself. The cause or causes
3 for which such removal is made shall be stated at length
4 in the address.

5 Section 26. Removal by Suit; Officers Subject; Commence-
6 ment of Suit

7 Section 26. For the causes enumerated in Paragraph (A)
8 of Section 24 of this Article, the legislature shall by general
9 law provide for the removal by suit of any state, district,
10 parochial, ward, or municipal officer except the governor,
11 lieutenant governor, and judges of the courts of record.

12 Section 27. Recall

13 Section 27. The legislature shall provide by general law for
14 the recall by election of any state, district, parochial, ward,
15 or municipal officer except judges of the courts of record.
16 The sole issue at any recall election shall be whether such
17 officer shall be recalled.

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First Enrollment

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1 Constitutional Convention of Louisiana of 1973
2 COMMITTEE PROPOSAL NUMBER 3
3 Introduced by Delegate Blair, Chairman, on behalf of
4 the Committee on Legislative Powers and Functions,
5 and Delegates Casey, Fayard, Fulco, Ginn, Juneau,
6 Kilpatrick, Landrum, LeBreton, and O'Neill

A PROPOSAL

10 Making provisions for the legislative branch of govern-
11 ment, impeachment and removal of officials, and
12 necessary provisions with respect thereto.

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

ARTICLE III. LEGISLATIVE DEPARTMENT

17 Section 1. Legislative Power of State; Vesting;
18 Continuous Body

19 Section 1. (A) The legislative power of the state
20 is vested in a legislature, consisting of a Senate composed
21 of one senator elected from each senatorial district and a
22 House of Representatives composed of one representative
23 elected from each representative district.

24 (B) The legislature shall be a continuous body during
25 the term for which its members are elected, provided that
26 bills and resolutions not finally passed by both houses
27 in any session of the legislature shall be automatically
28 withdrawn from its files.

29 Section 2. Sessions; Annual, Extraordinary

30 Section 2. (A) The legislature shall meet annually in
31 regular session in the state capitol during a period of
32 eighty-five calendar days for not more than sixty legislative
33 days. A legislative day is a calendar day on which either
34 house is in session. No such session shall continue beyond
35 the eighty-fifth calendar day after convening. The legislature

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1 shall convene at twelve o'clock noon on the third Monday
2 in April of each year. No new matter intended to have the
3 effect of law shall be introduced or received by either
4 house of the legislature after midnight of the fifteenth
5 calendar day, except by a favorable record vote of two-
6 thirds of the elected members of each house. During any
7 regular annual session held in an odd-numbered year, no
8 measures levying new taxes or increasing existing taxes
9 shall be introduced or enacted.

10 (B) The legislature may be convened at other times by
11 the governor or, shall be convened upon the written petition
12 of a majority of the elected members of each house, by the
13 presiding officers of both houses. Such petition shall be
14 in such form as shall be provided by law. The governor or the
15 presiding officers of both houses, as the case may be, shall
16 issue a proclamation at least five days prior to convening
17 the legislature into extraordinary session. The proclamation
18 shall state the object or objects for convening
19 the legislature in extraordinary sessions, the date on which
20 the legislature is to be convened, and the number of days
21 for which the legislature is convened. The power to legislate,
22 under the penalty of nullity, shall be limited to the objects
23 specifically enumerated in the proclamation convening the
24 extraordinary session, and the session shall be limited to
25 the number of days named therein, which shall never exceed
26 thirty calendar days.

27 The governor may convene the legislature in extraordinary
28 session without prior notice or proclamation on occasions of
29 public emergencies caused by epidemics, attacks by the enemy,
30 or public catastrophe.

31 Section 3. Size

32 Section 3. The number of members of the legislature
33 shall be provided by law, but the number of Senate members
34 shall not exceed thirty-nine and the number of House members
35 shall not exceed one hundred five.

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First Enrollment

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1 Section 4. Qualifications; Residence Requirements;
2 Term; Vacancies; Salary

3 Section 4. (A) Every person, who is an elector
4 and has reached the age of eighteen years at the time of
5 qualifications for the office, shall be eligible for member-
6 ship in the legislature.

7 (B) No person shall be eligible to membership in the
8 legislature unless at the time of qualification for the office
9 he shall have been a resident of the state for two years and
10 actually domiciled within the legislative district from which
11 he seeks election for one year immediately preceding qualifi-
12 cation for office. However, at the next regular election for
13 members of the legislature following the reapportionment of the
14 legislature, a person may qualify for election to either house
15 of the legislature from any district created in whole or in
16 part from the district existing prior to reapportionment in
17 which such person was domiciled, if he was domiciled in that
18 prior district for at least one year immediately preceding his
19 election and if he was a resident of the state for at least
20 two years immediately preceding his election. The seat of any
21 member who changes his domicile from the legislative district
22 he represents or, if elected after reapportionment, whose
23 domicile is not within the district he represents at the time
24 he is sworn into office, shall be vacated thereby, any dec-
25 laration of a retention of domicile to the contrary notwith-
26 standing.

27 (C) The members of the legislature shall be elected for
28 terms of four years each.

29 (D) When a vacancy occurs in either house of the leg-
30 islature, the remainder of the term shall be filled only
31 by election, as provided by law.

32 Section 5. Legislative Apportionment; Judicial Review;
33 Apportionment by Supreme Court

34 Section 5. (A) Not later than the end of the first
35 year following the year in which the population of this

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1 state is reported to the president of the United States for
2 each decennial federal census, the legislature shall apportion
3 the representation in each house as equally as practicable
4 on the basis of the total state population as shown by the
5 census.

6 (B) If the legislature fails to apportion itself as
7 required in Paragraph (A) of this Section, the supreme court,
8 upon petition by any elector, shall apportion each house as
9 provided in Paragraph (A) of this Section.

10 (C) The procedure for review and petition shall be
11 provided by law.

12 Section 6. Judging Qualifications and Elections; Pro-
13 cedural Rules; Discipline; Officers

14 Section 6. (A) Each house shall be the judge of the
15 qualifications and elections of its own members, determine
16 the rules of its procedure, not inconsistent with the pro-
17 visions of this constitution, and may punish its members for
18 disorderly conduct or contempt and, with the concurrence of
19 two-thirds of its elected members, may expel a member.
20 Expulsion shall create a vacancy in the office.

21 (B) Each house shall have power to compel the attend-
22 ance and testimony of witnesses and the production of
23 books and papers before such house as a whole, before any
24 committee thereof, or before joint committees of the houses
25 and shall have the power to punish for contempt those in
26 willful disobedience of its orders.

27 (C) Each house shall choose its own officers, including
28 a permanent presiding officer selected from its membership,
29 who shall be designated in the Senate as the president of
30 the Senate and in the House as the speaker of the House of
31 Representatives. The clerical officers of the two houses
32 shall be the clerk of the House of Representatives and
33 the secretary of the Senate, each of whom shall have the
34 power to administer oaths.

35 Section 7. Privileges and Immunities

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1 Section 7. The members of the legislature shall in all
2 cases, except felony, be privileged from arrest during their
3 attendance at the sessions and committee meetings of their
4 respective houses and in going to and returning from the
5 same. No member shall be questioned in any other place for
6 any speech or debate in either house.

7 Section 8. Conflict of Interest

8 Section 8. Legislative office is a public trust and
9 every effort to realize personal gain through official
10 conduct is a violation of that trust. The legislature
11 shall enact a code of ethics prohibiting conflict between
12 public duty and private interests of members of the legis-
13 lature.

14 Section 9. Quorum; Compulsory Attendance; Journal;
15 Adjournment; Consent of Other House

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

20 (B) Each house shall keep a journal of its proceedings,
21 and cause the same to be published immediately after the
22 close of each session. The journal shall accurately reflect
23 the proceedings of that house, including all record votes.
24 A record vote is a vote by yeas and nays, with said yeas and
25 nays being published in the journal.

26 (C) Whenever the legislature is in session neither
27 house shall adjourn for more than three days or to any
28 other place than that in which it is then meeting, without
29 the consent of the other house.

30 Section 10. Legislative Auditor

31 Section 10. There shall be a legislative auditor
32 who shall be elected by the consent of a majority of the
33 elected members of each house and may be removed by the
34 consent of two-thirds of the elected members of each house.
35 The legislative auditor shall be responsible solely to the

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1 legislature and shall serve as a fiscal advisor to the legis-
2 lature. He shall perform such duties and functions relating
3 to the auditing of the fiscal records of state and local
4 governments as are provided by law.

5 Section 11. Compensation of Elected Public Officers;
6 Reduction

7 Section 11. The compensation of elected public officers
8 shall not be reduced during the term for which they are elected.

9 Section 13. Local or Special Laws; Notice of
10 Intention; Publication

11 Section 13. No local or special law shall be enacted by
12 the legislature unless notice of the intention to introduce
13 such law has been published, without cost to the state, in the
14 official journal of the locality where the matter or things to be
15 affected are situated on two separate days, the last day of which
16 is at least thirty days prior to the introduction of such a bill
17 into the legislature. The notice shall state the substance of
18 the contemplated law. Every such bill shall contain a recital
19 that the notice has been given.

20 Section 14. Suits Against the State

21 Section 14. (A) Neither the state nor any of its
22 agencies or political subdivisions shall be immune from suit
23 and liability in contract or for injury to person or property.

24 (B) In other cases the legislature may authorize suit
25 to be filed against the state, its agencies and political
26 subdivisions and any concurrent resolution enacted for the
27 purpose shall waive immunity from suit and liability.

28 (C) The legislature shall provide for a method of
29 procedure and the effects of the judgments which may be
30 rendered in all cases against the state, its agencies
31 and political subdivisions.

32 (D) Public property and funds shall not be subject
33 to seizure, and no judgment against the state, its agencies
34 or political subdivision shall be exigible, payable, or
35 paid except out of funds appropriated for payment by the state.

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1 its agencies or political subdivision against whom judgment
2 is rendered.

3 Section 15. Continuity of Government

4 Section 15. The legislature shall provide for the
5 orderly and temporary continuity of state government, in periods
6 of emergency, until such time as the normal processes of
7 government can be reestablished in accordance with the
8 constitution and laws of the state. Except as otherwise
9 provided in this constitution, it shall also provide for
10 the prompt and temporary succession to the powers and
11 duties of public offices, the incumbents of which may be-
12 come unavailable to execute the functions of their offices.

13 Section 16. Style of Laws; Enacting Clause

14 Section 16. The style of the laws enacted by the legis-
15 lature of this state shall be: "Be it enacted by the Legis-
16 lature of Louisiana." It shall not be necessary to repeat
17 the enacting clause after the first section of an act.

18 Section 17. Passage of Bills

19 Section 17. (A) The legislature shall enact no law
20 except by a bill introduced during a session of the legislature,
21 and shall propose no amendment to the constitution except by
22 a joint resolution introduced during a session of the legislature,
23 which shall be processed as a bill. Every bill, except the
24 general appropriation bill and bills for the enactment, rearrange-
25 ment, codification, or revision of a system of laws, shall be
26 confined to one object and every bill shall contain a brief
27 title indicative of its object. No action on any matter in-
28 tended to have the effect of law shall be taken except in
29 open, public meeting.

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

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

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1 originally introduced.

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

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

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

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

21 Section 18. Appropriations

22 Section 18. (A) No money shall be withdrawn from the
23 state treasury except through specific appropriation, and,
24 except as otherwise provided in this constitution,
25 no appropriation of money shall be made under the heading
26 of contingencies, nor shall any appropriation be made for
27 longer than one year.

28 (B) All bills for raising revenue or appropriating
29 money shall originate in the House of Representatives, but
30 the Senate may propose or concur in amendments, as in other
31 bills.

32 (C) The general appropriation bill shall be itemized
33 and shall contain only appropriations for the ordinary opera-
34 ting expenses of government, public charities, pensions, and
35 the public debt and interest thereon.

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1 (D) All other bills for appropriating money shall be
2 for a specific purpose and for a specific amount.

3 (E) Any bill appropriating money in an extraordinary
4 session of the legislature convened after final adjournment
5 of the regular session held in the last year of the term of
6 office of a governor, except for expenses of the legislature,
7 shall require the approval of three-fourths of the elected
8 members of each house.

Section 19. Signing of Bills; Delivery to Governor

9 Section 19. (A) A bill that has been passed by both
10 houses of the legislature shall be signed by the presiding
11 officers of both houses and shall be submitted to the gov-
12 ernor for his signature or other action. Delivery to the
13 governor shall be within three days after passage.

14 (B) No joint, concurrent, or other resolution shall
15 require the signature or other action of the governor.

Section 20. Signature of Governor on Bills; Veto

16 Section 20. (A) A bill, except a joint resolution,
17 shall become law if the governor does not sign or veto the
18 bill within ten days after its delivery to him if the
19 legislature is in session or within twenty days if the
20 legislature is adjourned.

21 (B) If the governor does not approve of a bill, he may
22 veto it and shall return it to the legislature, with his veto
23 message, within twelve days after its delivery to him if
24 the legislature is in session. If the legislature has ad-
25 journed before the governor vetoes or returns one or more
26 bills, he shall return them, with his veto message, to the
27 legislature as provided by law. Any bill thus returned by the
28 governor and subsequently approved by two-thirds of the
29 elected members of each house shall become law.

30 (C) The legislature shall meet in veto session at the
31 seat of government at twelve o'clock noon on the fortieth
32 day following the sine die adjournment of the most recent
33 session of the legislature for the purpose of considering

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1 all measures vetoed by the governor, except that if such
2 day falls on a Sunday the session shall convene at noon on
3 the next succeeding Monday. No veto session shall exceed
4 five calendar days in length, and any veto session may be
5 adjourned sine die prior to the end of the fifth day upon
6 the vote of two-thirds of the elected members of each house.

7 No veto session shall be held if a simple majority of the
8 elected members of either or both houses indicate in writing
9 that a veto session is not necessary. Such written notice
10 must be received by the presiding officer of the respective
11 houses at least five days prior to the day on which the veto
12 session is to convene.

Section 21. Effective Date of Laws

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

Section 22. Suspension of Laws

18 Section 22. No power of suspending laws of this state
19 shall be exercised except by the legislature and then only
20 by the same vote and, except for gubernatorial veto and time
21 limitations for introduction, according to the same procedures and
22 formalities required for enactment of the law proposed to be
23 suspended. After the effective date of this constitution every
24 resolution suspending a law shall fix the period of the
25 suspension, which shall not extend beyond the effective date
26 of the laws enacted at the next regular session of the legis-
27 lature.

Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges

28 Section 23. Neither the state nor any political
29 subdivision shall grant a perpetual franchise or privilege
30 to any person or corporation; however, the legislature may

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1 authorize the organization of corporations for perpetual
2 or indefinite duration. Every corporation shall be subject
3 to dissolution or forfeiture of its charter or franchise,
4 as provided by general law.

5 Section 24. Impeachment

6 Section 24. (A) Any state or district official,
7 whether elected or appointed, shall be liable to impeach-
8 ment for commission or conviction of felonies, malfeasance,
9 or for gross misconduct during his term of office.

10 (B) All impeachments shall be by the House of Repre-
11 sentatives, and shall be tried by the Senate, whose members
12 shall be upon oath or affirmation for that purpose, and a
13 vote of two-thirds of the senators elected shall be necessary
14 to convict. The Senate may sit for said purpose whether the
15 House be in session or not, and may adjourn as it thinks
16 proper. Conviction upon impeachment shall result in immediate
17 removal from office. Nothing herein shall prevent any other
18 action, prosecution, or punishment authorized by statute.

19 Section 25. Removal by Suit; Officers Subject

20 Section 25. For the causes enumerated in Paragraph (A)
21 of Section 24 of this Article, the legislature shall by general
22 law provide for the removal by suit of any state, district,
23 parochial, ward, or municipal officer except the governor,
24 lieutenant governor, and judges of the courts of record.

25 Section 26. Recall

26 Section 26. The legislature shall provide by general law
27 for the recall by election of any state, district, parochial,
28 ward, or municipal officer except judges of the courts of record.
29 The sole issue at any recall election shall be whether such
30 officer shall be recalled.

31 Section 27. Taking Office

32 Section 27. (A) Members of the legislature shall take
33 office thirty days prior to the date for the convening of the
34 first session of each term for which members are elected
35 every four years.

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1 (B) A person elected to fill an unexpired legislative
2 term shall take office thirty days after the secretary of state
3 promulgates the election returns.
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1 **COMMITTEE PROPOSAL No. 4—**

2 Introduced by Delegate Stagg, Chairman, on behalf of
3 the Committee on Executive Department:

4 **A PROPOSAL**

5 Providing for the executive branch of government, for the
6 filling of vacancies in certain public offices, and with
7 respect to dual office-holding, a code of ethics, and
8 impeachment.

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

11 **ARTICLE IV. EXECUTIVE DEPARTMENT**

12 **Section 1. Composition**

13 Section 1. (A) The executive branch shall consist of a
14 governor, lieutenant governor, secretary of state, attorney
15 general, treasurer, and all other executive offices, agencies,
16 and instrumentalities.

17 (B) All offices, agencies, and other instrumentalities of
18 the executive branch of state government and their respec-
19 tive functions, powers, and duties and responsibilities, except
20 for the offices of governor and lieutenant governor, shall
21 be allocated according to function, within not more than
22 twenty departments.

23 **Section 2. Qualifications**

24 Section 2. (A) To be eligible for any statewide elective
25 office a person must have attained the age of twenty-five
26 years by the date of his election and be a citizen of the
27 United States and of this state for at least five years
28 immediately preceding the date of his election. He shall
29 hold no other public office, except by virtue of his office,
30 during his tenure in office.

31 (B) The attorney general shall have been admitted to
32 the practice of law in this state for at least the five years

1 immediately preceding his election.

2 **Section 3. Elections and Terms**

3 Section 3. (A) The governor, lieutenant governor, secretary
4 of state, attorney general, and treasurer shall each be elected
5 statewide for a term of four years by the electors of the
6 state, at the time and place of voting for members of the
7 legislature. A person who has served as governor for more
8 than one and one-half terms in two consecutive terms
9 shall not be elected governor for the next succeeding term.

10 (B) The returns of the election of such officials shall
11 be transmitted to and be promulgated by the secretary of
12 state in a manner as may be provided by statute. The person
13 having the greatest number of votes for each office shall
14 be declared elected.

15 (C) If two or more persons have an equal, and the
16 highest number of votes for an office, they shall draw lots
17 to determine the result. The secretary of state shall arrange
18 for the drawing of lots within ten days after the election
19 results are promulgated, and the decision as to the winner
20 shall be final and conclusive. Election contests shall be
21 decided by the courts as may be provided by statute.

22 (D) The term of office of each elected official shall begin
23 at noon on the second Monday in March next following
24 the election.

25 (E) No official shall be elected statewide, except as pro-
26 vided by this constitution.

27 **Section 4. Compensation**

28 Section 4. (A) The compensation of each elected official
29 within the executive branch shall be fixed by the legislature
30 and shall not be increased or decreased for the term for
31 which the official is elected. No state official shall receive
32 a salary in excess of that paid to the governor.

1 (B) The lieutenant governor when acting as governor
 2 shall receive the same salary as the governor, and an
 3 appointed assistant when acting as an elected official shall
 4 receive the same salary as the elected official.

5 Section 5. Powers and Duties of Governor

6 Section 5. (A) Executive Authority. The governor shall
 7 be the chief executive officer of the state and shall faith-
 8 fully support the constitution and laws of the state.

9 (B) Legislative Reports and Recommendations. The gover-
 10 nor shall at the beginning of each regular session of the
 11 legislature, and may at other times, make reports and recom-
 12 mendations and give information to the legislature concern-
 13 ing the affairs of state, including its complete financial
 14 condition.

15 (C) Reports and Information. All department heads shall
 16 provide the governor with reports and information in writing
 17 or otherwise requested by him on any subject relating to
 18 their respective departments excepting matters relating to
 19 investigations of the governor's office.

20 (D) Operating Budget. The governor shall prepare the
 21 state's annual operating budget, and shall transmit copies
 22 thereof to the legislature at least two weeks prior to the
 23 first day of each annual session. Upon adoption of the
 24 operating budget by the legislature, it shall become the
 25 official state budget and shall be executed and administered
 26 by the governor. Total appropriations for the year shall
 27 not exceed annual revenues as anticipated by the governor
 28 in the operating budget.

29 (E) Capital Budget. The governor shall prepare annually
 30 a five-year capital program and shall submit to each regular
 31 session of the legislature a proposed capital budget as pro-
 32 vided by statute implementing the first year of the program.

1 All capital projects approved by the legislature shall be
 2 made a part of the capital budget, and the operating budget
 3 for each year shall provide for amortization of the cost of
 4 each such capital project.

5 (F) Pardon, Commutation, Reprieve, Remission. Except
 6 in cases of conviction upon impeachment, the governor may
 7 reprieve, may grant commutation of sentence, and may par-
 8 don those convicted of offenses against the state and may
 9 remit fines and forfeitures imposed for such offenses. In
 10 addition, the legislature may provide additional methods for
 11 the foregoing and other post-conviction remedies.

12 (G) Signature on Bills; Veto. The date and time when
 13 each bill passed by the legislature is delivered to the governor
 14 shall be entered thereon. He shall then have thirty calendar
 15 days within which to act on it. If he approved, he shall sign
 16 it. If he disapproves, he shall veto it, giving his reason
 17 therefor, and if the legislature is in session, he shall return
 18 it to the house in which it originated within twenty-four
 19 hours. If he fails to veto within the time otherwise pro-
 20 vided by this constitution, it shall become law.

21 (H) Appropriation Bills. (1) The governor may veto any
 22 line item in an appropriation bill. The items vetoed shall
 23 be void unless the veto is overridden as prescribed for the
 24 passage of any bill over a veto.

25 (2) The governor shall either veto line items, or use other
 26 means provided in the bill, in order that total appropriations
 27 for the year shall not exceed anticipated revenues for the
 28 year.

29 (I) Appointments. (1) The governor shall appoint, subject
 30 to confirmation by the Senate, the heads of all departments
 31 in the executive branch whose election or appointment is
 32 not provided for by this constitution and all members of

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1 boards and commissions in the executive branch whose
2 election or appointment is not otherwise provided for by
3 this constitution or by statute.

4 (2) Should the legislature be in session, the governor
5 shall submit for confirmation by the Senate the names of
6 those appointed within forty-eight hours after the appoint-
7 ment is made. Failure of the Senate to confirm an appoint-
8 ment prior to the end of the session shall be equivalent to
9 rejection.

10 (3) Should the legislature not be in session, the governor
11 may make interim appointments which shall expire at the
12 end of the next session of the legislature, unless submitted
13 to and confirmed by the Senate during such session.

14 (4) A person not confirmed by the Senate shall not be
15 appointed to the same office during any recess of the legis-
16 lature.

17 (J) Removal. The governor may remove from office those
18 whom he appoints, except those appointed for a term fixed
19 by this constitution or as may be fixed by statute.

20 (K) Commander-in-Chief. The governor shall be comman-
21 der-in-chief of the armed forces of the state, except when
22 they are called into service of the federal government. He
23 may call out the armed forces of the state to preserve law
24 and order, to suppress insurrection, to repel invasion, or
25 in other times of emergency.

26 (L) Extraordinary Session. (1) The governor may convene
27 the legislature into extraordinary session by issuance of a
28 proclamation to the legislature at least five days prior to
29 the convening of the session. The proclamation shall state
30 the specific subjects to be considered, the date and time
31 the legislature is to convene, and the number of days for
32 which the legislature is convened. The subject matter of

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1 the session may be amended, by proclamation to the legis-
2 lature, until forty-eight hours prior to the hour at which
3 the legislature convenes. The power to legislate, under the
4 penalty of nullity, shall be limited to the subjects specially
5 enumerated in the latest proclamation convening such ex-
6 traordinary session. The session shall be limited to the time
7 named therein, and shall not exceed thirty days.

8 (2) The governor may convene the legislature in extra-
9 ordinary session without prior notice or proclamation on
10 occasions of public emergencies caused by epidemics, attacks
11 by the enemy, or public catastrophe.

12 Section 6. Powers and Duties of the Lieutenant Governor

13 Section 6. The lieutenant governor shall serve ex officio
14 as a member on every committee, board, and commission
15 on which the governor serves, exercise the powers delegated
16 to him by the governor, and have such other powers and
17 perform such other duties in the executive branch as may
18 be authorized by this constitution or provided by statute.

19 Section 7. Powers and Duties of the Secretary of State

20 Section 7. There shall be a department of state headed
21 by the secretary of state, who shall serve as the chief elec-
22 tions officer and administer the election laws; administer
23 the laws relative to voting machines or other voting devices
24 as now or may be hereafter provided by this constitution
25 or as may be provided by statute; administer the state
26 corporation and trademark laws; serve as keeper of the
27 Great Seal of the State of Louisiana and attest therewith
28 all official laws, documents, proclamations, and commissions;
29 administer and preserve the official archives and records of
30 the state; promulgate, publish, and retain the originals of
31 all laws enacted by the legislature; countersign all com-
32 missions and keep an official registry of same; administer

1 oaths. He shall have such other powers and perform such
2 other duties as may be authorized by this constitution or
3 provided by statute.

4 Section 8. Powers and Duties of the Attorney General

5 Section 8. There shall be a department of justice, headed
6 by the attorney general who shall be the state's chief legal
7 officer. As may be necessary for the assertion or protection
8 of the rights and interests of the state, the attorney general
9 shall have authority to:

10 (1) institute, and prosecute or intervene in any legal
11 actions or other proceedings, civil or criminal;

12 (2) exercise supervision over the several district attorneys
13 throughout the state; and

14 (3) for cause, supersede any attorney representing the
15 state in any civil or criminal proceeding.

16 He shall have such other powers and perform such other
17 duties as may be authorized by this constitution or pro-
18 vided by statute.

19 Section 9. Powers and Duties of the Treasurer

20 Section 9. There shall be a department of treasury headed
21 by the state treasurer who shall be responsible for the
22 custody, investment, and disbursement of the public funds
23 of the state. He shall report annually to the governor and
24 the legislature one month in advance of the regular session
25 on the financial condition of the state, and shall have such
26 other powers and perform such other duties as may be
27 authorized by this constitution or provided by statute.

28 Section 10. First Assistants

29 Section 10. Each statewide elected official, except the gover-
30 nor and lieutenant governor, shall each appoint a first as-
31 sistant, subject to confirmation by the Senate, and may
32 remove him at his pleasure. The official shall submit such

1 appointment to the Senate in the same manner in which
2 the governor submits appointments, and shall be subject
3 to the same procedures and limitations in connection there-
4 with as are imposed upon the governor. The first assistant
5 shall possess the same qualifications as those required for
6 election to that office.

7 Section 11. Vacancy in Office of Governor

8 Section 11. The order of succession in the office of gover-
9 nor in the event of vacancy shall be (1) the elected lieute-
10 nant governor, (2) the elected secretary of state, (3) the
11 elected attorney general, (4) the elected treasurer, (5) the
12 presiding officer of the Senate, (6) the speaker of the House
13 of Representatives, and then as may be provided by statute.
14 Successors shall serve the remaining term for which the
15 governor was elected.

16 Section 12. Vacancy in Office of Lieutenant Governor

17 Section 12. Whenever there is a vacancy in the office of
18 the lieutenant governor, the governor shall nominate a lieu-
19 tenant governor, who shall take office upon confirmation by
20 a majority vote of the elected members of each house of
21 the legislature.

22 Section 13. Vacancies in Other Statewide Elective Offices

23 Section 13. The order of succession in any other statewide
24 elective office, in the event of a vacancy in such office,
25 shall be the appointed first assistant in such office. Succes-
26 sors to such offices shall serve for the remainder of the
27 term for which the official was elected.

28 Section 14. Other Vacancies

29 Section 14. (A) Where no other provision therefor is
30 made by this constitution, by statute, by local government
31 charger, or by ordinance, the governor shall have the power
32 to fill any vacancy occurring in any elective office. If, at

1 the time a vacancy occurs in such office, and the unex-
2 pired portion of the term of office is more than one year,
3 the vacancy shall be filled at an election within six months,
4 as may be provided by statute. The appointment provided
5 for herein shall be effective only until a successor is duly
6 elected and qualified.

7 (B) Nothing in this Section shall be construed as chang-
8 ing the qualifications for the various offices involved, and
9 all appointments must be of persons who otherwise would
10 be eligible to hold offices to which appointed.

11 Section 15. Definition of Vacancy

12 Section 15. A vacancy as used in this constitution shall
13 occur in the event of death, resignation, removal by any
14 means, or the failure to take office for any reason.

15 Section 16. Declaration of Disability

16 Section 16. Whenever a statewide elective official trans-
17 mits to the presiding officer of the Senate and the speaker
18 of the House of Representatives a written declaration that
19 he is unable to discharge the powers and duties of the office
20 and until he transmits to them a written declaration to the
21 contrary, the person succeeding to the office in the event of
22 a vacancy shall assume the powers and duties of the office
23 as acting official.

24 Section 17. Determination of Inability

25 Section 17. (A) Whenever a majority of the statewide
26 elected officials determine that any other such official is
27 unable to discharge the powers and duties of his office, they
28 shall transmit to the presiding officer of each house of the
29 legislature and to such official, and shall file in the office
30 of the secretary of state, their written declaration that such
31 official is unable to exercise the powers and perform the
32 duties of his office. Thereafter the constitutional successor

1 shall assume the office as acting official unless, within
2 forty-eight hours after such filing in the office of the secre-
3 tary of state, such official files in said office and transmits
4 to said presiding officers his written counter-declaration
5 that he is able to exercise such powers and perform such
6 duties.

7 (B) The legislature shall convene at noon on the third
8 calendar day after the filing of any counter-declaration,
9 which may be filed by such official at any time. Should
10 two-thirds of the elected members of each house of the
11 legislature fail to adopt a resolution within seventy-two
12 hours declaring that probable justification for the determina-
13 tion that inability exists, such officer shall continue or re-
14 sume in office.

15 (C) Should two-thirds of the elected members of each
16 house so adopt a resolution declaring that probable justifi-
17 cation exists for the declaration of inability, the constitu-
18 tional successor shall assume the powers and duties of the
19 office and such resolution shall be transmitted forthwith to
20 the Supreme Court of Louisiana.

21 (D) By preference and priority over all other matters, the
22 supreme court shall determine the issue of inability after
23 due notice and hearing, by a majority vote of members
24 elected to said court under such rules as it may adopt.

25 (E) A judgment of the supreme court affirming inability
26 may be reconsidered by the court, after due notice and
27 hearing, either upon its own motion or upon the application
28 of such official. Upon proper showing and by majority vote
29 of its elected members, the court may, upon such recon-
30 sideration, determine that no inability then exists, where-
31 upon such officer shall immediately resume the powers and
32 duties of his office.

1 Section 18. Absences

2 Section 18. In the event of a temporary absence of the
3 governor from the state, the lieutenant governor shall act
4 as governor. In the event of a temporary absence of a state-
5 wide elected official from the state, the appointed first as-
6 sistant shall act in his absence.

7 Section 19. Dual Office-Holding; Prohibition

8 Section 19. (A) No person holding, under the government
9 of this state or any of its political subdivisions, any office
10 or employment of trust or any office or employment which
11 entitles him to any per diem, salary or other emolument of
12 office shall at the same time hold any other such office
13 or employment with the United States, any foreign power,
14 or any other state; nor shall any such person hold more
15 than one such office or employment with this state or any
16 of its political subdivisions.

17 (B) For purposes of this Section, the following shall not
18 be considered to be offices or employment described in
19 Paragraph (A) of this Section: (1) ex officio positions; (2)
20 notaries public; (3) those serving on boards, commissions,
21 and other instrumentalities performing only advisory func-
22 tions; (4) delegates to, as well as officials and employees
23 of, any constitutional convention; (5) members in the re-
24 serve of the armed forces and the national guard; and (6)
25 election commissioners.

26 Section 20. Code of Ethics; Board of Ethics

27 Section 20. (A) The legislature shall enact a code of
28 ethics prohibiting conflict between public duty and private
29 interests of all state employees and elected officials.

30 (B) The legislature shall create a board or boards of
31 ethics which shall investigate all allegations of violations of
32 such a code, and shall have such other powers and duties

1 consistent therewith as may be provided by statute.

2 Section 21. Impeachment

3 Section 21. (A) Any state and district official, whether
4 elected or appointed, shall be liable to impeachment for
5 commission or conviction of felonies or malfeasance during
6 his term of office, or for gross misconduct.

7 (B) All impeachments shall be by the House of Represen-
8 tatives, and shall be tried by the Senate, whose members
9 shall be upon oath or affirmation for that purpose, and a
10 vote of two-thirds of the senators elected shall be necessary
11 to convict. The Senate may sit for said purpose whether
12 the House be in session or not, and may adjourn as it
13 thinks proper. Conviction upon impeachment shall result in
14 immediate removal from office and shall prohibit the official
15 from holding any office under the government of this state
16 or any of its political subdivisions. Nothing herein shall be
17 punishment authorized by statute.

18 Section 22. Reorganization

19 Section 22. The governor may propose to the legislature,
20 on or before the first day of any session, a plan of re-
21 allocation of the functions, powers, duties, and responsibi-
22 lities of all departments, offices, agencies, and other instru-
23 mentalities of the executive branch, except those functions,
24 powers, duties, and responsibilities allocated by this consti-
25 tution, among and within not more than twenty depart-
26 ments. The legislature, by a majority vote of the elected
27 members of each house, may disapprove such plan, but
28 may not substantively amend it.

29 Section 23. Mandatory Reorganization

30 Section 23. The legislature shall allocate the functions,
31 powers, duties, and responsibilities of all departments, of-
32 fices, agencies, and other instrumentalities of the executive

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1 branch, except those functions, powers, duties, and respon-
 2 sibilities allocated by this constitution, among and within
 3 not more than twenty departments, such allocation to be-
 4 come operative on or before eighteen months after the effec-
 5 tive date of this constitution. Such legislative allocation
 6 shall not be subject to the governor's veto. Should the leg-
 7 islature fail to make such allocation, the governor within
 8 six months shall effect such allocation by executive order.

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2 COMMITTEE PROPOSAL No. 4—

3 Introduced by Delegate Stagg, Chairman, on behalf of the
 4 Committee on Executive Department, and Delegates Abraham,
 5 Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall
 6 and Tapper:

7 A PROPOSAL

8 Providing for the executive branch of government, for the
 9 filling of vacancies in certain public offices, and with re-
 10 spect to dual office-holding, a code of ethics, and impeach-
 11 ment.

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

14 ARTICLE IV. EXECUTIVE BRANCH

15 Section 1. Composition

16 Section 1. (A) The executive branch shall consist of the
 17 governor, lieutenant governor, secretary of state, attorney gen-
 18 eral, treasurer, and all other executive offices, agencies, and
 19 instrumentalities.

20 (B) All offices, agencies, and other instrumentalities of the
 21 executive branch of state government and their respective
 22 functions, powers, duties, and responsibilities, except for the
 23 offices of governor and lieutenant governor, shall be allocated,
 24 according to function, within not more than twenty depart-
 25 ments.

26 Section 2. Qualifications

27 Section 2. (A) To be eligible for any statewide elective
 28 office a person must have attained the age of twenty-five
 29 years by the date of his election and be a citizen of the United
 30 States and of this state for at least five years immediately
 31 preceding the date of his election. He shall hold no other public
 32 office, except by virtue of his office, during his tenure in

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1 office.

2 (B) The attorney general shall have been admitted to the
3 practice of law in this state for at least the five years im-
4 mediately preceding his election.

5 Section 3. Elections and Terms

6 Section 3. (A) The governor, lieutenant governor, secretary
7 of state, attorney general, and treasurer shall each be elected
8 for a term of four years by the electors of the state, at the time
9 and place of voting for members of the legislature. A person
10 who has served as governor for more than one and one-half
11 terms in two consecutive terms shall not be elected governor
12 for the next succeeding term.

13 (B) The returns of the election of such officials shall be
14 transmitted to and promulgated by the secretary of state in a
15 manner as shall be provided by statute. The person having
16 the greatest number of votes for each office shall be declared
17 elected.

18 (C) If two or more persons have an equal and the highest
19 number of votes for an office, they shall draw lots to determine
20 the winner. The secretary of state shall arrange for the draw-
21 ing of lots within ten days after the election results are pro-
22 mulgated, and the decision as to the winner shall be final and
28 conclusive.

24 (D) The term of office of each elected official shall begin
25 at noon on the second Monday in March next following the
26 election.

27 (E) No official shall be elected statewide, except as provided
28 by this constitution.

29 Section 4. Compensation

30 Section 4. (A) The compensation of each elected official
31 within the executive branch shall be fixed by the legislature
32 and shall not be increased or decreased for the term for which

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1 the official is elected. No state official shall receive a salary
2 in excess of that paid to the governor.

3 (B) The lieutenant governor when acting as governor shall
4 receive the same salary as the governor, and an appointed
5 assistant when acting as an elected official shall receive the
6 same salary as the elected official.

7 Section 5. Powers and Duties of Governor

8 Section 5. (A) Executive Authority. The governor shall be
9 the chief executive officer of the state and shall faithfully
10 support the constitution and laws of the state.

11 (B) Legislative Reports and Recommendations. The gover-
12 nor shall, at the beginning of each regular session of the legis-
13 lature, and may at other times, make reports and recommenda-
14 tions and give information to the legislature concerning the
15 affairs of state, including its complete financial condition.

16 (C) Reports and Information. Any department head shall
17 provide the governor with reports and information, in writ-
18 ing or otherwise, when requested by him on any subject relat-
19 ing to such department, excepting matters relating to in-
20 vestigations of the governor's office.

21 (D) Operating Budget. The governor shall prepare the
22 state's annual operating budget, and shall transmit copies
23 thereof to the legislature at least two weeks prior to the first
24 day of each annual session. Upon adoption of the operating
25 budget by the legislature, it shall become the official state
26 budget and shall be executed and administered by the governor.
27 Total appropriations for the year shall not exceed anticipated
28 annual revenues as projected by the governor in the operating
29 budget.

30 (E) Capital Budget. The governor shall prepare annually
31 a five-year capital program and shall submit to each regular
32 session of the legislature a proposed capital budget as provided

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1 by statute implementing the first year of the program. All
2 capital projects approved by the legislature shall be made a
3 part of the capital budget, and the operating budget for each
4 year shall provide for amortization of the cost of each such
5 capital project.

6 (F) Pardon, Commutation, Reprieve, Remission. Except in
7 cases of conviction upon impeachment, the governor may re-
8 prieve, may grant commutation of sentence, and may pardon
9 those convicted of offenses against the state and may remit
10 fines and forfeitures imposed for such offenses. In addition,
11 the legislature may provide additional methods for the fore-
12 going and other post-conviction remedies.

13 (G) Signature on Bills; Veto. The date and time when each
14 bill passed by the legislature is delivered to the governor shall
15 be entered thereon. He shall then have thirty calendar days
16 within which to act on it. If he approves, he shall sign it. If
17 he disapproves, he shall veto it, giving his reason therefor, and
18 if the legislature is in session, he shall return it to the house in
19 which it originated within twenty-four hours. If he fails to
20 veto within the time provided by this constitution, it shall
21 become law.

22 (H) Appropriation Bills. (1) The governor may veto any
23 line item in an appropriation bill. The items vetoed shall be
24 void unless the veto is overridden as prescribed for the passage
25 of any bill over a veto.

26 (2) The governor shall either veto line items, or use other
27 means provided in the bill, in order that total appropriations
28 for the year shall not exceed anticipated revenues for the year.

29 (I) Appointments. (1) The governor shall appoint, subject
30 to confirmation by the Senate, the heads of all departments
31 in the executive branch whose election or appointment is not
32 provided for by this constitution and all members of boards

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1 and commissions in the executive branch whose election or
2 appointment is not otherwise provided for by this constitution
3 or by statute.

4 (2) Should the legislature be in session, the governor shall
5 submit for confirmation by the Senate the names of those
6 appointed within forty-eight hours after the appointment is
7 made. Failure of the Senate to confirm, prior to the end of the
8 session, shall constitute rejection of the appointment.

9 (3) Should the legislature not be in session, the governor
10 may make interim appointments, which shall expire at the
11 end of the next session of the legislature, unless submitted to
12 and confirmed by the Senate during such session.

13 (4) A person not confirmed by the Senate shall not be ap-
14 pointed to the same office during any recess of the legislature.

15 (J) Removal. The governor may remove from office those
16 whom he appoints, except those appointed for a term fixed
17 by this constitution or as may be fixed by statute.

18 (K) Commander-in-Chief. The governor shall be com-
19 mander-in-chief of the armed forces of the state, except when
20 they are called into service of the federal government. He may
21 call out the armed forces of the state to preserve law and order,
22 to suppress insurrection, to repel invasion, or in other times
23 of emergency.

24 (L) Extraordinary Session. (1) The governor may convene
25 the legislature into extraordinary session by issuance of a
26 proclamation to the legislature at least five days prior to
27 the convening of the session. The proclamation shall state the
28 specific subjects to be considered, the date and time the legis-
29 lature is to convene, and the number of days for which the
30 legislature is convened. The subject matter of the session may
31 be amended, by proclamation to the legislature, until forty-
32 eight hours prior to the hour at which the legislature convenes.

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1 The power to legislate, under the penalty of nullity, shall be
2 limited to the subjects specially enumerated in the latest
3 proclamation convening such extraordinary session. The ses-
4 sion shall be limited to the time named therein, and shall
5 not exceed thirty days.

6 (2) The governor may convene the legislature in extraor-
7 dinary session without prior notice or proclamation on oc-
8 casions of public emergencies caused by epidemics, attacks by
9 the enemy, or public catastrophe.

10 Section 6. Powers and Duties of the Lieutenant Governor

11 Section 6. The lieutenant governor shall serve ex officio
12 as a member of each committee, board, and commission on
13 which the governor serves, exercise the powers delegated to
14 him by the governor, and have such other powers and perform
15 such other duties in the executive branch as may be authorized
16 by this constitution or provided by statute.

17 Section 7. Powers and Duties of the Secretary of State

18 Section 7. There shall be a department of state headed by
19 the secretary of state, who shall serve as the chief elections
20 officer and administer the election laws; administer the laws
21 relative to voting machines or other voting devices; administer
22 the state corporation and trademark laws; serve as keeper of
23 the Great Seal of the State of Louisiana and attest therewith
24 all official laws, documents, proclamations, and commissions;
25 administer and preserve the official archives of the state;
26 promulgate, publish, and retain the originals of all laws enacted
27 by the legislature; and countersign all commissions and keep
28 an official registry of same. He may administer oaths, and
29 shall have such other powers and perform such other duties
30 as may be authorized by this constitution or provided by
31 statute.

32 Section 8. Powers and Duties of the Attorney General

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1 Section 8. There shall be a department of justice, headed by
2 the attorney general who shall be the state's chief legal officer.
3 As may be necessary for the assertion or protection of the
4 rights and interests of the state, the attorney general shall
5 have authority to:

6 (1) institute, and prosecute or intervene in any legal ac-
7 tions or other proceedings, civil or criminal;

8 (2) exercise supervision over the several district attorneys
9 throughout the state; and

10 (3) for cause, supersede any attorney representing the state
11 in any civil or criminal proceeding.

12 He shall have such other powers and perform such other
13 duties as may be authorized by this constitution or provided
14 by statute.

15 Section 9. Powers and Duties of the Treasurer

16 Section 9. There shall be a department of treasury headed
17 by the state treasurer who shall be responsible for the custody,
18 investment, and disbursement of the public funds of the state.
19 He shall report annually to the governor and the legislature
20 one month in advance of the regular session on the financial
21 condition of the state, and shall have such other powers and
22 perform such other duties as may be authorized by this con-
23 stitution or provided by statute.

24 Section 10. First Assistants

25 Section 10. Each statewide elected official, except the
26 governor and lieutenant governor, shall appoint a first assis-
27 tant, subject to confirmation by the Senate, and may remove
28 him at his pleasure. The official shall submit such appointment
29 to the Senate in the same manner in which the governor sub-
30 mits appointments, and shall be subject to the same procedures
31 and limitations in connection therewith as are imposed upon
32 the governor. The first assistant shall possess the same quali-

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1 fications as those required for election to that office.
2 Section 11. Vacancy in Office of Governor
3 Section 11. The order of succession in the office of governor
4 in the event of vacancy shall be (1) the elected lieutenant gov-
5 ernor, (2) the elected secretary of state, (3) the elected at-
6 torney general, (4) the elected treasurer, (5) the presiding
7 officer of the Senate, (6) the presiding officer of the House
8 of Representatives, and then as may be provided by statute.
9 Successors shall serve the remaining term for which the gover-
10 nor was elected.
11 Section 12. Vacancy in Office of Lieutenant Governor
12 Section 12. Whenever there is a vacancy in the office of the
13 lieutenant governor, the governor shall nominate a lieutenant
14 governor, who shall take office upon confirmation by a major-
15 ity vote of the elected members of each house of the legislature.
16 Section 13. Vacancies in Other Statewide Elective Offices
17 Section 13. The order of succession in any other statewide
18 elective office, in the event of a vacancy in such office, shall
19 be the appointed first assistant in such office. Successors to
20 such offices shall serve for the remainder of the term for which
21 the official was elected.
22 Section 14. Other Vacancies
23 Section 14. (A) Should no other provision therefor be made
24 by this constitution, by statute, by local government charter,
25 or by ordinance, the governor shall have the power to fill any
26 vacancy occurring in any elective office. If, at the time a
27 vacancy occurs in such office, and the unexpired portion of the
28 term of office is more than one year, the vacancy shall be
29 filled at an election within six months, as may be provided by
30 statute. The appointment provided for herein shall be effective
31 only until a successor is duly elected and qualified.
32 (B) Nothing in this Section shall be construed as changing

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1 the qualifications for the various offices involved, and all
2 appointments must be of persons who otherwise would be
3 eligible to hold offices to which appointed.
4 Section 15. Definition of Vacancy
5 Section 15. A vacancy as used in this constitution shall
6 occur in the event of death, resignation, removal by any means,
7 or the failure to take office for any reason.
8 Section 16. Declaration of Inability
9 Section 16. Whenever a statewide elective official transmits
10 to the presiding officer of the Senate and the presiding officer
11 of the House of Representatives a written declaration that he
12 is unable to discharge the powers and duties of the office and
13 until he transmits to them a written declaration to the con-
14 trary, the person succeeding to the office in the event of a
15 vacancy shall assume the powers and duties of the office as
16 acting official.
17 Section 17. Determination of Inability
18 Section 17. (A) Whenever a majority of the statewide
19 elected officials determine that any other such official is un-
20 able to discharge the powers and duties of his office, they
21 shall transmit to the presiding officer of each house of the
22 legislature and to such official, and shall file in the office of
23 the secretary of state, their written declaration that such offi-
24 cial is unable to exercise the powers and perform the duties
25 of his office. Thereafter the constitutional successor shall as-
26 sume the office as acting official unless, within forty-eight
27 hours after such filing in the office of the secretary of state,
28 such official files in said office and transmits to said presiding
29 officers his written counter-declaration that he is able to
30 exercise such powers and perform such duties.
31 (B) The legislature shall convene at noon on the third
32 calendar day after the filing of any counter-declaration, which

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1 may be filed by such official at any time. Should two-thirds of
2 the elected members of each house of the legislature fail to
3 adopt a resolution within seventy-two hours declaring that
4 probable justification for the determination that inability
5 exists, such officer shall continue or resume in office.

6 (C) Should two-thirds of the elected members of each house
7 so adopt a resolution declaring that probable justification
8 exists for the declaration of inability, the constitutional suc-
9 cessor shall assume the powers and duties of the office and
10 such resolution shall be transmitted forthwith to the Supreme
11 Court of Louisiana.

12 (D) By preference and priority over all other matters, the
13 supreme court shall determine the issue of inability after due
14 notice and hearing, by a majority vote of members elected to
15 said court, under such rules as it may adopt.

16 (E) A judgment of the supreme court affirming inability
17 may be reconsidered by the court, after due notice and hearing,
18 either upon its own motion or upon the application of such
19 official. Upon proper showing and by majority vote of its
20 elected members, the court may, upon such reconsideration,
21 determine that no inability then exists, whereupon such officer
22 shall immediately resume the powers and duties of his office.

23 Section 18. Absences

24 Section 18. In the event of a temporary absence of the gover-
25 nor from the state, the lieutenant governor shall act as gover-
26 nor. In the event of a temporary absence of a statewide elected
27 official from the state, the appointed first assistant shall act
28 in his absence.

29 Section 19. Reorganization

30 Section 19. The governor may propose to the legislature, on
31 or before the first day of any session, a plan of reallocation
32 of the functions, powers, duties, and responsibilities of all

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1 departments, offices, agencies, and other instrumentalities of
2 the executive branch, except those functions, powers, duties,
3 and responsibilities allocated by this constitution, among and
4 within not more than twenty departments. The legislature, by
5 a majority vote of the elected members of each house, may
6 disapprove such plan, but may not substantively amend it.

7 Section 20. Impeachment

8 Section 20. (A) Any state and district official, whether
9 elected or appointed, shall be liable to impeachment for com-
10 mission or conviction of felonies or malfeasance during his
11 term of office, or for gross misconduct.

12 (B) All impeachments shall be by the House of Representa-
13 tives, and shall be tried by the Senate, whose members shall
14 be upon oath or affirmation for that purpose, and a vote of
15 two-thirds of the senators elected shall be necessary to con-
16 vict. The Senate may sit for said purpose whether the House
17 be in session or not, and may adjourn as it thinks proper. Con-
18 viction upon impeachment shall result in immediate removal
19 from office and shall prohibit the official from holding any
20 office under the government of this state or any of its political
21 subdivisions. Nothing herein shall prevent any other action,
22 prosecution, or punishment authorized by statute.

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First Enrollment

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Constitutional Convention of Louisiana of 1973
COMMITTEE PROPOSAL NUMBER 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

Section 1. (A) The executive branch shall consist of
the governor, lieutenant governor, secretary of state, treasurer,
commissioner of agriculture, commissioner of insurance, super-
intendent of education, commissioner of elections, and all other
executive offices, agencies, and instrumentalities of the state.

(B) All offices, agencies, and other instrumentalities
of the executive branch of state government and their respective
functions, powers, duties, and responsibilities, except for the
offices of governor and lieutenant governor, shall be allocated,
according to function, within not more than twenty departments.

Section 2. Qualifications

Section 2. (A) To be eligible for any statewide elec-
tive office a person must have attained the age of twenty-five
years by the date of his qualification as a candidate for office,
be an elector and be a citizen of the United States and of
this state for at least five years immediately preceding the
date of his qualification as a candidate for office. He shall
hold no other public office, except by virtue of his office,
during his tenure in office.

(B) The attorney general shall be the state's chief legal
officer, head the department of justice, and shall have been

1 admitted to the practice of law in this state for at least the
2 five years immediately preceding his election.

Section 3. Elections and Terms

Section 3. (A) The governor, lieutenant governor,
secretary of state, attorney general, commissioner of agricul-
ture, 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. 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 next succeeding term.

(B) The term of office of each elected official enumerated
in this section shall begin at noon on the second Monday in
March next following the election.

(C) No official shall be elected statewide, except as
provided by this constitution.

Section 4. Compensation

Section 4. Except as otherwise provided in this
constitution, the compensation of each elected official shall
be fixed by the legislature.

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 and the United States.

(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

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1 such department, excepting matters relating to investigations
2 of the governor's office.

3 (D) Operating Budget. The governor shall submit to the
4 legislature, at a time fixed by law, a proposed state budget
5 for the next fiscal year setting forth all proposed state
6 expenditures and anticipated state revenues.

7 (E) Capital Budget. The governor shall submit to each
8 regular session of the legislature a proposed five-year capital
9 outlay program with a request for implementation of the first
10 year of the five-year program.

11 (F) Pardon, Commutation, Reprieve, and Remission;
12 Board of Pardons. (1) The governor shall have the power
13 to grant reprieves to those convicted of offenses against the
14 state and upon the recommendation of the Board of Pardons
15 may grant commutation of sentence, may pardon those con-
16 victed of offenses against the state and may remit fines and
17 forfeitures imposed for such offenses; provided, however,
18 that each first offender who has never previously been con-
19 victed of a felony shall be eligible for pardon automatically
20 upon completion of his sentence without the aforementioned
21 recommendation.

22 (2) The Board of Pardons shall consist of five electors
23 appointed by the governor, subject to confirmation by the
24 Senate. Members of such board shall serve a term concurrent
25 with that of the governor appointing them.

26 (G) Receipt of Bills from the Legislature. The date
27 and hour when a bill passed by the legislature is delivered
28 to the governor shall be endorsed thereon.

29 (H) Item Veto. (1) The governor may veto
30 any line item in an appropriation bill. The items vetoed
31 shall be void unless the veto is overridden as prescribed
32 for the passage of any bill over a veto.

33 (2) The governor shall either veto line items, or use
34 other means provided in the bill, in order that total appro-
35 priations for the year shall not exceed anticipated revenues

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1 for the year.

2 (1) Appointments. (1) The governor shall appoint,
3 subject to confirmation by the Senate, the heads of all
4 departments in the executive branch whose election or
5 appointment is not provided for by this constitution and
6 all members of boards and commissions in the executive
7 branch whose election or appointment is not otherwise pro-
8 vided for by this constitution or by statute.

9 (2) Should the legislature be in session, the governor
10 shall submit for confirmation by the Senate the names of
11 those appointed within forty-eight hours after the
12 appointment is made. Failure of the Senate to confirm,
13 prior to the end of the session, shall constitute rejection
14 of the appointment.

15 (3) Should the legislature not be in session, the
16 governor may make interim appointments, which shall expire at
17 the end of the next session of the legislature, unless sub-
18 mitted to and confirmed by the Senate during such session.

19 (4) A person not confirmed by the Senate shall not be
20 appointed to the same office during any recess of the
21 legislature.

22 (J) Removal. The governor may remove from office those
23 whom he appoints, except those appointed for a term fixed
24 by this constitution or as may be fixed by statute.

25 (K) Commander-in-Chief. The governor shall be commander-
26 in-chief of the armed forces of the state, except when they
27 are called into service of the federal government. He may
28 call out the armed forces of the state to preserve law and
29 order, to suppress insurrection, to repel invasion, or in
30 other times of emergency.

31 (L) Other Powers and Duties. The governor shall have
32 such other powers and perform such other duties as may be
33 authorized by this constitution or provided by statute.

34 Section 6. Powers and Duties of the Lieutenant Governor
35 Section 6. The lieutenant governor shall serve ex officio

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1 as a member of each committee, board, and commission on which
2 the governor serves, exercise the powers delegated to him by
3 the governor, and have such other powers and perform such
4 other duties in the executive branch as may be authorized by
5 this constitution or provided by statute.

6 Section 7. Powers and Duties of the Secretary of State

7 Section 7. There shall be a department of state headed
8 by the secretary of state, who shall be the chief election
9 officer of the state and shall prepare and certify the ballots
10 for all elections and promulgate all election returns; administer
11 the election laws except for those relating to voter registration
12 and custody of voting machines; administer the state corporation
13 and trademark laws; serve as keeper of the Great Seal of the
14 State of Louisiana and attest therewith all official laws,
15 documents, proclamations, and commissions; administer and
16 preserve the official archives of the state; promulgate, publish,
17 and retain the originals of all laws enacted by the legislature;
18 and countersign all commissions and keep an official registry of
19 same. He may administer oaths, and shall have such other powers
20 and perform such other duties as may be authorized by this
21 constitution or provided by statute.

22 Section 8. Powers and Duties of the Attorney General

23 Section 8. There shall be a department of justice headed
24 by the attorney general who shall be the state's chief legal officer.

25 Section 9. Powers and Duties of the Treasurer

26 Section 9. There shall be a department of treasury headed by
27 the state treasurer who shall be responsible for the custody,
28 investment, and disbursement of the public funds of the state, except
29 as otherwise provided by this constitution. He shall report
30 annually to the governor and the legislature at least one month
31 in advance of the regular session on the financial condition of
32 the state, and shall have such other powers and perform such other
33 duties as may be authorized by this constitution or provided by
34 statute.

35 Section 10. Powers and Duties of the Commissioner of

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1 Agriculture

2 Section 10. There shall be a department of agriculture
3 headed by the commissioner of agriculture, who shall exercise
4 all functions of the state in relation to the promotion,
5 protection, and advancement of agriculture except such research
6 and educational functions expressly allocated by this constitu-
7 tion or by statute to other state agencies. The department
8 shall exercise such functions and the commissioner shall have
9 such other powers and perform such other duties as may be
10 authorized by this constitution or provided by statute.

11 Section 11. Powers and Duties of the Commissioner of

12 Insurance

13 Section 11. There shall be a department of insurance
14 headed by the commissioner of insurance. The department shall
15 exercise such functions and the commissioner shall have such
16 powers and perform such duties as may be authorized by this
17 constitution or provided by statute.

18 Section 12. Department of Elections and Registration

19 Section 12. There shall be a department of elections
20 and registration headed by the state commissioner of elections
21 who shall administer the laws relative to custody of voting
22 machines and voter registration. The commissioner shall have
23 such powers and perform such duties as may be authorized by
24 this constitution or provided by statute.

25 Section 13. First Assistants

26 Section 13. Each statewide elected official, except the
27 governor and lieutenant governor, shall appoint a first
28 assistant, subject to public confirmation by the Senate, and may
29 remove him at his pleasure. The official shall submit such
30 appointment to the Senate in the same manner in which the
31 governor submits appointments, and shall be subject to the
32 same procedures and limitations in connection therewith as
33 are imposed upon the governor. The first assistant shall
34 possess the same qualifications as those required for elec-
35 tion to that office.

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1 Section 14. Vacancy in Office of Governor
2 Section 14. The order of succession in the office of
3 governor in the event of vacancy shall be (1) the elected
4 lieutenant governor, (2) the elected secretary of state,
5 (3) the elected attorney general, (4) the elected treasurer,
6 (5) the presiding officer of the Senate, (6) the presiding officer
7 of the House of Representatives, and then as may be provided
8 by statute. Successors shall serve the remaining term for
9 which the governor was elected.
10 Section 15. Vacancy in Office of Lieutenant Governor
11 Section 15. Whenever there is a vacancy in the office
12 of the lieutenant governor, the governor shall nominate a
13 lieutenant governor, who shall take office upon confirmation
14 by a majority vote of the elected members of each house of
15 the legislature.
16 Section 16. Vacancies in Other Statewide Elective Offices
17 Section 16. A vacancy in any statewide elective office,
18 other than that of governor or lieutenant governor, shall be
19 filled by the first assistant of such official; however, if
20 the unexpired term remaining is more than one year, the
21 office shall be filled by election held at the next regularly
22 scheduled congressional election or statewide election, and the
23 first assistant shall serve only until the person then elected
24 takes office.
25 Section 17. Other Vacancies
26 Section 17. (A) Should no other provision therefor be
27 made by this constitution, by statute, by local government
28 charter, by home rule charter or plan of government, or by
29 ordinance, the governor shall have the power to fill any
30 vacancy occurring in any elective office. If, at the time a
31 vacancy occurs in such office, the unexpired portion of the
32 term of office is more than one year, the vacancy shall be
33 filled at an election, as may be provided by statute. The
34 appointment provided for herein shall be effective only until
35 a successor is duly elected and qualified.

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1 (B) Nothing in this Section shall be construed as
2 changing the qualifications for the various offices involved,
3 and all appointments must be of persons who otherwise would
4 be eligible to hold offices to which appointed.
5 Section 18. Definition of Vacancy
6 Section 18. A vacancy as used in this constitution
7 shall occur in the event of death, resignation, removal by
8 any means, or the failure to take office for any reason.
9 Section 19. Declaration of Inability
10 Section 19. Whenever a statewide elective official
11 transmits to the presiding officer of the Senate and
12 the presiding officer of the House of Representatives a written
13 declaration that he is unable to discharge the powers
14 and duties of the office and until he transmits to them
15 a written declaration to the contrary, the person succeed-
16 ing to the office in the event of a vacancy shall
17 assume the powers and duties of the office as acting
18 official.
19 Section 20. Determination of Inability
20 Section 20. (A) Whenever a majority of the statewide
21 elected officials determine that any other such official is
22 unable to discharge the powers and duties of his office, they
23 shall transmit to the presiding officer of each house of the
24 legislature and to such official, and shall file in the office
25 of the secretary of state, their written declaration that
26 such official is unable to exercise the powers and perform the
27 duties of his office. Thereafter the constitutional successor
28 shall assume the office as acting official unless, within
29 forty-eight hours after such filing in the office of the
30 secretary of state, such official files in said office and
31 transmits to said presiding officers his written counter-
32 declaration that he is able to exercise such powers and
33 perform such duties.
34 (B) The legislature shall convene at noon on the third
35 calendar day after the filing of any counter-declaration,

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which may be filed by such official at any time. Should two-thirds of the elected members of each house of the legislature fail to adopt a resolution within seventy-two hours declaring that probable justification for the determination that inability exists, such officer shall continue or resume in office.

(C) Should two-thirds of the elected members of each house so 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 such resolution shall be transmitted forthwith to the Supreme Court of Louisiana.

(D) By preference and 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 said court, under such rules as it may adopt.

(E) 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 such official. Upon proper showing and by majority vote of its elected members, the court may, upon such reconsideration, determine that no inability then exists, whereupon such officer shall immediately resume the powers and duties of his office.

Section 21. Absences

Section 21. In the event of a temporary absence of the governor from the state, the lieutenant governor shall act as governor. In the event of a temporary absence of a statewide elected official from the state, the appointed first assistant shall act in his absence.

Section 22. Reorganization

Section 22. 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 departments allocated by

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1 this constitution shall be as provided by statute.

2 Section 23. Appointment of Officials; Merger, Consolidation 3 of Offices and Departments

4 Section 23. After the first election of state officials
5 following adoption of this constitution, the legislature may, by
6 a favorable vote of two-thirds of the elected members of each
7 house, provide for appointment, in lieu of election, of the
8 state superintendent of education, the commissioner of insurance,
9 the commissioner of agriculture, the state commissioner of
10 elections, or any of them. In such event the legislature shall
11 prescribe qualifications and method of appointment and by
12 similar vote, may provide that any such offices, their departments
13 and functions be merged or consolidated with any other office or
14 department in the executive branch. No action of the legislature,
15 pursuant hereto, shall reduce the term or compensation of any
16 elected official. By a vote of two-thirds of the elected members
17 of each house, the legislature may reestablish any of such offices
18 as an elective office and, in such event, shall prescribe qualifi-
19 cations.

1 **COMMITTEE PROPOSAL No. 5—**

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department:

4 **A PROPOSAL**

5 Making provisions for the Public Service Commission and
6 necessary provisions with respect thereto.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 **ARTICLE IV. EXECUTIVE DEPARTMENT**

10 **Section 1. Public Service Commission**

11 Section 1. (A) Composition; Term. There shall be a Public
12 Service Commission which shall consist of five members
13 elected at the time fixed for congressional elections from
14 separate districts as may be established by statute for over-
15 lapping terms of six years. The commission annually shall
16 elect a chairman from one of its members.

17 (B) Powers and Duties. Except as otherwise provided by
18 this constitution the commission shall regulate all common
19 carriers and other public utilities. It shall adopt and enforce
20 reasonable rules, regulations, and procedures necessary for
21 the discharge of its duties, and shall have such other pow-
22 ers and perform such other duties as may be provided by
23 statute.

24 (C) Limitation. The commission shall have no power to
25 regulate any class of common carrier or public utility
26 owned, operated, or presently regulated by the governing
27 authority of any one or more political subdivisions, except
28 by the consent of a majority of the electors voting in an
29 election held for that purpose; provided, however, that such
30 political subdivision may reinvest itself with such regula-
31 tory power in the same manner as it was surrendered.

32 (D) Decisions on Applications, Petitions, and Schedules.

1 (1) The commission shall render its final decision on ap-
2 plications, petitions, and proposed rate schedules within
3 twelve months from the date such application, petition, or
4 proposed schedule is filed.

5 (2) If its decision is not rendered within six months from
6 the filing date of any proposed rate schedule, it shall be
7 deemed to be tentatively approved and, pending final ap-
8 proval, modification, or rejection may be put into effect sub-
9 ject to such protective bond or security requirements as
10 may be provided by statute. If the commission disapproves
11 the proposed schedule, in whole or in part, the carrier or
12 utility may place or continue the schedule in effect under
13 the bond or security, subject to any appeal and final action
14 by a court of last resort, to cover any refund tha may be
15 finally directed. Refund claims therefor in the manner pro-
16 vided by statute shall be filed within one year after such
17 final action.

18 (3) Any utility filing a proposed rate schedule shall
19 within twenty days, give notice thereof by publication in
20 the official state journal and in the official journal of each
21 parish within the geographical area in which the schedule
22 would become applicable. Any person affected by the pro-
23 posed rate schedule may intervene and may, should the com-
24 mission not render its decision within twelve months, appeal
25 as if such decision had been rendered.

26 (E) Appeals. Appeals from the orders of the Public Ser-
27 vice Commission must be filed with the district court, at the
28 domicile of the Public Service Commission, with a direct
29 appeal to the supreme court, as a matter of right.

30
31
32

Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

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C.P. No. 5

1 COMMITTEE PROPOSAL No. 5—

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department, and Delegates Alexan-
4 der, Asseff, Brien, Dennery, Gravel, and Stovall:

5 A PROPOSAL

6 Making provisions for the Public Service Commission and
7 necessary provisions with respect thereto.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 ARTICLE IV. EXECUTIVE DEPARTMENT

11 Section 1. Public Service Commission

12 Section 1. (A) Composition; Term. There shall be a Public
13 Service Commission which shall consist of five members
14 elected at the time fixed for congressional elections from
15 separate districts as may be established by statute for over-
16 lapping terms of six years. The commission annually shall
17 elect a chairman from one of its members.

18 (B) Powers and Duties. Except as otherwise provided by
19 this constitution the commission shall regulate all common
20 carriers and public utilities. It shall adopt and enforce
21 reasonable rules, regulations, and procedures necessary for
22 the discharge of its duties, and shall have such other powers
23 and perform such other duties as may be provided by statute.

24 (C) Limitation. The commission shall have no power to
25 regulate any class of common carrier or public utility owned,
26 operated, or regulated on the effective date of this constitu-
27 tion by the governing authority of any one or more political
28 subdivisions, except by the consent of a majority of the
29 electors voting in an election held for that purpose; provided,
30 however, that such political subdivision may reinvest itself
31 with such regulatory power in the same manner as it was
32 surrendered.

1 (D) Decisions on Applications, Petitions, and Schedules.

2 (1) The commission shall render its final decision on ap-
3 plications, petitions, and proposed rate schedules within
4 twelve months from the date such application, petition, or
5 proposed schedule is filed.

6 (2) If a decision is not rendered within six months from
7 the filing date of any proposed rate schedule, it shall be
8 deemed to be tentatively approved.

9 (3) If such proposed schedule results in a rate increase,
10 it may be put into effect, subject to such protective bond or
11 security requirements as may be provided by law pending
12 final approval, modification, or rejection. If the commission
13 disapproves the proposed increase, in whole or in part, the
14 carrier or utility may place or continue the schedule in
15 effect under the bond or security, subject to any appeal and
16 final action by a court of last resort. Refund claims therefor
17 in the manner provided by statute shall be filed within one
18 year after such final action.

19 (4) Any utility filing a proposed rate schedule shall with-
20 in twenty days, give notice thereof by publication in the
21 official state journal and in the official journal of each
22 parish within the geographical area in which the schedule
23 would become applicable. Any person affected by the pro-
24 posed rate schedule may intervene.

25 (E) Appeals. Should the commission not render its deci-
26 sion within twelve months, an appeal may be taken, as if a
27 decision had been rendered. Appeals may be taken by any
28 party or intervenor and must be filed with the district court,
29 within the time provided by law, at the domicile of the Public
30 Service Commission, with a direct appeal to the Supreme
31 Court, as a matter of right.

1 **COMMITTEE PROPOSAL No. 6—**

2 Introduced by Delegate Dennis, Chairman, on behalf of
3 the Committee on the Judiciary and Delegates Avant, Bel,
4 Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne,
5 Landry, Martin, Ourso, Sandoz, Tate, Tobias and Vesich:

6 **A PROPOSAL**

7 Making provisions for the judiciary branch of government
8 and necessary provisions with respect thereto.

9 Be it adopted by the Constitutional Convention of Lou-
10 isiana of 1973:

11 **ARTICLE V. JUDICIARY DEPARTMENT**

12 **Section 1. Judicial Power**

13 Section 1. The judicial power shall be vested in a su-
14 preme court, courts of appeal, district courts, and such other
15 courts as this constitution may authorize.

16 **Section 2. Needful Writs, Habeas Corpus, Orders and Pro-
17 cess**

18 Section 2. A judge may issue a writ of habeas corpus
19 and all other needful writs, orders and process in aid of the
20 jurisdiction of his court. Exercise of this authority by a
21 judge of the supreme court or court of appeal is subject to
22 review by the whole court. The power of a court to punish
23 for contempt shall be limited by law.

24 **Section 3. Supreme Court; Membership; Terms**

25 Section 3. The supreme court shall be composed of a chief
26 justice and six associate justices, four of whom must con-
27 cur to render judgment. The term of a judge of the supreme
28 court shall be fourteen years.

29 **Section 4. Supreme Court; Districts**

30 Section 4. The state shall be divided into at least six
31 supreme court districts, with at least one judge elected from
32 each. The present districts and the number of judges as-

1 signed to each are retained, subject to change by a two-
2 thirds vote of the elected members of each house of the
3 legislature.

4 **Section 5. Supreme Court; Supervisory, Original, and Ap-
5 pellate Jurisdiction; Rule-Making Power; Assignment of
6 Judges**

7 Section 5. (A) The supreme court has general supervi-
8 sory jurisdiction over all other courts. It may promulgate
9 procedural and administrative rules not in conflict with
10 law. It may assign a sitting or retired judge to another
11 court.

12 (B) The supreme court has exclusive original jurisdiction
13 of disciplinary proceedings involving members of the bar.

14 (C) In civil cases, the supreme court's jurisdiction ex-
15 tends to both the law and the facts except as otherwise
16 provided in this constitution. In criminal matters, its ap-
17 pellate jurisdiction extends to questions of law only.

18 (D) The following cases shall be appealable to the su-
19 preme court:

20 (1) A case in which a state law has been declared un-
21 constitutional;

22 (2) A criminal case in which the penalty of death or im-
23 prisonment at hard labor may be imposed, or in which a
24 fine exceeding five hundred dollars or imprisonment exceed-
25 ing six months has been actually imposed.

26 (E) Subject to the provisions of Subsection (C), the su-
27 preme court has appellate jurisdiction over all other issues
28 involved in any civil action properly before it.

29 **Section 6. Supreme Court; the Chief Justice**

30 Section 6. (A) When a vacancy in the office of chief justice
31 occurs, the judge oldest in point of service on the court,
32 below the age of sixty-five years, shall succeed to the office.

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1 (B) The chief justice shall be chief administrative officer
2 of the judicial system of the state, subject to rules adopted
3 by the court.

4 Section 7. Supreme court; Judicial Administrator, Clerk,
5 and Staff

6 Section 7. The supreme court shall have authority to
7 select a judicial administrator, its clerks, and other per-
8 sonnel, and prescribe their duties.

9 Section 8. Courts of Appeal; Panels; Number Necessary
10 to Decision; Term

11 Section 8. The state shall be divided into at least four
12 circuits, with one court of appeal in each circuit. Each
13 court shall sit in panels of at least three judges selected
14 according to rules adopted by the court. A majority of the
15 judges sitting in a case must concur to render judgment.
16 The term of a court of appeal judge shall be twelve years.

17 Section 9. Courts of Appeal; Circuits and Districts

18 Section 9. Each circuit shall be divided into at least three
19 districts, with at least one judge elected from each. One or
20 more judges may be elected at large from within the circuit.
21 The present circuits and districts and the number of judges
22 as elected in each circuit are retained, subject to change by
23 a two-thirds vote of the elected members in each house of
24 the legislature.

25 Section 10. Courts of Appeal; Appellate and Supervisory
26 Jurisdiction

27 Section 10. (A) Except in those cases appealable to the
28 supreme court and as otherwise provided in this consti-
29 tution, a court of appeal has appellate jurisdiction of all
30 civil cases decided within its circuit. It has appellate juris-
31 diction of all matters appealed from the family and juvenile
32 courts, except criminal prosecutions of persons other than

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1 juveniles. It has supervisory jurisdiction over all cases in
2 which an appeal would lie to that court.

3 (B) Except where limited to questions of law by this
4 constitution or, as provided by law in the case of review
5 of administrative agency determinations, its appellate ju-
6 risdiction extends to both the law and the facts.

7 Section 11. Courts of Appeal; Certifications to Supreme
8 Court of Questions of Law; Determination

9 Section 11. A court of appeal may certify to the supreme
10 court any question of law before it, whereupon the supreme
11 court may give its binding instruction, or consider and de-
12 cide the case upon the whole record.

13 Section 12. Courts of Appeal; Chief Judge; Duties

14 Section 12. When a vacancy in the office of chief judge
15 of a court of appeal occurs, the judge oldest in point of ser-
16 vice on the court, below the age of sixty-five years, shall
17 succeed to the office and shall administer the court, subject
18 to rules adopted by the court.

19 Section 13. Courts of Appeal; Clerks and Staff

20 Section 13. Each court of appeal shall have authority to
21 select its clerk and other personnel and prescribe their
22 duties.

23 Section 14. District Courts; Judicial Districts

24 Section 14. The state shall be divided into judicial dis-
25 tricts, each composed of one or more parishes and served
26 by one or more district judges.

27 Section 15. District Courts; Judicial Districts; Changes;
28 Terms

29 Section 15. (A) The district courts, the civil and criminal
30 district courts, and the judicial districts existing at the
31 time of the adoption of this constitution are retained. The
32 legislature, by a majority vote of the elected members of

1 each house, with approval in a referendum in each district
 2 or parish affected, may establish or merge judicial districts
 3 or may merge a criminal and a civil district court in a
 4 parish, subject to the limitations of Section 23 of this Article.

5 (B) The term of a district judge shall be six years. Terms
 6 established for judgeships existing at the time of the adop-
 7 tion of this constitution are retained; however, the legis-
 8 lature by a majority vote of the elected members of each
 9 house, with approval in a referendum in the parish affected,
 10 may reduce the term for district judges in a parish to not
 11 less than six years.

12 Section 16. District Courts; Original Jurisdiction

13 Section 16. (A) Unless otherwise provided or authorized in
 14 this constitution, a district court shall have original jurisdic-
 15 tion in all civil and criminal matters. It shall have exclu-
 16 sive original jurisdiction of all felony cases involving the
 17 title to immovable property; the right to office or other pub-
 18 lic position; civil or political rights; probate and succes-
 19 sion matters; the state, a political corporation, or a suc-
 20 cession, as a party defendant, regardless of the amount in
 21 dispute; and the appointment of receivers or liquidators to
 22 corporations or partnerships.

23 (B) A civil district court shall have civil jurisdiction as
 24 provided for in Subsection (A) and a criminal district court
 25 shall have criminal jurisdiction as provided for in Subsec-
 26 tion (A).

27 Section 17. District Courts; Chief Judge

28 Section 17. Each district court may elect from its members
 29 a chief judge who shall exercise such administrative func-
 30 tions as prescribed by rule of court.

31 Section 18. Juvenile Courts; Jurisdiction

32 Section 18. The jurisdiction of a juvenile court shall be as

1 provided by law.

2 Section 19. Courts of Special and Limited Jurisdiction

3 Section 19. Parish, city, municipal, traffic, family, and ju-
 4 venile courts existing at the time of the adoption of this
 5 constitution are retained. The legislature, by a majority
 6 vote of the elected members of each house, and with approval
 7 in a referendum in each district, parish, or portion affected
 8 may establish, abolish, or merge trial courts of limited or
 9 specialized jurisdiction subject to the limitations in Sections
 10 16 and 23 of this Article.

11 Section 20. Parish Courts

12 Section 20. (A) Notwithstanding the provisions of Sections
 13 15 and 19 to the contrary, the legislature may, by a majority
 14 vote of the elected members of each house, and with ap-
 15 proval in a referendum in the parish affected, establish in
 16 that parish, a parish court. Other courts of limited or
 17 specialized jurisdiction in the parish may be simultaneously
 18 abolished.

19 (B) The jurisdiction of parish courts shall be uniform
 20 throughout the state and such courts shall be limited to the
 21 trial of misdemeanors, and of civil matters not exceeding
 22 the value or sum of three thousand five hundred dollars, ex-
 23 clusive of interest and costs. A judge of said court shall be
 24 elected for a term of six years.

25 Section 21. Mayors' Courts; Justices of the Peace; Con-
 26 tinued

27 Section 21. A mayor's court or justice of the peace exist-
 28 ing at the time of the adoption of this constitution is con-
 29 tinued subject to change by the legislature.

30 Section 22. Recording of Proceedings; All Courts

31 Section 22. All proceedings in all courts in this state shall
 32 be recorded when requested.

1 Section 23. Judges; Term of Office or Compensation May
2 Not Be Decreased

3 Section 23. The term of office or compensation of a judge
4 shall not be decreased during the term for which he is
5 elected.

6 Section 24. Judges; Election; Vacancy in Office

7 Section 24. (A) The election of judges shall be held at
8 the regular congressional election.

9 (B) A newly-created judgeship or a vacancy in the office
10 of any judge shall be filled by a special election which shall
11 be called by the governor, and held within six months of
12 the day the vacancy occurs or the judgeship is created, ex-
13 cept when the vacancy occurs in the last six months of an
14 existing term. Until the vacancy is filled, the supreme court
15 shall appoint a person meeting the qualifications for judge
16 to the office, to serve at its pleasure, who shall be ineligible
17 to be a candidate for election to the judgeship.

18 (C) All judges serving on the date of adoption of this
19 constitution shall continue in office for the term to which
20 elected and shall serve through December thirty-first of
21 the last year of their term or, if the last year of their term
22 is not in the even-numbered year of a general judicial
23 election, then through December thirty-first of the year
24 next succeeding. The election for next term in the office
25 will be held in a general judicial election of the year the
26 term expires, as provided above.

27 Section 25. Retirement of Judges

28 Section 25. (A) A judge shall not remain in office beyond
29 his seventieth birthday, except as otherwise provided herein.

30 (B) A judge or judicial administrator in office or re-
31 tired at the time of the adoption of this constitution, shall
32 not have diminished any retirement benefits or judicial ser-

1 vice rights, including the right to remain in office, as judge,
2 during his present term, provided under the previous con-
3 stitution or laws, nor shall the benefits to which his sur-
4 viving spouse thereof was entitled be reduced.

5 (C) The legislature shall provide a retirement system for
6 judges which shall apply to a judge taking office after the
7 effective date of the statute enacting the system, and which
8 a judge in office at the time of its adoption may elect to
9 join.

10 (D) Until the legislature enacts the retirement system
11 authorized in Subsection (C), a judge taking office after
12 the adoption of this constitution and a judge in office who
13 so elects within ninety days of the adoption of this con-
14 stitution by notifying the secretary of state, shall be en-
15 titled to the following retirement benefits:

16 (1) This subsection applies to a judge of a court autho-
17 rized by this constitution, except mayors and justices of
18 the peace.

19 (2) A judge with sixteen years of judicial service may
20 retire; a judge with twelve years of judicial service is
21 eligible for retirement benefits at the age of sixty. On re-
22 tirement, a judge shall receive annually as retirement bene-
23 fits that portion of his annual average compensation for
24 his three highest years which the number of years served
25 bears to twenty-five, but not more than seventy-five per-
26 cent.

27 (3) A judge who is physically or mentally incapacitated
28 to perform his duties, as determined by the supreme court
29 upon the advice of two physicians appointed by the court,
30 shall be retired. He shall receive as annual retirement bene-
31 fits two-thirds of his annual salary, or that portion of his
32 average annual salary for the three highest years which

1 the number of years served bears to twenty-five, whichever
2 is greater.

3 (4) Upon the death of a judge, in office or retired, the
4 surviving spouse, until remarriage, shall be entitled to one-
5 third of his annual salary as judge prior to death or
6 retirement, or one-half the retirement benefits he was re-
7 ceiving or entitled to receive at the time of his death, which-
8 ever is greater. If the judge is not survived by a spouse,
9 or if the spouse dies, his unmarried children shall be en-
10 titled to the benefits provided in this subsection until the
11 age of eighteen.

12 (5) Benefits provided herein shall be paid from the same
13 sources as was his compensation as judge. The legislature
14 and the political subdivisions shall provide for the payment
15 of these benefits.

16 (6) To receive the benefits provided in this subsection,
17 the judge shall contribute a total of six percent of his salary
18 to the paying authorities.

19 Section 26. Judges; Qualifications; Practice of Law Pro-
20 hibited

21 Section 26. A judge of the supreme court, court of appeal,
22 district court, or parish court shall have been admitted to
23 the practice of law for at least five years prior to his elec-
24 tion, shall have been domiciled in the respective circuit,
25 district, or parish for at least two years immediately pre-
26 ceding election, and shall not practice law.

27 Section 27. Judiciary Commission; Membership; Terms;
28 Vacancy; Grounds for Removal; Powers

29 Section 27. (A) The Judiciary Commission shall consist
30 of one court of appeal judge and two district court judges
31 selected by the supreme court; three attorneys admitted
32 to the practice of law for at least ten years who are not

1 judges, active or retired, nor public officials, selected by
2 the Louisiana Conference of Court of Appeal Judges' Asso-
3 ciation or its successor; and three citizens, not lawyers,
4 judges active or retired, nor public officials, appointed by
5 the Louisiana District Judges' Association or its successor.

6 (B) A member of the commission shall serve a four-year
7 term and shall not be eligible to succeed himself.

8 (C) A member's term shall terminate when he loses the
9 status causing his appointment or when any event occurs
10 which would have made him ineligible for appointment.

11 (D) When a vacancy occurs, a successor shall be ap-
12 pointed for a four-year term by the appointing authority
13 for the position for which the vacancy occurred.

14 (E) On recommendation of the Judiciary Commission, the
15 supreme court may censure, suspend with or without salary,
16 remove from office, or retire involuntarily a judge for will-
17 ful misconduct relating to his official duty, willful and per-
18 sistent failure to perform his duty, persistent and public
19 conduct prejudicial to the administration of justice that brings
20 the judicial office into disrepute, or conduct while in office
21 which would constitute a felony, or conviction of a felony.
22 On recommendation of the Judiciary Commission, the su-
23 preme court may disqualify a judge from exercising any
24 judicial function, without loss of salary, during the pendency
25 of the proceedings in the supreme court. On recommenda-
26 tion of the Judiciary Commission, the supreme court may
27 retire involuntarily a judge for disability that seriously in-
28 terferes with the performance of his duties and that is, or
29 is likely to become, of a permanent character. The supreme
30 court shall make rules implementing this section and pro-
31 viding for confidentiality and privilege of proceedings.

32 Section 28. Department of Justice; Composition; Attorney

1 General; Election and Assistants

2 Section 28. There shall be a department of justice con-
3 sisting of an attorney general, a first and second attorney
4 general, and other necessary assistants and staff. The attor-
5 ney general shall be elected for a term of four years at the
6 state general election, and the assistants shall be appointed
7 by the attorney general to serve at his pleasure.

8 Section 29. Attorney General; Qualifications; Powers and
9 Duties; Vacancy

10 Section 29. The attorney general and the first and second
11 assistants shall have resided in this state and been ad-
12 mitted to the practice of law for at least five years pre-
13 ceding their selection. The attorney general shall attend to,
14 and have charge of all legal matters in which the state
15 has an interest, or to which the state is a party, with
16 power and authority to institute and prosecute or to inter-
17 vene in any and all suits or other proceedings, civil or crimi-
18 nal, as shall be necessary for the assertion or protection of
19 the rights and interests of the state.

20 In case of a vacancy in the office of attorney general,
21 the first assistant attorney general shall perform the duties
22 of the attorney general until his successor is elected and
23 qualified.

24 Section 30. District Attorney; Election; Qualifications;
25 Assistants

26 Section 30. In each judicial district a district attorney
27 shall be elected by the qualified electors of the district for
28 a term of six years. He shall have been admitted to the
29 practice of law in the state for at least five years prior
30 to his election and shall have resided in the district for
31 the two years immediately preceding election. A district
32 attorney may select his assistants and other personnel and

1 prescribe their duties.

2 Section 31. Defense of Criminal Prosecution; Removal

3 Section 31. No district attorney or assistant district attor-
4 ney shall appear, plead or in any way defend, or assist in
5 defending any criminal prosecution or charge. A violation
6 shall be cause for removal.

7 Section 32. Sheriff; Duties; Tax Collector

8 Section 32. In each parish, a sheriff shall be elected for a
9 term of four years. He shall be the chief law enforcement
10 officer in the parish, except as otherwise provided by this
11 constitution, and shall execute court orders and process.
12 He shall be the collector of state and parish ad valorem
13 taxes and such other taxes and licenses as provided by
14 law.

15 Section 33. Clerks; Election; Powers and Duties; Depu-
16 ties; Office Hours

17 Section 33. (A) In each parish, a clerk of the district
18 court shall be elected by the qualified electors of the parish
19 for a term of four years. He shall be ex officio notary
20 public and parish recorder of conveyances, mortgages, and
21 other acts and shall have such other duties and powers as
22 may be prescribed by law. The clerk may appoint depu-
23 ties with such duties and powers as may be prescribed
24 by law and he may appoint, with the approval of the dis-
25 trict judges, minute clerks with such duties and powers
26 as may be prescribed by law.

27 (B) The legislature shall establish statewide uniform
28 office hours for all clerks of district courts.

29 Section 34. Coroner; Election; Term; Qualifications;
30 Duties

31 Section 34. In each parish, a coroner shall be elected for
32 a term of four years with such qualifications and duties

1 as may be prescribed by law.

2 Section 35. Vacancies

3 Section 35. Until filled by election as provided by law,
4 when a vacancy occurs in the following offices, the duties
5 of the office shall be assumed by: in the case of sheriff,
6 the chief criminal deputy; district attorney, the first as-
7 sistant; clerk of a district court, the chief deputy; coroner,
8 the chief deputy. If there is no such person to assume the
9 duties at the time of the vacancy, the governing authority
10 or authorities of the parish or parishes concerned shall
11 appoint a qualified person to assume the duties of the office
12 until filled by election.

13 Section 36. Reduction of Salaries and Benefits Prohibited

14 Section 36. The attorney general, a district attorney, a
15 sheriff, or a clerk of the district court shall have neither
16 his salary nor retirement benefits diminished during his
17 term of office.

18 Section 37. Orleans Parish, Officials; Continued

19 Section 37. Notwithstanding any provisions of Sections 32
20 and 33 of this Article to the contrary, the following officers
21 in Orleans Parish are continued, subject to change by a
22 majority vote of the elected members of each house of the
23 legislature and by approval in a referendum in the parish:
24 the clerks of the civil and criminal district courts, the civil
25 and criminal sheriffs, the constables and the clerks of the
26 first and second city courts, the register of conveyances,
27 and the recorder of mortgages, all of which shall be elected
28 for four-year terms with such duties and powers as pro-
29 vided by the legislature. Their terms of office, retirement
30 benefits, or compensation shall not be reduced during their
31 terms of office.

32 Section 38. Jurors; Qualifications; Selection

1 Section 38. A citizen of the state who has reached
2 majority is eligible to serve as a juror. The supreme court
3 by rule shall provide for the selection of jurors.

4 Section 39. Grand Jury

5 Section 39. There shall be a grand jury or grand juries
6 in each parish whose duties and responsibilities shall be
7 provided by law and whose qualifications shall be as pro-
8 vided in Section 38 of this Article. The secrecy of the
9 proceedings, including the identity of the witnesses appear-
10 ing, shall be provided for by law.

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.

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

ARTICLE IX. EDUCATION

Section 1. Educational Goals

Section 1. 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 the 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 consisting of all public schools and institutions of learning supported in whole or in part by state funds, the funds of any political subdivision thereof, or both.

Section 3. State Board of Elementary and Secondary Education

Section 3. (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. The board shall have such other specific powers, duties, and responsibilities as are provided 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 seven members who shall be appointed by the governor, with the consent of the Senate, from the state at large, and an additional number of members equal to the number of congressional districts into which the state is divided, one of whom shall be elected from each of such districts, as provided by law. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the governor or the legislature, as the case may be, in a manner as to effectuate this purpose.

(C) Vacancies. Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor for the remainder of the unexpired term. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.

Section 4. State Superintendent of Public Elementary and Secondary Education

Section 4. (A) Term. There shall be a state superintendent of public education for elementary and secondary education, who shall be elected for a term of four years. He shall be the ex officio secretary of the board and shall serve as its chief executive officer.

(B) Qualifications. The state superintendent shall possess the qualifications required of parish school superintendents

1 and such additional qualifications as may be fixed by law.

2 (C) Functions. The powers, duties, responsibilities, and
3 salary of the state superintendent of public education shall
4 be prescribed by law.

5 (D) Vacancy. A vacancy in the office of state superinten-
6 dent of public education for any cause except expiration
7 of the term shall be filled by the governor for the re-
8 mainder of the unexpired term.

9 Section 5. Qualifications and Certification of Teachers

10 Section 5. The board shall prescribe and provide for the
11 qualifications to be met by teachers and for the certifica-
12 tion of teachers of public elementary and secondary and
13 special schools.

14 Section 6. Approval of Private Schools; Effect

15 Section 6. The board may approve private schools whose
16 sustained curriculum is of a quality equal to that prescribed
17 for similar public schools. The certificates issued by private
18 schools so approved shall carry the same privileges as
19 those issued by the state public schools.

20 Section 7. Board of Regents

21 Section 7. (A) Board of Regents; establishment. There is
22 created a body corporate known as the Board of Regents.
23 The board shall plan, coordinate, and have budgetary re-
24 sponsibility for all public higher education and shall have
25 such other powers, duties, and responsibilities as are pro-
26 vided in this Section and by law.

27 (B) Board membership; terms. The members of the board
28 shall be appointed by the governor with the consent of the
29 Senate for overlapping terms of six years, following initial
30 terms which shall be fixed by law. Two of the members
31 shall be residents of each of the congressional districts into
32 which the state is divided, and one member shall be from

1 the state at large.

2 (C) Board members; per diem and expenses. The members
3 of the Board of Regents, Board of Supervisors of Louisi-
4 ana State University and Agricultural and Mechanical Col-
5 lege, Board of Trustees for State Colleges and Universi-
6 ties, and any other board created pursuant to this Article
7 shall serve without pay, but the legislature may fix the per
8 diem and expenses to be paid to them.

9 (D) Vacancies. A vacancy occurring prior to the expira-
10 tion of the term shall be filled for the remainder of the un-
11 expired term by appointment by the governor, with the con-
12 sent of the Senate.

13 (E) Powers of the board. (1) The board shall have coordi-
14 nating responsibilities as it relates to the elementary and
15 secondary educational curricula. (2) The board shall have
16 the following powers, duties, and responsibilities with re-
17 spect to all public institutions of higher education and post-
18 secondary vocational-technical training and career educa-
19 tion:

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

22 (b) To approve, disapprove, or modify any proposed de-
23 gree program, department of instruction, division, or similar
24 subdivision.

25 (c) To study the need for and feasibility of any new in-
26 stitution of post-secondary education, including branches of
27 institutions and conversion of two-year institutions to insti-
28 tutions offering longer courses of study. If the creation of
29 a new institution is proposed, or an additional management
30 board for an institution or group of institutions is proposed,
31 or a proposal is made to transfer an existing institution from
32 one board to another, the board shall report its findings and

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1 recommendations within one year to the legislature. Only
2 after this written report has been filed, or if no report is filed
3 within one year, the legislature may take affirmative ac-
4 tion on such a proposal by vote of two-thirds of the mem-
5 bership of each house.

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

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

24 (F) Powers not vested. Powers of management over pub-
25 lic institutions of higher education and post-secondary
26 vocational-technical training and career education not spe-
27 cifically vested in the Board of Regents by this Section are
28 reserved to the Board of Supervisors of Louisiana State
29 University and Agricultural and Mechanical College and to
30 the Board of Trustees for State Colleges and Universities
31 as to the institutions under the control of each or to any
32 board created pursuant to this Section.

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1 Section 8. Board of Trustees for State Colleges and Uni-
2 versities

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

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

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

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

23 (C) Vacancies. A vacancy occurring prior to the expira-
24 tion of the term shall be filled for the remainder of the un-
25 expired term by appointment by the governor, with the con-
26 sent of the Senate.

27 Section 9. Board of Supervisors of Louisiana State Uni-
28 versity and Agricultural and Mechanical College

29 Section 9. (A) Creation; Powers. There is created a body
30 corporate, known as the Board of Supervisors of Louisiana
31 State University and Agricultural and Mechanical College,
32 which subject to the powers vested in the Board of Regents,

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1 shall supervise and manage the institutions and statewide
2 agricultural and other programs administered through the
3 Louisiana State University and Agricultural and Mechani-
4 cal College system.

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

12 (C) Vacancies. A vacancy occurring prior to the expira-
13 tion of the term shall be filled for the remainder of the
14 unexpired term by appointment by the governor, with the
15 consent of the Senate.

16 Section 10. Minority Representation

17 Section 10. An appropriate number of citizens from the
18 predominant minority race of the state shall be included
19 on the State Board of Elementary and Secondary Education,
20 the Board of Regents, the Board of Supervisors of Louisiana
21 State University and Agricultural and Mechanical College,
22 the Board of Trustees for State Colleges and Universities,
23 and any other board created pursuant to this Article.

24 Section 11. Boards; Dual Membership Prohibited

25 Section 11. No person shall be eligible to simultaneously
26 serve on more than one board created by or pursuant to
27 this Article.

28 Section 12. Parish School Boards; Parish Superintendents

29 Section 12. (A) Parish School Boards. The legislature
30 shall create parish school boards and shall provide for the
31 election of the members of such boards.

32 (B) Parish Superintendents. Each parish board shall elect

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1 a superintendent of parish schools. The State Board of
2 Elementary and Secondary Education shall fix the qualifi-
3 cations and prescribe the duties of the parish superinten-
4 dent, who need not be a resident of the parish in which
5 he serves.

6 Section 13. Recognition of Existing Boards and Systems;
7 Consolidation

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

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

20 Section 14. Appropriations; Boards

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

24 Section 15. Appropriations; Higher Education

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

31 Section 16. Funding; Elementary and Secondary Schools;
32 Apportionment

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1 Section 16. (A) State Funds. State funds for the support
2 of the public schools of elementary and secondary levels
3 shall be derived from the sources and shall be apportioned
4 to the parish and city school boards in the manner here-
5 inafter set forth:

6 First: After dedication of annual amounts required by
7 this constitution to be deducted from the first moneys avail-
8 able to the State Severance Tax Fund, and after deduction
9 of not to exceed five hundred thousand dollars per annum
10 to pay for the costs of collecting this tax and administering
11 the laws pertaining to the conservation of the natural re-
12 sources of the state, out of the first moneys comprising the
13 residue then existing in the fund, the legislature shall ap-
14 propriate funds to supply free school books and other mater-
15 ials of instruction prescribed by the State Board of Elemen-
16 tary and Secondary Education. After July first of each year,
17 the state treasurer shall set up a fund for the payment
18 of the amounts set forth in Paragraph (A) of this Section.
19 When sufficient funds have accumulated in the fund for
20 the payment of the moneys required for the purposes above
21 mentioned including school books and materials of in-
22 struction, then, before the tenth day of each month, the
23 state treasurer shall transfer to a fund in the state treasury
24 designated as the State Public School Fund such balances
25 as have accrued.

26 Second: The proceeds of particular taxes now or here-
27 after levied by the legislature and dedicated, appropriated,
28 or otherwise made available to the State Public School
29 Fund or for the support of public schools.

30 Third: Such other funds as the legislature has provided
31 or hereafter provides for the support of public schools.

32 (B) Allocation of Funds. The funds specified in Para-

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1 graph (A) hereof shall be apportioned as follows:

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

11 (2) Other state funds. Any other funds provided by the
12 legislature for the support of public schools shall be ap-
13 portioned and distributed in accordance with a formula es-
14 tablished by the State Board of Elementary and Secondary
15 Education, except as otherwise specifically provided for by
16 the law appropriating the funds.

17 (3) Other funds. Any funds for public education from
18 any other source shall be distributed in the manner deter-
19 mined by the State Board of Elementary and Secondary
20 Education, subject, however, to the terms of the laws govern-
21 ing such funds or the lawful stipulations of the source of
22 the funds.

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

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

32 Second: The provisions of Paragraph (C) First above

1 shall not apply to property within a municipality which
 2 is exempt from parochial taxation. In lieu of that the govern-
 3 ing authority of each of these municipalities shall levy a
 4 tax annually and shall collect and pay, to the parish school
 5 board in which such municipality is situated, out of the
 6 proceeds of the general ad valorem tax for municipal pur-
 7 poses, such an amount as shall equal the rate of five mills
 8 levied hereunder by the parish school board.

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

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

28 Fourth: For giving additional support to the public ele-
 29 mentary and secondary schools, any parish, school district,
 30 or subschool district, or any municipality which supports
 31 a separate city system of public schools may levy ad valorem
 32 taxes for specific purposes, when authorized by a majority

1 of the electors voting in the parish, municipality, district,
 2 or subdistrict, in an election called for the purpose. The
 3 amount, duration, and purpose of such taxes shall be in
 4 accord with any limitations imposed by the legislature. No
 5 such tax shall be levied for a period longer than ten years,
 6 except that any tax levied to pay the costs of bonds or
 7 other debts incurred shall be levied and collected until
 8 the principal and interest on the bonds or other debts have
 9 been paid.

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

12 (D) Monroe, Bogalusa; Treatment as Parishes. For the
 13 effects and purposes of the provisions of this entire Section,
 14 the municipalities of Monroe, in Ouachita Parish, and Bog-
 15 alusa in Washington Parish, and no other, shall be regarded
 16 as, and treated upon the same basis and shall have the
 17 same authority as though they were separate parishes in-
 18 stead of municipalities.

19 (E) Ouachita Parish. The school board of Ouachita Parish
 20 shall not be required to pay to the city of Monroe out of
 21 the public funds any per capita for children residing with-
 22 out the limits of said city and who may attend the schools
 23 maintained by the city of Monroe under its legislative
 24 charter.

25 Section 17. Tulane University

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

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Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

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1 COMMITTEE PROPOSAL No. 7—

2 Introduced by Delegate Aertker, Chairman, on behalf of the
3 Committee on Education and Welfare and Delegates Car-
4 mouche, Cowen, Flory, Hernandez, Landry, Segura, Silver-
5 berg, Thistlethwaite, Toca and Wisham:

6 A PROPOSAL

7 Making provisions for education and necessary provisions
8 with respect thereto.

9 Be it adopted by the Constitutional Convention of Louisi-
10 ana of 1973:

11 ARTICLE IX. EDUCATION

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13 Section 1. The goal of the public educational system shall
14 be to provide, at all stages of human development, learning
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17 may be afforded the opportunity to develop to his full
18 potential.

19 Section 2. Public Educational System

20 Section 2. The legislature shall provide for the education
21 of the people of the state and shall establish and maintain
22 a public educational system consisting of all public schools
23 and institutions of learning supported in whole or in part
24 by state funds, the funds of any political subdivision there-
25 of, or both.

26 Section 3. State Superintendent of Public Elementary and
27 Secondary Education

28 Section 3. (A) Term. There shall be a state superinten-
29 dent of public education for elementary and secondary ed-
30 ucation, who shall be appointed by the State Board of
31 Elementary and Secondary Education for a term not to
32 exceed four years.

1 (B) Qualifications. The state superintendent shall possess
2 the qualifications required of parish school superintendents
3 and such additional qualifications as may be fixed by law.

4 (C) Functions. The powers, duties, responsibilities, and
5 salary of the state superintendent of public education shall
6 be prescribed by law.

7 Section 4. State Board of Elementary and Secondary Edu-
8 cation

9 Section 4. (A) Creation; Function. There is created a body
10 corporate, known as the State Board of Elementary and
11 Secondary Education. The board shall supervise, control,
12 and have budgetary responsibility for all funds appropriated
13 or allocated by the state for all public elementary and
14 secondary schools and special schools under its jurisdiction,
15 as provided by law. The board shall have such other specific
16 powers, duties, and responsibilities as are provided by law,
17 but shall have no control over the business affairs of
18 parish and municipal school boards or the selection or re-
19 moval of their officers and employees.

20 (B) Membership; Terms. The board shall consist of three
21 members who shall be appointed by the governor, with the
22 consent of the Senate from the state at large, and eight
23 members who shall be elected from single-member districts
24 to be determined by the legislature. All members shall serve
25 overlapping terms of six years, following the initial terms
26 which shall be determined by the governor or the legislature,
27 as the case may be, in a manner as to effectuate this
28 purpose.

29 (C) Vacancies. Vacancies occurring for any cause prior
30 to the expiration of the term shall be filled by appointment
31 by the governor for the remainder of the unexpired term.
32 Members shall serve without pay except for such per diem

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1 and expenses as shall be fixed by the legislature.

2 Section 5. Qualifications and Certification of Teachers

3 Section 5. The board shall prescribe and provide for the
4 qualifications to be met by teachers and for the certification
5 of teachers of public elementary and secondary and special
6 schools.

7 Section 6. Approval of Private Schools; Effect

8 Section 6. The board shall approve private elementary,
9 secondary, and proprietary schools whose sustained curricu-
10 lum is of a quality equal to that prescribed for similar public
11 schools. The certificates issued by private schools so approved
12 shall carry the same privileges as those issued by the state
13 public schools.

14 Section 7. Board of Regents

15 Section 7. (A) Board of Regents; establishment. There is
16 created a body corporate known as the Board of Regents.
17 The board shall plan, coordinate, and have budgetary re-
18 sponsibility for all public higher education and shall have
19 such other powers, duties, and responsibilities as are pro-
20 vided in this Section and by law.

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

28 (C) Board members; per diem and expenses. The mem-
29 bers of the Board of Regents, Board of Supervisors of
30 Louisiana State University and Agricultural and Mechanical
31 College, Board of Trustees for State Colleges and Universi-
32 ties, and any other board created pursuant to this Article

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1 shall serve without pay, but the legislature may fix the per
2 diem and expenses to be paid to them.

3 (D) Vacancies. A vacancy occurring prior to the expira-
4 tion of the term shall be filled for the remainder of the
5 unexpired term by appointment by the governor, with the
6 consent of the Senate.

7 (E) Powers of the board. (1) The board shall have co-
8 ordinating responsibilities as it relates to the elementary
9 and secondary educational curricula. (2) The board shall
10 have the following powers, duties, and responsibilities with
11 respect to all public institutions of higher education and
12 post-secondary vocational-technical training and career ed-
13 ucation:

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

16 (b) To approve, disapprove, or modify any proposed degree
17 program, department of instruction, division, or similar sub-
18 division.

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

32 (d) To formulate and make timely revision of a master

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1 plan for higher education and post-secondary vocational-
2 technical training and career education. As a minimum, the
3 plan shall include a formula for the equitable distribution
4 of funds to the institutions of higher education of the state.

5 (e) To require the Board of Supervisors of Louisiana
6 State University and Agricultural and Mechanical College,
7 the Board of Trustees for State Colleges and Universities,
8 and any other board hereafter created pursuant to this Sec-
9 tion to submit to it, at times specified by it, their annual
10 budget proposals for the operational and capital needs of
11 each institution under the control of each. The Board of
12 Regents shall submit its recommendations on budgets for
13 all institutions of higher education and post-secondary vo-
14 cational-technical training and career education in the state.
15 It shall recommend priorities for capital construction and
16 improvements.

17 (F) Powers not vested. Powers of management over pub-
18 lic institutions of higher education and post-secondary vo-
19 cational-technical training and career education not spe-
20 cifically vested in the Board of Regents by this Section are
21 reserved to the Board of Supervisors of Louisiana State
22 University and Agricultural and Mechanical College and to
23 the Board of Trustees for State Colleges and Universities
24 as to the institutions under the control of each or to any
25 board created pursuant to this Section.

26 Section 8. Board of Trustees for State Colleges and Uni-
27 versities

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

32 (1) Supervision and management of all state colleges and

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1 universities except those included under the management
2 of the Board of Supervisors of Louisiana State University
3 and Agricultural and Mechanical College, and any other
4 board hereafter created pursuant to this Article.

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

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

16 (C) Vacancies. A vacancy occurring prior to the expira-
17 tion of the term shall be filled for the remainder of the
18 unexpired term by appointment by the governor, with the
19 consent of the Senate.

20 Section 9. Board of Supervisors of Louisiana State Uni-
21 versity and Agricultural and Mechanical College

22 Section 9. (A) Creation; Powers. There is created a body
23 corporate, known as the Board of Supervisors of Louisiana
24 State University and Agricultural and Mechanical College,
25 which subject to the powers vested in the Board of Regents,
26 shall supervise and manage the institutions and statewide
27 agricultural and other programs administered through the
28 Louisiana State University and Agricultural and Mechanical
29 College system.

30 (B) Membership; Terms. The members of the board shall
31 be appointed by the governor, with the consent of the Senate,
32 for overlapping terms of six years following initial terms

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1 which shall be fixed by law. Two of the members shall be
2 residents of each of the congressional districts into which
3 the state is divided, and one member shall be from the state
4 at large.

5 (C) Vacancies. A vacancy occurring prior to the expira-
6 tion of the term shall be filled for the remainder of the
7 unexpired term by appointment by the governor, with the
8 consent of the Senate.

9 Section 10. Minority Representation

10 Section 10. An appropriate number of citizens from the
11 predominant minority race of the state shall be included on
12 the State Board of Elementary and Secondary Education,
13 the Board of Regents, the Board of Supervisors of Louisiana
14 State University and Agricultural and Mechanical College,
15 the Board of Trustees for State Colleges and Universities,
16 and any other board created pursuant to this Article.

17 Section 11. Boards; Dual Membership Prohibited

18 Section 11. No person shall be eligible to simultaneously
19 serve on more than one board created by or pursuant to this
20 Article.

21 Section 12. Parish School Boards; Parish Superintendents

22 Section 12. (A) Parish School Boards. The legislature shall
23 create parish school boards and shall provide for the election
24 of the members of such boards.

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

30 Section 13. Recognition of Existing Boards and Systems;
31 Consolidation

32 Section 13. (A) Recognition of Boards and Systems. Parish

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1 and city school board systems, in existence on the effective
2 date of this constitution, by virtue of special or local legis-
3 lative acts or previous constitutional provisions, are hereby
4 recognized, subject to control by and supervision of the
5 State Board of Elementary and Secondary Education and
6 the power of the legislature to enact laws affecting them.

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

12 Section 14. Appropriations; Boards

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

16 Section 15. Appropriations; Higher Education

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

23 Section 16. Funding; Elementary and Secondary Educa-
24 tion; Apportionment

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

30 First: After dedication of annual amounts required by
31 this constitution to be deducted from the first moneys
32 available to the State Severance Tax Fund, and after de-

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1 duction of not to exceed five hundred thousand dollars per
2 annum to pay for the costs of collecting this tax and ad-
3 ministering the laws pertaining to the conservation of the
4 natural resources of the state, out of the first moneys com-
5 prising the residue then existing in the fund, the legislature
6 shall appropriate funds to supply free school books and
7 other materials of instruction prescribed by the State Board
8 of Elementary and Secondary Education to the children of
9 this state at the elementary and secondary levels. After July
10 first of each year, the state treasurer shall set up a fund for
11 the payment of the amounts set forth in Paragraph (A) of
12 this Section. When sufficient funds have accumulated in the
13 fund for the payment of the moneys required for the pur-
14 poses above mentioned including school books and materials
15 of instruction, then, before the tenth day of each month, the
16 state treasurer shall transfer to a fund in the state treasury
17 designated as the State Elementary and Secondary Educa-
18 tion Fund such balances as have accrued.

19 Second: The proceeds of particular taxes now or here-
20 after levied by the legislature and dedicated, appropriated,
21 or otherwise made available to the State Elementary and
22 Secondary Education Fund or for the support of public
23 schools.

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

27 (B) Allocation of Funds. The funds specified in Para-
28 graph (A) hereof shall be apportioned as follows:

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

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1 The minimum program of education to be maintained in all
2 parish and city school systems shall be established by the
3 State Board of Elementary and Secondary Education. The
4 board shall adopt formulas and procedures for the distribu-
5 tion of these funds to the several school boards.

6 (2) Other state funds. Any other funds provided by the
7 legislature for the support of public schools shall be ap-
8 portioned and distributed in accordance with a formula es-
9 tablished by the State Board of Elementary and Secondary
10 Education, except as otherwise specifically provided for by
11 the law appropriating the funds.

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

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

21 First: Each parish school board, the parish of Orleans
22 excepted, and no other parochial or municipal authority ex-
23 cept as otherwise specifically provided for in this consti-
24 tution, shall levy annually an ad valorem maintenance tax
25 of five mills, or as much thereof as is necessary, on all prop-
26 erty subject to such taxation within the parish.

27 Second: The provisions of Paragraph (C) First above
28 shall not apply to property within a municipality which is
29 exempt from parochial taxation. In lieu of that the govern-
30 ing authority of each of these municipalities shall levy a tax
31 annually and shall collect and pay, to the parish school
32 board in which such municipality is situated, out of the

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1 proceeds of the general ad valorem tax for municipal
2 purposes, such an amount as shall equal the rate of five
3 mills levied hereunder by the parish school board.

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

13 Third: The Orleans Parish School Board shall levy annual-
14 ly a tax not to exceed thirteen mills on the dollar on the
15 assessed valuation of all property within the city of New
16 Orleans assessed for city taxation and shall certify the fact
17 to the governing authority of the city. The governing author-
18 ity shall cause said tax to be entered on the tax rolls of the
19 city and collected in the manner and under the conditions
20 and with the interest and penalties prescribed by law for
21 city taxes. The money thus collected shall be paid daily to
22 the Orleans Parish School Board.

23 Fourth: For giving additional support to the public ele-
24 mentary and secondary schools, any parish, school district,
25 or subschool district, or any municipality which supports a
26 separate city system of public schools may levy ad valorem
27 taxes for specific purposes, when authorized by a majority
28 of the electors voting in the parish, municipality, district, or
29 subdistrict, in an election called for the purpose. The amount,
30 duration, and purpose of such taxes shall be in accord with
31 any limitations imposed by the legislature. No such tax shall
32 be levied for a period longer than ten years, except that any

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1 tax levied to pay the costs of bonds or other debts incurred
2 shall be levied and collected until the principal and interest
3 on the bonds or other debts have been paid.

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

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

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

18 Section 17. Tulane University

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

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1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 7

3 Introduced by Delegate Aertker, Chairman, on behalf of the

4 Committee on Education and Welfare and Delegates

5 Carmouche, Cowen, Flory, Hernandez, Landry, Segura,

6 Silverberg, Thistlethwaite, Toca, and Wisham

8 A PROPOSAL

9 Making provisions for education and necessary provisions with
10 respect thereto.

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

13 ARTICLE IX. EDUCATION

14 Preamble

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

20 Section 2. Public Educational System

21 Section 2. The legislature shall provide for the educa-
22 tion of the people of the state and shall establish and main-
23 tain a public educational system.

24 Section 3. State Superintendent of Public Elementary 25 and Secondary Education

26 Section 3. (A) Term. Subject to the provisions for
27 appointment, in lieu of election, as set forth in Article IV,
28 Section 23, there shall be a state superintendent of public
29 education for elementary and secondary education, who shall
30 be elected for a term of four years. The powers, functions,
31 duties, responsibilities, and qualifications of the superinten-

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1 dent shall be fixed by law. In addition, he shall be
2 the administrative head of the Department of Education
3 for the implementation of the policies of the State
4 Board of Elementary and Secondary Education and the laws
5 affecting the schools under its jurisdiction.

6 Section 4. State Board of Elementary and Secondary 7 Education.

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

23 (B) Membership; Terms. The board shall consist of three
24 members who shall be appointed by the governor, with the
25 consent of the Senate from the state at large, and eight
26 members who shall be elected from single-member districts to
27 be determined by the legislature. All members shall serve
28 overlapping terms of six years, following the initial terms
29 which shall be fixed by law.

30 (C) Vacancies. Vacancies occurring for any cause prior
31 to the expiration of the term shall be filled by appointment
32 by the governor; however, if at the time the vacancy occurs
33 the unexpired portion of the term of any elected member is
34 more than one year, the vacancy shall be filled by election
35 as provided by law. Members shall serve without pay except

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1 for such per diem and expenses as shall be fixed by the
2 legislature.

3 Section 6. Approval of Private Schools; Effect

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

11 Section 7. Board of Regents

12 Section 7. (A) Board of Regents; establishment. There
13 is created a body corporate known as the Board of Regents.
14 The board shall plan, coordinate, and have budgetary re-
15 sponsibility for all public higher education and shall have
16 such other powers, duties, and responsibilities as are pro-
17 vided in this Section and by law.

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

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

31 (D) Vacancies. A vacancy occurring prior to the ex-
32 piration of the term shall be filled for the remainder of
33 the unexpired term by appointment by the governor, with the
34 consent of the Senate.

35 (E) Powers of the board. (1) The Board of Regents

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1 shall meet with the State Board of Elementary and Second-
2 ary Education at least twice a year to coordinate programs
3 of public elementary, secondary, vocational-technical,
4 career, and higher education. The board shall have the
5 following powers, duties, and responsibilities with respect
6 to all public institutions of higher education and
7 post-secondary vocational-technical training and career
8 education:

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

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

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

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

32 (e) To require the Board of Supervisors of Louisiana
33 State University and Agricultural and Mechanical College,
34 the Board of Trustees for State Colleges and Universities,
35 and any other higher education board hereafter created pursuant

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1 to this Article to submit to it, at times specified by
2 it, their annual budget proposals for the operational and
3 capital needs of each institution under the control of each.
4 The Board of Regents shall submit its recommendations on
5 budgets for all institutions of higher education and post-
6 secondary vocational-technical training and career education
7 in the state. It shall recommend priorities for capital
8 construction and improvements.

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

18 Section 8. Board of Trustees for State Colleges
19 and Universities

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

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

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

34 (P) Board Membership; Terms. The members of the board
35 shall be appointed by the governor, with the consent of the

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1 Senate, for overlapping terms of six years following initial
2 terms which shall be fixed by law. Two of the members shall
3 be residents of each of the congressional districts into
4 which the state is divided, and one member shall be from the
5 state at large.

6 (C) Vacancies. A vacancy occurring prior to the expir-
7 ation of the term shall be filled for the remainder of the
8 unexpired term by appointment by the governor, with the
9 consent of the Senate.

10 Section 9. Board of Supervisors of Louisiana State
11 University and Agricultural and Mechanical College;
12 Board of Supervisors of Southern University and
13 Agricultural and Mechanical College

14 Section 9. (A) Creation; Powers. There is created
15 bodies corporate, known as the Board of Supervisors of
16 Louisiana State University and Agricultural and Mechanical
17 College and the Board of Supervisors of Southern University
18 and Agricultural and Mechanical College, which subject to
19 the powers vested in the Board of Regents, shall supervise
20 and manage the institutions and statewide agricultural
21 and other programs administered through the Louisiana
22 State University and Agricultural and Mechanical College
23 and the Southern University Agricultural and Mechanical
24 College system.

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

32 (C) Vacancies. A vacancy occurring prior to the ex-

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1 piration of the term shall be filled for the remainder of the
2 unexpired term by appointment by the governor, with the con-
3 sent of the Senate.

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

4 Section 11. (A) No person shall be eligible to simultan-
5 eously serve on more than one board created by or pursuant
6 to this Article.

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

Section 12. Parish School Boards; Parish Superintendents

17 Section 12. (A) Parish School Boards. The legislature
18 shall create parish school boards and shall provide for the
19 election of the members of such boards.

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

Section 13. Recognition of Existing Boards and Systems;

Consolidation

25 Section 13. (A) Recognition of Boards and Systems.
26 Parish and city school board systems, in existence on the
27 effective date of this constitution, by virtue of special
28 or local legislative acts or previous constitutional pro-
29 visions, are hereby recognized, subject to control by and
30 supervision of the State Board of Elementary and Secondary

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1 Education and the power of the legislature to enact laws
2 affecting them.

3 (B) Ouachita Parish and Monroe City School Systems;
4 board membership. Only persons residing within the juris-
5 diction of the Monroe City School Board shall be eligible
6 to vote for or be members of the Monroe City School Board.
7 Only persons residing in that portion of Ouachita Parish
8 outside the jurisdiction of the Monroe City School Board
9 shall be eligible to vote for or be members of the Ouachita
10 Parish School Board. Any member of either board at any
11 time not satisfying the requirements of this Paragraph
12 immediately shall vacate his position. The provisions
13 of this Paragraph shall not become operative until the
14 election of members to the Ouachita Parish School Board
15 taking office in 1977 or upon the first reapportionment
16 affecting the Ouachita Parish School Board, whichever
17 occurs earlier.

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

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

Section 14. Appropriations; Boards

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

Section 15. Appropriations; Higher Education

29 Section 15. Appropriations for the institutions of
30 higher education and post-secondary vocational-technical
31 training and career education shall be made to their re-
32 spective managing boards. The appropriations shall be
33 administered by the managing boards and used solely as

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1 provided by law.

2 Section 16. Funding; Elementary and Secondary

3 Education; Apportionment

4 Section 16. (A) The legislature shall appropriate funds
5 to supply free school books and other materials of instruction
6 prescribed by the State Board of Elementary and Secondary
7 Education to the children of this state at the elementary and
8 secondary levels.

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

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

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

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

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

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

15 Section 17. Tulane University

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

1 COMMITTEE PROPOSAL No. 8—

2 Introduced by Delegate Perez, on behalf of the Committee
3 on Local and Parochial Government, and Delegates Burson,
4 Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso,
5 Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon,
6 Stephenson, Taylor, Toomy, Ullo and Zervigon:

7 A PROPOSAL

8 Making provisions for local and parochial government and
9 necessary provisions with respect thereto.

10 Be it adopted by the Constitutional Convention of Lou-
11 isiana of 1973:

12 ARTICLE VI. LOCAL GOVERNMENT

13 Section 1. Parishes; Ratification of Boundaries, Creation,
14 Consolidation, and Dissolution

15 Section 1. (A) All parishes and their boundaries as es-
16 tablished under existing law are recognized and ratified.

17 (B) The legislature shall provide by general law for the
18 creation, consolidation, or dissolution of parishes under the
19 limitations hereinafter provided. No new parish shall con-
20 tain less than six hundred and twenty-five square miles,
21 or less than fifty thousand inhabitants, and no parish shall
22 be reduced below that area or number of inhabitants.

23 Section 2. Change of Parish Lines; Election

24 Section 2. Before taking effect any law changing parish
25 lines, consolidating parishes, dissolving parishes, or creating
26 new parishes shall be submitted to the electors of the par-
27 ishes to be affected at a special election held for that pur-
28 pose. The change shall take effect only if two-thirds of the
29 total vote cast on the question in each affected parish
30 is in favor thereof.

31 Section 3. New or Enlarged Parishes; Adjustment of As-
32 sets and Liabilities

1 Section 3. When a parish is enlarged or created from con-
2 tiguous territory, it shall be entitled to a just proportion of
3 the property and assets and shall be liable for a just pro-
4 portion of the existing debts and liabilities of the parish
5 or parishes from which the territory is taken.

6 Section 4. Change of Location of Parish Seat

7 Section 4. Upon the written petition of not less than
8 twenty-five percent of the electors, as certified to by the
9 registrar of voters, the governing authority of a parish shall
10 call an election on the question of changing the location of
11 the parish seat. The location of a parish seat shall not be
12 changed unless two-thirds of the total vote cast on the ques-
13 tion is in favor thereof.

14 Section 5. Municipalities; Incorporation, Consolidation,
15 Merger, and Government

16 Section 5. The legislature shall provide by general law
17 for the incorporation, consolidation, merger, and government
18 of municipalities. No special law shall be enacted to create
19 a municipal corporation or to amend, modify, or repeal its
20 charter; however, if a municipality is operating under a
21 special legislative charter it may be amended, modified, or
22 repealed by special law as long as such municipality con-
23 tinues to operate under such charter.

24 Section 6. Classification

25 Section 6. Except as provided in this constitution, the
26 legislature may classify parishes or municipalities accord-
27 ing to population or on any other reasonable basis related
28 to the purpose of this classification, and legislation may
29 be limited in its effect to any of such class or classes;
30 provided, however, no statute which is applicable to fewer
31 than six parishes or municipalities shall become operative
32 in any such parish or municipality until approved by ordi-

1 nance enacted by the governing authority of the parish or
2 municipality.

3 Section 7. Existing Home Rule Charters and Plans of
4 Government of Parishes and Municipalities Ratified

5 Section 7. (A) The plans of government and home rule
6 charters of the parishes of East Baton Rouge, Jefferson,
7 and Plaquemines and of the cities of New Orleans, Baton
8 Rouge, and Shreveport shall remain in effect, and may be
9 amended, modified, or repealed as provided therein. Each
10 of them shall retain the authority, powers, rights, privileges,
11 and immunities granted by its charter. Each shall be
12 subject to the duties imposed by the applicable constitu-
13 tional provisions under which its plan or charter was
14 adopted. Each of them also shall enjoy such additional
15 powers and functions as are granted to local governmental
16 subdivisions by provisions of this constitution, including Sec-
17 tions 8 and 10 of this Article, unless the exercise of such
18 powers and functions is prohibited by its charter.

19 (B) Every other home rule charter adopted or autho-
20 rized when this constitution is adopted shall remain in ef-
21 fect and may be amended, modified, or repealed as pro-
22 vided in the charter.

23 Section 8. Home Rule Charter

24 Section 8. (A) Any local governmental subdivision may
25 draft, adopt, or amend a charter of government to be known
26 as a home rule charter in accordance with the provisions
27 of this Section. The governing authority of any such local
28 governmental subdivision may appoint a commission to pre-
29 pare and propose a charter, or may call an election for the
30 purpose of electing such a commission.

31 (B) The governing authority of any such local govern-
32 mental subdivision shall call an election to elect a commis-

1 sion to prepare and propose a charter or alternate charter
2 when presented with a petition signed by not less than fif-
3 teen percent of the electors who live within the boundaries
4 of the affected subdivision, as certified by the registrar of
5 voters.

6 (C) A home rule charter shall be adopted when approved
7 by a majority of the electors who vote on the charter pro-
8 posal at an election called for that purpose.

9 (D) Two or more local governmental subdivisions situated
10 within the boundaries of one parish may avail themselves
11 of the provisions of this Section, provided that a majority
12 of the electors in each affected local governmental subdivi-
13 sion who vote in an election held for that purpose vote in
14 favor thereof. The legislature shall provide for the method
15 of appointment or election of a commission to prepare and
16 propose such a charter consistent with Paragraph A of this
17 Section; provided, however, that at least one member of the
18 commission shall be elected or appointed from each affected
19 local governmental subdivision. The legislature shall provide
20 the method by which the electors of more than one local
21 governmental subdivision within the boundaries of one par-
22 ish may petition for an election for such purpose consistent
23 with Paragraph B of this Section.

24 (E) A home rule charter, or any amendment thereto,
25 adopted pursuant to the provisions of this Section, shall pro-
26 vide for the structure, organization, powers, and functions
27 for the government of the local governmental subdivision,
28 which may include the exercise and performance of any
29 power and function necessary, requisite, or proper for the
30 management of its affairs, not denied by general law or this
31 constitution; provided, however, the legislature shall not
32 pass any law the effect of which changes, modifies, or af-

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fects the structure, organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter. Each of them shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by provisions of this constitution, including Section 10 of this Article, unless the exercise of such powers and functions is prohibited by its charter.

Section 9. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 9. When two-thirds of the electors as certified by the registrar of voters of an unincorporated settlement in any parish operating under a home rule charter or a home rule plan of government sign and present to the governor a petition and meet other necessary requirements as set forth under the general laws providing for the incorporation of cities, towns, and villages, such cities, towns, and villages may be incorporated; provided, however, no such newly incorporated area shall include any property previously included in any industrial area or district.

Section 10. Powers of Other Local Governmental Subdivisions

Section 10. (A) Any local governmental subdivision may exercise and perform any power and function necessary, requisite, or proper for the management of its affairs not denied to it by its charter, by this constitution, or by general law, including but not limited to the power (1) to legislate upon, regulate, conduct, and control all matters of local governmental administration; (2) to define the powers, duties, and qualifications of parochial or municipal employees; (3) to provide for the protection of the public health, safety, morals, and welfare; (4) to create special districts;

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(5) to license; (6) to tax under the limitations provided in this constitution or the general laws of this state; (7) to incur debt and issue bonds, except as otherwise provided in this constitution.

(B) Any local governmental subdivision may exercise concurrently with the state any power or function pertaining to its government and affairs to the extent that the legislature by general law does not specifically limit the concurrent exercise of any such power or functions or specifically declare the state's exercise of any such power or function to be exclusive except as provided in this Article.

(C) Powers and functions of local governmental subdivisions shall be construed liberally in favor of such local governmental subdivisions.

Section 11. Limitations of Local Governmental Subdivisions

Section 11. Local governmental subdivisions do not have the power (1) to incur debt payable from ad valorem tax receipts maturing more than forty years from the time it is incurred; (2) to define and provide for the punishment of a felony; or (3) to enact private or civil ordinances governing civil relationships.

Section 12. Local Officials

Section 12. The electors of each local governmental subdivision shall have the exclusive right to elect the members of their governing authority and, if a plan, or form of government or home rule charter so provides, their chief executive officer at elections held in accordance with the election laws of the state. Such officials shall not be subject to removal by the legislature. The salaries of these officials shall not be reduced during the terms for which they are elected.

Section 13. Filling of Vacancies; Appointment

1 Section 13. (A) Vacancies occasioned by death, resignation,
 2 tion, or otherwise, in the office of police juror, city council,
 3 parish or municipal governing authority, or special district
 4 thereof, mayor, and any other local official elected within
 5 the boundaries of the local governmental subdivision, shall be
 6 filled by appointment by the governing authority of the
 7 local governmental subdivision, unless otherwise provided
 8 by the home rule charter or home rule plan of government
 9 of the affected local governmental subdivision. Vacancies in
 10 the membership of city or parish school boards shall be
 11 filled by appointment by the remaining members thereof.
 12 A tie vote by the governing authority of the local govern-
 13 mental subdivision or school board shall be broken by its
 14 presiding officer regardless of the fact that he may already
 15 have voted as a member of the appointing body.

16 (B) If, at the time a vacancy occurs in an elective office
 17 for which appointment is provided in Paragraph A of this
 18 Section, the unexpired portion of the term of office is more
 19 than one year, a special election to fill the vacancy shall
 20 be called by the governing authority, and held without the
 21 necessity of a call by the governor, not more than six
 22 months nor less than three months, after first receipt of
 23 notice of the vacancy by the secretary of state, to be given
 24 as hereinafter provided, in the local governmental subdivi-
 25 sion or special district thereof in which the vacancy oc-
 26 curred, and in such case the appointment provided for in
 27 Paragraph A of this Section shall be effective only until
 28 a successor is duly elected and qualified.

29 (C) Upon being informed of the occurrence of a vacancy
 30 in any of the offices specified in Paragraph A of this
 31 Section, the clerk or chief clerk of the district court in
 32 the parish where the vacancy occurred, and in the parish

1 of Orleans the clerk or chief clerk of the criminal district
 2 court, shall, within twenty-four hours after being thus in-
 3 formed, notify the secretary of state in writing by registered
 4 or certified mail of the occurrence of the vacancy. Upon
 5 receipt of such notice, the secretary of state shall, within
 6 twenty-four hours after such receipt, notify in writing by
 7 registered or certified mail all election officials, including
 8 party committees and boards of supervisors of elections,
 9 having any duty to perform in connection with a special
 10 election to fill such vacancy, of the occurrence of the
 11 vacancy.

12 (D) Nothing in this Section shall be construed as chang-
 13 ing the qualifications for the various offices involved and
 14 all appointments must be of persons who would otherwise
 15 be eligible to hold offices to which appointed.

16 (E) The provisions of this Section shall apply to all
 17 local governmental subdivisions unless otherwise provided
 18 by the home rule charter or the home rule plan of govern-
 19 ment of the affected local governmental subdivision.

20 (F) Vacancies occasioned by death, resignation, or other-
 21 wise in the office of sheriff, assessor, clerk of a district
 22 court, or coroner shall be filled by appointment by the
 23 governing authority of the parish at the time and in the
 24 manner provided in Paragraphs (B) and (C) of Section
 25 14 of this Article.

26 (G) The provisions of this Section shall not apply to
 27 the office of judge of any state court of record or district
 28 attorney.

29 Section 14. Legislation Increasing Financial Burden of
 30 Political Subdivisions; Local Approval

31 Section 14. No law requiring an increase in expenditures,
 32 or deductions from the funds of a political subdivision for

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1 salaries of local public officials or for wages, hours, work-
2 ing conditions, pension and retirement benefits, vacation or
3 sick leave benefits of political subdivision employees, or
4 an increase in commission of or for local political subdivi-
5 sion offices, except a law providing for civil service, min-
6 imum wages, working conditions, and retirement benefits
7 for firemen and policemen, shall have effect until approved
8 by ordinance enacted by the governing authority of the
9 political subdivision affected thereby or until the legislature
10 appropriates funds to the affected political subdivision for
11 that purpose and only to the extent and amount that such
12 funds are provided.

13 Section 15. Appropriation to Political Subdivisions

14 Section 15. When the legislature appropriates funds to
15 one or more political subdivisions and the legislature does
16 not specify the purposes for which such funds shall be
17 expended, or the amounts to be expended therefor, the
18 expenditure of such funds shall be determined solely by
19 the governing authority of the political subdivision or polit-
20 ical subdivisions to which the funds are appropriated. The
21 legislature may require a report concerning the allocation
22 and expenditure of such funds.

23 Section 16. Creation of Special Districts; Authority

24 Section 16. The power of the legislature by general or
25 special law to create or authorize the creation of special
26 districts, boards, agencies, commissions, and authorities of
27 every type, to define their powers, and subject to the limi-
28 tations imposed in this constitution, to grant the special
29 districts, boards, agencies, commissions, and authorities so
30 created such rights, powers, and authorities as it deems
31 proper, including, but not limited to, the power of taxation,
32 the power to incur debt and issue bonds, and the power

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1 to reclaim property from the beds of lakes and streams,
2 is hereby confirmed.

3 Section 17. Governing Authorities of Local Governmental
4 Subdivisions; Controls Over Agencies They Create

5 Section 17. (A) In addition to any other powers granted
6 by the legislature, the governing authority of a local govern-
7 mental subdivision shall have the following powers over
8 any agency heretofore or hereafter created by it: (1) to
9 appoint and remove members of the governing body of the
10 agency; (2) to exercise budgetary and fiscal control over
11 the agency, including the power to modify or veto its
12 operating budgets, or veto or reduce line items; or to sub-
13 stitute a different budget therefor; (3) to abolish the
14 governing body of the agency and to substitute itself there-
15 for, with authority to exercise all of its powers and func-
16 tions; and (4) to abolish the agency if the obligations or
17 indebtedness of the agency are not thereby impaired.

18 (B) No such agency shall have authority to levy a tax,
19 impose any charge, or issue bonds unless the proposal there-
20 for is first approved by the governing authority of the
21 local governmental subdivision; provided, however, that after
22 such original approval is granted no further approval shall
23 be required.

24 (C) If the creation of the agency required the concurrence
25 of two or more local governmental subdivisions, concurrence
26 of all of them shall be required for the exercise of the
27 above powers.

28 Section 18. Special Districts and Public Agencies; Con-
29 solidation, Merger, and Assumption of Debt

30 Section 18. (A) Any local governmental subdivision may
31 consolidate and merge into itself any special district or
32 public agency, except school districts, situated and having

1 jurisdiction entirely within the boundaries of such local
 2 governmental subdivision. Upon such merger or consolida-
 3 tion the local governmental subdivision shall succeed to
 4 and be vested with all of the rights, revenues, resources,
 5 jurisdiction, authority, and powers of such special district
 6 or public agency. No such action shall take effect unless
 7 a majority of the electors in such special district and a
 8 majority of the electors in the local governmental subdivi-
 9 sion who vote in an election held for that purpose vote
 10 in favor thereof.

11 (B) If the special district or public agency which is
 12 abolished has any outstanding indebtedness, the authority
 13 provided for by this Section shall not be exercised unless
 14 provision is made for the assumption of such indebtedness
 15 by the governing authority or authorities of the local gov-
 16 ernmental subdivisions involved.

17 Section 19. Historical Preservation Districts

18 Section 19. (A) In order to promote the educational, cul-
 19 tural, economic, and general welfare of the public through
 20 the preservation and protection of buildings, sites, monu-
 21 ments, structures, areas and districts of historic or archi-
 22 tectural interest or importance, each local governmental sub-
 23 division of the state, acting through a commission or other-
 24 wise, shall have the power and authority to establish, op-
 25 erate and maintain historic preservation areas and districts
 26 by the adoption of appropriate ordinances and laws, which
 27 is hereby declared to be for a public purpose.

28 (B) The governing authority of each local governmental
 29 subdivision shall have the power and authority of review
 30 to affirm, reverse or modify, in whole or in part, any action
 31 or decision of such commissions.

32 Section 20. Acquisition of Property

Section 20. Subject to such restrictions as the legislature
 1 may provide by general law, political subdivisions may ac-
 2 quire property for any public purpose, including but not
 3 limited to acquisition by purchase, donation, expropriation,
 4 or exchange.

6 Section 21. Servitudes of Way; Acquisition by Prescription

7 Section 21. The public, represented by the various politi-
 8 cal subdivisions, may acquire servitudes of way by prescrip-
 9 tion in the manner prescribed by law.

10 Section 22. Prescription Against State and Political Sub- 11 divisions

12 Section 22. Prescription shall not run against the state
 13 or any political subdivision or special district thereof in
 14 any civil matter, unless otherwise provided in this con-
 15 stitution or expressly by general law.

16 Section 23. Zoning

17 Section 23. Local governmental subdivisions may enact
 18 land use regulations and zoning ordinances and create and
 19 classify therein residential, commercial, industrial, and other
 20 districts, and may regulate the preservation of the charac-
 21 ter of buildings, monuments, structures, and buildings and
 22 areas of historical importance. Local governmental subdivi-
 23 sions may create airport zones and regulate the heights
 24 of buildings, structures, and objects of natural growth in
 25 areas surrounding airports.

26 Section 24. Industrial Areas

27 Section 24. The legislature may authorize parishes to
 28 create industrial areas within their boundaries in accor-
 29 dance with such procedures and subject to such regula-
 30 tions as the legislature shall determine. Parish industrial
 31 areas shall not be subdivisions of the state.

32 Section 25. Assistance to Local Industry by Political Sub-

1 divisions

2 Section 25. (A) Subject to such restrictions as it may
3 impose, the legislature may authorize any political subdivi-
4 sion, in order (i) to induce and encourage the location
5 of or addition to industrial enterprises therein, or (ii) to
6 provide for the establishment and furnishing of industrial
7 plants for the conversion or processing of raw farm or
8 agricultural products, or (iii) to provide movable or im-
9 movable property, or both, for pollution control facilities:

10 (1) to issue bonds and use the funds derived from the
11 sale thereof to acquire and improve industrial plant sites
12 and other property necessary to the purposes thereof; (2)
13 to acquire, through purchase, construction, or otherwise,
14 and to improve, industrial plant buildings and industrial
15 plant equipment, machinery furnishing, and appurtenances;
16 and (3) to sell, lease, or otherwise dispose of all or any
17 part of the foregoing.

18 (B) It is hereby found and declared that the purposes
19 designed to be accomplished herein are public and proper
20 legal purposes and will be of public benefit to the political
21 subdivision issuing the bonds.

22 Section 26. Intergovernmental Cooperation

23 Section 26. (A) Any political subdivision may exercise
24 and perform any of its authorized powers and functions,
25 including the financing, jointly or in cooperation with one
26 or more political subdivisions, either within or without the
27 state, the United States or agencies thereof, except as the
28 legislature shall provide otherwise by law.

29 (B) Except as otherwise provided in this constitution,
30 the legislature shall not by general or special law require
31 political subdivisions to exercise or perform functions jointly
32 or in cooperation with any other political subdivision, nor

1 shall the legislature require consolidation of governmental
2 functions of local governmental subdivisions; provided, how-
3 ever, the legislature may enact laws authorizing the con-
4 solidation of political subdivisions or the joint exercise of
5 powers and functions by political subdivisions, but no such
6 law shall become effective until submitted to and approved
7 by two-thirds of the electors in each of the political sub-
8 divisions affected thereby, who vote in an election called
9 for that purpose.

10 Section 27. Recall

11 Section 27. The legislature shall by general law provide
12 for the recall of state, district, parish, municipal, or ward
13 officers, except judges of the courts of record, and except
14 wherein otherwise provided by this constitution. The sole
15 issue to be voted on at any recall election shall be whether
16 such officers shall be recalled.

17 Section 28. Uniform Procedure for Calling, Conducting,
18 and Canvassing the Returns of Certain Special Elections

19 Section 28. When any election is required to be held
20 in any political subdivision pursuant to the provisions of
21 this constitution which requires submission to the electors
22 of any proposition or question, such as the change of parish
23 lines, change of location of parish seat, levying of taxes,
24 issuance of bonds or incurring of other debt obligations,
25 the assumption of debt, referendum, recall, or the adoption
26 of a home rule charter, the election shall be called, con-
27 ducted, and the returns thereof canvassed, in accordance
28 with the law pertaining to elections for incurring bonded
29 indebtedness and special taxes relative to local finance,
30 as the same now exists or may hereafter be amended,
31 or as may be otherwise provided by the legislature.

32 Section 29. Political Subdivisions; Taxing Power;

1 Limitations

2 Section 29. Political subdivisions may exercise the power
3 of taxation, subject to such limitations as may be else-
4 where provided in the constitution, under authority granted
5 to them by the legislature for parish, municipal, and local
6 purposes, strictly public in their nature. The provisions of
7 this Section shall not apply to, nor affect, similar grants
8 to such political subdivisions under other sections of this
9 constitution which are self-operative.

10 Section 30. Parish Tax Limits; Increase, Withdrawal of
11 Municipality from Parish Taxing Authority

12 Section 30. (A) The governing authority of each parish
13 may levy an ad valorem tax for general purposes, in an
14 amount not to exceed in any one year, four mills on the
15 dollar of assessed valuation; however, in Orleans Parish
16 the limitation shall be seven mills and in Jackson Parish
17 the limitation shall be five mills. Millage rates may be
18 increased in any parish when approved by a majority of
19 the electors who vote in an election held for that purpose.

20 (B) Where millage increase is for other than general
21 purposes, the proposition shall state the specific purpose
22 or purposes for which the tax is to be levied, the length
23 of time the tax is to remain in effect, and all proceeds
24 of the tax shall be dedicated to the purpose or purposes
25 set forth in the proposition.

26 (C) The amount of the parish tax for general purposes
27 which any parish, except the parish of Orleans, may levy,
28 without a vote of the electors, on property located wholly
29 within any incorporated city or town, which has a popula-
30 tion in excess of one thousand inhabitants according to
31 the last census and which provides and maintains a system
32 of street paving, shall not exceed one-half the tax levy for

1 general purposes.

2 (D) This Section shall not be construed to repeal or
3 affect the withdrawal of property in a municipality from
4 parochial taxing jurisdiction, in whole or in part, by a
5 provision of the legislative charter of the municipality in
6 effect on the date of adoption of this constitution.

7 Section 31. Municipal Tax Limits; Increase

8 Section 31. (A) The governing authority of each munici-
9 pality may levy an ad valorem tax for general purposes,
10 in an amount not to exceed in any one year, seven mills
11 on the dollar of assessed valuation; provided that where
12 any municipality is, by its charter or by law, exempt from
13 payment of parish taxes or, under legislative authority,
14 maintains its own public schools, it may levy an annual
15 tax not to exceed ten mills of the dollar of assessed valu-
16 ation. Millage rates may be increased in any municipality
17 when approved by a majority of the electors who vote
18 in an election held for that purpose.

19 (B) Where the millage increase is for other than gen-
20 eral purposes, the proposition shall state the specific pur-
21 pose or purposes for which the tax is to be levied, the
22 length of time the tax is to remain in effect, and all
23 proceeds of the tax shall be dedicated to the purpose or
24 purposes set forth in the proposition.

25 (C) This Section shall not apply to the city of New
26 Orleans.

27 Section 32. Special Taxes; Ratified

28 Section 32. (A) Any special tax being levied by any
29 political subdivision under prior laws or the constitution
30 of this state when this constitution is adopted is hereby
31 confirmed and ratified.

32 (B) For the purpose of acquiring, constructing, improv-

1 ing, maintaining and operating any work of public improve-
2 ment, any political subdivision may levy special taxes when
3 authorized by a majority of the electors who vote in an
4 election held for that purpose.

5 Section 33. Political Subdivisions; Exclusive Authority to
6 Levy and Collect Ad Valorem Taxes.

7 Section 33. Notwithstanding any provision contained in
8 Article, Section of this constitution to the con-
9 trary, the power of taxation shall not be exercised by the
10 legislature to levy an ad valorem tax upon any property
11 in the state, and such power shall be exclusively vested
12 in political subdivisions to be exercised as provided in this
13 constitution.

14 Section 34. Local Governmental Subdivision; Occupational
15 License Tax

16 Section 34. Local governmental subdivisions may impose
17 an occupational license tax in an amount not greater than
18 that imposed by the state. Local governmental subdivisions
19 may impose an occupational license tax in an amount
20 greater than that imposed by the state when so authorized
21 by an act passed by at least a two-thirds vote of the elected
22 membership of each house of the legislature.

23 Section 35. Local Governmental Subdivisions; Sales Tax
24 Authorized

25 Section 35. (A) Except as otherwise authorized in a home
26 rule charter provided for in Sections 7 and 8 of this Article,
27 local governmental subdivisions and school districts are au-
28 thorized to levy and collect a tax upon the sale at retail,
29 the use, the lease or rental, the consumption and storage
30 for use or consumption of tangible personal property, and
31 on sales of services, as defined by law; provided, however,
32 the rate thereof when combined with the rate of all other

1 presently imposed or future sales and use taxes, exclusive
2 of state sales and use taxes, levied and collected within
3 any local governmental subdivision shall not exceed three
4 percent.

5 (B) No tax authorized in Paragraph (A) of this Section
6 shall become effective until a proposition for the imposi-
7 tion thereof is submitted to the electors of the affected
8 local governmental subdivision and approved by a majority
9 of the electors who vote in the election held for that pur-
10 pose.

11 (C) The legislature shall have the authority by general
12 law to exempt or exclude any goods or tangible personal
13 property or services from any sales and use tax levied
14 by a local governmental subdivision; provided, however, such
15 exemptions or exclusions shall also apply to state sales
16 and use taxes.

17 Section 36. Bonds of Political Subdivisions; General Ob-
18 ligations

19 Section 36. The full faith and credit of every political
20 subdivision is hereby pledged to the payment of general
21 obligation bonds issued by it under this constitution or
22 the terms of the statute or proceedings pursuant to which
23 they are issued. The governing authority of the issuing
24 political subdivision shall levy and collect or cause to be
25 levied and collected on all taxable property in the political
26 subdivision ad valorem taxes fully sufficient to pay princi-
27 pal and interest and redemption premiums, if any, on such
28 bonds as they mature.

29 Section 37. Taxpayer Authorization of Ad Valorem Tax
30 Bonds of Political Subdivisions

31 Section 37. General obligation bonds may be issued only
32 after authorization by a vote of a majority of the electors

1 who vote on the proposition at an election in the political
 2 subdivision issuing such bonds. Refunding bonds, even
 3 though payable solely from ad valorem taxes, need not
 4 be so authorized at an election if the indebtedness refunded
 5 is paid or cancelled at the time of the delivery of the re-
 6 funding bonds, or if money, or securities made eligible
 7 for such purpose by law, are deposited in escrow in an
 8 adequate amount, with interest, to be utilized solely for
 9 the purpose of retiring the refunded indebtedness or bonds
 10 and paying interest thereon and redemption premiums, if
 11 any, to the time of retirement.

12 Section 38. Limitations on Bonded Indebtedness of Political
 13 Subdivisions

14 Section 38. (A) General obligation bonds may be issued
 15 by any political subdivision for any single purpose which,
 16 including the existing bonds of such political subdivision
 17 incurred for the same purpose and payable solely from ad
 18 valorem taxes levied without limitation as to rate or amount,
 19 shall not exceed in the aggregate ten percent of the as-
 20 sessed valuation of property in the political subdivision,
 21 to be ascertained by the assessment roll for the political
 22 subdivision last completed prior to the delivery of such
 23 bonds, except that as to both parishwide school districts
 24 and other school districts, the limitation shall be twenty-
 25 five percent of the assessed valuation of property, and
 26 except as to general obligation industrial development bonds,
 27 such limitation shall be twenty percent of the assessed
 28 valuation of property in the political subdivision.

29 (B) Any municipality financing and operating its own
 30 schools and not located within a parishwide or other school
 31 district shall be regarded as and treated on the same basis
 32 for the purpose of debt limitation and shall have the same

1 authority for all purposes of this Section as though it were
 2 such a school district.

3 (C) The legislature may increase the debt limitations
 4 established in this Section by general or special law passed
 5 by a two-thirds vote of the elected membership of each
 6 house.

7 (D) Bonds and other debt obligations payable from
 8 acreage taxes, sales and use taxes, excess revenues, special
 9 assessments, or other special revenues shall not be con-
 10 sidered to be bonds payable solely from ad valorem taxes
 11 for all purposes of this Section.

12 Section 39. Limited Time for Contesting Bonds of Political
 13 Subdivisions

14 Section 39. (A) For a period of sixty days from the pro-
 15 mulgation of the result of any election held for the purpose
 16 of incurring or assuming debt, issuing bonds, or levying a
 17 tax, any person in interest shall have the right to contest the
 18 legality of such election, the bond issue provided for, or the
 19 tax authorized, for any cause; after which time no one
 20 shall have any cause or right of action to contest the regu-
 21 larity, formality, or legality of said election, tax provisions,
 22 or bond authorization, for any cause whatsoever. If the
 23 validity of any election, tax, debt assumption, or bond issue
 24 authorized or provided for, held under the provisions of this
 25 Section, is not raised within the sixty days herein prescribed,
 26 the authority to incur or assume debt, levy the tax, or issue
 27 the bonds, the legality thereof, and the taxes and other
 28 revenues necessary to pay the same shall be conclusively
 29 presumed to be valid, and no court shall have authority to
 30 inquire into such matters.

31 (B) Every ordinance or resolution authorizing the issu-
 32 ance of bonds or other debt obligation by a political sub-

1 division shall be published once in the official journal of
 2 the political subdivision, or if there is none, then in a news-
 3 paper having general circulation therein. For a period of
 4 thirty days from the date of the publication any person in
 5 interest may contest the legality of the ordinance or reso-
 6 lution, the bonds or other debt obligation authorized there-
 7 by, and of any provision therein made for the security and
 8 payment of the bonds. After this time, no one shall have
 9 any cause of action to test the regularity, formality, legality,
 10 or effectiveness of the ordinance or resolution, bonds, or
 11 other debt obligations, and provisions thereof for any cause
 12 whatever; and after this time it shall be conclusively pre-
 13 sumed that every legal requirement for the issuance of the
 14 bonds or other debt obligation, including all things pertain-
 15 ing to the election, if any, at which the bonds or other debt
 16 obligation were authorized, has been complied with, and no
 17 court shall have authority to inquire into any such matters
 18 after the lapse of this thirty days.

19 Section 40. Local Improvement Assessments

20 Section 40. (A) The legislature shall provide by special
 21 or general law the procedures by which political subdivisions
 22 levy and collect local or special assessments on real prop-
 23 erty, for the purpose of acquiring, constructing, or im-
 24 proving works of public improvement.

25 (B) Certificates of indebtedness may be issued to cover
 26 the cost of any such public improvement which shall be se-
 27 cured by the pledge of the local or special assessments levied
 28 therefor, and may be further secured by the pledge of the
 29 full faith and credit of the political subdivision.

30 (C) The governing authority of the political subdivision
 31 issuing certificates of indebtedness payable from sources
 32 other than ad valorem taxes, and pledging its full faith

1 and credit to the prompt payment of the principal and
 2 interest thereof, shall levy or cause to be levied on all tax-
 3 able property in the political subdivision ad valorem taxes,
 4 without limitation as to rate or amount, fully sufficient to
 5 make up any deficit in the other sources of revenue
 6 pledged to the payment of the certificates.

7 Section 41. Revenue-Producing Property

8 Section 41. The legislature may authorize political subdi-
 9 visions to issue bonds or other debt obligation for the pur-
 10 pose of constructing, acquiring, extending, or improving
 11 any revenue-producing public utility. The bonds or other
 12 debt obligation may be secured by mortgage on the lands,
 13 buildings, machinery, and equipment or by the pledge of the
 14 income and revenues of such public utility; and shall not
 15 be a charge upon the other income and revenues of the polit-
 16 ical subdivision.

17 Section 42. Ports

18 Section 42. All deep-water port commissions and all deep-
 19 water port, harbor, and terminal districts as they are now
 20 organized and constituted, including their powers and func-
 21 tions, structure and organization, and territorial jurisdiction,
 22 are ratified and confirmed and shall continue to exist, ex-
 23 cept that:

24 (A) The legislature may diminish, reduce, or withdraw
 25 from any such commission or district, including the Board
 26 of Commissioners of the Port of New Orleans, any of its
 27 powers and functions and may affect the structure, organi-
 28 zation, distribution, and redistribution of the powers and
 29 functions of any such commission or district, including its
 30 territorial jurisdiction, only by act passed by at least a two-
 31 thirds vote of the elected membership of each house;

32 (B) The legislature may by law grant additional powers

1 and functions to any such commission or district and may
 2 create new port commissions or port, harbor, and terminal
 3 districts by law; provided, however, in so doing the legisla-
 4 ture shall not restrict or diminish the powers and functions,
 5 structure and organization, or territorial jurisdiction of an
 6 established deep-water port except by at least a two-
 7 thirds vote of the elected membership of each house;

8 (C) (1) Notwithstanding the provision of Paragraphs (A)
 9 and (B) of this Section, the legislature shall by law pro-
 10 vide for a change in the method of selection and composition
 11 of the Board of Commissioners of the Port of New Orleans
 12 and define its territorial jurisdiction.

13 (2) After the exercise of authority as provided in sub-
 14 paragraph (1) above, the legislature may only affect the
 15 Board of Commissioners of the Port of New Orleans as pro-
 16 vided in Paragraphs (A) and (B) of this Section, except
 17 that no change in the territorial jurisdiction of said port
 18 shall affect the territorial jurisdiction of any other existing
 19 deep-water port.

20 (3) In the event the legislature does not exercise the au-
 21 thority granted in subparagraph (1) above within ten years
 22 after the adoption of this constitution, the composition and
 23 territorial jurisdiction of said board shall not be changed ex-
 24 cept in compliance with Paragraph (A) and (B) of this Sec-
 25 tion.

26 Section 43. Levee Districts

27 Section 43. (A) Levee districts as now organized and
 28 constituted shall continue to exist, except that:

29 (1) The legislature may provide for the consolidation, di-
 30 vision, or reorganization of existing levee districts or create
 31 new levee districts; provided, however, the members of the
 32 boards of commissioners of such districts shall be appointed

1 or elected from residents of such district;

2 (2) Any levee district whose flood control responsibilities
 3 are limited to and which is situated entirely within the
 4 boundaries of one parish may be merged and consolidated
 5 into such parish under the terms and conditions and in the
 6 manner provided in Section 18 of this Article. This provi-
 7 sion shall be self-operative.

8 (B) No action taken hereunder shall impair the obligation
 9 of any outstanding bonded indebtedness or of any other con-
 10 tract of such levee district.

11 Section 44. District Taxes; Orleans Levee District Tax
 12 and Refunding Bonds; Increase in Tax to Raise Additional
 13 Funds

14 Section 44. (A) For the purpose of constructing and main-
 15 taining levees, levee drainage, flood protection, hurricane
 16 flood protection, and for all other purposes incidental thereto,
 17 the governing authority of each district, may levy an-
 18 nually a tax not to exceed five mills on the dollar, except
 19 the Board of Levee Commissioners of the Orleans Levee Dis-
 20 trict, which may levy annually a tax not to exceed two
 21 and one-half mills on the dollar, on all taxable property sit-
 22 uated within the alluvial portions of said district subject to
 23 overflow.

24 (B) Should the necessity to raise additional funds arise
 25 in any levee district for any of the purposes herein set
 26 forth, or for any other purpose related to its authorized
 27 powers and functions which may be specified by the legis-
 28 lature, the tax herein authorized may be increased; pro-
 29 vided, however, before taking effect, the necessity for the
 30 increase and the rate thereof shall be submitted to the elec-
 31 tors of such district and no increase in taxes shall occur
 32 unless a majority of the electors in such district who vote in

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1 the election hereinabove provided for vote in favor there-
 2 of.

3 Section 45. Bond Issues

4 Section 45. (A) Subject to the approval of the State
 5 Bond Commission or any successor thereto, the governing
 6 body of any levee district may fund the avails of said taxes
 7 or other revenues into bonds, or other evidences of indebted-
 8 ness, the proceeds thereof to be used for the purposes men-
 9 tioned in this Article or for the funding or payment of any
 10 outstanding indebtedness.

11 (B) Bonds issued under the authority of the foregoing
 12 provision shall be sold in accordance with applicable pro-
 13 visions of the Louisiana Revised Statutes relating to the
 14 issuance of bonds by levee districts.

15 Section 46. Interstate Districts

16 Section 46. The legislature, with the concurrence of an
 17 adjoining state, may create levee districts composed of terri-
 18 tory partly in each state, and may authorize the construc-
 19 tion and maintenance of the levees wholly within another
 20 state.

21 Section 47. Cooperation with Federal Government

22 Section 47. All governing authorities of levee districts
 23 which have been, or may be created, are authorized to co-
 24 operate with the federal government in the construction
 25 and maintenance of the levees in this state, on such terms
 26 and conditions as may be provided by the federal author-
 27 ities and accepted by the levee districts.

28 Section 48. Compensation for Property Used or Destroy-
 29 ed; Tax

30 Section 48. (A) Lands and improvements thereon here-
 31 after actually used or destroyed for levees or levee drain-
 32 age purposes shall be paid for at a price not to exceed the

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1 assessed value for the preceding year; provided, if prop-
 2 erty used or destroyed for levees or levee drainage pur-
 3 poses from a landowner shall exceed more than one-third
 4 the value of that landowner's property and improvements.
 5 the land and improvements thereon used or destroyed for
 6 such purposes shall be paid for at fair market value; and
 7 provided further, nothing contained in this Paragraph with
 8 respect to compensation for lands and improvements shall
 9 apply to bature or to property the control of which is
 10 vested in the state or any political subdivision thereof for
 11 the purpose of commerce.

12 (B) If the district has no other funds or resources out of
 13 which such payment can be made, it shall levy, on all tax-
 14 able property situated within the district, a tax sufficient
 15 to pay for said property so used or destroyed to be used
 16 solely in the district where collected.

17 (C) Nothing contained in this Section shall prevent the
 18 appropriation of said property before payment.

19 Section 49. Supremacy of Constitution

20 Section 49. The provisions of this constitution shall be
 21 paramount and neither the legislature, nor any political
 22 subdivision, shall enact any laws or ordinances in conflict
 23 therewith.

24 Section 50. Terms Defined

25 Section 50. As used in this Article:

26 (1) "Deep-water port commissions and port, harbor, and
 27 terminal districts" means those ports which are capable of
 28 accommodating vessels of at least twenty-five feet of draft
 29 and engaged in foreign commerce;

30 (2) "Functions" means duty in the sense that it is com-
 31 plementary of the power (ability) conferred and as such
 32 means onus or obligation to execute the power granted;

1 (3) "General law" means a law of statewide concern
2 which is uniformly applicable to every political subdivision
3 in the entire state or which is uniformly applicable to all
4 political subdivisions within the same class as established
5 in accordance with the classification provisions of Section
6 6 of this Article;

7 (4) "General obligation bond" means those bonds, the
8 principal and interest of which are secured by and payable
9 from ad valorem taxes levied without limitation as to rate
10 or amount;

11 (5) "Governing authority" means the body which exercises
12 the legislative functions of the political subdivision;

13 (6) "Local governmental subdivision" means any parish or
14 municipality;

15 (7) "Municipality" means all incorporated cities, towns,
16 and villages;

17 (8) "Political subdivision" means parishes and municipali-
18 ties, and any other unit of local government authorized by
19 law to perform governmental functions;

20 (9) "Powers" means ability or capacity, synonymous with
21 inherent or basic authority, to indulge in a particular un-
22 dertaking or to provide or perform a certain service;

23 (10) "Special law" means any law other than a general
24 law;

25 (11) "Structure and organization" means the structure and
26 organization and/or the particular distribution and redis-
27 tribution of powers and functions and/or the supervision,
28 control, and internal arrangement of the component parts
29 of the political subdivision.

30
31
32

1 **COMMITTEE PROPOSAL No. 9—**

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare, and Delegates
4 Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
5 Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
6 inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
7 and Wisham;

8 **A PROPOSAL**

9 Making provisions for human resources by providing for
10 state and city civil service.

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

13 **ARTICLE VII. HUMAN RESOURCES**

14 **Section 1. State and City Civil Service**

15 **Section 1. (A) Civil Service System; State; Cities.**

16 (1) State Civil Service. "State civil service" means all
17 offices and positions of trust or employment in the employ
18 of the state, or any board, commission, department, indepen-
19 dent agency, or other agency thereof, except as otherwise
20 specifically provided in this constitution, and all offices and
21 positions of trust or employment in the employ of joint state
22 and federal agencies administering state or federal funds, or
23 both; joint state and municipal agencies financed by state or
24 municipal funds, or both, except municipal boards of health;
25 joint state and parochial agencies financed by state or paro-
26 chial funds, or both; irrespective of whether the pay for such
27 offices and positions of trust or employment is to be paid with
28 state, municipal, or parochial funds or with funds contributed
29 jointly by the state and municipalities or parishes involved.

30 (2) City Civil Service. "City civil service" means all offices
31 and positions of trust or employment in the employ of the
32 city and every board, commission, department, or agency

1 thereof, except as otherwise specifically provided in this
2 constitution.

3 (B) State Civil Service Commission

4 (B) (1) Membership. A State Civil Service Commission is
5 created to be composed of five members, who are citizens
6 and qualified electors of the state. Three members of the
7 commission shall constitute a quorum. The five members shall
8 be appointed by the governor for overlapping terms of six
9 years as hereinafter provided. The domicile of the commis-
10 sion shall be in the city of Baton Rouge, Louisiana.

11 (2) Nominations. The presidents of Loyola University of
12 the South, Centenary College, Tulane University of Louisiana,
13 Louisiana College, and Dillard University each shall nominate
14 three persons, in the order of their preference, and from the
15 three persons so nominated by each, the governor shall ap-
16 point one to serve as a member of the commission.

17 (3) Vacancies. Vacancies for any cause shall be filled by
18 appointment in accordance with the procedure governing the
19 original appointment and from the same source. Within thirty
20 days after a vacancy occurs, the university president con-
21 cerned shall submit the required nominations. Within thirty
22 days thereafter, the governor shall make his appointment.
23 Should the governor fail to appoint within thirty days, the
24 nominee whose name is first on the list shall automatically
25 become a member of the commission.

26 If for any reason nominations are not submitted to the
27 governor by any of the college presidents herein named, within
28 the time herein designated, the vacancy on the commission
29 for the term or the unexpired term resulting from such failure
30 to nominate shall be filled by a majority vote of the other
31 members of the State Civil Service Commission.

32 (4) Transition. Each person who, on the effective date of

1 this constitution, is a member of the State Civil Service Com-
2 mission shall continue in such position for the remainder of
3 the term to which he was appointed. Within thirty days after
4 the expiration of the term of the commissioner nominated by
5 Louisiana State University and Agricultural and Mechanical
6 College, the president of Dillard University shall submit three
7 names to the governor for appointment to the commission
8 as herein provided. The initial term of this Dillard nominee
9 shall be six years.

10 (5) Removal. A member of the State Civil Service Com-
11 mission may be removed by the governor for just cause
12 after a copy of the charges against him has been served on
13 him and an opportunity for a public hearing thereon is
14 afforded by his appointing authority.

15 (6) Compensation. Members of the commission each shall
16 be compensated for each day devoted to the work of the
17 commission. The amount of compensation shall be deter-
18 mined by the legislature.

19 (C) City Civil Service Commission

20 (C) (1) Membership. A city civil service commission is
21 created for each city having a population exceeding four
22 hundred thousand. The city civil service commission shall
23 be composed of five members, who are citizens and qualified
24 electors of the city. Three members of the commission shall
25 constitute a quorum. The five members shall serve overlap-
26 ping terms of six years as hereinafter provided. The domi-
27 cile of the commission shall be in the city which it serves.

28 (2) Nominations. In the city of New Orleans, the presi-
29 dents of Tulane University of Louisiana, Loyola University
30 of the South, and Dillard University each shall nominate
31 three persons, in the order of their preference, and from
32 the three persons so nominated by each, the governing au-

1 thority of the city shall appoint one to serve as a member
 2 of the commission. One member shall be appointed by the
 3 governing authority of the city. One member shall be an
 4 employee within the classified service of the city, elected
 5 by classified city employees.

6 If for any reason nominations are not submitted to the
 7 governing authority of the city by any of the college presi-
 8 dents herein named within the time herein designated, the
 9 vacancy on the commission for the term or the unexpired
 10 term resulting from such failure to nominate shall be filled
 11 by a majority vote of the other members of the city civil
 12 service commission.

13 In other cities subject to the provisions of this Section
 14 three members of the commission shall be nominated by the
 15 presidents of any three universities mentioned in Paragraph
 16 (B) (2) in accordance with the procedure therein provided.
 17 Commissioners appointed by the governing authority of the
 18 city and the classified city employees shall be appointed in
 19 accordance with the procedure specified in Paragraph (C) (2).

20 (3) Vacancies. Vacancies for any cause shall be filled by
 21 appointment or election in accordance with the procedure for
 22 the original appointment and from the same source. Within
 23 thirty days after a vacancy occurs, the university president
 24 concerned shall submit the required nominations. Within
 25 thirty days thereafter, the governing authority of the city
 26 shall make the appointment. Should the governing authority
 27 of the city fail to appoint within the thirty days, the nominee
 28 whose name is first on the list shall automatically become
 29 a member of the commission.

30 The election of the member representing classified city
 31 employees shall be called by the governing authority and held
 32 at least sixty days prior to the expiration of that term. In

1 the case of a vacancy prior to the expiration of a term in the
 2 office of the member representing classified employees, an
 3 election to fill the vacancy for the unexpired term shall be
 4 held within thirty days after the vacancy occurs.

5 (4) Transition. Each person who, on the effective date of
 6 this constitution, was nominated by Tulane University, Loyola
 7 University, or the governing authority of the city on the New
 8 Orleans City Civil Service Commission shall continue in such
 9 position for the remainder of the term to which he was ap-
 10 pointed. Within thirty days after the effective date of this
 11 constitution, the president of Dillard University shall submit
 12 three names to the governing authority of the city for ap-
 13 pointment to the commission as herein provided. The initial
 14 term of this appointee shall be three years. Within thirty
 15 days after the effective date of this constitution, the govern-
 16 ing authority of the city shall call and hold an election for
 17 the member to represent classified city employees. The initial
 18 term of the classified employee shall be five years.

19 In other cities, each member serving on the effective date
 20 of this constitution, shall continue in office until the expira-
 21 tion of his term. The governing authorities of such cities shall
 22 provide for the election or appointment of additional mem-
 23 bers and for the implementation of this Section in accor-
 24 dance with provisions hereof.

25 (5) Removal. A member of the city civil service commis-
 26 sion may be removed by the city governing authority for
 27 just cause after a copy of the charges against him has been
 28 served on him and an opportunity for a public hearing thereon
 29 is afforded by his appointing authority.

30 (6) Compensation. Members of the commission each shall
 31 be compensated for each day devoted to the work of the com-
 32 mission. The amount of compensation shall be determined by

1 the governing authority of the city.

2 (D) Departments; State; City

3 (D) (1) Department of State Civil Service. A Department
4 of State Civil Service is created in the state government.

5 (2) Department of City Civil Service. A department of
6 city civil service is created in the city government of each
7 city having a population exceeding four hundred thousand.

8 (E) Directors; State Service; City Service. The State Civil
9 Service Commission and the city civil service commission
10 shall appoint a director of civil service, who shall be the
11 administrative head of his respective department and who
12 shall be in the classified service. The director shall be ap-
13 pointed by the appropriate commission from a list of per-
14 sons determined to be eligible for the position on the basis
15 of merit, efficiency, and fitness, which shall be ascertained
16 by competitive examination, and such other factors as the
17 commission deems advisable. The director shall appoint per-
18 sonnel and exercise powers and duties to the extent prescribed
19 by the commission.

20 (F) Unclassified and Classified Service. The state civil
21 service and the city civil service are divided into the classi-
22 fied service and the unclassified service. The classified ser-
23 vice shall include all officers and employees in the state civil
24 service and the city civil service except:

25 (1) elected officers and persons appointed to fill vacancies
26 in elective offices; (2) heads of principal departments ap-
27 pointed by the governor, the mayor, or governing authority
28 of the city; (3) city attorneys; (4) members of state and city
29 boards, commissions, and agencies; (5) one person holding a
30 confidential position, or one principal assistant, or deputy to
31 any officer, board, commission, department, or agency men-
32 tioned in (1), (2), and (4), except the Department of State

1 Civil Service and the departments of city civil service; (6)
2 members of the military or naval forces; (7) the teaching
3 and professional staffs, and administrative officers of the
4 schools, colleges, and universities of the state, and bona fide
5 students of such institutions employed by any state agency;
6 (8) administrative officers and employees of courts of record,
7 of the legislature, of the offices of the governor, of the lieu-
8 tenant governor, of the attorney general, of the office of the
9 mayor of the several cities, of police juries, and of school
10 boards; (9) registrars of voters, the state tax collector for
11 the city of New Orleans, and one chief deputy selected by
12 each; (10) commissioners of elections and watchers; cus-
13 todians and deputy custodians of voting machines.

14 (G) Appointment and Promotion

15 (G)(1) Certification. Permanent appointments and pro-
16 motions in the classified state service and classified city ser-
17 vice shall be made after certification by the appropriate de-
18 partment of civil service under a general system based upon
19 merit, efficiency, length of service, and fitness, which shall
20 be ascertained by competitive examinations insofar as prac-
21 ticable, and employees and officers in the classified service
22 shall be employed from those eligible under such certification.
23 The number to be certified shall be not less than five; how-
24 ever, if more than one vacancy is to be filled, the name of
25 one additional eligible for each vacancy may be certified and
26 special and different lists may be established in the case of
27 reemployment and reinstatement. The commission shall adopt
28 rules for the method of certification of persons eligible for
29 appointment and promotion and shall provide for appoint-
30 ments defined as emergency and temporary appointments.

31 (2) Veterans. The Department of State Civil Service and
32 a department of city civil service shall accord a five-point

1 preference in original appointment to each person honorably
 2 discharged, or discharged under honorable conditions from
 3 the armed forces of the United States, after having served
 4 between the wartime dates of April 6, 1917 and November
 5 11, 1918, both dates inclusive; or between September 16,
 6 1940 and July 25, 1947, both dates inclusive; or between
 7 June 27, 1950 and January 31, 1955; both dates inclusive;
 8 or who served in the Viet Nam Theater between July 1, 1958
 9 and the date the government of the United States declares to
 10 be the date of termination of service for members of the
 11 armed forces to receive credit for the award of the Viet Nam
 12 Service Medal, both dates inclusive; or who served in the
 13 peacetime campaigns or expeditions for which campaign
 14 badges are authorized. The Department of State Civil Ser-
 15 vice and a department of city civil service shall accord a
 16 ten-point preference in original appointment to each honor-
 17 ably discharged veteran who served either in peace or in
 18 war and who has one or more disabilities recognized by the
 19 Veterans Administration as service-connected; to the spouse
 20 of each veteran who is in such poor physical condition as to
 21 preclude his or her appointment to a civil service job in his
 22 or her usual line of work or to the unremarried widow of
 23 each deceased veteran who served in a war period as defined
 24 above or in a peacetime campaign or expedition; or to the
 25 unremarried parents of any person who died in active war-
 26 time or peacetime service or who suffered total and per-
 27 manent disabilities in active wartime or peacetime service;
 28 or the divorced or separated parents of any person who died
 29 in wartime or peacetime service or who became totally and
 30 permanently disabled in wartime or peacetime service. How-
 31 ever, only one ten-point preference shall be allowed in the
 32 original appointment to any of the persons enumerated above,

1 and if the ten-point preference is not being utilized by the
 2 veteran, either because of the veteran's physical or mental
 3 incapacity which precludes his appointment to a civil service
 4 job in his usual line of work or because of his death, the
 5 preference shall be available to his spouse, unremarried
 6 widow, or eligible parents as defined above, in the order
 7 specified, but all such preferences may be given only to per-
 8 sons who have attained marks on the tests which meet at
 9 least the minimum requirements imposed for each test and
 10 who have received at least the minimum rating required for
 11 eligibility.

12 (3) Layoffs Preference Employees; Reinstatement or Pre-
 13 ferred Employment Lists. Whenever a position in the classi-
 14 fied service is abolished or needs to be vacated because of
 15 stoppage of work from lack of funds, or other causes, the
 16 employee or employees in the class involved in the organiza-
 17 tion unit affected shall be laid off without pay by the appoint-
 18 ing authority under such rules and regulations as to selection
 19 and priority as may from time to time be adopted by the com-
 20 mission. Provided, that preference employees (ex-members
 21 of the armed forces and their dependents as described in (B)
 22 of this Section) whose length of service and efficiency ratings
 23 are as good as or better than other competing employees shall
 24 be retained in preference to all other competing employees;
 25 and provided further, that when any or all of the functions
 26 of any state agency are transferred to or when any state
 27 agency is replaced by some other state agency, or state
 28 agencies, all preference employees in the classifications and
 29 performing the function or functions transferred or in the
 30 state agency which is replaced by some other state agency
 31 shall first be transferred to the replacing state agency, or
 32 state agencies, for employment in positions for which they are

1 qualified, before such state agency, or state agencies, shall
 2 appoint additional employees from eligible lists for such posi-
 3 tions. The appointing authority shall give written notice to
 4 the director of any proposed layoff a reasonable time before
 5 the effective date thereof, and the director shall make such
 6 orders relating thereto as he considers necessary to secure
 7 compliance with the rules. The name of every regular em-
 8 ployee so laid off shall be placed on the appropriate reemploy-
 9 ment lists, and said employee shall also be eligible for rein-
 10 statement and shall be reinstated in any position in the same
 11 class in the same organization unit in which a vacancy exists.
 12 If he cannot be reinstated as hereinabove required, the di-
 13 rector shall, upon employee's request to be made within one
 14 year from the time of his layoff or the time his position was
 15 abolished, place his name on a reinstatement or preferred
 16 reemployment list for the class of the position which was
 17 abolished or from which the employee was laid off. The ap-
 18 pointing authority of the organization unit, during the time
 19 such employee's name remains on such lists is prohibited
 20 from filling any vacancy in the class in which the employee
 21 has reinstatement rights without first offering appointment
 22 to, and appointing, if he accepts, the employee who has rein-
 23 statement rights in such organization unit.

24 (H) Disciplinary Action. No person who has gained per-
 25 manent civil service status in the classified state civil service
 26 or the classified city civil service shall be subjected to disci-
 27 plinary action except for just cause after a copy of the charges
 28 against him have been served on him and an opportunity for
 29 a public hearing is afforded by his appointing authority.
 30 Only one penalty may be assessed for the same offense. No
 31 classified employee shall be discriminated against by reason
 32 of his political or religious beliefs, sex, or race.

1 Any classified employee so discriminated against or sub-
 2 jected to such disciplinary action shall have a right of appeal
 3 to the appropriate civil service commission. The burden of
 4 proof on appeal, as to the facts, shall be on the employer.
 5 The appeal to the civil service commission shall be devolutive
 6 unless otherwise determined by the commission. The rulings
 7 of the commission are subject to review by the court of appeal
 8 wherein each commission is located.

9 (I) Rules and Regulations. The State Civil Service Com-
 10 mission and a city civil service commission are vested with
 11 general rule-making powers and subpoena powers for the
 12 administration of the classified civil service, including but
 13 not limited to rules and regulations relating to employment,
 14 promoton, demotion, suspension, reduction in pay, removal,
 15 certification, work-test periods, uniform pay plans, classifi-
 16 cation plans, employment conditions, compensation and dis-
 17 bursements to employees, and generally to carry out and
 18 effectuate the objectives and purposes of the merit system
 19 of civil service as herein established. These rules and regu-
 20 lations shall have the effect of law. Any matter affecting
 21 wages and hours shall become effective and shall have the
 22 force of law only after approval of the governor or the gov-
 23 erning authority of the city.

24 (J) Political Activity. No member of any civil service
 25 commission shall be a candidate for nomination or election
 26 to any public office or hold any other public office or posi-
 27 tion of public employment whatsoever, the classified employ-
 28 ment of the employee elected to the city commission, the
 29 office of notary public or a military or naval office, or dean
 30 or member of the faculty of any educational institution ex-
 31 cepted; nor shall any member of the commission be or have
 32 been during a period of six months immediately preceding his

1 appointment a member of any local, state, or national com-
 2 mittee of a political party, or an officer or member of a
 3 committee in any factional or political club or organization,
 4 and each commissioner shall take the oath of office before
 5 entering upon the duties of office, and such oath shall in-
 6 clude a statement of belief in and desire to support the
 7 principles of the merit system.

8 No member of the State Civil Service Commission or a
 9 city civil service commission and no officer or employee in
 10 the classified service shall participate or engage in political
 11 activity or be a candidate for nomination or election to
 12 public office or be a member of any national, state, or local
 13 committee of a political party or faction or make or solicit
 14 contributions for any political party, faction, or candidate,
 15 nor take active part in the management of the affairs of a
 16 political party, faction, or candidate or any political cam-
 17 paign except to exercise his right as a citizen to privately
 18 express his opinion, to serve as a commissioner or as an offi-
 19 cial watcher at the polls, and to cast his vote as he desires.
 20 No person shall solicit contributions for political purposes
 21 from any classified employee or official, nor use or attempt
 22 to use his position in city civil service to punish or coerce
 23 the political action of such person.

24 Political activity is defined as an effort made to insure
 25 the election of a nominee for political office or the support
 26 of a particular political party in an election. There shall be
 27 no prohibition against support of issues involving bonded in-
 28 debtedness, tax referenda, or constitutional amendments, or
 29 the participation or membership in an organization which is
 30 not a political organization but which may from time to time
 31 express its opinion on a political issue.

32 (K) Violations; Appeals. The State Civil Service Commis-

1 sion and the city civil service commission may investigate
 2 violations of this Section and the rules and regulations adopted
 3 pursuant hereto. It may impose penalties for violation of
 4 this Section or the rules and regulations adopted pursuant
 5 hereto in the form of demotion, or suspension, or discharge
 6 from the classified service with attendant loss of pay. The
 7 rulings of the commission are subject to review in the court
 8 of appeal wherein each commission is located.

9 (L) Penalties. Any person who willfully violates any pro-
 10 vision of this Section or of any law enacted pursuant hereto
 11 shall be guilty of a misdemeanor and upon conviction shall
 12 be punished by a fine of not more than five hundred dollars
 13 or by imprisonment for not more than six months, or both.

14 (M) Acquisitions of Permanent Status. Each officer and
 15 employee of a city who has civil service status in the classi-
 16 fied service of the state or city on the effective date of this
 17 constitution shall retain such status in the position, class,
 18 and rank held on such date and thereafter shall be subject
 19 to and be governed by the provisions of this Section and the
 20 rules and regulations adopted under the authority hereof.

21 (N) Existing Laws. All existing laws relating to employees
 22 in the classified civil service not inconsistent with this Sec-
 23 tion are continued in force. Neither the commission of each
 24 city nor the governing authority of each city shall exercise
 25 any power or authority which is inconsistent or in conflict
 26 with any general law. The State Civil Service Commission
 27 shall exercise no power or authority which is inconsistent or
 28 in conflict with any general law.

29 (O) Appropriations. Beginning with the regular session
 30 that convenes the year 197..., the legislature of the state
 31 shall then, and at each regular session and fiscal session,
 32 thereafter, make an appropriation to the State Civil Service

1 Commission and to the Department of Civil Service for each
2 succeeding fiscal year of a sum equal to not less than seven-
3 tenths of one percent of the aggregate payroll of the state
4 classified service for the twelve-month period ending on the
5 first day of March preceding the next regular or fiscal
6 session as certified to by the State Civil Service Commission.

7 Each city of the state subject to the provisions of this
8 Section shall make adequate annual appropriations to enable
9 the civil service commission and the civil service department
10 of the city to carry out efficiently and effectively the pro-
11 visions of this Section.

12 (P) Acceptance of Act; Other Cities, City and Parish
13 Governed Jointly. Any city, and any parish governed jointly
14 with one or more cities under a plan of government, having
15 a population exceeding ten thousand but not exceeding four
16 hundred thousand, according to the last preceding decennial
17 census of the United States for which the final report of
18 population returns have been printed, published, and distrib-
19 uted by the director of the census may elect and determine
20 to accept the provisions of this Section by a majority vote
21 of its qualified electors voting at a general or special elec-
22 tion for this purpose. This election shall be ordered and held
23 by the city or city-parish, as the case may be, upon (a) the
24 adoption of an ordinance by the governing body of the city
25 of the parish governed jointly with one or more cities under
26 a plan of government as the case may be, calling for such
27 elections; or (b) the presentation to such governing body
28 of a petition signed by qualified electors equal in number to
29 five percent of the qualified registered voters of the city or
30 city-parish, as the case may be, calling for such election.

31 If a majority of the legal votes cast in such election are
32 in favor of the adoption of the provisions of this Section,

1 then this Section and all the provisions thereof shall there-
2 after permanently apply to and govern the city or city-parish,
3 as the case may be, in the same manner and to the same ex-
4 tent as if said Section and all its provisions had originally
5 applied to such city or city-parish. In such instance, all offi-
6 cers and employees of the city or city-parish or any other
7 subdivision of the state, as the case may be, except those
8 coming within the provisions of Article VII, Section 1 of
9 the Constitution of the State of Louisiana, who have acquired
10 civil service status under a civil service system established
11 by legislative act, city charter. or otherwise, shall retain such
12 status and shall thereafter be subject to and governed by the
13 provisions of this Section and the rules and regulations
14 adopted under the authority of this Section. If a majority
15 of the legal votes cast in such election are against the adop-
16 tion of the provisions of this Section, the question of adopt-
17 ing the provisions of this Section shall not be resubmitted to
18 the voters of the city or the city-parish, as the case may be,
19 within one year thereafter.

20 (Q) City, Parish Civil Service System; Creation by Legis-
21 lature. Nothing in this Section shall prevent the establishment
22 by the legislature in one or more parishes of a civil service
23 system applicable to any or all parish employees, including
24 those hereinabove exempted from the state classified ser-
25 vice, or the establishment by the legislature of a civil service
26 system in one or more cities having a population of less than
27 four hundred thousand, in any manner that may now or
28 hereafter be provided by law.

29
30
31
32

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Constitutional Convention of Louisiana of 1973

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1 **COMMITTEE PROPOSAL No. 9—**

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare, and Delegates
4 Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry,
5 Robinson, Toca, Wattigny, and Wisham:

6 **A PROPOSAL**

7 Making provisions for human resources by providing for
8 state and city civil service.

9 Be it adopted by the Constitutional Convention of Louisi-
10 ana of 1973:

11 **ARTICLE VII. HUMAN RESOURCES**

12 **Section 1. State and City Civil Service**

13 **Section 1. (A) Civil Service System; State; Cities.**

14 (1) State Civil Service. "State civil service" means all
15 offices and positions of trust or employment in the employ
16 of the state, or any board, commission, department, inde-
17 pendent agency, or other agency thereof, except as otherwise
18 specifically provided in this constitution, and all offices
19 and positions of trust or employment in the employ of joint
20 state and federal agencies administering state or federal
21 funds, or both; joint state and municipal agencies financed
22 by state or municipal funds, or both, except municipal boards
23 of health; joint state and parochial agencies financed by
24 state or parochial funds, or both; irrespective of whether
25 the pay for such offices and positions of trust or employ-
26 ment is to be paid with state, municipal, or parochial funds
27 or with funds contributed jointly by the state and municipa-
28 lities or parishes involved.

29 (2) City Civil Service. "City civil service" means all offices
30 and positions of trust or employment in the employ of the
31 city and every board, commission, department, or agency
32 thereof, except as otherwise specifically provided in this

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1 constitution.

2 (B) State Civil Service Commission

3 (B) (1) Membership. A State Civil Service Commission is
4 created to be composed of five members, who are citizens
5 and qualified electors of the state. Three members of the
6 commission shall constitute a quorum. The five members
7 shall be appointed by the governor for overlapping terms of
8 six years as hereinafter provided. The domicile of the com-
9 mission shall be in the city of Baton Rouge, Louisiana.

10 (2) Nominations. The presidents of Loyola University of
11 the South, Centenary College, Tulane University of Louisi-
12 ana, Louisiana College, and Dillard University each shall
13 nominate three persons, in the order of their preference, and
14 from the three persons, so nominated by each, the governor
15 shall appoint one to serve as a member of the commission.

16 (3) Vacancies. Vacancies for any cause shall be filled by
17 appointment in accordance with the procedure governing the
18 original appointment and from the same source. Within
19 thirty days after a vacancy occurs, the university president
20 concerned shall submit the required nominations. Within
21 thirty days thereafter, the governor shall make his appoint-
22 ment. Should the governor fail to appoint within thirty days,
23 the nominee whose name is first on the list shall automati-
24 cally become a member of the commission.

25 If for any reason nominations are not submitted to the
26 governor by any of the college presidents herein named,
27 within the time herein designated, the vacancy on the com-
28 mission for the term or the unexpired term resulting from
29 such failure to nominate shall be filled by a majority vote
30 of the other members of the State Civil Service Commission.

31 (4) Transition. Each person who, on the effective date of
32 this constitution, is a member of the State Civil Service Com-

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1 mission shall continue in such position for the remainder of
2 the term to which he was appointed. Within thirty days
3 after the expiration of the term of the commissioner nom-
4 inated by Louisiana State University and Agricultural and
5 Mechanical College, the president of Dillard University shall
6 submit three names to the governor for appointment to the
7 commission as herein provided. The initial term of this
8 Dillard nominee shall be six years.

9 (5) Removal. A member of the State Civil Service Com-
10 mission may be removed by the governor for just cause
11 after a copy of the charges against him has been served on
12 him and an opportunity for a public hearing thereon is
13 afforded by his appointing authority.

14 (6) Compensation. Members of the commission each shall
15 be compensated for each day devoted to the work of the
16 commission. The amount of compensation shall be determined
17 by the legislature.

18 (C) City Civil Service Commission

19 (C)(1) Membership. A city civil service commission is
20 created for each city having a population exceeding four
21 hundred thousand. The city civil service commission shall
22 be composed of five members, who are citizens and quali-
23 fied electors of the city. Three members of the commission
24 shall constitute a quorum. The five members shall serve
25 overlapping terms of six years as hereinafter provided. The
26 domicile of the commission shall be in the city which it
27 serves.

28 (2) Nominations. In the city of New Orleans, the presidents
29 of Tulane University of Louisiana, Loyola University of the
30 South, and Dillard University each shall nominate three
31 persons, in the order of their preference, and from the three
32 persons so nominated by each, the governing authority of the

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1 city shall appoint one to serve as a member of the commis-
2 sion. One member shall be appointed by the governing au-
3 thority of the city. One member shall be an employee with-
4 in the classified service of the city, elected by classified
5 city employees.

6 If for any reason nominations are not submitted to the
7 governing authority of the city by any of the college presi-
8 dents herein named within the time herein designated, the
9 vacancy on the commission for the term or the unexpired
10 term resulting from such failure to nominate shall be filled
11 by a majority vote of the other members of the city civil
12 service commission.

13 In other cities subject to the provisions of this Section
14 three members of the commission shall be nominated by the

15 presidents of any three universities mentioned in Paragraph
16 (B) (2) in accordance with the procedure therein provided.

17 Commissioners appointed by the governing authority of the
18 city and the classified city employees shall be appointed in
19 accordance with the procedure specified in Paragraph (C)
20 (2).

21 (3) Vacancies. Vacancies for any cause shall be filled by
22 appointment or election in accordance with the procedure
23 for the original appointment and from the same source.

24 Within thirty days after a vacancy occurs, the university
25 president concerned shall submit the required nominations.
26 Within thirty days thereafter, the governing authority of
27 the city shall make the appointment. Should the governing
28 authority of the city fail to appoint within the thirty days,
29 the nominee whose name is first on the list shall automati-
30 cally become a member of the commission.

31 The election of the member representing classified city
32 employees shall be called by the governing authority and

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1 held at least sixty days prior to the expiration of that term.
2 In the case of a vacancy prior to the expiration of a term
3 in the office of the member representing classified employees,
4 an election to fill the vacancy for the unexpired term shall
5 be held within thirty days after the vacancy occurs.

6 (4) Transition. Each person who, on the effective date of
7 this constitution, was nominated by Tulane University,
8 Loyola University, or the governing authority of the city on
9 the New Orleans City Civil Service Commission shall con-
10 tinue in such position for the remainder of the term to which
11 he was appointed. Within thirty days after the effective
12 date of this constitution, the president of Dillard University
13 shall submit three names to the governing authority of the
14 city for appointment to the commission as herein provided.
15 The initial term of this appointee shall be three years. With-
16 in thirty days after the effective date of this constitution,
17 the governing authority of the city shall call and hold an
18 election for the member to represent classified city employ-
19 ees. The initial term of the classified employee shall be
20 five years.

21 In other cities, each member serving on the effective date
22 of this constitution, shall continue in office until the ex-
23 piration of his term. The governing authorities of such cities
24 shall provide for the election or appointment of additional
25 members and for the implementation of this Section in
26 accordance with provisions hereof.

27 (5) Removal. A member of the city civil service com-
28 mission may be removed by the city governing authority
29 for just cause after a copy of the charges against him has
30 been served on him and an opportunity for a public hearing
31 thereon is afforded by his appointing authority.

32 (6) Compensation. Members of the commission each shall

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1 be compensated for each day devoted to the work of the
2 commission. The amount of compensation shall be deter-
3 mined by the governing authority of the city.

4 (D) Departments; State; City

5 (D) (1) Department of State Civil Service. A Department
6 of State Civil Service is created in the state government.

7 (2) Department of City Civil Service. A department of
8 city civil service is created in the city government of each
9 city having a population exceeding four hundred thousand.

10 (E) Directors; State Service; City Service. The State
11 Civil Service Commission and the city civil service com-
12 mission shall appoint a director of civil service, who shall
13 be the administrative head of his respective department and
14 who shall be in the classified service. The director shall
15 be appointed by the appropriate commission from a list of
16 persons determined to be eligible for the position on the
17 basis of merit, efficiency, and fitness, which shall be ascer-
18 tained by competitive examination, and such other factors
19 as the commission deems advisable. The director shall
20 appoint personnel and exercise powers and duties to the
21 extent prescribed by the commission.

22 (F) Unclassified and Classified Service. The state civil
23 service and the city civil service are divided into the classi-
24 fied service and the unclassified service. The classified
25 service shall include all officers and employees in the state
26 civil service and the city civil service except:

27 (1) elected officers and persons appointed to fill vacan-
28 cies in elective offices; (2) heads of principal departments
29 appointed by the governor, the mayor, or governing author-
30 ity of the city; (3) city attorneys; (4) members of state
31 and city boards, commissions, and agencies; (5) one private
32 secretary for the president of each college or university, one

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1 principal assistant or deputy, one attorney, and one person
2 holding a confidential position to any officer, board, or com-
3 mission mentioned in (1), (2) and (4), except the Depart-
4 ment of State Civil Service and the departments of city
5 civil service, provided no appointing authority shall be re-
6 quired to fill any of these positions with unclassified em-
7 ployees, but may assign the duties of any of them to a
8 classified employee; (6) members of the military or naval
9 forces; (7) the teaching, professional and administrative
10 officers of all schools, colleges and universities of the state,
11 and bona fide students of such institutions employed by any
12 state agency; (8) officers and employees of the legislature
13 and of the offices of the governor, lieutenant governor,
14 attorney general, mayors of the several cities, and city
15 attorneys, and the Board of Liquidation of the City Debt of
16 New Orleans; (9) commissioners of elections and watchers;
17 custodians and deputy custodians of voting machines; (10)
18 all persons employed and deputies selected by sheriffs, clerks
19 of court, police juries, assessors, coroners, recorders of mort-
20 gages, registrars of conveyances, district attorneys, con-
21 stables of city courts, school boards, and courts of record;
22 (11) registrars of voters and one chief deputy for each; (12)
23 persons employed to make or conduct a special inquiry,
24 investigation, examination, or installation if the governor or
25 governing body of the city certifies that such employment is
26 temporary and that the work should not be performed by
27 the employees in the classified service, and if the commis-
28 sion approves such certifications; (13) special counsel and
29 special prosecutors of any appointing authority, notaries
30 public, referees, receivers, and jurors; (14) patient or inmate
31 help in state or city charitable, penal, or correctional insti-
32 tutions; (15) persons temporarily retained or employed by a

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1 director of personnel for the purpose of conducting or assist-
2 ing in examinations; (16) laborers and other workers em-
3 ployed and paid on an hourly, daily, or piecework basis,
4 provided the inclusion of such persons in the unclassified
5 service is requested by the appointing authority and approved
6 by the appropriate commission; (17) persons employed to
7 make or conduct a special inquiry, investigation, examina-
8 tion, or installation on behalf of the legislature or a com-
9 mittee thereof; and such persons employed by or on behalf
10 of any other agency of the state or a city, provided that
11 inclusion of such persons in the unclassified service is
12 approved by the appropriate commission; (18) independent
13 contractors employed to render services on a contractual
14 basis, including independent contractual professional ser-
15 vice.

16 (G) Appointment and Promotion

17 (G)(1) Certification. Permanent appointments and pro-
18 motions in the classified state service and classified city
19 service shall be made after certification by the appropriate
20 department of civil service under a general system based
21 upon merit, efficiency, length of service, and fitness, which
22 shall be ascertained by competitive examinations insofar
23 as practicable, and employees and officers in the classified
24 service shall be employed from those eligible under such
25 certification. The number to be certified shall be not less
26 than five; however, if more than one vacancy is to be
27 filled, the name of one additional eligible for each vacancy
28 may be certified and special and different lists may be
29 established in the case of reemployment and reinstatement.
30 The commission shall adopt rules for the method of certifi-
31 cation of persons eligible for appointment and promotion
32 and shall provide for appointments defined as emergency and

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1 temporary appointments.

2 (2) Veterans. The Department of State Civil Service and
3 a department of city civil service shall accord a five-point
4 preference in original appointment to each person honorably
5 discharged, or discharged under honorable conditions from
6 the armed forces of the United States, after having served
7 between the wartime dates of April 6, 1917 and November
8 11, 1918, both dates inclusive; or between September 16,
9 1940 and July 25, 1947, both dates inclusive; or between June
10 27, 1950 and January 31, 1955, both dates inclusive; or who
11 served in the Viet Nam Theater between July 1, 1958 and
12 the date the government of the United States declares to be
13 the date of termination of service for members of the armed
14 forces to receive credit for the award of the Viet Nam Service
15 Medal, both dates inclusive; or who served in the peacetime
16 campaigns or expeditions for which campaign badges are
17 authorized. The Department of State Civil Service and a
18 department of city civil service shall accord a ten-point
19 preference in original appointment to each honorably dis-
20 charged veteran who served either in peace or in war and
21 who has one or more disabilities recognized by the Veterans
22 Administration as service-connected; or to the spouse of
23 each veteran who is in such poor physical condition as to
24 preclude his or her appointment to a civil service job in
25 his or her usual line of work or to the unremarried widow
26 of each deceased veteran who served in a war period as
27 defined above or in a peacetime campaign or expedition; or
28 to the unremarried parents of any person who died in active
29 wartime or peacetime service or who suffered total and
30 permanent disabilities in active wartime or peacetime ser-
31 vice; or the divorced or separated parents of any person
32 who died in wartime or peacetime service or who became

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1 totally and permanently disabled in wartime or peacetime
2 service. However, only one ten-point preference shall be
3 allowed in the original appointment to any of the persons
4 enumerated above, and if the ten-point preference is not
5 being utilized by the veteran, either because of the veteran's
6 physical or mental incapacity which precludes his appoint-
7 ment to a civil service job in his usual line of work or
8 because of his death, the preference shall be available to
9 his spouse, unremarried widow, or eligible parents as de-
10 fined above, in the order specified, but all such preferences
11 may be given only to persons who have attained marks on
12 the tests which meet at least the minimum requirements
13 imposed for each test and who have received at least the
14 minimum rating required for eligibility.

15 (3) Layoffs; Preference Employees; Reinstatement or
16 Preferred Employment Lists. Whenever a position in the
17 classified service is abolished or needs to be vacated be-
18 cause of stoppage of work from lack of funds, or other
19 causes, the employee or employees in the class involved in
20 the organization unit affected shall be laid off without pay
21 by the appointing authority under such rules and regula-
22 tions as to selection and priority as may from time to time
23 be adopted by the commission. Provided, that preference
24 employees (ex-members of the armed forces and their depen-
25 dents as described in (B) of this Section) whose length of
26 service and efficiency ratings are as good as or better than
27 other competing employees shall be retained in preference
28 to all other competing employees; and provided further, that
29 when any or all of the functions of any state agency are
30 transferred to or when any state agency is replaced by some
31 other state agency, or state agencies, all preference em-
32 ployees in the classifications and performing the function

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1 or functions transferred or in the state agency which is
2 replaced by some other state agency shall first be trans-
3 ferred to the replacing state agency, or state agencies, for
4 employment in positions for which they are qualified, before
5 such state agency, or state agencies, shall appoint additional
6 employees from eligible lists for such positions. The ap-
7 pointing authority shall give written notice to the director
8 of any proposed layoff a reasonable time before the effective
9 date thereof, and the director shall make such orders re-
10 lating thereto as he considers necessary to secure compliance
11 with the rules. The name of every regular employee so laid
12 off shall be placed on the appropriate reemployment lists,
13 and said employee shall also be eligible for reinstatement and
14 shall be reinstated in any position in the same class in the
15 same organization unit in which a vacancy exists. If he
16 cannot be reinstated as hereinabove required, the director
17 shall, upon employee's request to be made within one year
18 from the time of his layoff or the time his position was
19 abolished, place his name on a reinstatement or preferred
20 reemployment list for the class of the position which was
21 abolished or from which the employee was laid off. The
22 appointing authority of the organization unit, during the
23 time such employee's name remains on such lists is prohibit-
24 ed from filling any vacancy in the class in which the employee
25 has reinstatement rights without first offering appointment
26 to, and appointing, if he accepts, the employee who has
27 reinstatement rights in such organization unit.

28 (H) Disciplinary Action. No person who has gained per-
29 manent civil service status in the classified state civil service
30 or the classified city civil service shall be subjected to dis-
31 ciplinary action except for just cause after a copy of the
32 charges against him has been served on him and an oppor-

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1 tunity for a public hearing is afforded by his appointing
2 authority. Only one penalty may be assessed for the same
3 offense. No classified employee shall be discriminated against
4 by reason of his political or religious beliefs, sex, or race.

5 Any classified employee so discriminated against or sub-
6 jected to such disciplinary action shall have a right of
7 appeal to the appropriate civil service commission. The
8 burden of proof on appeal, as to the facts, shall be on the
9 employer. The appeal to the civil service commission shall
10 be devolutive unless otherwise determined by the commis-
11 sion. The rulings of the commission are subject to review
12 by the court of appeal wherein each commission is located.

13 (I) Rules and Regulations. The State Civil Service Com-
14 mission and a city civil service commission are vested with
15 general rule-making powers and subpoena powers for the
16 administration of the classified civil service, including but
17 not limited to rules and regulations relating to employment,
18 promotion, demotion, suspension, reduction in pay, removal,
19 certification, work-test periods, uniform pay plans, classi-
20 fication plans, employment conditions, compensation and
21 disbursements to employees, and generally to carry out and
22 effectuate the objectives and purposes of the merit system of
23 civil service as herein established. These rules and regula-
24 tions shall have the effect of law. Any matter affecting
25 wages and hours shall become effective and shall have the
26 force of law only after approval of the governor or the
27 governing authority of the city.

28 (J) Political Activity. No member of any civil service
29 commission shall be a candidate for nomination or election
30 to any public office or hold any other public office or posi-
31 tion of public employment whatsoever, the classified employ-
32 ment of the employee elected to the city commission, the

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1 office of notary public or a military or naval office, or dean
2 or member of the faculty of any educational institution
3 excepted; nor shall any member of the commission be or
4 have been during a period of six months immediately pre-
5 ceding his appointment a member of any local, state, or
6 national committee of a political party, or an officer or mem-
7 ber of a committee in any factional or political club or
8 organization, and each commissioner shall take the oath of
9 office before entering upon the duties of office, and such
10 oath shall include a statement of belief in and desire to
11 support the principles of the merit system.

12 No member of the State Civil Service Commission or a
13 city civil service commission and no officer or employee in
14 the classified service shall participate or engage in political
15 activity or be a candidate for nomination or election to
16 public office or be a member of any national, state, or local
17 committee of a political party or faction or make or solicit
18 contributions for any political party, faction, or candidate,
19 nor take active part in the management of the affairs of a
20 political party, faction, or candidate or any political cam-
21 paign except to exercise his right as a citizen to privately
22 express his opinion, to serve as a commissioner or as an
23 official watcher at the polls, and to cast his vote as he
24 desires. No person shall solicit contributions for political
25 purposes from any classified employee or official, nor use
26 or attempt to use his position in state or city civil service
27 to punish or coerce the political action of such person.

28 Political activity is defined as an effort made to insure
29 the election of a nominee for political office or the support
30 of a particular political party in an election. There shall be
31 no prohibition against support of issues involving bonded
32 indebtedness, tax referenda, or constitutional amendments,

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1 or the participation or membership in an organization which
2 is not a political organization but which may from time to
3 time express its opinion on a political issue.

4 (K) Violations; Appeals. The State Civil Service Com-
5 mission and any city civil service commission may investi-
6 gate violations of this Section and the rules and regulations
7 adopted pursuant hereto. It may impose penalties for viola-
8 tion of this Section or the rules and regulations adopted
9 pursuant hereto in the form of demotion, or suspension, or
10 discharge from the classified service with attendant loss
11 of pay. The rulings of the commission are subject to review
12 in the court of appeal wherein each commission is located.

13 (L) Penalties. Any person who willfully violates any
14 provision of this Section or of any law enacted pursuant
15 hereto shall be guilty of a misdemeanor and upon conviction
16 shall be punished by a fine of not more than five hundred
17 dollars or by imprisonment for not more than six months, or
18 both.

19 (M) Acquisition of Permanent Status. Each officer and
20 employee who has civil service status in the classified ser-
21 vice of the state or city on the effective date of this consti-
22 tution shall retain such status in the position, class, and rank
23 held on such date and thereafter shall be subject to and be
24 governed by the provisions of this Section and the rules and
25 regulations adopted under the authority hereof.

26 (N) Existing Laws. All existing laws relating to employees
27 in the classified civil service not inconsistent with this
28 Section are continued in force. Neither the commission of
29 each city nor the governing authority of each city shall
30 exercise any power or authority which is inconsistent or
31 in conflict with any general law. The State Civil Service
32 Commission shall exercise no power or authority which is

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1 inconsistent or in conflict with any general law.

2 (O) Appropriations. Beginning with the regular session

3 that convenes the year 197___, the legislature of the state shall

4 then, and at each regular session thereafter, make an ap-

5 propriation to the State Civil Service Commission and to

6 the Department of Civil Service for each succeeding fiscal

7 year of a sum equal to not less than seven-tenths of one

8 percent of the aggregate payroll of the state classified ser-

9 vice for the twelve-month period ending on the first day of

10 March preceding the next regular session as certified to by

11 the State Civil Service Commission.

12 Each city of the state subject to the provisions of this

13 Section shall make adequate annual appropriations to en-

14 able the civil service commission and the civil service de-

15 partment of the city to carry out efficiently and effectively

16 the provisions of this Section.

17 (P) Acceptance of Act; Other Cities, City and Parish

18 Governed Jointly. Any city, and any parish governed

19 jointly with one or more cities under a plan of government,

20 having a population exceeding ten thousand but not ex-

21 ceeding four hundred thousand, according to the last pre-

22 ceding decennial census of the United States for which the

23 final report of population returns have been printed, pub-

24 lished, and distributed by the director of the census may

25 elect and determine to accept the provisions of this Section

26 by a majority vote of its qualified electors voting at a

27 general or special election for this purpose. This election

28 shall be ordered and held by the city or city-parish, as the

29 case may be, upon (a) the adoption of an ordinance by the

30 governing body of the city or the parish governed jointly with

31 one or more cities under a plan of government as the case

32 may be, calling for such elections; or (b) the presentation

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1 to such governing body of a petition signed by qualified

2 electors equal in number to five percent of the qualified

3 registered voters of the city or city-parish, as the case

4 may be, calling for such election.

5 If a majority of the legal votes cast in such election are in

6 favor of the adoption of the provisions of this Section, then

7 this Section and all the provisions thereof shall thereafter

8 permanently apply to and govern the city or city-parish, as

9 the case may be, in the same manner and to the same extent

10 as if said Section and all its provisions had originally applied

11 to such city or city-parish. In such instance, all officers and

12 employees of the city or city-parish or any other subdivi-

13 sion of the state, as the case may be, except those coming

14 within the provisions of Article VII, Section 1 of the Con-

15 stitution of the State of Louisiana, who have acquired

16 civil service status under a civil service system established

17 by legislative act, city charter, or otherwise, shall retain

18 such status and shall thereafter be subject to and governed

19 by the provisions of this Section and the rules and regula-

20 tions adopted under the authority of this Section. If a ma-

21 jority of the legal votes cast in such election are against the

22 adoption of the provisions of this Section, the question of

23 adopting the provisions of this Section shall not be resub-

24 mitted to the voters of the city or the city-parish, as the

25 case may be, within one year thereafter.

26 (Q) City, Parish Civil Service System; Creation by Leg-

27 islatre. Nothing in this Section shall prevent the establish-

28 ment by the legislature in one or more parishes of a civil

29 service system applicable to any or all parish employees,

30 including those hereinabove exempted from the state classi-

31 fied service, or the establishment by the legislature of a civil

32 service system in one or more cities having a population of

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less than four hundred thousand, in any manner now or hereafter provided by law.

Constitutional Convention of Louisiana of 1973
COMMITTEE PROPOSAL NUMBER 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

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1 classified service.

2 All persons not included in the unclassified service
3 are in the classified service.

4 The unclassified service shall include the following
5 officers and employees in the state and city civil service:

6 (1) elected officers and persons appointed to fill vacancies
7 in elective offices; (2) heads of principal executive depart-
8 ments appointed by the governor, the mayor, or the govern-
9 ing authority of a city; (3) city attorneys; (4) registrars
10 of voters; (5) members of state and city boards, authorities,
11 and commissions; (6) one private secretary to the president
12 of each college or university, and one person holding a
13 confidential position and one principal assistant or deputy
14 to any officer, board, commission, or authority mentioned
15 in (1), (2), (4), or (5) above, except civil service depart-
16 ments; (7) members of the military or naval forces; (8)
17 teaching and professional staffs, and administrative of-
18 ficers of schools, colleges, and universities of the state
19 and bona fide students of such institutions employed by any
20 state, parochial, or municipal agency; (9) employees,
21 deputies, and officers of the legislature, of the offices
22 of the governor, lieutenant governor, attorney general, each
23 mayor and city attorney of the several cities, of police juries,
24 of school boards, of assessors, of all offices provided for in
25 Article V of this Constitution except the offices of clerk of
26 the municipal and traffic courts in New Orleans, of coroners;
27 (10) commissioners of elections, and watchers; custodians and
28 deputy custodians of voting machines; railroad employees whose
29 working conditions and retirement benefits are regulated by
30 federal agencies in accordance with federal statutory law.

31 Additional positions may be added and revoked by rules
32 adopted by a commission.

33 (C) State Civil Service Commission; Appointment; Nomi-
34 nation. There shall be a State Civil Service Commission,
35 domiciled in Baton Rouge, composed of seven members who are

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1 electors of this state, four of whom constitute a quorum.

2 No more than one appointed member shall be from each
3 congressional district.

4 (1) Appointment. The members shall be appointed by the
5 governor, as hereinafter provided, for overlapping terms of
6 six years.

7 (2) Nominations. The presidents of Centenary College
8 at Shreveport, Louisiana; Dillard University at New Orleans,
9 Louisiana; Louisiana College at Pineville, Louisiana; Loyola
10 University of the South at New Orleans, Louisiana; Tulane
11 University at New Orleans, Louisiana; and Xavier University
12 at New Orleans, after giving due consideration to represen-
13 tation of all groups, each shall nominate three persons.
14 One member of the commission shall be appointed by the
15 governor from the three persons nominated by each president.
16 One member of the commission shall be elected by the classified
17 employees of the state from their number as provided by law.

18 A vacancy for any cause shall be filled by appointment or
19 election in accordance with the procedure or law governing the
20 original appointment or election, and from the same source.
21 Within thirty days after a vacancy occurs, the president
22 concerned shall submit the required nominations. Within thirty
23 days thereafter, the governor shall make his appointment.
24 Should the governor fail to appoint within thirty days,
25 the nominee whose name is first on the list of nominees
26 shall automatically become a member of the commission. Should
27 one of the nominating authorities fail to submit nominees in
28 the time required, or should one of the named institutions
29 cease to exist, the governor shall make the appointment to
30 the commission.

31 (D) City Civil Service Commission; Appointment; Nomi-
32 nation; Vacancies. There shall be a city civil service
33 commission in each city having a population exceeding four
34 hundred thousand. Each commission shall be composed of
35 five members, who are qualified electors of the city,

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1 three of whom constitute a quorum. The members shall serve
2 overlapping terms of six years as hereinafter provided. The
3 domicile of each commission shall be in the city which it
4 serves.

5 (1) New Orleans; Nomination and Appointment. In the
6 city of New Orleans, the presidents of Dillard University,
7 Loyola University of the South, St. Mary's Dominican College,
8 Xavier University of Louisiana, and Tulane University of
9 Louisiana, after giving due consideration to representation
10 of all groups, each shall nominate three persons, and from
11 the three persons so nominated by each, the governing au-
12 thority of the city shall appoint one to serve as a member
13 of the commission.

14 (2) Other Cities; Nomination and Appointment. In other
15 cities subject to the provisions of this Section, the presi-
16 dents of any five institutions of higher education in the
17 state, which five institutions shall be selected by the govern-
18 ing authority of the respective city, each shall nominate
19 three persons, after giving due consideration to representa-
20 tion of all groups, and from the three persons so nominated
21 by each, the governing authority of the city shall appoint
22 one to serve as a member of the commission.

23 (3) Vacancies. Vacancies for any cause shall be filled
24 by appointment in accordance with the procedure for the
25 original appointment and from the same source. Within
26 thirty days after a vacancy occurs, the university presi-
27 dent concerned shall submit the required nominations.
28 Within thirty days thereafter, the governing authority
29 of the city shall make the appointment. Should the
30 governing authority of the city fail to appoint within
31 the thirty days, the nominee whose name is first on the
32 list of nominees shall automatically become a member of
33 the commission. Should one of the nominating authorities
34 fail to submit nominees in the time required, or should one
35 of the named institutions cease to exist, the governing

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1 authority of the city shall make the appointment to the
2 commission.

3 (E) Removal. A member of the state or of a city
4 civil service commission may be removed by the governor
5 or the governing authority for cause after being served
6 with written specifications of the charges against him,
7 and an opportunity for a public hearing thereon is af-
8 forded by his appointing authority.

9 (F) Department of Civil Service; Directors.

10 (F) (1) State Department. There shall be a Depart-
11 ment of State Civil Service in the executive branch of
12 the state government.

13 (2) City Departments. There shall be a department
14 of city civil service in each city having a population ex-
15 ceeding four hundred thousand.

16 (3) Directors. Each commission shall appoint a
17 director, after competitive examination, who shall be
18 the administrative head of his department, and who
19 shall be in the classified service. Each director
20 shall appoint personnel and exercise powers and duties
21 to the extent prescribed by the commission appointing
22 him.

23 (G) Appointments; Promotions. Permanent appoint-
24 ments and promotions in the classified state and city
25 service shall be made only after certification by the
26 appropriate department of civil service under a general
27 system based upon merit, efficiency, fitness, and length
28 of service, as ascertained by examination which, so far
29 as practical, shall be competitive. The number to be
30 certified shall not be less than three; however, if
31 more than one vacancy is to be filled, the name of one ad-
32 ditional eligible for each vacancy may be certified. Each
33 commission shall adopt rules for the method of certifica-
34 tion of persons eligible for appointment, promotion, re-
35 employment, and reinstatement and shall provide for appoint-

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1 ments defined as emergency and temporary appointments where
2 certification is not required.

3 (H) Appeals. (1) Disciplinary Actions. No person
4 who has gained permanent status in the classified state
5 or city service shall be subjected to disciplinary action
6 except for cause expressed in writing. Any classified
7 employee subjected to such disciplinary action shall have
8 the right of appeal to the appropriate commission. The
9 burden of proof on appeal, as to the facts, shall be on the
10 appointing authority.

11 (2) Discrimination. No classified employee shall be
12 discriminated against by reason of his political or religious
13 beliefs, sex, or race. Any classified employee so discrimi-
14 nated against shall have the right of appeal to the appropriate
15 commission. The burden of proof on appeal, as to the facts,
16 shall be on the employee.

17 (I) Prohibitions Against Political Activities. (1) No
18 member of any civil service commission and no officer or
19 employee in the classified service shall participate or
20 engage in political activity; or be a candidate for nomina-
21 tion or election to public office except to seek election as the
22 classified state employee serving on the State Civil Service
23 Commission; or be a member of any national, state, or local
24 committee of a political party or faction; or make or solicit
25 contributions for any political party, faction, or candidate;
26 or take active part in the management of the affairs of a
27 political party, faction, or candidate or any political
28 campaign, except to exercise his right as a citizen to
29 express his opinion privately, to serve as a commissioner or
30 official watcher at the polls and to cast his vote as he desires.

31 (2) No person shall solicit contributions for political
32 purposes from any classified employee or official or use
33 or attempt to use his position in the state or city service
34 to punish or coerce the political action of such classified
35 employee.

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1 (3) Political activity is defined as an effort
2 made to support or oppose the election of a candidate for
3 political office or the support of a particular politi-
4 cal party in an election. There shall be no prohibition
5 against support of issues involving bonded indebtedness,
6 tax referenda, or constitutional amendments.

7 (J) Rules; Investigations; Wages and Hours. (1)
8 Rules. Each commission is vested with broad and general
9 rule-making and subpoena powers for the administration and
10 regulation of the classified service, including but not
11 limited to the adoption of rules for the regulation of
12 employment, promotion, demotion, suspension, reduction in
13 pay, removal, certification, qualifications, political
14 activities, and all other personnel matters and transactions
15 the adoption of a uniform pay and classification plan, employ-
16 ment conditions, employee training and safety, compensation
17 and disbursements to employees, and generally to carry out
18 and effectuate the objectives and purposes of the merit
19 system of civil service as herein established. Nothing
20 contained herein shall be construed to prevent the legislature
21 from supplementing these uniform pay plans for sworn,
22 commissioned law enforcement officers of the Division of State
23 Police, Department of Public Safety.

24 Veterans. The Department of State Civil Service and a
25 department of city civil service shall accord a five-point
26 preference in original appointment to each person honorably
27 discharged, or discharged under honorable conditions from the
28 armed forces of the United States, after having served between
29 the wartime dates of April 6, 1917 and November 11, 1918, both
30 dates inclusive; or between September 16, 1940 and July 25,
31 1947, both dates inclusive; or between June 27, 1950 and
32 January 31, 1955, both dates inclusive; or who served in the
33 Viet Nam Theater between July 1, 1958 and the date the govern-
34 ment of the United States declares to be the date of termination
35 of service for members of the armed forces to receive credit for

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1 the award of the Viet Nam Service Medal, both dates inclusive;
2 or who served in the peacetime campaigns or expeditions for
3 which campaign badges are authorized. The Department of State
4 Civil Service and a department of city civil service shall
5 accord a ten-point preference in original appointment to each
6 honorably discharged veteran who served either in peace or in
7 war and who has one or more disabilities recognized by the
8 Veterans Administration as service-connected; or to the spouse
9 of each veteran who is in such poor physical condition as to
10 preclude his or her appointment to a civil service job in his
11 or her usual line of work or to the unremarried widow of each
12 deceased veteran who served in a war period as defined above
13 or in a peacetime campaign or expedition; or to the unre-
14 married parents of any person who died in active wartime or
15 peacetime service or who suffered total and permanent dis-
16 abilities in active wartime or peacetime service; or the
17 divorced or separated parents of any person who died in war-
18 time or peacetime service or who became totally and permanently
19 disabled in wartime or peacetime service. However, only one
20 ten-point preference shall be allowed in the original appoint-
21 ment to any of the persons enumerated above, and if the ten-
22 point preference is not being utilized by the veteran, either
23 because of the veteran's physical or mental incapacity which
24 precludes his appointment to a civil service job in his
25 usual line of work or because of his death, the preference
26 shall be available to his spouse, unremarried widow, or
27 eligible parents as defined above, in the order specified,
28 but all such preferences may be given only to persons who
29 have attained marks on the tests which meet at least the
30 minimum requirements imposed for each test and who have
31 received at least the minimum rating required for eligibility.

32 Layoffs; Preference Employees. Whenever a position in
33 the classified service is abolished or needs to be vacated
34 because of stoppage of work from lack of funds, or other
35 causes, preference employees (ex-members of the armed forces

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1 and their dependents as described in this Section) whose
2 length of service and efficiency ratings are as good as or
3 better than other competing employees shall be retained in
4 preference to all other competing employees, provided that
5 when any or all of the functions of any state agency are
6 transferred to or when any state agency is replaced by some
7 other state agency, or state agencies, all preference employees
8 in the classifications and performing the function or functions
9 transferred or in the state agency which is replaced by some
10 other state agency shall first be transferred to the replacing
11 state agency, or state agencies, for employment in positions
12 for which they are qualified, before such state agency, or
13 state agencies, shall appoint additional employees from
14 eligible lists for such positions. The appointing authority
15 shall give written notice to the director of any proposed
16 layoff a reasonable time before the effective date thereof,
17 and the director shall make such orders relating thereto as
18 he considers necessary to secure compliance with the rules.
19 No rule, regulation, or practice of the commission, any
20 agency or department, or any officer of the state or any
21 political subdivision shall favor or discriminate against
22 any applicant or employee on the basis of his membership
23 or non-membership in any private organization; provided
24 that this shall not prohibit any state agency, department
25 or political subdivision from contracting with an employee
26 organization with respect to wages, hours, grievances,
27 working conditions or other conditions of employment in a
28 manner not inconsistent with this constitution or any civil
29 service law or valid rule or regulation of a commission.

30 Rules adopted pursuant hereto shall be published and
31 available to the public and have the effect of law. Each
32 commission may impose penalties for violation of its rules
33 by demotion in, or suspension or discharge from position,
34 with attendant loss of pay.

35 (2) Investigations. Each commission is authorized to

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1 investigate violations of the provisions of this Section and
2 the rules, statutes, or ordinances adopted pursuant hereto.

3 (3) Wages and Hours. Any rule or determination affect-
4 ing wages or hours shall become effective and shall have the
5 effect of law only after approval by the governor or the
6 appropriate governing authority.

7 (K) Penalties. Any person who willfully violates any
8 provision of this Section shall be guilty of a misdemeanor
9 and shall, upon conviction, be punished by a fine of not
10 more than five hundred dollars or by imprisonment for not
11 more than six months, or both.

12 (L) Appeal. Each commission shall have the exclusive
13 power and authority to hear and decide all removal and
14 disciplinary cases, with subpoena power and power to ad-
15 minister oaths. It may appoint a referee to take testimony,
16 with subpoena power and power to administer oaths to wit-
17 nesses. The decision of a commission shall be subject to
18 review on any question of law or fact upon appeal to the
19 court of appeal wherein such commission is located, upon
20 application filed with such commission within thirty calendar
21 days after its decision becomes final.

22 (M) Appropriations. (1) State. The legislature
23 shall make adequate annual appropriations to the State
24 Civil Service Commission and to the Department of State
25 Civil Service to enable the commission and the department
26 to carry out efficiently and effectively the provisions of
27 this Section, and the amount so appropriated by the legis-
28 lature shall not be subject to veto by the governor.

29 (2) Cities. Each city subject to the provisions of
30 this Section shall make adequate annual appropriations to
31 enable its civil service commission and department to carry
32 out efficiently and effectively the provisions of this Section.

33 (N) Acceptance of Act; Other Cities, Parishes, City and
34 Parish Governed Jointly. Any city having a population ex-
35 ceeding ten thousand but not exceeding four hundred thousand,

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1 and any parish, or any parish governed jointly with one
2 or more cities under a plan of government, having a
3 population exceeding ten thousand, according to the last
4 preceding decennial federal census for which the final re-
5 port of population returns have been reported to the presi-
6 dent of the United States, may elect to accept the provisions
7 of this Section by a majority vote of its qualified electors
8 voting at a general or special election for this purpose. The
9 election shall be ordered and held by the city, the parish, or
10 the city-parish, as the case may be upon (1) the adoption
11 of an ordinance by the governing body thereof calling for
12 such elections; or (2) the presentation to such governing
13 body of a petition signed by qualified electors equal in
14 number to five percent of the qualified registered voters of
15 the city, the parish, or the city-parish, as the case may be,
16 calling for such election.

17 If a majority of the votes cast in such election are in
18 favor of the adoption of the provisions of this Section, all
19 the provisions thereof shall thereafter permanently apply to
20 and govern the city or city-parish, as the case may be, in
21 the same manner and to the same extent as if said Section
22 and all its provisions had originally applied to such city,
23 parish, or city-parish. In such instance, all officers and
24 employees of the city, the parish, or the city-parish, or any
25 other subdivision of the state, as the case may be, who have
26 acquired civil service status under a civil service system
27 established by legislative act, city charter, or otherwise,
28 shall retain such status and shall thereafter be subject to
29 and governed by the provisions of this Section and the rules
30 and regulations adopted under the authority of this Section.
31 If a majority of the votes cast in such election are against
32 the adoption of the provisions of this Section, the question
33 of adopting the provisions of this Section shall not be re-
34 submitted to the voters of the city, the parish, or the city-
35 parish, as the case may be, within one year thereafter.

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1 (0) City, Parish Civil Service System; Creation;
2 Prohibition. Nothing in this Section shall prevent the
3 establishment by the legislature, or by the respective
4 parish governing authority, in one or more parishes, of
5 a civil service system applicable to any or all parish
6 employees, except teaching and professional staffs, and
7 administrative officers of schools, or the establishment by
8 the legislature, or by the respective city governing body,
9 of a civil service system in one or more cities having
10 a population of less than four hundred thousand, in any
11 manner now or hereafter provided by law, except that paid
12 firemen and paid municipal policemen, in a municipality
13 which operates a regularly paid fire and police department
14 and which has a population in excess of thirteen thousand,
15 in all parishes, and in all fire protection districts with
16 paid firemen, are hereby expressly excluded from such civil
17 service system. However, nothing in this Paragraph shall
18 permit inclusion in the local civil service of officials
19 and employees listed in Paragraph (B) of this Section.
20 No law enacted by the legislature after the effective date
21 of this constitution establishing a civil service system
22 applicable to one or more parishes or to one or more
23 municipalities having a population of less than four
24 hundred thousand shall be effective in any parish or in
25 any such municipality until approved by ordinance adopted
26 by the governing authority of the affected parish or
27 municipality.

Constitutional Convention of Louisiana of 1973

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1 COMMITTEE PROPOSAL No. 10—

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare, and Delegates
4 Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
5 Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
6 inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
7 and Wisham:

8 A PROPOSAL

9 Making provisions for human resources by providing for
10 municipal fire and police civil service.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 ARTICLE VII. HUMAN RESOURCES

14 Section 1. Municipal Fire and Police Civil Service

15 Section 1. (A) Municipal Fire and Police Civil Service.

16 There shall be a classified civil service for fire and police
17 in municipalities which operate a regularly paid fire and
18 police department and which have a population of not less
19 than thirteen thousand according to the latest regular fed-
20 eral census for which the official figures have been made
21 public.

22 The service shall embrace the positions of employment,
23 the officers, and employees of the municipal fire and police
24 services.

25 (B) Definitions. The following words and phrases when
26 used in this Section shall have the following meaning un-
27 less the context clearly requires otherwise:

28 (1) "Allocation" means the official determination of the
29 class to which a position in the classified service belongs.

30 (2) "Appointing authority" means any official, officer,
31 board, commission, council, or person having the power to
32 make appointments to positions in the municipal fire and

1 police service.

2 (3) "Appointment" means the designation of a person, by
3 due authority, to become an employee in a position, and his
4 induction into employment in the position.

5 (4) "Board" means the municipal fire and police civil ser-
6 vice board.

7 (5) "Class" or "class of position" means a definitely recog-
8 nized kind of employment in the classified service, desig-
9 nated to embrace positions that are so nearly alike in the
10 essential character of their duties, responsibilities, and con-
11 sequent qualification requirements, that they can fairly and
12 equitably be treated alike under like conditions for all per-
13 sonnel purposes.

14 (6) "Classification plan" means all the classes of posi-
15 tions established for the classified service.

16 (7) "Classified service" means every appointive office and
17 position of trust or employment in the municipal govern-
18 ment which has as its primary duty one of the functions
19 specifically set forth to be included in the classified service
20 by the provisions of this Section, and excludes all elective
21 and appointive offices and positions of trust or employment
22 which have a primary duty specifically set forth to be in-
23 cluded in the unclassified service by the provisions of this
24 Section.

25 (8) "Demotion" means a change of an employee in the
26 classified service from a position of one class to a position
27 of a lower class which generally affords less responsibility
28 and pay.

29 (9) "Department service" means employment in the public
30 service offered and performed separately by the fire and
31 by the police departments of the municipality.

32 (10) "Eligible" means a person whose name is on a list.

1 (11) "Employee" means a person legally occupying a
2 position.

3 (12) "Employment list" or "lists" means a reinstatement
4 employment list, a promotional employment list, a competi-
5 tive employment list, and a reemployment list.

6 (13) "Position" means any office and employment in the
7 municipal fire and police services, the duties of which call
8 for services to be rendered by one person.

9 (14) "Promotion" means a change of an employee in the
10 classified service from a position of one class to a position
11 of a higher class which generally affords increased responsi-
12 bilities and pay.

13 (15) "Promotion employment list" or "promotion list"
14 means an employment list containing the names of eligible
15 persons established from the results of promotion tests
16 given for a particular class of positions which is not specifi-
17 cally required by this Section to be established from the re-
18 sults of a competitive test.

19 (16) "Promotion test" means a test for positions in a
20 particular class which is not specifically required by this
21 Section to be filled by competitive tests, admission to which
22 is limited to regular employees of the next lower class, or
23 the next lower classes when authorized by the rules, in the
24 classified service.

25 (17) "Reemployment list" means an employment list for
26 the entrance or lowest-ranking class in the classified ser-
27 vice, or in any group of classes as may have been grouped
28 in the classification plan, containing names of regular em-
29 ployees who have been laid off under the "layoff" provisions
30 of this Section. This list shall not be applicable to persons
31 who have resigned or have been discharged.

32 (18) "Regular employee" or "permanent employee" means

1 an employee who has been appointed to a position in the
2 classified service in accordance with this Section after com-
3 pleting his working test period.

4 (19) "Reinstatement employment list" or "reinstatement
5 list" means an employment list containing names of persons
6 eligible for reinstatement in positions of a class from which
7 they have been demoted for reasons other than disciplinary
8 action.

9 (20) "Seniority" means the total employment computed
10 for an employee beginning with the last date on which he
11 was regularly and permanently appointed and has worked
12 continuously to and including the date of computation. Time
13 during which an employee has served in the armed forces
14 of the United States subsequent to May 1, 1940, shall be
15 construed to mean continuous service and shall be included
16 in the computation of his seniority. Total seniority in the
17 departmental service, including positions of any and all
18 classes, or seniority in any one or more given classes, may
19 be computed for an employee; but in either case employ-
20 ment shall be continuous and unbroken by a resignation or
21 discharge of the respective employee. An employee who is
22 finally discharged or resigns from his position shall for-
23 feit all accumulated seniority. An employee who is sus-
24 pended and returns to his position immediately following
25 the expiration of his suspension shall not forfeit his seniority
26 accumulated to the date of his suspension, but he shall not
27 be given credit for the lost time at any future compensa-
28 tion.

29 (21) "Temporary appointment" means the appointment of
30 an employee for limited period of service without acquisi-
31 tion by the appointee of any continuing right to be re-
32 tained beyond the period.

1 (C) Municipal Fire and Police Civil Service Boards

2 (C) (1) Composition. A municipal fire and police civil
3 service board is created in the municipal government. The
4 board shall be composed of five members who shall serve
5 without compensation. The board shall have a chairman,
6 vice chairman, and a secretary. The domicile of the board
7 shall be in the municipality it serves.

8 (2) Eligibility. To be eligible for appointment or to serve
9 as a member of a board a person shall be a citizen of
10 the United States of America, a resident of the municipality
11 in which he is to serve for at least five years next preced-
12 ing his appointment, and shall, at the time of his appoint-
13 ment, be a qualified voter of the municipality. Any employ-
14 ee while serving as a member of a board shall occupy
15 as a regular employee a position or office lower than that of
16 chief, assistant chief, district chief, or battalion chief of his
17 department. No member of a board shall have been, dur-
18 ing a period of six months immediately preceding his ap-
19 pointment, a member of any local, state, or national com-
20 mittee of a political party, or an officer or member of a
21 committee in any factional political club or organization. No
22 member of a board shall be a candidate for nomination or
23 election to any public office or hold any other public office
24 or position or public employment, except that of notary
25 public, a military or naval official office, or that of a mu-
26 nicipal fire or police department which is expressly re-
27 quired by the provisions of this Section.

28 (3) Membership. The members of the board shall be ap-
29 pointed by the governing body as follows:

30 (a) One shall be appointed by the governing body upon
31 its own nomination.

32 (b) Two members shall be appointed from a list of four

1 nominees, which shall be furnished within thirty days after
 2 receiving such request by the executive head or a legally
 3 chartered and established institution of higher education lo-
 4 cated within the municipality; or, if there is no such insti-
 5 tution in the municipality, by the executive head of any
 6 such institution of the governing body's choice within the
 7 state.

8 (c) Two members shall be appointed who shall be first
 9 nominated and elected by and from the regular employees of
 10 the fire and police departments as follows:

11 One member shall be elected and appointed from the fire
 12 department, and one member shall be elected and appointed
 13 from the police department. The employee-nominee from
 14 each department shall be elected by secret ballot of the
 15 regular employees of his respective department at an elec-
 16 tion to be called and held for that purpose by the chief of
 17 the department. The chief of each department shall call
 18 such an election within forty-five days after this Section
 19 takes effect in the municipality by posting, for a fifteen-
 20 day continuous period immediately preceding the election,
 21 a notice thereof on the bulletin board of each station house
 22 of his department; and shall officially notify the governing
 23 body of the municipality within the ten-day period imme-
 24 diately following the election, the name of the employee-
 25 nominee so elected by the regular employees of his depart-
 26 ment. The chief of the department shall vote in the election
 27 only in the case of a tie vote.

28 (4) Term. The term of office for all members of the board
 29 shall be for a period of three years when a municipality
 30 adheres to the provisions of this Section. The first member
 31 appointed by the governing body of the municipality upon
 32 its own nomination shall serve for a period of two years;

1 the first employee members nominated and appointed as
 2 provided above shall serve a term of one year. Each mem-
 3 ber shall serve until his successor has been appointed and
 4 qualified.

5 (5) Vacancies. Upon the term of office expiring for a
 6 member of a board, or because of a vacancy in the office
 7 of any member thereof, the governing body of a municipal-
 8 ity shall appoint a successor in the same manner as the
 9 outgoing member was appointed; and such successive ap-
 10 pointment shall be made within ninety days immediately
 11 following the expiration or vacancy.

12 (6) Oath. Each member shall take the oath of office be-
 13 fore entering upon the duties of his office. His oath shall
 14 include a statement to uphold the constitution and laws of
 15 Louisiana and of the United States; to administer faithfully
 16 and impartially the provisions of this Section and the rules
 17 adopted under the authority of this Section.

18 (7) Removal. Any member of a board shall be liable to
 19 removal from office by judgment of the district court of
 20 his domicile for high crimes and misdemeanors in office,
 21 incompetency, corruption, favoritism, extortion, oppression in
 22 office, gross misconduct, or habitual drunkenness. The dis-
 23 trict attorney of the district wherein the board member re-
 24 sides may institute such suit, and shall do so upon the
 25 written request, specifying the charges, of twenty-five
 26 citizens and taxpayers of the municipality of which the
 27 board member is a resident. The district attorney shall asso-
 28 ciate in the diligent prosecution of such suit any attorney
 29 selected and employed by the citizens and taxpayers.

30 (8) Organization. The governing body of the municipality
 31 shall advise, within and not later than the expiration of
 32 the ninety-day period provided for the appointment of the

1 board members, each appointee of his appointment and
2 term of office as a member of the municipal fire and
3 police civil service board; and, an official record thereof
4 shall be placed in the official minutes of the governing
5 body.

6 New members of the board shall meet within thirty days
7 after their appointment in their first official meeting; take
8 the oath of office; elect a chairman and vice chairman;
9 and transact any other business pertinent at that time.

10 The oath of office shall be administered by the city clerk
11 or by any other person having the legal authority to ad-
12 minister it.

13 A chairman and vice chairman shall be elected by the
14 members of the board. The term for which either the chair-
15 man or vice chairman shall serve as such, shall run con-
16 currently with that for which he was appointed a member
17 of the board; except the term of either office shall termi-
18 nate upon death of the incumbent, or his resignation from
19 the office or from the board or his removal from the
20 board.

21 At the discretion of the board, the office of secretary
22 shall be filled:

- 23 (a) By electing one of its members thereto;
- 24 (b) By appointing the city clerk or secretary-treasurer
25 of the municipality to fill such office ex officio;
- 26 (c) By employing and paying on a part-time basis any
27 other person a salary not to exceed twenty dollars per
28 month; or
- 29 (d) By requiring the state examiner to act in such capac-
30 ity. The board may terminate the term of office of any
31 person serving as its secretary at any time. No person
32 serving as secretary of a board, except a member thereof,

1 shall have the right to vote in its proceedings. The secre-
2 tary shall attend the meetings of the board; keep a record
3 of its proceedings; attend to correspondence directed to
4 him, and other correspondence ordered by the chairman;
5 perform other functions assigned to him by the board; and
6 cooperate with the state examiner in a manner that will
7 assist the examiner to carry out effectively the duties im-
8 posed upon him by this Section or those functions which
9 may be requested of him by the board.

10 The board shall meet at any time after its original meet-
11 ing upon the call of the chairman, who shall give all mem-
12 bers of the board due notice thereof. The chairman of the
13 board shall call, and the members of the board shall attend,
14 one regular meeting of the board within each quarterly
15 period of each calendar year. If a chairman fails or re-
16 fuses to call such quarterly meeting of his board, the mem-
17 bers of the board shall meet upon the written call of any
18 two members mailed ten days in advance of the meeting.
19 Four members of the board shall constitute a quorum, and
20 the concurring votes of any three members comprising the
21 quorum of the board shall be sufficient for the decision
22 of all matters to be decided or transacted by it. Meetings
23 of the boards shall be open to the public.

24 (D) Board; Duties

25 (D) (1) Represent the public interest in matters of per-
26 sonnel administration in the fire and police services of the
27 said municipal government.

28 (2) Advise and assist the governing body, mayor, com-
29 missioner of public safety, and the chiefs of the fire and
30 police departments of the municipality, with reference to
31 the maintenance and improvement of personnel standards
32 and administration in the fire and police services, and the

1 classified system.

2 (3) Advise and assist the employees in the classified
3 service with reference to the maintenance, improvement,
4 and administration of personnel matters related to any in-
5 dividual or group of employees.

6 (4) Make, at the direction of the mayor, commissioner
7 of public safety, chief of either the fire or police depart-
8 ment, or upon the written petition of any citizen for just
9 cause, or upon its own motion, any investigation concern-
10 ing the administration of personnel or the compliance with
11 the provisions of this Section in the said municipal fire
12 and police services; review, and modify or set aside upon
13 its own motion, any of its actions, take any other action
14 which it determines to be desirable or necessary in the
15 public interest, or to carry out effectively the provisions
16 and purposes of this Section.

17 (5) Conduct investigations and pass upon complaints by
18 or against any officer or employee in the classified service
19 for the purpose of demotion, reduction in position or abo-
20 lition thereof, suspension or dismissal of the officer or em-
21 ployee, in accordance with the provisions of this Section.

22 (6) Hear and pass upon matters which the mayor, com-
23 missioner of public safety, the chiefs of the departments
24 affected by this Section, and the state examiner of munici-
25 pal fire and police civil service bring before it.

26 (7) Make, alter, amend, and promulgate rules necessary
27 to carry out effectively the provisions of this Section.

28 (8) Adopt and maintain a classification plan. The clas-
29 sification plan shall be adopted and maintained by rules
30 of the board.

31 (9) Make reports to the governing body, either upon its
32 own motion or upon the official request of the governing

1 body, regarding general or special matters of personnel ad-
2 ministration in and for the municipal fire and police services
3 of the municipality, or with reference to any appropria-
4 tion made by the governing body for the expenses incidental
5 to the operation of the board.

6 (E) Rules. Each board may adopt and execute rules, regu-
7 lations, and orders necessary or desirable effectively to carry
8 out the provisions of this Section and shall do so when
9 expressly required by this Section. No rule, regulation, or
10 order shall be contrary to, or in violation of, any provisions,
11 purpose, or intent of this Section or contrary to any other
12 provisions of law. The board may amend or repeal any
13 rule or part thereof in the same manner provided herein
14 for the adoption of the rule. All rules shall be applicable
15 to both the fire and police classified services, unless by
16 express provisions therein, it is made applicable to only
17 one of the services.

18 A board may adopt any rule, either in its proposed or
19 revised form, after holding a public hearing at which any
20 municipal officer, employee, private citizen, and the state
21 examiner shall be given an opportunity to show cause why
22 the proposed rule, amendment, or any part thereof should
23 not be adopted. Before the board holds this public hearing,
24 it shall furnish at least thirty days notice in advance of
25 the date, time, and place therefor to the mayor, commis-
26 sioner of public safety, and other municipal commissioner
27 whom the rule may in any way effect, the chief and each
28 station of the departmental service to be affected by the
29 adoption of any such rule, and to the state examiner. A
30 copy of all proposed rules to be discussed at any hearing
31 shall be furnished with all notices. Each notice and copy
32 of a proposed rule furnished the various stations of a re-

1 spective department shall be posted upon the bulletin board
2 of each station for a period of at least thirty days in
3 advance of the hearing.

4 Within thirty days after the board has adopted any rule,
5 whether it is a new rule or amendment of an existing rule,
6 or an abolition in whole or part thereof, it shall furnish
7 an official copy thereof to all persons and places set forth
8 above.

9 Rules adopted under the authority of this Section shall
10 have the force and effect of law.

11 (F) Personnel

12 (F) (1) State Examiner. The office of state examiner
13 is created. He shall be a resident and qualified voter of
14 the state. He shall be a person who has had experience
15 in the field of personnel administration. He and the deputy
16 state examiner of the municipal fire and police civil service
17 shall come within and be bound under and amenable to
18 the classified service of the state as established and exist-
19 ing, except no pay plan thereunder shall be applicable to
20 the said state examiner or deputy state examiner. The state
21 examiner and deputy state examiner shall be subject to
22 removal and other disciplinary action by the State Civil
23 Service Commission only for a good and sufficient cause
24 set forth in written charges filed with the commission by
25 any one of the municipal fire and police civil service boards
26 created by this Section or by any qualified elector of the
27 state, and only after a public hearing by the state com-
28 mission to be in accordance with rules to be adopted by
29 the said commission.

30 (2) Deputy State Examiner. The office of deputy state
31 examiner of Municipal Fire and Police Civil Service is
32 created, subject to the supervision and orders of the state

1 examiner; he is authorized and empowered to exercise the
2 authority and perform the duties of the state examiner
3 as herein provided. He shall receive and be paid a salary
4 in the amount fixed by the governor and shall be paid
5 traveling time and living expenses while away from the
6 place of his residence.

7 (3) The State Civil Service Commission shall exercise
8 no administrative control over the state examiner or deputy
9 state examiner. Its functions and powers relating to this
10 office shall consist solely of the right of appointment, hear-
11 ing of charges for removal or other disciplinary action
12 legally brought against the incumbents of these offices, and
13 the ordering of their removal or the rendering of such other
14 judgment of a disciplinary nature as it may deem proper
15 after a hearing.

16 (4) Vacancy. When a vacancy occurs in the office of
17 the said state examiner or deputy state examiner, the State
18 Civil Service Commission shall make a provisional appoint-
19 ment of any person it deems qualified to fill the vacancy
20 until a competitive examination can be given by and under
21 the directions of the State Civil Service Commission; and
22 until a list of persons eligible for appointment to the office
23 can be established. As soon as such list can be and is
24 established, the State Civil Service Commission shall ap-
25 point one of the three persons ranking highest upon said
26 eligible list to fill the office; and the person thus appointed
27 shall serve a working test period of six months which
28 shall be considered a portion of the examination. At the
29 termination of such working test period, if successfully com-
30 pleted, the appointee shall become a regular employee as
31 defined in the State Civil Service Law and subject and
32 amenable thereto to the same extent as the original state

1 examiner as hereinbefore set forth and may be subjected .
 2 to removal or other disciplinary action by the State
 3 Civil Service Commission only for a good and sufficient
 4 cause set forth in written charges filed with the commission
 5 by any one of the municipal fire and police civil service
 6 boards created by this act, or by any qualified elector
 7 of the state, and only after a public hearing by the state
 8 commission to be held in accordance with rules to be adopted
 9 by the State Civil Service Commission.

10 (G) State Examiner; Location; Salary; Duties

11 (G) (1) Location. The state examiner shall maintain a
 12 suitable office in the city of Baton Rouge. The officer
 13 charged by law with the custody of state buildings shall
 14 assign suitable office space to the examiner. The examiner
 15 shall appoint employees necessary for him to carry out his
 16 duties effectively. All of the employees appointed by the
 17 state examiner, except persons employed on a temporary
 18 basis to conduct or assist in giving examinations, shall be
 19 selected by him after certification to him by the State
 20 Department of Civil Service of names from eligible lists es-
 21 tablished by the State Department of Civil Service; and
 22 they shall, in all other respects, be covered by the provi-
 23 sions of existing civil service laws and rules and regulations
 24 legally adopted by the Department of State Civil Service.

25 (2) Salary. The state examiner shall serve on a full-time
 26 basis. He shall be paid a salary of not less than forty-two
 27 hundred dollars per year. He shall be paid for his traveling
 28 and living expenses while away from the city of Baton Rouge.

29 The state examiner shall take the oath of office and fur-
 30 nish bond for the faithful performance of his duties accord-
 31 ing to law in the sum of five thousand dollars. The pre-
 32 mium of the bond shall be paid from the funds appropriated

1 to the state examiner. The state examiner shall be ex officio
 2 a notary public for the state at large.

3 The state examiner may obtain on a contractual or fee
 4 basis the services which his office is unable to supply and
 5 which are necessary for his compliance with the provisions
 6 of this Section.

7 (3) Duties. The state examiner shall:

8 (a) Assist the various boards in an advisory capacity in
 9 the discharge of their duties.

10 (b) Prepare and submit a classification plan to each
 11 board for its approval, after consultation with the appoint-
 12 ing and departmental authorities of the departmental ser-
 13 vice for which a plan is prepared and submitted, as pro-
 14 vided in paragraph (K).

15 (c) Prepare and administer tests of fitness for original
 16 entrance and promotion to applicants for positions in the re-
 17 spective classified service of the municipalities; score the
 18 tests and furnish the results to the board for which the
 19 tests are given.

20 (d) Cooperate with the secretary of each board in main-
 21 taining a roster of all fire and police civil service employ-
 22 ees in which shall be set forth the name of each employee,
 23 the class title of position held, the salary or other compen-
 24 sation, any change in class title, and any other necessary
 25 data.

26 (e) Act as secretary of any said board requesting such
 27 service.

28 (f) Assist and cooperate in an advisory manner with the
 29 various appointing authorities, department officers, and the
 30 the classified employees, of the municipalities regarding the
 31 duties and obligations imposed upon them by the provisions
 32 of this Section.

1 (g) Encourage employee training in the classified service
 2 and, when possible, attend the training courses or parts
 3 thereof.

4 (h) Make annual or biennial reports regarding the work
 5 of his office to the governor.

6 (i) The state examiner may delegate to the deputy state
 7 examiner such of the above duties as he may deem ex-
 8 pedient.

9 (H) Appropriations; Facilities for Board. The legislature
 10 shall make adequate annual appropriations to enable the
 11 state examiner and deputy state examiner to carry out ef-
 12 fectively the duties imposed upon them by this Section. The
 13 governing body of the municipality shall make adequate
 14 annual appropriations to enable the board of the municipal-
 15 ity to carry out effectively the duties imposed upon the
 16 board and shall furnish the board with office space, fur-
 17 nishings, equipment, and supplies and materials necessary
 18 for its operation.

19 (I) Classified and Unclassified Service

20 (I) (1) Classified Service. The classified service shall
 21 comprise every position, except those included in the un-
 22 classified service, to which the right of employee selection,
 23 appointment, supervision, and discharge is vested in the
 24 municipal government or with an officer or employee there-
 25 of, and which has as its primary duty and responsibility
 26 one of the following:

27 Fire

28 (a) The chief and assistant chief; the intradepartmental
 29 division, bureau, squad, platoon, and company officers of
 30 the fire department.

31 (b) Fire fighting.

32 (c) Fire preventions; inspection.

1 (d) Driving, tillering, and operation of fire apparatus.

2 (e) Operation and maintenance of radio, fire alarm, or
 3 signal system.

4 (f) Fire department instructors in employee training.

5 (g) Fire salvage and overhauling services; and first aid.

6 (h) Automotive or fire apparatus repairs, if such service
 7 is operated exclusively by and for either or both the fire
 8 or police department.

9 (i) Secretary to the chief. Departmental records clerk.

10 (2) Unclassified Service.

11 (a) All officers, employees, and positions of employment
 12 in the municipal government, not having as a principal
 13 duty one of the duties hereinabove provided in the classi-
 14 fied service.

15 (b) Officers elected by popular vote and persons appoint-
 16 ed to fill vacancies in elective offices.

17 (c) Secretaries, stenographers, and all clerical positions not
 18 specifically included in the classified service.

19 (d) Pound keepers, dogcatchers, janitors, porters, elevator
 20 operators, chefs, kitchen helpers and workers, mechanics'
 21 helpers, car washers, unskilled labor, special guards at
 22 schools, or any part-time, or temporary employee.

23 (e) Any position of employment, the duties of which are
 24 included in the classified service, to which the right of em-
 25 ployee selection, appointment, supervision, and discharge
 26 vested in and with those other than the municipal govern-
 27 ment or an officer or employee thereof.

28 (J) Veterans; Reinstatement. Any regular and permanent
 29 employee who left a position of the departmental service,
 30 which now comes within the classified service, subsequent
 31 to May 1, 1940, and entered the armed forces of the United
 32 States shall be restored to his position and, thereafter, be

1 subject to the rights and jurisdiction of the classified ser-
2 vice created by this Section if he makes application there-
3 for to the appointing authority within sixty days from the
4 date of his honorable discharge or discharge under honor-
5 able conditions, and is physically and mentally capable of
6 performing the work of his position to the satisfaction of
7 the appointing authority.

8 (K) Classification Plan; Allocation; Use

9 (K) (1) Classification Plan. Each board, as soon as prac-
10 ticable (not to exceed a period of eighteen months) after
11 this Section takes effect in the municipality, shall adopt a
12 classification plan for the fire and police services of the
13 municipality. Each classification plan shall consist of clas-
14 ses to be designated either by standard titles, ranks, or
15 a combination thereof, for all positions included in the
16 classified service for each of the fire and police services.
17 The classification plan may be divided into groups of classes.
18 The various classes of positions shall be arranged in each
19 classification plan so as to show the principal and natural
20 lines of promotion and demotion. The classification plan
21 shall be adopted as rules of the board, in the manner pro-
22 vided by this Section for the adoption of rules. Rules creat-
23 ing the classification plan, future classifications, abolition
24 of any classification, any amendment thereto, or revision
25 thereof shall be adopted by a board only after consultation
26 with the appointing authority, and the state examiner.
27 The original classification plan to be established when this
28 Section takes effect in a municipality shall be prepared, after
29 consultation with the appointing authority, and submitted
30 to the board for its approval and adoption, by the state
31 examiner. The board may amend or revise the classification
32 plans before adopting them. The state examiner shall ad-

1 vise and assist the board in all future classifications when
2 requested to do so.

3 (2) Allocation of Positions. The board, or chairman there-
4 of subject to the subsequent approval of the board, as soon
5 as practicable (not exceeding forty-five days) after the
6 adoption of a classification plan, after consultation with the
7 appointing authorities concerned, shall allocate each posi-
8 tion in the classified service to its appropriate class; and
9 thereafter shall likewise allocate each new position created
10 in the service, and, when for the benefit of the service, re-
11 allocate positions from class to class.

12 Whenever the duties of a position are so changed by the
13 appointing authority that the position in effect becomes one
14 of a different class from that to which it is allocated, the
15 change shall operate to abolish the position and to create
16 a new position of the different class.

17 Whenever the board finds any change in the duties of any
18 position in the classified service was brought about by the
19 appointing authority to effect a reduction in the classifica-
20 tion of any employee because of political, religious, or dis-
21 criminatory reasons, or without just cause, it shall refuse
22 to recognize any such action, and shall order the appointing
23 authority to continue the employee in the position and class
24 with all rights and privileges.

25 (3) Use of Class Titles. The title of each class shall be
26 the official title of every position allocated to the class, for
27 all purposes having to do with the position as such, and
28 shall be used to the exclusion of all other titles on all pay-
29 rolls, budget estimates, and official records and reports
30 pertaining to the position, except that any abbreviation or
31 code symbol by the board may be used to designate a posi-
32 tion of a class. Any other title satisfactory to the appoint-

1 ing authority may be used in official correspondence and in
2 any other connection not having to do with the personnel
3 processes covered by this Section. No employee shall be ap-
4 pointed, employed, or paid under any title other than that
5 of the class to which the position occupied by him is allo-
6 cated.

7 (4) Status of Incumbent. Every person employed in the
8 municipal fire and police services for a continuous period
9 of at least six calendar months immediately preceding the
10 date that this Section takes effect in the municipality, who
11 was regularly and permanently appointed to a position com-
12 ing under the classified service, shall be inducted into and
13 bound under the classified service, the provisions of this
14 Section, and the rules adopted hereunder.

15 When any position is first allocated hereunder, or is re-
16 allocated to a different class to correct an error in its pre-
17 vious allocation, or because of a change in the duties of
18 a position which has the effect of abolishing the position
19 and creating a new position of another class, the employee
20 and the position may continue to serve therein, with the
21 status and all the rights and privileges he would have had
22 under this Section if he had been originally appointed by
23 examination and certification hereunder to a position of
24 the class to which the position has been allocated or re-
25 allocated. Such employee, however, may be transferred
26 without further tests of fitness or certification to any posi-
27 tion of the class to which the position was previously allo-
28 cated while held by the employee.

29 Any employee who feels himself aggrieved because of
30 any allocation or change in classification affecting his posi-
31 tion shall, upon his request, be heard by the board; and
32 the board shall hear and decide the complaint in any manner

1 deemed proper.

2 (L) Vacancies; Methods of Filling. Vacancies in positions
3 in the classified service shall be filled by one of the follow-
4 ing methods:

- 5 (1) Demotion
- 6 (2) Transfer
- 7 (3) Reinstatement
- 8 (4) Promotional appointment
- 9 (5) Competitive appointment
- 10 (6) Reemployment
- 11 (7) Temporary appointment.

12 A vacancy shall be considered filled under any of the
13 methods specified above, and employment thereunder effec-
14 tive, as of the date on which the employee enters upon the
15 duties thereof.

16 (M) Demotion. Demotions of regular employees shall be
17 made by the appointing authority when it becomes neces-
18 sary to reduce the number of employees in the classified
19 service or in any class therein. Demotions from any class,
20 except for disciplinary action or because of the abolition
21 of an entire class in the classified service, shall be made
22 by demoting employees from lowest to highest in point
23 of total seniority earned in positions of the class plus
24 that earned in any higher classes in the classified ser-
25 vice. The names of regular employees demoted for any
26 reason, except for disciplinary action, shall be recorded upon
27 the reinstatement list for the class from which they are
28 demoted in the order in which the demotions are made.

29 (N) Transfer. Any employee may be transferred from
30 any position in the classified service to any other posi-
31 tion of the same class within the classified service, at
32 the pleasure of the appointing authority without notice to

1 and confirmation by the board.

2 Any regular employee so transferred shall have the right
3 of appeal to his board upon the grounds (1) that his trans-
4 fer was made to a position not included within the class
5 to which his position was previously allocated, or (2) that
6 the position to which he has been transferred is not in-
7 cluded within the classified service, or (3) the transfer was
8 made deliberately to discriminate against him.

9 (O) Reinstatement; Reemployment

10 (O) (1) Each employee who, during or at the expiration
11 of his working test period of probation following his pro-
12 motion after being certified from an appropriate employ-
13 ment list, is rejected and refused permanent status in the
14 position and class to which he was promoted, shall be
15 automatically reinstated to the position from which he was
16 promoted without his name being placed upon any list.

17 (2) All employees whose names appear upon the rein-
18 statement list for a prospective class shall be reinstated
19 in a position thereof, in the reverse order from which
20 their names were placed upon the list, before any other
21 appointment is made therein.

22 (3) All employees whose names appear upon the reem-
23 ployment list for a class from which they laid off accord-
24 ing to the provisions of paragraph (U) shall be reemployed
25 in a position thereof, or offered such appointment, in the
26 reverse order from which their names were placed upon
27 the list for the class, before any other employment or ap-
28 pointment is made in it.

29 (4) Any regular employee who resigns from a position
30 in the classified service may, with the prior approval of
31 the board, be reemployed in a position of the class or in
32 a position of any lower class for which he is qualified,

1 provided, that the reemployment is made within four years
2 of the date of resignation, and that no person whose name
3 appears upon either the reinstatement, employment, or re-
4 employment list for a class to which any such person is
5 reemployed is willing to accept an appointment therein.
6 Any person who is reemployed shall be physically fit to
7 perform the duties of the position to which he is appointed.
8 He shall furnish a favorable medical certificate to the ap-
9 pointing authority and the board after a recent exam-
10 ination by a practicing physician.

11 (P) Employment Lists; Establishment and Maintenance.

12 The board shall establish and maintain employment lists
13 containing names of persons eligible for appointment to
14 the various classes of positions in the classified service,
15 as follows:

16 (1) Names of regular employees who are demoted from
17 any class for a reason other than disciplinary action shall
18 be placed upon the reinstatement list for the class from
19 which they were demoted in the order in which the demo-
20 tions were made.

21 (2) Only the names of regular employees who have
22 been laid off in accordance with provision of paragraph
23 (U) shall be eligible for entry upon the reemployment
24 list. The names of such persons shall be entered upon
25 the reemployment list for the class from which they were
26 laid off in the order in which the layoffs were made.

27 (3) A name placed upon either the reinstatement or the
28 reemployment list shall remain thereon for a period of
29 four years. The board, however, may remove the name
30 of any person who refuses an offer of employment fol-
31 lowing a certification from either list.

32 (4) Names of persons attaining a passing score on a

1 promotion test shall be placed upon the promotion employ-
 2 ment list for the class for which they were tested, from
 3 highest to lowest, according to their total seniority in the
 4 departmental service. The names of persons attaining a
 5 passing score on a competitive test shall be placed upon
 6 the competitive employment list for the class for which
 7 they were tested, from highest to lowest, according to
 8 their final test scores.

9 (5) Any person whose name is placed upon the com-
 10 petitive employment list for the entrance or lowest-ranking
 11 class in the classified service who has served in the armed
 12 forces of the United States of America during the times
 13 of war, and has been honorably discharged or discharged
 14 under honorable conditions, shall have added to his final
 15 test score a total of five points at the time of placing
 16 his name upon the list. Proof of such service and dis-
 17 charge shall be required by the board in any manner it
 18 deems advisable.

19 (6) The minimum and maximum period for which a
 20 name may remain upon a promotional and competitive em-
 21 ployment list shall be twelve and eighteen months, respec-
 22 tively, for each list.

23 (7) The employment list for which eligibles are obtained
 24 from the results of tests given for that purpose shall be
 25 reestablished in the manner further provided in this Section.

26 (8) When new names are to be placed upon a promo-
 27 tion list for a given class, the remaining names thereon
 28 shall be rearranged with the new names so that all names
 29 appearing upon the list for the class shall rank, from
 30 highest to lowest, according to total seniority in the de-
 31 partmental service. When new names are to be placed
 32 upon a competitive list for a given class, the remaining

1 names thereon shall be rearranged with the new names
 2 so that all names appearing upon the list for the class
 3 shall rank, from highest to lowest, according to their final
 4 test scores.

5 (Q) Testing Procedure

6 (Q) (1) Tests; Eligibility Determination. The board shall
 7 provide through the state examiner for tests to determine
 8 the eligibility of applicants for entry upon the promotional
 9 and competitive employment lists, as follows:

10 (a) Official notice of examination shall be posted on
 11 the bulletin board in each station of the respective depart-
 12 ment. The notice shall state (1) class of positions for
 13 which tests will be given, (2) whether the tests will be
 14 given on a promotional or competitive basis, and (3) the
 15 final date on which applications for admission to the tests
 16 will be received. The notice shall be posted for a con-
 17 tinuous period of thirty days preceding the date for ad-
 18 ministering the tests. In addition to the posted notice,
 19 public notice for all tests to be given on a competitive
 20 basis shall be published at least four times during the
 21 thirty-day period in the official journal of the municipality
 22 in which such tests are to be held. This notice of examina-
 23 tion need not reveal the exact date on which tests shall
 24 be administered, but all applicants shall be advised the
 25 date, place, and time to report for an announced test at
 26 least five days in advance thereof in any manner the
 27 board may prescribe. Each person comprising a group of
 28 candidates being tested at a given time for the same
 29 class of employment shall be given the same test, and it
 30 shall be administered in the same manner to each can-
 31 didate. No questions shall be framed so as to elicit in-
 32 formation concerning the political, factional, or religious

1 opinions or affiliations of any applicant.

2 (b) All tests shall be restricted to those matters which
3 will fairly test the relative capacity and fitness of the
4 candidates to discharge the duties characteristic of posi-
5 tions of the class to which they seek to be appointed.
6 Tests may include written or oral questions, trials on the
7 performance of work characteristic of the class, inquiries
8 into facts relating to education, experience, or accomplish-
9 ments in specialized lines of endeavor, or any combination
10 of these and other elements duly related to the purpose
11 of the tests.

12 (c) Seventy-five percent shall constitute a passing score
13 for all tests administered under the provision of this Section.

14 (d) Promotional tests for positions in the various classes
15 in the classified service, except those classes in which
16 positions shall be filled only from the competitive list,
17 may be held as the needs of the service require, but must
18 be given at least one time during each successive period
19 of eighteen months.

20 (e) Competitive tests shall be held only as the needs
21 of the service require and shall be given for classes com-
22 prising only the following duties or positions:

23 (i) Chief of the departmental service.

24 (ii) The entrance or lowest-ranking class in the classified
25 service.

26 (iii) The entrance or lowest-ranking class in any group
27 of classes where the various classes have been divided into
28 groups by the classification plan.

29 (iv) Operation, maintenance, and supervision of radio,
30 fire alarm, police alarm, and other signal systems.

31 (v) Automotive or fire apparatus mechanics and re-
32 pairmen.

1 (vi) Secretary to the chief.

2 (vii) Departmental records clerk.

3 (viii) For a position in any class in the classified ser-
4 vice after reasonable efforts by preceding methods provided
5 by this Section have failed to produce names of persons
6 eligible for regular appointment thereto.

7 (f) All tests required by this Section shall be prepared,
8 administered, and scored by the state examiner in accor-
9 dance with the provisions of this Section. The results of
10 the tests shall be furnished the board for which the tests
11 have been held as soon as practicable after the tests have
12 been administered. All test questions, answers, and papers
13 shall at all times be kept in the custody of the state
14 examiner, and shall be produced by him and exhibited
15 by him at the domicile of any board upon its written
16 request.

17 (g) The board for which any test is administered may,
18 at any time, up to six months after receiving the results
19 from the state examiner, receive and review any or all
20 parts of the test and the methods used in its grading,
21 in order to determine whether the test was a fair and
22 reasonable one and was fairly graded. If, after the board
23 reviews any test and consults with the state examiner,
24 it concludes that any item or parts of the test were un-
25 fair or unreasonable or finds errors in the grading, it may,
26 at its discretion, cause a regrading of the test, and, there-
27 upon, correct or establish the appropriate employment list
28 in accordance with the revised ratings. If the board finds
29 that a fair rating can be determined only from an entire
30 new test, it may cause a new test to be given to all persons
31 taking the previous test and, establish a new employment
32 list for the class from the results of such new test.

1 (h) Each applicant who makes a passing score on a
 2 test administered under the provisions of this Section shall
 3 be advised, in any manner the board prescribes, of his
 4 final grade and relative standing on the list appropriate
 5 for the class for which he was tested.

6 (2) Admission to Tests. Admission to tests shall be as
 7 follows:

8 (a) Admission to a promotional test shall be limited to
 9 regular employees of the class next lower from that for
 10 which they are to be examined. However, the rules may
 11 provide for admission to be extended to applicants from
 12 any one or more of the next lower classes.

13 (b) Admission to competitive tests shall be open to all
 14 persons who meet the requirements provided by this Section
 15 and the rules.

16 (c) Any applicant admitted to a test shall be a citizen
 17 of the United States of America and, if of legal age, shall
 18 be a qualified elector of the State of Louisiana.

19 (d) Special requirements or qualifications for admission
 20 to tests, or for eligibility for appointment, such as age,
 21 education, physical requirements, etc., may be established
 22 by the rules adopted by the board, after consultation with
 23 the appointing authority. Any applicant must be, at the
 24 time of his appointment to a position in the classified
 25 service, of good health, good moral character, and of tem-
 26 perate and industrious habits.

27 (e) The board may reject the application of any person
 28 for admission to tests of fitness, or refuse any applicant
 29 to be tested, or may cancel the eligibility of any eligible on
 30 any employment list, who

31 (i) Is found to lack any of the qualifications prescribed, or
 32 which may be legally prescribed, as requirements for ad-

1 mission to the tests for the class for which he has applied;

2 (ii) Is physically unfit to perform effectively the duties
 3 of a position of the class;

4 (iii) Is addicted to the habitual use of drugs or intoxicat-
 5 ing liquors to excess;

6 (iv) Has been adjudged guilty of a crime involving moral
 7 turpitude or infamous or notoriously disgraceful conduct;

8 (v) Has been dismissed from the respective service for
 9 delinquency or misconduct;

10 (vi) Has made a false statement of any material fact; or

11 (vii) Has practiced, or attempted to practice, deception
 12 or fraud in securing eligibility for appointment or attempt-
 13 ing to do so.

14 Any such facts shall also be considered cause for removal
 15 of any employee. The board shall reject any application filed
 16 after the time fixed for closing receipt of applications as
 17 announced in the public notice of the tests.

18 (3) Working Tests. Every person appointed to a position
 19 in the classified service following the certification of his
 20 name from a promotional or a competitive employment list,
 21 except those appointed on a temporary basis, shall be tested
 22 by a working test while occupying the position before he
 23 may be confirmed as a regular and permanent employee in
 24 the position.

25 The period of the working test shall commence imme-
 26 diately upon appointment and shall continue for a period
 27 of not less than six months nor more than one year. Any
 28 employee who has served at least three but less than six
 29 months of his working test for any given position may be
 30 removed therefrom only with the prior approval of the board,
 31 and only upon the grounds that (1) he is unable or un-
 32 willing to perform satisfactorily the duties of the position to

1 which he has been appointed or (2) his habits and depend-
2 ability do not merit his continuance therein. Any such em-
3 ployee may appear before the board and present his case
4 before he is removed.

5 Upon any employee completing his working test, the ap-
6 pointing authority shall so advise the board and furnish
7 a signed statement to the respective employee of its con-
8 firmation and acceptance of the employee as a regular and
9 permanent employee in the respective position, or of its re-
10 fusal to confirm the employee and the reasons therefor. If,
11 at the expiration of an employee's working test period, the
12 appointing authority fails to confirm or reject the employee,
13 such failure to act shall constitute a confirmation. Any em-
14 ployee who is rejected after serving a working test of six
15 months but not more than one year, may appeal to the board
16 only upon the grounds that he was not given a fair oppor-
17 tunity to prove his ability in the position.

18 The appointing authority may remove, and shall remove
19 upon the order of the board, any employee during his work-
20 ing test period who the board finds, after giving him notice
21 and an opportunity to be heard, was appointed as a result of
22 an error, misrepresentation, or fraud.

23 In any event where any employee is permitted under this
24 Section to appeal to the board, the decision of the board
25 shall be subject to the judicial review provided by this
26 Section and the appointing authority and employee shall
27 be governed accordingly.

28 (R) Certification; Appointment

29 (R) (1) Certification and Appointment. (a) Whenever the
30 appointing authority proposes to fill a vacancy in the
31 classified service, except by demotion, transfer, emergency
32 appointment, or by substitute employment not to exceed

1 thirty days, he shall request the board to certify names of
2 persons eligible for appointment to the vacant position. The
3 board shall thereupon certify in writing the names of eligible
4 persons from the appropriate employment list as provided
5 below. No such certification shall be valid for more than
6 thirty days following the date thereof. The appointing au-
7 thority shall, if he fills the vacancy, make the appointment
8 as provided below.

9 (b) The board shall first certify the name of the per-
10 son appearing upon the reinstatement list who is eligible for
11 the first reinstatement in the class of the vacant position.
12 The name of this person and all others appearing upon the
13 reinstatement list for the class shall be certified and offered
14 the appointment in the order provided by paragraph (P) be-
15 fore the vacancy is filled by any subsequent method pro-
16 vided by this Subsection. The appointing authority shall
17 appoint to the vacant position the first person so certified
18 to him who is willing to accept the appointment. If the posi-
19 tion is one of a class from which layoffs have been made as
20 provided by paragraph (U) the names of eligible persons
21 appearing upon the reemployment list for the class shall be
22 certified and offered the appointment in the order provided
23 by paragraph (P) before any other appointment is made
24 thereto.

25 (c) In the event a vacancy cannot be filled by reinstate-
26 ment, or by reemployment as above provided, the board
27 shall next certify the names of persons upon the promotional
28 list, in the order in which they appear thereon, for the class
29 in which the vacancy is to be filled. The appointing au-
30 thority shall select and appoint to the first vacancy to be
31 filled the one person certified to him who has the greatest
32 seniority in the departmental service. Any remaining posi-

1 tions to be filled in the same class shall be filled by
 2 appointing to each such successive vacancy the one of the
 3 highest seniority in the departmental service. If any one or
 4 more persons so certified should refuse the appointment, the
 5 appointing authority shall then select and appoint one of
 6 the persons certified by the board with the next highest
 7 seniority in the departmental service. This procedure shall
 8 be followed until the position has been filled by appoint-
 9 ment of the one person who has the greatest seniority in
 10 the departmental service, and who is willing to accept the
 11 appointment, or until each person whose name appears upon
 12 the list, has in this order been certified and offered the ap-
 13 pointment for the vacancy.

14 (d) Certification and appointment from the competitive
 15 list shall be limited to those conditions and classifications
 16 for which the competitive test may be given as provided
 17 by paragraph (Q). Upon the appointing authority's request
 18 for the certification of eligible persons from which he may
 19 fill a vacancy, and if the competitive list is the appro-
 20 priate list from which the names of eligible persons shall
 21 be certified, the board shall certify the names of the persons
 22 upon that list, in the order in which they appear thereon,
 23 for the class in which the vacancy is to be filled. The ap-
 24 pointing authority shall select and appoint to the first va-
 25 cancy to be filled, any one of the persons so certified to
 26 him for the vacancy. If any one or more persons so certi-
 27 fied should refuse the appointment, the appointing author-
 28 ity shall then select and appoint any one of the remaining
 29 persons certified by the board. This procedure shall be fol-
 30 lowed until the position has been filled by appointment of
 31 one of the persons certified from the list and willing to ac-
 32 cept the appointment, or until each person whose name ap-

1 pears upon the list has in this manner been certified for
 2 the vacancy.

3 (e) Appointment to any position in the classified service
 4 from which the regular employee is away on an authorized
 5 leave of absence shall be made in accordance with the pro-
 6 visions of this Subsection.

7 (f) The appointing authority shall notify the board of the
 8 filling of a vacancy as provided in paragraph (Y).

9 (2) Temporary Appointments. Temporary appointments
 10 may be made to positions in the classified service without
 11 the appointees acquiring any permanent status therein, as
 12 follows:

13 (a) (i) When a vacancy is to be filled in a position of a
 14 class for which the board is unable to certify names of per-
 15 sons eligible for regular and permanent, or substitute ap-
 16 pointment, the appointing authority may make a provi-
 17 sional appointment of any person whom he deems qualified.
 18 When practicable, the appointment should be made by the
 19 provisional promotion of any employee of a lower class. A
 20 provisional appointment shall not continue for more than
 21 three months. No position in the classified service shall be
 22 filled by one or more provisional appointments for a period
 23 in excess of three consecutive months and successive like
 24 periods shall not be permissible. The board may, however,
 25 authorize the renewal of such appointment, or authorize
 26 such successive appointments for a period not to exceed
 27 three additional months whenever it has been impracticable
 28 or impossible to establish a list of persons eligible for certi-
 29 fication and appointment to a vacancy. Any provisional ap-
 30 pointment, if not terminated sooner, shall terminate upon
 31 the regular filling of the vacancy in any manner authorized
 32 under this Section, and, in any event, within fifteen days

1 after a certification from which a regular, or substitute ap-
 2 pointment, as the case may be, can be made under the pro-
 3 visions of this Section. A provisional appointment shall be
 4 reported to the board within fifteen days following the
 5 appointment.

6 (ii) During the times of war, and after the board con-
 7 tinues to offer tests provided by this Section in an effort
 8 to obtain persons eligible for regular and permanent appoint-
 9 ment to a position of any class which has been permanently
 10 vacated by the regular employee thereof, and it finds it im-
 11 possible to establish a list of persons qualified for certifica-
 12 tion and permanent appointment to the position in the
 13 classified service, it may authorize the appointing author-
 14 ity to fill the position with a provisional appointee until
 15 the appropriate employment list can be established.

16 (iii) Provisional appointments may be made in any position
 17 until a classification plan is prepared and adopted and for
 18 such time thereafter as may be required for the preparation
 19 and administration of tests and the establishment of em-
 20 ployment lists from the results of the tests. But such special
 21 authority shall be valid for a period of not more than
 22 eighteen months immediately following the date that this
 23 Section takes effect in the municipality.

24 (b) A substitute appointment may be made to any position
 25 in the classified service (1) from which the regular and
 26 permanent employee is away on an authorized leave of absence,
 27 or (2) from which the regular employee is substituting for
 28 some other regular employee who is authorized to be away
 29 from his respective position. No position shall be filled by a
 30 substitute appointee for a time beyond that for which the
 31 regular and permanent incumbent is away on an authorized
 32 leave. Whenever such appointment shall continue for not more

1 than thirty days, the appointing authority may appoint
 2 thereto any one whom he deems qualified. Substitute ap-
 3 pointments made for a period exceeding thirty days shall
 4 be made in the same manner as provided in paragraph (R)
 5 for the filling of a vacancy by a regular and permanent
 6 appointment. Any person employed on a substitute basis
 7 shall, for the duration of the temporary employment, enjoy
 8 the class title and be entitled to receive the rate of pay for
 9 the class and position in which he is employed. The ap-
 10 pointing authority shall notify the board within fifteen days
 11 following any substitute appointment made for a period
 12 to exceed thirty days, the name of the appointee, the class
 13 of position filled, the period for which the appointment was
 14 made and attach to the notification a signed copy of the
 15 leave of absence granted the employee for whom the appointee
 16 is substituting.

17 (c) Emergency appointments of any person may be made
 18 at any time the need of the service requires because of any
 19 local emergency of a temporary and special nature. No such
 20 appointment shall be effective or continued for more than
 21 ten days.

22 (S) Leaves of Absence. The board shall adopt rules to
 23 provide for leaves of absence in the various classes of the
 24 classified service. Such rules shall provide for annual vaca-
 25 tion and sick leaves with pay, and special leaves with or
 26 without pay. They may provide for special extended leaves
 27 with or without pay or with reduced pay for employees
 28 disabled through injury or illness arising out of their em-
 29 ployment. The right to regulate the time at which any em-
 30 ployee may take an annual leave, or any other leave which
 31 is not beyond the control of the employee, shall be vested at
 32 all times with the appointing authority.

1 (T) Abolition of Positions. Whenever the appointing au-
 2 thority abolishes a position in the classified service and
 3 there is no position vacant in the respective class to which
 4 the regular employee of the abolished position may be
 5 transferred, the employee shall be transferred to any position
 6 of the same class which may be held by a provisional
 7 employee. If there is no such position he shall be transferred
 8 to another position in the respective class, and the holder of
 9 that position shall thereupon be demoted in the order pro-
 10 vided by paragraph (M).

11 (U) Layoffs. If, for any reason, the lowest class in the
 12 classified service, or the lowest class in a respective group
 13 of classes, as grouped by the classification plan, should
 14 become overburdened with the number of persons holding
 15 positions therein, and a reduction of personnel becomes
 16 necessary, the reduction shall be made only by laying off
 17 persons without pay. The order of removal shall begin with
 18 the person youngest in point of his accumulated total service
 19 in the departmental service and shall continue upward until
 20 all persons to be removed have been laid off. Layoffs shall
 21 be made from positions only within the classes above set
 22 forth. The names of persons laid off, the date, the class of
 23 position held, and the order in which each person was
 24 laid off shall be reported to the board by the appointing
 25 authority. The board shall, thereupon, enter such information
 26 upon the reemployment list applicable for the class from
 27 which each person was removed.

28 (V) Corrective and Disciplinary Action

29 (V) (1) The tenure of persons who have been regularly
 30 and permanently inducted into positions of the classified
 31 service shall be during good behavior. However, the ap-
 32 pointing authority may remove any employee from the serv-

1 ice, or take such disciplinary action as the circumstances
 2 warrant in the manner provided below for any one of the
 3 following reasons:

4 (a) Unwillingness or failure to perform the duties of
 5 his position in a satisfactory manner.

6 (b) The deliberate omission of any act that it was his
 7 duty to perform.

8 (c) The commission or omission of any act to the prejudice
 9 of the departmental service or contrary to the public interest
 10 or policy.

11 (d) Insubordination.

12 (e) Conduct of a discourteous or wantonly offensive nature
 13 toward the public; any municipal officer or employee; and,
 14 any dishonest, disgraceful, or immoral conduct.

15 (f) Drinking vinous or spiritous liquors while on duty or
 16 reporting for duty while under the influence of liquor.

17 (g) The use of intoxicating liquors, or habit-forming drug,
 18 liquid, or preparation to an extent which precludes the em-
 19 ployee from performing the duties of his position in a safe
 20 or satisfactory manner.

21 (h) The conviction of a felony.

22 (i) Falsely making a statement of any material fact in
 23 his application for admission to any test for securing eligibi-
 24 lity or appointment to any position in the classified service,
 25 or, practicing or attempting to practice fraud or deception
 26 in any test.

27 (j) Using or promising to use his influence or official
 28 authority to secure any appointment to a position within
 29 the classified service as a reward or return for partisan
 30 or political services.

31 (k) Soliciting or receiving any money or valuable thing
 32 from any person for any political party or political purpose.

1 (1) Inducing or attempting to induce by treats of coercion,
 2 any person holding a position in the classified service to
 3 resign his position, take a leave of absence from his duties,
 4 or waive any of his rights under the provisions of this Sec-
 5 tion, or of the rules.

6 (m) The development of any defect of physical condition
 7 which precludes the employee from properly performing the
 8 duties of his position, or the development of any physical
 9 condition that may endanger the health or lives of fellow
 10 employees.

11 (n) The willful violation of any provision of this Section
 12 or of any rule, regulation, or order hereunder.

13 (o) Any other act or failure to act which the board deems
 14 sufficient to show the offender to be an unsuitable or unfit
 15 person to be employed in the respective service.

16 (2) Unless the cause or condition justifies an employee
 17 being permanently removed from the service, disciplinary
 18 action may extend to suspension without pay for a period
 19 not exceeding the aggregate of ninety days in any period
 20 of twelve consecutive months, reduction in pay to the rate
 21 prevailing for the next lower class, reduction or demotion
 22 to a position of any lower class, and to the rate of pay
 23 prevailing therefor, or such other less drastic action that
 24 may be appropriate under the circumstances. Nothing con-
 25 tained herein shall prevent any employee who is physically
 26 unable to perform the duties of his position from exercising
 27 his rights of voluntary retirement under any applicable law.

28 (3) Although it is incumbent upon the appointing au-
 29 thority to initiate corrective or disciplinary action, the
 30 board may, and shall upon the written request of any quali-
 31 fied elector of the state which sets out the reasons therefor,
 32 make an investigation of the conduct and performance of

1 any employee in the classified service and, thereupon may
 2 render such judgment and order action to be taken by the
 3 appointing authority. Such action shall be forthwith taken
 4 by the appointing authority.

5 (4) In every case of corrective or disciplinary action
 6 taken against a regular employee of the classified service,
 7 the appointing authority shall furnish the employee and the
 8 board a statement in writing of the action and the com-
 9 plete reasons therefor.

10 (W) Appeals by Employees. Any regular employee in the
 11 classified service who feels that he has been discharged
 12 or subject to any corrective or disciplinary action without
 13 just cause, may, within fifteen days after the action, de-
 14 mand in writing, a hearing and investigation by the board
 15 to determine the reasonableness of the action. The board
 16 shall grant the employee a hearing and investigation within
 17 thirty days after receipt of the written request.

18 All such hearings and investigation conducted by the
 19 board pursuant to the provisions of this Section shall be
 20 opened to the public. No hearing and investigation shall
 21 be held unless both the employee and the appointing au-
 22 thority have been advised at least ten days in advance of
 23 the date, time, and place therefor. If either the appointing
 24 authority or the employee fails to appear at the place, and
 25 on the day and at the hour fixed for the hearing, the board
 26 may decide the issue involved on the basis of the evidence
 27 adduced and confined to the question of whether the action
 28 taken against the employee was made in good faith for
 29 cause set forth in the provisions of this Section. Both the em-
 30 ployee and the appointing authority shall be afforded an
 31 opportunity to appear before the board, either in person or
 32 with counsel, and present evidence to show that the action

1 was or was not taken in good faith for cause as set forth
 2 in the provisions of this Section. The board shall have com-
 3 plete charge of any such hearing and investigation, and may
 4 conduct it in any manner it deems advisable, without pre-
 5 judice to any person or party thereto. The procedure fol-
 6 lowed shall be informal and not necessarily bound by the
 7 legalistic rules of evidence. The board shall not be required
 8 to have the testimony taken and transcribed, but either
 9 the employee or the appointing authority may, at their own
 10 expense, make the necessary arrangements therefor. In
 11 such cases the board may name any competent shorthand
 12 reporter as the official reporter. If the testimony is not taken
 13 or transcribed, then the board shall make a written finding
 14 of the fact. After such investigation the board may, if the
 15 evidence is conclusive, affirm the action of the appointing
 16 authority. If they find that the action was not taken in
 17 good faith for cause under the provisions of this Section,
 18 the board shall order the immediate reinstatement or reem-
 19 ployment of such person in the office, place, position, or em-
 20 ployment from which he was removed, suspended, demoted,
 21 or discharged, which reinstatement shall, if the board so
 22 provides, be retroactive and entitle him to his regular pay
 23 from the time of removal, suspension, demotion, discharge,
 24 or other disciplinary action. The board may modify the order
 25 of removal, suspension, demotion, discharge, or other dis-
 26 ciplinary action by directing a suspension without pay, for
 27 a given period. The decision of the board, together with its
 28 written finding of fact, if required, shall be certified, in
 29 writing, to the appointing authority and shall be forthwith
 30 enforced by the appointing authority.

31 Any employee under classified service and any appointing
 32 authority may appeal from any decision of the board, or

1 from any action taken by the board under the provisions of
 2 the Section which is prejudicial to the employee or appoint-
 3 ing authority. This appeal shall be taken by serving the
 4 board, within thirty days after entry of its decision, a
 5 written notice of appeal, stating the grounds thereof and de-
 6 manding that a certified transcript of the record, or written
 7 findings of fact, and all papers on file in the office of the
 8 board affecting or relating to such decision, be filed with
 9 the designated court. The board shall, within ten days after
 10 the filing of the notice of appeal, make, certify, and file
 11 the complete transcript, with the designated court, and that
 12 court shall thereupon proceed to hear and determine the
 13 appeal in a summary manner. This hearing shall be con-
 14 fined to the determination of whether the decision made by
 15 the board was made in good faith for cause under the
 16 provisions of this Section. No appeal to the court shall be
 17 taken except upon these grounds.

18 (X) Board Powers; Refusal to Testify. The board, and
 19 each of its members, shall have the same power and au-
 20 thority to administer oaths, subpoena witnesses, and com-
 21 pel the production of books and papers pertinent to any in-
 22 vestigation or hearing authorized by this Section as is pos-
 23 sessed by the district courts of Louisiana. Any person who
 24 (1) fails to appear in response to a subpoena, (2) fails to
 25 answer any question, except those which may incriminate
 26 him, (3) fails to produce any books or papers pertinent
 27 to any investigation or hearing, or (4) knowingly gives
 28 false testimony therein shall be subject to the penal sections
 29 of this Section. In case of contumacy or refusal to obey a
 30 subpoena issued to any person, the district court within the
 31 jurisdiction of which the investigation is being carried on,
 32 or within the jurisdiction of which the person guilty of

1 contumacy or refusal to obey is found, or resides, or trans-
 2 acts business, upon application of the board, shall have the
 3 requisite jurisdiction to issue to the person an order re-
 4 quiring him to appear before the board, its member or
 5 agent, and to produce the required evidence or give testi-
 6 mony touching the matter under consideration or in ques-
 7 tion. Any person failing to obey such order may be punished
 8 by the court for contempt.

9 Any officer or employee in the classified service who
 10 willfully refuses or fails to appear before any court, officer,
 11 board, body or person properly authorized to conduct any
 12 hearing or inquiry, or any employee or officer, who, having
 13 appeared, refuses to testify or answer any relevant question
 14 relating to the affairs of government of the municipality or
 15 the conduct of any municipal officer or employee, except
 16 upon the ground that his testimony or answers would in-
 17 criminate him, shall, in addition to any other penalty to
 18 which he may be subject, forfeit his position, and shall not
 19 be eligible for appointment to any position in the classified
 20 service for a period of six years.

21 (Y) Municipal Officers and Employees; Duties. The ap-
 22 pointing authority shall report to the board within fif-
 23 teen days following any appointment or employment in a
 24 position in the classified service, unless otherwise prov-
 25 vided, the name of the appointee, the title and character of
 26 his office or employment and the date the employee com-
 27 menced work in the position. The appointing authority shall
 28 also report the date of and official action in, or knowledge
 29 of, any separation, promotion, demotion, suspension, lay-
 30 off, reinstatement, or reemployment in the classified section.

31 (Z) Acts and Activities Prohibited

32 (Z) (1) Political Activities Prohibited. (a) Political activ-

1 ities by and extending to employees of the classified service
 2 are hereby prohibited as follows:

3 (i) No person shall seek or attempt to use any political
 4 endorsement in connection with any appointment to a posi-
 5 tion in the classified service.

6 (ii) No person shall use or promise to use, directly or in-
 7 directly, any official authority or influence, whether pos-
 8 sessed or anticipated, to secure or attempt to secure for
 9 any person an appointment or advantage in appointment to
 10 a position in the classified service, or an increase in pay
 11 or other advantage in employment in any such position, for
 12 the purpose of influencing the vote or political action of
 13 any person, or for any consideration.

14 (iii) No employee in the classified service shall, directly
 15 or indirectly, pay, or promise to pay, any assessment,
 16 subscription, or contribution for any political organization
 17 or purpose, or solicit or take part in soliciting any such
 18 assessment, subscription, or contribution. No person shall
 19 solicit any such assessment, subscription, or contribution
 20 of any employee in classified service. The prohibitions of
 21 this Subsection shall not be construed as applying to mem-
 22 bership dues paid, or contributions made, to nonpolitical
 23 employee organizations, pension funds, civic enterprises, the
 24 Louisiana Civil Service League, or any similar nonpolitical
 25 and nonpartisan organization.

26 (iv) No employee in the classified service shall (a) be
 27 a member of any national, state, or local committee of
 28 a political party, (b) be an officer or member of a com-
 29 mittee of any factional, political club or organization, (c)
 30 be a candidate for nomination or election to public office,
 31 (d) make any political speech or public political statement
 32 in behalf of any candidate seeking to be elected to public

1 office, or (e) take any part in the management or affairs
 2 of any political party or in the political campaign of any
 3 candidate for public office, except to privately express his
 4 opinion and to cast his vote.

5 (v) No person elected to public office shall, while serving
 6 in the elected office, be appointed to or hold any position
 7 in the classified service.

8 (vi) No appointing authority, or agent or deputy thereof,
 9 shall directly or indirectly demote, suspend, discharge, or
 10 otherwise discipline, or threaten to demote, suspend, dis-
 11 charge or otherwise discipline, or discriminate against any
 12 person in the classified service for the purpose of influenc-
 13 ing his vote, support, or other political activity in any
 14 election or primary election. No appointing authority, or
 15 agent, or deputy thereof, shall use his official authority
 16 or influence, by threats, promises or other means, directly
 17 or indirectly, to coerce the political action of any employee
 18 in the classified service.

19 (b) The appointing authority shall discharge from the
 20 service any employee whom he deems guilty of violating
 21 any one or more of the provisions of this Section. The
 22 board may, upon its own initiative, investigate any officer
 23 or employee in the classified service whom it reasonably
 24 believes guilty of violating any one or more of the pro-
 25 visions of this Section. The board shall, within thirty days
 26 after receiving the written charges, hold a public hearing
 27 and investigation and determine whether such charges
 28 are true and correct. If the board should find upon its
 29 investigation of any employee that he has violated any
 30 of the foregoing provisions, the board shall order the ap-
 31 pointing authority to forthwith discharge the guilty em-
 32 ployee from the service and the appointing authority shall

1 forthwith discharge the employee.

2 (c) Whoever violates this Section shall be subject to
 3 the penalties provided in paragraph (A-2). In addition any
 4 employee in the classified service who is discharged be-
 5 cause of violating a foregoing provision shall not again
 6 in the classified service for a period of six years from
 7 the time of his discharge.

8 (2) Other Prohibited Acts. No person shall

9 (a) Make any false statement, certificate, mark, rating,
 10 or report with regard to any test, certification, or appoint-
 11 ment made under any provisions of this Section or commit
 12 or attempt to commit any fraud preventing the impartial
 13 execution of this Section and the rules.

14 (b) Directly or indirectly, give, render, pay, offer, solicit,
 15 or accept any money, service, or other valuable considera-
 16 tion for or on account of any appointment, proposed ap-
 17 pointment, promotion, or proposed promotion to, or any
 18 advantage in, a position in the classified service.

19 (c) Defeat, deceive, or obstruct any person in his right
 20 to examination, eligibility, certification, or appointment
 21 under this Section, or furnish to any person any special
 22 or secret information for the purpose of affecting the rights
 23 or prospects of any person with respect to employment
 24 in the classified service.

25 (A-1) Legal Services. If this Section, or its enforce-
 26 ment by the board is called into question in any judicial
 27 proceeding, or if any person fails or refuses to comply
 28 with the lawful orders or directions of the board, the
 29 board may call upon the attorney general, or the chief
 30 legal officer of the municipality, or may employ indepen-
 31 dent counsel to represent it in sustaining this Section and
 32 enforcing it. Nothing contained herein shall prevent any

1 municipal officer, employee, or private citizen from taking
2 legal action in the courts to enforce the provisions of
3 this Section or of any rule, order, or other lawful action
4 of the board.

5 (A-2) Penalties. Whoever willfully violates any provision
6 of this Section or of the rules shall be fined not more
7 than five hundred dollars and shall, for a period of six
8 years, be ineligible for appointment to or employment in
9 any position of the classified service. If he is an officer
10 or employee of the classified service he shall forfeit his
11 office or position.

12 (A-3) Effect of Other Laws. This Section shall not be
13 rendered ineffective by any general law affecting municipi-
14 pal employees or municipal departments in matters of clas-
15 sified civil service except that the applicability of this
16 Section shall be subject to and governed by the provisions
17 on state and city civil service of the constitution pro-
18 vided, however, that any city and any parish government
19 jointly with one or more cities under a plan of govern-
20 ment, having once elected to accept the provisions of state
21 and city civil service of the constitution may subsequently
22 elect and determine to accept the provisions of this Section
23 by a majority vote of its qualified electors voting at a
24 general or special election, ordered and held for this pur-
25 pose by the city or parish authorities, as the case may
26 be, in the manner set forth in the provisions on state and
27 city civil service of the constitution, provided further, that
28 no local election or elections pursuant to the provisions
29 of state and city civil service, insofar as they apply to
30 and affect this Section, and no local election or elections
31 pursuant to this Section shall be held more often than
32 once every four years, in any one city.

1 (A-4) Provisions Self-Operative. The provisions hereof
2 are self-executing and self-operative and the officials desig-
3 nated are authorized to carry the same into effect.

4 (A-5) Effective Date of Provisions. Any system of muni-
5 cipal fire and police civil service under Act 102 of 1944,
6 as amended, or under the provisions of Sections 2471 through
7 2508 of Title 33 of the Louisiana Revised Statutes of 1950
8 or under any provision of the Constitution of 1921, which
9 is in force on the effective date of this constitution, is
10 continued in effect under the provisions of this Section.

11 The rights of any person under Act 102 of 1944, as
12 amended, and under the above sections of the revised
13 statutes which exist on the effective day of this consti-
14 tution are continued in effect. Every rule, classification,
15 plan, or allocation established under the above provisions
16 which is in force on the effective day of this amendment
17 is continued in effect until it is amended or repealed by
18 the proper authority under this Section.

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Constitutional Convention of Louisiana of 1973

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COMMITTEE PROPOSAL No. 10—

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1 Introduced by Delegate Aertker, Chairman, on behalf of
2 the Committee on Education and Welfare, and Delegates
3 Corne, Cowen, Flory, Grier, Landry, Leithman, Robinson,
4 Wattigny and Wisham:

1 induction into employment in the position.

5 A PROPOSAL

2 (4) "Board" means the municipal fire and police civil ser-
3 vice board.

6 Making provisions for human resources by providing for
7 municipal fire and police civil service.

4 (5) "Class" or "class of position" means a definitely recog-
5 nized kind of employment in the classified service, desig-
6 nated to embrace positions that are so nearly alike in the
7 essential character of their duties, responsibilities, and con-
8 sequent qualification requirements, that they can fairly and
9 equitably be treated alike under like conditions for all per-
10 sonnel purposes.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 ARTICLE VII. HUMAN RESOURCES

11 (6) "Classification plan" means all the classes of posi-
12 tions established for the classified service.

11 Section 1. Municipal Fire and Police Civil Service
12 Section 1. (A) Municipal Fire and Police Civil Service.
13 There shall be a classified civil service for fire and police
14 in municipalities which operate a regularly paid fire and
15 police department and which have a population of not less
16 than thirteen thousand according to the latest regular fed-
17 eral census for which the official figures have been made
18 public.

13 (7) "Classified service" means every appointive office and
14 position of trust or employment in the municipal govern-
15 ment which has as its primary duty one of the functions
16 specifically set forth to be included in the classified service
17 by the provisions of this Section, and excludes all elective
18 and appointive offices and positions of trust or employment
19 which have a primary duty specifically set forth to be in-
20 cluded in the unclassified service by the provisions of this
21 Section.

19 The service shall embrace the positions of employment,
20 the officers, and employees of the municipal fire and police
21 services.

22 (8) "Demotion" means a change of an employee in the
23 classified service from a position of one class to a position
24 of a lower class which generally affords less responsibility
25 and pay.

22 (B) Definitions. The following words and phrases when
23 used in this Section shall have the following meaning un-
24 less the context clearly requires otherwise:

26 (9) "Department service" means employment in the public
27 service offered and performed separately by the fire and
28 by the police departments of the municipality.

25 (1) "Allocation" means the official determination of the
26 class to which a position in the classified service belongs.

29 (10) "Eligible" means a person whose name is on a list.

27 (2) "Appointing authority" means any official, officer,
28 board, commission, council, or person having the power to
29 make appointments to positions in the municipal fire and
30 police service.

30 (11) "Employee" means a person legally occupying a
31 position.

31 (3) "Appointment" means the designation of a person, by
32 due authority, to become an employee in a position, and his

32 (12) "Employment list" or "lists" means a reinstatement

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1 employment list, a promotional employment list, a competi-
2 tive employment list, and a reemployment list.

3 (13) "Position" means any office and employment in the
4 municipal fire and police services, the duties of which call
5 for services to be rendered by one person.

6 (14) "Promotion" means a change of an employee in the
7 classified service from a position of one class to a position
8 of a higher class which generally affords increased responsi-
9 bilities and pay.

10 (15) "Promotion employment list" or "promotion list"
11 means an employment list containing the names of eligible
12 persons established from the results of promotion tests
13 given for a particular class of positions which is not specifi-
14 cally required by this Section to be established from the re-
15 sults of a competitive test.

16 (16) "Promotion test" means a test for positions in a
17 particular class which is not specifically required by this
18 Section to be filled by competitive tests, admission to which
19 is limited to regular employees of the next lower class, or
20 the next lower classes when authorized by the rules, in the
21 classified service.

22 (17) "Reemployment list" means an employment list for
23 the entrance or lowest-ranking class in the classified ser-
24 vice, or in any group of classes as may have been grouped
25 in the classification plan, containing names of regular em-
26 ployees who have been laid off under the "layoff" provisions
27 of this Section. This list shall not be applicable to persons
28 who have resigned or have been discharged.

29 (18) "Regular employee" or "permanent employee" means
30 an employee who has been appointed to a position in the
31 classified service in accordance with this Section after com-
32 pleting his working test period.

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1 (19) "Reinstatement employment list" or "reinstatement
2 list" means an employment list containing names of persons
3 eligible for reinstatement in positions of a class from which
4 they have been demoted for reasons other than disciplinary
5 action.

6 (20) "Seniority" means the total employment computed
7 for an employee beginning with the last date on which he
8 was regularly and permanently appointed and has worked
9 continuously to and including the date of computation. Time
10 during which an employee has served in the armed forces
11 of the United States subsequent to May 1, 1940, shall be
12 construed to mean continuous service and shall be included
13 in the computation of his seniority. Total seniority in the
14 departmental service, including positions of any and all
15 classes, or seniority in any one or more given classes, may
16 be computed for an employee; but in either case employ-
17 ment shall be continuous and unbroken by a resignation or
18 discharge of the respective employee. An employee who is
19 finally discharged or resigns from his position shall for-
20 feit all accumulated seniority. An employee who is sus-
21 pended and returns to his position immediately following
22 the expiration of his suspension shall not forfeit his seniority
23 accumulated to the date of his suspension, but he shall not
24 be given credit for the lost time at any future compensa-
25 tion.

26 (21) "Temporary appointment" means the appointment of
27 an employee for limited period of service without acquisi-
28 tion by the appointee of any continuing right to be re-
29 tained beyond the period.

30 (C) Municipal Fire and Police Civil Service Boards

31 (C) (1) Composition. A municipal fire and police civil
service board is created in the municipal government. The

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1 board shall be composed of five members who shall serve
2 without compensation. The board shall have a chairman,
3 vice chairman, and a secretary. The domicile of the board
4 shall be in the municipality it serves.

5 (2) Eligibility. To be eligible for appointment or to serve
6 as a member of a board a person shall be a citizen of
7 the United States of America, a resident of the municipality
8 in which he is to serve for at least five years next preced-
9 ing his appointment, and shall, at the time of his appoint-
10 ment, be a qualified voter of the municipality. Any employ-
11 ee while serving as a member of a board shall occupy
12 as a regular employee a position or office lower than that of
13 chief, assistant chief, district chief, or battalion chief of his
14 department. No member of a board shall have been, dur-
15 ing a period of six months immediately preceding his ap-
16 pointment, a member of any local, state, or national com-
17 mittee of a political party, or an officer or member of a
18 committee in any factional political club or organization. No
19 member of a board shall be a candidate for nomination or
20 election to any public office or hold any other public office
21 or position of public employment, except that of notary
22 public, a military or naval official office, or that of a mu-
23 nicipal fire or police department which is expressly re-
24 quired by the provisions of this Section.

25 (3) Membership. The members of the board shall be ap-
26 pointed by the governing body as follows:

27 (a) One shall be appointed by the governing body upon
28 its own nomination.

29 (b) Two members shall be appointed from a list of four
30 nominees, which shall be furnished within thirty days after
31 receiving such request by the executive head or a legally
32 chartered and established institution of higher education lo-

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1 cated within the municipality; or, if there is no such insti-
2 tution in the municipality, by the executive head of any
3 such institution of the governing body's choice within the
4 state.

5 (c) Two members shall be appointed who shall be first
6 nominated and elected by and from the regular employees of
7 the fire and police departments as follows:

8 One member shall be elected and appointed from the fire
9 department, and one member shall be elected and appointed
10 from the police department. The employee-nominee from
11 each department shall be elected by secret ballot of the
12 regular employees of his respective department at an elec-
13 tion to be called and held for that purpose by the chief of
14 the department. The chief of each department shall call
15 such an election within forty-five days after this Section
16 takes effect in the municipality by posting, for a fifteen-
17 day continuous period immediately preceding the election,
18 a notice thereof on the bulletin board of each station house
19 of his department; and shall officially notify the governing
20 body of the municipality within the ten-day period imme-
21 diately following the election, the name of the employee-
22 nominee so elected by the regular employees of his depart-
23 ment. The chief of the department shall vote in the election
24 only in the case of a tie vote.

25 (4) Term. The term of office for all members of the board
26 shall be for a period of three years when a municipality
27 adheres to the provisions of this Section. The first member
28 appointed by the governing body of the municipality upon
29 its own nomination shall serve for a period of two years;
30 the first employee members nominated and appointed as
31 provided above shall serve a term of one year. Each mem-
32 ber shall serve until his successor has been appointed and

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1 qualified.
2 (5) Vacancies. Upon the term of office expiring for a
3 member of a board, or because of a vacancy in the office
4 of any member thereof, the governing body of a municipal-
5 ity shall appoint a successor in the same manner as the
6 outgoing member was appointed; and such successive ap-
7 pointment shall be made within ninety days immediately
8 following the expiration or vacancy.
9 (6) Oath. Each member shall take the oath of office be-
10 fore entering upon the duties of his office. His oath shall
11 include a statement to uphold the constitution and laws of
12 Louisiana and of the United States; to administer faithfully
13 and impartially the provisions of this Section and the rules
14 adopted under the authority of this Section.
15 (7) Removal. Any member of a board shall be liable to
16 removal from office by judgment of the district court of
17 his domicile for high crimes and misdemeanors in office,
18 incompetency, corruption, favoritism, extortion, oppression in
19 office, gross misconduct, or habitual drunkenness. The dis-
20 trict attorney of the district wherein the board member re-
21 sides may institute such suit, and shall do so upon the
22 written request, specifying the charges, of twenty-five
23 citizens and taxpayers of the municipality of which the
24 board member is a resident. The district attorney shall asso-
25 ciate in the diligent prosecution of such suit any attorney
26 selected and employed by the citizens and taxpayers.
27 (8) Organization. The governing body of the municipality
28 shall advise, within and not later than the expiration of
29 the ninety-day period provided for the appointment of the
30 board members, each appointee of his appointment and
31 term of office as a member of the municipal fire and
32 police civil service board; and, an official record thereof

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1 shall be placed in the official minutes of the governing
2 body.
3 New members of the board shall meet within thirty days
4 after their appointment in their first official meeting; take
5 the oath of office; elect a chairman and vice chairman;
6 and transact any other business pertinent at that time.
7 The oath of office shall be administered by the city clerk
8 or by any other person having the legal authority to ad-
9 minister it.
10 A chairman and vice chairman shall be elected by the
11 members of the board. The term for which either the chair-
12 man or vice chairman shall serve as such, shall run con-
13 currently with that for which he was appointed a member
14 of the board; except the term of either office shall termi-
15 nate upon death of the incumbent, or his resignation from
16 the office or from the board or his removal from the
17 board.
18 At the discretion of the board, the office of secretary
19 shall be filled:
20 (a) By electing one of its members thereto;
21 (b) By appointing the city clerk or secretary-treasurer
22 of the municipality to fill such office ex officio;
23 (c) By employing and paying on a part-time basis any
24 other person a salary not to exceed twenty dollars per
25 month; or
26 (d) By requiring the state examiner to act in such capac-
27 ity. The board may terminate the term of office of any
28 person serving as its secretary at any time. No person
29 serving as secretary of a board, except a member thereof,
30 shall have the right to vote in its proceedings. The secre-
31 tary shall attend the meetings of the board; keep a record
32 of its proceedings; attend to correspondence directed to

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1 him, and other correspondence ordered by the chairman;
2 perform other functions assigned to him by the board; and
3 cooperate with the state examiner in a manner that will
4 assist the examiner to carry out effectively the duties im-
5 posed upon him by this Section or those functions which
6 may be requested of him by the board.

7 The board shall meet at any time after its original meet-
8 ing upon the call of the chairman, who shall give all mem-
9 bers of the board due notice thereof. The chairman of the
10 board shall call, and the members of the board shall attend,
11 one regular meeting of the board within each quarterly
12 period of each calendar year. If a chairman fails or re-
13 fuses to call such quarterly meeting of his board, the mem-
14 bers of the board shall meet upon the written call of any
15 two members mailed ten days in advance of the meeting.
16 Four members of the board shall constitute a quorum, and
17 the concurring votes of any three members comprising the
18 quorum of the board shall be sufficient for the decision
19 of all matters to be decided or transacted by it. Meetings
20 of the boards shall be open to the public.

21 (D) Board; Duties

22 (D) (1) Represent the public interest in matters of per-
23 sonnel administration in the fire and police services of the
24 said municipal government.

25 (2) Advise and assist the governing body, mayor, com-
26 missioner of public safety, and the chiefs of the fire and
27 police departments of the municipality, with reference to
28 the maintenance and improvement of personnel standards
29 and administration in the fire and police services, and the
30 classified system.

31 (3) Advise and assist the employees in the classified
32 service with reference to the maintenance, improvement,

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1 and administration of personnel matters related to any in-
2 dividual or group of employees.

3 (4) Make, at the direction of the mayor, commissioner
4 of public safety, chief of either the fire or police depart-
5 ment, or upon the written petition of any citizen for just
6 cause, or upon its own motion, any investigation concern-
7 ing the administration of personnel or the compliance with
8 the provisions of this Section in the said municipal fire
9 and police services; review, and modify or set aside upon
10 its own motion, any of its actions, take any other action
11 which it determines to be desirable or necessary in the
12 public interest, or to carry out effectively the provisions
18 and purposes of this Section.

14 (5) Conduct investigations and pass upon complaints by
15 or against any officer or employee in the classified service
16 for the purpose of demotion, reduction in position or abo-
17 lition thereof, suspension or dismissal of the officer or em-
18 ployee, in accordance with the provisions of this Section.

19 (6) Hear and pass upon matters which the mayor, com-
20 missioner of public safety, the chiefs of the departments
21 affected by this Section, and the state examiner of munici-
22 pal fire and police civil service bring before it.

23 (7) Make, alter, amend, and promulgate rules necessary
24 to carry out effectively the provisions of this Section.

25 (8) Adopt and maintain a classification plan. The clas-
26 sification plan shall be adopted and maintained by rules
27 of the board.

28 (9) Make reports to the governing body, either upon its
29 own motion or upon the official request of the governing
30 body, regarding general or special matters of personnel ad-
31 ministration in and for the municipal fire and police services
32 of the municipality, or with reference to any appropria-

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1 tion made by the governing body for the expenses incidental
2 to the operation of the board.

3 (E) Rules. Each board may adopt and execute rules, regu-
4 lations, and orders necessary or desirable effectively to carry
5 out the provisions of this Section and shall do so when
6 expressly required by this Section. No rule, regulation, or
7 order shall be contrary to, or in violation of, any provisions,
8 purpose, or intent of this Section or contrary to any other
9 provisions of law. The board may amend or repeal any
10 rule or part thereof in the same manner provided herein
11 for the adoption of the rule. All rules shall be applicaible
12 to both the fire and police classified services, unless by
13 express provisions therein, it is made applicable to only
14 one of the services.

15 A board may adopt any rule, either in its proposed or
16 revised form, after holding a public hearing at which any
17 municipal officer, employee, private citizen, and the state
18 examiner shall be given an opportunity to show cause why
19 the proposed rule, amendment, or any part thereof should
20 not be adopted. Before the board holds this public hearing,
21 it shall furnish at least thirty days notice in advance of
22 the date, time, and place therefor to the mayor, commis-
23 sioner of public safety, and other municipal commissioner
24 whom the rule may in any way effect, the chief and each
25 station of the departmental service to be affected by the
26 adoption of any such rule, and to the state examiner. A
27 copy of all proposed rules to be discussed at any hearing
28 shall be furnished with all notices. Each notice and copy
29 of a proposed rule furnished the various stations of a re-
30 spective department shall be posted upon the bulletin board
31 of each station for a period of at least thirty days in
32 advance of the hearing.

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1 Within thirty days after the board has adopted any rule,
2 whether it is a new rule or amendment of an existing rule,
3 or an abolition in whole or part thereof, it shall furnish
4 an official copy thereof to all persons and places set forth
5 above.

6 Rules adopted under the authority of this Section shall
7 have the force and effect of law.

8 (F) Personnel

9 (F) (1) State Examiner. The office of state examiner
10 ia created. He shall be a resident and qualified voter of
11 the state. He shall be a person who has had experience
12 in the field of personnel administration. He and the deputy
13 state examiner of the municipal fire and police civil service
14 shall come within and be bound under and amenable to
15 the classified service of the state as established and exist-
16 ing, except no pay plan thereunder shall be applicable to
17 the said state examiner or deputy state examiner. The state
18 examiner and deputy state examiner shall be subject to
19 removal and other disciplinary action by the State Civil
20 Service Commission only for a good and sufficient cause
21 set forth in written charges filed with the commission by
22 any one of the municipal fire and police civil service boards
23 created by this Section or by any qualified elector of the
24 state, and only after a public hearing by the state com-
25 mission to be in accordance with rules to be adopted by
26 the said commission.

27 (2) Deputy State Examiner. The office of deputy state
28 examiner of Municipal Fire and Police Civil Service is
29 created, subject to the supervision and orders of the state
30 examiner; he is authorized and empowered to exercise the
31 authority and perform the duties of the state examiner
32 as herein provided. He shall receive and be paid a salary

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1 in the amount fixed by the governor and shall be paid
2 traveling time and living expenses while away from the
3 place of his residence.

4 (3) The State Civil Service Commission shall exercise
5 no administrative control over the state examiner or deputy
6 state examiner. Its functions and powers relating to this
7 office shall consist solely of the right of appointment, hear-
8 ing of charges for removal or other disciplinary action
9 legally brought against the incumbents of these offices, and
10 the ordering of their removal or the rendering of such other
11 judgment of a disciplinary nature as it may deem proper
12 after a hearing.

13 (4) Vacancy. When a vacancy occurs in the office of
14 the said state examiner or deputy state examiner, the State
15 Civil Service Commission shall make a provisional appoint-
16 ment of any person it deems qualified to fill the vacancy
17 until a competitive examination can be given by and under
18 the directions of the State Civil Service Commission; and
19 until a list of persons eligible for appointment to the office
20 can be established. As soon as such list can be and is
21 established, the State Civil Service Commission shall ap-
22 point one of the three persons ranking highest upon said
23 eligible list to fill the office; and the person thus appointed
24 shall serve a working test period of six months which
25 shall be considered a portion of the examination. At the
26 termination of such working test period, if successfully com-
27 pleted, the appointee shall become a regular employee as
28 defined in the State Civil Service Law and subject and
29 amenable thereto to the same extent as the original state
30 examiner as hereinbefore set forth and may be subjected
31 to removal or other disciplinary action by the State
32 Civil Service Commission only for a good and sufficient

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1 cause set forth in written charges filed with the commission
2 by any one of the municipal fire and police civil service
3 boards created by this act, or by any qualified elector
4 of the state, and only after a public hearing by the state
5 commission to be held in accordance with rules to be adopted
6 by the State Civil Service Commission.

7 (G) State Examiner; Location; Salary; Duties

8 (G) (1) Location. The state examiner shall maintain a
9 suitable office in the city of Baton Rouge. The officer
10 charged by law with the custody of state buildings shall
11 assign suitable office space to the examiner. The examiner
12 shall appoint employees necessary for him to carry out his
13 duties effectively. All of the employees appointed by the
14 state examiner, except persons employed on a temporary
15 basis to conduct or assist in giving examinations, shall be
16 selected by him after certification to him by the State
17 Department of Civil Service of names from eligible lists es-
18 tablished by the State Department of Civil Service; and
19 they shall, in all other respects, be covered by the provi-
20 sions of existing civil service laws and rules and regulations
21 legally adopted by the Department of State Civil Service.

22 (2) Salary. The state examiner shall serve on a full-time
23 basis. He shall be paid a salary of not less than forty-two
24 hundred dollars per year. He shall be paid for his traveling
25 and living expenses while away from the city of Baton Rouge.

26 The state examiner shall take the oath of office and fur-
27 nish bond for the faithful performance of his duties accord-
28 ing to law in the sum of five thousand dollars. The pre-
29 mium of the bond shall be paid from the funds appropriated
30 to the state examiner. The state examiner shall be ex offi-
31 cio a notary public for the state at large.

32 The state examiner may obtain on a contractual or fee

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1 basis the services which his office is unable to supply and
2 which are necessary for his compliance with the provisions
3 of this Section.

4 (3) Duties. The state examiner shall:

5 (a) Assist the various boards in an advisory capacity in
6 the discharge of their duties.

7 (b) Prepare and submit a classification plan to each
8 board for its approval, after consultation with the appoint-
9 ing and departmental authorities of the departmental ser-
10 vice for which a plan is prepared and submitted, as pro-
11 vided in paragraph (K).

12 (c) Prepare and administer tests of fitness for original
13 entrance and promotion to applicants for positions in the re-
14 spective classified service of the municipalities; score the
15 tests and furnish the results to the board for which the
16 tests are given.

17 (d) Cooperate with the secretary of each board in main-
18 taining a roster of all fire and police civil service employ-
19 ees in which shall be set forth the name of each employee,
20 the class title of position held, the salary or other compen-
21 sation, any change in class title, and any other necessary
22 data.

23 (e) Act as secretary of any said board requesting such
24 service.

25 (f) Assist and cooperate in an advisory manner with the
26 various appointing authorities, department officers, and the
27 the classified employees, of the municipalities regarding the
28 duties and obligations imposed upon them by the provisions
29 of this Section.

30 (g) Encourage employee training in the classified service
31 and, when possible, attend the training courses or parts
32 thereof.

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1 (h) Make annual or biennial reports regarding the work
2 of his office to the governor.

3 (i) The state examiner may delegate to the deputy state
4 examiner such of the above duties as he may deem ex-
5 pedit.

6 (H) Appropriations; Facilities for Board. The legislature
7 shall make adequate annual appropriations to enable the
8 state examiner and deputy state examiner to carry out ef-
9 fectively the duties imposed upon them by this Section. The
10 governing body of the municipality shall make adequate
11 annual appropriations to enable the board of the municipal-
12 ity to carry out effectively the duties imposed upon the
13 board and shall furnish the board with office space, fur-
14 nishings, equipment, and supplies and materials necessary
15 for its operation.

16 (I) Classified and Unclassified Service

17 (I) (1) Classified Service. The classified service shall
18 comprise every position, except those included in the un-
19 classified service, to which the right of employee selection,
20 appointment, supervision, and discharge is vested in the
21 municipal government or with an officer or employee there-
22 of, and which has as its primary duty and responsibility
23 one of the following:

24 Fire

25 (a) The chief and assistant chief; the intradepartmental
26 division, bureau, squad, platoon, and company officers of
27 the fire department.

28 (b) Fire fighting.

29 (c) Fire preventions; inspection.

30 (d) Driving, tillering, and operation of fire apparatus.

31 (e) Operation and maintenance of radio, fire alarm, or
32 signal system.

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1 (f) Fire department instructors in employee training.

2 (g) Fire salvage and overhauling services; and first aid.

3 (h) Automotive or fire apparatus repairs, if such service
4 is operated exclusively by and for either or both the fire
5 or police department.

6 (i) Secretary to the chief, Departmental records clerk.

7 (2) Unclassified Service.

8 (a) All officers, employees, and positions of employment
9 in the municipal government, not having as a principal
10 duty one of the duties hereinabove provided in the classi-
11 fied service.

12 (b) Officers elected by popular vote and persons appoint-
13 ed to fill vacancies in elective offices.

14 (c) Secretaries, stenographers, and all clerical positions not
15 specifically included in the classified service.

16 (d) Pound keepers, dogcatchers, janitors, porters, elevator
17 operators, chefs, kitchen helpers and workers, mechanics'
18 helpers, car washers, unskilled labor, special guards at
19 schools, or any part-time, or temporary employee.

20 (e) Any position of employment, the duties of which are
21 included in the classified service, to which the right of em-
22 ployee selection, appointment, supervision, and discharge
23 vested in and with those other than the municipal govern-
24 ment or an officer or employee thereof.

25 (J) Veterans; Reinstatement. Any regular and permanent
26 employee who left a position of the departmental service,
27 which now comes within the classified service, subsequent
28 to May 1, 1940, and entered the armed forces of the United
29 States shall be restored to his position and, thereafter, be
30 subject to the rights and jurisdiction of the classified ser-
31 vice created by this Section if he makes application there-
32 for to the appointing authority within sixty days from the

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1 date of his honorable discharge or discharge under honor-
2 able conditions, and is physically and mentally capable of
3 performing the work of his position to the satisfaction of
4 the appointing authority.

5 (K) Classification Plan; Allocation; Use

6 (K) (1) Classification Plan. Each board, as soon as prac-
7 ticable (not to exceed a period of eighteen months) after
8 this Section takes effect in the municipality, shall adopt a
9 classification plan for the fire and police services of the
10 municipality. Each classification plan shall consist of clas-
11 ses to be designated either by standard titles, ranks, or
12 a combination thereof, for all positions included in the
13 classified service for each of the fire and police services.
14 The classification plan may be divided into groups of classes.
15 The various classes of positions shall be arranged in each
16 classification plan so as to show the principal and natural
17 lines of promotion and demotion. The classification plan
18 shall be adopted as rules of the board, in the manner pro-
19 vided by this Section for the adoption of rules. Rules creat-
20 ing the classification plan, future classifications, abolition
21 of any classification, any amendment thereto, or revision
22 thereof shall be adopted by a board only after consultation
23 with the appointing authority, and the state examiner.
24 The original classification plan to be established when this
25 Section takes effect in a municipality shall be prepared, after
26 consultation with the appointing authority, and submitted
27 to the board for its approval and adoption, by the state
28 examiner. The board may amend or revise the classification
29 plans before adopting them. The state examiner shall ad-
30 vise and assist the board in all future classifications when
31 requested to do so.

32 (2) Allocation of Positions. The board, or chairman there-

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1 of subject to the subsequent approval of the board, as soon
2 as practicable (not exceeding forty-five days) after the
3 adoption of a classification plan, after consultation with the
4 appointing authorities concerned, shall allocate each posi-
5 tion in the classified service to its appropriate class; and
6 thereafter shall likewise allocate each new position created
7 in the service, and, when for the benefit of the service, re-
8 allocate positions from class to class.

9 Whenever the duties of a position are so changed by the
10 appointing authority that the position in effect becomes one
11 of a different class from that to which it is allocated, the
12 change shall operate to abolish the position and to create
13 a new position of the different class.

14 Whenever the board finds any change in the duties of any
15 position in the classified service was brought about by the
16 appointing authority to effect a reduction in the classifica-
17 tion of any employee because of political, religious, or dis-
18 criminatory reasons, or without just cause, it shall refuse
19 to recognize any such action, and shall order the appointing
20 authority to continue the employee in the position and class
21 with all rights and privileges.

22 (3) Use of Class Titles. The title of each class shall be
23 the official title of every position allocated to the class, for
24 all purposes having to do with the position as such, and
25 shall be used to the exclusion of all other titles on all pay-
26 rolls, budget estimates, and official records and reports
27 pertaining to the position, except that any abbreviation or
28 code symbol by the board may be used to designate a posi-
29 tion of a class. Any other title satisfactory to the appoint-
30 ing authority may be used in official correspondence and in
31 any other connection not having to do with the personnel
32 processes covered by this Section. No employee shall be ap-

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1 pointed, employed, or paid under any title other than that
2 of the class to which the position occupied by him is allo-
3 cated.

4 (4) Status of Incumbent. Every person employed in the
5 municipal fire and police services for a continuous period
6 of at least six calendar months immediately preceding the
7 date that this Section takes effect in the municipality, who
8 was regularly and permanently appointed to a position com-
9 ing under the classified service, shall be inducted into and
10 bound under the classified service, the provisions of this
11 Section, and the rules adopted hereunder.

12 When any position is first allocated hereunder, or is re-
13 allocated to a different class to correct an error in its pre-
14 vious allocation, or because of a change in the duties of
15 a position which has the effect of abolishing the position
16 and creating a new position of another class, the employee
17 and the position may continue to serve therein, with the
18 status and all the rights and privileges he would have had
19 under this Section if he had been originally appointed by
20 examination and certification hereunder to a position of
21 the class to which the position has been allocated or re-
22 allocated. Such employee, however, may be transferred
23 without further tests of fitness or certification to any posi-
24 tion of the class to which the position was previously allo-
25 cated while held by the employee.

26 Any employee who feels himself aggrieved because of any
27 allocation or change in classification affecting his position
28 shall, upon his request, be heard thereon by the board; and
29 the board shall hear and decide the complaint in any manner
30 deemed proper.

31 (L) Vacancies; Methods of Filling. Vacancies in positions
32 in the classified service shall be filled by one of the follow-

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1 ing methods:

- 2 (1) Demotion
- 3 (2) Transfer
- 4 (3) Reinstatement
- 5 (4) Promotional appointment
- 6 (5) Competitive appointment
- 7 (6) Reemployment
- 8 (7) Temporary appointment.

9 A vacancy shall be considered filled under any of the
10 methods specified above, and employment thereunder effec-
11 tive, as of the date on which the employee enters upon the
12 duties thereof.

13 (M) Demotion. Demotions of regular employees shall be
14 made by the appointing authority when it becomes neces-
15 sary to reduce the number of employees in the classified
16 service or in any class therein. Demotions from any class,
17 except for disciplinary action or because of the abolition
18 of an entire class in the classified service, shall be made
19 by demoting employees from lowest to highest in point
20 of total seniority earned in positions of the class plus
21 that earned in any higher classes in the classified ser-
22 vice. The names of regular employees demoted for any
23 reason, except for disciplinary action, shall be recorded upon
24 the reinstatement list for the class from which they are
25 demoted in the order in which the demotions are made.

26 (N) Transfer. Any employee may be transferred from
27 any position in the classified service to any other posi-
28 tion of the same class within the classified service, at
29 the pleasure of the appointing authority without notice to
30 and confirmation by the board.

31 Any regular employee so transferred shall have the right
32 of appeal to his board upon the grounds (1) that his trans-

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1 fer was made to a position not included within the class
2 to which his position was previously allocated, or (2) that
3 the position to which he has been transferred is not in-
4 cluded within the classified service, or (3) the transfer was
5 made deliberately to discriminate against him.

6 (O) Reinstatement; Reemployment

7 (O) (1) Each employee who, during or at the expiration
8 of his working test period of probation following his pro-
9 motion after being certified from an appropriate employ-
10 ment list, is rejected and refused permanent status in the
11 position and class to which he was promoted, shall be
12 automatically reinstated to the position from which he was
13 promoted without his name being placed upon any list.

14 (2) All employees whose names appear upon the rein-
15 statement list for a prospective class shall be reinstated
16 in a position thereof, in the reverse order from which
17 their names were placed upon the list, before any other
18 appointment is made therein.

19 (3) All employees whose names appear upon the reem-
20 ployment list for a class from which they laid off accord-
21 ing to the provisions of paragraph (U) shall be reemployed
22 in a position thereof, or offered such appointment, in the
23 reverse order from which their names were placed upon
24 the list for the class, before any other employment or ap-
25 pointment is made in it.

26 (4) Any regular employee who resigns from a position
27 in the classified service may, with the prior approval of
28 the board, be reemployed in a position of the class or in
29 a position of any lower class for which he is qualified,
30 provided, that the reemployment is made within four years
31 of the date of resignation, and that no person whose name
32 appears upon either the reinstatement, employment, or re-

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1 employment list for a class to which any such person is
2 reemployed is willing to accept an appointment therein.
3 Any person who is reemployed shall be physically fit to
4 perform the duties of the position to which he is appointed.
5 He shall furnish a favorable medical certificate to the ap-
6 pointing authority and the board after a recent exam-
7 ination by a practicing physician.

8 (P) Employment Lists; Establishment and Maintenance.
9 The board shall establish and maintain employment lists
10 containing names of persons eligible for appointment to
11 the various classes of positions in the classified service,
12 as follows:

13 (1) Names of regular employees who are demoted from
14 any class for a reason other than disciplinary action shall
15 be placed upon the reinstatement list for the class from
16 which they were demoted in the order in which the demo-
17 tions were made.

18 (2) Only the names of regular employees who have
19 been laid off in accordance with provision of paragraph

20 (U) shall be eligible for entry upon the reemployment
21 list. The names of such persons shall be entered upon
22 the reemployment list for the class from which they were
23 laid off in the order in which the layoffs were made.

24 (3) A name placed upon either the reinstatement or the
25 reemployment list shall remain thereon for a period of
26 four years. The board, however, may remove the name
27 of any person who refuses an offer of employment fol-
28 lowing a certification from either list.

29 (4) Names of persons attaining a passing score on a
30 promotion test shall be placed upon the promotion employ-
31 ment list for the class for which they were tested, from
32 highest to lowest, according to their total seniority in the

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1 departmental service. The names of persons attaining a
2 passing score on a competitive test shall be placed upon
3 the competitive employment list for the class for which
4 they were tested, from highest to lowest, according to
5 their final test scores.

6 (5) Any person whose name is placed upon the com-
7 petitive employment list for the entrance or lowest-ranking
8 class in the classified service who has served in the armed
9 forces of the United States of America during the times
10 of war, and has been honorably discharged or discharged
11 under honorable conditions, shall have added to his final
12 test score a total of five points at the time of placing
13 his name upon the list. Proof of such service and dis-
14 charge shall be required by the board in any manner it
15 deems advisable.

16 (6) The minimum and maximum period for which a
17 name may remain upon a promotional and competitive em-
18 ployment list shall be twelve and eighteen months, respec-
19 tively, for each list.

20 (7) The employment list for which eligibles are obtained
21 from the results of tests given for that purpose shall be
22 reestablished in the manner further provided in this Section.

23 (8) When new names are to be placed upon a promo-
24 tion list for a given class, the remaining names thereon
25 shall be rearranged with the new names so that all names
26 appearing upon the list for the class shall rank, from
27 highest to lowest, according to total seniority in the de-
28 partmental service. When new names are to be placed
29 upon a competitive list for a given class, the remaining
30 names thereon shall be rearranged with the new names
31 so that all names appearing upon the list for the class
32 shall rank, from highest to lowest, according to their final

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1 test scores.

2 (Q) Testing Procedure

3 (Q) (1) Tests; Eligibility Determination. The board shall
4 provide through the state examiner for tests to determine
5 the eligibility of applicants for entry upon the promotional
6 and competitive employment lists, as follows:

7 (a) Official notice of examination shall be posted on
8 the bulletin board in each station of the respective depart-
9 ment. The notice shall state (1) class of positions for
10 which tests will be given, (2) whether the tests will be
11 given on a promotional or competitive basis, and (3) the
12 final date on which applications for admission to the tests
13 will be received. The notice shall be posted for a con-
14 tinuous period of thirty days preceding the date for ad-
15 ministering the tests. In addition to the posted notice,
16 public notice for all tests to be given on a competitive
17 basis shall be published at least four times during the
18 thirty-day period in the official journal of the municipality
19 in which such tests are to be held. This notice of examina-
20 tion need not reveal the exact date on which tests shall
21 be administered, but all applicants shall be advised the
22 date, place, and time to report for an announced test at
23 least five days in advance thereof in any manner the
24 board may prescribe. Each person comprising a group of
25 candidates being tested at a given time for the same
26 class of employment shall be given the same test, and it
27 shall be administered in the same manner to each can-
28 didate. No questions shall be framed so as to elicit in-
29 formation concerning the political, factional, or religious
30 opinions or affiliations of any applicant.

31 (b) All tests shall be restricted to those matters which
32 will fairly test the relative capacity and fitness of the

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1 candidates to discharge the duties characteristic of posi-
2 tions of the class to which they seek to be appointed.
3 Tests may include written or oral questions, trials on the
4 performance of work characteristic of the class, inquiries
5 into facts relating to education, experience, or accomplish-
6 ments in specialized lines of endeavor, or any combination
7 of these and other elements duly related to the purpose
8 of the tests.

9 (c) Seventy-five percent shall constitute a passing score
10 for all tests administered under the provision of this Section.

11 (d) Promotional tests for positions in the various classes
12 in the classified service, except those classes in which
13 positions shall be filled only from the competitive list,
14 may be held as the needs of the service require, but must
15 be given at least one time during each successive period
16 of eighteen months.

17 (e) Competitive tests shall be held only as the needs
18 of the service require and shall be given for classes com-
19 prising only the following duties or positions:

20 (i) Chief of the departmental service.

21 (ii) The entrance or lowest-ranking class in the classified
22 service.

23 (iii) The entrance or lowest-ranking class in any group
24 of classes where the various classes have been divided into
25 groups by the classification plan.

26 (iv) Operation, maintenance, and supervision of radio,
27 fire alarm, police alarm, and other signal systems.

28 (v) Automotive or fire apparatus mechanics and re-
29 pairmen.

30 (vi) Secretary to the chief.

31 (vii) Departmental records clerk.

32 (viii) For a position in any class in the classified ser-

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1 vice after reasonable efforts by preceding methods provided
2 by this Section have failed to produce names of persons
3 eligible for regular appointment thereto.

4 (f) All tests required by this Section shall be prepared,
5 administered, and scored by the state examiner in accor-
6 dance with the provisions of this Section. The results of
7 the tests shall be furnished the board for which the tests
8 have been held as soon as practicable after the tests have
9 been administered. All test questions, answers, and papers
10 shall at all times be kept in the custody of the state
11 examiner, and shall be produced by him and exhibited
12 by him at the domicile of any board upon its written
13 request.

14 (g) The board for which any test is administered may,
15 at any time, up to six months after receiving the results
16 from the state examiner, receive and review any or all
17 parts of the test and the methods used in its grading,
18 in order to determine whether the test was a fair and
19 reasonable one and was fairly graded. If, after the board
20 reviews any test and consults with the state examiner,
21 it concludes that any item or parts of the test were un-
22 fair or unreasonable or finds errors in the grading, it may,
23 at its discretion, cause a regrading of the test, and, there-
24 upon, correct or establish the appropriate employment list
25 in accordance with the revised ratings. If the board finds
26 that a fair rating can be determined only from an entire
27 new test, it may cause a new test to be given to all persons
28 taking the previous test and, establish a new employment
29 list for the class from the results of such new test.

30 (h) Each applicant who makes a passing score on a
31 test administered under the provisions of this Section shall
32 be advised, in any manner the board prescribes, of his

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1 final grade and relative standing on the list appropriate
2 for the class for which he was tested.

3 (2) Admission to Tests. Admission to tests shall be as
4 follows:

5 (a) Admission to a promotional test shall be limited to
6 regular employees of the class next lower from that for
7 which they are to be examined. However, the rules may
8 provide for admission to be extended to applicants from
9 any one or more of the next lower classes.

10 (b) Admission to competitive tests shall be open to all
11 persons who meet the requirements provided by this Section
12 and the rules.

13 (c) Any applicant admitted to a test shall be a citizen
14 of the United States of America and, if of legal age, shall
15 be a qualified elector of the State of Louisiana.

16 (d) Special requirements or qualifications for admission
17 to tests, or for eligibility for appointment, such as age,
18 education, physical requirements, etc., may be established
19 by the rules adopted by the board, after consultation with
20 the appointing authority. Any applicant must be, at the
21 time of his appointment to a position in the classified
22 service, of good health, good moral character, and of tem-
23 perate and industrious habits.

24 (e) The board may reject the application of any person
25 for admission to tests of fitness, or refuse any applicant
26 to be tested, or may cancel the eligibility of any eligible on
27 any employment list, who

28 (i) Is found to lack any of the qualifications prescribed, or
29 which may be legally prescribed, as requirements for ad-
30 mission to the tests for the class for which he has applied;

31 (ii) Is physically unfit to perform effectively the duties
32 of a position of the class;

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1 (iii) Is addicted to the habitual use of drugs or intoxicat-
2 ing liquors to excess;

3 (iv) Has been adjudged guilty of a crime involving moral
4 turpitude or infamous or notoriously disgraceful conduct;

5 (v) Has been dismissed from the respective service for
6 delinquency or misconduct;

7 (vi) Has made a false statement of any material fact; or

8 (vii) Has practiced, or attempted to practice, deception
9 or fraud in securing eligibility for appointment or attempt-
10 ing to do so.

11 Any such facts shall also be considered cause for removal
12 of any employee. The board shall reject any application filed
13 after the time fixed for closing receipt of applications as
14 announced in the public notice of the tests.

15 (3) Working Tests. Every person appointed to a position
16 in the classified service following the certification of his
17 name from a promotional or a competitive employment list,
18 except those appointed on a temporary basis, shall be tested
19 by a working test while occupying the position before he
20 may be confirmed as a regular and permanent employee in
21 the position.

22 The period of the working test shall commence imme-
23 diately upon appointment and shall continue for a period
24 of not less than six months nor more than one year. Any
25 employee who has served at least three but less than six
26 months of his working test for any given position may be
27 removed therefrom only with the prior approval of the board,
28 and only upon the grounds that (1) he is unable or un-
29 willing to perform satisfactorily the duties of the position to
30 which he has been appointed or (2) his habits and depend-
31 ability do not merit his continuance therein. Any such em-
32 ployee may appear before the board and present his case

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1 before he is removed.

2 Upon any employee completing his working test, the ap-
3 pointing authority shall so advise the board and furnish
4 a signed statement to the respective employee of its con-
5 firmation and acceptance of the employee as a regular and
6 permanent employee in the respective position, or of its re-
7 fusal to confirm the employee and the reasons therefor. If,
8 at the expiration of an employee's working test period, the
9 appointing authority fails to confirm or reject the employee,
10 such failure to act shall constitute a confirmation. Any em-
11 ployee who is rejected after serving a working test of six
12 months but not more than one year, may appeal to the board
13 only upon the grounds that he was not given a fair oppor-
14 tunity to prove his ability in the position.

15 The appointing authority may remove, and shall remove
16 upon the order of the board, any employee during his work-
17 ing test period who the board finds, after giving him notice
18 and an opportunity to be heard, was appointed as a result of
19 an error, misrepresentation, or fraud.

20 In any event where any employee is permitted under this
21 Section to appeal to the board, the decision of the board
22 shall be subject to the judicial review provided by this
23 Section and the appointing authority and employee shall
24 be governed accordingly.

25 (R) Certification; Appointment

26 (R) (1) Certification and Appointment. (a) Whenever the
27 appointing authority proposes to fill a vacancy in the
28 classified service, except by demotion, transfer, emergency
29 appointment, or by substitute employment not to exceed
30 thirty days, he shall request the board to certify names of
31 persons eligible for appointment to the vacant position. The
32 board shall thereupon certify in writing the names of eligible

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1 persons from the appropriate employment list as provided
2 below. No such certification shall be valid for more than
3 thirty days following the date thereof. The appointing au-
4 thority shall, if he fills the vacancy, make the appointment
5 as provided below.

6 (b) The board shall first certify the name of the per-
7 son appearing upon the reinstatement list who is eligible for
8 the first reinstatement in the class of the vacant position.
9 The name of this person and all others appearing upon the
10 reinstatement list for the class shall be certified and offered
11 the appointment in the order provided by paragraph (P) be-
12 fore the vacancy is filled by any subsequent method pro-
13 vided by this Subsection. The appointing authority shall
14 appoint to the vacant position the first person so certified
15 to him who is willing to accept the appointment. If the posi-
16 tion is one of a class from which layoffs have been made as
17 provided by paragraph (U) the names of eligible persons
18 appearing upon the reemployment list for the class shall be
19 certified and offered the appointment in the order provided
20 by paragraph (P) before any other appointment is made
21 thereto.

22 (c) In the event a vacancy cannot be filled by reinstate-
23 ment, or by reemployment as above provided, the board
24 shall next certify the names of persons upon the promotional
25 list, in the order in which they appear thereon, for the class
26 in which the vacancy is to be filled. The appointing au-
27 thority shall select and appoint to the first vacancy to be
28 filled the one person certified to him who has the greatest
29 seniority in the departmental service. Any remaining posi-
30 tions to be filled in the same class shall be filled by
31 appointing to each such successive vacancy the one of the
32 remaining persons certified therefor who has the next

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1 highest seniority in the departmental service. If any one or
2 more persons so certified should refuse the appointment, the
3 appointing authority shall then select and appoint one of
4 the persons certified by the board with the next highest
5 seniority in the departmental service. This procedure shall
6 be followed until the position has been filled by appoint-
7 ment of the one person who has the greatest seniority in
8 the departmental service, and who is willing to accept the
9 appointment, or until each person whose name appears upon
10 the list, has in this order been certified and offered the ap-
11 pointment for the vacancy.

12 (d) Certification and appointment from the competitive
13 list shall be limited to those conditions and classifications
14 for which the competitive test may be given as provided
15 by paragraph (Q). Upon the appointing authority's request
16 for the certification of eligible persons from which he may
17 fill a vacancy, and if the competitive list is the appro-
18 priate list from which the names of eligible persons shall
19 be certified, the board shall certify the names of the persons
20 upon that list, in the order in which they appear thereon,
21 for the class in which the vacancy is to be filled. The ap-
22 pointing authority shall select and appoint to the first va-
23 cancy to be filled, any one of the persons so certified to
24 him for the vacancy. If any one or more persons so certi-
25 fied should refuse the appointment, the appointing author-
26 ity shall then select and appoint any one of the remaining
27 persons certified by the board. This procedure shall be fol-
28 lowed until the position has been filled by appointment of
29 one of the persons certified from the list and willing to ac-
30 cept the appointment, or until each person whose name ap-
31 pears upon the list has in this manner been certified for
32 the vacancy.

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1 (e) Appointment to any position in the classified service
2 from which the regular employee is away on an authorized
3 leave of absence shall be made in accordance with the pro-
4 visions of this Subsection.

5 (f) The appointing authority shall notify the board of the
6 filling of a vacancy as provided in paragraph (Y).

7 (2) Temporary Appointments. Temporary appointments
8 may be made to positions in the classified service without
9 the appointees acquiring any permanent status therein, as
10 follows:

11 (a) (i) When a vacancy is to be filled in a position of a
12 class for which the board is unable to certify names of per-
13 sons eligible for regular and permanent, or substitute ap-
14 pointment, the appointing authority may make a provi-
15 sional appointment of any person whom he deems qualified.
16 When practicable, the appointment should be made by the
17 provisional promotion of any employee of a lower class. A
18 provisional appointment shall not continue for more than
19 three months. No position in the classified service shall be
20 filled by one or more provisional appointments for a period
21 in excess of three consecutive months and successive like
22 periods shall not be permissible. The board may, however,
23 authorize the renewal of such appointment, or authorize
24 such successive appointments for a period not to exceed
25 three additional months whenever it has been impracticable
26 or impossible to establish a list of persons eligible for certi-
27 fication and appointment to a vacancy. Any provisional ap-
28 pointment, if not terminated sooner, shall terminate upon
29 the regular filling of the vacancy in any manner authorized
30 under this Section, and, in any event, within fifteen days
31 after a certification from which a regular, or substitute ap-
32 pointment, as the case may be, can be made under the pro-

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1 visions of this Section. A provisional appointment shall be
2 reported to the board within fifteen days following the
3 appointment.

4 (ii) During the times of war, and after the board con-
5 tinues to offer tests provided by this Section in an effort
6 to obtain persons eligible for regular and permanent appoint-
7 ment to a position of any class which has been permanently
8 vacated by the regular employee thereof, and it finds it im-
9 possible to establish a list of persons qualified for certifica-
10 tion and permanent appointment to the position in the
11 classified service, it may authorize the appointing author-
12 ity to fill the position with a provisional appointee until
13 the appropriate employment list can be established.

14 (iii) Provisional appointments may be made in any position
15 until a classification plan is prepared and adopted and for
16 such time thereafter as may be required for the preparation
17 and administration of tests and the establishment of em-
18 ployment lists from the results of the tests. But such special
19 authority shall be valid for a period of not more than
20 eighteen months immediately following the date that this
21 Section takes effect in the municipality.

22 (b) A substitute appointment may be made to any position
23 in the classified service (1) from which the regular and
24 permanent employee is away on an authorized leave of absence,
25 or (2) from which the regular employee is substituting for
26 some other regular employee who is authorized to be away
27 from his respective position. No position shall be filled by a
28 substitute appointee for a time beyond that for which the
29 regular and permanent incumbent is away on an authorized
30 leave. Whenever such appointment shall continue for not more
31 than thirty days, the appointing authority may appoint
32 thereto any one whom he deems qualified. Substitute ap-

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1 pointments made for a period exceeding thirty days shall
2 be made in the same manner as provided in paragraph (R)
3 for the filling of a vacancy by a regular and permanent
4 appointment. Any person employed on a substitute basis
5 shall, for the duration of the temporary employment, enjoy
6 the class title and be entitled to receive the rate of pay for
7 the class and position in which he is employed. The ap-
8 pointing authority shall notify the board within fifteen days
9 following any substitute appointment made for a period
10 to exceed thirty days, the name of the appointee, the class
11 of position filled, the period for which the appointment was
12 made and attach to the notification a signed copy of the
13 leave of absence granted the employee for whom the appointee
14 is substituting.

15 (c) Emergency appointments of any person may be made
16 at any time the need of the service requires because of any
17 local emergency of a temporary and special nature. No such
18 appointment shall be effective or continued for more than
19 ten days.

20 (S) Leaves of Absence. The board shall adopt rules to
21 provide for leaves of absence in the various classes of the
22 classified service. Such rules shall provide for annual vaca-
23 tion and sick leaves with pay, and special leaves with or
24 without pay. They may provide for special extended leaves
25 with or without pay or with reduced pay for employees
26 disabled through injury or illness arising out of their em-
27 ployment. The right to regulate the time at which any em-
28 ployee may take an annual leave, or any other leave which
29 is not beyond the control of the employee, shall be vested at
30 all times with the appointing authority.

31 (T) Abolition of Positions. Whenever the appointing au-
32 thority abolishes a position in the classified service and

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1 there is no position vacant in the respective class to which
2 the regular employee of the abolished position may be
3 transferred, the employee shall be transferred to any position
4 of the same class which may be held by a provisional
5 employee. If there is no such position he shall be transferred
6 to another position in the respective class, and the holder of
7 that position shall thereupon be demoted in the order pro-
8 vided by paragraph (M).

9 (U) Layoffs. If, for any reason, the lowest class in the
10 classified service, or the lowest class in a respective group
11 of classes, as grouped by the classification plan, should
12 become overburdened with the number of persons holding
13 positions therein, and a reduction of personnel becomes
14 necessary, the reduction shall be made only by laying off
15 persons without pay. The order of removal shall begin with
16 the person youngest in point of his accumulated total service
17 in the departmental service and shall continue upward until
18 all persons to be removed have been laid off. Layoffs shall
19 be made from positions only within the classes above set
20 forth. The names of persons laid off, the date, the class of
21 position held, and the order in which each person was
22 laid off shall be reported to the board by the appointing
23 authority. The board shall, thereupon, enter such information
24 upon the reemployment list applicable for the class from
25 which each person was removed.

26 (V) Corrective and Disciplinary Action

27 (V) (1) The tenure of persons who have been regularly
28 and permanently inducted into positions of the classified
29 service shall be during good behavior. However, the ap-
30 pointing authority may remove any employee from the serv-
31 ice, or take such disciplinary action as the circumstances
32 warrant in the manner provided below for any one of the

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1 following reasons:

2 (a) Unwillingness or failure to perform the duties of
3 his position in a satisfactory manner.

4 (b) The deliberate omission of any act that it was his
5 duty to perform.

6 (c) The commission or omission of any act to the prejudice
7 of the departmental service or contrary to the public interest
8 or policy.

9 (d) Insubordination.

10 (e) Conduct of a discourteous or wantonly offensive nature
11 toward the public; any municipal officer or employee; and,
12 any dishonest, disgraceful, or immoral conduct.

13 (f) Drinking vinous or spiritous liquors while on duty or
14 reporting for duty while under the influence of liquor.

15 (g) The use of intoxicating liquors, or habit-forming drug,
16 liquid, or preparation to an extent which precludes the em-
17 ployee from performing the duties of his position in a safe
18 or satisfactory manner.

19 (h) The conviction of a felony.

20 (i) Falsely making a statement of any material fact in
21 his application for admission to any test for securing eligibili-
22 ty or appointment to any position in the classified service,
23 or, practicing or attempting to practice fraud or deception
24 in any test.

25 (j) Using or promising to use his influence or official
26 authority to secure any appointment to a position within
27 the classified service as a reward or return for partisan
28 or political services.

29 (k) Soliciting or receiving any money or valuable thing
30 from any person for any political party or political purpose.

31 (l) Inducing or attempting to induce by treats of coercion,
32 any person holding a position in the classified service to

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1 resign his position, take a leave of absence from his duties,
2 or waive any of his rights under the provisions of this Sec-
3 tion, or of the rules.

4 (m) The development of any defect of physical condition
5 which precludes the employee from properly performing the
6 duties of his position, or the development of any physical
7 condition that may endanger the health or lives of fellow
8 employees.

9 (n) The willful violation of any provision of this Section
10 or of any rule, regulation, or order hereunder.

11 (o) Any other act or failure to act which the board deems
12 sufficient to show the offender to be an unsuitable or unfit
13 person to be employed in the respective service.

14 (2) Unless the cause or condition justifies an employee
15 being permanently removed from the service, disciplinary
16 action may extend to suspension without pay for a period
17 not exceeding the aggregate of ninety days in any period
18 of twelve consecutive months, reduction in pay to the rate
19 prevailing for the next lower class, reduction or demotion
20 to a position of any lower class, and to the rate of pay
21 prevailing therefor, or such other less drastic action that
22 may be appropriate under the circumstances. Nothing con-
23 tained herein shall prevent any employee who is physically
24 unable to perform the duties of his position from exercising
25 his rights of voluntary retirement under any applicable law.

26 (3) Although it is incumbent upon the appointing au-
27 thority to initiate corrective or disciplinary action, the
28 board may, and shall upon the written request of any quali-
29 fied elector of the state which sets out the reasons therefor,
30 make an investigation of the conduct and performance of
31 any employee in the classified service and, thereupon may
32 render such judgment and order action to be taken by the

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1 appointing authority. Such action shall be forthwith taken
2 by the appointing authority.

3 (4) In every case of corrective or disciplinary action
4 taken against a regular employee of the classified service,
5 the appointing authority shall furnish the employee and the
6 board a statement in writing of the action and the com-
7 plete reasons therefor.

8 (W) Appeals by Employees. Any regular employee in the
9 classified service who feels that he has been discharged
10 or subject to any corrective or disciplinary action without
11 just cause, may, within fifteen days after the action, de-
12 mand in writing, a hearing and investigation by the board
13 to determine the reasonableness of the action. The board
14 shall grant the employee a hearing and investigation within
15 thirty days after receipt of the written request.

16 All such hearings and investigation conducted by the
17 board pursuant to the provisions of this Section shall be
18 opened to the public. No hearing and investigation shall
19 be held unless both the employee and the appointing au-
20 thority have been advised at least ten days in advance of
21 the date, time, and place therefor. If either the appointing
22 authority or the employee fails to appear at the place, and
23 on the day and at the hour fixed for the hearing, the board
24 may decide the issue involved on the basis of the evidence
25 adduced and confined to the question of whether the action
26 taken against the employee was made in good faith for
27 cause set forth in the provisions of this Section. Both the em-
28 ployee and the appointing authority shall be afforded an
29 opportunity to appear before the board, either in person or
30 with counsel, and present evidence to show that the action
31 was or was not taken in good faith for cause as set forth
32 in the provisions of this Section. The board shall have com-

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1 plete charge of any such hearing and investigation, and may
2 conduct it in any manner it deems advisable, without pre-
3 judice to any person or party thereto. The procedure fol-
4 lowed shall be informal and not necessarily bound by the
5 legalistic rules of evidence. The board shall not be required
6 to have the testimony taken and transcribed, but either
7 the employee or the appointing authority may, at their own
8 expense, make the necessary arrangements therefor. In
9 such cases the board may name any competent shorthand
10 reporter as the official reporter. If the testimony is not taken
11 or transcribed, then the board shall make a written finding
12 of the fact. After such investigation the board may, if the
13 evidence is conclusive, affirm the action of the appointing
14 authority. If they find that the action was not taken in
15 good faith for cause under the provisions of this Section,
16 the board shall order the immediate reinstatement or reem-
17 ployment of such person in the office, place, position, or em-
18 ployment from which he was removed, suspended, demoted,
19 or discharged, which reinstatement shall, if the board so
20 provides, be retroactive and entitle him to his regular pay
21 from the time of removal, suspension, demotion, discharge,
22 or other disciplinary action. The board may modify the order
23 of removal, suspension, demotion, discharge, or other dis-
24 ciplinary action by directing a suspension without pay, for
25 a given period. The decision of the board, together with its
26 written finding of fact, if required, shall be certified, in
27 writing, to the appointing authority and shall be forthwith
28 enforced by the appointing authority.

29 Any employee under classified service and any appointing
30 authority may appeal from any decision of the board, or
31 from any action taken by the board under the provisions of
32 the Section which is prejudicial to the employee or appoint-

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1 ing authority. This appeal shall be taken by serving the
2 board, within thirty days after entry of its decision, a
3 written notice of appeal, stating the grounds thereof and de-
4 manding that a certified transcript of the record, or written
5 findings of fact, and all papers on file in the office of the
6 board affecting or relating to such decision, be filed with
7 the designated court. The board shall, within ten days after
8 the filing of the notice of appeal, make, certify, and file
9 the complete transcript, with the designated court, and that
10 court shall thereupon proceed to hear and determine the
11 appeal in a summary manner. This hearing shall be con-
12 fined to the determination of whether the decision made by
13 the board was made in good faith for cause under the
14 provisions of this Section. No appeal to the court shall be
15 taken except upon these grounds.

16 (X) Board Powers; Refusal to Testify. The board, and
17 each of its members, shall have the same power and au-
18 thority to administer oaths, subpoena witnesses, and com-
19 pel the production of books and papers pertinent to any in-
20 vestigation or hearing authorized by this Section as is pos-
21 sessed by the district courts of Louisiana. Any person who
22 (1) fails to appear in response to a subpoena, (2) fails to
23 answer any question, except those which may incriminate
24 him, (3) fails to produce any books or papers pertinent
25 to any investigation or hearing, or (4) knowingly gives
26 false testimony therein shall be subject to the penal sections
27 of this Section. In case of contumacy or refusal to obey a
28 subpoena issued to any person, the district court within the
29 jurisdiction of which the investigation is being carried on,
30 or within the jurisdiction of which the person guilty of
31 contumacy or refusal to obey is found, or resides, or trans-
32 acts business, upon application of the board, shall have the

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1 requisite jurisdiction to issue to the person an order re-
2 quiring him to appear before the board, its member or
3 agent, and to produce the required evidence or give testi-
4 mony touching the matter under consideration or in ques-
5 tion. Any person failing to obey such order may be punished
6 by the court for contempt.

7 Any officer or employee in the classified service who
8 willfully refuses or fails to appear before any court, officer,
9 board, body or person properly authorized to conduct any
10 hearing or inquiry, or any employee or officer, who, having
11 appeared, refuses to testify or answer any relevant question
12 relating to the affairs of government of the municipality or
13 the conduct of any municipal officer or employee, except
14 upon the ground that his testimony or answers would in-
15 criminate him, shall, in addition to any other penalty to
16 which he may be subject, forfeit his position, and shall not
17 be eligible for appointment to any position in the classified
18 service for a period of six years.

19 (Y) Municipal Officers and Employees; Duties. The ap-
20 pointing authority shall report to the board within fif-
21 teen days following any appointment or employment in a
22 position in the classified service, unless otherwise prov-
23 vided, the name of the appointee, the title and character of
24 his office or employment and the date the employee com-
25 menced work in the position. The appointing authority shall
26 also report the date of and official action in, or knowledge
27 of, any separation, promotion, demotion, suspension, lay-
28 off, reinstatement, or reemployment in the classified section.

29 (Z) Acts and Activities Prohibited

30 (Z) (1) Political Activities Prohibited. (a) Political activ-
31 ities by and extending to employees of the classified service
32 are hereby prohibited as follows:

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1 (i) No person shall seek or attempt to use any political
2 endorsement in connection with any appointment to a posi-
3 tion in the classified service.

4 (ii) No person shall use or promise to use, directly or in-
5 directly, any official authority or influence, whether pos-
6 sessed or anticipated, to secure or attempt to secure for
7 any person an appointment or advantage in appointment to
8 a position in the classified service, or an increase in pay
9 or other advantage in employment in any such position, for
10 the purpose of influencing the vote or political action of
11 any person, or for any consideration.

12 (iii) No employee in the classified service shall, directly
13 of indirectly, pay, or promise to pay, any assessment,
14 subscription, or contribution for any political organization
15 or purpose, or solicit or take part in soliciting any such
16 assessment, subscription, or contribution. No person shall
17 solicit any such assessment, subscription, or contribution
18 of any employee in classified service. The prohibitions of
19 this Subsection shall not be construed as applying to mem-
20 bership dues paid, or contributions made, to nonpolitical
21 employee organizations, pension funds, civic enterprises, the
22 Louisiana Civil Service League, or any similar nonpolitical
23 and nonpartisan organization.

24 (iv) No employee in the classified service shall (a) be
25 a member of any national, state, or local committee of
26 a political party, (b) be an officer or member of a com-
27 mittee of any factional, political club or organization, (c)
28 be a candidate for nomination or election to public office,
29 (d) make any political speech or public political statement
30 in behalf of any candidate seeking to be elected to public
31 office, or (e) take any part in the management or affairs
32 of any political party or in the political campaign of any

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1 candidate for public office, except to privately express his
2 opinion and to cast his vote.

3 (v) No person elected to public office shall, while serving
4 in the elected office, be appointed to or hold any position
5 in the classified service.

6 (vi) No appointing authority, or agent or deputy thereof,
7 shall directly or indirectly demote, suspend, discharge, or
8 otherwise discipline, or threaten to demote, suspend, dis-
9 charge or otherwise discipline, or discriminate against any
10 person in the classified service for the purpose of influenc-
11 ing his vote, support, or other political activity in any
12 election or primary election. No appointing authority, or
13 agent, or deputy thereof, shall use his official authority
14 or influence, by threats, promises or other means, directly
15 or indirectly, to coerce the political action of any employee
16 in the classified service.

17 (b) The appointing authority shall discharge from the
18 service any employee whom he deems guilty of violating
19 any one or more of the provisions of this Section. The
20 board may, upon its own initiative, investigate any officer
21 or employee in the classified service whom it reasonably
22 believes guilty of violating any one or more of the pro-
23 visions of this Section. The board shall, within thirty days
24 after receiving the written charges, hold a public hearing
25 and investigation and determine whether such charges
26 are true and correct. If the board should find upon its
27 investigation of any employee that he has violated any
28 of the foregoing provisions, the board shall order the ap-
29 pointing authority to forthwith discharge the guilty em-
30 ployee from the service and the appointing authority shall
31 forthwith discharge the employee.

32 (c) Whoever violates this Section shall be subject to

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1 the penalties provided in paragraph (A-2). In addition any
2 employee in the classified service who is discharged be-
3 cause of violating a foregoing provision shall not again
4 in the classified service for a period of six years from
5 the time of his discharge.

6 (2) Other Prohibited Acts. No person shall

7 (a) Make any false statement, certificate, mark, rating,
8 or report with regard to any test, certification, or appoint-
9 ment made under any provisions of this Section or commit
10 or attempt to commit any fraud preventing the impartial
11 execution of this Section and the rules.

12 (b) Directly or indirectly, give, render, pay, offer, solicit,
13 or accept any money, service, or other valuable considera-
14 tion for or on account of any appointment, proposed ap-
15 pointment, promotion, or proposed promotion to, or any
16 advantage in, a position in the classified service.

17 (c) Defeat, deceive, or obstruct any person in his right
18 to examination, eligibility, certification, or appointment
19 under this Section, or furnish to any person any special
20 or secret information for the purpose of affecting the rights
21 or prospects of any person with respect to employment
22 in the classified service.

23 (A-1) Legal Services. If this Section, or its enforce-
24 ment by the board is called into question in any judicial
25 proceeding, or if any person fails or refuses to comply
26 with the lawful orders or directions of the board, the
27 board may call upon the attorney general, or the chief
28 legal officer of the municipality, or may employ indepen-
29 dent counsel to represent it in sustaining this Section and
30 enforcing it. Nothing contained herein shall prevent any
31 municipal officer, employee, or private citizen from taking
32 legal action in the courts to enforce the provisions of

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1 this Section or of any rule, order, or other lawful action
2 of the board.

3 (A-2) Penalties. Whoever willfully violates any provision
4 of this Section or of the rules shall be fined not more
5 than five hundred dollars and shall, for a period of six
6 years, be ineligible for appointment to or employment in
7 any position of the classified service. If he is an officer
8 or employee of the classified service he shall forfeit his
9 office or position.

10 (A-3) Effect of Other Laws. This Section shall not be
11 rendered ineffective by any general law affecting municipi-
12 pal employees or municipal departments in matters of clas-
13 sified civil service except that the applicability of this
14 Section shall be subject to and governed by the provisions
15 on state and city civil service of the constitution pro-
16 vided, however, that any city and any parish government
17 jointly with one or more cities under a plan of govern-
18 ment, having once elected to accept the provisions of state
19 and city civil service of the constitution may subsequently
20 elect and determine to accept the provisions of this Section
21 by a majority vote of its qualified electors voting at a
22 general or special election, ordered and held for this pur-
23 pose by the city or parish authorities, as the case may
24 be, in the manner set forth in the provisions on state and
25 city civil service of the constitution, provided further, that
26 no local election or elections pursuant to the provisions
27 of state and city civil service, insofar as they apply to
28 and affect this Section, and no local election or elections
29 pursuant to this Section shall be held more often than
30 once every four years, in any one city.

31 (A-4) Provisions Self-Operative. The provisions hereof
32 are self-executing and self-operative and the officials desig-

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1 nated are authorized to carry the same into effect.

2 (A-5) Effective Date of Provisions. Any system of muni-

3 cipal fire and police civil service under Act 102 of 1944,

4 as amended, or under the provisions of Sections 2471 through

5 2508 of Title 33 of the Louisiana Revised Statutes of 1950

6 or under any provision of the Constitution of 1921, which

7 is in force on the effective date of this constitution, is

8 continued in effect under the provisions of this Section.

9 The rights of any person under Act 102 of 1944, as

10 amended, and under the above sections of the revised

11 statutes which exist on the effective day of this consti-

12 tution are continued in effect. Every rule, classification,

13 plan, or allocation established under the above provisions

14 which is in force on the effective day of this amendment

15 is continued in effect until it is amended or repealed by

16 the proper authority under this Section.

1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 10

3 Introduced by Delegate Aertker, Chairman, on behalf of the

4 Committee on Education and Welfare, and Delegates Corne,

5 Cowen, Flory, Grier, Landry, Leithman, Rachal, Robinson,

6 Wattigny, and Wisham

A PROPOSAL

9

10 Making provisions for human resources by providing for municipi-

11 pal fire and police civil service.

12 Be it adopted by the Constitutional Convention of Louisiana

13 of 1973:

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

17 Section 1. (A) There is hereby created and established a

18 system of classified fire and police civil service which shall

19 be applicable to all municipalities with a population in excess

20 of thirteen thousand which operate a regularly paid fire and

21 municipal police department and all parishes and all fire

22 protection districts which operate a regularly paid fire depart-

23 ment. Permanent appointments and promotions in municipal fire

24 and police civil service shall be made only after certification

25 by the applicable Municipal Fire and Police Civil Service Board

26 under a general system based upon merit, efficiency, fitness,

27 and length of service as provided in Article XIV, Section 15.1

28 of the 1921 Constitution, subject to change by law enacted upon

29 the favorable vote of two-thirds of the elected members of

30 each house of the legislature. Except as may be inconsistent

31 with the provisions of this Section, the provisions of Article

32 XIV, Section 15.1 of the Constitution of 1921, are hereby re-

33 tained and continued in force and effect as statutes. The leg-

34 islature upon the favorable vote of two-thirds of the elected

35 membership of each house may amend or otherwise modify any of

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1 said provisions of Article XIV, Section 15.1 of the 1921
2 Constitution except that the legislature may not abolish
3 the system of classified civil service for such firemen
4 and municipal policemen or make it inapplicable to any
5 municipality which has a population in excess of thirteen
6 thousand according to the latest decennial census of the
7 United States or to any parish or fire protection district
8 having a regularly paid fire department. However, in
9 municipalities with a population in excess of four hundred
10 thousand paid firemen and municipal policemen shall be includ-
11 ed if a majority of the electors in the city affected voting
12 at an election held for the purpose consent thereto, said
13 election shall be called by the governing authority of the
14 city affected within one year after the effective date of
15 this constitution.

16 Nothing in Article VII, Section 1 of this constitution
17 authorizing cities or other political subdivisions to be placed
18 under the provisions of said article whether by election, act
19 of the legislature, or ordinance of the local governing author-
20 ity shall be construed as authorizing the inclusion therein of
21 firemen and policemen in any municipality having a population
22 in excess of thirteen thousand and less than four hundred
23 thousand and which operates a regularly paid fire and municipal
24 police department or in any parish or fire protection district
25 which operates a regularly paid fire department, which said
26 firemen and policemen are hereby expressly excluded from any
27 such system.

28 (B) Prohibitions Against Political Activities. Article
29 XIV, Section 15.1 (34) of the 1921 Constitution is retained
30 and continued in force and effect.
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1 COMMITTEE PROPOSAL No. 11—

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare, and Delegates
4 Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
5 Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
6 inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
7 and Wisham:

8 A PROPOSAL

9 Making provisions for human resources by providing for re-
10 tirement and survivors' benefits.

11 Be it adopted by the Constitutional Convention of Lou-
12 isiana of 1973:

13 Article VII, Section 1. Retirement and Survivors' Benefits

14 Section 1. (A) Retirement System; Public School Em-
15 ployees. The legislature shall provide for the retirement of
16 teachers and other employees of the public schools through
17 the establishment of a retirement system or systems for
18 public school employees. Membership in such retirement sys-
19 tem or systems shall be a contractual relationship, the
20 accrued benefits of which shall not be diminished nor im-
21 paired, and the state shall guarantee any benefits pay-
22 able to a member of the system or to his lawful beneficiary
23 at his death or retirement.

24 (B) Retirement System; State Officers and Employees.
25 The legislature shall provide for the retirement of officers
26 and employees of the State of Louisiana or its political cor-
27 porations and political subdivisions, including persons em-
28 ployed jointly by state and federal agencies other than the
29 military service, through the establishment of a retirement
30 system or systems. Membership in any retirement system of
31 the state or of a political corporation thereof shall be a con-
32 tractual relationship, the accrued benefits of which shall not

1 be diminished nor impaired.

2 (C) Financial Security for Surviving Spouses and Children
3 of Law Enforcement Officers in Certain Cases. (1) It is
4 hereby declared to be the public policy of this state, under
5 its police power, to provide for the financial security of
6 surviving spouses and dependent children of law enforce-
7 ment officers where such officers suffer death as a result
8 of injury sustained in the course of the performance of offi-
9 cial duties or ensuing from any activity while on or off
10 duty engaged in the protection of life or property.

11 (2) Law enforcement officers, within the meaning of this
12 Section, shall include: all sheriffs and deputy sheriffs in
13 the state employed on a full-time basis; all members of the
14 state police thus employed; those municipal police officers
15 to whom state compensation is or may be paid as provided
16 by law; all enforcement personnel of the Louisiana Wildlife
17 and Fisheries Commission; capitol security police; guards
18 at state-owned hospitals; security officers on the campuses
19 of state-owned colleges and universities; guards at state
20 penal institutions; enforcement personnel of dock boards
21 and levee boards, and other state employees whose primary
22 responsibility is the full-time protection of state property;
23 provided, however, that honorary law enforcement officers,
24 all state probation and parole officers, including juvenile
25 probation and parole officers shall not be construed or in-
26 terpreted to be such law enforcement officers within the
27 purview of this act.

28 (3) In any case in which a law enforcement officer, as
29 defined by this Section, suffers death, under the conditions
30 described in Paragraph (A), the legislature shall appro-
31 priate the sum of ten thousand dollars, which shall be
32 paid to the surviving spouse of such law enforcement officer,

1 and in addition thereto, should such law enforcement officer
2 be survived by minor children, the legislature shall ap-
3 propriate the sum of five thousand dollars for each of the
4 said minor children, which sum shall be paid to the duly
5 appointed and qualified tutor or other legal representative
6 of said child.

7 (4) No such payment shall be made until a judgment of
8 a court of competent jurisdiction has become final and such
9 judgment has decreed that the law enforcement officer did
10 suffer death as a result of the conditions described in Para-
11 graph (A) above.

12 (5) Suit shall be instituted by the attorney general against
13 the legislative auditor in the district court of the parish
14 in which the state capitol is situated in any case where
15 it appears that such a law enforcement officer has suffered
16 death in the circumstances provided by this Section and
17 jurisdiction over such suit is hereby conferred on said court.
18 Any judgment rendered by such court shall be subject to
19 appeal as in other civil matters.

20 (6) Such suit may be instituted under the laws applicable
21 to declaratory judgments and any such suit shall be re-
22 garded as presenting a justiciable controversy between the
23 attorney general and the legislative auditor.

24 (7) This Section shall be self-operative and no further
25 or additional legislation shall be required to place the pro-
26 visions hereof in effect.

27 (D) Retirement Systems; Notice of Intention to Pro-
28 pose Amendments or Change; Publication. No proposal to
29 amend or effect any change in existing laws or provisions of
30 the constitution relating to any retirement system in this
31 state shall be introduced into the legislature unless notice
32 of intention to introduce such proposal shall have been pub-

1 lished, without cost to the state, in the official state jour-
 2 nal on three separate days, the last day of which is at
 3 least thirty days prior to the convening of the legislature in
 4 regular session. This notice shall state the substance of the
 5 contemplated law or proposal to amend the constitution.
 6 Evidence of publication of the notice shall be exhibited in
 7 the legislature before the bill is passed, and every such bill
 8 shall contain a recital that the notice has been given.

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1 **COMMITTEE PROPOSAL No. 11—**

2 Introduced by Delegate Aertker, Chairman, on behalf of
 3 the Committee on Education and Welfare, and Delegates Car-
 4 mouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Her-
 5 nandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura,
 6 Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

7 **A PROPOSAL**

8 Making provisions for human resources by providing for re-
 9 tirement and survivors' benefits.

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

12 Article VII, Section 1. Retirement and Survivors' Benefits

13 Section 1. (A) Retirement System; Public School Em-
 14 ployees. The legislature shall provide for the retirement of
 15 teachers and other employees of the public educational system
 16 through the establishment of a retirement system or systems
 17 for employees of the public educational system. Membership
 18 in such retirement system or systems shall be a contractual
 19 relationship between the employee and employer, the accrued
 20 benefits of which shall not be diminished or impaired, and
 21 the state guarantees all benefits payable to a member of the
 22 system or to his lawful beneficiary at his death or retirement.

23 (B) Retirement System; State Officers and Employees.

24 The legislature shall provide for the retirement of officers
 25 and employees of the State of Louisiana, its agencies and
 26 political subdivisions, including persons employed jointly by
 27 state and federal agencies other than the military service,
 28 through the establishment of a retirement system or systems.
 29 Membership in any retirement system of the state or of a
 30 political subdivision thereof shall be a contractual relationship
 31 between the employee and employer, the accrued benefits of
 32 which shall not be diminished or impaired, and the state or

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1 political subdivision shall guarantee any benefits payable to
2 a member of the system or to his lawful beneficiary at his
3 death or retirement.

4 (C) Financial Security for Surviving Spouses and Children
5 of Law Enforcement Officers in Certain Cases. (1) It is
6 hereby declared to be the public policy of this state, under
7 its police power, to provide for the financial security of
8 surviving spouses and dependent children of law enforcement
9 officers where such officers suffer death as a result of in-
10 jury sustained in the course of the performance of official
11 duties or ensuing from any activity while on or off duty en-
12 gaged in the protection of life or property.

13 (2) Law enforcement officers, within the meaning of this
14 Section, shall include: all sheriffs and deputy sheriffs in the
15 state employed on a full-time basis; all members of the state
16 police thus employed; those municipal police officers to whom
17 state compensation is or may be paid as provided by law;
18 all enforcement personnel of the Louisiana Wildlife and
19 Fisheries Commission; capitol security police; guards at
20 state-owned hospitals; security officers on the campuses of
21 state-owned colleges and universities; guards at state penal
22 institutions; enforcement personnel of dock boards and levee
23 boards; persons on the payroll of the state or of any political
24 subdivision of the state in training to become a law enforce-
25 ment officer as defined in this subsection, and other state
26 employees whose primary responsibility is the full-time pro-
27 tection of state property; provided, however, that honorary
28 law enforcement officers, all state probation and parole offi-
29 cers, including juvenile probation and parole officers shall
30 not be construed or interpreted to be such law enforcement
31 officers within the purview of this subsection.

32 (3) In any case in which a law enforcement officer, as

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1 defined by this Section, suffers death, under the conditions
2 described in Paragraph (A), the legislature shall appropriate
3 the sum of ten thousand dollars, which shall be paid to the
4 surviving spouse of such law enforcement officer, and in addi-
5 tion thereto, should such law enforcement officer be survived
6 by minor children, the legislature shall appropriate the sum
7 of five thousand dollars for each of the said minor children,
8 which sum shall be paid to the duly appointed and qualified
9 tutor or other legal representative of said child.

10 (4) No such payment shall be made until a judgment of a
11 court of competent jurisdiction has become final and such
12 judgment has decreed that the law enforcement officer did
18 suffer death as a result of the conditions described in Para-
14 graph (A) above.

15 (5) Suit shall be instituted by the attorney general against
16 the legislative auditor in the district court of the parish in
17 which the state capitol is situated in any case where it ap-
18 pears that such a law enforcement officer has suffered death
19 in the circumstances provided by this Section and jurisdic-
20 tion over such suit is hereby conferred on said court. Any
21 judgment rendered by such court shall be subject to appeal
22 as in other civil matters.

23 (6) Such suit may be instituted under the laws applicable
24 to declaratory judgments and any such suit shall be regarded
25 as presenting a justifiable controversy between the attorney
26 general and the legislative auditor.

27 (7) This Section shall be self-operative and no further or
28 additional legislation shall be required to place the provisions
29 hereof in effect.

30 (D) Retirement Systems; Notice of Intention to Propose
31 Amendments or Change; Publication. No proposal to amend
32 or effect any change in existing laws or provisions of the

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1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 11

1 constitution relating to any retirement system in this state
2 shall be introduced into the legislature unless notice of in-
3 tention to introduce such proposal shall have been published,
4 without cost to the state, in the official state journal on two
5 separate days, the last day of which is at least thirty days
6 prior to the introduction of such bill into the legislature. The
7 notice shall state the substance of the contemplated law or
8 proposal to amend the constitution. Every such bill shall
9 contain a recital that the notice has been given.

3 Introduced by Delegate Aertker, Chairman, on behalf of the
4 Committee on Education and Welfare, and Delegates Carmouche,
5 Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E.
6 Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland,
7 Thistlethwaite, Toca, Wattigny and Wisham

9 A PROPOSAL

10
11 Making provisions for human resources by providing for retire-
12 ment and survivors' benefits.

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

15
16 ARTICLE VII. HUMAN RESOURCES

17 Section 1. Retirement and Survivor's Benefits

18 Section 1. (A) Retirement System; Public School Employees.

19 The legislature shall provide for the retirement of teachers
20 and other employees of the public educational system through the estab-
21 lishment of a retirement system or systems for employees of the public
22 educational system. Membership in such retirement system or systems
23 shall be a contractual relationship between the employee and employer,
24 and the state guarantees all benefits payable to a member of the sys-
25 tem or to his lawful beneficiary at his death or retirement.

26 (B) Retirement System; State Officers and Employees. The
27 legislature shall enact laws providing for the retirement of officers
28 and employees of the State of Louisiana, its agencies and political
29 subdivisions, including persons employed jointly by state and
30 federal agencies other than the military service, through the
31 establishment of a retirement system or systems. Membership in any
32 retirement system of the state or of a political subdivision
33 thereof shall be a contractual relationship between the employee
34 and employer, and the state shall guarantee any benefits payable
35 to a member of the system or to his lawful beneficiary at his

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1 death or retirement.

2 (C) Compensation for Surviving Spouses and Children of
3 Law Enforcement Officers and Firemen. The legislature shall
4 establish a system, including the expenditure of public funds,
5 for compensating the surviving spouses and dependent children
6 of law enforcement officers, firemen, and personnel, as may
7 be defined by law, who suffer death or who suffered death
8 before the effective date of this constitution, but not
9 earlier than July 1, 1972, as a result of injury sustained
10 in the performance of official duties or while engaged in
11 the protection of life or property while on or off duty.

12 (D) Retirement Systems; Notice of Intention to Propose
13 Amendments or Change; Publication. No proposal to amend
14 or effect any change in existing laws or provisions of the
15 constitution relating to any retirement system in this state
16 shall be introduced into the legislature unless notice of
17 intention to introduce such proposal shall have been published,
18 without cost to the state, in the official state journal on
19 two separate days, the last day of which is at least thirty
20 days prior to the introduction of such a bill into the legis-
21 lature. The notice shall state the substance of the contemplated
22 law or proposal to amend the constitution. Every such bill shall
23 contain a recital that the notice has been given.

Constitutional Convention of Louisiana of 1973

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1 **COMMITTEE PROPOSAL No. 12—**

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare, and Delegates
4 Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
5 Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
6 inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
7 and Wisham:

8 A PROPOSAL

9 Making provisions for human resources by prohibiting the
10 leasing of convicts and the employment of convicts in
11 competition with private enterprise and by providing for
12 reimbursement to parishes for expenses incurred result-
13 ing from crimes committed in penal institutions.

14 Be it adopted by the Constitutional Convention of Loui-
15 siana of 1973:

16 ARTICLE VII, SECTION 1. PENAL
17 INSTITUTIONS AND CONVICT LABOR

18 Section 1. (A) State Penal Institutions; Reimbursement
19 of Parish Expense. In parishes in which are located penal
20 institutions of the State of Louisiana, the expenses incurred
21 by the parish arising from crimes committed in such in-
22 stitutions or by the inmates or employees thereof shall be
23 reimbursed by the state.

24 (B) Convict Labor. No convict sentenced to the state
25 penitentiary shall ever be leased, or hired to any person
26 or persons, or corporation, private or public, or quasipublic.
27 No convict sentenced to the state penitentiary shall ever
28 be employed in any enterprise in competition with private
29 enterprise.

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1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 12

3 Introduced by Delegate Aertker, Chairman, on behalf of
4 the Committee on Education and Welfare, and Delegates
5 Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
6 Hernandez, Landry, Leithman, Lennox, Rachal, Riecke,
7 Robinson, Segura, Silverberg, Sutherland, Thistlethwaite,
8 Toca, and Wisham

9 A PROPOSAL

10 Making provisions for human resources by prohibiting the
11 leasing of convicts and the employment of convicts
12 in competition with private enterprise and by pro-
13 viding for reimbursement to parishes for expenses
14 incurred resulting from crimes committed in penal
15 institutions.

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

18 ARTICLE VII. HUMAN RESOURCES

19 Section 1. Penal Institutions

20 Section 1 (A). State Penal Institutions; Reimbursement
21 of Parish Expense. In parishes in which are located penal
22 institutions of the State of Louisiana, the expenses incurred
23 by the parish arising from crimes committed in such institutions
24 or by the inmates thereof shall be reimbursed by the state.
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1 **COMMITTEE PROPOSAL No. 13—**

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare, and Delegates
4 Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
5 Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
6 inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
7 and Wisham:

8 A PROPOSAL

9 Making provisions for human resources by providing for
10 the settlement of disagreements through arbitration.

11 Be it adopted by the Constitutional Convention of Lou-
12 isiana of 1973:

13 Article VII, Section 1. Arbitration

14 Section 1. The legislature shall pass such laws as may
15 be proper and necessary to decide differences, with the con-
16 sent of the parties, by arbitration.

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1 COMMITTEE PROPOSAL No. 14—

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare, and Delegates
4 Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
5 Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
6 inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
7 and Wisham:

8 A PROPOSAL

9 Making provisions for human resources through a system of
10 economic security, social welfare, unemployment com-
11 pensation, and public health.

12 Be it adopted by the Constitutional Convention of Lou-
13 isiana of 1973:

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

16 Section 1. The legislature shall establish a system of
17 economic security, social welfare, unemployment compensa-
18 tion, and public health.

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1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 14

3 Introduced by Delegate Aertker, Chairman, on behalf of the
4 Committee on Education and Welfare, and Delegates
5 Armentor, Carmouche, Corne, Cowen, Flory, Grier,
6 Haynes, Hernandez, Landry, Leithman, Lennox, Rachal,
7 Riecke, Robinson, Segura, Silverberg, Sutherland,
8 Thistlethwaite, Toca, and Wisham

9 A PROPOSAL

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11
12 Making provisions for human resources through a system of
13 economic security, social welfare, unemployment com-
14 pensation, and public health.

15
16 Be it adopted by the Constitutional Convention of Louisiana
17 of 1973:

18 ARTICLE VII. HUMAN RESOURCES

19 Section 2. Economic and Social Welfare, Unemployment
20 Compensation, and Public Health

21 Section 2. The legislature may establish a system of
22 economic and social welfare, unemployment compensation and
23 public health.

1 **COMMITTEE PROPOSAL No. 15—**

2 Introduced by Delegate Rayburn, Chairman, on behalf of
3 the Committee on Revenue, Finance and Taxation, and Dele-
4 gates Alario, Badeaux, Brown, Champagne, Chehardy, Con-
5 roy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauber-
6 ret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay,
7 Smith, Triche and Winchester:

8 **A PROPOSAL**

9 Relative to the tax structure of the state and to public
10 finance.

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

13 **ARTICLE XI. REVENUE AND FINANCE**

14 **Section 1. Power to Tax; Public Purpose**

15 Section 1. The power of taxation shall be vested in the
16 legislature, shall never be surrendered, suspended, or con-
17 tracted away, and shall be imposed for public purposes only.

18 **Section 2. Power to Tax; Limitation**

19 Section 2. The levy of a new tax and any increase in an
20 existing tax and any repeal of an existing exemption from a
21 tax shall require the favorable vote of two-thirds of the
22 members elected to each house of the legislature, as evi-
23 denced by a recorded vote. A like vote shall be necessary
24 for the adoption of amendments to bills proposing the same
25 and to reports of conference committees.

26 **Section 3. Collection and Refund of Taxes**

27 Section 3. The collection of taxes shall not be restrained,
28 and procedures shall be provided for the recovery of illegal
29 taxes paid.

30 **Section 4. Limitations on Taxing Power; Graduated Rates,
31 Severance Tax, and Subdivisions of the State**

32 Section 4. (A) Equal and uniform taxes may be levied

1 upon net incomes, and such taxes may be graduated accord-
2 ing to the amount of net income; however, the state individual
3 income tax rate on the first ten thousand dollars of taxable
4 income for single return or twenty thousand dollars of tax-
5 able income for joint return shall not exceed two percent.

6 (B) Taxes may be levied on natural resources severed from
7 the soil or water, to be paid proportionately by the owners
8 thereof at the time of severance. Natural resources may be
9 classified for the purpose of taxation, and such taxes may be
10 predicated upon either the quantity or value of the products
11 at the time and place of severance. No further or additional
12 tax or license shall be levied or imposed upon oil, gas, or
13 sulphur leases or rights, nor shall any additional value be
14 added to the assessment of land by reason of the presence
15 of oil, gas, or sulphur therein or their production therefrom.
16 Likewise, severance taxes shall be the only tax on timber;
17 however, standing timber shall be and remain liable equally
18 with the land on which it stands for ad valorem taxes levied
19 on said land.

20 (C) Political subdivisions of the state shall not levy taxes
21 on income, natural resources severed from soil or water, or
22 motor fuel. Any occupational license taxes levied by a politi-
23 cal subdivision shall not be greater than those imposed by the
24 state, and the total amount of any occupational license tax
25 levied by a parish shall be reduced by the amount of any
26 municipal occupational license tax levied.

27 (D) Three-fourths of the timber severance tax, one-third
28 of the sulphur severance tax, one-fifth of the severance tax
29 on all other natural resources severed from the soil or water,
30 and one-tenth of the royalties from mineral leases on state-
31 owned property shall be remitted to the governing authority
32 of the parish in which severance occurs or in which produc-

1 tion is had, but the amount of severance tax on sulphur so
 2 remitted shall not exceed one hundred thousand dollars to
 3 any parish for any year, and the amount of severance tax
 4 on all other natural resources severed from the soil or water
 5 so remitted shall not exceed two hundred thousand dollars
 6 to any parish for any year.

7 Section 5. Annual Motor Vehicle License Tax

8 Section 5. The legislature shall impose an annual license
 9 tax of three dollars on automobiles for private use, and on
 10 other motor vehicles, an annual license tax based upon horse-
 11 power, carrying capacity, or weight, any or all. No parish or
 12 municipality may impose any license fee on motor vehicles.

13 Section 6. Forestry

14 Section 6. Forestry shall be practiced in this state, and
 15 the legislature shall enact laws therefor.

16 Section 7. State Debt; Full Faith and Credit Obligations

17 Section 7. (A) The state shall have no power to contract,
 18 directly or through any state board, agency, or commission,
 19 the incurring of debt or the issuance of bonds except upon
 20 the affirmative vote of two-thirds of the members elected
 21 to each house of the legislature, and then only if the funds
 22 are to be used to repel invasion; suppress insurrection; pro-
 23 vide relief from natural catastrophes; refund outstanding
 24 indebtedness, but only to obtain a lower effective rate of
 25 interest; or make capital improvements, but only in accor-
 26 dance with a comprehensive capital budget, which the legis-
 27 lature shall adopt.

28 (B) If the purpose is to make capital improvements, the
 29 nature, location, and if more than one project, the amount
 30 allocated to each and the order of priority shall be stated in
 31 the comprehensive capital budget which the legislature adopts.

32 (C) The full faith and credit of the state shall be pledged

1 to the repayment of all bonds or other evidences of indebted-
 2 ness issued by the state directly or through any state board,
 3 agency, or commission.

4 (D) The legislature, by two-thirds affirmative vote of the
 5 members elected to each house thereof, may propose a state-
 6 wide public referendum for the incurrence of debt for any
 7 purpose for which the legislature is not herein authorized
 8 to incur debt.

9 Section 8. State Debt; Interim Emergency Board

10 Section 8. (A) The Interim Emergency Board hereby is
 11 created and shall be composed of the governor, the state trea-
 12 surer, the legislative auditor, the chairman of the Senate
 13 Finance Committee, and the chairman of the House Appro-
 14 priations Committee, or their designees.

15 (B) During the interim between sessions of the legislature,
 16 whenever it is determined by majority vote of the Interim
 17 Emergency Board that an emergency exists, and then only
 18 for a purpose for which the legislature may appropriate funds,
 19 after having obtained, as provided by law, the written con-
 20 sent of two-thirds of all members elected to each house of
 21 the legislature, the Interim Emergency Board may appro-
 22 priate from the State General Fund, or borrow upon the full
 23 faith and credit of the state an amount to care for an emer-
 24 gency, which is an event or occurrence not reasonably antici-
 25 pated by the legislature.

26 (C) The aggregate of indebtedness outstanding at any one
 27 time and the amount appropriated from the State General
 28 Fund for the current fiscal year under the authority of this
 29 Section shall not exceed one-tenth of one percent of total
 30 state revenue receipts for the previous fiscal year.

31 (D) Each fiscal year, as a first priority, there hereby is
 32 allocated from the State General Fund an amount sufficient

1 to pay any indebtedness incurred during the preceding fiscal
2 year under the authority of this Section.

3 Section 9. State Debt; Maximum Debt Service Expense for
4 All Purposes

5 Section 9. The legislature shall enact no law authorizing
6 the incurrence of state debt, whether contracted directly by
7 the state or indirectly through a state board, agency, or com-
8 mission, if incurrence of the indebtedness would result in
9 total annual debt service requirements on all state obliga-
10 tions, whether outstanding or authorized and unissued, ex-
11 ceeding an amount equal to fifteen percent of the average
12 total revenues from state sources available for debt service
13 for the preceding three years.

14 Section 10. State Debt; Political Subdivisions of the State;
15 Issuance and Sale of Obligations; State Bond Commission;
16 Approval Required

17 Section 10. (A) The State Bond Commission hereby is
18 created and its membership and authority shall be deter-
19 mined by the legislature.

20 (B) No bonds or other obligations shall be issued or sold
21 by the state, directly or through any state board, agency, or
22 commission, or by any political subdivision of the state, un-
23 less prior written approval of the State Bond Commission is
24 obtained.

25 Section 11. Collection of State Funds; Bond Security and
26 Redemption Fund

27 Section 11. All money received by the state or by any
28 state board, agency, or commission, immediately upon re-
29 ceipt, shall be deposited in the state treasury, except money
30 received as grants or donations or other forms of assistance
31 when the terms and conditions thereof require otherwise, and
32 except money received by trade or professional associations

1 and then only if excluded by the affirmative vote of two-
2 thirds of the members elected to each house of the legislature.

3 Subject to contractual obligations existing at the time this
4 constitution is adopted, all state money deposited in the state
5 treasury, except money received as grants or donations or
6 other forms of assistance when the terms and conditions
7 thereof require otherwise, shall be credited to a special fund
8 designated as the Bond Security and Redemption Fund. In
9 each fiscal year there hereby is allocated from the Bond Secur-
10 ity and Redemption Fund an amount sufficient to pay all
11 obligations, including but not necessarily limited to principal,
12 interest, premiums, sinking or reserve fund requirements,
13 which are secured by the full faith and credit of the state and
14 which become due and payable within the current fiscal year.
15 Thereafter, all money remaining in the Bond Security and
16 Redemption Fund shall be credited to the State General Fund.

17 Section 12. Expenditure of State Funds

18 Section 12. (A) Money shall be drawn from the state
19 treasury only pursuant to an appropriation made in accor-
20 dance with law. Each appropriation shall be for a specific
21 sum of money and for a specified object.

22 (B) Total appropriations made by the legislature for any
23 fiscal year shall not be greater than the anticipated revenues
24 of the state.

25 (C) An appropriation shall be for a term no longer than
26 one year, and the legislature shall provide for the publica-
27 tion of a regular statement of receipts and expenditures of
28 all state money at intervals of not more than one year.

29 (D) Except as otherwise provided in this constitution, no
30 appropriation shall allocate to any object the proceeds of
31 any particular tax or a part or percentage thereof except
32 when required by the federal government for participation

1 in federal programs.

2 (E) No appropriation shall be made under the head or
3 title of contingent, nor shall an appropriation be made ex-
4 cept for public purposes.

5 Section 13. Management of State Funds; Budgets

6 Section 13. (A) The governor shall submit to the legisla-
7 ture, at a time fixed by law, a budget estimate for the next
8 fiscal year setting forth all proposed state expenditures and
9 anticipated state revenues, and shall submit a general appro-
10 priation bill to authorize the proposed ordinary operating ex-
11 penditures and, if necessary, a bill or bills containing recom-
12 mendations in the budget for new or additional revenues.

13 (B) The governor shall submit to each regular session of
14 the legislature a proposed five-year capital outlay program
15 with a request for implementation of the first year of the
16 five-year program. All capital outlay projects approved by
17 the legislature shall be made a part of the comprehensive
18 state capital budget which shall be adopted by the legislature.

19 Section 14. Management of State Funds; Public Record

20 Section 14. All reports and records of the collection, ex-
21 penditure, investment, and use of state moneys and all re-
22 ports and records relating to state obligations shall be
23 matters of public record, except returns of taxpayers and
24 matters pertaining thereto.

25 Section 15. Management of State Funds; Investment

26 Section 15. All money available for investment in the cus-
27 tody of the state treasurer shall be invested as provided by
28 law.

29 Section 16. Management of State Funds; Loan or Pledge
30 of Public Credit; Relief of Destitute; Donation; Transfer of
31 Property; Leasing of Health Institutions

32 Section 16. (A) The funds, credit, property or things of

1 value of the state, or of any political corporation thereof,
2 shall not be loaned, pledged, or donated to or for any person
3 or persons, associations or corporations, public or private,
4 nor shall the state nor any political corporation purchase or
5 subscribe to the capital stock or stock of any corporation or
6 association whatever or for any private enterprise.

7 (B) Nothing contained in this Section shall prevent inter-
8 cooperation between the state and its political corporations
9 or between political corporations, or between the state or its
10 political corporations and the United States, or between the
11 state or its political corporations and any public or private
12 association or corporation or individual for a public purpose.

13 Section 17. Release of Obligation to State, Parish or Munic-
14 ipal Corporation; Taxes on Confiscated Property

15 Section 17. The legislature shall have no power to release
16 or extinguish or to authorize the releasing or extinguish-
17 ment, in whole or in part, of the indebtedness, liability, or
18 obligation of any corporation or individual to the state, or
19 to any parish or municipal corporation thereof, provided,
20 that the heirs to confiscated property may be released from
21 all taxes due thereon at the date of its reversion to them;
22 however, whenever any immovable property has been for-
23 feited or adjudicated to the state for the nonpayment of
24 taxes due prior to January 1, 1880, and the state did not
25 sell or dispose of the same or dispossess the tax debtor or
26 his heirs, successors, or assigns prior to the adoption of the
27 Constitution of 1921, it shall be presumed conclusively that
28 such forfeiture or adjudication was irregular and null or
29 that the property has been redeemed, and the state and its
30 assigns shall be estopped forever from setting up any title
31 to such property by virtue of such forfeiture or adjudication.

32 Section 18. Legislation to Enable Compliance with Federal

1 Laws and Regulations to Secure Federal Aid in Capital Im-
2 provement Projects

3 Section 18. The legislature may enact legislation to enable
4 the state, its agencies, boards, and commissions, and political
5 subdivisions of the state and their agencies to comply with
6 federal laws and regulations in order to secure federal par-
7 ticipation in the cost of capital improvement projects.

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1 **COMMITTEE PROPOSAL No. 15--**

2 Introduced by Delegate Rayburn, Chairman, on behalf of
3 the Committee on Revenue, Finance and Taxation, and Dele-
4 gates Alario, Badeaux, Brown, Champagne, Chehardy, Con-
5 roy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauber-
6 ret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay,
7 Smith, Triche and Winchester:

8 A PROPOSAL

9 Relative to the tax structure of the state and to public
10 finance.

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

13 ARTICLE XI. REVENUE AND FINANCE

14 Section 1. Power to Tax; Public Purpose

15 Section 1. The power of taxation shall be vested in the
16 legislature, shall never be surrendered, suspended, or con-
17 tracted away, and shall be imposed for public purposes only.

18 Section 2. Power to Tax; Limitation

19 Section 2. The levy of a new tax and any increase in an
20 existing tax and any repeal of an existing exemption from a
21 tax shall require the favorable vote of two-thirds of the
22 members elected to each house of the legislature, as evi-
23 denced by a recorded vote. A like vote shall be necessary
24 for the adoption of amendments to bills proposing the same
25 and to reports of conference committees.

26 Section 3. Collection and Refund of Taxes

27 Section 3. The collection of taxes shall not be restrained,
28 and procedures shall be provided for the recovery of illegal
29 taxes paid.

30 Section 4. Limitations on Taxing Power; Graduated Rates,
31 Severance Tax, and Subdivisions of the State

32 Section 4. (A) Equal and uniform taxes may be levied

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1 upon net incomes, and such taxes may be graduated accord-
2 ing to the amount of net income; however, the state individual
3 income tax rate on the first ten thousand dollars of taxable
4 income for single return or twenty thousand dollars of tax-
5 able income for joint return shall not exceed two percent.

6 (B) Taxes may be levied on natural resources severed from
7 the soil or water, to be paid proportionately by the owners
8 thereof at the time of severance. Natural resources may be
9 classified for the purpose of taxation, and such taxes may be
10 predicated upon either the quantity or value of the products
11 at the time and place of severance. No further or additional
12 tax or license shall be levied or imposed upon oil, gas, or
13 sulphur leases or rights, nor shall any additional value be
14 added to the assessment of land by reason of the presence
15 of oil, gas, or sulphur therein or their production therefrom.
16 However sulphur in place shall be assessed for ad valorem
17 taxation to the person, firm or corporation having the right
18 to mine or produce the same in the Parish where located, at
19 no more than twice the total assessed value of the physical
20 property subject to taxation excluding the assessed value of
21 sulphur above ground, in such parish as is used in sulphur
22 operations. Likewise, severance taxes shall be the only tax on
23 timber; however, standing timber shall be and remain liable
24 equally with the land on which it stands for ad valorem taxes
25 levied on said land.

26 (C) Political subdivisions of the state shall not levy sever-
27 ance taxes, income taxes or taxes on motor fuel.

28 (D) Three-fourths of the timber severance tax, one-third
29 of the sulphur severance tax, one-fifth of the severance tax
30 on all other natural resources severed from the soil or water,
31 and one-tenth of the royalties from mineral leases on state-
32 owned property shall be remitted to the governing authority

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1 of the parish in which severance occurs or in which produc-
2 tion is had, but the amount of severance tax on sulphur so
3 remitted shall not exceed one hundred thousand dollars to
4 any parish for any year, and the amount of severance tax on
5 all natural resources severed from the soil or water so
6 remitted shall not exceed two hundred thousand dollars to
7 any parish for any year.

8 Section 5. Annual Motor Vehicle License Tax

9 Section 5. The legislature shall impose an annual license
10 tax of three dollars on automobiles for private use, and on
11 other motor vehicles, an annual license tax based upon horse-
12 power, carrying capacity, or weight, any or all. No parish or
13 municipality may impose any license fee on motor vehicles.

14 Section 6. Forestry

15 Section 6. Forestry shall be practiced in this state, and
16 the legislature shall enact laws therefor.

17 Section 7. State Debt; Full Faith and Credit Obligations

18 Section 7. (A) Unless otherwise authorized by this con-
19 stitution, the state shall have no power to contract, directly
20 or through any state board, agency, or commission, the in-
21 curring of debt or the issuance of bonds except upon the
22 affirmative vote of two-thirds of the members elected to
23 each house of the legislature, and then only if the funds are
24 to be used to repel invasion; suppress insurrection; provide
25 relief from natural catastrophes; refund outstanding indebt-
26 edness, but only to obtain a lower effective rate of interest;
27 or make capital improvements, but only in accordance with
28 a comprehensive capital budget, which the legislature shall
29 adopt.

30 (B) If the purpose is to make capital improvements, the
31 nature, location, and if more than one project, the amount
32 allocated to each and the order of priority shall be stated in

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1 the comprehensive capital budget which the legislature adopts.

2 (C) The full faith and credit of the state shall be pledged
3 to the repayment of all bonds or other evidences of indebted-
4 ness issued by the state directly or through any state board,
5 agency, or commission.

6 (D) The legislature, by two-thirds affirmative vote of the
7 members elected to each house thereof, may propose a state-
8 wide public referendum for the incurrence of debt for any
9 purpose for which the legislature is not herein authorized
10 to incur debt.

11 Section 8. State Debt; Interim Emergency Board

12 Section 8. (A) The Interim Emergency Board hereby is
13 created and shall be composed of the governor, the state trea-
14 surer, the legislative auditor, the chairman of the Senate
15 Finance Committee, and the chairman of the House Appro-
16 priations Committee, or their designees.

17 (B) During the interim between sessions of the legislature,
18 whenever it is determined by majority vote of the Interim
19 Emergency Board that an emergency exists, and then only
20 for a purpose for which the legislature may appropriate funds,
21 after having obtained, as provided by law, the written con-
22 sent of two-thirds of all members elected to each house of
23 the legislature, the Interim Emergency Board may appro-
24 priate from the State General Fund, or borrow upon the full
25 faith and credit of the state an amount to care for an emer-
26 gency, which is an event or occurrence not reasonably antici-
27 pated by the legislature.

28 (C) The aggregate of indebtedness outstanding at any one
29 time and the amount appropriated from the State General
30 Fund for the current fiscal year under the authority of this
31 Section shall not exceed one-tenth of one percent of total
32 state revenue receipts for the previous fiscal year.

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1 (D) Each fiscal year, as a first priority, there hereby is
2 allocated from the State General Fund an amount sufficient
3 to pay any indebtedness incurred during the preceding fiscal
4 year under the authority of this Section.

5 Section 9. State Debt; Maximum Debt Service Expense for
6 All Purposes

7 Section 9. The legislature shall enact no law authorizing
8 the incurrence of state debt, whether contracted directly by
9 the state or indirectly through a state board, agency, or com-
10 mission, if incurrence of the indebtedness would result in
11 total annual debt service requirements on all state obliga-
12 tions, whether outstanding or authorized and unissued, ex-
13 ceeding an amount equal to fifteen percent of the average
14 total revenues from state sources available for debt service
15 for the preceding three years.

16 Section 10. State Debt; Political Subdivisions of the State;
17 Issuance and Sale of Obligations; State Bond Commission;
18 Approval Required

19 Section 10. (A) The State Bond Commission hereby is
20 created and its membership and authority shall be deter-
21 mined by the legislature.

22 (B) No bonds or other obligations shall be issued or sold
23 by the state, directly or through any state board, agency, or
24 commission, or by any political subdivision of the state, un-
25 less prior written approval of the State Bond Commission is
26 obtained.

27 (C) Limited Time for Contesting State Bonds. Bonds,
28 notes, certificates, or other evidence of indebtedness (here-
29 after referred to collectively as "bonds") shall not be invalid
30 for any irregularity or defect in the proceedings or the issu-
31 ance and sale thereof, and shall be incontestible in the hands
32 of a bona fide purchaser or holder thereof. The issuing agency,

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1 after authorizing the issuance of bonds by resolution, shall
2 publish once in the official journal of the state a notice of
3 intention to issue the bonds and a description thereof and
4 the security therefor and for a period of thirty days only
5 after such publication any person in interest shall have the
6 right to contest the legality of said resolution and any pro-
7 vision therein of the bonds to be issued pursuant thereto and
8 the provisions securing the bonds and the validity of all
9 other provisions and proceedings in connection with the
10 authorization and issuance of the bonds. If such action or
11 proceedings shall not have been instituted within the said
12 30 day period, no one shall have any right of action to con-
13 test the validity of the bonds or the provisions of the resolu-
14 tion pursuant to which the bonds were issued or the security
15 of the bonds or the validity of any other provisions or pro-
16 ceedings in connection with the authorization and issuance
17 of the bonds and all the bonds conclusively shall be presumed
18 to be legal, and no court thereafter shall have authority to
19 inquire into such matters.

20 Section 11. Collection of State Funds; Bond Security and
21 Redemption Fund

22 Section 11. All money received by the state or by any
23 state board, agency, or commission, immediately upon re-
24 ceipt, shall be deposited in the state treasury, except money
25 received as the result of grants or donations or other forms
26 of assistance when the terms and conditions thereof or of
27 agreements pertaining thereto require otherwise, and except
28 money received by trade or professional associations and
29 then only if excluded by the affirmative vote of two-thirds
30 of the members elected to each house of the legislature, and
31 except money received by state agencies operating under
32 authority of this constitution preponderantly from fees and

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1 charges for the shipment of goods in international maritime
2 trade and commerce.

3 Subject to contractual obligations existing at the time this
4 constitution is adopted, all state money deposited in the state
5 treasury, except money received as the result of grants or
6 donations or other forms of assistance when the terms and
7 conditions thereof or of agreements pertaining thereto re-
8 quire otherwise, shall be credited to a special fund designated
9 as the Bond Security and Redemption Fund. In each fiscal
10 year there hereby is allocated from the Bond Security and
11 Redemption Fund an amount sufficient to pay all obligations,
12 including but not necessarily limited to principal, interest,
13 premiums, sinking or reserve fund requirements, which are
14 secured by the full faith and credit of the state and which
15 become due and payable within the current fiscal year.
16 Thereafter, all money remaining in the Bond Security and
17 Redemption Fund shall be credited to the State General Fund.

18 Section 12. Expenditure of State Funds

19 Section 12. (A) Money shall be drawn from the state
20 treasury only pursuant to an appropriation made in accor-
21 dance with law.

22 (B) Total appropriations made by the legislature for any
23 fiscal year shall not be greater than the anticipated revenues
24 of the state.

25 (C) The legislature shall provide for the publication of a
26 regular statement of receipts and expenditures of all state
27 money at intervals of not more than one year.

28 (D) Except as otherwise provided in this constitution, no
29 appropriation shall allocate to any object the proceeds of
30 any particular tax or a part or percentage thereof except
31 when required by the federal government for participation
32 in federal programs.

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1 (E) No appropriation shall be made except for public
2 purposes.

3 Section 13. Management of State Funds; Budgets

4 Section 13. (A) The governor shall submit to the legisla-
5 ture, at a time fixed by law, a budget estimate for the next
6 fiscal year setting forth all proposed state expenditures and
7 anticipated state revenues, and shall submit a general appro-
8 priation bill to authorize the proposed ordinary operating ex-
9 penditures and, if necessary, a bill or bills containing recom-
10 mendations in the budget for new or additional revenues.

11 (B) The governor shall submit to each regular session of
12 the legislature a proposed five-year capital outlay program
13 with a request for implementation of the first year of the
14 five-year program. All capital outlay projects approved by
15 the legislature shall be made a part of the comprehensive
16 state capital budget which shall be adopted by the legislature.

17 Section 14. Management of State Funds; Public Record

18 Section 14. All reports and records of the collection, ex-
19 penditure, investment, and use of state moneys and all re-
20 ports and records relating to state obligations shall be
21 matters of public record, except returns of taxpayers and
22 matters pertaining thereto.

23 Section 15. Management of State Funds; Investment

24 Section 15. All money available for investment in the cus-
25 tody of the state treasurer shall be invested as provided by
26 law.

27 Section 16. Management of State Funds; Prohibition of

28 Loan, Pledge, or Donation of Public Property; Exception
29 for Public Purpose

30 Section 16. (A) The funds, credit, property or things of
31 value of the state, or of any political corporation thereof,
32 shall not be loaned, pledged, or donated to or for any person

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1 or persons, associations or corporations, public or private,
2 nor shall the state nor any political corporation purchase or
3 subscribe to the capital stock or stock of any corporation or
4 association whatever or for any private enterprise.

5 (B) Nothing contained in this Section shall prevent inter-
6 cooperation between the state and its political corporations
7 or between political corporations, or between the state or its
8 political corporations and the United States, or between the
9 state or its political corporations and any public or private
10 association or corporation or individual for a public purpose.

11 Section 17. Release of Obligation to State, Parish or Munic-
12 ipal Corporation; Taxes on Confiscated Property

13 Section 17. The legislature shall have no power to release
14 or extinguish or to authorize the releasing or extinguish-
15 ment, in whole or in part, of the indebtedness, liability, or
16 obligation of any corporation or individual to the state, or
17 to any parish or municipal corporation thereof, provided,
18 that the heirs to confiscated property may be released from all
19 taxes due thereon at the date of its reversion to them; and
20 provided that, whenever any immovable property has been
21 forfeited or adjudicated to the state for the nonpayment of
22 taxes due prior to January 1, 1880, and the state did not
23 sell or dispose of the same or dispossess the tax debtor or
24 his heirs, successors, or assigns prior to the adoption of the
25 Constitution of 1921, it shall be presumed conclusively that
26 such forfeiture or adjudication was irregular and null or
27 that the property has been redeemed, and the state and its
28 assigns shall be estopped forever from setting up any title
29 to such property by virtue of such forfeiture or adjudication.

30 Section 18. Legislation to Enable Compliance with Federal
31 Laws and Regulations to Secure Federal Aid in Capital Im-
32 provement Projects

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First Enrollment

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C. P. No. 15

1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 15

1 Section 18. The legislature may enact legislation to enable
2 the state, its agencies, boards, and commissions, and political
3 subdivisions of the state and their agencies to comply with
4 federal laws and regulations in order to secure federal par-
5 ticipation in the cost of capital improvement projects.

3 Introduced by Delegate Rayburn, Chairman, on behalf of the
4 Committee on Revenue, Finance and Taxation, and Delcates
5 Alario, Badeaux, Brown, Champagne, Chchardy, Conroy,
6 De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubernet,
7 Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay,
8 Smith, Triche, and Winchester

9

10 A PROPOSAL

11

12 Relative to the tax structure of the state and to public
13 finance.

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

16

17 ARTICLE XI. REVENUE AND FINANCE

18 Section 1. Power to Tax; Public Purpose

19 Section 1. Except as otherwise provided in this constitu-
20 tion, the power of taxation shall be vested in the legislature,
21 shall never be surrendered, suspended, or contracted away, and
22 shall be imposed for public purposes only.

23 Section 2. Power to Tax; Limitation

24 Section 2. The levy of a new tax or any increase in an
25 existing tax or any repeal of an existing exemption from a
26 tax shall require the favorable vote of two-thirds of the
27 members elected to each house of the legislature.

28 Section 3. Collection of Taxes; Process to Restrain;
29 Refunds

30 Section 3. The legislature shall provide against the
31 issuance of process to restrain the collection of any tax and
32 for a complete and adequate remedy for the prompt recovery by
33 every taxpayer of any illegal tax paid by him.

34 Section 4. Limitations on Taxing Power; Graduated
35 Rates, Severance Tax, and Subdivisions of the State

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1 Section 4. (A) Equal and uniform taxes may be levied
2 upon net incomes, and such taxes may be graduated according
3 to the amount of net income; however, the state individual
4 and joint income tax schedule of rates shall never exceed
5 the rates presently set forth in Title 47, Section 32 of the
6 Louisiana Revised Statutes. Federal income taxes paid shall
7 be allowed as a deductible item in computing state income
8 taxes paid during the same period.

9 (B) Taxes may be levied on natural resources severed
10 from the soil or water, to be paid proportionately by the
11 owners thereof at the time of severance. Natural resources
12 may be classified for the purpose of taxation, and such taxes
13 may be predicated upon either the quantity or value of the
14 products at the time and place of severance. No further or
15 additional tax or license shall be levied or imposed upon
16 oil, gas, or sulphur leases or rights, nor shall any addi-
17 tional value be added to the assessment of land by reason
18 of the presence of oil, gas, or sulphur therein or their
19 production therefrom. However sulphur in place shall be
20 assessed for ad valorem taxation to the person, firm or
21 corporation having the right to mine or produce the same in
22 the Parish where located, at no more than twice the total
23 assessed value of the physical property subject to taxation
24 excluding the assessed value of sulphur above ground, in such
25 parish as is used in sulphur operations. Likewise, severance
26 taxes shall be the only tax on timber; however, standing timber
27 shall be and remain liable equally with the land on which it
28 stands for ad valorem taxes levied on said land.

29 (C) Political subdivisions of the state shall not levy
30 severance taxes, income taxes or taxes on motor fuel.

31 (D) Three-fourths of the timber severance tax, one-
32 third of the sulphur severance tax, one-fifth of the severance
33 tax on all other natural resources severed from the soil or
34 water, and one-tenth of the royalties from mineral leases on
35 state-owned property shall be remitted to the governing

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1 authority of the parish in which severance occurs or in
2 which production is had, but the amount of severance tax on
3 sulphur so remitted shall not exceed one hundred thousand
4 dollars to any parish for any year, and the amount of sever-
5 ance tax on all other natural resources except timber severed
6 from the soil or water so remitted shall not exceed five
7 hundred thousand dollars to any parish for any year.

8 Section 5. Annual Motor Vehicle License Tax

9 Section 5. The legislature shall impose an annual
10 license tax of three dollars on automobiles for private
11 use, and on other motor vehicles, an annual license tax
12 based upon horsepower, carrying capacity, or weight, any or
13 all. No parish or municipality may impose any license fee
14 on motor vehicles.

15 Section 7. State Debt; Full Faith and Credit Obligations

16 Section 7. (A) Unless otherwise authorized by this con-
17 stitution, the state shall have no power, directly or indirectly,
18 or through any state board, agency, commission or otherwise, to
19 incur debt or to issue bonds except upon the affirmative
20 vote of two-thirds of the members elected to each house of the
21 legislature, and then only if the funds are to be used to repel
22 invasion; suppress insurrection; provide relief from natural
23 catastrophes; refund outstanding indebtedness at the same or at
24 a lower effective rate of interest; or make capital
25 improvements, but only in accordance with a comprehensive capital
26 budget, which the legislature shall adopt. Legislative approval
27 may be obtained only during open session except as otherwise
28 provided in this constitution.

29 (B) If the purpose is to make capital improvements,
30 the nature, location, and if more than one project, the
31 amount allocated to each and the order of priority shall
32 be stated in the comprehensive capital budget which the
33 legislature adopts.

34 (C) The full faith and credit of the state shall be
35 pledged to the repayment of all bonds or other evidences of

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1 indebtedness issued by the state directly or through any
2 state board, agency, or commission.

3 (D) The legislature, by two-thirds affirmative vote
4 of the members elected to each house thereof, may propose
5 a statewide public referendum for the incurrence of debt for
6 any purpose for which the legislature is not herein authorized
7 to incur debt.

8 (E) Nothing contained in this Section shall apply to any
9 levee district, any political subdivision or local public agency
10 unless the full faith and credit of the state is pledged to the
11 payment of the bonds of such levee district or political subdivision.

12 Section 8. State Debt; Interim Emergency Board

13 Section 8. (A) The Interim Emergency Board hereby is created
14 and shall be composed of the governor, the lieutenant governor,
15 the state treasurer, the presiding officers of both houses of the
16 legislature, the chairman of the Senate Finance Committee, and
17 the chairman of the House Appropriations Committee, or their
18 designees.

19 (B) During the interim between sessions of the legis-
20 lature, whenever it is determined by majority vote of the
21 Interim Emergency Board that an emergency exists, and then
22 only for a purpose for which the legislature may appropriate
23 funds, after having obtained, as provided by law, the written
24 consent of two-thirds of all members elected to each house of
25 the legislature, the Interim Emergency Board may appropriate
26 from the State General Fund, or borrow upon the full faith and
27 credit of the state an amount to care for an emergency, which
28 is an event or occurrence not reasonably anticipated by the
29 legislature.

30 (C) The aggregate of indebtedness outstanding at
31 any one time and the amount appropriated from the State
32 General Fund for the current fiscal year under the author-
33 ity of this Section shall not exceed one-tenth of one
34 percent of total state revenue receipts for the previous
35 fiscal year.

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1 (D) Each fiscal year, as a first priority, there
2 hereby is allocated from the State General Fund an amount
3 sufficient to pay any indebtedness incurred during the
4 preceding fiscal year under the authority of this Section.

5 Section 10. State Debt; Political Subdivisions of the
6 State; Issuance and Sale of Obligations; State Bond
7 Commission; Approval Required

8 Section 10. (A) The State Bond Commission hereby is
9 created and its membership and authority shall be determined
10 by the legislature.

11 (B) No bonds or other obligations shall be issued or
12 sold by the state, directly or through any state board,
13 agency, or commission, or by any political subdivision of
14 the state, unless prior written approval of the State Bond
15 Commission is obtained.

16 (C) Limited Time for Contesting State Bonds. Bonds,
17 notes, certificates, or other evidence of indebtedness of the
18 state (hereafter referred to collectively as "bonds") shall not
19 be invalid for any irregularity or defect in the proceedings
20 or the issuance and sale thereof, and shall be incontestible
21 in the hands of a bona fide purchaser or holder thereof. The
22 issuing agency, after authorizing the issuance of bonds by
23 resolution, shall publish once in the official journal of the
24 state as provided by law a notice of intention to issue the bonds
25 and a description thereof and the security therefor and for a
26 period of thirty days only after such publication any person in
27 interest shall have the right to contest the legality of said
28 resolution and any provision therein of the bonds to be issued
29 pursuant thereto and the provisions securing the bonds and the
30 validity of all other provisions and proceedings in connec-
31 tion with the authorization and issuance of the bonds.
32 If such action or proceedings shall not have been instituted
33 within the said 30 day period, no one shall have any right
34 of action to contest the validity of the bonds or the
35 provisions of the resolution pursuant to which the bonds

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1 were issued or the security of the bonds or the validity
2 of any other provisions or proceedings in connection with
3 the authorization and issuance of the bonds and all the
4 bonds conclusively shall be presumed to be legal, and no court
5 thereafter shall have authority to inquire into such matters.

6 Section 11. Collection of State Funds; Bond Security
7 and Redemption Fund

8 Section 11. All money received by the state or by
9 any state board, agency, or commission, immediately upon
10 receipt, shall be deposited in the state treasury, except
11 money received as the result of grants or donations or other
12 forms of assistance when the terms and conditions thereof
13 or of agreements pertaining thereto require otherwise, and
14 except money received by trade or professional associations,
15 the employment security administration fund or its
16 successor, retirement system funds and except money received
17 by state agencies operating under authority of this constitution
18 preponderantly from fees and charges for the shipment of goods
19 in international maritime trade and commerce.

20 Subject to contractual obligations existing at the
21 time this constitution is adopted, all state money
22 deposited in the state treasury, except money received as
23 the result of grants or donations or other forms of assistance
24 when the terms and conditions thereof or of agreements pertain-
25 ing thereto require otherwise, shall be credited to a special
26 fund designated as the Bond Security and Redemption Fund. In
27 each fiscal year there hereby is allocated from the Bond
28 Security and Redemption Fund an amount sufficient to pay all
29 obligations, including but not necessarily limited to principal,
30 interest, premiums, sinking or reserve fund requirements, which
31 are secured by the full faith and credit of the state and which
32 become due and payable within the current fiscal year. Thereafter,
33 except as otherwise provided by law, all money remaining in the
34 Bond Security and Redemption Fund shall be credited to the State
35 General Fund.

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1 Nothing contained in this Section shall apply to any levee
2 district or to any political subdivision unless the full
3 faith and credit of the state is pledged to the payment of
4 the bonds of such levee district or political subdivision.

5 Section 12. Expenditure of State Funds

6 Section 12. (A) Except as otherwise provided in this
7 constitution, money shall be drawn from the state
8 treasury only pursuant to an appropriation made in accor-
9 dance with law.

10 (B) Total appropriations made by the legislature for
11 any fiscal year shall not be greater than the anticipated
12 revenues of the state.

13 (C) The legislature shall provide for the publication of
14 a regular statement of receipts and expenditures of all state
15 money at intervals of not more than one year.

16 (D) No appropriation shall be made except for public
17 purposes.

18 Section 13. Management of State Funds; Budgets

19 Section 13. (A) The governor shall submit to the
20 legislature, at a time fixed by law, a budget estimate for
21 the next fiscal year setting forth all proposed state expen-
22 ditures and anticipated state revenues, and shall cause to be
23 submitted a general appropriation bill to authorize the proposed
24 ordinary operating expenditures and, if necessary, a bill or bills
25 containing recommendations for new or additional revenues.

26 (B) The governor shall submit to each regular session
27 of the legislature a proposed five-year capital outlay pro-
28 gram with a request for implementation of the first year of
29 the five-year program. All capital outlay projects ap-
30 proved by the legislature shall be made a part of the com-
31 prehensive state capital budget which shall be adopted by
32 the legislature.

33 Section 14. Management of State Funds; Public Record

34 Section 14. All reports and records of the collection,
35 expenditure, investment, and use of state moneys and all

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1 reports and records relating to state obligations shall be
2 matters of public record, except returns of taxpayers and
3 matters pertaining thereto.

4 Section 15. Management of State Funds; Investment

5 Section 15. All money available for investment in
6 the custody of the state treasurer shall be invested as
7 provided by law.

8 Section 16. Management of State Funds; Donation, Loan,
9 or Pledge of Public Credit

10 Section 16. (A) Except as otherwise provided in this
11 constitution, the funds, credit, property or things of value
12 of the state, or of any political subdivision thereof, shall
13 not be loaned, pledged, or donated to or for any person or
14 persons, associations or corporations, public or private, nor
15 shall the state nor any political subdivision purchase or
16 subscribe to the capital stock or stock of any corporation or
17 association whatever or for any private enterprise.

18 (B) Nothing contained in this Section shall prevent:

19 (1) the use of public funds for programs of social welfare
20 for the aid and support of the needy; (2) contributions of
21 public funds to pension and insurance programs for the benefit
22 of public employees; (3) the legislature from authorizing the
23 pledge of such funds, credit, property, or things of value
24 for public purposes with respect to the issuance of bonds
25 or other evidences of indebtedness to meet public obligations.

26 (C) Funds, credit, property or things of value of the
27 state or of any political subdivision thereof heretofore loaned,
28 pledged, dedicated or granted by the prior laws of this state,
29 or authorized to be loaned, pledged, dedicated or granted by
30 the prior laws and constitution of this state, shall so remain
31 for the full term as provided by the prior laws and constitution
32 and for the full term as provided by any contract, unless such
33 authorization is revoked by the legislature by a two-thirds vote
34 of the elected membership of each house of the legislature prior
35 to the vesting of any contractual rights pursuant to this

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1 Section.

2 (D) The state and its political corporations may, for a
3 public purpose, engage in cooperative endeavors with each other
4 or with the United States or its agencies, or with any public
5 or private association or corporation or individual.

6 Section 17. Release of Obligation to State, Parish
7 or Municipal Corporation; Taxes on Confiscated
8 Property

9 Section 17. (A) The legislature shall have no power to
10 release or extinguish or to authorize the releasing or
11 extinguishment, in whole or in part, of the indebtedness,
12 liability, or obligation of any corporation or individual
13 to the state, or to any parish or municipal corporation
14 thereof, provided, that the legislature may establish a
15 system whereby claims by the state or political subdivisions
16 may be compromised, and provided, that the heirs to confiscated
17 property may be released from all taxes due thereon at the date
18 of its reversion to them; and provided that, whenever any
19 immovable property has been forfeited or adjudicated to
20 the state for the nonpayment of taxes due prior to January
21 1, 1880, and the state did not sell or dispose of the same
22 or dispossess the tax debtor or his heirs, successors, or
23 assigns prior to the adoption of the Constitution of 1921, it
24 shall be presumed conclusively that such forfeiture or
25 adjudication was irregular and null or that the property has
26 been redeemed, and the state and its assigns shall be estopped
27 forever from setting up any title to such property by virtue
28 of such forfeiture or adjudication.

29 (B) All taxes and licenses, other than real property
30 taxes, shall prescribe in three years from the thirty-first day
31 of December in the year in which such taxes or licenses are due,
32 but prescription may be interrupted or suspended as provided by
33 law. No state, district, parish, or other tax, license, fee or
34 assessment of any kind or nature, with all interest charges and
35 penalties appertaining thereto, imposed, due or collectible,

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1 upon any property, minerals or the severance thereof, or due
2 or payable by any person, firm or corporation upon any business
3 operation or activity within the Tidelands area in dispute
4 between the state and the United States and within the state's
5 historic gulfward boundary three leagues from coast, as estab-
6 lished and defined by the Act of Congress of April 8, 1812,
7 which admitted this state into the Union, and as re-defined
8 in Act 33 of the 1954 Legislature of Louisiana, shall prescribe
9 until three years after the 31st day of December in the year
10 in which the controversy existing between the United States
11 and the State of Louisiana over its said state gulfward boundary
12 shall have been finally resolved and settled in accordance with
13 law; provided, however, no interest charges nor penalties shall
14 be assessed or collected on any such tax, license, fee or
15 assessment if such tax, license, fee or assessment is paid
16 within one year after the 31st day of December in the year in
17 which such controversy is finally resolved and settled.

18 Section 18. Legislation to Enable Compliance with

19 Federal Laws and Regulations to Secure Federal Aid
20 in Capital Improvement Projects

21 Section 18. The legislature may enact legislation to
22 enable the state, its agencies, boards, and commissions, and
23 political subdivisions of the state and their agencies to
24 comply with federal laws and regulations in order to secure
25 federal participation in the cost of capital improvement
26 projects.

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Constitutional Convention of Louisiana of 1973

CC-1008

1 COMMITTEE PROPOSAL No. 16—

2 Introduced by Delegate Lambert, Chairman, on behalf
3 of the Committee on Natural Resources and Environment,
4 and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee,
5 Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary,
6 Thompson, Velazquez, Warren and Womack

7 A PROPOSAL

8 Making provisions relating to natural resources and environ-
9 ment.

10 Be it adopted by the Constitutional Convention of Lou-
11 isiana of 1973:

12 ARTICLE VIII. NATURAL RESOURCES

13 Section 1. Alienation of Water Bottoms; Reservation of
14 Mineral Rights

15 Section 1. The legislature shall neither alienate nor au-
16 thorize the alienation of the beds of navigable water bodies
17 except for purposes of reclamation by the riparian owner
18 to recover land lost through erosion occurring subsequent
19 to the date of adoption of this constitution, provided such
20 reclamation is effected within ten years from the date
21 on which the erosion occurs. Except as provided herein,
22 no bed of any navigable water body may be reclaimed
23 except for public use. The mineral rights on all property
24 sold by the state shall be reserved, except where the owner
25 or other person having the right to redeem may buy or
26 redeem property sold or adjudicated to the state for taxes.
27 This shall not prevent the leasing of such lands for mineral
28 or other purposes.

29 Section 2. Royalty Road Fund

30 Section 2. From all mineral leases to be granted by the
31 state, as well as from all mineral leases heretofore granted
32 by the state on state-owned land, lake and riverbeds, and

Page 1

1 other water bottoms belonging to the state or the title
 2 to which is in the public for mineral development, it is
 3 hereby provided that ten percent of the royalties received
 4 by the state from such lease or leases shall be placed,
 5 by the state treasurer, as received, in a special fund to
 6 the credit of the parish from which the production is had,
 7 said fund to be known as Royalty Road Rund and that
 8 said money so accumulated in said Royalty Road Fund
 9 to the credit of said parish in which the production is
 10 had, shall be subject to withdrawal by the State Depart-
 11 ment of Highways, or its successor, for the purpose and
 12 shall be used exclusively by said department or the suc-
 13 cessor thereof for the building and constructing of black-
 14 top, concrete or other hard-surfaced roads, highways,
 15 bridges, and tunnels in said parish, and to purchase, op-
 16 erate, and maintain automobile ferries in said parish.

17 Section 3. Minerals Beyond Three-Mile Limit

18 Section 3. All revenues and royalties of every nature and
 19 kind obtained from minerals of all kinds located beyond
 20 the three-mile limit of the coastal waterways of the State
 21 of Louisiana, shall be the property of the State of Loui-
 22 siana, and all funds derived therefrom shall be deposited
 23 in the state treasury and dedicated to the retirement and
 24 payment of all existing bonded indebtedness of the State
 25 of Louisiana.

26 Section 4. Tideland Mineral Revenues; Use of Funds

27 Section 4. Notwithstanding any other provision of the
 28 constitution or of the laws of this state, all funds received
 29 by the State of Louisiana during the calendar year 1966
 30 and thereafter from revenues derived from tidelands mineral
 31 leases and now or hereafter held in escrow under an agree-
 32 ment executed by and between the State of Louisiana and

1 the United States government pending settlement of the
 2 claims of the State of Louisiana with regard to its portion
 3 of such revenues, but not including any portion of such
 4 funds derived from royalties received by the state from
 5 mineral leases which are required to be placed in the
 6 Royalty Road Fund to the credit of the parish from which
 7 production is had and not including any portion of such
 8 funds now dedicated or allocated to public education pur-
 9 poses, shall be credited by the state treasurer to a special
 10 fund in the state treasury.

11 So much of the monies credited to the special fund here-
 12 inabove provided for as are needed for the purpose shall
 13 be expended by the state treasurer, when authorized and
 14 directed to do so by the Board of Liquidation of the State
 15 Debt, to purchase and retire in advance of maturity the
 16 callable bonds or other evidences of indebtedness of the
 17 State of Louisiana or its agencies, boards, and commis-
 18 sions. Monies thereafter remaining on deposit in said special
 19 fund, which cannot be expended immediately for the purpose
 20 hereinabove provided, shall be invested by the state trea-
 21 surer, in such amounts as he in his discretion may deem
 22 advisable and in the best interest of the state. Such funds,
 23 including any interest earned thereon, shall be invested
 24 and reinvested in time certificates of deposit in state banks
 25 organized under the laws of Louisiana or national banks
 26 having their principal office in the State of Louisiana and
 27 in short-term United States Treasury bills and in bonds
 28 and other direct obligations of the United States govern-
 29 ment.

30 Out of the total funds remaining in the said special
 31 fund on the last day of each calendar year there shall
 32 be set aside such amount as is needed to pay the prin-

1 cipal of and interest on the outstanding bonded and other
 2 indebtedness of the state and its agencies, boards, and
 3 commissions in the next succeeding calendar year, as here-
 4 inabove provided, and such funds so set aside shall be
 5 so used. Thereafter, not more than ten percent of the total
 6 value of the said special fund remaining on the last day
 7 of each preceding calendar year, up to but not in excess
 8 of ten million dollars, may be appropriated by the legis-
 9 lature during the first calendar year following the adoption
 10 of this amendment in 1966 and in any calendar year there-
 11 after, for capital improvements, including the purchase of
 12 land, architect and engineering fees, construction costs and
 18 equipment for buildings, and other costs.

14 This Section shall be self-operative and shall require
 15 no further or other legislation to place it into effect.

16 Section 5. Commissioner of Agriculture

17 Section 5. The Department of Agriculture shall be headed
 18 by the commissioner of agriculture, who shall be elected
 19 for a term of four years by the electors of the state as
 20 prescribed by law. The duties and powers of the commis-
 21 sioner shall be prescribed by the legislature.

22 Section 6. Natural Resources and Environment; Public
 23 Policy

24 Section 6. The natural resources of the state, including
 25 air and water, shall be protected, conserved, and, insofar
 26 as possible, replenished, consistent with the health, safety,
 27 and welfare of all people. The healthful, scenic, historic,
 28 and esthetic quality of the environment shall be preserved
 29 insofar as possible. The legislature shall implement this
 30 policy by appropriate legislation.

31 Section 7. Wildlife and Fisheries Commission

32 Section 7. The wildlife of the state, including wild game

1 and nongame quadrupeds or animals, game, oysters, fish
 2 and other aquatic life, are hereby placed under the control
 3 and supervision of Louisiana Wildlife and Fisheries Com-
 4 mission, consisting of seven members, appointed by the
 5 governor, six of whom shall serve for a term of six years,
 6 and one of whom shall serve for a term concurrent with
 7 the term of the governor. Three shall be electors of the
 8 coastal parishes and representatives of the commercial
 9 fishing and fur industries, and three shall be electors from
 10 the state at large.

11 No member shall be eligible for reappointment who shall
 12 have served for as many as six years or more.

13 The specific functions, duties, and responsibilities of the
 14 commission and the compensation of its members shall
 15 be as provided by the legislature.

16 Section 8. Forestry Commission

17 Section 8. The practice of forestry in the State of Louisiana
 18 is hereby placed under a Louisiana Forestry Commission,
 19 which is hereby established in the Executive Department.
 20 The Louisiana Forestry Commission shall consist of seven
 21 members, five of which are to be appointed by the governor
 22 for terms of five years each, and two, namely the head
 23 of the Department of Forestry at Louisiana State Uni-
 24 versity and Agricultural and Mechanical College and the
 25 director of Wildlife and Fisheries, who shall serve as ex
 26 officio members of the commission by virtue of their of-
 27 fices. Two of the members shall be owners or executive
 28 managers of interests owning and operating timberlands;
 29 one shall be the owner of farm lands interested in re-
 30 forestation; one shall be a pulp and paper mill owner or
 31 executive manager; and the fifth shall be the owner or
 32 executive manager of interests manufacturing or treating

1 poles, piling, posts, crossties, or veneer.

2 Section 9. State Forester

3 Section 9. A state forester shall be appointed by the
4 Louisiana Forestry Commission, and he must be a graduate
5 of forestry from an accredited school and have at least
6 four years of forestry experience in the South.

7 Section 10. Public Service Commission

8 Section 10. The Public Service Commission is hereby
9 created to consist of five members elected at the time
10 fixed for congressional election from districts established
11 by law for overlapping terms of six years, provided that
12 the legislature shall establish initial terms of less than
13 six years to implement said composition.

14 Section 11. Authority

15 Section 11. The commission shall regulate all common
16 carriers and other public utilities, adopt and enforce reason-
17 able rules, regulations, and procedures for the discharge
18 of its duties, and perform such other functions as pro-
19 vided by law.

20 Section 12. Limitations

21 Section 12. The commission shall have no authority to
22 regulate any public utility operated by the governing autho-
23 rity of a political subdivision except by the consent of a
24 majority of the electors voting in an election held for that
25 purpose, nor shall the commission have any authority to
26 regulate the price of natural gas sold for industrial use.

27 Section 13. Decisions; Appeal

28 Section 13. The commission shall render a decision on
29 a rate proposal within six months from the date of filing
30 of such proposal; otherwise, the proposed schedule may
31 be placed in effect by the utility under bond or other
32 security, in accordance with procedures to be fixed by

1 the legislature. If the commission should fail to render
2 its decision within an additional period of three months,
3 the proposed schedule shall be deemed approved. Any de-
4 cision so rendered shall be subject to judicial review in
5 accordance with procedures otherwise provided in this con-
6 stitution.

7 Section 14. Geothermal-Geopressure Resources

8 Section 14. The state shall conserve, manage, and regu-
9 late the development and utilization of geothermal-geo-
10 pressure resources for the benefit of all people including
11 future generations.

12 Section 15. Mineral Rights; Alluvion

13 Section 15. Mineral rights to land formed or exposed
14 by accretion or dereliction caused principally by acts of
15 man, on a water body the bed of which is owned by the
16 state, are retained by the state.

17 Section 16. Mineral Rights; Erosion

18 Section 16. Mineral rights to land lost by erosion caused
19 principally by acts of man, on a navigable water body,
20 are retained by the riparian landowner.

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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 Zervigin:

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; Ratification of Boundaries, Creation, Consolidation, and Dissolution

Section 1. (A) All parishes and their boundaries as established under existing law are recognized and ratified.

(B) The legislature shall provide by general law for the creation, consolidation, or dissolution of parishes under the limitations hereinafter provided. No new parish shall contain less than six hundred and twenty-five square miles, or less than fifty thousand inhabitants, and no parish shall be reduced below that area or number of inhabitants.

Section 2. Change of Parish Lines; Election

Section 2. Before taking effect any law changing parish lines, consolidating parishes, dissolving parishes, or creating new parishes shall be submitted to the electors of the parishes to be affected at a special election held for that purpose. The change shall take effect only if two-thirds of the total vote cast on the question in each affected parish is in favor thereof.

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just portion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Section 4. Change of Location of Parish Seat

Section 4. Upon the written petition of not less than twenty-five percent of the electors, as certified by the registrar of voters the governing authority of a parish shall call an election on the question of changing the location of the parish seat. The location of a parish seat shall not be changed unless two-thirds of the total vote cast on the question is in favor thereof.

Section 5. Municipalities; Incorporation, Consolidation, Merger, and Government

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such municipality continues to operate under such charter.

Section 6. Classification

Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes. However, no statute which is applicable to fewer than six parishes or

1 municipalities shall become operative an any such parish or
2 municipality until approved by ordinance enacted by the
3 governing authority of the affected parish or municipality.

4 Section 7. Existing Home Rule Charters and Plans of
5 Government of Parishes and Municipalities Ratified

6 Section 7. (A) The plans of government and home rule
7 charters of the parishes of East Baton Rouge, Jefferson, and
8 Plaquemines and of the cities of New Orleans, Baton Rouge,
9 and Shreveport shall remain in effect, and may be amended,
10 modified, or repealed as provided therein. Each of them shall
11 retain the authority, powers, rights, privileges, and immuni-
12 ties granted by its charter. Each shall be subject to the
13 duties imposed by the applicable constitutional provisions
14 under which its plan or charter was adopted. Each of them
15 also shall enjoy such additional powers and functions as are
16 granted to local governmental subdivisions by provisions of
17 this constitution, including Sections 8 and 9 of this Article,
18 unless the exercise of such powers and functions is prohib-
19 ited by its charter.

20 (B) Every other home rule charter adopted or authorized
21 when this constitution is adopted shall remain in effect and
22 may be amended, modified, or repealed as provided in the
23 charter.

24 Section 8. Home Rule Charter

25 Section 8. (A) Any local governmental subdivision may
26 draft, adopt, or amend a charter of government to be known
27 as a home rule charter in accordance with the provisions of
28 this Section. The governing authority of any such local gov-
29 ernmental subdivision may appoint a commission to prepare
30 and propose a charter, or may call an election for the pur-
31 pose of electing such a commission.

32 (B) The governing authority of any such local govern-

1 mental subdivision shall call an election to elect a commis-
2 sion to prepare and propose a charter or alternate charter
3 when presented with a petition signed by not less than fif-
4 teen percent of the electors who live within the boundaries
5 of the affected subdivision, as certified by the registrar of
6 voters.

7 (C) A home rule charter shall be adopted when approved
8 by a majority of the electors who vote on the charter pro-
9 posal at an election called for that purpose.

10 (D) Two or more local governmental subdivisions situated
11 within the boundaries of one parish may avail themselves
12 of the provisions of this Section, provided that a majority
13 of the electors in each affected local governmental subdivi-
14 sion who vote in an election held for that purpose vote in
15 favor thereof. The legislature shall provide for the method
16 of appointment or election of a commission to prepare and
17 propose such a charter consistent with Paragraph (A) of
18 this Section. However, at least one member of the commis-
19 sion shall be elected or appointed from each affected local
20 governmental subdivision. The legislature shall provide the
21 method by which the electors of more than one local govern-
22 mental subdivision within the boundaries of one parish may
23 petition for an election for such purpose consistent with
24 Paragraph (B) of this Section.

25 (E) A home rule charter adopted pursuant to the provi-
26 sions of this Section shall provide for the structure and
27 organization, powers, and functions for the government of
28 the local governmental subdivision, which may include the
29 exercise of any power and performance of any function
30 necessary, requisite, or proper for the management of its
31 affairs, not denied by general law or this constitution. The
32 legislature shall not pass any law the effect of which

1 changes, modifies, or affects the structure and organization
2 and/or the particular distribution and redistribution of the
3 powers and functions of any local governmental subdivision
4 which operates under a home rule charter.

5 (F) A local governmental subdivision adopting a home rule
6 charter under this Section shall also enjoy such additional
7 powers and functions as are granted to local governmental
8 subdivisions by other provisions of this constitution, includ-
9 ing Section 9 of this Article, unless the exercise of such
10 powers and functions is prohibited by its charter.

11 Section 9. Powers of Other Local Governmental Subdivi-
12 sions

13 Section 9. (A) Any other local governmental subdivision
14 may exercise any power and perform any function neces-
15 sary, requisite, or proper for the management of its affairs
16 not denied to it by its charter, by this constitution, or by
17 general law, including but not limited to the power (1) to
18 legislate upon, regulate, conduct, and control all matters of
19 local governmental administration; (2) to define the powers,
20 duties, and qualifications of parochial or municipal employ-
21 ees; (3) to provide for the protection of the public health,
22 safety, morals, and welfare; (4) to create special districts;
23 (5) to license; (6) to tax under the limitations provided in
24 this constitution or by general law; (7) to incur debt and
25 issue bonds, except as otherwise provided in this constitu-
26 tion.

27 (B) Any local governmental subdivision may exercise
28 any power or perform any function concurrently with the
29 state pertaining to its government and affairs to the ex-
30 tent that the legislature by general law does not specifically
31 limit the concurrent exercise of any such power or perfor-
32 mance of any such function or specifically declare the state's

1 exercise of any such power or performance of any such
2 fuction to be exclusive except as provided in this Article.

3 Section 10. Powers of Local Governmental Subdivisions;
4 Liberal Construction

5 Section 10. Powers and functions of local governmental
6 subdivisions shall be construed liberally in favor of such
7 local governmental subdivisions.

8 Section 11. Home Rule Parish; Incorporation of Cities,
9 Towns, and Villages

10 Section 11. When two-thirds of the electors, as certified
11 by the registrar of voters, of an unincorporated settlement
12 in any parish operating under a home rule charter or a home
13 rule plan of government sign and present to the governor a
14 petition and meet other necessary requirements as set forth
15 under the general laws providing for the incorporation of
16 cities, towns, and villages, such cities, towns, and villages
17 may be incorporated. However, no such newly incorporated
18 area shall include any property previously included in any
19 industrial area or district.

20 Section 12. Limitations of Local Governmental Subdivi-
21 sions

22 Section 12. Local governmental subdivisions shall not: (1)
23 incur debt payable from ad valorem tax receipts maturing
24 more than forty years from the time it is incurred; (2) de-
25 fine and provide for the punishment of a felony; (3) enact
26 private or civil ordinances governing civil relationships.

27 Section 13. Local Officials

28 Section 13. The electors of each local governmental sub-
29 division shall have the exclusive right to elect the members
30 of their governing authority and, if a plan or form of gov-
31 ernment or home rule charter so provides, their chief execu-
32 tive officer at elections held in accordance with the election

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1 laws of the state. Such officials shall not be subject to re-
 2 moval by the legislature. The salaries of these officials shall
 3 not be reduced during the terms for which they are elected.

4 Section 14. Filling of Vacancies; Appointment

5 Section 14. (A) Except in the office of sheriff, assessor,
 6 clerk of a district court, or coroner, a vacancy occasioned by
 7 death, resignation, or otherwise in the office of mayor, in
 8 the membership of the governing authority of a local gov-
 9 ernmental subdivision or in any other local office filled by
 10 election wholly within the boundaries of a local govern-
 11 mental subdivision, shall be filled by appointment by the
 12 governing authority of such local governmental subdivision
 13 in which the vacancy occurs. A vacancy in the membership
 14 of a city or parish school board shall be filled by appoint-
 15 ment by the remaining members thereof. A tie vote on such
 16 appointment to be made by the governing authority of a local
 17 governmental subdivision or school board shall be broken
 18 by the presiding officer thereof notwithstanding the fact
 19 that he may already have voted thereon.

20 (B) If, at the time a vacancy occurs in an elective office
 21 for which appointment is provided in Paragraph (A) of this
 22 Section, the unexpired portion of the term of office is more
 23 than one year; a special election to fill the vacancy shall be
 24 called by the governing authority, and held without the
 25 necessity of a call by the governor, not more than six months
 26 nor less than three months, after first receipt of notice of
 27 the vacancy by the secretary of state, to be given as herein-
 28 after provided, in the local governmental subdivision or spe-
 29 cial district thereof in which the vacancy occurred, and in
 30 such case the appointment provided for in Paragraph (A)
 31 of this Section shall be effective only until a successor is
 32 duly elected and qualified.

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1 (C) Upon being informed of the occurrence of a vacancy
 2 in any of the offices specified in Paragraph (A) of this Sec-
 3 tion, the clerk or chief clerk of the district court in the
 4 parish where the vacancy occurred, and in the parish of
 5 Orleans the clerk or chief clerk of the criminal district court,
 6 shall, within twenty-four hours after being thus informed,
 7 notify the secretary of state in writing by registered or cer-
 8 tified mail of the occurrence of the vacancy. Upon receipt
 9 of such notice, the secretary of state shall, within twenty-
 10 four hours after such receipt, notify in writing by registered
 11 or certified mail all election officials, including party commit-
 12 tees and boards of supervisors of elections, having any duty
 13 to perform in connection with a special election to fill such
 14 vacancy, of the occurrence of the vacancy.

15 (D) Nothing in this Section shall be construed as changing
 16 the qualifications for the various offices involved and all
 17 appointments must be of persons who would otherwise be
 18 eligible to hold offices to which appointed.

19 (E) The provisions of this Section shall apply to all local
 20 governmental subdivisions unless otherwise provided by the
 21 home rule charter or the home rule plan of government of the
 22 affected local governmental subdivision.

23 (F) Vacancies occasioned by death, resignation, or other-
 24 wise in the office of sheriff, assessor, clerk of a district court,
 25 or coroner shall be filled by appointment by the governing
 26 authority of the parish at the time and in the manner pro-
 27 vided in Paragraphs (B) and (C) of this Section.

28 (G) The provisions of this Section shall not apply to the
 29 office of judge of any state court of record or district attor-
 30 ney.

31 Section 15. Recall

32 Section 15. The legislature shall by general law provide

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1 for the recall of state, district, parish, municipal, or ward
 2 officers, except judges of the courts of record, and except
 3 wherein otherwise provided by this constitution. The sole
 4 issue to be voted on at any recall election shall be whether
 5 such officers shall be recalled.

6 Section 16. Legislation Increasing Financial Burden of
 7 Political Subdivisions; Local Approval

8 Section 16. No law requiring an increase in expendi-
 9 tures, or a deduction from the funds of a political subdivi-
 10 sion for salaries of local public officials or for wages, hours,
 11 working conditions, pension and retirement benefits, vaca-
 12 tion or sick leave benefits of political subdivision employees,
 13 or an increase in commissions of or for local political sub-
 14 division offices, except a law providing for civil service, min-
 15 imum wages, working conditions, and retirement benefits
 16 for firemen and policemen, shall have effect until approved
 17 by ordinance enacted by the governing authority of the po-
 18 litical subdivision affected thereby or until the legislature
 19 appropriations funds to the affected political subdivision for
 20 that purpose and only to the extent and amount that such
 21 funds are provided.

22 Section 17. Governing Authorities of Local Governmental
 23 Subdivisions; Control Over Agencies They Create

24 Section 17. (A) In addition to any other powers granted
 25 by the legislature, the governing authority of a local govern-
 26 mental subdivision shall have the following powers over any
 27 agency heretofore or hereafter created by it: (1) to appoint
 28 and remove members of the governing body of the agency,
 29 (2) to exercise budgetary and fiscal control over the agency,
 30 including the power to modify or veto its operating budget,
 31 veto or reduce line items, or substitute a different budget
 32 therefor; (3) to abolish the governing body of the agency and

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1 to substitute itself therefor, with authority to exercise all
 2 of its powers and functions; and (4) to abolish the agency
 3 if the obligations or indebtedness of the agency are not
 4 thereby impaired.

5 (B) No such agency shall have authority to levy a tax,
 6 impose any charge, or issue bonds unless the proposal there-
 7 for is first approved by the governing authority of the local
 8 governmental subdivision. However, after such original ap-
 9 proval is granted no further approval shall be required.

10 (C) If the creation of the agency required the concurrence
 11 of two or more local governmental subdivisions, concurrence
 12 of all of them shall be required for the exercise of the above
 13 powers.

14 Section 18. Special Districts and Local Public Agencies;
 15 Consolidation, Merger, and Assumption of Debt

16 Section 18. (A) Any local governmental subdivision may
 17 consolidate and merge into itself any special district or
 18 local public agency, except a school district, situated and
 19 having jurisdiction entirely within the boundaries of such
 20 local governmental subdivision. Upon such merger and con-
 21 solidation the local governmental subdivision shall succeed
 22 to and be vested with all of the rights, revenues, resources,
 23 jurisdiction, authority, and powers of such special district
 24 or local public agency. No such merger and consolidation
 25 shall take effect unless a majority of the electors voting
 26 thereon in the local governmental subdivision as a whole and
 27 also a majority of the electors voting thereon in the affected
 28 special district vote in favor of such proposition.

29 (B) If the special district or local public agency which is
 30 abolished has any outstanding indebtedness, the authority
 31 provided for by this Section shall not be exercised unless
 32 provision is made for the assumption of such indebtedness by

1 the governing authority or authorities of the local govern-
2 mental subdivisions involved.

3 Section 19. Historic Preservation Districts

4 Section 19. (A) In order to promote the educational, cul-
5 tural, economic, and general welfare of the public through the
6 preservation and protection of buildings, sites, monuments,
7 structures, areas and districts of historic or architectural
8 interest or importance, each local governmental subdivision,
9 acting through a commission or otherwise, shall have the
10 power and authority to establish, operate and maintain his-
11 toric preservation areas and districts by the adoption of
12 appropriate ordinances and laws, which is hereby declared to
13 be for a public purpose.

14 (B) The governing authority of each local governmental
15 subdivision shall have the power and authority of review to
16 affirm, reverse or modify, in whole or in part, any action or
17 decision of any such commission.

18 Section 20. Zoning

19 Section 20. Local governmental subdivisions may enact
20 land use regulations and zoning ordinances and create and
21 classify therein residential, commercial, industrial, and other
22 districts, and may regulate the preservation of the character
23 of buildings, monuments, structures, and buildings and areas
24 of historical importance. Local governmental subdivisions may
25 create airport zones and regulate the heights of buildings,
26 structures, and objects of natural growth in areas surround-
27 ing airports.

28 Section 21. Industrial Areas

29 Section 21. The legislature may authorize parishes to create
30 industrial areas within their boundaries in accordance
31 with such procedures and subject to such regulations as the
32 legislature shall determine. Industrial areas shall not be sub-

1 divisions of the state.

2 Section 22. Creation of Special Districts by the Legisla-
3 ture; Authority

4 Section 22. Subject to the limitations imposed in this con-
5 stitution, the legislature by general law or by local or special
6 law may create or authorize the creation of special districts,
7 boards, agencies, commissions, and authorities of every type,
8 define their powers, and grant to the special districts, boards,
9 agencies, commissions and authorities so created such rights,
10 powers, and authorities as it deems proper, including, but
11 not limited to, the power of taxation, the power to incur debt
12 and issue bonds, and the power to reclaim property from
13 the beds of lakes and streams.

14 Section 23. Intergovernmental Cooperation

15 Section 23. (A) Any political subdivision may exercise and
16 perform any of its authorized powers and functions, includ-
17 ing financing, jointly or in cooperation with one or more
18 political subdivisions, either within or without the state,
19 the United States or agencies thereof, except as the legisla-
20 ture shall provide otherwise by law.

21 (B) Except as otherwise provided in this constitution, the
22 legislature shall not require political subdivisions to exer-
23 cise powers or perform functions jointly or in cooperation
24 with any other political subdivision, nor shall the legislature
25 require consolidation of governmental functions of local gov-
26 ernmental subdivisions. However, the legislature may enact
27 laws authorizing the consolidation of political subdivisions
28 or the joint exercise of powers and performance of functions
29 by political subdivisions, but no such law shall become effec-
30 tive until submitted to and approved by two-thirds of the
31 electors in each of the political subdivisions affected there-
32 by, who vote in an election called for that purpose.

1 Section 24. Assistance to Local Industry by Political Subdi-
2 visions

3 Section 24. (A) Subject to such restrictions as it may im-
4 pose, the legislature may authorize any political subdivision,
5 in order (1) to induce and encourage the location of or addi-
6 tion to industrial enterprises therein, or (2) to provide for
7 the establishment and furnishing of industrial plants for the
8 conversion or processing of raw farm or agricultural prod-
9 ucts, or (3) to provide movable or immovable property, or
10 both, for pollution control facilities: (a) to issue bonds and
11 use the funds derived from the sale thereof to acquire and
12 improve industrial plant sites and other property necessary
13 to the purposes thereof; (b) to acquire, through purchase
14 or otherwise, and to improve, industrial plant buildings and
15 industrial plant equipment, machinery, furnishings, and ap-
16 purtenances; and (c) to sell, lease, or otherwise dispose of
17 all or any part of the foregoing.

18 (B) It is hereby found and declared that the purposes
19 designed to be accomplished herein are public and proper
20 legal purposes and will be of public benefit to the political
21 subdivision issuing the bonds.

22 Section 25. Appropriation to Political Subdivisions

23 Section 25. When the legislature appropriates funds to
24 one or more political subdivisions and the legislature does
25 not specify the purposes for which such funds shall be ex-
26 pended, or the amounts to be expended therefor, the expen-
27 diture of such funds shall be determined solely by the gov-
28 erning authority of the political subdivision or political sub-
29 divisions to which the funds are appropriated. The legisla-
30 ture may require a report concerning the allocation and ex-
31 penditure of such funds.

32 Section 26. Uniform Procedure for Calling, Conducting,

1 and Canvassing the Returns of Certain Special Elections

2 Section 26. When any election is required to be held in
3 any political subdivision pursuant to the provisions of this
4 constitution which require submission to the electors of any
5 proposition or question, such as the change of parish lines,
6 change of location of parish seat, levying of taxes, issuance
7 of bonds or incurring of other debt obligations, the assump-
8 tion of debt, referendum, recall, or the adoption of a home
9 rule charter, the election shall be called, conducted, and the
10 returns thereof canvassed, in accordance with the law per-
11 taining to elections for incurring bonded indebtedness and
12 special taxes relative to local finance, as the same now exists
13 or may hereafter be amended, or as may be otherwise pro-
14 vided by the legislature.

15 Section 27. Acquisition of Property

16 Section 27. Subject to such restrictions as the legislature
17 may provide by general law, political subdivisions may ac-
18 quire property for any public purpose, including but not
19 limited to acquisition by purchase, donation, expropriation,
20 or exchange.

21 Section 28. Servitudes of Way; Acquisition by Prescription

22 Section 28. The public, represented by the various political
23 subdivisions, may acquire servitudes of way by prescription
24 in the manner prescribed by law.

25 Section 29. Prescription Against State and Political Sub-
26 divisions

27 Section 29. Prescription shall not run against the state or
28 any political subdivision or special dsitric thereof in any
29 civil matter, unless otherwise provided in this constitution
30 or expressly by general law.

31 Section 30. Supremacy of Constitution

32 Section 30. The provisions of this Constitution shall be

1 paramount and neither the legislature, nor any political
 2 subdivision, shall enact any laws or ordinances in conflict
 3 therewith.

4 PART II. FINANCE

5 Section 31. Parish Tax Limits; Increase; Withdrawal of
 6 Municipality from Parish Taxing Authority

7 Section 31. (A) The governing authority of each parish
 8 may levy an ad valorem tax for general purposes, in an
 9 amount not to exceed in any one year, four mills on the
 10 dollar of assessed valuation. However, in Orleans Parish the
 11 limitation shall be seven mills and in Jackson Parish the
 12 limitation shall be five mills. Millage rates may be in-
 13 creased in any parish when approved by a majority of the
 14 electors who vote in an election held for that purpose.

15 (B) When the millage increase is for other than general
 16 purposes, the proposition shall state the specific purpose
 17 or purposes for which the tax is to be levied, the length of
 18 time the tax is to remain in effect, and all proceeds of the
 19 tax shall be dedicated to the purpose or purposes set forth
 20 in the proposition.

21 (C) The amount of the parish tax for general purposes
 22 which any parish, except the parish of Orleans, may levy,
 23 without a vote of the electors, on property located wholly
 24 within any municipality, which has a population in excess
 25 of one thousand inhabitants according to the last census
 26 and which provides and maintains a system of street paving,
 27 shall not exceed one-half the tax levy for general purposes.

28 (D) This Section shall not be construed to repeal or affect
 29 the withdrawal of property in a municipality from parochial
 30 taxing jurisdiction, in whole or in part, by a provision of
 31 the legislative charter of the municipality in effect on the
 32 date of adoption of this constitution.

1 Section 32. Municipal Tax Limits; Increase

2 Section 32. (A) The governing authority of each munici-
 3 pality may levy an ad valorem tax for general purposes, in
 4 an amount not to exceed in any one year, seven mills on the
 5 dollar of assessed valuation; provided that where any mu-
 6 nicipality is, by its charter or by law, exempt from pay-
 7 ment of parish taxes or, under legislative authority, main-
 8 tains its own public schools, it may levy an annual tax not
 9 to exceed ten mills of the dollar of assessed valuation. Mill-
 10 age rates may be increased in any municipality when
 11 approved by a majority of the electors who vote in an elec-
 12 tion held for that purpose.

13 (B) When the millage increase is for other than general
 14 purposes, the proposition shall state the specific purpose
 15 or purposes for which the tax is to be levied, the length
 16 of time the tax is to remain in effect, and all proceeds of
 17 the tax shall be dedicated to the purpose or purposes set
 18 forth in the proposition.

19 (C) This Section shall not apply to the city of New Or-
 20 leans.

21 Section 33. Local Governmental Subdivisions; Occupa-
 22 tional License Tax; Limitations

23 Section 33. Local governmental subdivisions may impose
 24 an occupational license tax in an amount not greater than
 25 that imposed by the state. Local governmental subdivisions
 26 may impose an occupational license tax in an amount greater
 27 than that imposed by the state when so authorized by
 28 an act passed by at least a two-thirds vote of the elected
 29 membership of each house of the legislature.

30 Section 34. Local Governmental Subdivisions; Sales Tax
 31 Authorized

32 Section 34. (A) Except as otherwise authorized in a home

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1 rule charter provided for in Sections 7 and 8 of this Article,
2 local governmental subdivisions and school districts are au-
3 thorized to levy and collect a tax upon the sale at retail, the
4 use, the lease or rental, the consumption and storage for use
5 or consumption of tangible personal property, and on sales
6 of services, as defined by law. However, the rate thereof
7 when combined with the rate of all other presently imposed
8 or future sales and use taxes, exclusive of state sales and
9 use taxes, levied and collected within any local govern-
10 mental subdivision shall not exceed three percent.

11 (B) No tax authorized in Paragraph (A) of this Section
12 shall become effective until a proposition for the imposition
13 thereof is submitted to the electors of the affected local gov-
14 ernmental subdivision and approved by a majority of the
15 electors who vote in the election held for that purpose.

16 (C) The legislature shall have the authority by general
17 law to exempt or exclude any goods or tangible personal
18 property or services from any sales and use tax levied by a
19 local governmental subdivision. However, such exemptions
20 or exclusions shall also apply to state sales and use taxes.

21 Section 35. Political Subdivisions; Taxing Power; Limita-
22 tions

23 Section 85. Political subdivisions may exercise the power
24 of taxation, subject to such limitations as may be elsewhere
25 provided in the constitution, under authority granted to
26 them by the legislature for parish, municipal, and local pur-
27 poses, strictly public in their nature. The provisions of this
28 Section shall not apply to, nor affect, similar grants to such
29 political subdivisions under other sections of this constitu-
30 tion which are self-operative.

31 Section 36. Special Taxes; Ratified

32 Section 36. (A) Any special tax being levied by any politi-

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1 cal subdivision under prior laws or under the 1921 Louisiana
2 Constitution, as amended, when this constitution is adopted
3 is hereby confirmed and ratified.

4 (B) For the purpose of acquiring, constructing, improv-
5 ing, maintaining and operating any work of public improve-
6 ment, any political subdivision may levy special taxes when
7 authorized by a majority of the electors who vote in an
8 election held for that purpose.

9 Section 37. Political Subdivisions; Exclusive Authority to
10 Levy and Collect Ad Valorem Taxes

11 Section 37. Notwithstanding any provision contained in
12 Article , Section of this constitution to the contrary,
13 the power of taxation shall not be exercised by the legisla-
14 ture to levy an ad valorem tax upon any property in the
15 state, and such power shall be exclusively vested in political
16 subdivisions to be exercised as provided in this constitution.

17 Section 38. Bonds of Political Subdivisions; General Obli-
18 gations

19 Section 38. The full faith and credit of every political sub-
20 division is hereby pledged to the payment of general obliga-
21 tion bonds issued by it under this constitution or the terms
22 of the statute or proceedings pursuant to which they are
23 issued. The governing authority of the issuing political sub-
24 division shall levy and collect or cause to be levied and col-
25 lected on all taxable property in the political subdivision ad
26 valorem taxes fully sufficient to pay principal and interest
27 and redemption premiums, if any, on such bonds as they
28 mature.

29 Section 39. Taxpayer Authorization of Political Subdivi-
30 sion Bonds

31 Section 39. General obligation bonds may be issued only
32 after authorization by a vote of a majority of the electors

1 who vote on the proposition at an election in the political
 2 subdivision issuing such bonds. Refunding bonds, even
 3 though payable solely from ad valorem taxes, need not be
 4 so authorized at an election if the indebtedness refunded is
 5 paid or cancelled at the time of the delivery of the refund-
 6 ing bonds, or if money, or securities made eligible for such
 7 purpose by law, are deposited in escrow in an adequate
 8 amount, with interest, to be utilized solely for the purpose
 9 of retiring the refunded indebtedness or bonds and paying
 10 interest thereon and redemption premiums, if any, to the
 11 time of retirement.

12 Section 40. Limitations on Bonded Indebtedness of Political
 13 Subdivisions

14 Section 40. (A) General obligation bonds may be issued by
 15 any political subdivision for any single purpose which, in-
 16 cluding the existing bonds of such political subdivision in-
 17 curred for the same purpose and payable solely from ad
 18 valorem taxes levied without limitation as to rate or
 19 amount, shall not exceed in the aggregate ten percent of
 20 the assessed valuation of property in the political subdivi-
 21 sion, to be ascertained by the assessment roll for the politi-
 22 cal subdivision last completed prior to the delivery of such
 23 bonds, except that as to both parishwide school districts and
 24 other school districts, the limitation shall be twenty-five
 25 percent of the assessed valuation of property, and except as
 26 to general obligation industrial development bonds, such
 27 limitation shall be twenty percent of the assessed valuation
 28 of property in the political subdivision.

29 (B) Any municipality financing and operating its own
 30 schools and not located within a parishwide or other school
 31 district shall be regarded as and treated on the same basis
 32 for the purpose of debt limitation and shall have the same

1 authority for all purposes of this Section as though it were
 2 such a school district.

3 (C) The legislature may increase the debt limitations es-
 4 tablished in this Section by general law or by local or
 5 special law passed by a two-thirds vote of the elected mem-
 6 bership of each house.

7 (D) Bonds and other debt obligations payable from acre-
 8 age taxes, sales and use taxes, excess revenues, special
 9 assessments, or other special revenues shall not be con-
 10 sidered to be bonds payable solely from ad valorem taxes for
 11 all purposes of this Section.

12 Section 41. Limited Time for Contesting Bonds of Political
 13 Subdivisions

14 Section 41. (A) For a period of sixty days from the pro-
 15 mulgation of the result of any election held for the purpose
 16 of incurring or assuming debt, issuing bonds, or levying a
 17 tax, any person in interest shall have the right to contest
 18 the legality of such election, the bond issue provided for,
 19 or the tax authorized, for any cause after which time no
 20 one shall have any cause or right of action to contest the
 21 regularity, formality, or legality of said election, tax provi-
 22 sions, or bond authorization, for any cause whatsoever. If
 23 the validity of any election, tax, debt assumption, or bond
 24 issue authorized or provided for, held under the provisions
 25 of this Section, is not raised within the sixty days herein
 26 prescribed, the authority to incur or assume debt, levy the
 27 tax, or issue the bonds, the legality thereof, and the taxes and
 28 other revenues necessary to pay the same shall be con-
 29 clusively presumed to be valid, and no court shall have au-
 30 thority to inquire into such matters.

31 (B) Every ordinance or resolution authorizing the is-
 32 suance of bonds or other debt obligation by a political sub-

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1 division shall be published once in the official journal of the
 2 political subdivision, or if there is none, then in a newspaper
 3 having general circulation therein. For a period of thirty
 4 days from the date of the publication any person in interest
 5 may contest the legality of the ordinance or resolution, the
 6 bonds or other debt obligation authorized thereby, and of any
 7 provision therein made for the security and payment of the
 8 bonds. After this time, no one shall have any cause of action
 9 to test the regularity, formality, legality, or effectiveness of
 10 the ordinance or resolution, bonds, or other debt obligation,
 11 and provisions thereof for any cause whatever; and after this
 12 time it shall be conclusively presumed that every legal
 13 requirement for the issuance of the bonds or other debt
 14 obligation, including all things pertaining to the election, if
 15 any, at which the bonds or other debt obligation were autho-
 16 rized, has been complied with, and no court shall have author-
 17 ity to inquire into any such matters after the lapse of this
 18 thirty days.

Section 42. Local Improvement Assessments

20 Section 42. (A) The legislature shall provide by general
 21 law or by local or special law the procedures by which polit-
 22 ical subdivisions levy and collect local or special assessments
 23 on real property, for the purpose of acquiring, constructing,
 24 or improving works of public improvement.

25 (B) Certificates of indebtedness may be issued to cover
 26 the cost of any such public improvement which shall be
 27 secured by the pledge of the local or special assessments
 28 levied therefor, and may be further secured by the pledge of
 29 the full faith and credit of the political subdivision.

30 (C) The governing authority of the political subdivision
 31 issuing certificates of indebtedness payable from sources
 32 other than ad valorem taxes, and pledging its full faith and

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1 credit to the prompt payment of the principal and interest
 2 thereof, shall levy or cause to be levied on all taxable prop-
 3 erty in the political subdivision ad valorem taxes, without
 4 limitation as to rate or amount, fully sufficient to make up
 5 any deficit in the other sources of revenue pledged to the
 6 payment of the certificates.

Section 43. Revenue-Producing Property

8 Section 43. The legislature may authorize political sub-
 9 divisions to issue bonds or other debt obligations for the pur-
 10 pose of constructing, acquiring, extending, or improving any
 11 revenue-producing public utility. The bonds or other debt
 12 obligations may be secured by mortgage on the lands, build-
 13 ings, machinery, and equipment or by the pledge of the income
 14 and revenues of such public utility and shall not be a charge
 15 upon the other income and revenues of the political sub-
 16 division.

PART III. LEVEE DISTRICTS

Section 44. Levee Districts

19 Section 44. (A) Levee districts as now organized and con-
 20 stituted shall continue to exist, except that:

21 (1) The legislature may provide for the consolidation, divi-
 22 sion, or reorganization of existing levee districts or create
 23 new levee districts. However, the members of the boards of
 24 commissioners of such districts shall be appointed or elected
 25 from residents of such district;

26 (2) Any levee district whose flood control responsibilities
 27 are limited to and which is situated entirely within the bound-
 28 aries of one parish may be merged and consolidated into
 29 such parish under the terms and conditions and in the manner
 30 provided in Section 18 of this Article. This provision shall be
 31 self-operative.

32 (B) No action taken hereunder shall impair the obligation

1 of any outstanding bonded indebtedness or of any other con-
 2 tract of such levee district.

3 Section 45. District Taxes; Increase in Tax to Raise Addi-
 4 tional Funds

5 Section 45. (A) For the purpose of constructing and main-
 6 taining levees, levee drainage, flood protection, hurricane
 7 flood protection, and for all other purposes incidental thereto,
 8 the governing authority of each district, may levy annually
 9 a tax not to exceed five mills on the dollar, except the Board
 10 of Levee Commissioners of the Orleans Levee District which
 11 may levy annually a tax not to exceed two and one-half mills
 12 on the dollar, on all taxable property situated within the
 13 alluvial portions of said district subject to overflow.

14 (B) Should the necessity to raise additional funds arise
 15 in any levee district for any of the purposes herein set
 16 forth, or for any other purpose related to its authorized pow-
 17 ers and functions which may be specified by the legislature,
 18 the tax herein authorized may be increased. However, before
 19 taking effect, the necessity for the increase and the rate
 20 thereof shall be submitted to the electors of such district and
 21 no increase in taxes shall occur unless a majority of the
 22 electors in such district who vote in the election hereinabove
 23 provided for vote in favor thereof.

24 Section 46. Bond Issues

25 Section 46. (A) Subject to the approval of the State Bond
 26 Commission or any successor thereto, the governing body of
 27 any levee district may fund the avails of said taxes or other
 28 revenues into bonds, or other evidences of indebtedness, the
 29 proceeds thereof to be used for the purposes mentioned in
 30 this Article or for the funding or payment of any outstanding
 31 indebtedness.

32 (B) Bonds issued under the authority of the foregoing

1 provision shall be sold in accordance with applicable provi-
 2 sions of the Louisiana Revised Statutes relating to the issu-
 3 ance of bonds by levee districts.

4 Section 47. Interstate Districts

5 Section 47. The legislature, with the concurrence of an ad-
 6 joining state, may create levee districts composed of terri-
 7 tory partly in each state, and may authorize the construc-
 8 tion and maintenance of levees wholly within another state.

9 Section 48. Cooperation with Federal Government

10 Section 48. All governing authorities of levee districts
 11 which have been, or may be created, are authorized to cooper-
 12 ate with the federal government in the construction and main-
 13 tenance of the levees in this state on such terms and conditions
 14 as may be provided by the federal authorities and accepted by
 15 levee districts.

16 Section 49. Compensation for Property Used or Destroyed;
 17 Tax

18 Section 49. (A) Lands and improvements thereon hereafter
 19 actually used or destroyed for levees or levee drainage pur-
 20 poses shall be paid for at a price not to exceed the assessed
 21 value for the preceding year; provided, if property used or
 22 destroyed for levees or levee drainage purposes from a land-
 23 owner shall exceed more than one-third the value of that
 24 landowner's property and improvements, the land and im-
 25 provements thereon used or destroyed for such purposes shall
 26 be paid for at fair market value; and provided further, noth-
 27 ing contained in this Paragraph with respect to compensation
 28 for lands and improvements shall apply to batture or to prop-
 29 erty the control of which is vested in the state or any politi-
 30 cal subdivision thereof for the purpose of commerce.

31 (B) If the district has no other funds or resources out of
 32 which such payment can be made, it shall levy, on all taxable

1 property situated within the district, a tax sufficient to pay
2 for said property so used or destroyed to be used solely in
3 the district where collected.

4 (C) Nothing contained in this Section shall prevent the
5 appropriation of said property before payment.

6 PART IV. PORTS

7 Section 50. Ports

8 Section 50. All deep-water port commissions and all deep-
9 water port, harbor, and terminal districts as they are now
10 organized and constituted, including their powers and func-
11 tions, structure and organization and territorial jurisdiction,
12 are ratified and confirmed and shall continue to exist,
13 except that:

14 (A) The legislature may diminish, reduce, or withdraw
15 from any such commission or district, including the Board of
16 Commissioners of the Port of New Orleans, any of its powers
17 and functions and may affect the structure and organization,
18 distribution, and redistribution of the powers and functions
19 of any such commission or district including its territorial
20 jurisdiction, only by act passed by at least a two-thirds vote of
21 the elected membership of each house;

22 (B) The legislature may by law grant additional powers
23 and functions to any such commission or district and may
24 create new port commissions or port, harbor, and terminal
25 districts by law. However, in so doing the legislature shall
26 not restrict or diminish the powers and functions, structure
27 and organization, or territorial jurisdiction of an established
28 deep-water port except by at least a two-thirds vote of the
29 elected membership of each house;

30 (C) (1) Notwithstanding the provision of Paragraphs (A)
31 and (B) of this Section the legislature shall by law provide
32 for a change in the method of selection and composition of

1 the Board of Commissioners of the Port of New Orleans and
2 define its territorial jurisdiction.

3 (2) After the exercise of authority as provided in sub-para-
4 graph (1) above, the legislature may only affect the Board of
5 Commissioners of the Port of New Orleans as provided in
6 Paragraphs (A) and (B) of this Section, except that no
7 change in the territorial jurisdiction of said port shall affect
8 the territorial jurisdiction of any other existing deep-water
9 port.

10 (3) In the event the legislature does not exercise the au-
11 thority granted in subparagraph (1) above within ten years
12 after the adoption of this constitution, the composition and
13 territorial jurisdiction of said board shall not be changed ex-
14 cept in compliance with Paragraphs (A) and (B) of this
15 Section.

16 PART V. DEFINITIONS

17 Section 51. Terms Defined

18 Section 51. As used in this Article:

19 (1) "Local governmental subdivisions" means any parish
20 or municipality;

21 (2) "Political subdivision" means parishes and munici-
22 palities, and any other unit of local government, including
23 special districts, authorized by law to perform governmental
24 functions;

25 (3) "Municipality" means all incorporated cities, towns,
26 and villages;

27 (4) "Governing authority" means the body which exercises
28 the legislative functions of the political subdivision;

29 (5) "Powers" means ability or capacity, synonymous with
30 inherent or basic authority, to indulge in a particular under-
31 taking or to provide or perform a certain service;

32 (6) "Functions" means duty in the sense that it is comple-

1 mentary of the power (ability) conferred and as such means
2 onus or obligation to execute the power granted;

3 (7) "Structure and organization" means the structure and
4 organization and, or the particular distribution and redistrib-
5 ution of powers and functions and /or the supervision, control,
6 and internal arrangement of the component parts of the
7 political subdivision.

8 (8) "General law" means a law of statewide concern en-
9 acted by the legislature which is uniformly applicable to all
10 persons or to all political subdivisions in the entire state or
11 which is uniformly applicable to all persons or to all political
12 subdivisions within the same class.

13 (9) "Local or special law" means any law enacted by the
14 legislature other than a general law;

15 (10) "General obligation bond" means those bonds, the
16 principal and interest of which are secured by and payable
17 from ad valorem taxes levied without limitation as to rate
18 or amount;

19 (11) "Deep-water port commissions and port, harbor, and
20 terminal districts" means those commissions or districts
21 within whose territorial jurisdiction exist facilities capable of
22 accommodating vessels of at least twenty-five feet of draft and
23 of engaging in foreign commerce.

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1 **COMMITTEE PROPOSAL No. 17—**

2 Introduced by Delegate Perez, Chairman, on behalf of the
3 Committee on Local and Parochial Government, and Delegates
4 Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giar-
5 russo, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shan-
6 non, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

7 **A PROPOSAL**

8 Making general provisions for local and parochial government,
9 levee districts, and ports, the financing thereof, and neces-
10 sary provisions with respect thereto.

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

13 **ARTICLE VI. LOCAL GOVERNMENT**

14 **PART I. GENERAL PROVISIONS**

15 **Section 1. Parishes; Ratification of Boundaries, Creation,**
16 **Consolidation, and Dissolution**

17 **Section 1. (A) All parishes and their boundaries as estab-**
18 **lished under existing law are recognized and ratified.**

19 **(B) The legislature shall provide by general law for the**
20 **creation, consolidation, or dissolution of parishes under the**
21 **limitations hereinafter provided. No new parish shall contain**
22 **less than six hundred and twenty-five square miles, or less**
23 **than fifty thousand inhabitants, and no parish shall be reduced**
24 **below that area or number of inhabitants.**

25 **Section 2. Change of Parish Lines; Election**

26 **Section 2. Before taking effect any law changing parish**
27 **lines, consolidating parishes, dissolving parishes, or creating**
28 **new parishes shall be submitted to the electors of the parishes**
29 **to be affected at a special election held for that purpose. The**
30 **change shall take effect only if two-thirds of the total vote**
31 **cast on the question in each affected parish is in favor thereof.**

32 **Section 3. New or Enlarged Parishes; Adjustment of Assets**

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1 and Liabilities

2 Section 3. When a parish is enlarged or created from con-
3 tiguous territory, it shall be entitled to a just proportion of the
4 property and assets and shall be liable for a just proportion
5 of the existing debts and liabilities of the parish or parishes
6 from which the territory is taken.

7 Section 4. Change of Location of Parish Seat

8 Section 4. Upon the written petition of not less than twenty-
9 five percent of the electors, as certified by the registrar of
10 voters, the governing authority of a parish shall call an elec-
11 tion on the question of changing the location of the parish seat.

12 The location of a parish seat shall not be changed unless two-
13 thirds of the total vote cast on the question is in favor thereof.

14 Section 5. Municipalities; Incorporation, Consolidation,
15 Merger, and Government

16 Section 5. The legislature shall provide by general law for
17 the incorporation, consolidation, merger, and government of
18 municipalities. No local or special law shall be enacted to
19 create a municipal corporation or to amend, modify, or repeal
20 its charter. However, if a municipality is operating under a
21 special legislative charter it may be amended, modified, or
22 repealed by local or special law as long as such municipality
23 continues to operate under such charter.

24 Section 6. Classification

25 Section 6. Except as provided in this constitution, the legis-
26 lature may classify parishes or municipalities according to
27 population or on any other reasonable basis related to the
28 purpose of this classification, and legislation may be limited
29 in its effect to any of such class or classes. However, no statute
30 which is applicable to fewer than six parishes or municipalities
31 shall become operative in any such parish or municipality
32 until approved by ordinance enacted by the governing author-

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1 ity of the affected parish or municipality.

2 Section 7. Existing Home Rule Charters and Plans of Gov-
3 ernment of Parishes and Municipalities Ratified

4 Section 7. (A) The plans of government and home rule
5 charters of the parishes of East Baton Rouge, Jefferson, and
6 Plaquemines and of the cities of New Orleans, Baton Rouge,
7 and Shreveport shall remain in effect, and may be amended,
8 modified, or repealed as provided therein. Each of them shall
9 retain the authority, powers, rights, privileges, and immunities
10 granted by its charter. Each shall be subject to the duties im-
11 posed by the applicable constitutional provisions under which
12 its plan or charter was adopted. Each of them also shall enjoy
13 such additional powers and functions as are granted to local
14 governmental subdivisions by provisions of this constitution,
15 including Sections 8 and 9 of this Article, unless the exercise
16 of such powers and performance of such functions is pro-
17 hibited by its charter.

18 (B) Every other home rule charter adopted or authorized
19 when this constitution is adopted shall remain in effect and
20 may be amended, modified, or repealed as provided in the
21 charter.

22 Section 8. Home Rule Charter

23 Section 8. (A) Any local governmental subdivision may
24 draft, adopt, or amend a charter of government to be known as
25 a home rule charter in accordance with the provisions of this
26 Section. The governing authority of any such local govern-
27 mental subdivision may appoint a commission to prepare
28 and propose a charter or alternate charter, or may call an
29 election for the purpose of electing such a commission.

30 (B) The governing authority of any such local governmen-
31 tal subdivision shall call an election to elect a commission to
32 prepare and propose a charter or alternate charter when pre-

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1 sented with a petition signed by not less than fifteen percent
2 of the electors, who live within the boundaries of the affected
3 subdivision, as certified by the registrar of voters.

4 (C) A home rule charter shall be adopted when approved
5 by a majority of the electors who vote on the charter pro-
6 posal at an election called for that purpose.

7 (D) Two or more local governmental subdivisions situated
8 within the boundaries of one parish may avail themselves
9 of the provisions of this Section, provided that a majority of
10 the electors in each affected local governmental subdivision
11 who vote in an election held for that purpose vote in favor
12 thereof. The legislature shall provide for the method of ap-
13 pointment or election of a commission to prepare and pro-
14 pose such a charter consistent with Paragraph (A) of this
15 Section. However, at least one member of the commission
16 shall be elected or appointed from each affected local gov-
17 ernmental subdivision. The legislature shall provide the meth-
18 od by which the electors of more than one local governmental
19 subdivision within the boundaries of one parish may petition
20 for an election for such purpose consistent with Paragraph
21 (B) of this Section.

22 (E) A home rule charter adopted pursuant to the pro-
23 visions of this Section shall provide for the structure and
24 organization, powers, and functions for the government of the
25 local governmental subdivision, which may include the exer-
26 cise of any power and performance of any function neces-
27 sary, requisite, or proper for the management of its affairs,
28 not denied by general law or this constitution. The legislature
29 shall not pass any law the effect of which changes, modifies,
30 or affects the structure and organization and/or the particular
31 distribution and redistribution of the powers and functions
32 of any local governmental subdivision which operates under

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1 a home rule charter.

2 (F) A local governmental subdivision adopting a home
3 rule charter under this Section shall also enjoy such addi-
4 tional powers and functions as are granted to local govern-
5 mental subdivisions by other provisions of this constitution,
6 including Section 9 of this Article, unless the exercise of such
7 powers and performance of such functions is prohibited by
8 its charter.

9 (G) The powers and functions of a parish or city school
10 board and the offices of sheriff, clerk of the district court,
11 coroner, or assessor shall not be affected by any provision of
12 a home rule charter or plan of government adopted or amended
13 under the provisions of this Section.

14 Section 9. Powers of Other Local Governmental Subdivi-
15 sions

16 Section 9. (A) Any other local governmental subdivision
17 may exercise any power and perform any function neces-
18 sary, requisite, or proper for the management of its affairs
19 not denied to it by its charter, by this constitution, or by
20 general law, including but not limited to the power (1) to
21 legislate upon, regulate, conduct, and control all matters of
22 local governmental administration; (2) to define the powers,
23 duties, and qualifications of parochial or municipal employees;
24 (3) to provide for the protection of the public health, safety,
25 morals, and welfare; (4) to create special districts; (5) to
26 license; (6) to tax under the limitations provided in this con-
27 stitution or by general law; (7) to incur debt and issue bonds,
28 except as otherwise provided in this constitution.

29 (B) Any local governmental subdivision may exercise any
30 power or perform any function concurrently with the state
31 pertaining to its government and affairs to the extent that
32 the legislature by general law does not specifically limit the

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1 concurrent exercise of any such power or performance of any
2 such function or specifically declare the state's exercise of
3 any such power or performance of any such function to be
4 exclusive except as provided in this Article.

5 (C) The powers granted in this Section shall not be con-
6 strued to affect the powers and functions of a parish or city
7 school board and the offices of sheriff, clerk of a district
8 court, coroner, or assessor.

9 Section 10. Powers of Local Governmental Subdivisions;
10 Liberal Construction

11 Section 10. Powers and functions of local governmental sub-
12 divisions shall be construed liberally in favor of such local
13 governmental subdivisions.

14 Section 11. Home Rule Parish; Incorporation of Cities,
15 Towns, and Villages

16 Section 11. When two-thirds of the electors, as certified by
17 the registrar of voters, of an unincorporated settlement in any
18 parish operating under a home rule charter or a home rule
19 plan of government sign and present to the governor a petition
20 and meet other necessary requirements as set forth under the
21 general laws providing for the incorporation of cities, towns,
22 and villages, such cities, towns, and villages may be incorpo-
23 rated. However, no such newly incorporated area shall include
24 any property previously included in any industrial area or
25 district.

26 Section 12. Limitations of Local Governmental Subdivisions

27 Section 12. Local governmental subdivisions shall not: (1)
28 incur debt payable from ad valorem tax receipts maturing
29 more than forty years from the time it is incurred; (2) de-
30 fine and provide for the punishment of a felony; or (3) enact
31 private or civil ordinances governing civil relationships.

32 Section 13. Local Officials

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1 Section 13. The electors of each local governmental sub-
2 division shall have the exclusive right to elect the members
3 of their governing authority and, if a plan or form of gov-
4 ernment or home rule charter so provides, their chief execu-
5 tive officer at elections held in accordance with the election
6 laws of the state. Such officials shall not be subject to re-
7 moval by the legislature.

8 Section 14. Local Officials; Compensation

9 Section 14. The compensation or method of fixing the com-
10 pensation of a local elected official of any local governmental
11 subdivision which operates under a home rule charter or plan
12 of government as provided in Sections 7 and 8 of this Article,
13 shall be provided in its charter. The compensation or method
14 of fixing the compensation of local elected officials of any
15 other local governmental subdivision shall be provided for by
16 law. Compensation of local officials shall not be reduced dur-
17 ing the terms for which they are elected.

18 Section 15. Filling of Vacancies; Appointment

19 Section 15. (A) Except in the office of sheriff, assessor,
20 clerk of a district court, or coroner, a vacancy occasioned by
21 death, resignation, or otherwise in the office of mayor, in
22 the membership of the governing authority of a local govern-
23 mental subdivision or in any other local office filled by elec-
24 tion wholly within the boundaries of a local governmental
25 subdivision, shall be filled by appointment by the governing
26 authority of such local governmental subdivision in which the
27 vacancy occurs. A vacancy in the membership of a city or
28 parish school board shall be filled by appointment by the
29 remaining members thereof. A tie vote on such appointment
30 to be made by the governing authority of a local governmental
31 subdivision or school board shall be broken by the presiding
32 officer thereof notwithstanding the fact that he may already

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1 have voted thereon.

2 (B) If, at the time a vacancy occurs in an elective office
3 for which appointment is provided in Paragraph (A) of this
4 Section, the unexpired portion of the term of office is more
5 than one year, a special election to fill the vacancy shall be
6 called by the governing authority, and held without the neces-
7 sity of a call by the governor, not more than six months nor
8 less than three months, after first receipt of notice of the
9 vacancy by the secretary of state, to be given as hereinafter
10 provided, in the local governmental subdivision or special dis-
11 trict thereof in which the vacancy occurred, and in such case
12 the appointment provided for in Paragraph (A) of this Sec-
13 tion shall be effective only until a successor is duly elected
14 and qualified.

15 (C) Upon being informed of the occurrence of a vacancy
16 in any of the offices specified in Paragraph (A) of this Sec-
17 tion, the clerk or chief clerk of the district court in the par-
18 ish where the vacancy occurred, and in the parish of Orleans
19 the clerk or chief clerk of the criminal district court, shall,
20 within twenty-four hours after being thus informed, notify the
21 secretary of state in writing by registered or certified mail of
22 the occurrence of the vacancy. Upon receipt of such notice, the
23 secretary of state shall, within twenty-four hours after such
24 receipt, notify in writing by registered or certified mail all
25 election officials, including party committees and boards of
26 supervisors of elections, having any duty to perform in con-
27 nection with a special election to fill such vacancy, of the oc-
28 currence of the vacancy.

29 (D) Nothing in this Section shall be construed as changing
30 the qualifications for the various offices involved and all ap-
31 pointments must be of persons who would otherwise be eligible
32 to hold offices to which appointed.

1 (E) The provisions of this Section shall apply to all local
2 governmental subdivisions unless otherwise provided by the
3 home rule charter or the home rule plan of government of the
4 affected local governmental subdivisions.

5 (F) The provisions of this Section shall not apply to the
6 office of judge of any state court of record or district attorney.

7 Section 16. Legislation Increasing Financial Burden of Po-
8 litical Subdivisions; Local Approval

9 Section 16. No law requiring an increase in expenditures, or
10 a deduction from the funds of a political subdivision for sal-
11 aries of local public officials or for wages, hours, working
12 conditions, pension and retirement benefits, vacation or sick
13 leave benefits of political subdivision employees, or an increase
14 in commissions of or for local political subdivision offices, ex-
15 cept a law providing for civil service, minimum wages, work-
16 ing conditions, and retirement benefits for firemen and police-
17 men, shall have effect until approved by ordinance enacted
18 by the governing authority of the political subdivision affected
19 thereby or until the legislature appropriates funds to the af-
20 fected political subdivision for that purpose and only to the
21 extent and amount that such funds are provided.

22 Section 17. Governing Authorities of Local Governmental
23 Subdivisions; Control Over Agencies They Create

24 Section 17. (A) In addition to any other powers granted by
25 the legislature, the governing authority of a local governmen-
26 tal subdivision shall have the following discretionary powers
27 over any agency heretofore or hereafter created by it: (1) to
28 appoint and remove members of the governing body of the
29 agency; (2) to exercise budgetary and fiscal control over the
30 agency, including the power to modify or veto its operating
31 budget, veto or reduce line items, or substitute a different
32 budget therefor; (3) to abolish the governing body of the

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1 agency and to substitute itself therefor, with authority to
2 exercise all of its powers and perform all of its functions; and
3 (4) to abolish the agency if the obligations or indebtedness of
4 the agency are not thereby impaired.

5 (B) No such agency shall have authority to levy a tax, im-
6 pose any charge, or issue bonds unless the proposal therefor is
7 first approved by the governing authority of the local gov-
8 ernmental subdivision, and the requirements of this constitu-
9 tion and applicable laws relative to the levy of taxes and the
10 issuance of bonds are complied with. However, after such
11 original approval is granted no further approval shall be re-
12 quired.

13 (C) If the creation of the agency required the concur-
14 rence of two or more local governmental subdivisions, con-
15 currence of all of them shall be required for the exercise of
16 the above powers.

17 Section 18. Special Districts and Local Public Agencies;
18 Consolidation, Merger, and Assumption of Debt

19 Section 18. (A) Any local governmental subdivision may
20 consolidate and merge into itself any special district or
21 local public agency, except a school district, situated and
22 having jurisdiction entirely within the boundaries of such
23 local governmental subdivision. Upon such merger and con-
24 solidation the local governmental subdivision shall succeed
25 to and be vested with all of the rights, revenues, resources,
26 jurisdiction, authority, and powers of such special district
27 or local public agency. No such merger and consolidation
28 shall take effect unless a majority of the electors voting
29 thereon in the local governmental subdivision as a whole
30 and also a majority of the electors voting thereon in the
31 affected special district vote in favor of such proposition.
32 No such action involving a local public agency shall take

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1 effect unless a majority of the electors voting thereon in
2 the local governmental subdivision in which the local public
3 agency is located vote in favor thereof in an election held
4 for that purpose.

5 (B) If the special district or local public agency which
6 is consolidated and merged has any outstanding indebted-
7 ness, the authority provided for by this Section shall not be
8 exercised unless provision is made for the assumption of
9 such indebtedness by the governing authority or authorities
10 of the local governmental subdivisions involved.

11 Section 19. Historic Preservation Districts

12 Section 19. (A) In order to promote the educational, cul-
13 tural, economic, and general welfare of the public through
14 the preservation and protection of buildings, sites, monu-
15 ments, structures, areas and districts of historic or archi-
16 tectural interest or importance, each local governmental sub-
17 division, acting through a commission or otherwise, shall
18 have the power and authority to establish, operate and
19 maintain historic preservation areas and districts by the
20 adoption of appropriate ordinances and laws, which is
21 hereby declared to be for a public purpose.

22 (B) The governing authority of each local governmental
23 subdivision shall have the power and authority of review to
24 affirm, reverse or modify, in whole or in part, any action or
25 decision of any such commission.

26 Section 20. Zoning

27 Section 20. Local governmental subdivisions may enact
28 land use regulations and zoning ordinances and create
29 and classify therein residential, commercial, industrial, and
30 other districts, and may regulate the preservation of the
31 character of buildings, monuments, structures, and build-
32 ings and areas of historical importance. Local governmental

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1 subdivisions may create airport zones and regulate the
2 heights of buildings, structures, and objects of natural
3 growth in areas surrounding airports.

4 Section 21. Industrial Areas

5 Section 21. The legislature may authorize parishes to
6 create industrial areas within their boundaries in accor-
7 dance with such procedures and subject to such regulations
8 as the legislature shall determine. Industrial areas shall not
9 be subdivisions of the state.

10 Section 22. Creation of Special Districts by the Legisla-
11 ture; Authority

12 Section 22. Subject to the limitations imposed in this con-
13 stitution, the legislature by general law or by local or special
14 law may create or authorize the creation of special dis-
15 tricts, boards, agencies, commissions, and authorities of
16 every type, define their powers, and grant to the special
17 districts, boards, agencies, commissions, and authorities so
18 created such rights, powers, and authorities as it deems
19 proper, including, but not limited to, the power of taxation,
20 the power to incur debt and issue bonds, and the power to
21 reclaim property from the beds of lakes and streams.

22 Section 23. Intergovernmental Cooperation

23 Section 23. (A) Any political subdivision may exercise and
24 perform any of its authorized powers and functions, includ-
25 ing financing, jointly or in cooperation with one or more
26 political subdivisions, either within or without the state,
27 the United States or agencies thereof, except as the legisla-
28 ture shall provide otherwise by law.

29 (B) Except as otherwise provided in this constitution, the
30 legislature shall not require political subdivisions to exer-
31 cise powers or perform functions jointly or in cooperation
32 with any other political subdivision, nor shall the legislature

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1 require consolidation of governmental functions of local gov-
2 ernmental subdivisions. However, the legislature may enact
3 laws authorizing the consolidation of political subdivisions or
4 the joint exercise of powers and performance of functions
5 by political subdivisions, but no such law shall become ef-
6 fective until submitted to and approved by two-thirds of
7 the electors in each of the political subdivisions affected
8 thereby, who vote in an election called for that purpose.

9 Section 24. Assistance to Local Industry by Political Sub-
10 divisions

11 Section 24. (A) Subject to such restrictions as it may
12 impose, the legislature may authorize any political subdivi-
13 sion, deep-water port commission, or deep-water port, har-
14 bor, and terminal district, in order (1) to induce and en-
15 courage the location of or addition to industrial enterprises
16 therein, or (2) to provide for the establishment and furnish-
17 ing of industrial plants for the conversion or processing of
18 raw farm or agricultural products, or (3) to provide movable
19 or immovable property, or both, for pollution control facili-
20 ties: (a) to issue bonds, subject to the approval of the
21 State Bond Commission or any successor thereto, and use
22 the funds derived from the sale thereof to acquire and im-
23 prove industrial plant sites and other property necessary
24 to the purposes thereof; (b) to acquire, through purchase
25 or otherwise, and to improve, industrial plant buildings and
26 industrial plant equipment, machinery, furnishings, and ap-
27 purtenances; and (c) to sell, lease, or otherwise dispose of
28 all or any part of the foregoing.

29 (B) It is hereby found and declared that the purposes de-
30 signed to be accomplished herein are public and proper
31 legal purposes and will be of public benefit to the political
32 subdivision, deep-water port commission, or deep-water port,

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1 harbor, and terminal district issuing the bonds.

2 Section 25. Appropriation to Political Subdivisions

3 Section 25. When the legislature appropriates funds to one
4 or more political subdivisions and the legislature does not
5 specify the purposes for which such funds shall be expended,
6 or the amounts to be expended therefor, the expenditure
7 of such funds shall be determined solely by the governing
8 authority of the political subdivision or political subdivisions
9 to which the funds are appropriated. The legislature may re-
10 quire a report concerning the allocation and expenditure of
11 such funds.

12 Section 26. Uniform Procedure for Calling, Conducting,
13 and Canvassing the Returns of Certain Special Elections

14 Section 26. When any election is required to be held in
15 any political subdivision pursuant to the provisions of this
16 constitution which require submission to the electors of
17 any proposition or question, such as the change of parish
18 lines, change of location of parish seat, levying of taxes,
19 issuance of bonds or incurring of other debt obligations, the
20 assumption of debt, referendum, recall, or the adoption of a
21 home rule charter, the election shall be called, conducted,
22 and the returns thereof canvassed, in accordance with the
23 law pertaining to elections for incurring bonded indebted-
24 ness and special taxes relative to local finance, as the same
25 now exists or may hereafter be amended, or as may be
26 otherwise provided by the legislature.

27 Section 27. Acquisition of Property

28 Section 27. Subject to such restrictions as the legisla-
29 ture may provide by general law, political subdivisions may
30 acquire property for any public purpose, including but not
31 limited to acquisition by purchase, donation, expropriation,
32 or exchange.

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1 Section 28. Servitudes of Way; Acquisition by Prescrip-
2 tion

3 Section 28. The public, represented by the various po-
4 litical subdivisions, may acquire servitudes of way by
5 prescription in the manner prescribed by law.

6 Section 29. Prescription Against State, School Districts,
7 and Political Subdivisions

8 Section 29. Prescription shall not run against the state,
9 school districts, or against any political subdivision in
10 any civil matter, unless otherwise provided in this con-
11 stitution or expressly by general law.

12 Section 30. Supremacy of Constitution

13 Section 30. The provisions of this Constitution shall be
14 paramount and neither the legislature, nor any political
15 subdivision, shall enact any laws or ordinances in con-
16 flict therewith.

17 PART II. FINANCE

18 Section 31. Parish Tax Limits; Increase; Withdrawal of
19 Municipality from Parish Taxing Authority

20 Section 31. (A) The governing authority of each parish
21 may levy an ad valorem tax for general purposes, in an
22 amount not to exceed in any one year, four mills on the
23 dollar of assessed valuation. However, in Orleans Parish
24 the limitation shall be seven mills and in Jackson Parish
25 the limitation shall be five mills. Millage rates may be
26 increased in any parish when approved by a majority of
27 the electors who vote in an election held for that pur-
28 pose.

29 (B) When the millage increase is for other than gen-
30 eral purposes, the proposition shall state the specific
31 purpose or purposes for which the tax is to be levied,
32 the length of time the tax is to remain in effect, and all

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1 proceeds of the tax shall be dedicated to the purpose or
2 purposes set forth in the proposition.

3 (C) The amount of the parish tax for general purposes
4 which any parish, except the parish of Orleans, may levy,
5 without a vote of the electors, on property located wholly
6 within any municipality, which has a population in excess
7 of one thousand inhabitants according to the last census
8 and which provides and maintains a system of street pav-
9 ing, shall not exceed one-half the tax levy for general
10 purposes.

11 (D) This Section shall not be construed to repeal or
12 affect the withdrawal of property in a municipality from
13 parochial taxing jurisdiction, in whole or in part, by a
14 provision of the legislative charter of the municipality in
15 effect on the date of adoption of this constitution.

16 Section 32. Municipal Tax Limits; Increase

17 Section 32. (A) The governing authority of each munici-
18 pality may levy an ad valorem tax for general purposes,
19 in an amount not to exceed in any one year, seven mills
20 on the dollar of assessed valuation; provided that where
21 any municipality is, by its charter or by law, exempt
22 from payment of parish taxes or, under legislative author-
23 ity, maintains its own public schools, it may levy an an-
24 nual tax not to exceed ten mills of the dollar of assessed
25 valuation. Millage rates may be increased in any munici-
26 pality when approved by a majority of the electors who
27 vote in an election held for that purpose.

28 (B) When the millage increase is for other than general
29 purposes, the proposition shall state the specific purpose
30 or purposes for which the tax is to be levied, the length
31 of time the tax is to remain in effect, and all proceeds
32 of the tax shall be dedicated to the purpose or purposes

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1 set forth in the proposition.

2 (C) This Section shall not apply to the city of New
3 Orleans.

4 Section 33. Local Governmental Subdivision; Occupation-
5 al License Tax; Limitations

6 Section 33. Local governmental subdivisions may impose
7 an occupational license tax in an amount not greater than
8 that imposed by the state. Local governmental subdivisions
9 may impose an occupational license tax in an amount
10 greater than that imposed by the state when so autho-
11 rized by an act passed by at least a two-thirds vote of
12 the elected membership of each house of the legislature.

13 Section 34. Local Governmental Subdivisions; Sales Tax
14 Authorized

15 Section 34. (A) Except as otherwise authorized in a
16 home rule charter provided for in Sections 7 of this Arti-
17 cle, local governmental subdivisions and school districts
18 are authorized to levy and collect a tax upon the sale at
19 retail, the use, the lease or rental, the consumption and
20 storage for use or consumption of tangible personal prop-
21 erty, and on sales of services, as defined by law. However,
22 the rate thereof when combined with the rate of all other
23 presently imposed or future sales and use taxes, exclusive
24 of state sales and use taxes, levied and collected within
25 any local governmental subdivision shall not exceed three
26 percent.

27 (B) No tax authorized in Paragraph (A) of this Section
28 shall become effective until a proposition for the imposi-
29 tion thereof is submitted to the electors of the affected
30 local governmental subdivision and approved by a majori-
31 ty of the electors who vote in the election held for that
32 purpose.

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1 (C) The legislature shall have the authority by general
2 law to exempt or exclude any goods or tangible personal
3 property or services from any sales and use tax levied by
4 a local governmental subdivision. However, such exemp-
5 tions or exclusions shall also apply to state sales and use
6 taxes.

7 (D) The legislature by general or special law may au-
8 thorize the imposition of additional sales and use taxes
9 by local governmental subdivisions in excess of that pro-
10 vided in paragraph (A) of this Section, provided that such
11 taxes are approved by the electors of the local govern-
12 mental subdivision as provided in paragraph (B) of this
13 Section.

14 (E) Nothing contained in this Section shall be construed
15 to repeal or affect any sales and use tax authorized or
16 imposed by any municipality, parish, or school board as
17 provided by law or a home rule charter or plan of govern-
18 ment on the effective date of this constitution.

19 Section 35. Political Subdivisions; Taxing Power; Limi-
20 tations

21 Section 35. Political subdivisions may exercise the power
22 of taxation, subject to such limitations as may be else-
23 where provided in the constitution, under authority granted
24 to them by the legislature for parish, municipal, and local
25 purposes, strictly public in their nature. The provisions
26 of this Section shall not apply to, nor affect, similar
27 grants to such political subdivisions under other sections
28 of this constitution which are self-operative.

29 Section 36. Special Taxes; Ratified

30 Section 36. (A) Any special tax being levied by any
31 political subdivision under prior laws or under the 1921
32 Louisiana Constitution, as amended, when this constitution

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1 is adopted is hereby confirmed and ratified.

2 (B) For the purpose of acquiring, constructing, improv-
3 ing, maintaining and operating any work of public im-
4 provement, any political subdivision may levy special
5 taxes when authorized by a majority of the electors who
6 vote in an election held for that purpose.

7 Section 37. Political Subdivisions; Exclusive Authority to
8 Levy and Collect Ad Valorem Taxes

9 Section 37. Notwithstanding any provision contained in
10 this constitution to the contrary, the power of taxation
11 shall not be exercised by the legislature to levy an ad
12 valorem tax upon any property in the state, and such power
13 shall be exclusively vested in political subdivisions to be
14 exercised as provided in this constitution.

15 Section 38. Bonds of Political Subdivisions; General Ob-
16 ligations

17 Section 38. The full faith and credit of every political sub-
18 division is hereby pledged to the payment of general obli-
19 gation bonds issued by it under this constitution or the
20 terms of the statute or proceedings pursuant to which they
21 are issued. The governing authority of the issuing political
22 subdivision shall levy and collect or cause to be levied and
23 collected on all taxable property in the political subdivision
24 ad valorem taxes fully sufficient to pay principal and inter-
25 est and redemption premiums, if any, on such bonds as
26 they mature.

27 Section 39. Taxpayer Authorization of Political Subdivi-
28 sion Bonds

29 Section 39. Subject to the approval of the State Bond
30 Commission or any successor thereto, general obligation
31 bonds may be issued only after authorization by a vote of a
32 majority of the electors who vote on the proposition at an

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1 election in the political subdivision issuing such bonds. Re-
 2 funding bonds, even though payable solely from ad valorem
 3 taxes, need not be so authorized at an election if the in-
 4 debtedness refunded is paid or cancelled at the time of the
 5 delivery of the refunding bonds, or if money, or securities
 6 made eligible for such purpose by law, are deposited in
 7 escrow in an adequate amount, with interest, to be utilized
 8 solely for the purpose of retiring the refunded indebtedness
 9 or bonds and paying interest thereon and redemption pre-
 10 miums, if any, to the time of retirement.

11 Section 40. Limitations on Bonded Indebtedness of Politi-
 12 cal Subdivisions

13 Section 40. (A) General obligation bonds may be issued
 14 by any political subdivision for any single purpose which,
 15 including the existing bonds of such political subdivision
 16 incurred for the same purpose and payable solely from ad
 17 valorem taxes levied without limitation as to rate or amount,
 18 shall not exceed in the aggregate ten percent of the total
 19 value of all property within such subdivision valued for
 20 assessment purposes, including property exempt as home-
 21 steads, to be ascertained by the last such valuation for polit-
 22 ical subdivision purposes previous to incurring such indebt-
 23 edness except that: (1) as to both parishwide school districts
 24 and other school districts, the limitation shall be twenty-
 25 five percent of the total value of all property within such
 26 district valued for assessment purposes as aforesaid; and
 27 (2) as to general obligation industrial development bonds,
 28 such limitation shall be twenty percent of the total value
 29 of all property within the political subdivision valued for
 30 assessment purposes as aforesaid.

31 (B) Any municipality financing and operating its own
 32 schools and not located within a parishwide or other school

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1 district shall be regarded as and treated on the same basis
 2 for the purpose of debt limitation and shall have the same
 3 authority for all purposes of this Section as though it were
 4 such a school district.

5 (C) The legislature may increase the debt limitations
 6 established in this Section by general law or by local or
 7 special law passed by a two-thirds vote of the elected mem-
 8 bership of each house.

9 (D) Bonds and other debt obligations payable from acre-
 10 age taxes, sales and use taxes, excess revenues, special as-
 11 sessments, or other special revenues shall not be considered
 12 to be bonds payable solely from ad valorem taxes for all
 13 purposes of this Section.

14 Section 41. Limited Time for Contesting Bonds of Politi-
 15 cal Subdivisions

16 Section 41. (A) For a period of sixty days from the pro-
 17 mulgation of the result of any election held for the purpose
 18 of incurring or assuming debt, issuing bonds, or levying a
 19 tax, any person in interest shall have the right to contest the
 20 legality of such election, the bond issue provided for, or the
 21 tax authorized, for any cause after which time no one shall
 22 have any cause or right of action to contest the regularity,
 23 formality, or legality of said election, tax provisions, or
 24 bond authorization, for any cause whatsoever. If the
 25 validity of any election, tax, debt assumption, or bond issue
 26 authorized or provided for, held under the provisions of this
 27 Section, is not raised within the sixty days herein pre-
 28 scribed, the authority to incur or assume debt, levy the tax,
 29 or issue the bonds, the legality thereof, and the taxes and
 30 other revenues necessary to pay the same shall be conclu-
 31 sively presumed to be valid, and no court shall have
 32 authority to inquire into such matters.

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1 (B) Every ordinance or resolution authorizing the issu-
 2 ance of bonds or other debt obligation by a political sub-
 3 division shall be published at least once in the official jour-
 4 nal of the political subdivision, or if there is none, then in a
 5 newspaper having general circulation therein. For a period
 6 of thirty days from the date of the publication any person
 7 in interest may contest the legality of the ordinance or
 8 resolution, the bonds or other debt obligation authorized
 9 thereby, and of any provision therein made for the security
 10 and payment of the bonds. After this time, no one shall
 11 have any cause of action to test the regularity, formality,
 12 legality, or effectiveness of the ordinance or resolution,
 13 bonds, or other debt obligation, and provisions thereof for
 14 any cause whatever; and after this time it shall be con-
 15 clusively presumed that every legal requirement for the
 16 issuance of the bonds or other debt obligation, including
 17 all things pertaining to the election, if any, at which the
 18 bonds or other debt obligation were authorized, has been
 19 complied with, and no court shall have authority to inquire
 20 into any such matters after the lapse of this thirty days.

Section 42. Local Improvement Assessments

22 Section 42. (A) The legislature shall provide by general
 23 law or by local or special law the procedures by which
 24 political subdivisions levy and collect local or special as-
 25 sessments on real property, for the purpose of acquiring,
 26 constructing, or improving works of public improvement.

27 (B) Certificates of indebtedness may be issued to cover
 28 the cost of any such public improvement which shall be
 29 secured by the pledge of the local or special assessments
 30 levied therefor, and may be further secured by the pledge
 31 of the full faith and credit of the political subdivision.

32 (C) The governing authority of the political subdivision

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1 issuing certificates of indebtedness payable from sources
 2 other than ad valorem taxes, and pledging its full faith and
 3 credit to the prompt payment of the principal and interest
 4 thereof, shall levy or cause to be levied on all taxable prop-
 5 erty in the political subdivision ad valorem taxes, without
 6 limitation as to rate or amount, fully sufficient to make up
 7 any deficit in the other sources of revenue pledged to the
 8 payment of the certificates.

Section 43. Revenue-Producing Property

10 Section 43. The legislature may authorize political subdi-
 11 visions to issue bonds or other debt obligations for the pur-
 12 pose of constructing, acquiring, extending, or improving any
 13 revenue-producing public utility. The bonds or other debt ob-
 14 ligations may be secured by mortgage on the lands, build-
 15 ings, machinery, and equipment or by the pledge of the in-
 16 come and revenues of such public utility and shall not be
 17 a charge upon the other income and revenues of the politi-
 18 cal subdivision.

PART III. LEVEE DISTRICTS

Section 44. Levee Districts

21 Section 44. (A) Levee districts as now organized and con-
 22 stituted shall continue to exist, except that:

23 (1) The legislature may provide for the consolidation,
 24 division, or reorganization of existing levee districts or
 25 create new levee districts. However, the members of the
 26 boards of commissioners of such districts shall be appointed
 27 or elected from residents of such district;

28 (2) Any levee district whose flood control responsibilities
 29 are limited to and which is situated entirely within the
 30 boundaries of one parish may be merged and consolidated
 31 into such parish under the terms and conditions and in
 32 the manner provided in Section 18 of this Article. This pro-

1 vision shall be self-operative.

2 (B) No action taken hereunder shall impair the obliga-
3 tion of any outstanding bonded indebtedness or of any
4 other contract of such levee district.

5 Section 45. District Taxes; Increase in Tax to Raise Addi-
6 tional Funds

7 Section 45. (A) For the purpose of constructing and
8 maintaining levees, levee drainage, flood protection, hurri-
9 cane flood protection, and for all other purposes incidental
10 thereto, the governing authority of each district, may levy
11 annually a tax not to exceed five mills on the dollar, except
12 the Board of Levee Commissioners of the Orleans Levee
13 District which may levy annually a tax not to exceed two
14 and one-half mills on the dollar, on all taxable property
15 situated within the alluvial portions of said district subject
16 to overflow.

17 (B) Should the necessity to raise additional funds arise
18 in any levee district for any of the purposes herein set
19 forth, or for any other purpose related to its authorized
20 powers and functions which may be specified by the legis-
21 lature, the tax herein authorized may be increased. How-
22 ever, before taking effect, the necessity for the increase and
23 the rate thereof shall be submitted to the electors of such
24 district and no increase in taxes shall occur unless a major-
25 ity of the electors in such district who vote in the election
26 hereinabove provided for vote in favor thereof.

27 Section 46. Bond Issues

28 Section 46. (A) Subject to the approval of the State
29 Bond Commission or any successor thereto, the governing
30 body of any levee district may fund the avails of said
31 taxes or other revenues into bonds, or other evidences of
32 indebtedness, the proceeds thereof to be used for the pur-

1 poses mentioned in this Article or for the funding or pay-
2 ment of any outstanding indebtedness.

3 (B) Bonds issued under the authority of the foregoing
4 provision shall be sold in accordance with applicable pro-
5 visions of the Louisiana Revised Statutes relating to the
6 issuance of bonds by levee districts.

7 Section 47. Interstate Districts

8 Section 47. The legislature, with the concurrence of an
9 adjoining state, may create levee districts composed of
10 territory partly in each state, and may authorize the con-
11 struction and maintenance of levees wholly within another
12 state.

13 Section 48. Cooperation with Federal Government

14 Section 48. All governing authorities of levee districts
15 which have been, or may be created, are authorized to
16 cooperate with the federal government in the construction
17 and maintenance of the levees in this state, on such terms
18 and conditions as may be provided by the federal authori-
19 ties and accepted by the levee districts.

20 Section 49. Compensation for Property Used or De-
21 stroyed; Tax

22 Section 49. (A) Lands and improvements thereon here-
23 after actually used or destroyed for levees or levee
24 drainage purposes shall be paid for at a price not to
25 exceed the assessed value for the preceding year; provided,
26 if property used or destroyed for levees or levee drainage
27 purposes from a landowner shall exceed more than one-
28 third the value of that landowner's property and im-
29 provements, the land and improvements thereon used or
30 destroyed for such purposes shall be paid for at fair mar-
31 ket value; and provided further, nothing contained in this
32 Paragraph with respect to compensation for lands and im-

1 improvements shall apply to batture or to property the
2 control of which is vested in the state or any political
3 subdivision thereof for the purpose of commerce.

4 (B) If the district has no other funds or resources out
5 of which such payment can be made, it shall levy, on all
6 taxable property situated within the district, a tax suf-
7 ficient to pay for said property so used or destroyed to
8 be used solely in the district where collected.

9 (C) Nothing contained in this Section shall prevent the
10 appropriation of said property before payment.

11 PART IV. PORTS

12 Section 50. Ports

13 Section 50. All deep-water port commissions and all
14 deep-water port, harbor, and terminal districts as they are
15 now organized and constituted, including their powers and
16 functions, structure and organization, and territorial juris-
17 diction, are ratified and confirmed and shall continue to
18 exist, except that:

19 (A) The legislature may diminish, reduce, or withdraw
20 from any such commission or district, including the
21 Board of Commissioners of the Port of New Orleans, any
22 of its powers and functions and may affect the structure
23 and organization, distribution, and redistribution of the
24 powers and functions of any such commission or district,
25 including its territorial jurisdiction, only by act passed by
26 a favorable vote of at least two-thirds of the elected mem-
27 bership of each house;

28 (B) The legislature may by law grant additional powers
29 and functions to any such commission or district and may
30 create new port commissions or port, harbor, and terminal
31 districts by law. However, in so doing the legislature shall
32 not restrict or diminish the powers and functions, struc-

1 ture and organization, or territorial jurisdiction of an es-
2 tablished deep-water port commission or deep-water port,
3 harbor, and terminal district except by a favorable vote of
4 at least two-thirds of the elected membership of each
5 house;

6 (C) (1) Notwithstanding the provision of Paragraphs (A)
7 and (B) of this Section, the legislature shall by law pro-
8 vide for a change in the method of selection and composi-
9 tion of the Board of Commissioners of the Port of New
10 Orleans and define its territorial jurisdiction.

11 (2) After the exercise of authority as provided in sub-
12 paragraph (1) above, the legislature may only affect the
13 Board of Commissioners of the Port of New Orleans as
14 provided in Paragraphs (A) and (B) of this Section, ex-
15 cept that no change in the territorial jurisdiction of said
16 port shall affect the territorial jurisdiction of any other
17 existing deep-water port commission or deep-water port,
18 harbor, and terminal district.

19 (3) In the event the legislature does not exercise the
20 authority granted in subparagraph (1) above within ten
21 years after the adoption of this constitution, the composi-
22 tion of said board and territorial jurisdiction of said port
28 shall not be changed except in compliance with Paragraphs
24 (A) and (B) of this Section.

25 PART V. DEFINITIONS

26 Section 51. Terms Defined

27 Section 51. As used in this Article:

28 (1) "Local governmental subdivision" means any parish
29 or municipality;

30 (2) "Political subdivision" means parishes and munici-
31 palities, and any other unit of local government, including
32 special districts, authorized by law to perform governmental

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1 functions;

2 COMMITTEE PROPOSAL NUMBER 17

2 (3) "Municipality" means all incorporated cities, towns,
3 and villages;

3 Introduced by Delegate Perez, Chairman, on behalf of the Com-
4 mittee on Local and Parochial Government, and Delegates
5 Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler,
6 Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
7 Reeves, Shannon, Stephenson, Taylor, Toomy, Ullio,
8 and Zervigon

4 (4) "Governing authority" means the body which exer-
5 cises the legislative functions of the political subdivision;

10 A PROPOSAL

6 (5) "Powers" means ability or capacity, synonymous with
7 inherent or basic authority, to indulge in a particular un-
8 dertaking or to provide or perform a certain service;

11 Making general provisions for local and parochial government,
12 levee districts, and ports, the financing thereof, and
13 necessary provisions with respect thereto.

9 (6) "Functions" means duty in the sense that it is com-
10 plementary of the power (ability) conferred and as such
11 means onus or obligation to execute the power granted;

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

12 (7) "Structure and organization" means the structure and
13 organization and/or the particular distribution and redis-
14 tribution of powers and functions and/or the supervision,
15 control, and internal arrangement of the component parts
16 of the political subdivision.

18 ARTICLE VI. LOCAL GOVERNMENT

17 (8) "General law" means a law of statewide concern en-
18 acted by the legislature which is uniformly applicable to
19 all persons or to all political subdivisions in the entire
20 state or which is uniformly applicable to all persons or
21 to all political subdivisions within the same class.

20 Section 1. Creation, Dissolution, and Merger of Parishes;
21 Change of Parish Lines; Change of Parish Seats; Existing
22 Parishes

22 (9) "Local or special law" means any law enacted by
23 the legislature other than a general law;

23 Section 1. (A) The legislature may establish and organize
24 new parishes, dissolve and merge parishes and change parish
25 boundaries, if two-thirds of the electors in each of the parishes
26 affected voting at an election held for the purpose in each
27 parish affected consent thereto.

24 (10) "General obligation bond" means those bonds, the
25 principal and interest of which are secured by and payable
26 from ad valorem taxes levied without limitation as to rate
27 or amount;

28 (B) The governing authority of a parish, may call an election
29 on the question of changing the location of the parish seat. The
30 election shall be conducted in the manner provided by the general
31 election laws in the state, insofar as applicable. The location
32 of a parish seat shall be changed if two-thirds of the total vote
33 cast at the election is in favor thereof.

28 (11) "Deep-water port commissions and deep-water port,
29 harbor, and terminal districts" means those commissions or
30 districts within whose territorial jurisdiction exist facilities
31 capable of accommodating vessels of at least twenty-five
32 feet of draft and of engaging in foreign commerce.

34 (C) All parishes and their boundaries as established under
35 existing law are recognized and ratified.

First Enrollment

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1 Section 3. New or Enlarged Parishes; Adjustment of
2 Assets and Liabilities

3 Section 3. When a parish is enlarged or created from
4 contiguous territory, it shall be entitled to a just propor-
5 tion of the property and assets and shall be liable for a
6 just proportion of the existing debts and liabilities of
7 the parish or parishes from which the territory is taken.

8 Section 5. Municipalities; Incorporation, Consolida-
9 tion, Merger, and Government

10 Section 5. The legislature shall provide by general
11 law for the incorporation, consolidation, merger, and govern-
12 ment of municipalities. No local or special law shall be
13 enacted to create a municipal corporation or to amend, modify,
14 or repeal its charter. However, if a municipality is operating
15 under a special legislative charter it may be amended, modified,
16 or repealed by local or special law as long as such munici-
17 pality continues to operate under such charter.

18 Section 6. Classification

19 Section 6. Except as provided in this constitution,
20 the legislature may classify parishes or municipalities ac-
21 cording to population or on any other reasonable basis related
22 to the purpose of this classification, and legislation may be
23 limited in its effect to any of such class or classes.

24 Section 7. Existing Home Rule Charters and Plans of
25 Government of Parishes and Municipalities Ratified

26 Section 7. Every plan of government or home rule charter
27 existing or adopted when this constitution is adopted shall
28 remain in effect and may be amended, modified, or repealed
29 as provided therein. Except as inconsistent with the provisions
30 of this constitution, each local governmental subdivision
31 which has adopted such a home rule charter or plan of government
32 shall retain the powers, functions and duties in effect when
33 this constitution is adopted. Each of them, if its charter
34 permits, shall also enjoy the right to any powers and functions
35 granted to other local governmental subdivisions.

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1 Section 8. Home Rule Charter

2 Section 8. (A) Subject to and not inconsistent with
3 the provisions of this constitution, any local governmental sub-
4 division may draft, adopt, or amend a charter of government to
5 be known as a home rule charter in accordance with the provisions
6 of this Section. The governing authority of any such local gov-
7 ernmental subdivision may appoint a commission to prepare and
8 propose a charter or alternate charter, or may call an election
9 for the purpose of electing such a commission.

10 (B) The governing authority of any such local governmental
11 subdivision shall call an election to elect a commission to pre-
12 pare and propose a charter or alternate charter when presented
13 with a petition signed by not less than ten percent of the
14 electors or ten thousand electors, whichever is the lesser,
15 who live within the boundaries of the affected subdivision, as
16 certified by the registrar of voters.

17 (C) A home rule charter shall be adopted, amended, or
18 repealed when approved by a majority of the electors who vote on
19 the proposal at an election called for that purpose.

20 (D) Two or more local governmental subdivisions sit-
21 uated within the boundaries of one parish may avail them-
22 selves of the provisions of this Section, provided that a
23 majority of the electors in each affected local governmental
24 subdivision who vote in an election held for that purpose
25 vote in favor thereof. The legislature shall provide for
26 the method of appointment or election of a commission to
27 prepare and propose such a charter consistent with Para-
28 graph (A) of this Section. However, at least one member of
29 the commission shall be elected or appointed from each
30 affected local governmental subdivision. The legislature
31 shall provide the method by which the electors of more than
32 one local governmental subdivision within the boundaries
33 of one parish may petition for an election for such
34 purpose consistent with Paragraph (B) of this Section.

35 (E) A home rule charter adopted pursuant to the pro-

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1 visions of this Section shall provide for the structure and
2 organization, powers, and functions for the government
3 of the local governmental subdivision, which may include
4 the exercise of any power and performance of any function
5 necessary, requisite, or proper for the management of
6 its affairs, not denied by general law or inconsistent with
7 any provision of this constitution. The legislature shall
8 not pass any law the effect of which changes, modifies, or
9 affects the structure and organization and/or the particular
10 distribution and redistribution of the powers and functions
11 of any local governmental subdivision which operates under a
12 home rule charter.

13 (F) A local governmental subdivision adopting a home
14 rule charter under this Section shall also enjoy such
15 additional powers and functions as are granted to
16 local governmental subdivisions by other provisions of
17 this constitution, unless the exercise of such powers and
18 performance of such functions is prohibited by its charter.

19 (G) No home rule charter or plan of local government
20 shall contain any provision inconsistent with this constitu-
21 tion or any law now or hereafter enacted which affects the
22 offices of district attorney, sheriff, assessor, clerk of a
23 district court, coroner, parish school board, or city school
24 board.

25 (H) Notwithstanding any provision of this Article to
26 the contrary, the courts and their officers may be established
27 or affected only as provided in Article V of this constitution.

Section 9. Powers of Other Local Governmental Subdivisions

28 Section 9. (A) Subject to and not inconsistent with any
29 provision of this constitution, the governing authority of
30 any other local governmental subdivision may exercise any
31 power and perform any function necessary, requisite, or proper
32 for the management of the affairs of the local governmental sub-
33 division not denied by its charter or by general law, provided
34 that a majority of the electors in the affected local govern-
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1 mental subdivision who vote in an election held for that
2 purpose vote in favor of the proposition that such governing
3 authority may exercise such general powers. In the absence
4 of such a favorable vote, such local governmental subdivision
5 shall have such powers as authorized by this constitution or
6 by law.

7 (B) Nothing contained in this Section shall be con-
8 strued to affect the powers and functions of a parish or
9 city school board and the offices of district attorney,
10 sheriff, clerk of a district court, coroner, or assessor.

11 (C) Notwithstanding any provision of this Article
12 to the contrary, the courts and their officers may be
13 established or affected only as provided in Article V of
14 this constitution.

Section 11. Home Rule Parish; Incorporation of Cities, Towns, and Villages

15 Section 11. No parish plan of government or home
16 rule charter shall prohibit the incorporation of cities,
17 towns, or villages as provided by general law.

Section 12. Limitations of Local Governmental Subdivisions

18 Section 12. (A) Local governmental subdivisions shall
19 not: (1) define and provide for the punishment of a felony;
20 or (2) except as may be provided by law, enact private or
21 civil ordinances governing civil relationships.

22 (B) Notwithstanding any provision of this Article, the
23 police power of the state shall never be abridged.

Section 12.1. Codification of Ordinances

24 Section 12.1. The governing authority of each political
25 subdivision shall within two years of the effective date of
26 the adoption of this constitution, cause a code to be prepared
27 containing all of the ordinances of the political subdivision
28 of general application which are appropriate for continuation
29 as law. When the code shall have been prepared the governing
30 authority of the political subdivision shall cause copies of
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1 the same to be prepared and made available for public dis-
2 tribution. All proposed ordinances of general application
3 adopted after the approval of the code shall be adopted as
4 amendments or additions to the code.

5 Section 13. Local Officials

6 Section 13. The electors of each local governmental
7 subdivision shall have the exclusive right to elect their
8 governing authority. Nothing herein shall be construed to
9 prohibit the election of the members of any governing
10 authority on the basis of single member districts.

11 Section 14. Local Officials; Compensation

12 Section 14. The compensation or method of fixing the
13 compensation of a local elected official of any local govern-
14 mental subdivision which operates under a home rule charter
15 or plan of government as provided in Sections 7 and 8 of this
16 Article, shall be provided in its charter. The compensation
17 or method of fixing the compensation of local elected officials
18 of any other local governmental subdivision shall be provided
19 for by law. Compensation of local officials shall not be
20 reduced during the terms for which they are elected.

21 Section 15. Filling of Vacancies; Appointment

22 Section 15. (A) Except as otherwise provided in this
23 constitution, and except for the office of assessor, a vacancy
24 in any local office filled by election wholly within the
25 boundaries of a local governmental subdivision or a parish or
26 city school district, shall be filled by appointment by the
27 governing authority of such local governmental subdivision
28 or school district in which the vacancy occurs, until it is
29 filled by election as provided by law.

30 (B) The provisions of this Section shall apply to all
31 local governmental subdivisions unless otherwise provided by
32 the home rule charter or the home rule plan of government of
33 the affected local governmental subdivisions.

34 Section 16. Legislation Increasing Financial Burden of
35 Political Subdivisions: Local Approval

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1 Section 16. No law requiring an increase in expenditures
2 for wages, hours, working conditions, pension and retirement
3 benefits, vacation or sick leave benefits of political subdivision
4 employees, except a law providing for civil service, min-
5 imum wages, working conditions, and retirement benefits for
6 firemen and municipal policemen, shall have effect until approved
7 by ordinance enacted by the governing authority of the political
8 subdivision affected thereby or until the legislature appro-
9 priates funds to the affected political subdivision for that
10 purpose and only to the extent and amount that such funds
11 are provided. Nothing in this Section shall be construed as
12 applying to parish and municipal school boards.

13 Section 17. Governing Authorities of Local Governmental
14 Subdivisions; Control Over Agencies They Create

15 Section 17. The governing authority of a local governmental
16 subdivision shall have general power over any agency heretofore
17 or hereafter created by it, including, without limitation, the
18 power to abolish any such agency and to require prior approval of
19 any charge or tax levied, or bond issued by such agency.

20 Section 18. Special Districts and Local Public Agencies;
21 Consolidation, Merger, and Assumption of Debt

22 Section 18. (A) Any local governmental subdivision
23 may consolidate and merge into itself any special district
24 or local public agency, except a school district, situated and
25 having jurisdiction entirely within the boundaries of such
26 local governmental subdivision. Upon such merger and con-
27 solidation the local governmental subdivision shall succeed
28 to and be vested with all of the rights, revenues, resources,
29 jurisdiction, authority, and powers of such special district
30 or local public agency. No such merger and consolidation
31 shall take effect unless a majority of the electors voting
32 thereon in the local governmental subdivision as a whole
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1 and also a majority of the electors voting thereon in the
2 affected special district vote in favor of such proposition.
3 No such action involving a local public agency shall take
4 effect unless a majority of the electors voting thereon
5 in the local governmental subdivision in which the local
6 public agency is located vote in favor thereof in an
7 election held for that purpose.

8 (B) If the special district or local public agency which
9 is consolidated and merged has any outstanding indebtedness,
10 the authority provided for by this Section shall not be exercised
11 unless provision is made for the assumption of such indebtedness
12 by the governing authority or authorities of the local gov-
13 ernmental subdivisions involved.

Section 19. Land Use, Zoning and Historic Preservation

14 Section 19. Subject to uniform legislatively established
15 procedures, local governmental subdivisions shall have authority
16 (1) to adopt regulations for land use, zoning and historic pre-
17 servation, which authority is declared to be a public purpose;
18 (2) to create commissions and districts to implement same;
19 (3) to review decisions of any such commissions; (4) and to
20 adopt standards for use, construction, demolition and modi-
21 fication of areas and structures. Existing constitutional
22 authority for historic preservation districts is retained.

Section 21. Industrial Areas

24 Section 21. The legislature may authorize parishes to
25 create and define industrial areas within their boundaries in
26 accordance with such procedures and subject to such regulations
27 as the legislature shall determine. All industrial areas so
28 created hereafter shall include provisions for access by public
29 road to any and all entrances to the premises of each and
30 every plant in such area which entrances are provided for use
31 by employees of such company, or for use by employees of
32 independent contractors working on such premises, or for
33 delivery of materials or supplies, other than by rail or
34 water transportation, to such premises. Where individual

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1 plants provide police protection this protection shall be
2 confined to the premises of each individual plant located
3 in the area. Industrial areas shall not be subdivisions
4 of the state.

Section 22. Creation of Special Districts by the

Legislature; Authority

7 Section 22. Subject to and not inconsistent with the
8 provisions of this constitution, the legislature by general
9 law or by local or special law may create or authorize the
10 creation of special districts, boards, agencies, commissions,
11 and authorities of every type, define their powers, and grant
12 to the special districts, boards, agencies, commissions, and
13 authorities so created such rights, powers, and authorities
14 as it deems proper, including, but not limited to, the power
15 of taxation, the power to incur debt and issue bonds.

Section 23. Intergovernmental Cooperation

17 Section 23. Any political subdivision may exercise
18 and perform any of its authorized powers and functions, in-
19 cluding financing, jointly or in cooperation with one or
20 more political subdivisions, either within or without the
21 state, with the United States or agencies thereof, except as the
22 legislature shall provide otherwise by law.

Section 24. Assistance to Local Industry by Political

Subdivisions; Deep-Water Port Commission, or Deep- Water Port, Harbor, and Terminal Districts

24 Section 24. Subject to such restrictions as it may impose,
25 the legislature may authorize any political subdivision, deep-
26 water port commission, or deep-water port, harbor, and terminal
27 district, in order (1) to induce and encourage the location of
28 or addition to industrial enterprises therein which would have
29 economic impact upon the area and thereby the state, or (2) to
30 provide for the establishment and furnishing of such industrial
31 plant, or (3) to provide movable or immovable property, or
32 both, for pollution control facilities: (a) to issue bonds,
33 subject to the approval of the State Bond Commission, or any

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1 successor thereto, and to use the funds derived from the
2 sale thereof to acquire and improve industrial plant sites
3 and other property necessary to the purposes thereof; (b)
4 to acquire, through purchase, donation, exchange, and
5 subject to Article I, Section 4, expropriation, and to
6 improve industrial plant buildings and industrial plant
7 equipment, machinery, furnishings, and appurtenances; and
8 (c) to sell, lease, lease-purchase, or demolish all or any
9 part of the foregoing.

10 No property expropriated under the authority of this
11 Article shall ever, directly or indirectly, be sold or
12 donated to any foreign power, any alien, or any corporation
13 in which the majority of the stock is controlled by any
14 foreign power, alien corporation, or alien.

15 The provisions of this Section shall not apply to
16 school boards.

17 Section 26. Uniform Procedure for Calling, Conducting,
18 and Canvassing the Returns of Certain Special
19 Elections

20 Section 26. When any election is required to be held
21 in any political subdivision pursuant to the provisions of
22 this constitution which require submission to the electors
23 of any proposition or question, the election shall be called,
24 conducted, and the returns thereof canvassed, in accordance
25 with the procedures established by law pertaining to elections
26 for incurring bonded indebtedness and special taxes relative
27 to local finance, as the same now exists or may hereafter be
28 amended, or as may be otherwise provided by the legislature.

29 Section 27. Acquisition of Property

30 Section 27. Subject to and not inconsistent with any
31 provision of this constitution and subject to such restrictions
32 as the legislature may provide by general law, political
33 subdivisions may acquire property for any public purpose,
34 including but not limited to acquisition by purchase, donation,
35 expropriation, or exchange.

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1 Section 28. Servitudes of Way; Acquisition by Pre-
2 scription

3 Section 28. The public, represented by the various
4 local governmental subdivisions, may acquire servitudes of
5 way by prescription in the manner prescribed by law.

6 Section 29. Prescription Against State

7 Section 29. Prescription shall not run against the
8 state in any civil matter, unless otherwise provided in this
9 constitution or expressly by law.

10 PART II. FINANCE

11 Section 31. Parish Tax Limits; Increase; Withdrawal of
12 Municipality from Parish Taxing Authority

13 Section 31. (A) The governing authority of each parish
14 may levy an ad valorem tax for general purposes, in an
15 amount not to exceed in any one year, four mills on the
16 dollar of assessed valuation. However, in Orleans Parish the
17 limitation shall be seven mills and in Jackson Parish the
18 limitation shall be five mills. Millage rates may be in-
19 creased in any parish when approved by a majority of the
20 electors who vote in an election held for that purpose.

21 (B) When the millage increase is for other than general
22 purposes, the proposition shall state the specific purpose
23 or purposes for which the tax is to be levied, the length
24 of time the tax is to remain in effect, and all proceeds
25 of the tax shall be used solely for the purpose or purposes
26 set forth in the proposition.

27 (C) The amount of the parish tax for general purposes
28 which any parish, except the parish of Orleans, may levy,
29 without a vote of the electors, on property located wholly
30 within any municipality, which has a population in excess
31 of one thousand inhabitants according to the last federal
32 decennial census, or such other census as may be provided
33 for by law, and which provides and maintains a system of street
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1 paving, shall not exceed one-half the tax levy for general
2 purposes.

3 (D) This Section shall not be construed to repeal or
4 affect the withdrawal of property in a municipality from
5 parochial taxing jurisdiction, in whole or in part, by a
6 provision of the legislative charter of the municipality
7 in effect on the date of adoption of this constitution.

8 Section 32. Municipal Tax Limits; Increase

9 Section 32. (A) The governing authority of each
10 municipality may levy an ad valorem tax for general purposes,
11 in an amount not to exceed in any one year, seven mills on
12 the dollar of assessed valuation; provided that where any
13 municipality is, by its charter or by law, exempt from pay-
14 ment of parish taxes or, under legislative authority, main-
15 tains its own public schools, it may levy an annual tax not
16 to exceed ten mills of the dollar of assessed valuation.
17 Millage rates may be increased in any municipality when
18 approved by a majority of the electors who vote in an elec-
19 tion held for that purpose.

20 (B) When the millage increase is for other than gen-
21 eral purposes, the proposition shall state the specific pur-
22 pose or purposes for which the tax is to be levied, the
23 length of time the tax is to remain in effect, and all pro-
24 ceeds of the tax shall be used solely for the purpose or pur-
25 poses set forth in the proposition.

26 (C) This Section shall not apply to the city of New
27 Orleans.

28 Section 33. Local Governmental Subdivision; Occupational
29 License Tax; Limitations

30 Section 33. Local governmental subdivisions may impose
31 an occupational license tax in an amount not greater than
32 that imposed by the state. However, those who pay municipal
33 occupational license taxes shall be exempt from parish occupa-
34 tional license taxes to the extent of the municipal tax.

35 Local governmental subdivisions may impose an occupational

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1 license tax in an amount greater than that imposed by the state
2 when so authorized by an act passed by at least a two-thirds vote
3 of the elected membership of each house of the legislature.

4 Section 34. Local Governmental Subdivisions and School
5 Boards; Sales Tax Authorized; Limitations; Exemptions;
6 Protection of Existing Sales Tax Authorizations and
7 the Security of Outstanding Bonds

8 (A) Except as otherwise authorized in a home rule charter
9 as provided for in Section 7 of this Article, any local govern-
10 mental subdivision or school board may levy and collect a tax
11 upon the sale at retail, the use, the lease or rental, the
12 consumption and storage for use or consumption of tangible
13 personal property and on sales of services as defined by law,
14 if approved by a majority of the electors who vote in an election
15 held for that purpose. The rate thereof, when combined with the
16 rate of all other presently imposed or future sales and use
17 taxes, exclusive of state sales and use taxes, levied and collec-
18 ted within any local governmental subdivision, shall not exceed
19 three percent; however, the legislature may by general or special
20 law, authorize the imposition of additional sales and use taxes
21 by local governmental subdivisions or school boards, upon
22 approval by the electors thereof as herein provided. Nothing
23 contained in this Subsection shall be construed to affect any
24 sales or use tax authorized or imposed on the effective date of
25 this constitution or to affect or impair the security of any
26 bonds payable from such tax.

27 (B) Except where bonds in connection therewith have
28 been authorized, the legislature may uniformly exempt or
29 exclude any goods, tangible personal property, or services from
30 sales or use taxes levied by local governmental subdivisions,
31 school boards, and the state.

32 Section 35. Political Subdivisions; Taxing
33 Power; Limitations

34 Section 35. Political subdivisions may exercise the
35 power of taxation, subject to such limitations as may be

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1 elsewhere provided in the constitution, under authority
2 granted to them by the legislature for parish, municipal,
3 and local purposes, strictly public in their nature. The
4 provisions of this Section shall not apply to, nor affect,
5 similar grants to such political subdivisions under other
6 sections of this constitution which are self-operative.

Section 36. Special Taxes; Ratified

8 Section 36. (A) Any special tax being levied by any
9 political subdivision under prior laws or under the 1921
10 Louisiana Constitution, as amended, when this constitution
11 is adopted is hereby confirmed and ratified.

12 (B) For the purpose of acquiring, constructing, im-
13 proving, maintaining and operating any work of public im-
14 provement, any political subdivision may levy special taxes
15 when authorized by a majority of the electors in the political
16 subdivision who vote in an election held for that purpose.

Section 38. Bonds of Political Subdivisions; General Obligations

19 Section 38. The full faith and credit of every politi-
20 cal subdivision is hereby pledged to the payment of general
21 obligation bonds issued by it under this constitution or the
22 terms of the statute or proceedings pursuant to which they
23 are issued. The governing authority of the issuing political
24 subdivision shall levy and collect or cause to be levied and
25 collected on all taxable property in the political subdivision
26 ad valorem taxes fully sufficient to pay principal and inter-
27 est and redemption premiums, if any, on such bonds as they
28 mature.

Section 39. Taxpayer Authorization of Political Subdivision Bonds

31 Section 39. Subject to the approval of the State Bond
32 Commission or any successor thereto, general obligation bonds
33 may be issued only after authorization by a vote of a majority
34 of the electors who vote on the proposition at an election
35 in the political subdivision issuing such bonds. Bonds to

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1 refund outstanding indebtedness at the same or at a
2 lower effective rate of interest, even though payable
3 solely from ad valorem taxes, need not be so authorized
4 at an election if the indebtedness refunded is paid or
5 cancelled at the time of the delivery of the refunding
6 bonds, or if money, or securities made eligible for such purpose
7 by law, are deposited in escrow in an adequate amount, with in-
8 terest, to be utilized solely for the purpose of retiring the
9 refunded indebtedness or bonds and paying interest thereon
10 and redemption premiums, if any, to the time of retirement.

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

13 Section 40. The legislature shall fix the limitation
14 on bonded indebtedness payable solely from ad valorem taxes
15 levied by political subdivisions.

Section 41. Limited Time for Contesting Bonds of Political Subdivisions

18 Section 41. (A) For a period of sixty days from the
19 promulgation of the result of any election held for the
20 purpose of incurring or assuming debt, issuing bonds, or
21 levying a tax, any person in interest shall have the right
22 to contest the legality of such election, the bond issue
23 provided for, or the tax authorized, for any cause after
24 which time no one shall have any cause or right of action
25 to contest the regularity, formality, or legality of said
26 election, tax provisions, or bond authorization, for any
27 cause whatsoever. If the validity of any election, tax,
28 debt assumption, or bond issue authorized or provided for,
29 held under the provisions of this Section, is not raised within
30 the sixty days herein prescribed, the authority to incur or
31 assume debt, levy the tax, or issue the bonds, the legality
32 thereof, and the taxes and other revenues necessary to pay
33 the same shall be conclusively presumed to be valid, and no
34 court shall have authority to inquire into such matters.

35 (B) Every ordinance or resolution authorizing the is

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1 suance of bonds or other debt obligation by a political sub-
2 division shall be published at least once in the official jour-
3 nal of the political subdivision, or if there is none, then in a
4 newspaper having general circulation therein. For a period
5 of thirty days from the date of the publication any person
6 in interest may contest the legality of the ordinance or reso-
7 lution and of any provision therein made for the security and payment
8 of the bonds. After this time, no one shall have any cause
9 of action to test the regularity, formality, legality, or
10 effectiveness of the ordinance or resolution, and provisions
11 thereof for any cause whatever; and after this time it shall be
12 conclusively presumed that every legal requirement for the
13 issuance of the bonds or other debt obligation, including all
14 things pertaining to the election, if any, at which the bonds
15 or other debt obligation were authorized, has been complied
16 with, and no court shall have authority to inquire into any
17 such matters after the lapse of this thirty days.

Section 42. Local Improvement Assessments

18 Section 42. (A) The legislature shall provide by
19 general law or by local or special law the procedures by
20 which political subdivisions levy and collect local or
21 special assessments on real property, for the purpose
22 of acquiring, constructing, or improving works of
23 public improvement.

24 (B) Certificates of indebtedness may be issued to
25 cover the cost of any such public improvement which shall be
26 secured by the pledge of the local or special assessments.
27 levied therefor, and may be further secured by the pledge of
28 the full faith and credit of the political subdivision.

29 (C) The provisions of this Section shall not apply to
30 school boards.

Section 43. Revenue-Producing Property

31 Section 43. (A) The legislature may authorize political
32 subdivisions to issue bonds or other debt obligations for
33 the purpose of constructing, acquiring, extending, or im-

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1 proving any revenue-producing public utility or work of
2 public improvement. The bonds or other debt obligations may
3 be secured by mortgage on the lands, buildings, machinery,
4 and equipment or by the pledge of the income and revenues
5 of such public utility or work of public improvement and shall
6 not be a charge upon the other income and revenues of the
7 political subdivision.

8 (B) The provisions of this Section shall not apply to
9 school boards.

PART III. LEVEE DISTRICTS

Section 44. Levee Districts

13 Section 44. (A) Levee districts as now organized and
14 constituted shall continue to exist, except that:

15 (1) The legislature may provide for the consolidation,
16 division, or reorganization of existing levee districts or
17 create new levee districts. However, the members of the
18 boards of commissioners of districts heretofore or hereafter
19 created shall be appointed or elected from residents of such
20 district, as provided by law;

21 (2) Any levee district whose flood control responsi-
22 bilities are limited to and which is situated entirely within
23 the boundaries of one parish may be merged and consolidated
24 into such parish under the terms and conditions and in the
25 manner provided in Section 18 of this Article. This provision
26 shall be self-operative.

27 (B) No action taken hereunder shall impair the obligation
28 of any outstanding bonded indebtedness or of any other contract
29 of such levee district.

Section 45. District Taxes; Increase in Tax to Raise Additional Funds

31 Section 45. (A) For the purpose of constructing and
32 maintaining levees, levee drainage, flood protection, hur-
33 ricane flood protection, and for all other purposes incidental
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1 thereto, the governing authority of each district, may levy
2 annually a tax not to exceed five mills on the assessed
3 valuation, except the Board of Levee Commissioners of the
4 Orleans Levee District which may levy annually a tax not to
5 exceed two and one-half mills on the assessed valuation of
6 all taxable property situated within the alluvial portions
7 of said district subject to overflow.

8 (B) Should the necessity to raise additional funds arise
9 in any levee district for any of the purposes herein set forth,
10 or for any other purpose related to its authorized powers and
11 functions which may be specified by the legislature, the tax
12 herein authorized may be increased. However, before taking
13 effect, the necessity for the increase and the rate thereof
14 shall be submitted to the electors of such district and no
15 increase in taxes shall occur unless a majority of the electors
16 in such district who vote in the election hereinabove pro-
17 vided for vote in favor thereof.

18 Section 46. Bond Issues

19 Section 46. (A) Subject to the approval of the State Bond
20 Commission or any successor thereto, the governing body of any
21 levee district may fund the avails of said taxes or other reve-
22 nues into bonds, or other evidences of indebtedness, the pro-
23 ceeds thereof to be used for the purposes mentioned in this
24 Article or for the funding or payment of any outstanding in-
25 debtedness.

26 (B) Bonds issued under the authority of the foregoing
27 provision shall be sold in accordance with applicable provi-
28 sions of the Louisiana Revised Statutes relating to the issu-
29 ance of bonds by levee districts.

30 Section 48. Cooperation with Federal Government

31 Section 48. All governing authorities of levee districts
32 which have been, or may be created, are authorized to cooperate
33 with the federal government in the construction and maintenance
34 of the levees in this state, on such terms and conditions as may
35 be provided by the federal authorities and accepted by the

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1 levee districts.

2 Section 49. Compensation for Property Used or Destroyed; 3 Tax

4 Section 49. (A) Notwithstanding any other provision of
5 this constitution, lands and improvements thereon hereafter
6 actually used or destroyed for levees or levee drainage pur-
7 poses shall be paid for as provided by law; and provided further,
8 nothing contained in this Paragraph with respect to compensation
9 for lands and improvements shall apply to bature or to property
10 the control of which is vested in the state or any political
11 subdivision thereof for the purpose of commerce.

12 (B) If the district has no other funds or resources out
13 of which such payment can be made, it shall levy, on all
14 taxable property situated within the district, a tax suf-
15 ficient to pay for said property so used or destroyed to
16 be used solely in the district where collected.

17 (C) Nothing contained in this Section shall prevent
18 the appropriation of said property before payment.

19 PART IV. PORTS

20 Section 50. Ports

21 Section 50. All deep-water port commissions and all
22 deep-water port, harbor, and terminal districts as they are
23 now organized and constituted, including their powers and
24 functions, structure and organization, and territorial
25 jurisdiction, are ratified and confirmed and shall continue
26 to exist, except that:

27 (A) The legislature may grant additional powers and
28 functions to any such commission or district and may
29 create new port commissions or port, harbor, and terminal
30 districts:

31 (B) The legislature may consolidate or abolish any
32 such commission or district or may diminish, reduce, or with-
33 draw from any such commission or district any of its powers
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1 and functions and may affect the structure and organization,
2 distribution, and redistribution of the powers and functions
3 of any such commission or district, including additions or
4 reductions of its territorial jurisdiction, only by act passed
5 by a favorable vote of at least two-thirds of the elected
6 membership of each house;

7 (C) The legislature shall make provisions with respect
8 to the membership of the herein provided commissions. Once
9 the membership is established it may be changed only upon
10 a two-thirds vote of the elected members of each house of
11 the legislature.

12 PART V. DEFINITIONS

13 Section 51. Terms Defined

14 Section 51. As used in this Article:

15 (1) "Local governmental subdivision" means any parish
16 or municipality;

17 (2) "Political subdivision" means parishes and munici-
18 palities, and any other unit of local government, includin_g
19 school boards and special districts, authorized by law to
20 perform governmental functions;

21 (3) "Municipality" means all incorporated cities,
22 towns, and villages;

23 (4) "Governing authority" means the body which exer-
24 cises the legislative functions of the political subdivision;

25 (5) "General law" means a law of statewide concern
26 enacted by the legislature which is uniformly applicable
27 to all persons or to all political subdivisions in the
28 entire state or which is uniformly applicable to all
29 persons or to all political subdivisions within the same
30 class.

31 (6) "General obligation bond" means those bonds, the
32 principal and interest of which are secured by and payable
33 from ad valorem taxes levied without limitation as to
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1 rate or amount;

2 (7) "Deep-water port commissions and deep-water port,
3 harbor, and terminal districts" means those commissions or
4 districts within whose territorial jurisdiction exist facilities
5 capable of accommodating vessels of at least twenty-five
6 feet of draft and of engaging in foreign commerce.

1 **COMMITTEE PROPOSAL No. 18—**

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

9 **A PROPOSAL**

10 Making provisions for human resources by prohibiting com-
11 pulsory arbitration.

12 Be it adopted by the Constitutional Convention of Lou-
13 isiana of 1973:

14 **Article VII, Section 1. Arbitration**

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

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1 **COMMITTEE PROPOSAL No. 19—**

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department and Delegates Abra-
4 ham, Alexander, Anzalone, Arnette, Asseff, Brien, Denney,
5 Duval, Gravel, Stovall and Tapper:

6 **A PROPOSAL**

7 Making provisions in the Schedule provisions of the Con-
8 stitution for mandatory reorganization of the executive
9 branch of state government.

10 Be it adopted by the Constitutional Convention of Louisi-
11 ana of 1973:

12 **ARTICLE XIV. SCHEDULE**

13 **Section 1. Mandatory Reorganization of State Government**

14 Section 1. The legislature shall allocate, within not more
15 than twenty departments, the functions, powers, duties, and
16 responsibilities of all departments, offices, agencies, and
17 other instrumentalities within the executive branch, except
18 those allocated by this constitution. Such allocation, which
19 shall not be subject to veto by the governor, shall become
20 operative not later than eighteen months after the effective
21 date of this constitution. Should the legislature fail to make
22 such allocation, the governor within six months shall ef-
23 fect such allocation by executive order.

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1 **COMMITTEE PROPOSAL No. 20—**

2 Introduced by Delegate A. Jackson, Chairman, on behalf of
3 the Committee on Bill of Rights and Elections and Delegates
4 Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall,
5 and Weiss:

6 **A PROPOSAL**

7 Making general provisions for elections.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 **ARTICLE X. ELECTIONS**

11 Section 1. Free Elections

12 Section 1. Elections shall be freely and fairly conducted on
13 a periodic basis. No law shall interfere with the free exercise
14 of the right to vote.

15 Section 2. Secret Ballot

16 Section 2. Voting shall be by secret ballot, and all ballots
17 cast shall be counted publicly and preserved inviolate until
18 any election contests have been settled.

19 Section 3. Residence of Electors

20 Section 3. No elector shall lose a bona fide residence by
21 temporary absence due to any employment, including mili-
22 tary service, or while studying or visiting away from his
23 voting district.

24 Section 4. Political Activities

25 Section 4. No law shall deny the right of each person to
26 organize, join, support, or oppose any political party or
27 organization, or to support or oppose any candidate or
28 proposition except as otherwise provided in this constitu-
29 tion.

30 Section 5. Privilege from Arrest

31 Section 5. Every qualified elector shall be privileged from
32 arrest in going to and returning from voting and while

1 exercising the right to vote in all cases except felony or
2 breach of the peace.

3 Section 6. Candidacy for Public Office

4 Section 6. No qualified elector shall be denied the right to
5 seek public office in the election district in which he is
6 registered except as otherwise provided in this constitution.

7 Section 7. Vote Required for Election

8 Section 7. No person shall be elected to any public office
9 unless he has received the highest number of votes cast for
10 that office. The legislature shall provide a method for
11 breaking ties.

12 Section 8. Limitation on Term of Office

13 Section 8. No term for any public office elected by the
14 people shall exceed four years except as otherwise provided
15 in this constitution.

16 Section 9. Prohibited Use of Public Funds

17 Section 9. No public funds shall be used to urge any
18 elector to vote for or against any candidate, nor appropri-
19 ated to any candidate or political organization.

20 Section 10. Registrars of Voters

21 Section 10. The governing authority of each parish shall
22 appoint a parish registrar of voters who shall provide such
23 bond and receive such compensation as may be determined
24 by law. No person shall serve as registrar of voters while
25 a qualified candidate for any elective office.

26 Section 11. Commissioners and Poll Watchers

27 Section 11. The legislature shall provide for the selection
28 of commissioners and poll watchers at every election.

29 Section 12. Election Returns

30 Section 12. Returns of elections for public officials shall
31 be made to the secretary of state.

32 Section 13. Registration Challenges

1 Section 13. A person may contest in the district court
2 his denial of registration, or denial of his request to have
3 removed from the rolls any names placed or standing there-
4 on illegally, which cases shall have preference over all
5 others.

6 Section 14. Election Contests

7 Section 14. The legislature shall provide by law for the
8 judicial determination of contested elections.

9 Section 15. Election Fraud

10 Section 15. No person shall register and vote in more
11 than one place, nor offer or receive anything of value in
12 exchange for a vote, nor engage in any other form of election
13 fraud. The legislature shall enact laws to suppress such
14 activities, and penalties in such cases may include suspen-
15 sion of the right to vote and hold office for a period not to
16 exceed five years.

17 Section 16. Code of Elections

18 Section 16. The legislature shall provide for a code of
19 elections.

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2 COMMITTEE PROPOSAL No. 21—

3 Introduced by Delegate Dennis, Chairman, on behalf of
4 the Committee on the Judiciary and Delegates Avant, Bel,
5 Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kil-
6 bourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich
7 (A Substitute for Committee Proposal No. 6):

8 A PROPOSAL

9 Making provisions for the judiciary branch of government
10 and necessary provisions with respect thereto.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 ARTICLE V. JUDICIARY DEPARTMENT

14 Section 1. Judicial Power

15 Section 1. The judicial power shall be vested in a supreme
16 court, courts of appeal, district courts, and other courts au-
17 thorized by this constitution.

18 Section 2. Habeas Corpus, Needful Writs, Orders and Pro-
19 cess

20 Section 2. A judge may issue writs of habeas corpus and
21 all other needful writs, orders and process in aid of the
22 jurisdiction of his court. Exercise of this authority by a
23 judge of the supreme court or court of appeal is subject
24 to review by the whole court. The power to punish for con-
25 tempt of court shall be limited by law.

26 Section 3. Supreme Court; Composition; Judgments;
27 Terms

28 Section 3. The superme court shall be composed of a chief
29 justice and six associate justices, four of whom must con-
30 cur to render judgment. The term of a judge of the supreme
31 court shall be fourteen years.

32 Section 4. Supreme Court; Districts

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1 Section 4. The state shall be divided into at least six
2 supreme court districts, with at least one judge elected from
3 each. The present districts and the number of judges as-
4 signed to each are retained, subject to change by a two-
5 thirds vote of the elected members of each house of the
6 legislature.

7 Section 5. Supreme Court; Supervisory, Original, and
8 Appellate Jurisdiction; Rule-Making Power; Assignment of
9 Judges

10 Section 5. (A) The supreme court has general supervisory
11 jurisdiction over all other courts. It may establish procedural
12 and administrative rules not in conflict with law. It may
13 assign a sitting or retired judge to any court.

14 (B) The supreme court has exclusive original jurisdiction
15 of disciplinary proceedings against members of the bar.

16 (C) Except as otherwise provided in this constitution,
17 the supreme court's jurisdiction in civil cases extends to
18 both the law and the facts. In criminal matters, its appellate
19 jurisdiction extends only to questions of law.

20 (D) In addition to appeals provided for elsewhere in this
21 constitution, the following cases shall be appealable to the
22 supreme court:

23 (1) A case in which a law or ordinance has been de-
24 clared unconstitutional;

25 (2) A criminal case in which the death penalty or im-
26 prisonment at hard labor may be imposed or in which a
27 fine exceeding five hundred dollars or imprisonment exceed-
28 ing six months has been actually imposed. In other criminal
29 cases, an accused shall have a right of appeal or review, as
30 provided by law or by rule of the supreme court not incon-
31 sistent therewith.

32 (E) Subject to the provisions of Subsection (C), the su-

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1 preme court has appellate jurisdiction over all issues in-
2 volved in any civil action properly before it.

3 Section 6. Supreme Court; the Chief Justice

4 Section 6. (A) When a vacancy in the office of chief jus-
5 tice occurs, the judge oldest in point of service on the
6 court, below the age of sixty-five years, shall succeed to
7 the office.

8 (B) The chief justice is the chief administrative officer of
9 the judicial system of the state, subject to rules adopted
10 by the court.

11 Section 7. Supreme Court; Judicial Administrator, Clerks
12 and Staff

13 Section 7. The supreme court has authority to select a
14 judicial administrator, its clerks, and other personnel, and
15 prescribe their duties and compensation.

16 Section 8. Courts of Appeal; Panels; Number Necessary
17 to Decision; Terms

18 Section 8. The state shall be divided into at least four
19 circuits, with one court of appeal in each circuit. Each court
20 shall sit in panels of at least three judges selected accord-
21 ing to rules adopted by the court. A majority of the judges
22 sitting in a case must concur to render judgment. The term
23 of a court of appeal judge shall be twelve years.

24 Section 9. Courts of Appeal; Circuits and Districts

25 Section 9. Each circuit shall be divided into at least three
26 districts, with at least one judge elected from each. One or
27 more judges may be elected at large from within the circuit.
28 The present circuits and districts and the number of judges
29 as elected in each circuit are retained, subject to change by
30 two-thirds vote of the elected members in each house of the
31 legislature.

32 Section 10. Courts of Appeal; Appellate and Supervisory

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1 Jurisdiction

2 Section 10. (A) Except in those cases appealable to the
3 supreme court and as otherwise provided in this constitu-
4 tion, a court of appeal has appellate jurisdiction of all civil
5 cases decided within its circuit. It has appellate jurisdiction
6 of all matters appealed from the family and juvenile courts,
7 except criminal prosecutions of persons other than juveniles.
8 It has supervisory jurisdiction over all cases in which an ap-
9 peal would lie to that court.

10 (B) Except as limited to questions of law by this constitu-
11 tion or as provided by law in the case of review of ad-
12 ministrative agency determinations, its appellate jurisdic-
13 tion extends to law and facts.

14 Section 11. Courts of Appeal; Certification to Supreme
15 Court; Determination

16 Section 11. A court of appeal may certify any question
17 of law before it to the supreme court, whereupon the
18 supreme court may give its binding instruction, or con-
19 sider and decide the case upon the whole record.

20 Section 12. Courts of Appeal; Chief Judge; Duties

21 Section 12. When a vacancy in the office of chief judge
22 of a court of appeal occurs, the judge oldest in point of
23 service on the court, below the age of sixty-five years, shall
24 succeed to the office and shall administer the court, subject
25 to rules adopted by the court.

26 Section 13. Courts of Appeal; Clerks and Staff

27 Section 13. Each court of appeal has authority to select
28 its clerk and other personnel and prescribe their duties and
29 compensation.

30 Section 14. District Courts; Judicial Districts

31 Section 14. The state shall be divided into judicial dis-
32 tricts, each composed of one or more parishes and served

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1 by one or more district judges.

2 Section 15. Courts; Continued; Jurisdiction; Judicial Dis-
3 tricts Changes; Terms

4 Section 15. (A) The district, parish, city, family, and ju-
5 venile courts existing at the time of the adoption of this
6 constitution are retained. Except as provided in Section 35
7 of this Article, the legislature may abolish or merge trial
8 courts of limited jurisdiction subject to the limitations in
9 Sections 16 and 21 of this Article. Except as provided in
10 Section 35 of this Article, the legislature may establish
11 trial courts of limited jurisdiction which shall have parish-
12 wide territorial jurisdiction and subject matter jurisdiction
13 which shall be uniform throughout the state. The office of
14 city marshal is continued until such time as the city court
15 he serves is abolished by the legislature.

16 (B) The judicial districts existing at the time of the adop-
17 tion of this constitution are retained. The legislature, by a
18 majority vote of the elected members of each house, with
19 approval in a referendum in each district or parish affected,
20 may establish or merge judicial districts, subject to the
21 limitations of Section 21 of this Article.

22 (C) The term of district judge shall be six years. Terms
23 established for judgeships existing at the time of the adop-
24 tion of this constitution are retained; however, the legisla-
25 ture by a majority vote of the elected members of each
26 house, with approval in a referendum in the parish affected,
27 may reduce the terms of district judges in a parish to not
28 less than six years.

29 Section 16. District Courts; Original Jurisdiction

30 Section 16. (A) Unless otherwise authorized by this con-
31 stitution, a district court shall have original jurisdiction in
32 all civil and criminal matters. It shall have exclusive origi-

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1 nal jurisdiction of felony cases; cases involving the title to
2 immovable property; the right to office or other public
3 position; civil or political rights; probate and succession
4 matters; the state, a political corporation, or a succession,
5 as a party defendant, regardless of the amount in dispute;
6 and the appointment of receivers or liquidators to corpora-
7 tions or partnerships.

8 (B) A district court shall have appellate jurisdiction as
9 provided by law.

10 Section 17. District Courts; Chief Judge

11 Section 17. Each district court shall elect from its mem-
12 bers a chief judge who shall exercise, for the term desig-
13 nated by the court, the administrative functions as pre-
14 scribed by rule of court.

15 Section 18. Juvenile Courts; Jurisdiction

16 Section 18. The jurisdiction of a juvenile court shall be
17 as provided by law.

18 Section 19. Mayors' Courts; Justices of the Peace; Con-
19 tinued

20 Section 19. Mayors' courts and justice of the peace courts
21 existing at the time of the adoption of this constitution are
22 continued subject to change by the legislature.

23 Section 20. Preservation of Evidence

24 Section 20. Evidence shall be preserved in all trials. The
25 method of preservation shall be provided by law or by rule
26 of the supreme court not inconsistent therewith.

27 Section 21. Judges; Term of Office or Compensation May
28 Not Be Decreased

29 Section 21. No judge's term of office or compensation shall
30 be decreased during the term for which he is elected.

31 Section 22. Judges; Election; Vacancy in Office

32 Section 22. (A) Election of judges shall be at the regular

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1 congressional election.

2 (B) A newly-created judgeship or a vacancy in the office
3 of any judge shall be filled by a special election which shall
4 be called by the governor, and held within six months of
5 the day on which the vacancy occurs or the judgeship is es-
6 tablished, except when the vacancy occurs in the last six
7 months of an existing term. Until the vacancy is filled, the
8 supreme court shall appoint a person meeting the qualifica-
9 tions for judge to the office, to serve at its pleasure, who
10 shall be ineligible as a candidate for election to the judge-
11 ship.

12 (C) A judge serving on the date of adoption of this con-
13 stitution shall continue in office for the term to which
14 elected and shall serve through December thirty-first of the
15 last year of his term or, if the last year of his term is not
16 in the even-numbered year of a general judicial election,
17 then through December thirty-first of the following year.
18 The election for the next term in the office will be held in
19 a general judicial election of the year in which the term ex-
20 pires as provided above.

21 Section 23. Retirement of Judges

22 Section 23. (A) A judge shall not remain in office beyond
23 his seventieth birthday, except as otherwise provided herein.

24 (B) A judge or judicial administrator in office or retired
25 at the time of the adoption of this constitution, shall not
26 have diminished any retirement benefits or judicial ser-
27 vice rights, including the right to remain in office, as judge,
28 during his present term, as provided under the previous con-
29 stitution or laws, nor shall the benefits to which his sur-
30 viving spouse was entitled be reduced.

31 (C) A judge taking office after the adoption of this con-
32 stitution and a judge in office who so elects within ninety

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1 days of the adoption of this constitution by notifying the
2 secretary of state, shall be vested and entitled to the follow-
3 ing retirement benefits:

4 (1) This subsection applies to a judge of a court autho-
5 rized by this constitution, except mayors and justices of the
6 peace.

7 (2) A judge with sixteen years of judicial service may re-
8 tire at any age; a judge of twelve years of judicial service
9 may retire with benefits commencing at the age of fifty-
10 five. On retirement, a judge shall receive annually as retire-
11 ment benefits four percent of his salary times the number
12 of years served, but not more than ninety percent.

13 (3) A judge who is physically or mentally incapacitated to
14 perform his duties shall be retired. He shall receive as an-
15 nual retirement benefits two-thirds of his annual salary, or
16 four percent of his salary times the number of years served,
17 whichever is greater, not to exceed the maximum amount
18 provided in paragraph (2).

19 (4) Upon the death of a judge, in office or retired, the
20 surviving spouse, until remarriage, shall be entitled to one-
21 half of his annual salary as judge prior to death or retire-
22 ment. If the judge is not survived by a spouse, or if the
23 spouse dies, his unmarried children shall be entitled to the
24 benefits provided in this subsection until the age of eighteen.

25 (5) Benefits provided herein shall be paid from the same
26 sources as was his compensation as judge. The legislature
27 and the political subdivisions shall provide for the payment
28 of these benefits.

29 (6) To receive the benefits provided in this subsection,
30 the judge shall contribute a total of six percent of his salary
31 to the paying authorities.

32 Section 24. Judges; Qualifications; Practice of Law Pro-

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1 hibited.

2 Section 24. A judge of the supreme court, court of appeal,
3 district court, family court, parish court, or court having
4 solely juvenile jurisdiction shall have been admitted to the
5 practice of law in this state for at least five years prior
6 to his election, shall have been domiciled in the respective
7 circuit or parish for at least two years immediately preced-
8 ing election, and shall not practice law.

9 Section 25. Judiciary Commission; Composition; Terms;
10 Vacancy; Grounds for Removal; Powers

11 Section 25. (A) The Judiciary Commission shall consist
12 of one court of appeal judge and two district court judges
13 selected by the supreme court; three attorneys admitted to
14 the practice of law for at least ten years who are not
15 judges, active or retired, nor public officials, selected by
16 the Louisiana Conference of Court of Appeal Judges' Asso-
17 ciation or its successor; and three citizens, not lawyers,
18 judges active or retired, nor public officials, appointed by
19 the Louisiana District Judges' Association or its successor.

20 (B) A member of the commission shall serve a four-year
21 term and shall not be eligible to succeed himself.

22 (C) A member's term shall terminate when he loses the
23 status causing his appointment or when any event occurs
24 which would have made him ineligible for appointment.

25 (D) When a vacancy occurs, a successor shall be appointed
26 for a four-year term by the authority which appointed his
27 predecessor.

28 (E) On recommendation of the Judiciary Commission, the
29 supreme court may censure, suspend with or without salary,
30 remove from office, or retire involuntarily a judge for will-
31 ful misconduct relating to his official duty, willful and
32 persistent failure to perform his duty, persistent and public

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1 conduct prejudicial to the administration of justice that
2 brings the judicial office into disrepute, conduct while in
3 office which would constitute a felony, or conviction of a
4 felony. On recommendation of the Judiciary Commission, the
5 supreme court may disqualify a judge from exercising any
6 judicial function, without loss of salary, during the pendency
7 of the proceedings in the supreme court. On recommenda-
8 tion of the Judiciary Commission, the supreme court may
9 retire involuntarily a judge for disability that seriously in-
10 terferes with the performance of his duties and that is, or
11 is likely to become, of a permanent character. The supreme
12 court shall make rules implementing this section and pro-
13 viding for confidentiality and privilege of proceedings.

14 (F) Action against a judge under this Section shall not
15 preclude disciplinary action against him with respect to his
16 license to practice law.

17 Section 26, Department of Justice; Composition; Attorney
18 General; Election and Assistants

19 Section 26. There shall be a department of justice con-
20 sisting of an attorney general, first and second attorney
21 general, and other necessary assistants and staff. The attor-
22 ney general shall be elected for a term of four years at the
23 state general election, and the assistants shall be appointed
24 by the attorney general to serve at his pleasure.

25 Section 27. Attorney General; Powers and Duties; Va-
26 cancy

27 Section 27. (A) The attorney general shall be the state's
28 chief legal officer. As may be necessary for the assertion or
29 protection of the rights and interests of the state, the attor-
30 ney general shall have authority to:

31 (1) institute and prosecute or intervene in any civil ac-
32 tions or proceedings;

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1 (2) advise and assist, upon request of a district attorney,
2 in the prosecution of a criminal case; and

3 (3) for cause when authorized by the court of original
4 jurisdiction in which any proceeding is pending, subject to
5 judicial review, supercede any attorney representing the
6 state in any civil or criminal action.

7 He shall have such other powers and perform such other
8 duties as may be authorized by this constitution or pro-
9 vided by statute.

10 (B) In case of a vacancy in the office of attorney gen-
11 eral, the first assistant attorney general shall perform the
12 duties of the office until his successor is elected and quali-
13 fied.

14 Section 28. District Attorney; Election; Qualifications;
15 Assistants

16 Section 28. In each judicial district a district attorney
17 shall be elected by the qualified electors of the district for
18 a term of six years. He shall have been admitted to the
19 practice of law in the state for at least five years prior to
20 his election and shall have resided in the district for the
21 two years immediately preceding election. A district attor-
22 ney may select his assistants and other personnel and pre-
23 scribe their duties.

24 Section 29. Defense of Criminal Prosecution; Removal

25 Section 29. No district attorney or assistant district attor-
26 ney shall appear, plead or in any way defend, or assist in
27 defending any criminal prosecution or charge. A violation
28 shall be cause for removal.

29 Section 30. Sheriff; Duties; Tax Collector

30 Section 30. In each parish, a sheriff shall be elected for a
31 term of four years. He shall be the chief law enforcement
32 officer in the parish, except as otherwise provided by this

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1 constitution, and shall execute court orders and process.

2 He shall be the collector of state and parish ad valorem
3 taxes and such other taxes and licenses as provided by law.

4 Section 31. Clerks; Election; Powers and Duties; Depu-
5 ties; Office Hours

6 Section 31. (A) In each parish, a clerk of the district
7 court shall be elected by the qualified electors of the parish
8 for term of four years. He shall be ex officio notary public
9 and parish recorder of conveyances, mortgages, and other
10 acts and shall have such other duties and powers as may
11 be prescribed by law. The clerk may appoint deputies with
12 such duties and powers as may be prescribed by law and
13 he may appoint, with the approval of the district judges,
14 minute clerks with such duties and powers as may be pre-
15 scribed by law.

16 (B) The legislature shall establish statewide uniform
17 office hours for all clerks of district courts.

18 Section 32. Coroner; Election; Term; Qualifications; Du-
19 ties

20 Section 32. In each parish, a coroner shall be elected for
21 a term of four years with such qualifications and duties
22 as may be prescribed by law.

23 Section 33. Vacancies

24 Section 33. When a vacancy occurs in the following offices,
25 the duties of the office, until it is filled by election as pro-
26 vided by law, shall be assumed by: in the case of sheriff,
27 the chief criminal deputy; district attorney, the first assis-
28 tant; clerk of a district court, the chief deputy; coroner,
29 the chief deputy. If there is no such person to assume the
30 duties at the time of the vacancy, the governing authority
31 or authorities of the parish or parishes concerned shall
32 appoint a qualified person to assume the duties of the office

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1 until filled by election.

2 Section 34. Reduction of Salaries and Benefits Prohib-
3 ited

4 Section 34. No attorney general, district attorney, sheriff,
5 or clerk of the district court shall have his salary or re-
6 tirement benefits diminished during his term of office.

7 Section 35. Orleans Parish Courts, Officials; Continued

8 Section 35. Notwithstanding any provision of this Article
9 to the contrary, the following courts and officers in Orleans
10 Parish are continued, subject to change by a majority vote
11 of the elected members of each house of the legislature and
12 by approval in a referendum in the parish: the civil and
13 criminal district courts, the city, municipal, traffic and juve-
14 nile courts, the clerks of the civil and criminal district
15 courts, the civil and criminal sheriffs, the constables and
16 the clerks of the first and second city courts, the register
17 of conveyances, and the recorder of mortgages. These offi-
18 cers shall be elected for four-year terms with such duties
19 and powers as provided by the legislature and terms of
20 office, retirement benefits, or compensation shall not be
21 reduced during their terms of office.

22 The civil district court shall have civil jurisdiction as pro-
23 vided in Section 16 of this Article and the criminal district
24 court shall have criminal jurisdiction as provided in Section
25 16 of this Article.

26 The judicial expense fund of Orleans Parish as existing at
27 the time of the adoption of this constitution is retained
28 subject to change by two-thirds vote of the elected members
29 of each house of the legislature.

30 Section 36. Jurors; Qualifications; Exemptions

31 Section 36. The supreme court by rule shall provide for
32 qualification and exemption of jurors.

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1 CONSTITUTIONAL CONVENTION OF LOUISIANA OF 1973

2 COMMITTEE PROPOSAL NUMBER 21

1 Section 37. Grand Jury

3 Introduced by Delegate Dennis, Chairman, on behalf of

2 Section 37. There shall be a grand jury or grand juries

4 the Committee on the Judiciary, and Delegates Avant, Bel,

3 in each parish whose duties and responsibilities shall be

5 Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne,

4 provided by law and whose qualifications shall be as pro-

6 Landry, Martin, Ourso, Sandoz, Tate, and Vesich (A Substitute

5 vided in Section 6 of this Article. The secrecy of the pro-

7 for Committee Proposal No. 6)

6 ceedings, including the identity of the witnesses appearing,

8

7 shall be provided for by law.

9

A PROPOSAL

8 Section 38. Fees; Orleans Parish

10

9 Section 38. The judges of the civil district court and the

11 Making provisions for the judiciary branch of government

10 city courts of Orleans Parish shall set the fees for civil

12 and necessary provisions with respect thereto.

11 cases filed in their respective courts.

13 Be it adopted by the Constitutional Convention of Louisiana

14 of 1973:

12

ARTICLE V. JUDICIAL BRANCH

13

Section 1. Judicial Power

14

Section 1. The judicial power shall be vested in a

15

18 supreme court, courts of appeal, district courts, and other

16

19 courts authorized by this constitution.

17

Section 2. Habeas Corpus, Needful Writs, Orders and

18

21 Process

19

Section 2. A judge may issue writs of habeas corpus

20

23 and all other needful writs, orders and process in aid of

21

24 the jurisdiction of his court. Exercise of this authority

22

25 by a judge of the supreme court or court of appeal is sub-

23

26 ject to review by the whole court. The power to punish for

24

27 contempt of court shall be limited by law.

25

Section 3. Supreme Court; Composition; Judgments;

26

29 Terms

27

Section 3. The supreme court shall be composed of a

28

31 chief justice and six associate justices, four of whom must

29

32 concur to render judgment. The term of a judge of the supreme

30

33 court shall be ten years.

31

Section 4. Supreme Court; Districts

32

Section 4. The state shall be divided into at least

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1 six supreme court districts, with at least one judge elected
2 from each. The present districts and the number of judges
3 assigned to each are retained, subject to change by a two-
4 thirds vote of the elected members of each house of the
5 legislature.

6 Section 5. Supreme Court; Supervisory, Original, and
7 Appellate Jurisdiction; Rule-Making Power; Assignment of
8 Judges

9 Section 5. (A) The supreme court has general super-
10 visory jurisdiction over all other courts. It may establish
11 procedural and administrative rules not in conflict with law.
12 It may assign a sitting or retired judge to any court.

13 (B) The supreme court has exclusive original
14 jurisdiction of disciplinary proceedings against members of
15 the bar.

16 (C) Except as otherwise provided in this constitution, the
17 supreme court's jurisdiction in civil cases extends to both
18 the law and the facts. In criminal matters, its appellate
19 jurisdiction extends only to questions of law.

20 (D) In addition to appeals provided for elsewhere in
21 this constitution, the following cases shall be appealable to
22 the supreme court:

23 (1) A case in which a law or ordinance has been declared
24 unconstitutional;

25 (2) Cases in which the defendant has been convicted of
26 a felony or in which a fine exceeding five hundred dollars or
27 imprisonment exceeding six months has been actually imposed.

28 (E) Subject to the provisions of Paragraph (C), the
29 supreme court has appellate jurisdiction over all issues in-
30 volved in any civil action properly before it.

31 (F) In all criminal cases not provided for in subsection
32 (D) (2) of this Section an accused shall have a right of appeal
33 or review, as provided by law.

34 Section 6. Supreme Court; the Chief Justice

35 Section 6. (A) When a vacancy in the office of chief

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1 justice occurs, the judge oldest in point of service on the
2 court, shall succeed to the office.

3 (B) The chief justice is the chief administrative
4 officer of the judicial system of the state, subject to rules
5 adopted by the court.

6 Section 7. Supreme Court; Judicial Administrator,
7 Clerks and Staff

8 Section 7. The supreme court has authority to select
9 a judicial administrator, its clerks, and other personnel,
10 and prescribe their duties.

11 Section 8. Courts of Appeal; Panels; Number Necessary
12 to Decision; Terms

13 Section 8. The state shall be divided into at least
14 four circuits, with one court of appeal in each circuit.
15 Each court shall sit in panels of at least three judges selected
16 according to rules adopted by the court. A majority of the
17 judges sitting in a case must concur to render judgment. However,
18 when the judgment of the district court is to be modified or
19 reversed, and one judge dissents, the case shall be reargued,
20 before a panel of at least five judges, prior to rendition
21 of judgment, and a majority must concur to render judgment. The
22 term of a court of appeal judge shall be ten years.

23 Section 9. Courts of Appeal; Circuits and Districts

24 Section 9. Each circuit shall be divided into at least
25 three districts, with at least one judge elected from each.
26 After January 1, 1975, no judge shall be elected at large from
27 within the circuit. The present circuits and districts and the
28 number of judges as elected in each circuit are retained, subject
29 to change by two-thirds vote of the elected members in each
30 house of the legislature.

31 Section 10. Courts of Appeal; Appellate and Supervisory
32 Jurisdiction

33 Section 10. (A) Except in those cases appealable to the
34 supreme court and as otherwise provided in this constitution, a
35 court of appeal has appellate jurisdiction of all civil cases

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1 decided within its circuit. It has appellate jurisdiction of all
2 matters appealed from the family and juvenile courts, except criminal
3 prosecutions of persons other than juveniles. It has supervisory
4 jurisdiction over all cases in which an appeal would lie to that court.

5 (B) Except as limited to questions of law by this
6 constitution or as provided by law in the case of review of
7 administrative agency determinations, its appellate jurisdiction
8 extends to law and facts.

9 Section 11. Courts of Appeal; Certification to Supreme
10 Court; Determination

11 Section 11. A court of appeal may certify any question
12 of law before it to the supreme court, whereupon the supreme
13 court may give its binding instruction, or consider and decide
14 the case upon the whole record.

15 Section 12. Courts of Appeal; Chief Judge; Duties

16 Section 12. There shall be a chief judge of each court of
17 appeal who shall be the judge oldest in point of service on the
18 court and who shall administer the court subject to rules adopted
19 by the court.

20 Section 13. Courts of Appeal; Clerks and Staff

21 Section 13. Each court of appeal has authority to select
22 its clerk and other personnel and prescribe their duties.

23 Section 14. District Courts; Judicial Districts

24 Section 14. The state shall be divided into judicial
25 districts, each composed of one or more parishes and served by
26 one or more district judges.

27 Section 15. Courts; Continued; Jurisdiction; Judicial
28 Districts Changes; Terms

29 Section 15. (A) The district, parish, magistrate, city,
30 family, and juvenile courts existing at the time of the adoption
31 of this constitution are retained. The legislature may abolish
32 or merge trial courts of limited or specialized jurisdiction
33 subject to the limitations in Sections 16 and 21 of this Article.
34 The legislature may establish trial courts of limited jurisdiction
35 which shall have parishwide territorial jurisdiction and subject

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1 matter jurisdiction which shall be uniform throughout the state. The
2 office of city marshal is continued until such time as the city court
3 he serves is abolished by the legislature.

4 (B) The judicial districts existing at the time of the adoption
5 of this constitution are retained. The legislature, by a majority vote
6 of the elected members of each house, with approval in a referendum
7 in each district and parish affected, may establish, divide, or merge
8 judicial districts, subject to the limitations of Section 21 of this
9 Article.

10 (C) The term of a district and parish judges shall be six years.

11 (D) The legislature may increase or decrease the number of judges
12 in any judicial district by a two-thirds vote of the elected membership
13 of each house.

14 Section 15.1. City Court Judges; Terms

15 Section 15.1. A judge of a city court shall be elected for the
16 same term as a district court judge.

17 Section 16. District Courts; Original Jurisdiction

18 Section 16. (A) Unless otherwise authorized by this constitution,
19 a district court shall have original jurisdiction in all civil and criminal
20 matters. It shall have exclusive original jurisdiction: of felony cases
21 and of cases involving: the title to immovable property; the right to
22 office or other public position; civil or political rights; probate
23 and succession matters; the state, a political corporation, or a succession,
24 as a party defendant, regardless of the amount in dispute; and the appointment
25 of receivers or liquidators to corporations or partnerships.

26 (B) A district court shall have appellate jurisdiction as provided
27 by law.

28 Section 17. District Courts; Chief Judge

29 Section 17. Each district court shall elect from its members a
30 chief judge who shall exercise, for the term designated by the court,
31 the administrative functions as prescribed by rule of court.

32 Section 18. Juvenile Courts; Jurisdiction

33 Section 18. Notwithstanding any provision of this Article to the contrary,
34 the juvenile and family courts shall have such jurisdiction as the legislature
35 shall provide by law.

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1 Section 19. Mayors' Courts; Justices of the Peace;

2 Continued

3 Section 19. Mayors' courts and justice of the peace
4 courts existing at the time of the adoption of this consti-
5 tution are continued subject to change by the legislature.

6 Section 21. Judges; Term of Office or Compensation
7 May Not Be Decreased

8 Section 21. No judge's term of office or compensation
9 shall be decreased during the term for which he is elected.

10 Section 22. Judges; Election; Vacancy in Office

11 Section 22. (A) Except as otherwise provided in this
12 Section all judges shall be elected. Election of judges
13 shall be at the regular congressional election.

14 (B) A newly-created judgeship or a vacancy in the office
15 of any judge shall be filled by a special election which
16 shall be called by the governor, and held within six months
17 of the day on which the vacancy occurs or the judgeship is
18 established, except when the vacancy occurs in the last six
19 months of an existing term. Until the vacancy is filled,
20 the supreme court shall appoint a person meeting the qualifications,
21 other than domicile, for the office, to serve at its pleasure,
22 who shall be ineligible as a candidate for election to the
23 judgeship at the election to fill the vacancy or the newly
24 created judicial office. For service as an appointed judge,
25 the person appointed to fill the vacancy, other than a retired
26 judge, shall not be eligible for retirement benefits provided
27 for the elected judiciary.

28 (C) A judge serving on the date of adoption of this
29 constitution shall continue in office for the term to which
30 elected and shall serve through December thirty-first of the
31 last year of his term or, if the last year of his term is not

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1 in the even-numbered year of a regular congressional election,
2 then through December thirty-first of the following year. The
3 election for the next term in the office will be held in the
4 year in which the term expires as provided above.

5 Section 23. Retirement of Judges

6 Section 23. (A) Within two years after the effective
7 date of this constitution, the legislature shall provide for
8 a retirement system for judges which shall apply to a judge
9 taking office after the effective date of the statute enact-
10 ing the system and to which a judge in office at the time
11 of its adoption may elect to join with credit for all prior
12 years of judicial service without contribution therefor;
13 provided, however, a judge in office or retired at the time
14 of adoption of this constitution, shall not have diminished
15 any retirement benefits or judicial service rights, nor shall
16 the benefits to which his surviving spouse is entitled, be
17 reduced.

18 (B) A judge shall not remain in office beyond his
19 seventieth birthday, except as otherwise provided in this
20 Section.

21 Section 24. Judges; Qualifications; Practice of Law
22 Prohibited

23 Section 24. A judge of the supreme court, court of
24 appeal, district court, family court, parish court, or court
25 having solely juvenile jurisdiction shall have been admitted
26 to the practice of law in this state for at least five years
27 prior to his election, shall have been domiciled in the re-
28 spective district, circuit, or parish for at least two years
29 immediately preceding election, and shall not practice law.

30 Section 25. Judiciary Commission; Composition; Terms;
31 Vacancy; Grounds for Removal; Powers

32 Section 25. (A) The Judiciary Commission shall consist
33 of one court of appeal judge and two district court judges
34 selected by the supreme court; two attorneys admitted to
35 the practice of law for at least ten years and one attorney

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1 admitted to the practice of law for at least three years
2 but not more than ten years who are not judges, active or
3 retired, nor public officials other than notaries public,
4 selected by the Louisiana Conference of Court of Appeal
5 Judges' Association or its successor; and three citizens, not
6 lawyers, judges active or retired, nor public officials,
7 appointed by the Louisiana District Judges' Association or
8 its successor.

9 (B) A member of the commission shall serve a four-
10 year term and shall not be eligible to succeed himself.

11 (C) A member's term shall terminate when he loses
12 the status causing his appointment or when any event occurs
13 which would have made him ineligible for appointment.

14 (D) When a vacancy occurs, a successor shall be
15 appointed for a four-year term by the authority which
16 appointed his predecessor.

17 (E) On recommendation of the Judiciary Commission,
18 the supreme court may censure, suspend with or without
19 salary, remove from office, or retire involuntarily a
20 judge for willful misconduct relating to his official
21 duty, willful and persistent failure to perform his duty,
22 persistent and public conduct prejudicial to the adminis-
23 tration of justice that brings the judicial office into
24 disrepute, conduct while in office which would constitute
25 a felony, or conviction of a felony. On recommendation
26 of the Judiciary Commission, the supreme court may dis-
27 qualify a judge from exercising any judicial function,
28 without loss of salary, during the pendency of the pro-
29 ceedings in the supreme court. On recommendation of the
30 Judiciary Commission, the supreme court may retire involun-
31 tarily a judge for disability that seriously interferes with
32 the performance of his duties and that is, or is likely to
33 become, of a permanent character. The supreme court shall
34 make rules implementing this section and providing for con-
35 fidentiality and privilege of commission proceedings.

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1 (F) Action against a judge under this Section shall not
2 preclude disciplinary action against him with respect to his
3 license to practice law.

4 Section 26. Department of Justice; Composition; Attorney
5 General; Election and Assistants

6 Section 26. There shall be a department of justice
7 consisting of an attorney general, a first assistant attorney
8 general, and other necessary assistants and staff. The attor-
9 ney general shall be elected for a term of four years at the
10 state general election, and the assistants shall be appointed
11 by the attorney general to serve at his pleasure.

12 Section 27. Attorney General; Powers and Duties;
13 Vacancy

14 Section 27.(A) The attorney general shall be the state's
15 chief legal officer. As may be necessary for the assertion or
16 protection of the rights and interests of the state, the attorney
17 general shall have authority to:

18 (1) institute and prosecute or intervene in any civil
19 actions or proceedings;

20 (2) advise and assist, upon request of a district attorney,
21 in the prosecution of a criminal case; and

22 (3) for cause when authorized by the court of original
23 jurisdiction in which any proceeding or affidavit is pending,
24 subject to judicial review, supercede any attorney representing
25 the state in any civil or criminal action.

26 He shall have such other powers and perform such other duties
27 as may be authorized by this constitution or provided by statute.

28 Section 28. District Attorney; Election; Qualifications;
29 Assistants

30 Section 28. In each judicial district a district attorney
31 shall be elected by the qualified electors of the district for
32 a term of six years. He shall have been admitted to the practice
33 of law in the state for at least five years prior to his election
34 and shall have resided in the district for the two years immediately
35 preceding election. A district attorney may select such assistants

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1 as may be authorized by law and other personnel.

2 Section 29. Defense of Criminal Prosecution; Removal

3 Section 29. No district attorney or assistant district
4 attorney shall appear, plead or in any way defend, or assist
5 in defending any criminal prosecution or charge. A violation
6 shall be cause for removal.

7 Section 30. Sheriff; Duties; Tax Collector

8 Section 30. In each parish, a sheriff shall be elected for
9 a term of four years. He shall be the chief law enforcement
10 officer in the parish, except as otherwise provided by this
11 constitution, and shall execute court orders and process.
12 He shall be the collector of state and parish ad valorem
13 taxes and such other taxes and licenses as provided by
14 law.

15 This section shall not apply to the parish of Orleans.

16 Section 31. Clerks; Elections; Powers and Duties; Depu-
17 ties; Office Hours

18 Section 31. (A) In each parish, a clerk of the district
19 court shall be elected by the qualified electors of the parish
20 for a term of four years. He shall be ex officio notary
21 public and parish recorder of conveyances, mortgages, and
22 other acts and shall have such other duties and powers as
23 may be prescribed by law. The clerk may appoint deputies
24 with such duties and powers as may be prescribed by law and
25 he may appoint, with the approval of the district judges,
26 minute clerks with such duties and powers as may be prescribed
27 by law.

28 (B) The legislature shall establish statewide uniform
29 office hours for all clerks of district courts.

30 Section 32. Coroner; Election; Term; Qualifications;
31 Duties

32 Section 32. In each parish, a coroner shall be elected
33 for a term of four years. He shall be a licensed physician
34 and possess such other qualifications and perform such duties
35 as are provided by law; however, the requirement that he be

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1 a licensed physician shall not apply to any parish in
2 which there is no licensed physician who will accept
3 the office.

4 Section 33. Vacancies

5 Section 33. When a vacancy occurs in the following
6 offices, the duties of the office, until it is filled by
7 election as provided by law, shall be assumed by: in the case
8 of sheriff, the chief criminal deputy; district attorney, the
9 first assistant; clerk of a district court, the chief deputy;
10 coroner, the chief deputy. If there is no such person to
11 assume the duties at the time of the vacancy, the governing
12 authority or authorities of the parish or parishes concerned
13 shall appoint a qualified person to assume the duties of the
14 office until filled by election.

15 Section 34. Reduction of Salaries and Benefits
16 Prohibited

17 Section 34. No attorney general, judge, district attorney,
18 sheriff, coroner, or clerk of the district court shall have his
19 salary or retirement benefits diminished during his term of
20 office.

21 Section 35. Orleans Parish Courts, Officials;
22 Continued

23 Section 35. Except for provisions relating to terms of
24 office as provided elsewhere in this Article and notwithstanding
25 any other provision of this constitution to the contrary, the
26 following courts and officers in Orleans Parish are continued,
27 subject to change by a vote of a majority of the elected
28 members of each house of the legislature: the civil and
29 criminal district courts, the city, municipal, traffic and
30 juvenile courts, the clerks of the civil and criminal district
31 courts, the civil and criminal sheriffs, the constables and
32 the clerks of the first and second city courts, the register
33 of conveyances, and the recorder of mortgages.

34 Section 36. Jurors; Qualifications; Exemptions

35 Section 36. (A) A citizen of the state, who is domiciled

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1 within the parish in which he is to serve as a juror and
2 who has reached the age of majority, is eligible to serve
3 as a juror. The legislature may provide additional qualifi-
4 cations.

5 (B) The supreme court by rule shall provide for
6 exemption of jurors.

7 Section 37. Grand Jury

8 Section 37. (A) There shall be a grand jury or grand juries
9 in each parish whose qualifications, duties and responsibilities
10 shall be provided by law. The secrecy of the proceedings, includ-
11 ing the identity of the witnesses appearing, shall be provided for
12 by law.

13 (B) Except as otherwise provided in this constitution,
14 a district attorney, or his designated assistant, shall have
15 charge of every criminal prosecution by the state in his district,
16 shall be the representative of the state in his district before
17 the grand jury, and its legal advisor. He shall perform such
18 other duties as may be provided by law.

19 (C) At all stages of grand jury proceedings, anyone testify-
20 ing in such proceedings shall have the right to the advice of
21 counsel while testifying.

Constitutional Convention of Louisiana of 1978

CC-1161

1 **COMMITTEE PROPOSAL No. 22—**

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department and Delegates Abra-
4 ham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval,
5 Gravel, Stovall and Tapper:

6 A PROPOSAL

7 Making provisions for a code of ethics and the Louisiana
8 Board of Ethics.

9 Be it adopted by the Constitutional Convention of Louisi-
10 ana of 1973:

11 Article _____, Section _____. Code of Ethics; Board of
12 Ethics

13 Section _____. (A) The legislature shall enact a code of
14 ethics prohibiting conflict between public duty and private
15 interests of all officials and employees of the state and its
16 political subdivisions.

17 (B) The Louisiana Board of Ethics is created to be com-
18 posed of seven members appointed by the governor subject to
19 confirmation by the Senate for six-year terms. At least one
20 member shall be a citizen of and resident of each state
21 supreme court district. The board shall investigate all alle-
22 gations of violations of the state code of ethics and shall
23 have such other powers and duties as may be provided by
24 this constitution or by statute.

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Constitutional Convention of Louisiana of 1973

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1 Constitutional Convention of Louisiana of 1973

1 COMMITTEE PROPOSAL No. 22—

2 COMMITTEE PROPOSAL NUMBER 22

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department, and Delegates Abra-
4 ham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval,
5 Gravel, Stovall and Tapper:

3 Introduced by Delegate Stagg, Chairman, on behalf of the
4 Committee on Executive Department, and Delegates
5 Abraham, Alexander, Anzalone, Arnette, Brien,
6 Dennery, Duval, Gravel, Stovall, and Tapper

6 A PROPOSAL

7 A PROPOSAL

7 Making provisions for a code of ethics and the Louisiana
8 Board of Ethics.

9 Making provisions for a code of ethics and the Louisiana
10 Board of Ethics.

9 Be it adopted by the Constitutional Convention of Louisi-
10 ana of 1973:

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

11 Article____, Section____. Code of Ethics; Board of Ethics
12 Section____. (A) The legislature shall enact a code of ethics
13 prohibiting conflict between public duty and private inter-
14 ests of all officials and employees of the state and its
15 political subdivisions.

14 Article ____, Section ____ . Code of Ethics; Board
15 of Ethics

16 (B) The Louisiana Board of Ethics is created to be com-
17 posed of seven members appointed by the governor subject
18 to confirmation by the Senate for six-year terms. At least
19 one member shall be a citizen of and resident of each state
20 supreme court district. The board shall investigate all alle-
21 gations of violations of the state code of ethics and shall
22 have such other powers and duties as may be provided by
23 this constitution or by statute.

16 Section ____ . (A) The legislature shall enact a
17 code of ethics for all officials and employees of the state
18 and its political subdivisions.

19 (B) The code of ethics shall be administered by a
20 board or boards of ethics created by the legislature with
21 such qualifications, terms of office, duties, and powers
22 as provided by law.

23 (C) The decisions of the board shall be appealable
24 and the legislature shall provide the method of appeal.

1 **COMMITTEE PROPOSAL No. 23—**

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department and Delegates Abra-
4 ham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

5 **A PROPOSAL**

6 Prohibiting dual employment and dual officeholding in state
7 and local government.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 Article _____, Section _____. Dual Employment and Dual
11 Officeholding

12 Section _____. (A) Except as otherwise provided in this
13 Section, no person holding, under the government of this
14 state or any of its political subdivisions, any office or em-
15 ployment of trust or any office or employment which entitles
16 him to any per diem, salary, or other emolument of office
17 shall at the same time hold any other such office or em-
18 ployment with the United States, any foreign power, or any
19 other state; nor shall any such person hold more than one
20 such office or employment with this state or any of its polit-
21 ical subdivisions.

22 (B) For purposes of this Section, the following shall not
23 be considered to be offices or employment described in
24 Paragraph (A) of this Section: (1) ex officio positions; (2)
25 notaries public; (3) those serving on boards, commissions,
26 and other instrumentalities performing solely policy-making
27 or advisory functions; (4) delegates to, as well as officials
28 and employees of, any constitutional convention; (5) mem-
29 bers in the reserve of the armed forces and the national
30 guard; and (6) election commissioners.

31 (C) Nothing in this Section shall prevent teachers in the
32 public education system of the state from holding elective

1 public office except that a teacher shall be prohibited from
2 serving as a member of the parish or municipal school
3 board of which he is an employee.

4 (D) Upon a determination made by the board of ethics,
5 after a public hearing and under such procedures as may be
6 provided by statute, that the public interest is not adversely
7 affected, exceptions from this Section may be permitted.

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Constitutional Convention of Louisiana of 1973

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1 **COMMITTEE PROPOSAL No. 23—**

1 public office except that a teacher shall be prohibited from
2 serving as a member of the parish or municipal school board
3 of which he is an employee.

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department, and Delegates Abra-
4 ham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

4 (D) Upon a determination made by the board of ethics,
5 after a public hearing and under such procedures as may
6 be provided by statute, that the public interest is not ad-
7 versely affected, exceptions from this Section may be per-
8 mitted.

5 A PROPOSAL

6 Prohibiting dual employment and dual officeholding in state
7 and local government.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 Article____, Section____. Dual Employment and Dual Of-
11 ficeholding

12 Section____. (A) Except as otherwise provided in this
13 Section, no person holding, under the government of this
14 state or any of its political subdivisions, any office or employ-
15 ment of trust or any office or employment which entitles him
16 to any per diem, salary, or other emolument of office shall at
17 the same time hold any other such office or employment
18 with the United States, any foreign power, or any other
19 state; nor shall any such person hold more than one such
20 office or employment with this state or any of its political
21 subdivisions.

22 (B) For purposes of this Section, the following shall not
23 be considered to be offices or employment described in
24 Paragraph (A) of this Section: (1) ex officio positions;
25 (2) notaries public; (3) those serving on boards, commis-
26 sions, and other instrumentalities performing solely policy-
27 making or advisory functions; (4) delegates to, as well as
28 officials and employees of, any constitutional convention;
29 (5) members in the reserve of the armed forces and the
30 national guard; and (6) election commissioners.

31 (C) Nothing in this Section shall prevent teachers in the
32 public education system of the state from holding elective

First Enrollment

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1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 23

3 Introduced by Delegate Stagg, Chairman, on behalf of the
4 Committee on Executive Department, and Delegates
5 Abraham, Arnette, Brien, Demery, Gravel, Stovall,
6 and Topper

8 A PROPOSAL

9
10 Defining and regulating dual employment and defining, re-
11 gulating and prohibiting dual officeholding in state
12 and local government.

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

15
16 Article ____, Section _____. Dual Employment and Dual
17 Officeholding

18 Section _____. (A) The legislature shall enact
19 laws defining and regulating dual employment and defining,
20 regulating and prohibiting dual officeholding in state and
21 local government.
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Constitutional Convention of Louisiana of 1973

CC-1194

1 **COMMITTEE PROPOSAL No. 24—**

2 Introduced by Delegate A. Jackson, Chairman, on behalf
3 of the Committee on Bill of Rights and Elections, and Dele-
4 gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
5 Wall, and Weiss:

6 A PROPOSAL

7 Relative to constitutional revision.

8 Be it adopted by the Constitutional Convention of Lou-
9 isiana of 1973:

10 **ARTICLE XIII. CONSTITUTIONAL REVISION**

11 **Section 1. Amendments**

12 **Section 1. (A)** An amendment to this constitution may be
13 proposed by joint resolution at any session of the legislature.

14 If two-thirds of the members elected to each house concur
15 in the resolution, pursuant to all the procedures and for-
16 malities required for passage of a bill except submission
17 to the governor, the secretary of state shall cause the pro-
18 posed amendment to be published in the official journal of
19 each parish once within not less than thirty nor more than
20 sixty days preceding the next election for representatives in
21 the legislature or Congress.

22 **(B)** If a majority of the electors voting for or against
23 the proposed amendment shall approve it, then it shall be-
24 come part of this constitution, effective twenty days after
25 the governor has proclaimed its adoption, unless the amend-
26 ment otherwise provides. However, no proposed amend-
27 ment affecting five or fewer political subdivisions shall be-
28 come part of this constitution unless a majority of the
29 electors voting thereon in the state and also a majority, in
30 the aggregate, of the electors in the affected areas vote in
31 favor of adoption of the proposed amendment.

32 **(C)** When more than one amendment is submitted at

1 the same election, each shall be submitted so as to enable the
 2 electors to vote on them separately. A proposed amendment
 3 shall be confined to one object and may set forth the en-
 4 tire article or articles to be revised or only the sections or
 5 other subdivisions which are to be added or in which a
 6 change is to be made; provided that a section or other
 7 subdivision may be repealed by reference. The proposed
 8 amendment shall have a title containing a brief summary
 9 of the changes proposed.

10 Section 2. Convention Called by Legislature

11 Section 2. Whenever two-thirds of the members elected
 12 to each house consider it desirable to revise, alter, or amend
 13 this constitution, they may recommend to the electors at
 14 the next election for representatives to the legislature or
 15 Congress to vote for or against a convention for that pur-
 16 pose. If a majority of the electors voting on the proposition
 17 approve it, the legislature shall provide at its next session
 18 for calling such a convention. The convention shall consist
 19 of delegates elected from the same districts and having the
 20 same qualifications as state representatives. The legislature
 21 may also provide for not more than fifteen delegates to be
 22 appointed by the governor. At a special election called for
 23 that purpose, the proposed constitution and any alternative
 24 propositions agreed upon by the convention shall be sub-
 25 mitted to the people for their ratification or rejection. If the
 26 proposal is approved by a majority of the electors voting
 27 thereon, the governor shall proclaim it to be the Constitu-
 28 tion of the State of Louisiana.

29 Section 3. Convention Call by People

30 Section 3. At the election for representatives to Congress
 31 to be held in the year one thousand nine hundred eighty-six
 32 and in every tenth year thereafter, the question "Shall there

1 be a convention to revise the Constitution of the State of
 2 Louisiana" shall be submitted to the electors of the state.
 3 If a majority of the electors who vote on the question favor
 4 it, the legislature shall at its next session provide for call-
 5 ing a convention, according to the same procedures men-
 6 tioned in the previous section.

7 Section 4. Laws Effectuating Amendments

8 Section 4. Whenever the legislature shall submit amend-
 9 ments to this constitution, it may at the same session enact
 10 laws to carry them into effect, to become operative when
 11 the proposed amendments have been ratified.

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1 **COMMITTEE PROPOSAL No. 25—**

2 Introduced by Delegate Jackson, Chairman, Committee on
3 Bill of Rights and Elections (Substitute for Committee
4 Proposal No. 2, by Delegate Jackson, Chairman, on behalf
5 of the Committee on Bill of Rights and Elections, and Dele-
6 gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
7 Wall and Weiss) :

8 **A PROPOSAL**

9 To provide a preamble and a declaration of rights to the
10 constitution.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 **A PREAMBLE**

14 We, the people of Louisiana, grateful to Almighty God
15 for the civil, political, economic, and religious liberties we
16 enjoy, and desiring to protect individual rights to life, lib-
17 erty, and property; afford opportunity for the fullest develop-
18 ment of the individual; assure equality of rights; promote
19 the health, safety, education, and welfare of the people;
20 maintain a representative and orderly government; ensure
21 domestic tranquility; provide for the common defense; and
22 secure the blessings of freedom and justice to ourselves and
23 our posterity, do ordain and establish this constitution.

24 **ARTICLE I. DECLARATION OF RIGHTS**

25 **Section 1. Origin and Purpose of Government**

26 Section 1. All government, of right, originates with the
27 people, is founded on their will alone, and is instituted to
28 protect the rights of the individual and for the good of the
29 whole. Its only legitimate ends are to secure justice for all,
30 preserve peace, and promote and protect the rights, happi-
31 ness, and general welfare of the people. The rights enumer-
32 ated in this Article are inalienable and shall be preserved

1 inviolate

2 **Section 2. Due Process of Law**

3 Section 2. No person shall be deprived of life, liberty,
4 property, or other rights without substantive and procedural
5 due process of law.

6 **Section 3. Right to Individual Dignity**

7 Section 3. No person shall be denied the equal protection
8 of the laws nor shall any law discriminate against a person
9 in the exercise of rights on account of birth, race, age, sex,
10 social origin, physical condition, or political or religious
11 ideas. Slavery and involuntary servitude are prohibited,
12 except in the latter case as a punishment for crime.

13 **Section 4. Right to Property**

14 Section 4. Every person has the right to acquire by volun-
15 tary means, to own, to control, to enjoy, to protect, and to
16 dispose of private property. This right is subject to the rea-
17 sonable exercise of the police power and to the law of forced
18 heirship. Property shall not be taken or damaged except for a
19 public and necessary purpose and with just compensation
20 paid to the owner or into court for his benefit. The owner
21 shall be compensated to the full extent of his loss and has the
22 right to a trial by jury to determine such compensation. No
23 business enterprise or any of its assets shall be taken for the
24 purpose of operating that enterprise or for the purpose of
25 halting competition with government enterprises, and per-
26 sonal effects, other than contraband, shall never be taken.
27 The issue of whether the contemplated purpose be public
28 and necessary shall be a judicial question, and determined
29 as such without regard to any legislative assertion.

30 **Section 5. Right to Privacy**

31 Section 5. Every person shall be secure in his person, prop-
32 erty, communications, houses, papers, and effects against

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1 unreasonable searches, seizures, or invasions of privacy.
2 No warrant shall issue without probable cause supported by
3 oath or affirmation particularly describing the place to be
4 searched, the persons or things to be seized, and the lawful
5 purpose or reason for the search. Any person adversely
6 affected by a search or seizure conducted in violation of
7 this Section shall have standing to raise the illegality of
8 that search or seizure in the appropriate court of law.

9 Section 6. Freedom from Intrusion

10 Section 6. No person shall be quartered in any house
11 without the consent of the owner or lawful occupant.

12 Section 7. Freedom from Discrimination

13 Section 7. All persons shall be free from discrimination on
14 the basis of race, color, creed, national ancestry, and sex in
15 access to public accommodations or in the sale or rental of
16 property by persons or agents who derive a substantial in-
17 come from such business activity. Nothing herein shall be
18 construed to impair freedom of association.

19 Section 8. Trial by Jury in Civil Cases

20 Section 8. In all civil cases, except, summary, domestic,
21 and adoption cases, the right to trial by jury shall not be
22 abridged. No fact determined by a judge or jury shall be re-
23 examined on appeal. Determination of facts by an adminis-
24 trative body shall be subject to review.

25 Section 9. Freedom of Expression

26 Section 9. No law shall abridge the freedom of every per-
27 son to speak, write, publish, photograph, illustrate, or broad-
28 cast on any subject or to gather, receive, or transmit knowl-
29 edge or information, but each person shall be responsible
30 for the abuse of that liberty; nor shall such activities ever
31 be subject to censorship, licensure, registration, control, or
32 special taxation.

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1 Section 10. Freedom of Religion

2 Section 10. No law shall be enacted respecting an estab-
3 lishment of religion or prohibiting the free exercise thereof.

4 Section 11. Freedom of Assembly and Movement

5 Section 11. No law shall impair the right of every person
6 to assemble peaceably, to petition government for a redress
7 of grievances, to travel freely within the state, and to enter
8 and leave the state. Nothing herein shall prohibit quaran-
9 tines or restrict the authority of the state to supervise
10 persons subject to parole or probation.

11 Section 12. Rights of the Accused

12 Section 12. When a person has been detained, he shall
13 immediately be advised of his legal rights and the reason
14 for his detention. In all criminal prosecutions, the accused
15 shall be precisely informed of the nature and cause of the
16 accusation against him. At all stages of the proceedings,
17 every person shall be entitled to assistance of counsel of his
18 choice, or appointed by the court in indigent cases if charged
19 with an offense punishable by imprisonment.

20 Section 13. Initiation of Prosecution

21 Section 13. Prosecution of felonies shall be initiated by
22 indictment or information, provided that no person shall be
23 held to answer for a capital crime or a felony necessarily
24 punishable by hard labor, except on indictment by a grand
25 jury. No person shall be twice placed in jeopardy for the
26 same offense, except on his own application for a new trial
27 or when a mistrial is declared or a motion in arrest of
28 judgment is sustained.

29 Section 14. Grand Jury Proceedings

30 Section 14. At all stages of the grand jury proceedings,
31 after arrest, the accused, if permitted to testify, shall have
32 the right to the advice of counsel while testifying, to compul-

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1 sory process for presenting witnesses to the grand jury for
2 interrogation, and to the transcribed testimony of any wit-
3 nesses appearing before the grand jury in his case.

4 Section 15. Fair Trial

5 Section 15. Every person charged with a crime shall be
6 presumed innocent until proven guilty, and shall be entitled
7 to a speedy, public, and impartial trial in the parish where the
8 offense or an element of the offense occurred, unless venue
9 be changed in accordance with law. No person shall be
10 compelled to give evidence against himself. An accused shall
11 be entitled to confront and cross-examine the witnesses
12 against him, to compel the attendance of witnesses, to pre-
13 sent a defense, and to take the stand in his own behalf.

14 Section 16. Trial by Jury in Criminal Cases

15 Section 16. Any person charged with an offense or set of
16 offenses punishable by imprisonment of more than six
17 months may demand a trial by jury. In cases involving a
18 crime necessarily punishable by hard labor, the jury shall
19 consist of twelve persons, all of whom must concur to
20 render a verdict in capital cases or cases in which no parole
21 or probation is permitted, and ten of whom must agree in
22 others. In cases not necessarily punishable by hard labor,
23 the jury may consist of a smaller number of persons, all of
24 whom must concur to render a verdict. The accused shall
25 have the right to voir dire and to challenge jurors peremp-
26 torily.

27 Section 17. Right to Bail

28 Section 17. Excessive bail shall not be required. Before
29 and during a trial, a person shall be bailable by sufficient
30 sureties, unless charged with a capital offense and the
31 proof is evident and the presumption is great. After con-
32 viction and before sentencing, a person shall be bailable if

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1 the maximum sentence which may be imposed is less than
2 five years, and the judge may grant bail if the maximum
3 sentence which may be imposed is greater. After sentencing
4 and until final judgment, persons shall be bailable if the
5 sentence actually imposed is less than five years, and the
6 judge may grant bail if the sentence actually imposed is
7 greater.

8 Section 18. Right to Humane Treatment

9 Section 18. No person shall be subjected to euthanasia,
10 torture, or cruel, unusual, or excessive punishments or
11 treatments, and full rights shall be restored by termination
12 of state or federal supervision for any offense.

13 Section 19. Right to Vote

14 Section 19. No person eighteen years of age or older who
15 is a citizen and resident of the state shall be denied the right
16 to register and to vote, except that this right may be sus-
17 pended while a person is interdicted and judicially declared
18 mentally incompetent, or under an order of imprisonment
19 for conviction of a felony.

20 Section 20. Right to Keep and Bear Arms

21 Section 20. The right of each citizen to keep and bear
22 arms shall not be abridged, but this provision shall not pre-
23 vent the passage of laws to prohibit the carrying of con-
24 cealed weapons.

25 Section 21. Writ of Habeas Corpus

26 Section 21. The writ of habeas corpus shall not be sus-
27 pended.

28 Section 22. Access to Courts

29 Section 22. All courts shall be open, and every person
30 shall have an adequate remedy by due process of law and
31 justice, administered without denial, partiality, or unrea-
32 sonable delay for actual or threatened injury to him in his

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Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL NUMBER 25

1 person, property, reputation, or other rights. Neither the
2 state, its political subdivisions, nor any private person shall
3 be immune from suit and liability.

3 Introduced by Delegate Jackson, Chairman, Committee on
4 Bill of Rights and Elections (Substitute for
5 Committee Proposal No. 2, by Delegate Jackson,
6 Chairman, on behalf of the Committee on Bill of
7 Rights and Elections, and Delegates Dunlap,
8 Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
9 Wall and Weiss)

Section 23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law
6 impairing the obligation of contracts shall be enacted.

Section 24. Freedom of Commerce

Section 24. No law shall impair the right of each person to
8 engage in commerce by controlling the production, distri-
9 bution, or price of goods, except when necessary to protect
10 public health and safety.

Section 25. Unenumerated Rights

Section 25. The enumeration in this constitution of cer-
14 tain rights shall not be construed to deny or disparage other
15 rights retained by the individual citizens of the state.

11 A PROPOSAL

12
13 To provide a preamble and a declaration of rights to the
14 constitution.

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

18 A PREAMBLE

19 We, the people of Louisiana, grateful to Almighty God
20 for the civil, political, economic, and religious liberties
21 we enjoy, and desiring to protect individual rights to life,
22 liberty, and property; afford opportunity for the fullest
23 development of the individual; assure equality of rights;
24 promote the health, safety, education, and welfare of the
25 people; maintain a representative and orderly government;
26 ensure domestic tranquility; provide for the common defense;
27 and secure the blessings of freedom and justice to ourselves
28 and our posterity, do ordain and establish this constitution.

29 ARTICLE I. DECLARATION OF RIGHTS

30 Section 1. Origin and Purpose of Government

31 Section 1. All government, of right, originates with the
32 people, is founded on their will alone, and is instituted to
33 protect the rights of the individual and for the good of the
34 whole. Its only legitimate ends are to secure justice for all,
35 preserve peace, protect the rights, and promote the happiness,

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1 and general welfare of the people. The rights enumerated in
2 this Article are inalienable by the state and shall be preserved
3 inviolate by the state.

Section 2. Due Process of Law

4 Section 2. No person shall be deprived of life, liberty or
5 property, except by due process of law.

Section 3. Right to Individual Dignity

6 Section 3. No person shall be denied the equal protection of
7 the law. No law shall discriminate against a person on account of
8 race or religious ideas, religious beliefs, or religious affilia-
9 tions. No law shall arbitrarily, capriciously, or unreasonably
10 discriminate against any person by reason of birth, age, sex,
11 culture, physical condition, political ideas or political
12 affiliation. Slavery and involuntary servitude are prohibited,
13 except in the latter case as a punishment for crime.

Section 4. Right to Property

14 Section 4. Every person has the right to acquire, control,
15 own, use, enjoy, protect, and dispose of private property. This
16 right is subject to reasonable statutory restrictions and the
17 reasonable exercise of the police power. Property shall not be
18 taken or damaged by the state or its political subdivisions except
19 for public purposes and with just compensation paid to the owner or
20 into court for his benefit. Property shall not be taken or damaged
21 by any private entity authorized by law to expropriate property,
22 except for a public and necessary purpose and with just compensa-
23 tion paid to the owner and, in such proceedings, the issue of
24 whether the purpose is public and necessary shall be a judicial
25 question. In all expropriations, any party shall have the right
26 to trial by jury to determine compensation and the owner shall be
27 compensated to the full extent of his loss. No business enter-
28 prise or any of its assets shall be taken for the purpose of
29 operating that enterprise or for the purpose of halting competi-
30 tion with government enterprises, except that municipalities may
31 expropriate utilities within their jurisdiction. Personal effects,
32 other than contraband, shall never be taken. The provisions of

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1 this Section shall not apply to appropriation of property
2 necessary for levee and levee drainage purposes.

Section 5. Right to Privacy

3 Section 5. Every person shall be secure in his person, prop-
4 erty, communications, houses, papers, and effects against unrea-
5 sonable searches, seizures, or invasions of privacy. No warrant
6 shall issue without probable cause supported by oath or affirma-
7 tion particularly describing the place to be searched, the person
8 or things to be seized, and the lawful purpose or reason for the
9 search. Any person adversely affected by a search or seizure
10 conducted in violation of this Section shall have standing to
11 raise the illegality of that search or seizure in the appropriate
12 court of law.

Section 6. Freedom from Intrusion

13 Section 6. No person shall be quartered in any house with-
14 out the consent of the owner or lawful occupant.

Section 9. Liberty of Speech and Freedom of the Press

15 Section 9. No law shall ever be passed to curtail or
16 restrain the liberty of speech or freedom of the press; any
17 person may speak, write and publish his sentiments on all
18 subjects, being responsible for the abuse of that liberty or
19 freedom.

Section 10. Freedom of Religion

20 Section 10. No law shall be enacted respecting an establish-
21 ment of religion or prohibiting the free exercise thereof.

Section 11. Freedom of Assembly and Movement

22 Section 11. No law shall impair the right of every person to
23 assemble peaceably or to petition government for a redress of
24 grievances.

Section 12. Rights of the Accused

25 Section 12. When any person has been arrested or detained
26 in connection with the investigation or commission of any offense
27 he shall be advised fully of the reason for his arrest or deten-
28 tion, his right to remain silent, his right against self
29 incrimination, his right to the assistance of counsel and, to

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1 court appointed counsel, if indigent. In all criminal
2 prosecutions, the accused shall be informed of the nature
3 and cause of the accusation against him. At all stages of
4 the proceedings, every person shall be entitled to assistance
5 of counsel of his choice, or appointed by the court in indigent
6 cases if charged with an offense punishable by imprisonment.
7 The legislature shall provide for a uniform system for securing
8 counsel for indigents, including qualifications and compensation.

9 No person shall be subjected to imprisonment or forfeiture
10 of his rights or property without the right of judicial review
11 based upon a complete record of all evidence upon which such
12 judgment is based. The cost of the transcription of such record
13 shall be paid as provided by law. This right may be intelligently
14 waived.

Section 13. Initiation of Prosecution

15 Section 13. Prosecution of felonies shall be initiated by
16 indictment or information, provided that no person shall be
17 held to answer for any capital crime or any crime punishable
18 by life imprisonment, except on indictment by a grand jury. No
19 person shall be twice placed in jeopardy for the same offense,
20 except on his own application for a new trial or when a mistrial
21 is declared or a motion in arrest of judgment is sustained.

Section 15. Fair Trial

22 Section 15. Every person charged with a crime shall be
23 presumed innocent until proven guilty, and shall be entitled to
24 a speedy, public, and impartial trial in the parish where the
25 offense or an element of the offense occurred, unless venue be
26 changed in accordance with law. No person shall be compelled to
27 give evidence against himself. An accused shall be entitled to
28 confront and cross-examine the witnesses against him, to compel
29 the attendance of witnesses, to present a defense, and to testify
30 in his own behalf.

Section 16. Trial by Jury in Criminal Cases

31 Section 16. Criminal cases in which the punishment may be
32 capital shall be tried before a jury of twelve persons, all of

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1 whom must concur to render a verdict; cases in which the
2 punishment is necessarily confinement at hard labor shall be
3 tried before a jury of twelve persons, ten of whom must
4 concur to render a verdict. Cases in which the punishment
5 may be confinement at hard labor or confinement without hard
6 labor of more than six months, shall be tried before a jury
7 of six persons, five of whom must concur to render a verdict.
8 Except in capital cases, a defendant may knowingly and intel-
9 ligently waive his right to a trial by jury. In all criminal
10 prosecutions tried by a jury the accused shall have the right
11 to full voir dire examination of prospective jurors and to
12 challenge jurors peremptorily. The number of challenges shall
13 be fixed by law.

Section 17. Right to Bail

14 Section 17. Excessive bail shall not be required. Before
15 and during a trial, a person shall be bailable by sufficient
16 sureties, unless charged with a capital offense and the proof
17 is evident and the presumption of guilt is great. After convic-
18 tion and before sentencing, a person shall be bailable if the
19 maximum sentence which may be imposed is imprisonment of five
20 years or less. The judge may grant bail if the maximum sentence
21 which may be imposed is imprisonment in excess of five years.
22 After sentencing and until final judgment, persons shall be
23 bailable if the sentence actually imposed is five years or less
24 and the judge in his discretion may grant bail if the sentence
25 actually imposed is in excess of five years imprisonment.

Section 18. Right to Humane Treatment

26 Section 18. No law shall subject any person to euthanasia,
27 torture, cruel, excessive, or unusual punishments. Full rights
28 of citizenship shall be restored upon termination of state and
29 federal supervision following conviction for any offense.

Section 19. Right to Vote

30 Section 19. Every citizen of the state, upon reaching
31 eighteen years of age shall have the right to register and vote,
32 except that this right may be suspended while a person is

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1 interdicted and judicially declared mentally incompetent, or
2 under an order of imprisonment for conviction of a felony.

3 Section 20. Right to Keep and Bear Arms

4 Section 20. The right of each citizen to keep and bear
5 arms shall not be abridged, but this provision shall not pre-
6 vent the passage of laws to prohibit the carrying of weapons
7 concealed on the person.

8 Section 21. Writ of Habeas Corpus

9 Section 21. The writ of habeas corpus shall not be suspended.

10 Section 22. Access to Courts

11 Section 22. All courts shall be open, and every person shall
12 have an adequate remedy by due process of law and justice, adminis-
13 tered without denial, partiality, or unreasonable delay for injury
14 to him in his person, property, reputation, or other rights.

15 Section 23. Prohibited Laws

16 Section 23. No bill of attainder, ex post facto law, or
17 law impairing the obligation of contracts shall be enacted.

18 Section 25. Unenumerated Rights

19 Section 25. The enumeration in this constitution of certain
20 rights shall not be construed to deny or disparage other rights
21 retained by the individual citizens of the state.

22 Section 26. Freedom from Discrimination

23 Section 26. In access to public areas, accommodations,
24 and facilities every person shall have the right to be free from
25 discrimination based on race, religion, or national ancestry and
26 from arbitrary, capricious, or unreasonable discrimination based
27 on age, sex, or physical condition.

28 Section 27. Right to Preliminary Examination

29 Section 27. In all felony cases, except those indicted by
30 a grand jury, the right to a preliminary examination shall not
31 be denied.

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Conatitutional Convention of Louisiana of 1973

CC-1223

1 COMMITTEE PROPOSAL No. 26—

2 Introduced by Delegate Rayburn, Chairman, on behalf of
3 the Committee on Revenue, Finance and Taxation, and
4 Delegates Alario, Brown, Chehardy, Edwards, Goldman,
5 Mauberret, Mire, Nunez, Planchard, Slay and Winchester:

6 A PROPOSAL

7 Making provisions for property taxation.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 ARTICLE XI. REVENUE AND FINANCE

11 Section 1. Assessment of Property; Classification; Asses-
12 sors; Right of Taxpayer

13 Section 1. (A) All property subject to ad valorem taxation
14 shall be listed on the assessment rolls at its assessed valua-
15 tion which shall be a percentage of its fair market value;
16 such percentage of fair market value shall be uniform
17 throughout the state upon the same class of property.

18 (B) The classifications of property subject to ad valorem
19 taxation and the percentage of fair market value applicable
20 to each such classification for the purpose of determining
21 assessed valuation are as follows:

| 22 CLASSIFICATIONS: | PERCENTAGES: |
|--|--------------|
| 23 1. All land | 5% |
| 24 2. Improvements on residential property | 10% |
| 25 3. All other property | 15% |

26 (C) Assessors shall determine the fair market value of all
27 property subject to taxation within their respective parishes
28 and districts except public service properties which shall be
29 valued by the Louisiana Tax Commission.

30 (D) Any taxpayer shall have the right to test the cor-
31 rectness of his assessment before the Louisiana Tax Com-
32 mission subject to review by the district court at the domicile

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1 of the assessing authority.

2 Section 2. Homestead Exemption; Other Property Exemp-
3 tions

4 Section 2. The following property shall be exempt from
5 taxation: (A) Homesteads. From state, parish, and special
6 taxes, the homestead, bona fide, consisting of a tract of land,
7 or two or more tracts of land with a residence on one tract
8 and a field, pasture, or garden on the other tract or tracts,
9 not exceeding one hundred and sixty acres, buildings and
10 appurtenances, whether rural or urban, owned and occupied
11 by any person, in the full amount of five thousand dollars
12 of the assessed valuation. However, veterans and persons
13 sixty-five years or older shall be provided with a home-
14 stead exemption of six thousand dollars of the assessed
15 valuation. No exemption shall extend to any municipal or
16 city taxes except the following: (1) in Orleans Parish this
17 exemption shall apply to the state, the general city, the
18 school, the levee, and levee board taxes; (2) to any municipal
19 or city taxes levied for school purposes. The exemption of
20 homesteads shall extend to the surviving spouse or minor
21 child or children of a deceased owner and to the bona fide
22 homestead when occupied as such and title thereto is in
23 either husband or wife, provided that this exemption shall
24 not be extended to more than one homestead owned by the
25 husband or wife.

26 (B) Additional property may be exempted from taxation
27 if authorized by a two-thirds vote of the elected member-
28 ship of each house of the legislature.

29 Section 3. No Impairment of Existing Taxes or Obliga-
30 tions

31 Section 3. The provisions of Article XI, Section 2, in no
32 way shall be construed or applied in such a manner as to:

1 (a) invalidate taxes authorized and imposed prior to the
2 adoption of this constitution; or (b) impair the obligations,
3 validity, or security of any bonds or other debt obligations
4 authorized prior to the adoption of this constitution.

5 Section 4. Adjustment of Ad Valorem Tax Millages

6 Section 4. The amount of taxes collected by any taxing
7 authority in the state shall not be increased because of the
8 method of assessing property at a uniform ratio of assess-
9 ment to value as provided in Article XI, Section 1, and it
10 shall be the mandatory duty of all taxing authorities to
11 adjust millages proportionate to adjustments in assessment
12 values so as to produce the same dollar amount of revenue.
13 Nothing provided herein shall be construed to prohibit any
14 taxing authority from collecting a larger dollar amount of
15 ad valorem taxes by means of the following: (a) by levying
16 additional millages as provided by law; (b) by placing
17 additional property on the tax rolls; or (c) by reason of
18 increased property values due to economic conditions.
19 Nothing contained herein shall be construed to diminish the
20 security of outstanding bonds.

21 Section 5. Tax Assessor

22 Section 5. (A) There shall be a tax assessor elected by
23 the qualified electors of each parish in the state, parish of
24 Orleans excepted. His term of office shall be four years and
25 the legislature shall define his duties, fix his compensation,
26 and provide for his election.

27 (B) There shall be seven assessors in the city of New
28 Orleans, who together shall compose the Board of Assessors
29 for the parish of Orleans. One shall be elected from each
30 municipal district of the city of New Orleans, and they shall
31 be residents of the districts from which they are elected.
32 Their terms shall be four years and they shall be elected at

1 the same time as the municipal officers of the city of New
2 Orleans.

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1 **COMMITTEE PROPOSAL No. 26—**

2 Introduced by Delegate Rayburn, Chairman, on behalf of
3 the Committee on Revenue, Finance and Taxation, and Dele-
4 gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
5 ret, Mire, Nunez, Planchard, Slay, and Winchester:

6 **A PROPOSAL**

7 Making provisions for property taxation.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 **ARTICLE XI. REVENUE AND FINANCE**

11 Section 1. Assessment of Property; Classification; Asses-
12 sors; Right of Taxpayer

13 Section 1. (A) All property subject to ad valorem taxation
14 shall be listed on the assessment rolls at its assessed valua-
15 tion which shall be a percentage of its fair market value;
16 such percentage of fair market value shall be uniform through-
17 out the state upon the same class of property.

18 (B) The classifications of property subject to ad valorem
19 taxation and the percentage of fair market value applicable
20 to each such classification for the purpose of determining
21 assessed valuation are as follows:

| 22 CLASSIFICATIONS: | PERCENTAGES: |
|--|--------------|
| 23 1. All land | 5% |
| 24 2. Improvements on residential property | 10% |
| 25 3. All other property | 15% |

26 (C) Assessors shall determine the fair market value of
27 all property subject to taxation within their respective
28 parishes and districts except public service properties which
29 shall be valued by the Louisiana Tax Commission. All prop-
30 erty subject to taxation shall be re-appraised at intervals of
31 not more than five years.

32 (D) The correctness of assessments by the assessor shall

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1 be subject to review by the governing authority of the parish,
2 then by the Louisiana Tax Commission, and finally by the
3 courts in accordance with procedures established by law.

4 (E) The legislature may provide that agricultural, hor-
5 ticultural and timber lands will be assessed for the purpose
6 of taxation at a percentage of use value rather than fair
7 market value.

8 Section 2. Rate of State Property Taxation; Limitation

9 Section 2. The rate of state taxation on property for all
10 purposes shall not exceed, in any one year, five and three-
11 quarter mills on the dollar of its assessed value.

12 Section 3. Homestead Exemption; Other Property Ex-
18 emptions

14 Section 3. The following property shall be exempt from ad
15 valorem taxation: (A) Homesteads. From state, parish, and
16 special taxes, the homestead, bona fide, consisting of a tract
17 of land, or two or more tracts of land with a residence on
18 one tract and a field, pasture, or garden on the other tract
19 or tracts, not exceeding one hundred and sixty acres, build-
20 ings and appurtenances, whether rural or urban, owned and
21 occupied by any person, in the full amount of five thousand
22 dollars of the assessed valuation. However, veterans and
28 persons sixty-five years or older shall be provided with a
24 homestead exemption of six thousand dollars of the as-
25 sessed valuation. No exemption shall extend to any munici-
26 pal or city taxes except the following: (1) in Orleans Parish
27 this exemption shall apply to the state, the general city, the
28 school, the levee, and levee board taxes; (2) to any munici-
29 pal or city taxes levied for school purposes. The exemption
30 of homesteads shall extend to the surviving spouse or minor
31 child or children of a deceased owner and to the bona fide
32 homestead when occupied as such and title thereto is in

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1 either husband or wife, provided that this exemption shall
2 not be extended to more than one homestead owned by the
3 husband or wife.

4 (B) All public property.

5 (C) Places of religious worship; property owned by reli-
6 gious; denominations and used as residences for clergy or
7 religious; places of burial, and property held by any religious
8 denomination or nonprofit corporation or organization for
9 burial purposes, but the exemption shall not apply to unsold
10 lots, crypts, or places for burial nor shall it apply to lands
11 held for development as places for burial, when so held for
12 profit; universities, schools and colleges; places devoted to
13 charitable undertakings; hospitals, nursing homes, homes for
14 the aged, convalescent and rehabilitation facilities, institu-
15 tions for treatment, rehabilitation and care of the physically
16 and mentally handicapped or retarded, orphanages, child
17 and/or day care centers which are organized as non-profit
18 corporations under the Louisiana Non-profit Corporations
19 Law or which are exempt from federal and state income
20 taxation law which are licensed or regulated by the state of
21 Louisiana; organizations such as lodges and clubs organized
22 for charitable and fraternal purposes and practicing the
23 same; but exemption shall extend only to property, and
24 grounds thereunto appurtenant, used for the above men-
25 tioned purposes, and not leased for profit or income.

26 (D) Cash on hand or deposit; stocks and bonds, except
27 bank stocks, which shall be assessed and taxed solely as
28 provided by law, and the tax paid by the banking institution;
29 obligations secured by mortgage on property located in
30 Louisiana and the notes or other evidence thereof; loans
31 by life insurance companies to policyholders, if secured
32 solely by their policies; the legal reserve of domestic life

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1 insurance companies; loans by homestead or building and
2 loan associations to their members, if secured solely by stock
3 of said associations; debts due for merchandise or other
4 articles of commerce or for services rendered; obligations
5 of the state or its political subdivisions; all personal prop-
6 erty used in the home or on loan in a public place; agricul-
7 tural products while owned by the producer, agricultural
8 machinery and other implements used exclusively for ag-
9 ricultural purposes, and all animals on the farm, and prop-
10 erty belonging to agricultural fair associations; all property
11 used for cultural, mardi-gras carnival or civic activities and
12 not operated for profit to the owners; all oceangoing vessels
13 engaged in international trade and domiciled in Louisiana
14 ports, but this exemption shall not apply to harbor, wharf,
15 shed, and other port dues, and no vessel operated in the
16 coastal trade of the continental United States shall be within
17 the exemption herein granted; boats using gasoline as motor
18 fuel; commercial vessels used for gathering seafood for
19 human consumption; and rights-of-way granted to the State
20 Department of Highways.

21 (E) From state, parish, and special taxes, all motor vehi-
22 cles used on the public highways of this state, provided that
23 this exemption shall not extend to any general or special
24 tax levied by the governing authority of any municipality,
25 or district created by any such municipality, unless the
26 governing authority thereof shall provide for such exemp-
27 tion by ordinance or resolution.

28 (F) The State Board of Commerce and Industry, with
29 the approval of the governor, and the local governing author-
30 ity may enter into contracts for the exemption of any new
31 manufacturing establishment or an addition or additions
32 to any manufacturing establishment already existing in the

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1 state upon such terms and conditions as the board, with
2 the approval of the governor, and the local governing author-
3 ity, may deem to be to the best interest of the state. The
4 terms "manufacturing establishment" and "addition" or
5 "additions" as used in this Paragraph mean a new plant or
6 establishment or an addition or additions to any existing
7 plant or establishment which engages in the business of
8 working raw materials into wares suitable for use or which
9 gives new shapes, new qualities, or new combinations to matter
10 which already has gone through some artificial process. No ex-
11 emption shall be contracted for any new manufacturing
12 establishment in any locality where there is a manufacturing
13 establishment actually engaged in the manufacture of the
14 same or closely competitive articles without the written
15 consent of the owner of such existing manufacturing estab-
16 lishment to be attached to and identified with the contract
17 of exemption. No exemption from taxes shall be granted
18 under the authority of this Paragraph for a longer initial
19 period than five calendar years from the date of the execu-
20 tion of the contract of exemption or five calendar years from
21 the date of the completion of the construction as described
22 in the contract for tax exemption, the commencement of the
23 exemption upon either of such dates to be specified in the
24 contract at the discretion of the State Board of Commerce
25 and Industry and subject to approval by the governor. Upon
26 application within ninety days before the expiration of the
27 initial period of five years, and upon proper showing of a
28 full compliance with the contract of exemption by the
29 contractee, any exemption granted under the authority of
30 this subsection shall be renewed for an additional period of
31 five calendar years. Any such exemption shall ipso facto
32 cease upon violation of the terms and conditions of the

1 contract which granted the same. All property exempted, in
2 accordance with the provisions of the paragraph shall be
3 listed on the assessment rolls and submitted to the Louisi-
4 ana Tax Commission, but no taxes shall be collected thereon
5 during the period of exemption.

6 (G) (1) All raw materials, goods, commodities, and ar-
7 ticles imported into this state from outside of the continental
8 United States:

9 (a) So long as such imports remain upon the public prop-
10 erty of the port authority or docks of any common carrier
11 where such imports first entered this state; or

12 (b) So long as any such imports (other than minerals and
13 ores of the same kind as any mined or produced in this
14 state and manufactured articles) are held in this state in the
15 original form in bales, sacks, barrels, boxes, cartons, con-
16 tainers, or other original packages, and raw materials held
17 in bulk as all or a part of the new material inventory of
18 manufacturers or processors, solely for manufacturing or
19 processing; or

20 (c) So long as any such imports are held by an importer
21 in any public or private storage in the original form in bales,
22 sacks, barrels, boxes, cartons, containers, or other original
23 packages and agricultural products in bulk. This shall not
24 apply to a retail merchant holding such imports as part of
25 his stock-in-trade for sale at retail.

26 (2) All raw materials, goods, commodities, and other
27 articles being held upon the public property of a port author-
28 ity or docks of any common carrier or in a warehouse, grain
29 elevator, dock, wharf, or public storage facility in this state
30 for export to a point outside the continental United States.

31 (3) All goods, commodities, and personal property in pub-
32 lic or private storage while in transit through this state

1 which is (a) moving in interstate commerce through or over
2 the territory of the State of Louisiana; or (b) which is in
3 public or private storage within the State of Louisiana having
4 been shipped thereto from outside of the State of Louisiana
5 for storage in transit to a final destination outside of the
6 State of Louisiana, whether such destination was specified
7 when transportation begins or afterward.

8 All such property described in this Paragraph (G) whether
9 entitled to exemption or not shall be reported to the proper
10 taxing authority on the forms required by law.

11 (H) Additional property may be exempted from taxation
12 if authorized by a two-thirds vote of the elected member-
13 ship of each house of the legislature.

14 Section 4. No Impairment of Existing Taxes or Obligations

15 Section 4. The provisions of Article XI, Section 2, in no
16 way shall be construed or applied in such a manner as to:
17 (a) invalidate taxes authorized and imposed prior to the
18 adoption of this constitution; or (b) impair the obligations,
19 validity, or security of any bonds or other debt obligations
20 authorized prior to the adoption of this constitution.

21 Section 5. Adjustment of Ad Valorem Tax Millages

22 Section 5. The amount of taxes collected by any taxing
23 authority in the state shall not be increased or decreased
24 because of the method of assessing property at a uniform
25 ratio of assessment to value as provided in Article XI,
26 Section 1, and it shall be the mandatory duty of all taxing
27 authorities to adjust millages proportionate to adjustments
28 in assessment values so as to produce the same total dollar
29 amount of revenue. Such millage adjustments shall be made
30 without regard to limitations contained elsewhere in this
31 constitution. Nothing provided herein shall be construed to
32 prohibit any taxing authority from collecting a larger dollar

1 amount of ad valorem taxes by means of the following:
 2 (a) by levying additional millages as provided by law; (b)
 3 by placing additional property on the tax rolls; or (c) by rea-
 4 son of increased property values due to economic conditions.
 5 Nothing contained herein shall be construed to diminish the
 6 security of outstanding bonds.

7 Section 6. Revenue Sharing Fund

8 Section 6. There is hereby established and created a spe-
 9 cial fund in the State Treasury to be known as the Revenue
 10 Sharing Fund. The fund shall be composed of moneys which
 11 shall be transferred to it annually out of the state general
 12 fund by the state treasurer in the amount of eighty million
 13 dollars. This provision shall be self-operative. The legis-
 14 lature may allocate additional sums to the Revenue Sharing
 15 Fund and shall provide for distribution of the moneys in the
 16 fund to those local governing bodies, municipalities, police
 17 juries, boards, commissions, districts, and other agencies
 18 as may be designated by it.

19 Section 7. Method of Distribution of Revenue Sharing
20 Funds

21 Section 7. Revenue sharing funds shall be distributed by
 22 the legislature to the parishes solely on the basis of popula-
 23 tion and number of homesteads in the parish. The ratio to be
 24 used in making the distribution and the distribution of these
 25 funds by each parish shall be made in accordance with law.

26 Section 8. Tax Assessor

27 Section 8. (A) There shall be a tax assessor elected by the
 28 qualified electors of each parish in the state, parish of
 29 Orleans excepted. His term of office shall be four years and
 30 the legislature shall define his duties, fix his compensation,
 31 and provide for his election.

32 (B) There shall be seven assessors in the city of New

1 Orleans, who together shall compose the Board of Assessors
 2 for the parish of Orleans. One shall be elected from each
 3 municipal district of the city of New Orleans, and they shall
 4 be residents of the districts from which they are elected.
 5 Their terms shall be four years and they shall be elected at
 6 the same time as the municipal officers of the city of New
 7 Orleans.

8 (C) When a vacancy occurs in the office of tax assessor
 9 the duties of the office, until it is filled by election as provid-
 10 ed by law, shall be assumed by the chief deputy assessor,
 11 except in the parish of Orleans, where the Board of Assessors
 12 for the parish of Orleans shall appoint the interim assessor.

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1 Constitutional Convention of Louisiana of 1973
2 COMMITTEE PROPOSAL NUMBER 26
3 Introduced by Delegate Rayburn, Chairman, on behalf of
4 the Committee on Revenue, Finance and Taxation, and
5 Delegates Alario, Brown, Chehardy, Edwards, Goldman,
6 Mauberrret, Mire, Nunez, Planchard, Slay, and Winchester

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1 Tax Commission. Fair market value and use value of property
2 shall be determined in accordance with criteria which shall
3 be established by the legislature and which shall be uniformly
4 applicable throughout the state.

8 A PROPOSAL

5 (D) The correctness of assessments by the assessor shall
6 be subject to review by the governing authority of the parish,
7 then by the Louisiana Tax Commission, and finally by the courts
8 in accordance with procedures established by law.

10 Making provisions for property taxation.
11 Be it adopted by the Constitutional Convention of Louisiana
12 of 1973:

9 (E) Bona fide agricultural, horticultural, marsh lands,
10 and timber lands, as defined by general law, will be assessed
11 for the purpose of taxation at ten percent of use value rather
12 than fair market value. The legislature may make similar
13 provisions for buildings of historic architectural importance.

14 ARTICLE XI. REVENUE AND FINANCE

15 Section 1. Assessment of Property; Classification;
16 Assessors; Right of Taxpayer; Exemptions from Ad
17 Valorem Property Taxation

14 (F) Homesteads shall be exempt from ad valorem property
15 taxation as follows:

18 Section 1. (A) All property subject to ad valorem
19 taxation shall be listed on the assessment rolls at its
20 assessed valuation which shall be a percentage of its
21 fair market value; such percentage of fair market value
22 shall be uniform throughout the state upon the same class
23 of property.

16 From state, parish, and special taxes, the bona fide
17 homestead, consisting of a tract of land, or two or more tracts
18 of land with a residence on one tract and a field, pasture, or
19 garden on the other tract or tracts, not exceeding one hundred
20 sixty acres, buildings and appurtenances, whether rural or urban,
21 owned and occupied by any person, in the full amount of three
22 thousand dollars of the assessed valuation; however, by the
23 favorable vote of two-thirds of the elected members of each
24 house, the legislature may increase this exemption to an amount
25 which shall not exceed the full amount of five thousand dollars
26 of the assessed valuation. Veterans of the armed forces of the
27 United States who have been honorably discharged or separated
28 from such services or persons who served in said armed forces,
29 as defined by general law, and persons sixty-five years or
30 older shall be provided with a homestead exemption of five
31 thousand dollars of the assessed valuation. No exemption shall
32 extend to any municipal or city taxes except the following:

24 (B) The classifications of property subject to ad
25 valorem taxation and the percentage of fair market value
26 applicable to each such classification for the purpose of
27 determining assessed valuation are as follows:

| CLASSIFICATIONS: | PERCENTAGES: |
|---|--------------|
| 1. All land | 10% |
| 2. Improvements for Residential Purposes. . . | 10% |
| 3. All other property | 15% |

32 (C) Assessors shall determine the fair market value
33 of all property subject to taxation within their respective
34 parishes and districts except public service properties
35 which shall be valued at fair market value by the Louisiana

33 (1) in Orleans Parish this exemption shall apply to the state,
34 the general city, the school, the levee, and levee board taxes;
35 and (2) to any municipal or city taxes levied for school purposes.

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1 The exemption of homesteads shall extend to the surviving
2 spouse or minor child or children of a deceased owner and to
3 the bona fide homestead when occupied as such and title there-
4 to is in either husband or wife, but this exemption shall not
5 be extended to more than one homestead owned by the husband
6 or wife. Notwithstanding anything in this Constitution to
7 the contrary, in order to provide equitable tax relief similar
8 to that granted to homeowners through homestead property tax
9 exemptions, the legislature may provide for tax relief to
10 residential lessees in the form of credits or rebates.

11 (G) All property subject to taxation shall be reappraised
12 and valued in accordance with the provisions of this Section
13 at intervals of not more than four years.

14 (H) The provisions of this Section shall become effective
15 commencing January 1 of the year following the end of three
16 years after the effective date of this constitution, and until
17 that date the provisions of the 1921 Constitution governing
18 matters covered by this Section shall continue and be fully
19 applicable, notwithstanding any contrary expiration date stated
20 in any provision thereof with respect to the veterans homestead
21 exemption.

22 Section 2. Rate of State Property Taxation; Limitation

23 Section 2. The rate of state taxation on property for
24 all purposes shall not exceed, in any one year, five and
25 three-quarter mills on the dollar of its assessed value.

26 Section 3. Other Property Exemptions

27 Section 3. In addition to the homestead exemption pro-
28 vided for in Section 1 of this Article, the following property
29 shall be exempt from ad valorem taxation:

30 (A) All public lands; all other public property used
31 for public purposes.

32 (C) That owned by nonprofit corporations or associations
33 organized and operated exclusively for religious, dedicated
34 places of burial, charitable, health, welfare, fraternal, or
35 educational purposes, no part of the net earnings of which

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1 inure to the benefit of any private shareholder or member
2 thereof and which is declared to be exempt from federal or state
3 income tax; property of bona fide labor organizations represent-
4 ing their members or affiliates in collective bargaining efforts;
5 organizations such as lodges and clubs organized for charitable
6 and fraternal purposes and practicing the same, and properties
7 of nonprofit corporations devoted to the promotion of trade,
8 travel, and commerce, and trade, business, industry and pro-
9 fessional societies or associations provided such property is
10 owned by nonprofit corporations or associations organized under
11 the laws of the state of Louisiana for such purposes; except
12 property owned, operated, leased, or used for commercial purposes,
13 unrelated to the exempt purposes of said corporation or assoc-
14 iation.

15 (D) Cash on hand or deposit, stocks and bonds, except
16 bank stocks, the tax on which shall be paid by the banking insti-
17 tution; obligations secured by mortgage on property located in
18 Louisiana and the notes or other evidence thereof; loans by
19 life insurance companies to policyholders, if secured solely
20 by their policies; the legal reserve of domestic life insurance
21 companies; loans by homestead or building and loan associations
22 to their members, if secured solely by stock of said associations;
23 debts due for merchandise or other articles of commerce or for
24 services rendered; obligations of the state or its political
25 subdivisions; all personal property used in the home or on loan
26 in a public place; agricultural products while owned by the
27 producer, agricultural machinery and other implements used exclus-
28 ively for agricultural purposes, and all animals on the farm, and
29 property belonging to agricultural fair associations; all property
30 used for cultural, Mardi Gras carnival or civic activities and not
31 operated for profit to the owners; all ships and oceangoing tugs,
32 towboats, and barges engaged in international trade and domiciled
33 in Louisiana ports, but this exemption shall not apply to harbor,
34 wharf, shed, and other port dues, and no vessel operated in the
35 coastal trade of the continental United States shall be within the

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1 exemption herein granted; boats using gasoline as motor fuel;
2 commercial vessels used for gathering seafood for human con-
3 sumption; and rights-of-way granted to the State Department
4 of Highways.

5 (E) From state, parish, and special taxes, all motor
6 vehicles used on the public highways of this state, provided
7 that this exemption shall not extend to any general or special
8 tax levied by the governing authority of any municipality, or
9 district created by any such municipality, unless the govern-
10 ing authority thereof shall provide for such exemption by ordi-
11 nance or resolution.

12 (F) Notwithstanding any provision of this Section to the
13 contrary, the legislature may authorize the State Board of
14 Commerce and Industry, under such conditions and terms and
15 with such approval as the legislature may specify, to provide
16 for the exemption from property taxation of any new manufacturing
17 establishment or an addition or additions to any manufacturing
18 establishment already existing in the state.

19 No exemption granted under the authority of such laws as
20 may be enacted pursuant to this Section shall extend for a longer
21 initial period than five calendar years, or be renewable for an
22 additional period in excess of five additional calendar years.

23 (G) (1) All raw materials, goods, commodities, and articles
24 imported into this state from outside of the continental United
25 States:

26 (a) So long as such imports remain upon the public property
27 of the port authority or docks of any common carrier where such
28 imports first entered this state; or

29 (b) So long as any such imports (other than minerals and
30 ores of the same kind as any mined or produced in this state and
31 manufactured articles) are held in this state in the original
32 form in bales, sacks, barrels, boxes, cartons, containers, or
33 other original packages, and raw materials held in bulk
34 as all or a part of the new material inventory of manufactur-
35 ers or processors, solely for manufacturing or processing; or

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1 (c) So long as any such imports are held by an importer
2 in any public or private storage in the original form in bales,
3 sacks, barrels, boxes, cartons, containers, or other original
4 packages and agricultural products in bulk. This shall not
5 apply to a retail merchant holding such imports as part of his
6 stock-in-trade for sale at retail.

7 (2) All raw materials, goods, commodities, and other
8 articles being held upon the public property of a port author-
9 ity or docks of any common carrier or in a warehouse, grain
10 elevator, dock, wharf, or public storage facility in this
11 state for export to a point outside the continental United
12 States.

13 (3) All goods, commodities, and personal property in
14 public or private storage while in transit through this state
15 which is (a) moving in interstate commerce through or over
16 the territory of the State of Louisiana; or (b) which is in
17 public or private storage within the State of Louisiana having
18 been shipped thereto from outside of the State of Louisiana
19 for storage in transit to a final destination outside of the
20 State of Louisiana, whether such destination was specified
21 when transportation begins or afterward.

22 All such property described in this Paragraph (C) whether
23 entitled to exemption or not shall be reported to the proper
24 taxing authority on the forms required by law.

25 (H) No additional property may be exempted from taxation.

26 Section 4. No Impairment of Existing Taxes or Obligations

27 Section 4. The provisions of this Article in no way shall
28 be construed or applied in such a manner as to: (a) invalidate
29 taxes authorized and imposed prior to the adoption of this
30 constitution; or (b) impair the obligations, validity, or securi-
31 ty of any bonds or other debt obligations authorized prior to
32 the adoption of this constitution.

33 Section 5. Adjustment of Ad Valorem Tax Millages

34 Section 5. Prior to the end of the third year after the
35 effective date of the constitution, the assessors and the Louisiana

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1 Tax Commission shall have determined the fair market value
2 or use value of all property subject to taxation within the
3 respective parishes to be used for the purpose of implementing
4 the provisions of this Article. Except as hereinafter pro-
5 vided in this Paragraph, the total amount of ad valorem taxes
6 collected by any taxing authority in the year in which the
7 provisions of this Article are implemented shall not be
8 increased or decreased because of the provisions of this
9 Article above or below ad valorem taxes collected by such
10 taxing authority in the year immediately preceding the year
11 in which the provisions of this Article are implemented.
12 To accomplish this result, it shall be the mandatory duty
13 of each affected taxing authority, in the year in which the
14 provisions of this Article are implemented, to adjust millages
15 upwards or downwards, without regard to millage limitations
16 contained in this constitution; however, whenever at the
17 time the adjustment is made the millage actually levied by
18 a taxing authority is less than or equal to the maximum
19 authorized to be levied, the maximum millage so authorized
20 shall be increased or decreased, without further voter
21 approval, in proportion to the amount of the adjustment up-
22 ward or downward. Such millages shall thereafter remain in
23 effect subject to such changes as may be permitted by this
24 constitution. Nothing provided herein shall be construed to
25 prohibit any taxing authority from collecting, in the year
26 in which the provisions of this Article are implemented or in
27 any subsequent year, a larger dollar amount of ad valorem
28 taxes by means of the following: (a) by levying additional
29 or increased millages as provided by law; (b) by placing
30 additional property on the tax rolls; or (c) by reason of
31 increases in the fair market value or use value of property
32 after the first determination of such value on the basis of
33 which the provisions of this Article are to be implemented.
34 The provisions of this Section shall not apply to millages
35 required to be levied for the payment of general obligation bonds.

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1 Section 6. Revenue Sharing Fund; Distribution; Pledge
2 of Proceeds
3 Section 6. (A) A special fund is created in the state
4 treasury to be known as the Revenue Sharing Fund.
5 (B) There is hereby allocated annually from the State
6 General Fund to the Revenue Sharing Fund the sum of ninety
7 million dollars. The legislature may appropriate additional
8 sums to the Revenue Sharing Fund.
9 (C) The Revenue Sharing Fund shall be distributed annually
10 as provided by the legislature solely on the basis of population
11 and number of homesteads in each parish in proportion to popula-
12 tion and the number of homesteads throughout the state. Unless
13 the legislature provides otherwise, population statistics of the
14 last federal decennial census shall be utilized for this purpose.
15 (D) The funds distributed to each parish as provided in
16 Paragraph (C) shall be distributed in Orleans Parish by the
17 city treasurer of the city of New Orleans and in all other
18 parishes by the parish tax collector. The funds allocated to
19 the Monroe City School Board, or its successor, shall be
20 distributed to and by the city treasurer of the city of Monroe.
21 After deductions, in each parish, for retirement systems and
22 commissions as authorized by law, the remaining funds, to the
23 extent available, by first priority shall be distributed to the
24 tax recipient bodies, as defined by law, within the parish to
25 offset current losses because of homestead exemptions granted
26 in this Article. Any balance thereafter remaining in any
27 parish distribution shall be allocated to the municipalities
28 and tax recipient bodies within each parish in accordance with
29 law.
30 (E) Any political subdivision, as defined by Article VI
31 of this constitution, may incur debt by the issuance of ne-
32 gotiable bonds, and may pledge for the payment of all or part
33 of the principal and interest of such bonds the proceeds derived
34 or to be derived from that portion of the funds received by it
35 from the Revenue Sharing Fund, as provided in Paragraph (D) of

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1 this Section, to offset current losses caused by homestead
2 exemptions granted by this Article. Unless otherwise pro-
3 vided by the legislature, no portion of any moneys allocated
4 within any parish out of any balance remaining in any parish
5 distribution, as provided in Paragraph (D) hereof, may be
6 pledged to the payment of the principal or interest of any
7 bonds. These bonds shall be issued and sold as provided by
8 law, and shall require the approval of the State Bond
9 Commission, or its successor, prior to issuance and sale.

Section 8. Tax Assessor

11 Section 8. (A) There shall be a tax assessor elected
12 by the qualified electors of each parish in the state,
13 parish of Orleans excepted. His term of office shall be
14 four years and the legislature shall define his duties,
15 fix his compensation, and provide for his election.

16 (B) There shall be seven assessors in the city of
17 New Orleans, who together shall compose the Board of
18 Assessors for the parish of Orleans. One shall be elected
19 from each municipal district of the city of New Orleans,
20 and they shall be residents of the districts from which
21 they are elected. Their terms shall be four years and
22 they shall be elected at the same time as the municipal
23 officers of the city of New Orleans.

24 (C) When a vacancy occurs in the office of tax
25 assessor the duties of the office, until it is filled by
26 election as provided by law, shall be assumed by the chief
27 deputy assessor, except in the parish of Orleans, where
28 the Board of Assessors for the parish of Orleans shall appoint
29 the interim assessor.

Section 9. Tax Sales; Redemtion of Property

31 Section 9. There shall be no forfeiture of property for
32 the nonpayment of taxes, but at the expiration of the year in
33 which said taxes are due, the collector shall, without suit,
34 and after giving notice to the delinquent in the manner pro-
35 vided by law, advertise for sale in the official journal of the

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1 parish or municipality, provided there be an official journal
2 in such parish or municipality; or, if not, then, as is now
3 or may be provided by law for sheriff's sales, the property
4 on which the taxes are due in the manner provided for judicial
5 sales, and on the day of sale he shall sell such portion of
6 the property as the debtor shall point out and in case the
7 debtor shall not point out sufficient property, the collector
8 shall, at once and without further delay, sell the least
9 quantity of property which any bidder will buy for the amount
10 of taxes, interest and costs. The sale shall be without
11 appraisement and the property sold shall be redeemable at any
12 time during three years from date of recordation of the tax
13 sale, by paying the price given, including costs and five per
14 cent penalty thereon, with interest at the rate of one per cent
15 per month until redeemed. No judgment annulling a tax sale
16 shall have effect until the price and all taxes and costs are
17 paid, with ten percent per annum interest on the amount of the
18 price and taxes paid from date of respective payments, be
19 previously paid to the purchaser; provided, this shall not
20 apply to sales annulled on account of taxes having been paid
21 prior to the date of sale, all deeds of sale made, or that may
22 be made, by the collectors of taxes, shall be received by
23 courts in evidence as prima facie valid sales.

24 No sale of property for taxes shall be set aside for any
25 cause, except on proof of payment of the taxes for which the
26 property was sold prior to the date of the sale, unless the
27 proceeding to annul is instituted within six months from service
28 of notice of sale, which notice shall not be served until the
29 time of redemption shall have expired and within five years from
30 the date of the recordation of the tax deed, if no notice is
31 given. The fact that taxes were paid on a part of the property
32 sold, prior to the sale thereof, or that part thereof was not
33 subject to taxation, shall not be cause for annulling the sale
34 as to any part thereof on which the taxes for which it was sold
35 were due and unpaid.

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1 The manner of notice and form of proceeding to quiet tax
2 titles shall be provided by law. Taxes on movables shall be
3 collected by seizure and sale by the tax collector of the
4 movable property of the delinquent, whether it be the property
5 assessed or not, sufficient to pay the tax. Sale of such
6 property shall be made at public auction, without appraisalment,
7 after ten days advertisement, made within ten days from date
8 of seizure, and shall be absolute and without redemption.

9 If the tax collector can find no corporeal movables of
10 the delinquent to seize, he may levy on incorporeal rights,
11 by notifying the debtor thereof, or he may proceed by summary
12 rule in the courts to compel the delinquents to deliver up
13 for sale property in his possession or under his control.

14 The legislature shall be authorized to postpone the
15 payment of taxes, only in cases of overflow, general con-
16 flagration, general destruction of crops, or other public
17 calamity, and may provide for the levying, assessing and
18 collecting such postponed taxes under appropriate terms and
19 conditions. In such cases the legislature may authorize the
20 borrowing of money by the state on its faith and credit, by
21 bond issue or otherwise, and levy taxes, or apply taxes
22 already levied and not appropriated, to secure payment thereof,
23 in order to create a fund from which loans may be made through
24 the State Board of Liquidation to the governing authority
25 of the parish where the calamity befalls, to be applied to
26 and not to exceed the deficiency and revenue of the parish
27 or any political subdivision therein, or of which the parish
28 is a part, caused by postponement of taxes. No loans shall
29 be made to the governing authority of any parish without
30 the approval of the State Board of Liquidation.

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1 COMMITTEE PROPOSAL No. 27—

2 Introduced by Delegate Perez, Chairman, on behalf of the
3 Committee on Local and Parochial Government and Dele-
4 gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
5 ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
6 Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and
7 Zervigon:

8 A PROPOSAL

9 Providing with respect to the donation, loan, or pledge of
10 public funds, credit or property.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 Article____, Section____. Management of State Funds; Do-
14 nation, Loan, or Pledge of Public Credit

15 Section____. Except as otherwise provided in this consti-
16 tution, the funds, credit, property, or things of value of the
17 state or of any political subdivision or political corpora-
18 tion thereof, shall not be loaned, pledged or granted to or
19 for any person or persons, associations or corporations, pub-
20 lic or private. However, the legislature may authorize the
21 loan or pledge of such funds, credit, property, or things of
22 value for public purposes with respect to the issuance of
23 bonds or other evidences of indebtedness.

24 (B) Funds, credit, property or things of value of the state
25 or of any political subdivision or political corporation there-
26 of heretofore loaned, pledged, dedicated or granted by the
27 prior laws of this state, or authorized to be loaned, pledged,
28 dedicated or granted by the prior laws and constitution of
29 this state, shall so remain for the full term as provided by
30 the prior laws and constitution and for the full term as
31 provided by any contract, unless such authorization is re-
32 voked by the legislature by a two-thirds vote of the elected

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1 COMMITTEE PROPOSAL No. 27—

2 Introduced by Delegate Perez, Chairman, on behalf of the
3 Committee on Local and Parochial Government and Dele-
4 gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
5 ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
6 Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and
7 Zervigon:

8 A PROPOSAL

9 Providing with respect to the donation, loan, or pledge of
10 public funds, credit or property.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 Section _____. Management of State Funds; Donation, Loan,
14 or Pledge of Public Credit

15 Section _____. (A) Except as otherwise provided in this
16 constitution, the funds, credit, property or things of value
17 of the state, or of any political subdivision thereof, shall not
18 be loaned, pledged, or donated to or for any person or per-
19 sons, associations or corporations, public or private, nor shall
20 the state nor any political subdivision purchase or subscribe
21 to the capital stock or stock of any corporation or associa-
22 tion whatever or for any private enterprise.

23 (B) Nothing contained in this Section shall prevent: (1)
24 intercooperation between the state and its political subdivi-
25 sions or between political subdivisions, or between the state
26 or its political subdivisions and the United States, or be-
27 tween the state or its political subdivisions and any public
28 or private association or corporation or individual for a
29 public purpose; (2) the use of public funds for programs
30 of social welfare for the aid and support of the needy; (3)
31 contributions of public funds to pension and insurance pro-
32 grams for the benefit of public employees; (4) the legisla-

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1 membership of each house of the legislature prior to the
2 vesting of any contractual rights pursuant to this Section.

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1 ture by a favorable vote of two-thirds of the elected mem-
2 bers of each house from authorizing the loan, pledge, or
3 donation of public funds in the furtherance of facilities and
4 other programs having a public purpose; or (5) the legisla-
5 ture from authorizing the loan or pledge of such funds, credit,
6 property, or things of value for public purposes with respect
7 to the issuance of bonds or other evidences of indebtedness.

8 (C) Funds, credit, property or things of value of the state
9 or of any political subdivision thereof heretofore loaned,
10 pledged, dedicated or granted by the prior laws of this state,
11 or authorized to be loaned, pledged, dedicated or granted by
12 the prior laws and constitution of this state, shall so remain
13 for the full term as provided by the prior laws and consti-
14 tution and for the full term as provided by any contract,
15 unless such authorization is revoked by the legislature by a
16 two-thirds vote of the elected membership of each house of
17 the legislature prior to the vesting of any contractual rights
18 pursuant to this Section.

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1 **COMMITTEE PROPOSAL No. 28—**

2 Introduced by Delegate Perez, Chairman, on behalf of the
3 Committee on Local and Parochial Government, and Dele-
4 gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
5 ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
6 Reeves, Shannon, Stephenson, Taylor, Toomy, Uilo, and
7 Zervigon:

8 **A PROPOSAL**

9 Providing for the office of tax assessor and the Board of
10 Assessors in Orleans Parish.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 Article____, Section 1. Tax Assessor

14 Section 1. There shall be a tax assessor elected by the
15 electors of each parish in the state, the parish of Orleans
16 excepted. His term of office shall be four years and the
17 legislature shall define his duties, fix his compensation, and
18 provide for his election.

19 Section 2. Board of Assessors for Orleans Parish

20 Section 2. There shall be seven assessors in the city of
21 New Orleans, who together shall compose the Board of
22 Assessors for the Parish of Orleans. One shall be elected
23 from each municipal district of the city of New Orleans, and
24 they shall be residents of the districts from which they are
25 elected. Their terms shall be four years and they shall be
26 elected at the same time as the municipal officers of the
27 city of New Orleans.

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1 **COMMITTEE PROPOSAL No. 29—**

2 Introduced by Delegate Perez, Chairman, on behalf of the
3 Committee on Local and Parochial Government, and Dele-
4 gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
5 ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
6 Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and
7 Zervigon:

8 **A PROPOSAL**

9 Providing for a Revenue Sharing Fund.

10 Be it adopted by the Constitutional Convention of Louisi-
11 ana of 1973:

12 Article____, Section 1. Revenue Sharing Fund

13 Section 1. There is hereby established and created a spe-
14 cial fund in the State Treasury to be known as the Revenue
15 Sharing Fund. The fund shall be composed of monies which
16 shall be transferred to it annually out of the State General
17 Fund by the state treasurer. The legislature may allocate
18 additional sums to the Revenue Sharing Fund.

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1 **COMMITTEE PROPOSAL No. 30—**

2 Introduced by Delegate Aertker, Chairman, on behalf of
3 the Committee on Education and Welfare and Delegates
4 Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez,
5 Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Se-
6 gura, Silverberg, Sutherland, Thistlethwaite, Toca and
7 Wisham:

8 **A PROPOSAL**

9 To provide for the transition of membership on the boards
10 of education.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 Article XIV, Section 1. Board of Regents

14 Section 1. On the effective date of this constitution, the
15 members of the Louisiana Coordinating Council for Higher
16 Education whose term will not have expired shall become
17 members of the Board of Regents until their respective
18 terms expire. The governor shall appoint such additional
19 members as are required to complete the full membership of
20 the board in accordance with and for the purpose of effectu-
21 ating the provisions of Article IX, Section 7.

22 Section 2. Board of Supervisors of Louisiana State Uni-
23 versity and Agricultural and Mechanical College

24 Section 2. On the effective date of this constitution, the
25 members of the Board of Supervisors of Louisiana State
26 University and Agricultural and Mechanical College whose
27 term will not have expired shall become members of the
28 Board of Supervisors of Louisiana State University and
29 Agricultural and Mechanical College until their respective
30 terms expire. The governor shall appoint such additional
31 members as are required in accordance with and for the
32 purpose of effectuating the provisions of Article IX, Section

1 COMMITTEE PROPOSAL No. 30—

2 Introduced by Delegate Aertker, Chairman, on behalf of the
3 Committee on Education and Welfare and Delegates Car-
4 mouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Her-
5 nandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura,
6 Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

7 A PROPOSAL

8 To provide for the transition of membership on the boards
9 of education.

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

12 Article XIV, Section 1. Board of Regents

13 Section 1. On the effective date of this constitution, the
14 members of the Louisiana Coordinating Council for Higher
15 Education whose term will not have expired shall become
16 members of the Board of Regents until their respective terms
17 expire. The governor shall appoint such additional members
18 as are required to complete the full membership of the board
19 in accordance with and for the purpose of effectuating the
20 provisions of Article IX, Section 7.

21 Section 2. Board of Supervisors of Louisiana State Univer-
22 sity and Agricultural and Mechanical College

23 Section 2. On the effective date of this constitution, the
24 members of the Board of Supervisors of Louisiana State
25 University and Agricultural and Mechanical College whose
26 term will not have expired shall become members of the
27 Board of Supervisors of Louisiana State University and
28 Agricultural and Mechanical College until their respective
29 terms expire. The governor shall appoint such additional
30 members as are required in accordance with and for the pur-
31 pose of effectuating the provisions of Article IX, Section 9.

32 Section 3. State Board of Elementary and Secondary Edu-

1 9.
2 Section 3. State Board of Elementary and Secondary Ed-
3 ucation; Board of Trustees for State Colleges and Univer-
4 sities

5 Section 3. On the effective date of this constitution, each
6 member of the State Board of Education whose term will
7 not have expired shall have the right to elect to become a
8 member of the State Board of Elementary and Secondary
9 Education or the Board of Trustees for State Colleges and
10 Universities and to serve until the expiration of the term to
11 which he was elected. The legislature shall establish pro-
12 cedures by which the right herein granted shall be exercised,
13 and by which the secretary of state shall be notified as to
14 those elections which must be held, and by which the gover-
15 nor shall be notified as to the appointments which must be
16 made, to complete the full membership of the boards men-
17 tioned herein. Such elections and appointments shall be
18 made in accordance with and for the purpose of effectuating
19 the provisions of Article IX, Sections 4 and 8.

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C. P. No. 30

1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 30

3 Introduced by Delegate Aertker, Chairman, on behalf of the
4 Committee on Education and Welfare and Delegates Carmouche,
5 Come, Coven, Flory, Graham, Grier, Haynes, Hernandez, E. Landry,
6 Leithman, Morris, Rachal, Riccke, Segura, Sutherland,
7 Thistlethwaite, Toca, Wattigny and Wisham

8
9 A PROPOSAL

10
11 To provide for the transition of membership on the boards of
12 education.

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

15
16 ARTICLE XIV. SCHEDULE

17 * * *

18 Section 2. Board of Regents

19 Section 2. On the effective date of this constitution,
20 the members of the Louisiana Coordinating Council for
21 Higher Education appointed by the governor whose terms have not
22 expired shall become members of the Board of Regents until their
23 respective terms expire. The governor shall appoint such additional
24 members as are required to complete the full membership of
25 the board in accordance with and for the purpose of effectuating
26 the provisions of Article IX, Section 7.

27 Section 3. Board of Supervisors of Louisiana State
28 University and Agricultural and Mechanical College

29 Section 3. On the effective date of this constitution,
30 the members of the Board of Supervisors of Louisiana State
31 University and Agricultural and Mechanical College whose term
32 will not have expired shall become members of the Board of
33 Supervisors of Louisiana State University and Agricultural and
34 Mechanical College until their respective terms expire. The
35 governor shall appoint such additional members as are required

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1 in accordance with and for the purpose of effectuating the
2 provisions of Article IX, Section 9.

3 Section 4. State Board of Elementary and Secondary
4 Education; Board of Trustees for State Colleges and
5 Universities

6 Section 4. On the effective date of this constitution,
7 each member of the State Board of Education whose term will
8 not have expired shall have the right to elect to become a
9 member of the State Board of Elementary and Secondary Educa-
10 tion or the Board of Trustees for State Colleges and Univer-
11 sities and to serve until the expiration of the term to which
12 he was elected. The legislature shall establish procedures by
13 which the right herein granted shall be exercised, and by which
14 the secretary of state shall be notified as to those elections
15 which must be held, and by which the governor shall be notified
16 as to the appointments which must be made, to complete the full
17 membership of the boards mentioned herein. Such elections and
18 appointments shall be made in accordance with and for the pur-
19 pose of effectuating the provisions of Article IX, Sections 4
20 and 8.

21 Section 5. Boards; New Appointments.

22 Section 5. In making new appointments to a board created
23 by Sections 7, 8 or 9 of Article IX, the governor shall consider
24 appropriate representation on the board by alumni of the institu-
25 tions under the control of the board.

1 COMMITTEE PROPOSAL No. 31—

2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department, and Delegates Abra-
4 ham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery,
5 Duval, Gravel, Stovall, and Tapper (A Substitute for Com-
6 mittee Proposal No. 19):

7 A PROPOSAL

8 Making provisions in the Schedule provisions of the con-
9 stitution for mandatory reorganization of the executive
10 branch of state government.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 ARTICLE XIV. SCHEDULE

14 Section 1. Mandatory Reorganization of State Government

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

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

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1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 31

3 Introduced by Delegate Stagg, Chairman, on behalf of the

4 Committee on Executive Department, and Delegates

5 Abraham, Alexander, Anzalone, Arnette, Asseff, Erien,

6 Dennery, Duval, Gravel, Stovall, and Tapper

7 (A Substitute for Committee Proposal No. 19)

8
9 **A PROPOSAL**

10
11 Making provisions in the Schedule provisions of the con-
12 stitution for mandatory reorganization of the executive
13 branch of state government.

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

16
17 **ARTICLE XIV. SCHEDULE**

18 Section 1. Mandatory Reorganization of State Government

19 Section 1. (A) The legislature shall allocate, within
20 not more than twenty departments, the functions, powers, duties,
21 and responsibilities of all departments, offices, agencies, and
22 other instrumentalities within the executive branch, except
23 those allocated by this constitution. Such allocation, which
24 shall not be subject to veto by the governor, shall become
25 operative not later than December 31, 1977.

1 **COMMITTEE PROPOSAL No. 32—**

2 Introduced by Delegates Asseff, Abraham, Alexander, Ar-
3 nette, Gravel, and Stagg (A Substitute for Delegate Pro-
4 posal No. 29) :

5 **A PROPOSAL**

6 Providing for the reorganization of the executive branch of
7 state government.

8 Be it adopted by the Constitutional Convention of Louisi-
9 ana of 1973:

10 **ARTICLE IV. EXECUTIVE BRANCH**

11 Section____. Reorganization

12 Section____. (A) The legislature, by majority vote of the
13 elected members of each house, may reallocate within not
14 more than twenty departments the functions, powers, duties,
15 and responsibilities of all departments, offices, agencies, and
16 other instrumentalities of the executive branch except those
17 allocated by this constitution.

18 (B) The governor may propose to the legislature, on or
19 before the first day of any regular session, a plan of re-
20 allocation within not more than twenty departments, of the
21 functions, powers, duties, and responsibilities of all depart-
22 ments, offices, agencies, and other instrumentalities of the
23 executive branch except those allocated by this constitution.
24 Either house of the legislature, by a majority vote of the
25 elected members, may disapprove such plan but may not
26 substantively amend it. In the event neither house disapproves
27 the plan submitted prior to the sine die adjournment of the
28 regular session of the legislature at which submitted, the
29 plan shall become effective at twelve o'clock noon on the
30 sixtieth day following sine die adjournment.

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1 COMMITTEE PROPOSAL No. 33—

2 Introduced by Delegate Jackson, Chairman, Committee on
3 Bill of Rights and Elections (Substitute for Committee Pro-
4 posal No. 20, by Delegate Jackson, Chairman on behalf of
5 the Committee on Bill of Rights and Elections, and Dele-
6 gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
7 Wall and Weiss):

8 A PROPOSAL

9 Making general provisions for elections.

10 Be it adopted by the Constitutional Convention of Lou-
11 isiana of 1973:

12 ARTICLE X. ELECTIONS

13 Section 1. Free Elections

14 Section 1. Elections shall be freely and fairly conducted
15 on a periodic basis. No law shall interfere with the free
16 exercise of the right to vote.

17 Section 2. Registration of Voters

18 Section 2. The legislature shall provide for registration
19 of voters, embodying the principle of permanent registra-
20 tion.

21 Section 3. Secret Ballot

22 Section 3. Voting shall be by secret ballot, and the legis-
23 lature shall provide a method for absentee voting. Proxy
24 voting shall be prohibited. All ballots cast shall be counted
25 publicly and preserved inviolate until any election contests
26 have been settled.

27 Section 4. Residence of Electors

28 Section 4. No elector shall lose a bona fide residence by
29 temporary absence due to any employment, including mili-
30 tary service, or while studying or visiting away from his
31 voting district.

32 Section 5. Political Activities

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1 Section 5. No law shall deny the right of each person to
2 organize, join, support, or oppose any political party or
3 organization, or to support or oppose any candidate or
4 proposition, except as otherwise provided in this constitu-
5 tion.

6 Section 6. Privilege from Arrest

7 Section 6. Every qualified elector shall be privileged from
8 arrest in going to and returning from voting and while
9 exercising the right to vote in all cases, except felony or
10 breach of the peace.

11 Section 7. Candidacy for Public Office

12 Section 7. No qualified elector shall be denied the right
13 to seek public office in the election district in which he is
14 registered, except as otherwise provided in this constitu-
15 tion.

16 Section 8. Vote Required for Election

17 Section 8. No person shall be elected to any public office
18 unless he has received the highest number of votes cast
19 for that office. The legislature shall provide a method for
20 breaking ties.

21 Section 9. Limitation on Term of Office

22 Section 9. No term for any public office elected by the
23 people shall exceed four years, except as otherwise pro-
24 vided in this constitution.

25 Section 10. Prohibited Use of Public Funds

26 Section 10. No public funds shall be used to urge any
27 elector to vote for or against any candidate, nor appropri-
28 ated to any candidate or political organization.

29 Section 11. Registrars of Voters

30 Section 11. The governing authority of each parish shall
31 appoint a parish registrar of voters who shall provide such
32 bond and receive such compensation as may be determined

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2 COMMITTEE PROPOSAL NUMBER 33

3 Introduced by Delegate Jackson, Chairman, Committee

4 on Bill of Rights and Elections (Substitute for

5 Committee Proposal No. 20, by Delegate Jackson, Chairman

6 on behalf of the Committee on Bill of Rights and Elections,

7 and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat,

8 Stinson, Vick, Wall and Weiss)

9

10 A PROPOSAL

11

12 Making general provisions for elections.

13 Be it adopted by the Constitutional Convention of

14 Louisiana of 1973:

15

16 ARTICLE X. ELECTIONS

17 Section 2. Election Code; Right to Vote

18 Section 2. Subject to and not inconsistent with the

19 provisions of this constitution, the legislature shall

20 adopt an election code which shall provide for the permanent

21 registration of voters and for the conduct of all elections;

22 except as otherwise provided in this constitution, the right

23 to vote in elections is guaranteed to all citizens of this

24 state.

25 Section 3. Secret Ballot

26 Section 3. In all elections by the people, voting shall

27 be by secret ballot, and the legislature shall provide a method

28 for absentee voting. Proxy voting shall be prohibited. All

29 ballots cast shall be counted publicly and preserved inviolate

30 as provided by law until any election contests have been

31 settled.

32 In all elections by persons in a representative capacity,

33 the vote shall be viva-voce.

34 Section 6. Privilege from Arrest

35 Section 6. Every qualified elector shall be privileged from

1 by law. No person shall serve as registrar of voters while
2 a qualified candidate for any elective office.

3 Section 12. Commissioners and Poll Watchers

4 Section 12. The legislature shall provide for the selection
5 of commissioners and poll watchers at every election.

6 Section 13. Election Returns

7 Section 13. Returns of elections shall be made in a uni-
8 form manner to and promulgated by the secretary of state.

9 Section 14. Registration Challenges

10 Section 14. A person may contest in the district court
11 his denial of registration, or denial of his request to have
12 removed from the rolls any names placed or standing
13 thereon illegally, which cases shall have preference over
14 all others.

15 Section 15. Election Contests

16 Section 15. The legislature shall provide by law for the
17 judicial determination of contested elections.

18 Section 16. Election Fraud

19 Section 16. No person shall register and vote in more
20 than one place, nor offer or receive anything of value in
21 exchange for a vote, nor engage in any other form of elec-
22 tion fraud. The legislature shall enact laws to suppress such
23 activities, and penalties in such cases may include suspen-
24 sion of the right to vote and hold office for a period not
25 to exceed five years.

26 Section 17. Code of Elections

27 Section 17. The legislature shall provide for a code of
28 elections.

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1 arrest in going to and returning from voting; and while exercising
2 the right to vote in all cases, except felony or breach of the
3 peace.

4 Section 11. Registrars of Voters

5 Section 11. Subject to and not inconsistent with the pro-
6 visions of this constitution, the governing authority of each
7 parish shall appoint a parish registrar of voters, whose compen-
8 sation, removal from office for cause, bond, powers, and functions
9 shall be provided by law. Upon qualifying as a candidate for
10 public office, the registrar of voters shall forfeit his office.

11 No law shall provide for the removal from office of a registrar
12 by the appointing governing authority.

13 Section 18. Prohibited Use of Public Funds

14 Section 18. No public funds shall be used to urge any
15 elector to vote for or against any candidate or proposition,
16 nor appropriated to any candidate or political organization.
17 Nowever, this provision shall not prohibit the use of public
18 funds for the dissemination of factual information relative to
19 any proposition appearing on an election ballot.

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Constitutional Convention of Louisiana of 1973

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1 COMMITTEE PROPOSAL No. 34—

2 Introduced by Delegate Lambert, Chairman, on behalf of
3 the Committee on Natural Resources and Environment, and
4 Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu,
5 Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velaz-
6 quez, Warren and Womack (A Substitute for Committee
7 Proposal No. 16):

8 A PROPOSAL

9 Making provisions relating to natural resources and environ-
10 ment.

11 Be it adopted by the Constitutional Convention of Louisi-
12 ana of 1973:

13 ARTICLE VIII. NATURAL RESOURCES

14 Section 1. Natural Resources and Environment; Public
15 Policy

16 Section 1. The natural resources of the state, including air
17 and water, and the healthful, scenic, historic, and esthetic
18 quality of the environment shall be protected, conserved, and
19 replenished, insofar as possible and consistent with the
20 health, safety, and welfare of the people. The legislature shall
21 implement this policy by appropriate legislation.

22 Section 2. Natural Gas; Public Policy; Interstate and
23 Intrastate Pipelines

24 Section 2. Natural gas is hereby declared to be affected
25 with a public interest, and natural gas produced in Louisiana
26 shall be made available for utilization within the state as
27 well as to the citizens of other states.

28 No intrastate natural gas pipeline or gas gathering line
29 shall be connected with an interstate natural gas pipeline,
30 and no interstate natural gas pipeline shall be connected with
31 an intrastate natural gas pipeline without a certificate of
32 public convenience and necessity issued by the Public Ser-

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1 vice Commission after due application for such connection
2 and hearing thereon.

3 Section 3. Geopressure-Geothermal Resources

4 Section 3. The state shall conserve, manage, and regulate
5 the development and utilization of geopressure-geothermal
6 resources for the benefit of all people, including future
7 generations.

8 Section 4. Alienation of Water Bottoms

9 Section 4. The legislature shall neither alienate nor autho-
10 rize the alienation of the beds of navigable water bodies,
11 except for purposes of reclamation by the riparian owner to
12 recover land lost through erosion if the reclamation is ef-
13 fected within ten years from the date the erosion occurs.
14 This Section shall not prevent the leasing of state lands or
15 water bottoms for mineral or other purposes. Except as pro-
16 vided herein, no bed of any navigable water body may be
17 reclaimed except for public use.

18 Section 5. Reservation of Mineral Rights

19 Section 5. The mineral rights on all property sold by the
20 state shall be reserved, except where the owner or other
21 person having the right to redeem may buy or redeem prop-
22 erty sold or adjudicated to the state for taxes.

23 Section 6. Mineral Rights; Alluvion

24 Section 6. Mineral rights to land formed or exposed by
25 accretion or dereliction caused principally by acts of man,
26 on a water body the bed of which is owned by the state, are
27 retained by the state.

28 Section 7. Mineral Rights; Erosion

29 Section 7. Mineral rights to land lost by erosion caused
30 principally by acts of man, on a navigable water body, are
31 retained by the riparian landowner.

32 Section 8. Royalty Road Fund

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1 Section 8. Ten percent of the royalties from any mineral
2 lease heretofore or hereafter granted by the state shall be
3 placed by the treasurer in a special fund to the credit of the
4 parish from which the mineral was severed. This special fund
5 shall be known as the Royalty Road Fund and shall be used
6 by the state to acquire, construct, and maintain transporta-
7 tion facilities in the parish.

8 Section 9. Minerals Beyond Three-Mile Limit

9 Section 9. All revenues and royalties from minerals located
10 beyond the three-mile limit of the coastal waterways of the
11 state shall be the property of the state. All funds derived
12 therefrom shall be deposited in the state treasury and used
13 in the purchase, retirement, and payment of the bonded in-
14 debtedness of the state.

15 Section 10. Offshore Mineral Revenues; Use of Funds

16 Section 10. Funds derived from offshore mineral leases
17 and held in escrow under agreement between the state and
18 the United States pending settlement of the dispute between
19 the parties shall be deposited in the state treasury. Those
20 funds and the interest from their investment, except the
21 portion otherwise dedicated in this constitution to the Royalty
22 Road Fund or to public education, shall be used by the trea-
23 surer in the purchase, retirement, and payment in advance
24 of maturity of the bonded indebtedness of the state.

25 If any of these funds cannot be so expended within one
26 year, the legislature may annually appropriate for capital
27 improvements, or for the purchase of land, ten percent of
28 the remaining funds, not to exceed ten million dollars in
29 one year.

30 Section 11. Commissioner of Agriculture

31 Section 11. The Department of Agriculture shall be headed
32 by a commissioner of agriculture who, notwithstanding Article

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1 IV, Section 23, shall be elected every four years for a term
2 of four years by the electors of the state as prescribed by law.
3 The commissioner shall have the powers and perform the
4 duties authorized by this constitution or provided by law.
5 Qualifications of candidates for commissioner of agriculture,
6 in addition to these in Article IV, Section 2(A), shall be pro-
7 vided by law.

8 Section 12. Wildlife and Fisheries Commission

9 Section 12. The wildlife of the state, including all aquatic
10 life, is hereby placed under the control and supervision of
11 the Louisiana Wildlife and Fisheries Commission, which shall
12 consist of seven members appointed by the governor, six of
13 whom shall serve for a term of six years and one of whom
14 shall serve for a term concurrent with that of the governor.
15 Three shall be electors of the coastal parishes and representa-
16 tives of the commercial fishing and fur industries, and three
17 shall be electors from the state at large.

18 No member who has served for six years or more shall be
19 eligible for reappointment.

20 The functions, duties, and responsibilities of the commis-
21 sion, and the compensation of its members shall be provided
22 by law.

23 Section 13. Forestry Commission; State Forester

24 Section 13. (A) Forestry Commission. The practice of
25 forestry is hereby placed under the Louisiana Forestry Com-
26 mission. The commission shall consist of seven members, five
27 of whom shall be appointed by the governor for overlapping
28 terms of five years each, and two of whom, namely the head
29 of the Department of Forestry at Louisiana State University
30 and Agricultural and Mechanical College and the director of
31 the Wildlife and Fisheries Commission, shall serve as ex
32 officio members. Two of the members shall be owners or

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1 executive managers of interests owning and operating timber-
2 lands; one shall be the owner of farmlands interested in re-
3 forestation; one shall be a pulp and paper mill owner or execu-
4 tive manager; and the fifth shall be the owner or executive
5 manager of interests manufacturing or treating poles, piling,
6 posts, crossties, or veneer.

7 (B) State Forester. The commission shall appoint a state
8 forester. He must be a graduate from an accredited school of
9 forestry and have at least four years of forestry experience,
10 as provided by law.

11 Section 14. Public Service Commission

12 Section 14. (A) Composition; Term. There shall be a Public
13 Service Commission which shall consist of five members
14 elected at the time fixed for congressional elections from
15 single member districts established by law for overlapping
16 terms of six years. The commission annually shall elect one
17 of its members as chairman.

18 (B) Powers and Duties. The commission shall regulate all
19 common carriers and public utilities as provided by law. It
20 shall adopt and enforce reasonable rules, regulations, and
21 procedures necessary for the discharge of its duties, and shall
22 have other powers and perform other duties as provided by
23 law.

24 (C) Limitation. The commission shall have no power to
25 regulate any common carrier or public utility owned, operated,
26 or regulated on the effective date of this constitution by the
27 governing authority of one or more political subdivisions,
28 except by the consent of a majority of the electors voting in
29 an election held for that purpose; however, a political subdi-
30 vision may reinvest itself with such regulatory power in the
31 manner it was surrendered.

32 (D) Decisions on Applications, Petitions, and Schedules

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1 (1) The commission shall render its final decision on ap-
2 plications, petitions, and proposed rate schedules within
3 twelve months from the date the application, petition, or
4 proposed schedule is filed.

5 (2) If a decision is not rendered within six months from
6 the filing date of any proposed rate schedule, it shall be
7 deemed to be tentatively approved.

8 (3) If the proposed schedule results in a rate increase, it
9 may be put into effect, subject to such protective bond or
10 security requirements as may be provided by law, pending
11 final approval, modification, or rejection. If the commission
12 disapproves the proposed increase, in whole or in part, the
13 carrier or utility may place or continue the schedule in effect
14 under the bond or security, subject to any appeal and final
15 action by a court of last resort. Refund claims therefor in the
16 manner provided by law shall be filed within one year after
17 such final action.

18 (4) Any utility filing a proposed rate schedule shall, with-
19 in twenty days, give notice thereof by publication in the offi-
20 cial state journal and in the official journal of each parish
21 within the geographical area in which the schedule would
22 become applicable. Any person affected by the proposed rate
23 schedule may intervene.

24 (E) Appeals. Should the commission not render its deci-
25 sion within twelve months, an appeal may be taken as if a
26 decision had been rendered. Appeals may be taken by any
27 party or intervenor and must be filed with the district court,
28 within the time provided by law, at the domicile of the com-
29 mission, with a direct appeal to the supreme court as a matter
30 of right.

31 (F) Jurisdiction. The commission shall regulate the trans-
32 portation and sale of natural gas for industrial purposes.

1 This jurisdiction shall not include the right to regulate the
2 terms of any contract or the price of gas; but, regardless of
3 the terms of any contract, shall include the right to curtail
4 and allocate natural gas to industrial and other users to pro-
5 vide adequate supplies for essential human needs and to
6 protect the interests of the public. Gas allocated to any user
7 in the absence of a prior contract shall be sold at rates com-
8 parable to those at which such natural gas is then being sold
9 to industrial users.

10 This paragraph is self-executing, and the commission shall
11 promulgate such orders and regulations necessary to carry
12 out the purpose and intent of this paragraph.

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1 Constitutional Convention of Louisiana of 1973
2 COMMITTEE PROPOSAL NUMBER 34
3 Introduced by Delegate Lambert, Chairman, on behalf of
4 the Committee on Natural Resources and Environment,
5 and Delegates Bollinger, Derbes, Elkins, Hardee, Jack,
6 LeBleu, Leigh, Miller, Munson, Perkins, Singletary,
7 Thompson, Velazquez, Warren and Womack
8 (A Substitute for Committee Proposal No. 16):

10 A PROPOSAL

12 Making provisions relating to natural resources and
13 environment.

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

17 ARTICLE VIII. NATURAL RESOURCES

18 Section 1. Natural Resources and Environment; Public
19 Policy

20 Section 1. The natural resources of the state, including
21 air and water, and the healthful, scenic, historic, and es-
22 thetic quality of the environment shall be protected, con-
23 served, and replenished, insofar as possible and consistent
24 with the health, safety, and welfare of the people. The legis-
25 lature shall implement this policy by appropriate legislation.

26 Section 2. Natural Gas; Public Policy; Interstate and
27 Intraatate Pipelines

28 Section 2. Natural gas is hereby declared to be affected
29 with a public interest and not withstanding any provisions of
30 this constitution relative to the powers and duties of the
31 Public Service Commission, the legislature shall provide for
32 its regulation by such regulatory authority as it may designate.
33 The legislature in its discretion, however, may grant such
34 authority to the Public Service Commission.

35 No intrastate natural gas pipeline or gas gathering

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1 line shall be connected with an interstate natural gas
2 pipeline, and no interstate natural gas pipeline shall be
3 connected with an intrastate natural gas pipeline without a
4 certificate of public convenience and necessity issued as
5 provided by law after due application for such connection
6 and hearing thereon.

7 Section 4. Alienation of Water Bottoms

8 Section 4. The legislature shall neither alienate nor
9 authorize the alienation of the beds of navigable water
10 bodies, except for purposes of reclamation by the riparian
11 owner to recover land lost through erosion. This Section
12 shall not prevent the leasing of state lands or water
13 bottoms for mineral or other purposes. Except as provided
14 herein, no bed of any navigable water body may be reclaimed
15 except for public use.

16 Section 5. Reservation of Mineral Rights; Prescription

17 Section 5. (A) Reservation of Mineral Rights. The
18 mineral rights on all property sold by the state shall be
19 reserved, except where the owner or other person having the
20 right to redeem may buy or redeem property sold or adjudicated
21 to the state for taxes.

22 (B) Prescription. Lands and mineral interests of the
23 state, any school board, and any levee district shall not
24 be lost by prescription.

25 Section 6.1. Public Notice; Public Bidding Requirements

26 Section 6.1. No conveyance, lease, royalty agreement
27 or unitization agreement involving minerals or mineral rights
28 owned by the State of Louisiana shall be effected without
29 prior public notice or public bidding as shall be provided by law.

30 Section 8. Royalty Funds

31 Section 8. As used in Article XI, Section 4(D), "state-
32 owned property" means state-owned land, lake and river beds,
33 and other water bottoms belonging to the state or the title
34 to which is in the public for mineral development. The govern-
35 ing authority of a parish may fund its one-tenth of the royalties

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1 from mineral leases on such state-owned property into general
2 obligation bonds of the parish in accordance with law. Neither
3 the provisions of this Section nor the provisions of Article
4 XI, Section 4(D) shall apply to those properties comprising
5 the Russell Sage Wildlife and Game Refuge.

6 Section 9. Tidelands Ownership

7 Section 9. Revenues and royalties obtained from minerals
8 located beyond the seaward boundary of the state belong to the
9 state.

10 Section 10. Offshore Mineral Revenues; Use of Funds

11 Section 10. Funds derived from offshore mineral leases
12 and held in escrow under agreement between the state and
13 the United States pending settlement of the dispute between
14 the parties when received shall be deposited in the state
15 treasury. Those funds and the interest from their investment,
16 except the portion otherwise allocated or dedicated in this
17 constitution, shall be used by the treasurer in the purchase,
18 retirement, and payment in advance of maturity of then exist-
19 ing bonded indebtedness of the state or invested for such
20 purpose.

21 If any of these funds cannot be so expended within one
22 year, the legislature may annually appropriate for capital
23 improvements, or for the purchase of land, ten percent of
24 the remaining funds, not to exceed ten million dollars in
25 one year.

26 Section 12. Wildlife and Fisheries Commission

27 Section 12. The wildlife of the state, including all
28 aquatic life, is hereby placed under the control and super-
29 vision of the Louisiana Wildlife and Fisheries Commission,
30 which shall consist of seven members appointed by the
31 governor, subject to confirmation by the Senate, six of
32 whom shall serve for overlapping terms of six years and
33 one of whom shall serve for a term concurrent with that
34 of the governor. Three shall be electors of the coastal
35 parishes and representatives of the commercial fishing

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1 and fur industries, and four shall be electors from the
2 state at large other than representatives of the commercial
3 fishing and fur industries, as provided by law.

4 No member who has served for six years or more shall be
5 eligible for reappointment.

6 The functions, duties, and responsibilities of the com-
7 mission, and the compensation of its members shall be
8 provided by law.

9 Section 13. Forestry; Acreage Taxes; Forestry Commission;

10 State Forester

11 Section 13. (A) Forestry shall be practiced in the
12 state, and the legislature is authorized to make provisions
13 therefor. The legislature may authorize the governing
14 authorities of the parishes to levy acreage taxes, not to
15 exceed two cents per acre, for the purpose of this Section.
16 The provisions of this constitution relative to the exemption
17 of homesteads from taxation, are hereby extended and made
18 applicable to the tax hereby authorized.

19 (B) Forestry Commission. The practice of forestry
20 is hereby placed under the Louisiana Forestry Commission.
21 The commission shall consist of seven members, five of whom
22 shall be appointed by the governor subject to confirmation
23 by the Senate for overlapping terms of five years each, as
24 provided by law, and two of whom, namely the head of the
25 Department of Forestry at Louisiana State University and
26 Agricultural and Mechanical College and the director of the
27 Wildlife and Fisheries Commission, shall serve as ex officio
28 members.

29 (C) State Forester. The commission shall appoint a
30 state forester. He must be a graduate from an accredited
31 school of forestry and have at least four years of forestry
32 experience, as provided by law.

33 Section 15. Department of Wildlife and Fisheries;

34 Commissioned Enforcement Officers

35 Section 15. Nothing in Article VII of this constitution

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1 relating to civil service shall be construed to prevent the
 2 legislature from supplementing any civil service pay plan
 3 for regularly commissioned officers of the Enforcement
 4 Division of the Department of Wildlife and Fisheries.

1 COMMITTEE PROPOSAL No. 35—

2 Introduced by Delegate Jackson, Chairman, on behalf of the
3 Committee on Bill of Rights and Elections (Substitute for
4 Committee Proposal No. 1, by Delegate Jackson, Chairman, on
5 behalf of the Committee on Bill of Rights and Elections, and
6 Delegates Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and
7 Wall) :

8 A PROPOSAL

9 Providing for general governmental provisions.

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

12 ARTICLE II. GENERAL GOVERNMENTAL

13 PROVISIONS

14 Section 1. Three Branches

15 Section 1. The powers of government of the State of Louisi-
16 ana are divided into three distinct branches—legislative, ex-
17 ecutive, and judicial.

18 Section 2. Limitations of Each Branch

19 Section 2. No one of these branches, nor any person holding
20 office in one of them, shall exercise power belonging to either
21 of the others, except as otherwise provided in this constitution.

22 Section 3. Civilian-Military Relations

23 Section 3. The military shall be subordinate to the civil
24 power.

25 Section 4. Right to Direct Participation

26 Section 4. No person shall be denied the right to observe the
27 deliberations of public bodies and examine public documents,
28 except in cases established by law.

29 Section 5. Oath of Office

30 Section 5. All officers before entering upon the duties of
31 their respective offices shall take the following oath or affir-
32 mation: "I, (A B), do solemnly swear (or affirm) that I will

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1 Constitutional Convention of Louisiana of 1973

2 support the constitution and laws of the United States and the
3 constitution and laws of this state and that I will faithfully
4 and impartially discharge and perform all the duties incum-
5 bent upon me as according to the
6 best of my ability and understanding, so help me God."

2 COMMITTEE PROPOSAL NUMBER 35

3 Introduced by Delegate Jackson, Chairman, on behalf of
4 the Committee on Bill of Rights and Elections
5 (Substitute for Committee Proposal No. 1, by
6 Delegate Jackson, Chairman, on behalf of the Com-
7 mittee on Bill of Rights and Elections, and Delegates
8 Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall)

6 Section 6. State Capital

7 Section 6. The capital of Louisiana is the city of Baton
8 Rouge.

10 A PROPOSAL

9 Section 7. Forced Heirship and Trusts

10 Section 7. No law shall abolish forced heirship. The deter-
11 mination of forced heirs, and amount of the forced portion,
12 and the grounds for disinheritance shall be provided by law.
13 Trusts may be authorized by law for any purpose and a legi-
14 time may be placed in trust.

12 Providing for general governmental provisions.

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

15 Section 8. Protection of Vested Rights

16 Section 8. Vested rights shall not be divested, except for the
17 purposes and in accordance with the substantive and proced-
18 ural safeguards established in this constitution for the taking
19 or damaging of property.

15 ARTICLE II. DISTRIBUTION OF POWERS

16 Section 1. Three Branches

17 Section 1. The powers of government of the State of
18 Louisiana are divided into three distinct branches--legisla-
19 tive, executive, and judicial.

20 Section 9. Limitations on Banking

21 Section 9. No law shall permit multi-bank holding com-
22 panies, metropolitan banking, or statewide branch banking,
23 except by a favorable vote of two-thirds of each house of the
24 legislature.

21 Section 2. Limitations of Each Branch

22 Section 2. No one of these branches, nor any person
23 holding office in one of them, shall exercise power belonging
24 to either of the others, except as otherwise provided in this
25 constitution.

25 Section 10. Public Schools

26 ARTICLE XII. GENERAL PROVISIONS

27 Section 3. Civilian-Military Relations

28 Section 3. The military shall be subordinate to the
29 civil power.

26 Section 11. Public Health

30 Section 4. Right to Direct Participation

31 Section 4. No person shall be denied the right to observe
32 the deliberations of public bodies and examine public documents,
33 except in cases established by law.

27 Section 12. Public Safety

34 Section 5. Oath of Office

28 Section 13. Public Safety

29 Section 14. Public Safety

30 Section 15. Public Safety

31 Section 16. Public Safety

32 Section 17. Public Safety

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1 Section 5. All officers shall take the following oath or
2 affirmation: "I, (A B), do solemnly swear (or affirm) that
3 I will support the constitution and laws of the United States
4 and the constitution and laws of this state and that I will
5 faithfully and impartially discharge and perform all the
6 duties incumbent upon me as according to
7 the best of my ability and understanding, so help me God."

8 Section 6. State Capital

9 Section 6. The capital of Louisiana is the city of
10 Baton Rouge.

11 Section 7. Forced Heirship and Trusts

12 Section 7. No law shall abolish forced heirship.
13 The determination of forced heirs, the amount of the
14 forced portion, and the grounds for disinheritance shall
15 be provided by law. Trusts may be authorized by law and a
16 forced portion may be placed in trust.

17 Section 9. Limitations of Banking

18 Section 9. No law shall permit foreign or domestic multi-bank
19 holding companies or multi-parish branch banking, unless
20 enacted by two-thirds of the elected members of each house
21 of the legislature. This Section shall not prohibit multi-parish
22 banks which were lawfully operating as such prior to January 1,
23 1974; however, no such bank may extend its operations to any
24 parish in which it was not operating prior to said date unless
25 authorized to do so by a general law enacted by two-thirds of
26 the elected members of each house.

27 Section 10. Administrative and Quasi-Judicial Agency Code

28 Section 10. Rules, regulations and procedures adopted
29 by all state administrative and quasi-judicial agencies,
30 boards and commissions shall be published in one or more codes
31 and made available to the public.

32 Section 11. Preservation of Linguistic and Cultural Origin

33 Section 11. The right of the people to preserve, foster,
34 and promote their respective historic linguistic and cultural
35 origin is recognized.

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1 COMMITTEE PROPOSAL No. 36—

2 Introduced by Delegate A. Jackson, Chairman, on behalf of
3 the Committee on Bill of Rights and Elections (Substitute for
4 Committee Proposal No. 24, by Delegate Jackson, Chairman,
5 on behalf of the Committee on Bill of Rights and Elections,
6 and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stin-
7 son, Vick, Wall and Weiss):

8 A PROPOSAL

9 Relative to constitutional revision.
10 Be it adopted by the Constitutional Convention of Louisiana
11 of 1973:

12 ARTICLE XIII. CONSTITUTIONAL REVISION

13 Section 1. Amendments

14 Section 1. (A) An amendment to this constitution may be
15 proposed by joint resolution at any session of the legislature,
16 provided that notice of intention to introduce any such joint
17 resolution and a summary thereof shall have been published
18 in the official journal of the state at least ten days before the
19 beginning of the session. If two-thirds of the members elected
20 to each house concur in the resolution, pursuant to all the pro-
21 cedures and formalities required for passage of a bill except
22 submission to the governor, the secretary of state shall cause
23 the proposed amendment to be published in the official journal
24 of each parish once within not less than thirty nor more than
25 sixty days preceding the election at which the proposed amend-
26 ment is submitted to the electorate.

27 (B) If a majority of the electors voting for or against the
28 proposed amendment shall approve it, then it shall become
29 part of this constitution, effective twenty days after the gov-
30 ernor has proclaimed its adoption, unless the amendment
31 otherwise provides. However, no proposed amendment affect-
32 ing five or fewer political subdivisions shall become part of

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C. P. No. 36

C. P. No. 36

1 this constitution unless a majority of the electors voting there-
2 on in the state and also a majority, in the aggregate, of the
3 electors in the affected areas vote in favor of adoption of the
4 proposed amendment.

5 (C) When more than one amendment is submitted at the
6 same election, each shall be submitted so as to enable the elec-
7 tors to vote on them separately. A proposed amendment shall
8 be confined to one object and may set forth the entire article
9 or articles to be revised or only the sections or other subdivi-
10 sions which are to be added or in which a change is to be
11 made; provided that a section or other subdivision may be
12 repealed by reference. The proposed amendment shall have a
13 title containing a brief summary of the changes proposed.

14 Section 2. Convention Called by Legislature

15 Section 2. Whenever two-thirds of the members elected to
16 each house consider it desirable to revise, alter, or amend this
17 constitution, they may recommend to the electors at the next
18 election for representatives to the legislature or Congress to
19 vote for or against a convention for that purpose. If a ma-
20 jority of the electors voting on the proposition approve it,
21 the legislature shall provide at its next session for calling
22 such a convention. At a special election called for that pur-
23 pose, the proposed constitution and any alternative proposi-
24 tions agreed upon by the convention shall be submitted to the
25 people for their ratification or rejection. If the proposal is
26 approved by a majority of the electors voting thereon, the
27 governor shall proclaim it to be the Constitution of the State
28 of Louisiana.

29 Section 3. Convention Called by People

30 Section 3. At the election for representatives to Congress
31 to be held in the year one thousand nine hundred eighty-six
32 and in every tenth year thereafter, the question "Shall there

1 be a convention to revise the Constitution of the State of
2 Louisiana" shall be submitted to the electors of the state. If
3 a majority of the electors who vote on the question favor it,
4 the legislature shall at its next session provide for calling a
5 convention, according to the same procedures mentioned in
6 the previous section. The convention shall consist of delegates
7 elected from the same districts and having the same qualifi-
8 cations as state representatives. The legislature may also pro-
9 vide for not more than twenty-seven delegates to be appointed
10 by the governor.

11 Section 4. Laws Effectuating Amendments

12 Section 4. Whenever the legislature shall submit amend-
13 ments to this constitution, it may at the same session enact
14 laws to carry them into effect, to become operative when the
15 proposed amendments have been ratified.

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First Enrollment

CC-1336

1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 36

3 Introduced by Delegate A. Jackson, Chairman, on behalf of
4 the Committee on Bill of Rights and Elections (Substitute
5 for Committee Proposal No. 24, by Delegate Jackson,
6 Chairman, on behalf of the Committee on Bill of Rights
7 and Elections, and Delegates Dunlap, Guarisco, Jenkins,
8 Roy, Soniat, Stinson, Vick, Wall, and Weiss)

9 A PROPOSAL

12 Relative to constitutional revision.

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

15 ARTICLE XIII. CONSTITUTIONAL REVISION

16 Section 1. Amendments

17 Section 1. (A) An amendment to this constitution may be
18 proposed by joint resolution at any regular session of the
19 legislature, provided that such resolution has been prefiled,
20 in accordance with the Rules of the houses of the legislature,
21 at least ten days before the beginning of the session. An
22 amendment to this constitution may be proposed at any extra-
23 ordinary session of the legislature if it is within the
24 objects of the call of the session and is introduced in the
25 first five calendar days thereof. If two-thirds of the members
26 elected to each house concur in the resolution, pursuant to
27 all the procedures and formalities required for passage of a
28 bill except submission to the governor, the secretary of state
29 shall cause the proposed amendment to be published in the
30 official journal of each parish once within not less than
31 thirty nor more than sixty days preceding the election at
32 which the proposed amendment is submitted to the electorate.
33 Each joint resolution shall specify the statewide election at
34 which the proposed amendment shall be submitted. Special
35 elections for submitting proposed amendments may be authorized

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1 by law.

2 (B) If a majority of the electors voting on the
3 proposed amendment shall approve it, then it shall become
4 part of this constitution, effective twenty days after
5 the governor has proclaimed its adoption, unless the
6 amendment otherwise provides. A proposed amendment directly
7 affecting not more than five parishes or areas within not
8 more than five parishes shall become part of this constitution
9 only when approved by a majority of the electors voting thereon
10 in the state and also a majority of the electors voting thereon
11 in each affected parish. However, a proposed amendment
12 directly affecting not more than five municipalities, and only
13 such municipalities, shall become part of this constitution
14 only when approved by a majority of the electors voting
15 thereon in the state and also a majority of the electors
16 voting thereon in each such municipality.

17 (C) When more than one amendment is submitted at the
18 same election, each shall be submitted so as to enable the
19 electors to vote on them separately. A proposed amendment
20 shall be confined to one object and shall set forth the
21 entire article, sections, or other subdivisions thereof as
22 revised or only the article, sections, or other subdivisions
23 which are to be added; provided that a section or other
24 subdivision may be repealed by reference. However, the
25 legislature may propose, as one amendment, a revision of
26 an entire article of this constitution which revision may
27 contain multiple objects or changes. The proposed amendment
28 shall have a title containing a brief summary of the changes
29 proposed.

30 Section 2. Convention Called by Legislature

31 Section 2. The legislature, by a two-thirds vote of the
32 elected membership of each house, may provide by law for the
33 calling of a constitutional convention. The convention may
34 be called whenever the legislature considers it desirable to
35 revise or propose a new constitution. The revision or the proposed

First Enrollment

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C. P. No. 36

1 constitution and any alternative propositions agreed upon
2 by the convention shall be submitted to the people for their
3 ratification or rejection. If the proposal is approved by
4 a majority of the electors voting thereon, the governor shall
5 proclaim it to be the Constitution of the State of Louisiana.

Section 4. Laws Effectuating Amendments

6 Section 4. Whenever the legislature shall submit amend-
7 ments to this constitution, it may at the same session enact
8 laws to carry them into effect, to become operative when the
9 proposed amendments have been ratified.
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Page 3

Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

C. P. No. 37

1 COMMITTEE PROPOSAL No. 37—

2 Introduced by Delegate Lambert, Chairman, on behalf of
3 the Committee on Natural Resources and Environment:

4 A PROPOSAL

5 Making provisions relating to the Public Service Commission.

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

8 ARTICLE VIII. NATURAL RESOURCES

9 * * *

10 Section 14. Public Service Commission

11 Section 14. (A) Composition; Term. There shall be a Public
12 Service Commission which shall consist of five members
13 elected at the time fixed for congressional elections from single
14 member districts established by law for overlapping terms of
15 six years. The commission annually shall elect one of its mem-
16 bers as chairman. Each commissioner serving upon the effec-
17 tive date of this constitution shall be the commissioner for the
18 new district in which he resides and shall serve out the term
19 for which he was chosen.

20 (B) Powers and Duties. The commission shall regulate all
21 common carriers and public utilities as provided by law. It
22 shall adopt and enforce reasonable rules, regulations, and pro-
23 cedures necessary for the discharge of its duties, and shall
24 have other powers and perform other duties as provided by
25 law. Notwithstanding any provision in this Paragraph, the
26 legislature shall provide for the regulation of natural gas by
27 such regulatory authority as it may designate.

28 (C) Limitation. The commission shall have no power to
29 regulate any common carrier or public utility owned, operated,
30 or regulated on the effective date of this constitution by the
31 governing authority of one or more political subdivisions, ex-
32 cept by the consent of a majority of the electors voting in an

Page 1

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1 election held for that purpose; however, a political subdivision
2 may reinvest itself with such regulatory power in the manner
3 it was surrendered. This shall not apply to safety regulations
4 pertaining to the operation of such utilities.

5 (D) Decisions on Applications, Petitions, and Schedules.

6 (1) The commission shall render its final decision after a
7 public hearing on applications, petitions, and proposed rate
8 schedules within twelve months from the date the application,
9 petition, or proposed schedule is filed.

10 (2) If a proposed rate schedule is approved in whole or in
11 part within six months, any increase shall become effective
12 on the date established by the Public Service Commission or-
13 der. If no decision is rendered within six months from the
14 effective filing date of any proposed rate schedule, such in-
15 crease may be put into effect, as provided by law, subject to
16 such protective bond or security requirements until final
17 action by a court of last resort.

18 (3) If the proposed increase is finally disallowed, in whole
19 or in part, the utility or carrier shall make refunds within one
20 year after any final action, and as otherwise provided by law.

21 (4) Any utility filing a proposed rate schedule shall, within
22 twenty days, give notice thereof by publication in the official
23 state journal and in the official journal of each parish within
24 the geographical area in which the schedule would become
25 applicable. Any person affected by the proposed rate schedule
26 may intervene.

27 (E) Appeals. Should the commission not render its decision
28 within twelve months, an appeal may be taken as if a decision
29 had been rendered. Appeals may be taken by any party or
30 intervenor and must be filed with the district court, within the
31 time provided by law, at the domicile of the commission, with
32 a direct appeal to the supreme court as a matter of right.

1 (F) Jurisdiction. The commission shall regulate the trans-
2 portation and sale of natural gas for industrial purposes. This
3 jurisdiction shall not include the right to regulate the terms
4 of any contract or the price of gas; but, regardless of the terms
5 of any contract, shall include the right to curtail and allocate
6 natural gas to industrial and other users to provide adequate
7 supplies for essential human needs and to protect the interests
8 of the public. Gas allocated to any user in the absence of a
9 prior contract shall be sold at rates comparable to those at
10 which such natural gas is then being sold to industrial users.

11 This paragraph is self-executing, and the commission shall
12 promulgate such orders and regulations necessary to carry out
13 the purpose and intent of this paragraph.

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First Enrollment

1 Constitutional Convention of Louisiana of 1973
2 COMMITTEE PROPOSAL NUMBER 37
3 Introduced by Delegate Lambert, Chairman, on behalf of the
4 Committee on Natural Resources and Environment

A PROPOSAL

5 Making provisions relating to the Public Service Commission.
6 Be it adopted by the Constitutional Convention of Louisiana
7 of 1973:

ARTICLE VIII. NATURAL RESOURCES

8 * * *

Section 14. Public Service Commission

9 Section 14. (A) Composition; Term; Domicile. There shall be
10 a Public Service Commission which shall consist of five members
11 elected at the time fixed for congressional elections from
12 single member districts established by law for overlapping
13 terms of six years. The commission annually shall elect one
14 of its members as chairman. Each commissioner serving upon the
15 effective date of this constitution shall be the commissioner
16 for the new district in which he resides and shall serve out
17 the term for which he was chosen. The commission shall have its
18 domicile at the state capital, but may meet, hold investigations,
19 and render orders elsewhere in this state.

20 (B) Powers and Duties. The commission shall regulate all
21 common carriers and public utilities as provided by law. It
22 shall adopt and enforce reasonable rules, regulations, and
23 procedures necessary for the discharge of its duties, and
24 shall have other powers and perform other duties as provided
25 by law. Notwithstanding any provision in this Paragraph, the
26 legislature shall provide for the regulation of natural gas
27 by such regulatory authority as it may designate.

28 (C) Limitation. The commission shall have no power to
29 regulate any common carrier or public utility owned, operated,
30 or regulated on the effective date of this constitution by the

C. P. NO. 37

1 governing authority of one or more political subdivisions,
2 except by the consent of a majority of the electors voting
3 in an election held for that purpose; however, a political
4 subdivision may reinvest itself with such regulatory power in
5 the manner it was surrendered. This shall not apply to
6 safety regulations pertaining to the operation of such
7 utilities.

8 (D) Applications, Petitions, and Schedules;
9 Protective Bond and Security

10 (1) Any common carrier or public utility filing a
11 proposed rate schedule which, if finally approved, would
12 result in a change in existing rates, shall, within twenty
13 days, give notice thereof by publication in the official
14 state journal and in the official journal of each parish
15 within the geographical area in which the schedule would
16 become applicable.

17 (2) Within twelve months from the effective date of
18 filing, the commission shall render a full decision on every
19 application, petition, and proposed rate schedule.

20 (3) After the effective filing date of any proposed
21 schedule by a public utility which would result in any
22 increase in rates, the commission, pending its decision
23 on the application for rate increase, may permit the
24 proposed schedule to be put into effect, in whole or in
25 part, subject to protective bond or security approved by
26 the commission. If no decision is rendered on the
27 application within twelve months after such filing date
28 the proposed increase may be put into effect, but only
29 as provided by law and subject to protective bond or
30 security requirements, until final action by a court of
31 last resort.

32 (4) If any proposed increase which has been put
33 into effect is finally disallowed, in whole or in part,
34 the utility shall make full refund, with legal interest
35 thereon, within the time and in the manner prescribed by

First Enrollment

C. P. NO. 37

1 law.
 2 (E) Appeals. Appeal may be taken in the manner
 3 provided by law by any aggrieved party or intervenor to
 4 the district court of the domicile of the commission.
 5 A right of direct appeal from any judgment of the district
 6 court shall be allowed to the supreme court. The right
 7 of appeal granted herein shall extend to any action by the
 8 commission, including without limitation any action taken by
 9 the commission or by a public utility under the provisions
 10 of Subparagraph (3) above.

Constitutional Convention of Louisiana of 1973

C. P. No. 38

1 **COMMITTEE PROPOSAL No. 38—**

2 Introduced by Delegate Zervigon, Chairperson, Committee
 3 on Legislative Liaison and Transitional Measures, and Del-
 4 egates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson,
 5 Jones, Lanier, Rayburn, Smith, Thompson, Vick and Wo-
 6 mack:

7 **A PROPOSAL**

8 Making provisions relative to transitional provisions.

9 Be it adopted by the Constitutional Convention of Lou-
 10 isiana of 1973:

11 **ARTICLE XIV. TRANSITIONAL PROVISIONS**

12 **Section 1. Limitation on Transitional Provisions**

13 Section 1. Nothing in this Article shall be construed or
 14 applied in such a manner as to invalidate the foregoing
 15 Articles of this constitution, but only to supplement and
 16 to provide for an orderly transition from the Constitution
 17 of 1921.

18 **Section 2. References to 1921 Constitution**

19 Section 2. Whenever reference is made in this constitution
 20 to the Constitution of 1921, it shall mean the Louisiana
 21 Constitution of 1921, as amended.

22 **Section 3. Effect of Titles**

23 Section 3. No title or sub-title, heading or sub-heading,
 24 marginal note, index, or table printed in or with this con-
 25 stitution shall be considered or construed to be a part of
 26 this constitution, but to be inserted only for convenience
 27 in reference.

28 **Section 4. Inherent Power of Legislature**

29 Section 4. The legislature shall have all powers not pro-
 30 hibited or denied by this constitution or by or under the
 31 constitution and laws of the United States and the absence
 32 in this constitution of a grant of power contained in the

1 constitution hereby superseded shall not be construed as
2 a limitation of the powers of state government.

3 Section 5. Continuation of Actions and Rights

4 Section 5. All writs, actions, suits, proceedings, civil or
5 criminal liabilities, prosecutions, judgments, sentences, or-
6 ders, decrees, appeals, rights or causes of action, contracts,
7 obligations, claims, demands, titles, and rights existing on
8 the effective date of this constitution shall continue unaf-
9 fected except as modified in accordance with this constitu-
10 tion. All sentences as punishment for crime shall be exe-
11 cuted according to their terms.

12 Section 6. Protection of Existing Taxes

13 Section 6. All taxes, penalties, fines, and forfeitures owing
14 to the state or any political subdivision levied and collectible
15 under the Constitution of 1921 and valid laws enacted there-
16 under shall inure to the entity entitled thereto. The provi-
17 sions of this constitution shall not be construed or applied
18 in such a manner as to invalidate taxes levied or authorized
19 under the Constitution of 1921.

20 Section 7. Impairment of Debt Obligations Prohibited

21 Section 7. Nothing in this constitution shall be construed
22 or applied in such a manner as to impair the obligation,
23 validity, or security of any bonds or other debt obligations
24 authorized under the Constitution of 1921.

25 Section 8. Existing Officials

26 Section 8. A person holding an office by election shall
27 continue to exercise his powers and duties until his office
28 is abolished, his successor takes office or the office is va-
29 cated, as provided by law. A person holding an office by
30 appointment shall continue to exercise his powers and duties
31 until his office is abolished, his term ends, or he is removed
32 or replaced under the provisions of this constitution or by

1 law. Each public body shall continue to exercise its powers
2 and duties until changed as provided by this constitution
3 or by law.

4 Section 9. Provisions of 1921 Constitution Made Statutory

5 Section 9. (A) Provisions Continued as Statutes. Subject
6 to change by law or as otherwise provided in this constitu-
7 tion, and except as any of them conflicts with this con-
8 stitution, the following provisions of the Constitution of 1921
9 are continued as statutes, but restricted to the same effect
10 as on the effective date of this constitution:

- 11 1. Article V, Sections 2, 7, 18, 20, and 21.
- 12 2. Article VI, Sections 1(a), 11.1, 19, 19.2, 19.3, 19.4, 26,
- 13 27, 28, 31, 32, 33, 35, 36.1, and 39.
- 14 3. Article VI-A, Sections 1 through 14, except any dedi-
- 15 cations therein contained.
- 16 4. Article VII, Sections 8, 12.1, 13, 20, 21, 28, 31, 31.1, 31.2,
- 17 33, 46 through 51, 51(a), 52, 53, 55, 80, 81, 82, 83, 85, 89
- 18 through 92, and 94 through 97.
- 19 5. Article IX, Section 4.
- 20 6. Article X, Sections 1(8), 1(9), 2, 2(1), 2(2), 6, 10(A),
- 21 15, and 23.
- 22 7. Article X-A, Sections 3 and 4.
- 23 8. Article XII, Sections 18, 19 through 22, 25, and 26.
- 24 9. Article XIV, Sections 3(b), 3(d) (first), 6, 10, 12, 14,
- 25 19, 21, 22(A), 23, 23.1 through 23.43, 24, 24.2 through 24.23,
- 26 25, 25.1, 26 through 28, 30, 30.1, 30.3, 30.4, 30.5, 31, 31.3, 31.6,
- 27 31.7, 32, 33, 34, 35, 36, 37.1, 38, 38.1, 39, 39.1, 43, 44,
- 28 44.1, 45, 47, and 48.
- 29 10. Article XV, Sections 1, 3, and 4.
- 30 11. Article XVI, Sections 1, 4, 6, 7, 8, and 8(a).
- 31 12. Article XVII, Sections 3 and 4.
- 32 13. Article XVIII, Sections 4 and 8.

1 14. Article XIX, Sections 6, 18, 19, 19(a), 20, and 27.
 2 15. Article VI, Sections 22, 23 except any dedications con-
 3 tained therein, and 23.1; Article VI-A, Sections 1 through
 4 14, except any dedications contained therein; Article V, Sec-
 5 tions 7 and 9; Article X, Sections 7, 9, 16, and 21; Article
 6 XIV, Section 15.1, except Paragraph (34); and Article XVII,
 7 Section 13, all of which shall be continued as statutes, sub-
 8 ject to change only by law enacted by two-thirds of the
 9 elected members of each house.

10 (B) Judicial Review. The question of whether or to what
 11 extent these Sections are in conflict with Articles I through
 12 XIII of this constitution shall be subject to judicial review.

13 (C) Arrangement. The legislature shall provide for the
 14 assignment of titles and sections to the provisions made
 15 statutory hereby and for their arrangement in proper sta-
 16 tutory form.

17 Section 10. Provisions of Constitution of 1921 Repealed

18 Section 10. Except as retained in Articles I through XIII
 19 of this constitution, all other provisions of the Constitution
 20 of 1921 are repealed, except that any provision which is
 21 inconsistent with this constitution which is a necessary
 22 procedure of government shall remain in effect for three
 23 years after the effective date of this constitution or until
 24 sooner superseded by statute, ordinance, rule, or regulation
 25 enacted pursuant to this constitution.

26 Section 11. Existing Laws

27 Section 11. (A) Retention. Laws in force on the effective
 28 date of this constitution, which were constitutional when
 29 enacted and are not inconsistent with this constitution, shall
 30 remain in effect until altered or repealed by the authority
 31 which enacted them or until they expire by their own limi-
 32 tation.

1 (B) Expiration of Inconsistent Law. Laws which are in-
 2 consistent with this constitution shall cease upon its effec-
 3 tive date. However, a law which is inconsistent with a
 4 provision of this constitution requiring legislation to im-
 5 plement it shall remain in effect for three years after the
 6 effective date of this constitution, unless sooner repealed
 7 by the legislature.

8 Section 12. Constitution Not Retroactive

9 Section 12. Except as otherwise specifically provided in
 10 this constitution, this constitution shall not be retroactive
 11 and shall not create any right or liability which did not
 12 exist under the Constitution of 1921 based upon actions or
 13 matters occurring prior to the effective date of this con-
 14 stitution.

15 Section 13. Legislative Provisions

16 Section 13. (A) President of Senate. The lieutenant gov-
 17 ernor in office on the effective date of this constitution
 18 shall continue to serve as president of the Senate until his
 19 term expires in 1976.

20 (B) First Session. The provisions of Article III of this
 21 constitution shall become effective for the first session of
 22 the legislature to be held in 1975. However, in 1976, the
 23 legislature shall convene in regular session at twelve o'clock
 24 noon on the second Monday in May, at which time the
 25 members elected at the statewide election in 1976 shall take
 26 office; otherwise, the legislature shall conduct that session
 27 as provided in Article III of this constitution.

28 (C) Legislative Auditor. The legislative auditor shall con-
 29 tinue to exercise the powers and perform the functions set
 30 forth in Article VI, Section 26(2) of the Constitution of
 31 1921 until otherwise provided by law.

32 (D) Legislative Reapportionment. The requirement for

1 legislative reapportionment in Section 5 of Article III of
2 this constitution shall apply to the reapportionment of the
3 legislature following the decennial census of 1980, and there-
4 after.

5 Section 14. Deletion of Obsolete Schedule Items

6 Section 14. The legislature by law may delete from this
7 constitution this and any other Section of this Article when
8 all events have occurred to which the Section to be deleted
9 is or could become applicable. A legislative determination
10 of fact forming the basis for application of this Section
11 shall be subject to judicial review.

12 Section 15. Judiciary Commission

13 Section 15. The members of the judiciary commission in
14 office on the effective date of this constitution shall serve
15 until the expiration of their terms. Within thirty days after
16 the effective date of this constitution, the additional two
17 citizen members shall be selected as required by Article V,
18 Section 24. A lawyer member, as thereby required, shall be
19 selected to succeed the judge of a court of record other
20 than a court of appeal whose term as a member of the
21 commission first expires. Thereafter, when a vacancy occurs,
22 the successor to the position shall be selected in accordance
23 with Article V, Section 24.

24 Section 16. Ports; Transition to Statutes

25 Section 16. All provisions of Article VI, Sections 16, 16.1,
26 16.2, 16.3, 16.4, 16.5, 16.6, 17, 29, 29.1, 29.2, 29.3, 29.4, 33.1,
27 34 and Article XIV, Section 30.2 of the Constitution of
28 1921 shall become statutes subject to amendment or repeal
29 only as provided in Article VI, Section 44 of this constitu-
30 tion.

31 Section 17. Home Rule Charters; Authorization

32 Section 17. The provisions of Article XIV, Sections 3(a),

1 3(c), 3(d) (second), 22, 37, and 40(c) of the Constitution of
2 1921 are continued in effect as the constitutional authori-
8 zation for home rule charters or plans of government rati-
4 fied in Article VI, Section 4 of this constitution.

5 Section 18. Public Service Commission

6 Section 18. At its next extraordinary or regular session,
7 the legislature shall divide the state into five single-member
8 districts as required by Article VIII, Section 14(A) and shall
9 provide for a special election at which the two additional
10 members of the commission shall be elected, the initial
11 term to be served by each, and other matters necessary to
12 effectuate said Section 14(A).

13 Section 19. Statewide Elected Officials

14 Section 19. Officials elected statewide in 1976 under terms
15 of the new constitution shall take office in May of that
16 year. Thereafter, statewide elected officials shall take office
17 in March as provided in the new constitution.

18 Section 20. Commissioner of Elections

19 Section 20. The commissioner of elections, as provided by
20 Article IV, first elected under this constitution shall be
21 elected to take office in 1976. The custodian of voting
22 machines in office on the effective date of this constitution
23 shall continue to exercise the functions of that office, with-
24 out change, until the expiration of his term.

25 Section 21. Pardon Board

26 Section 21. Until a pardon board is appointed under the
27 terms of this constitution, the lieutenant governor, attorney
28 general, and presiding judge of the sentencing court shall
29 continue to serve as a board of pardons.

30 Section 22. Levee Districts; Compensation for Property

31 Section 22. The provisions of Article XVI, Section 6 of
32 the Constitution of 1921 shall be continued as a statute,

1 subject to change by the legislature, and the amount of
2 compensation therein required to be paid for property used
3 or destroyed for levee or levee drainage purposes shall be
4 paid as provided in Section 6 of Article XVI of the Con-
5 stitution of 1921 until the legislature enacts a law to effec-
6 tuate Article VI, Section 43 of this constitution.

7 Section 23. Suits Against the State; Effective Date

8 Section 23. The provisions of Article III, Section 14 waiv-
9 ing the immunity of the state, its agencies, or political sub-
10 divisions from suit and liability in contract or for injury
11 to person or property only shall apply to a cause of action
12 arising after the effective date of this constitution.

13 Section 24. Tax Schedule

14 Section 24. (A) Property Taxes. The provisions of Article
15 X of the Constitution of 1921 relating to ad valorem prop-
16 erty taxes shall remain in effect until the provisions on
17 that subject contained in Article XI of this constitution
18 take effect as provided in said Article XI.

19 (B) The provisions of Article XI of the Constitution of
20 1921 shall be continued as a statute until the legislature
21 enacts the law required by Article XI, Section 1 (Delegate
22 Proposal No. 16) of this constitution, but the amount of
23 the exemption shall be fifteen thousand dollars in value
24 until otherwise fixed by law.

25 Section 25. Effective Date

26 Section 25. This constitution shall become effective at
27 twelve o'clock midnight on January 1, 1975. The secretary
28 of state shall promulgate the results of the election on the
29 thirtieth day prior thereto; however, he shall announce the
30 results of the election within thirty days after the date of
31 the election at which the constitution is submitted to the
32 people.

1 Section 26. Extraordinary Legislative Session

2 Section 26. The Legislature of Louisiana is hereby directed
3 to convene in extraordinary session at the State Capitol,
4 upon a call issued by the governor, for a period not to
5 exceed seventy-five days, for the purpose of enacting laws
6 to implement this constitution.

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First Enrollment

1 Constitutional Convention of Louisiana of 1973
2 COMMITTEE PROPOSAL NUMBER 38
3 Introduced by Delegate Zervigon, Chairperson, Committee on
4 Legislative Liaison and Transitional Measures, and
5 Delegates Casey, Comar, D'Carolano, Drew, Hardee, J. Jackson,
6 Jones, Lanier, Rayburn, Smith, Thompson, Vick, and Romack

A PROPOSAL

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10 Making provisions relative to transitional provisions.

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

ARTICLE XIV. TRANSITIONAL PROVISIONS

PART II.

Section 1. Limitation on Transitional Provisions

16 Section 1. Nothing in this Part shall be construed or
17 applied in such a manner as to supersede or invalidate, or
18 limit or change the meaning of any provision of the foregoing
19 Articles of this constitution, but only to provide for an
20 orderly transition from the Constitution of 1921.

Part III

Section 2. References to 1921 Constitution

23 Section 2. Whenever reference is made in this constitution
24 to the Constitution of 1921, it shall mean the Louisiana Consti-
25 tution of 1921, as amended.

Section 3. Effect of Titles

27 Section 3. No title or sub-title, heading or sub-heading,
28 marginal note, index, or table printed in or with this consti-
29 tution shall be considered or construed to be a part of this
30 constitution, but to be inserted only for convenience in reference.

Section 5. Continuation of Actions and Rights

32 Section 5. All writs, actions, suits, proceedings, civil
33 or criminal liabilities, prosecutions, judgments, sentences,
34 orders, decrees, appeals, rights or causes of action, contracts,
35 obligations, claims, demands, titles, and rights existing on the

1 effective date of this constitution shall continue unaffected.

2 All sentences as punishment for crime shall be executed according to
3 their terms.

Section 6. Protection of Existing Taxes

5 Section 6. All taxes, penalties, fines, and forfeitures
6 owing to the state or any political subdivision levied and
7 collectible under the Constitution of 1921 and valid laws enacted
8 thereunder shall inure to the entity entitled thereto.

Section 7. Impairment of Debt Obligations Prohibited

10 Section 7. Nothing in this constitution shall be construed
11 or applied in such a manner as to impair the obligation, validity,
12 or security of any bonds or other debt obligations authorized
13 under the Constitution of 1921.

PART II

Section 8. Existing Officials

16 Section 8. A person holding an office by election shall
17 continue to exercise his powers and duties until his office is
18 abolished, his successor takes office or the office is vacated,
19 as provided by law. A person holding an office by appointment
20 shall continue to exercise his powers and duties until his office
21 is abolished, his term ends, or he is removed or replaced under
22 the provisions of this constitution or by law. Each public body
23 shall continue to exercise its powers and duties until changed
24 as provided by this constitution or by law.

Section 9. Provisions of 1921 Constitution Made Statutory

26 Section 9. (A) Provisions Continued as Statutes. Subject
27 to change by law or as otherwise provided in this constitution,
28 and except as any of them conflicts with this constitution, the
29 following provisions of the Constitution of 1921 are continued
30 as statutes, but restricted to the same effect as on the effective
31 date of this constitution:

32 1. Article V, Sections 2, 7, 18, 20, and 21.

33 2. Article VI, Sections 1, 1 (A-1), 11.1, 19, 19.2,
34 19.3, 19.4, 22(1), 23 except any dedications contained
35 therein, 23.1, 26, 28, 31, 32, 33, 35, 36.1, and 39.

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1 3. Article VI-A, Sections I through 14, except any
2 dedications therein contained.
3 4. Article VII, Sections 7, 8, 9, 12.1, 13, 20, 21, 26, 31,
4 31.1, 31.2, 33, 46 through 51, 51(a), 52, 53,
5 55, 80, 81, 82, 83, 85, 89 through 92, and 94
6 through 97.
7 5. Article IX, Section 4.
8 6. Article X, Sections 1, 2, 6, 7, 9, 10A, 15, 16,
9 and 23; except any dedications contained therein.
10 7. Article X-A, Sections 3 and 4.
11 8. Article XII, Sections 18, 19 through 22, 25,
12 and 26.
13 9. Article XIV, Sections 3(b), 3(d) (first), 6, 10,
14 12, 14, 19, 21, 23, 23.1 through 23.43,
15 24, 24.2 through 24.23, 25, 25.1, 26 through 28,
16 30, 30.1, 30.3, 30.4, 30.5, 31, 31.3, 31.6,
17 31.7, 32, 33, 34, 35, 36, 37.1, 38, 38, 38.1,
18 39, 39.1, 43, 44, 44.1, 45, 47, and 48.
19 10. Article XV, Sections 1, 3, and 4.
20 11. Article XVI, Sections 1, 4, 6, 7, 8, and 8(a).
21 12. Article XVII, Sections 3 and 4.
22 13. Article XVIII, Sections 4, 8, and 13.
23 14. Article XIX, Sections 6, 19, 19(a), 20, and 27.
24 15. Article IV, Sections 2(c), 12-b, and 12-c.
25 (B) Arrangement. The provisions made statutory in this
26 Article shall be arranged in proper statutory form and recom-
27 mendations made for additional laws and modifications as pro-
28 vided in R.S. 24:201 through 256, or as otherwise provided by
29 law.
30 Section 10. Provisions of Constitution of 1921 Repealed
31 Section 10. Except to the extent provided in this Article
32 and except as retained in Articles I through XIII
33 of this constitution, the provisions of the Constitution of
34 1921 are repealed.
35 Section 11. Existing Laws

1 Section 11. (A) Continuation. Laws in force on the effective
2 date of this constitution, which were constitutional when enacted
3 and are not in conflict with this constitution, shall remain in
4 effect until altered or repealed or until they expire by their own
5 limitation.
6 (B) Expiration of Conflicting Law. Laws which are in
7 conflict with this constitution shall cease upon its effective
8 date.

PART III

10 Section 12. Constitution Not Retroactive
11 Section 12. Except as otherwise specifically provided in
12 this constitution, this constitution shall not be retroactive
13 and shall not create any right or liability which did not exist
14 under the Constitution of 1921 based upon actions or matters
15 occurring prior to the effective date of this constitution.
16 Section 13. Legislative Provisions
17 Section 13. (A) President of Senate. The lieutenant governor
18 in office on the effective date of this constitution shall continue
19 to serve as president of the Senate until his term expires in 1976.
20 (B) First Session. The provisions of Article III of this
21 constitution shall become effective for the first session of the
22 legislature to be held in 1975 and each session thereafter. However,
23 in 1976, the legislature shall convene in regular session at twelve
24 o'clock noon on the second Monday in May, at which time the members
25 elected at the statewide election in 1976 shall take office; otherwise,
26 the legislature shall conduct that session as provided in Article III
27 of this constitution.
28 (C) Legislative Auditor. The legislative auditor shall con-
29 tinue to exercise the powers and perform the functions set forth
30 in Article VI, Section 24(2) of the Constitution of 1921 until
31 otherwise provided by law.
32 (D) Legislative Reapportionment. The requirement for legis-
33 lative reapportionment in Section 5 of Article III of this
34 constitution shall apply to the reapportionment of the legislature
35 following the decennial census of 1980, and thereafter.

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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 VII, 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.

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)

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1 of this constitution, but the amount of the exemption shall be
2 fifteen thousand dollars in value until otherwise fixed by law.

3 Section 25. Effective Date

4 Section 25. This constitution shall become effective at
5 twelve o'clock midnight on December 31, 1974. The secretary of
6 state shall promulgate the results of the election by publication
7 in the official state journal on the thirtieth day prior thereto;
8 however, he shall announce the results of the election within
9 thirty days after the date of the election at which the constitution
10 is submitted to the people.

11 Part I

12 Section 27. Board of Supervisors of Southern University

13 Section 27. At the next session of the legislature following
14 the effective date of this constitution, the governor shall submit
15 to the Senate for its consent the names of his appointees to the
16 Board of Supervisors of Southern University and Agricultural and
17 Mechanical College in accordance with and to effectuate Article IX,
18 Section 7.

19 PART I.

20 Section 28. Transition to Board of Regents and State

21 Board of Elementary and Secondary Education

22 Section 28. (A) If Alternative Proposition ____ concerning education
23 boards is approved by the electors and if the proposed constitution
24 is approved by the electors, then this Section shall become Section
25 ____ of Article XIV of the new constitution and Sections ____, ____,
26 and ____ of Article XIV shall be null, void, and of no effect. If
27 Alternative Proposition ____ is not approved this Section shall be
28 null and void and of no effect.

29 (B) (1) On the effective date of this constitution, each member
30 of the Louisiana Coordinating Council for Higher Education whose term
31 has not expired shall become a member of the Board of Regents. The
32 legislature shall provide by law the procedure to effectuate
33 the transition to the board, the secretary of state notified of those
34 elections which must be held, and the governor notified of the appoint-
35 ments which must be made to complete the membership of the board.

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1 The elections and appointments shall be made in accordance with
2 and to effectuate Article IX, Section 5 of Alternative Proposition
3 No. ____, adopted as Delegate Proposal No. 98, by Delegates Henry,
4 et al.

5 (2) On the effective date of this constitution, each member of the
6 State Board of Education whose term has not expired may elect to
7 become a member of either the State Board of Elementary and Secondary
8 Education or the Board of Regents. He shall serve until the expiration
9 of the term for which he was elected. The legislature shall provide
10 by law the procedures by which this right shall be exercised, the
11 secretary of state notified of those elections which must be held,
12 and the governor notified of the appointments which must be made to
13 complete the membership of the boards. The elections and appointments
14 shall be made in accordance with and to effectuate Article IX, Sections
15 3 and 5 of Alternative Proposition No. ____, adopted as Delegate
16 Proposal No. 98, by Delegates Henry, et al.

17 (3) On the effective date of this constitution the Louisiana Coor-
18 dinating Council for Higher Education is abolished, and on such date
19 all powers, duties, and functions thereof not inconsistent with this
20 constitution shall be merged and consolidated into the Board of Regents.

21 (4) On the effective date of this constitution, all functions of
22 the State Board of Education with respect to the governance, super-
23 vision, management, administration, and direction of institutions of
24 higher education not inconsistent with this constitution shall be
25 transferred to the Board of Regents, and in all other respects the
26 functions of the State Board of Education not inconsistent with this
27 constitution shall be transferred to and be exercised by the State
28 Board of Elementary and Secondary Education.

29 (5) Subject to change by law and except as in conflict with this
30 Alternative Proposition and Act 2 of 1972, the provisions of Article
31 XII, Section 7A of the Constitution of 1921 are continued as a statute,
32 but the powers of the board shall be limited to the management of the
33 daily operations of the Louisiana State University System.

34 Section 29. Effect of Adoption

35 Section 29. Notwithstanding any contrary provision of any law

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1 or the prior constitution, this constitution when approved by the
2 electors of this state shall be the Constitution of the State of
3 Louisiana upon the effective date as provided in Section 25 of this
4 Article.

5 Section 30. Severability Clause

6 Section 30. If any provision of this constitution is declared
7 invalid for any reason, that provision shall not affect the validity
8 of the entire constitution or any other provision thereof.

1 **DELEGATE PROPOSAL No. 1—**

2 Introduced by Dr. Asseff:

3 **A PROPOSAL**

4 For supplemental pay increases for state policemen.

5 **PROPOSED SECTION:**

6 Article, Section Supplemental pay increase for
7 the state police

8 The State Civil Service Commission shall adopt a plan,
9 which shall not require approval of the governor, under
10 which supplemental monthly compensation shall be paid
11 to law enforcement officers employed by the division of
12 state police which shall be equal to the supplemental pay
13 program provided by law for municipal and parish law
14 enforcement personnel and shall be paid under the same
15 terms and conditions. The initial plan so adopted shall
16 include supplemental pay increases heretofore provided by
17 law.

18 The legislature shall appropriate the funds necessary
19 for the supplemental pay for state policemen provided for
20 by this section. The amount to be appropriated shall be
21 included as a line item in the general appropriation bill
22 for each year, and the governor shall have no power to
23 veto the appropriation. In any year in which the legisla-
24 ture fails to appropriate the necessary funds, the state
25 treasurer shall pay over such funds, out of any moneys
26 available in the state treasury, to the director of the State
27 Department of Public Safety.

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1 **DELEGATE PROPOSAL No. 2—**

2 Introduced by Dr. Asseff:

3 **A PROPOSAL**

4 To protect the sources of information of news reporters.

5 Article, Section Reporters of news, protection
6 of sources of information.

7 A. No news reporter shall be compelled to disclose the
8 identity of any informant or any source of information
9 obtained by him while acting as a news reporter except
10 in a prosecution for a capital offense or offense necessarily
11 punishable at hard labor.

12 B. For the purposes of this article a news reporter is
13 a person who for a period of at least five years has been
14 regularly engaged in the business of collecting and writing
15 news for publication through a news media.

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1 **DELEGATE PROPOSAL No. 3—**

1 **DELEGATE PROPOSAL No. 4—**

2 Introduced by Dr. Asseff:

2 Introduced by Womack, Asseff, Edward N. Lennox:

3 **A PROPOSAL**

3 **A PROPOSAL**

4 Relative to legislation increasing financial burdens of school
5 boards.

4 **RELATIVE TO THE MANAGEMENT OF THE STATE
5 HIGHWAY SYSTEM.**

6 Article, Section School boards, legislation in-
7 creasing financial burden; local approval

6 The Legislature shall provide for the establishment and
7 maintenance of a system of state highways and bridges,
8 shall provided for a general highway fund for the con-
9 struction and maintenance thereof; shall authorize the ac-
10 quisition, by expropriation or otherwise, of rights of way
11 for highways and for drainage therefor; may provide for
12 the acquisition by expopriation or otherwise of property
13 necessary or useful for the purpose of building, operating
14 and maintaining highways and buildings and desirable ap-
15 purtenances thereto, including rest areas and scenic strips,
16 and may provide for control of outdoor advertising and
17 junkyards and zoning relative thereto, and shall provide
18 for a Department of Highways.

8 No law or regulation requiring increased school board
9 expenditures from local funds shall become effective unless
10 either the law or regulation provides for funds from state
11 sources to meet the increased local expenditure or the
12 affected local school board or local school boards approve
13 by local ordinance.

19 The Board of Highways shall consist of nine members,
20 one of whom shall be ex-officio, the Governor, and one
21 shall be appointed by the Governor from each congres-
22 sional district; the members of the Board presently in
23 office shall complete their present terms and may be re-
24 appointed; two shall have terms of four years coinciding
25 with that of the Governor and the others shall serve terms
26 of six years, staggered so that one member is appointed
27 each year. New appointees shall fill the unexpired term
28 of the retiring or deceased member. A member of the
29 Board shall hold no salaried public office or employment
30 for compensation (other than per diem), and may be re-
31 moved by the Legislature for cause only.

32 The Board of Highways shall have general control.

1 supervision of the management and direction of the De-
 2 partment of Highways. It shall have authority to establish,
 3 construct, and extend, improve, maintain and regulate the
 4 use of the state highways and bridges. It may make such
 5 studies and investigations as it thinks necessary. It shall
 6 formulate the policies, plans and procedures of the De-
 7 partment. No member of the Board may prescribe or direct
 8 the conduct of the Department nor the action of any
 9 employee thereof in any matter or case unless first au-
 10 thorized by the Board. The Board shall take no action
 11 except in public meeting, which action shall be recorded
 12 in the minutes. The Board and the Department shall be
 13 represented in all legal matters by the General Counsel
 14 or his designated assistant.

15 The Director of Highways is the executive officer of
 16 the Department, appointed by and serving at the pleasure
 17 of the Board; his compensation shall be fixed by the Board.

18 The bonds heretofore sold by the Department of High-
 19 ways shall continue to be lawful obligations of the Depart-
 20 ment and, until said bonds are paid in full, the taxes here-
 21 tofore levied on motor fuels, motor vehicle licenses, the
 22 use fuel tax, the taxes upon lubricating oils, and the dedi-
 23 cation of all royalties and bonuses including annual delay
 24 rentals, heretofore provided by Article IV, Section 2 (c),
 25 shall continue to be collected, any excess over the amount
 26 required to pay the principal and interest on said bonds
 27 being paid into the General Highway Fund.

28 The Legislature shall have authority to authorize the
 29 taking of property for highway purposes by orders ren-
 30 dered ex parte in expropriation suits prior to judgment
 31 herein provided that provision be made for deposit before
 32 such taking with a court officer for the amount of ap-

1 praisals of the property so taken and damages to which
 2 the owner thereof may be entitled, if any, which appraisals
 3 may be made in such manner as may be provided by law
 4 either before or after institution of suit, and need not
 5 be by judicially appointed appraisers.

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1 **DELEGATE PROPOSAL No. 5—**

2 Introduced by Delegate Weiss:

3 **A PROPOSAL**

4 To provide a guarantee of the right to life and to provide ex-
5 ceptions thereto.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **Article I, Section 26. Right to Life**

9 Section 26. No person shall be deprived of life intentionally,
10 except in execution of a judicial sentence imposed for a capi-
11 tal crime in accordance with law.

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1 **DELEGATE PROPOSAL No. 6—**

2 Introduced by Delegate Weiss:

3 **A PROPOSAL**

4 Making general provisions for elections.

5 Be it adopted by the Constitutional Convention of Lou-
6 isiana of 1973:

7 **ARTICLE X. ELECTIONS**

8 **Section 1. Election Laws**

9 Section 1. The legislature shall establish procedures for
10 the conduct of elections, including provisions to facilitate
11 registration and voting, protect the integrity of the voting
12 process, preserve secrecy of voting, and permit absentee
13 voting.

14 **Section 2. Periodic Elections**

15 Section 2. General elections shall be held periodically as
16 provided by law. Parish officers shall be elected at the same
17 time as state officers unless otherwise provided by law or
18 by the instrument of government of the parish. Municipal-
19 ities may prescribe election dates and procedures for the
20 administration of their municipal elections, subject to max-
21 imum elective terms of four years and other standards pro-
22 vided by law.

23 **Section 3. Privilege from Arrest**

24 Section 3. In all cases except felony or breach of the
25 peace, electors shall be privileged from arrest during their
26 attendance at, and in going to and from the polls.

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1 **DELEGATE PROPOSAL No. 7—**

2 Introduced by Delegate Burns :

3 **A PROPOSAL**

4 Making provisions for gambling, futures of agricultural
5 products, and lotteries and necessary provisions with
6 respect thereto.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 Article XII, Section 1. Gambling; Futures of Agricultural
10 Products; Lotteries

11 Section 1. Gambling is a vice and the legislature shall
12 pass laws to suppress it.

13 Gambling in futures on agricultural products or articles
14 of necessity, where the intention of the parties is not to
15 make an honest and bona fide delivery, is declared to be
16 against public policy; and the legislature shall pass laws to
17 suppress it.

18 Lotteries and the sale of lottery tickets are prohibited in
19 this state.

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1 **DELEGATE PROPOSAL No. 8—**

2 Introduced by Delegate Leithman :

3 **A PROPOSAL**

4 Making provisions for education and necessary provisions
5 with respect thereto.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **Article IX. EDUCATION**

9 Section 1. Educational Goals

10 Section 1. The goal of the public educational system shall
11 be to provide learning environments and experiences that
12 are designed to promote excellence so that every individual
13 may be afforded the opportunity to develop to his full po-
14 tential.

15 Section 2. Public Educational System

16 Section 2. The legislature shall provide for the education
17 of the people of the state and shall establish and maintain
18 a public educational system consisting of all public schools
19 and institutions of learning supported in whole or in part
20 by state funds, the funds of any political subdivision there-
21 of, or both.

22 Section 3. State Board of Education

23 Section 3. (A) There is created a body corporate, known
24 as the State Board of Education, which shall be composed
25 of the Board of Public Education and the Board of Regents.
26 The State Board of Education shall be responsible for long-
27 range planning, coordination and evaluation of policies and
28 programs, and submission of unified budget requests for
29 the state public educational system. It shall have such other
30 powers, duties, and responsibilities as are provided in this
31 Article and by law.

32 (B) The board shall consist of twenty-two members, elev-

1 en members each from the Board of Public Education and
2 the Board of Regents. The board shall elect a chairman to
3 serve for such term as it may deem appropriate.

4 Section 4. Board of Public Education

5 Section 4. (A) There is created a body corporate, known
6 as the Board of Public Education. The board shall super-
7 vise, control, and have budgetary responsibility for all pre-
8 collegiate public education. The board shall have such other
9 specific powers, duties, and responsibilities as are provided
10 by law, but shall have no control over the business affairs
11 of parish and municipal school boards or the selection or re-
12 moval of their officers and employees.

13 (B) The board shall consist of eleven members. One mem-
14 ber shall be elected from each of the congressional districts
15 into which the state is divided and an additional number of
16 members shall be appointed by the governor, with the con-
17 sent of the Senate, from the state at large. All members
18 shall serve overlapping terms of six years, following the
19 initial terms which shall be determined by the legislature
20 in a manner as to effectuate this purpose. The board shall
21 elect a chairman to serve for such terms as it may deem
22 appropriate.

23 Section 5. State Superintendent of Public Education

24 Section 5. The Board of Public Education shall appoint a
25 superintendent of public education who shall be the ex offi-
26 cio secretary of the board and serve as its chief adminis-
27 trative officer. The board shall prescribe his term of office
28 and his powers, duties, and responsibilities.

29 Section 6. State Department of Education

30 Section 6. The State Department of Education shall be
31 the administrative and research staff of the Board of Pub-
32 lic Education.

1 Section 7. Qualification and Certification of Teachers

2 Section 7. The Board of Public Education shall prescribe
3 and provide for the qualifications to be met by teachers
4 and for the certification of teachers of precollegiate public
5 schools.

6 Section 8. Approval of Private Schools; Effect

7 Section 8. The Board of Public Education may approve
8 private schools whose sustained curriculum is of a quality
9 equal to that prescribed for similar public schools. The cer-
10 tificates issued by private schools so approved shall carry
11 the same privileges as those issued by state public schools.

12 Section 9. Parish School Boards; Parish Superintendents

13 Section 9. The legislature shall provide for the creation of
14 parish school boards and shall provide for the election of
15 the members of such boards. Each parish board shall elect
16 a superintendent of parish schools. The Board of Public
17 Education shall fix the qualifications and prescribe the du-
18 ties of the parish superintendent, who need not be a resident
19 of the parish where he serves.

20 Section 10. Recognition of Existing Boards

21 Section 10. Parish and municipal school boards in exis-
22 tence as of the date of this constitution are recognized.

23 Section 11. Board of Regents

24 Section 11. (A) There is created a body corporate known
25 as the Board of Regents. The board shall have full power
26 and authority to supervise, coordinate, and have budgetary
27 responsibility for all public higher education except that the
28 board may provide for governing boards to manage each
29 college and university.

30 (B) The board shall consist of eleven members. One mem-
31 ber shall be elected from each of the congressional districts
32 into which the state is divided and an additional number of

1 members shall be appointed by the governor, with the con-
 2 sent of the Senate, from the state at large. All members
 3 shall serve overlapping terms of six years, following the ini-
 4 tial terms which shall be determined by the legislature in a
 5 manner as to effectuate this purpose. The board shall elect
 6 a chairman to serve for such terms as it may deem appro-
 7 priate.

8 Section 12. Chancellor; Higher Education

9 Section 12. The Board of Regents shall appoint a chan-
 10 cellor of higher education who shall be the ex officio secre-
 11 tary of the board and serve as its chief administrative of-
 12 ficer for four years. The board shall prescribe his powers,
 13 duties, and responsibilities.

14 Section 13. Higher Education; Master Plan

15 Section 13. The Board of Regents shall formulate and
 16 make timely revision of a master plan for all public higher
 17 education. As a minimum, the plan shall include a formula
 18 for the equitable distribution of funds to the institutions of
 19 higher education of the state.

20 Section 14. Board; Staff

21 Section 14. The legislature shall establish and maintain
 22 an administrative and research staff for the Board of Re-
 23 gents.

24 Section 15. Public Educational Finance

25 Section 15. The legislature shall have the primary re-
 26 sponsibility for financing the public educational system.
 27 Funds for the support of the system shall be derived from
 28 the sources and in the manner prescribed by law.

29 Section 16. Boards of Education; General

30 Section 16. (A) The membership of the Board of Public
 31 Education and the Board of Regents shall include members
 32 of the predominant minority race in a number equal to the

1 proportionate number of members of that race in the total
 2 population of the state.

3 (B) Vacancies occurring for any cause prior to the ex-
 4 piration of the term shall be filled by appointment by the
 5 governor for the remainder of the unexpired term.

6 (C) Members of boards shall serve without pay except for
 7 such per diem and expenses as shall be fixed by the legis-
 8 lature.

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1 **DELEGATE PROPOSAL No. 9—**

2 Introduced by Delegate Leithman:

3 **A PROPOSAL**

4 Making provisions for education and necessary provisions
5 with respect thereto.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **ARTICLE IX. EDUCATION**

9 **Section 1. Education**

10 Section 1. A general diffusion of knowledge and intelli-
11 gence is essential to the preservation of the rights and lib-
12 erties of the people, and for the preservation of republican
13 institutions throughout the different parishes of the state.
14 The state shall provide, by law, a statewide system of free
15 public schools and such other public educational institutions
16 and services for the promotion of the intellectual, literary,
17 scientific, mining, mechanical, agricultural, and occupation-
18 al development of the people of the state.

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1 **DELEGATE PROPOSAL No. 10—**

2 Introduced by Delegate Juneau:

3 **A PROPOSAL**

4 Making provisions for education and necessary provisions
5 with respect thereto.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **ARTICLE IX. EDUCATION**

9 **Section 1. Educational Goals**

10 Section 1. The goal of the public educational system shall
11 be to provide learning environments and experiences de-
12 signed to promote excellence so that every individual may
18 be afforded the opportunity to develop to his full potential.

14 **Section 2. Public Educational System**

15 Section 2. The legislature shall provide for a public edu-
16 cational system for the people of the state.

17 **Section 3. Public Educational Finance**

18 Section 3. The legislature shall provide for financing the
19 system of public education and shall provide for equitable
20 distribution of funds to all components of the public educa-
21 tional system.

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1 **DELEGATE PROPOSAL No. 11—**

2 Introduced by Delegate Duval:

3 **A PROPOSAL**

4 For prohibition against dual officeholding.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article....., Section..... Dual Officeholding; Prohibition

8 Section (A) No person holding any office of emolu-
9 ment, honor, profit, or trust under the government of this
10 state, any of its political subdivisions, or of the United
11 States or any foreign country, shall, at the same time hold
12 any other such office.

13 (B) For the purposes of this Section the following are
14 excepted:

- 15 (1) ex officio positions;
- 16 (2) notaries public;
- 17 (3) those serving on boards, commissions, and other in-
18 strumentalities performing only advisory functions;
- 19 (4) delegates to any constitutional convention;
- 20 (5) members in the reserve of the armed forces and the
21 National Guard.

1 **DELEGATE PROPOSAL No. 12—**

2 Introduced by Delegate Denny:

3 **A PROPOSAL**

4 To provide for uniform compensation to members of all
5 state boards, commissions, and authorities.

6 Article IV, Section 1. Compensation

7 Section 1. Unsalariated members of all state boards, com-
8 missions, and authorities shall be compensated for each
9 day devoted to the work of the board, commission, or au-
10 thority. The amount of compensation, which shall be the
11 same for all such members, shall be determined by the leg-
12 islature.

Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

CC-1164

1 DELEGATE PROPOSAL No. 12—

2 Introduced by Delegate Denney:

3 A PROPOSAL

4 To provide for uniform compensation to members of all
5 state boards, commissions, and authorities.

6 Article IV, Section 1. Compensation

7 Section 1. The legislature may provide that unsalaried
8 members of any state board, commission, or authority may
9 be compensated for each day devoted to the work of the
10 board, commission, or authority. The amount of compensa-
11 tion, if any, shall be determined by the legislature, and
12 shall be the same for the members of all such boards,
13 commissions, or authorities.

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Constitutional Convention of Louisiana of 1973

CC-1165

1 DELEGATE PROPOSAL No. 13—

2 Introduced by Delegate Burson:

3 A PROPOSAL

4 Making provisions for the selection of jurors and necessary
5 provisions with respect thereto.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article VII, Section 41. Selection of Jurors; Women Jurors;
9 Trial by Judge; Trial by Jury

10 Section 41. The legislature shall provide for the election
11 and drawing of competent and intelligent jurors for the
12 trial of civil and criminal cases; provided, however, that no
13 woman shall be drawn for jury service unless she shall have
14 previously filed with the clerk of the district court a written
15 declaration of her desire to be subject to such service. All
16 cases in which the punishment may not be at hard labor
17 shall, until otherwise provided by law, be tried by the judge
18 without a jury. Cases, in which the punishment may be at
19 hard labor, shall be tried by a jury of five, all of whom
20 must concur to render a verdict; cases, in which the pun-
21 ishment is necessarily at hard labor, by a jury of twelve,
22 nine of whom must concur to render a verdict; cases in
23 which the punishment may be capital, by a jury of twelve,
24 all of whom must concur to render a verdict.

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DELEGATE PROPOSAL No. 14—

Introduced by Delegate Bergeron:

A PROPOSAL

Relative to amending the constitution.

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

A proposal to amend this constitution shall be submitted to the electorate if approved by two-thirds of the elected membership of each house in two successive regular sessions of the legislature. The proposal shall be adopted upon approval of a majority of the electors voting on the proposal.

DELEGATE PROPOSAL No. 15—

A PROPOSAL *

To provide for making appeals from the Public Service Commission.

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

ARTICLE IV

Section_____. Appeals from Public Service Commission

Section_____. Appeals from orders of the Public Service Commission shall be filed with the district court at the domicile of the regulated entity involved, or in a judicial district where the controversy arose, and appeal from the district court shall be of right to the court of appeal in the circuit having jurisdiction over the district court.

* [Introduced by Delegate Avant]

1 DELEGATE PROPOSAL No. 16—

2 Introduced by Delegates Alario, Chehardy, Edwards, Mire,
3 Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard

4 A PROPOSAL

5 Making provisions for homestead exemptions.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 ARTICLE XI. HOMESTEAD EXEMPTIONS

9 Section 1. Property Exempt; Valuation; Claim of Benefit

10 Section 1. There shall be exempt from seizure and sale by
11 any process whatever, except as hereinafter provided, the
12 homestead, bona fide, owned by the debtor and occupied by
13 him, consisting of lands, not exceeding one hundred and
14 sixty acres, buildings and appurtenances, whether rural or
15 urban, of every head of a family, or person having a mother
16 or father or a person or persons dependent on him or her for
17 support to the total value of not more than fifty thousand
18 dollars.

19 Provided, that in case the homestead exceeds fifty thou-
20 sand dollars in value, the beneficiary shall be entitled to that
21 amount in case of a sale of the homestead under legal pro-
22 cess realizes more than that sum; if the sale does not realize
23 more than that sum, over and above all costs and expenses,
24 said sale shall be null and void.

25 The benefit of this exemption may be claimed by the sur-
26 viving spouse, or minor child or children, of a deceased
27 beneficiary.

28 Section 2. Debts Excluded From Exemption

29 Section 2. A homestead exemption shall not apply to the
30 following debts:

31 (1) For the purchase price of property or any part of
32 such purchase price.

1 (2) For labor, money, and material furnished for build-
2 ing, repairing, or improving homesteads.

3 (3) For liabilities incurred by any public officer, fiduciary,
4 or attorney at law, for money collected or received on depos-
5 its.

6 (4) For taxes or assessments.

7 (5) For rent which bears a privilege upon the homestead.

8 (6) For the amount due a homestead or building and loan
9 association for a loan secured by the homestead.

10 (7) For the amount due for money advanced on the security
11 of a mortgage on the homestead.

12 Section 3. Sales; Waiver of Homestead

13 Section 3. The right to sell voluntarily any property that
14 is exempt as a homestead shall be preserved; but no sale
15 shall destroy or impair any rights of creditors thereon. Any
16 person entitled to a homestead may waive same, in whole or
17 in part, by signing a written waiver thereof; provided, that
18 if such person be married, and not separated from bed and
19 board from the other spouse, then the waiver shall not be
20 effective unless signed by the latter; and all such waivers
21 shall be recorded in the mortgage records of the parish
22 where the homestead is situated. Such waiver may be either
23 general or special, and shall have effect from the time of
24 recording.

25 Section 4. Registration of Homestead

26 Section 4. Homestead exemptions must be registered only
27 in cities having a population of two hundred and fifty thou-
28 sand or more and shall be recorded or provided by law.

Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

CC-1089

CC-1089

D. P. No. 16

1 **DELEGATE PROPOSAL No. 16—**

2 Introduced by Delegates Alario, Chehardy, Edwards, Mire,
3 Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard

4 **A PROPOSAL**

5 Making provisions for homestead exemptions.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **ARTICLE XI. HOMESTEAD EXEMPTIONS**

9 Section 1. Property Exempt; Valuation; Claim of Benefit

10 Section 1. There shall be exempt from seizure and sale by
11 any process whatever, except as hereinafter provided, the
12 homestead, bona fide, owned by the debtor and occupied by
13 him, consisting of lands, not exceeding one hundred and
14 sixty acres, buildings and appurtenances, whether rural or
15 urban, of every head of a family, or person having a mother
16 or father or a person or persons dependent on him or her for
17 support to the total value of not more than fifteen thousand
18 dollars.

19 Provided, that in case the homestead exceeds fifteen thou-
20 sand dollars in value, the beneficiary shall be entitled to that
21 amount in case of a sale of the homestead under legal pro-
22 cess realizes more than that sum; if the sale does not realize
23 more than that sum, over and above all costs and expenses,
24 said sale shall be null and void.

25 The benefit of this exemption may be claimed by the sur-
26 viving spouse, or minor child or children, of a deceased
27 beneficiary.

28 Section 2. Debts Excluded From Exemption

29 Section 2. A homestead exemption shall not apply to the
30 following debts:

31 (1) For the purchase price of property or any part of
32 such purchase price.

1 (2) For labor, money, and material furnished for build-
2 ing, repairing, or improving homesteads.

3 (3) For liabilities incurred by any public officer, fiduciary,
4 or attorney at law, for money collected or received on depos-
5 its.

6 (4) For taxes or assessments.

7 (5) For rent which bears a privilege upon the homestead.

8 (6) For the amount due a homestead or building and loan
9 association for a loan secured by the homestead.

10 (7) For the amount due for money advanced on the security
11 of a mortgage on the homestead.

12 **Section 3. Sales; Waiver of Homestead**

13 Section 3. The right to sell voluntarily any property that
14 is exempt as a homestead shall be preserved; but no sale
15 shall destroy or impair any rights of creditors thereon. Any
16 person entitled to a homestead may waive same, in whole or
17 in part, by signing a written waiver thereof; provided, that
18 if such person be married, and not separated from bed and
19 board from the other spouse, then the waiver shall not be
20 effective unless signed by the latter; and all such waivers
21 shall be recorded in the mortgage records of the parish
22 where the homestead is situated. Such waiver may be either
23 general or special, and shall have effect from the time of
24 recording.

25 **Section 4. Registration of Homestead**

26 Section 4. Homestead exemptions must be registered only
27 in cities having a population of two hundred and fifty thou-
28 sand or more and shall be recorded or provided by law.

First Enrollment

1 Constitutional Convention of Louisiana of 1973
2 DELEGATE PROPOSAL NUMBER 16
3 Introduced by Delegates Alario, Chehardy, Edwards, Mire,
4 Rayburn, Nunez, Winchester, Mauberret, Slay, and Planchard

5
6 A PROPOSAL

7
8 Making provisions for homestead exemptions.
9 Be it adopted by the Constitutional Convention of Louisiana
10 of 1973:

11
12 ARTICLE XI. HOMESTEAD EXEMPTIONS

13 Section 1. Exemptions From Seizure and Sale

14 Section 1. The legislature shall provide by law for
15 exemptions from seizure and sale, as well as waivers of and
16 exclusions from such exemptions. The exemption shall extend
17 to at least fifteen thousand dollars in value of a homestead,
18 as provided by law.

Constitutional Convention of Louisiana of 1973
CC-1112

1 **DELEGATE PROPOSAL No. 17—**

2 Introduced by Delegate Planchard:

3 A PROPOSAL

4 Making provisions prohibiting lotteries.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article II, Section 14. Lotteries

8 Section 14. Neither the state nor any of its political sub-
9 divisions shall conduct a lottery.

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First Enrollment

CC-1112

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE PROPOSAL NUMBER 17

3 Introduced by Delegate Planchard

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5 A PROPOSAL

6
7 Making provisions prohibiting lotteries and gambling.

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

10 ARTICLE XII. GENERAL PROVISIONS

11 * * *

12 Section 12. Lotteries; Gambling

13 Section 12. Neither the state nor any of its political
14 subdivisions shall conduct a lottery. Gambling shall be
15 defined by and suppressed by the legislature.

Constitutional Convention of Louisiana of 1973

CC-1107

1 **DELEGATE PROPOSAL No. 18—**

2 Introduced by Delegates Casey, Alario, Dennery and Gra-
3 vel:

4 A PROPOSAL

5 Providing for meeting of the legislature for the next three
6 years following the adoption of this constitution.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 ARTICLE XIV. SCHEDULE

10 Section 1. Legislative Sessions

11 Section 1. The legislature, during the first three regular
12 annual sessions following the adoption of this constitution,
13 shall provide, by rule or otherwise, for a recess of at least
14 eight calendar days after the first fifteen calendar days of
15 the session.

Reprinted as Engrossed

First Enrollment

Constitutional Convention of Louisiana of 1973

CC-1107

CC-1107

1 DELEGATE PROPOSAL No. 18—

2 Introduced by Delegates Casey, Alario, Dennergy and
3 Gravel:

4 A PROPOSAL

5 Providing for meeting of the legislature for the next three
6 years following the adoption of this constitution.

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

9 ARTICLE XIV. SCHEDULE

10 Section 1. Legislative Sessions

11 Section 1. The legislature, during the first two regular an-
12 nual sessions following the effective date of this constitution,
13 shall provide, by rule or otherwise, for a recess of at least
14 eight calendar days after the first fifteen calendar days of
15 the session.

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE PROPOSAL NUMBER 18

3 Introduced by Delegates Casey, Alario, Dennergy, Gravel and Riecke

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5 A PROPOSAL

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7 Providing for meeting of the legislature for the next

8 two years following the adoption of this

9 constitution.

10 Be it adopted by the Constitutional Convention of Louisiana

11 of 1973:

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13 ARTICLE XIV. SCHEDULE

14 Section 1. Legislative Sessions

15 Section 1. The legislature shall provide, by rule

16 or otherwise, for a recess, during the 1975 and 1976 regular

17 annual sessions, which shall be for at least eight

18 calendar days immediately after the first fifteen

19 calendar days of the session.

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1 **DELEGATE PROPOSAL No. 19—**

2 Introduced by Delegate Velazquez:

3 **A PROPOSAL**

4 To provide for the Public Service Commission and neces-
5 sary provisions.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **ARTICLE _____. PUBLIC SERVICE COMMISSION**

9 **Section 1. Composition**

10 Section 1. The Public Service Commission shall consist of
11 seven members. Five shall be elected at the time fixed for
12 congressional elections from districts established by law for
13 overlapping terms of six years, provided the legislature shall
14 establish initial terms of less than six years to implement
15 the overlapping terms. Two shall be appointed by the gover-
16 nor with the advice and consent of the Senate for a term
17 concurrent with that of the governor, one selected from a
18 list of three submitted by the Louisiana Consumer League,
19 the Better Business Bureau of New Orleans, and the League
20 of Women Voters of Louisiana, and the other selected from
21 a list of three submitted by the deans of the departments or
22 colleges of agriculture of Louisiana State University and
23 Agricultural and Mechanical College, Southern University,
24 and Louisiana Polytechnic Institute.

25 **Section 2. Authority**

26 Section 2. The commission shall regulate common car-
27 riers and other public utilities, adopt and enforce reasonable
28 rules, regulations, and procedures for the discharge of its
29 duties, and perform such other functions as provided by
30 law.

31 **Section 3. Limitations**

32 Section 3. The commission shall have no authority to regu-

1 late any public utility, regulated or operated by the gov-
2 erning authority of a political subdivision except by the
3 consent of a majority of the electors voting in an election
4 held for that purpose.

5 **Section 4. Decisions; Appeal**

6 Section 4. The commission shall render a decision on a
7 rate proposal within six months from the date of filing of
8 such proposal; otherwise, the proposed schedule may be
9 placed in effect by the utility under bond or other security
10 in accordance with procedures to be fixed by the legislature.
11 If the commission should fail to render its decision within
12 an additional period of six months, the proposed schedule
13 shall be deemed approved. Any decision so rendered shall
14 be subject to judicial review in accordance with procedures
15 otherwise provided in this constitution.

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1 **DELEGATE PROPOSAL No. 20—**

2 Introduced by Delegate Jack:

3 **A PROPOSAL**

4 Limiting the number of proposed constitutional amendments

5 that may be submitted to the voters at any one elec-
6 tion.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 Article XIII, Section 1. Constitutional Amendments; Limit
10 on Number

11 Section 1. No more than six proposed amendments shall
12 be submitted to the electors of the state at any one elec-
13 tion.

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1 **DELEGATE PROPOSAL No. 21—**

2 Introduced by Delegate Jack:

3 **A PROPOSAL**

4 Making provisions for a deduction in state income taxes for
5 federal income tax payments made during the same
6 period.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 Article _____, Section _____. State Income Tax; Deduction
10 Section _____. Federal income taxes paid shall be allowed

11 as a deductible item in computing state income taxes paid
12 during the same period.

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1 **DELEGATE PROPOSAL No. 22—**

2 Introduced by Delegates Conroy and Newton:

3 **A PROPOSAL**

4 To provide for the prohibition of certain enumerated local
5 and special laws.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article III, Section 12. Local and Special Laws; Prohibi-
9 tion Against Enactment

10 Section 12. Except as otherwise provided in this constitu-
11 tion, the legislature shall not pass any local or special law:

12 (1) For the holding and conducting of elections, or fixing
13 or changing the place of voting.

14 (2) Changing the names of persons; authorizing the
15 adoption or legitimation of children or the emancipation of
16 minors; affecting the estates of minors or persons under
17 disabilities; granting divorces; changing the law of descent
18 or succession; giving effect to informal or invalid wills or
19 deeds or to any illegal disposition of property.

20 (3) Concerning any civil or criminal actions, including
21 changing the venue in civil or criminal cases, or regulating
22 the practice or jurisdiction of any court, or changing the
23 rules of evidence in any judicial proceeding or inquiry be-
24 fore courts, or providing or changing methods for the col-
25 lection of debts or the enforcement of judgments, or pre-
26 scribing the effects of judicial sales.

27 (4) Authorizing the laying out, opening, closing, altering,
28 or maintaining of roads, highways, streets, or alleys; re-
29 lating to ferries and bridges, or incorporating bridge or
30 ferry companies, except for the erection of bridges cross-
31 ing streams which form boundaries between this and any
32 other state; authorizing the constructing of street passenger

1 railroads in any incorporated town or city.

2 (5) Exempting property from taxation; extending the
3 time for the assessment or collection of taxes; for the re-
4 lief of any assessor or collector of taxes from the perf r-
5 mance of his official duties or of his sureties from liability;
6 remitting fines, penalties, and forfeitures; or refunding
7 moneys legally paid into the treasury.

8 (6) Regulating labor, trade, manufacturing, or agricul-
9 ture; fixing the rate of interest.

10 (7) Creating private corporations, or amending, renew-
11 ing, extending, or explaining the charters thereof; grant-
12 ing to any private corporation, association, or individual any
13 special or exclusive right, privilege, or immunity.

14 (8) Regulating the management of public schools, the
15 building or repairing of schoolhouses and the raising of
16 money for such purposes.

17 (9) Legalizing the unauthorized or invalid acts of any
18 officer, employee, or agent of the state, its agencies, or
19 political subdivisions.

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First Enrollment

CC-1132

CC-1132

D. P. No. 22

1 Constitutional Convention of Louisiana of 1973
2 DELEGATE PROPOSAL NUMBER 22
3 Introduced by Delegates Conroy and Newton

1 boundaries between this and any other state; authorizing the
2 constructing of street passenger railroads in any incorporated
3 town or city.

4
5 A PROPOSAL

4 (5) Exempting property from taxation; extending the time for
5 the assessment or collection of taxes; for the relief of any assessor
6 or collector of taxes from the performance of his official duties or
7 of his sureties from liability; remitting fines, penalties, and for-
8 feitures; or refunding moneys legally paid into the treasury.

7 To provide for the prohibition of certain enumerated local and
8 special laws.
9 Be it adopted by the Constitutional Convention of Louisiana of
10 1973:

9 (6) Regulating labor, trade, manufacturing, or agriculture;
10 fixing the rate of interest.

11
12 ARTICLE III. LEGISLATIVE BRANCH

11 (7) Creating private corporations, or amending, renewing,
12 extending, or explaining the charters thereof; granting to any
13 private corporation, association, or individual any special or
14 exclusive right, privilege, or immunity.

13 * * *

14 Section 12. Prohibited Local and Special Laws

15 (8) Regulating the management of parish or city public
16 schools, the building or repairing of parish or city schoolhouses
17 and the raising of money for such purposes.

15 Section 12. (A) Except as otherwise provided in this

16 constitution, the legislature shall not pass any local or special
17 law:

18 (9) Legalizing the unauthorized or invalid acts of any of-
19 ficer, employee, or agent of the state, its agencies, or political
20 subdivisions.

18 (1) For the holding and conducting of elections, or fixing
19 or changing the place of voting.

20 (2) Changing the names of persons; authorizing the adoption
21 or legitimation of children or the emancipation of minors; affecting
22 the estates of minors or persons under disabilities; granting divorces;
23 changing the law of descent or succession; giving effect to informal
24 or invalid wills or deeds or to any illegal disposition of property.

25 (3) Concerning any civil or criminal actions, including
26 changing the venue in civil or criminal cases, or regulating the
27 practice or jurisdiction of any court, or changing the rules of
28 evidence in any judicial proceeding or inquiry before courts, or
29 providing or changing methods for the collection of debts or the
30 enforcement of judgments, or prescribing the effects of judicial
31 sales.

32 (4) Authorizing the laying out, opening, closing, altering,
33 or maintaining of roads, highways, streets, or alleys; relating
34 to ferries and bridges, or incorporating bridge or ferry companies,
35 except for the erection of bridges crossing streams which form

21 (10) Defining any crime.

22 (B) The legislature shall not indirectly enact special or
23 local laws by the partial repeal or suspension of a general law.

1 **DELEGATE PROPOSAL No. 23—**

2 Introduced by Delegate Abraham:

3 **A PROPOSAL**

4 Relative to appropriations by the legislature for the state
5 budget.

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

8 Article III, Section 18. Appropriations

9 Section 18. (F) Total appropriations for the year shall
10 not exceed anticipated annual revenues as projected by the
11 governor in the operating budget.

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1 **DELEGATE PROPOSAL No. 24—**

2 Introduced by Delegate Schmitt:

3 **A PROPOSAL**

4 Providing for a commissioner of consumer affairs.

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

7 Article_____, Section_____. Commissioner of Consumer
8 Affairs

9 Section_____. A commissioner of consumer affairs shall
10 be elected for a term of four years by the electors of the state
11 at the time of voting for members of the legislature.

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1 **DELEGATE PROPOSAL No. 25—**

2 Introduced by Delegate Asseff:

3 **A PROPOSAL**

4 To prohibit favoritism in the law towards women.

5 Be It Adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article____, Section____. Women, favoritism towards for-
8 bidden.

9 The legislature shall not enact any statute showing favorit-
10 ism towards women.

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CC-1186

1 **DELEGATE PROPOSAL No. 26—**

2 Introduced by Delegate Newton:

3 **A PROPOSAL**

4 To establish a Board of Highways, a director, its powers,
5 duties, and functions.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article____, Section____. Board of Highways; Director;
9 Powers, Duties, and Functions

10 Section____. (A) The Board of Highways shall consist of
11 nine members, one of whom shall be ex officio the governor.
12 There shall be eight other members, one from each congress-
13 sional district. Two of the members shall serve for terms of
14 four years coinciding with the term of the governor. The
15 remaining six members shall each serve for terms of six
16 years, the terms of office being staggered so that one new
17 member is appointed each year.

18 (1) The members of the board shall elect one member,
19 other than the governor, to serve as chairman of the board,
20 and one member, other than the governor, to serve as vice
21 chairman. It shall appoint its secretary and fix his compen-
22 sation.

23 (2) The first board shall be appointed by the governor,
24 and he shall appoint one member to serve for a term ending
25 June 1, 1974; one member to serve for a term ending June
26 1, 1975; one member to serve for a term ending June 1, 1976;
27 one member to serve for a term ending June 1, 1977; and one
28 member to serve for a term ending June 1, 1978; one member
29 to serve for a term ending June 1, 1979; and two members
30 for the four-year terms to coincide with his own.

31 Thereafter any vacancy occurring in said board, by reason
32 of the expiration of the term for which appointed, or by

1 reason of death, resignation or otherwise, shall be filled by
2 appointment by the governor, from among residents of the
3 same congressional district as that of the members whose
4 office was vacated.

5 (a) Names may be submitted for the panel hereinafter
6 created by the governing authorities of the several parishes
7 of the state and of the city of New Orleans, each governing
8 authority to submit a list of ten names, by certification
9 of the president or secretary or equivalent officer of such
10 group to the secretary of state at the state capitol within
11 ninety days from the effective date of this amendment.
12 Annually, between June first and June thirtieth, the said
13 groups shall be authorized to make new certifications to the
14 secretary of state; provided that after one certification is
15 made, the list originally submitted shall be included on the
16 panel hereinafter established by the secretary of state until
17 changed by the group submitting same.

18 It shall be the duty of the secretary of state to compile a
19 panel of names so submitted and to keep same on file in
20 his office for use as contemplated herein, the said panel to
21 be designated the "State Boards Panel."

22 Within thirty days after a vacancy occurs on said board
23 from any cause, the remaining members of the board shall
24 nominate, from the panel herein provided for, seven persons
25 residents of the same congressional district as that of the
26 member whose office becomes vacant and shall certify such
27 nomination to the governor.

28 (b) From this list of seven names, the governor shall
29 normally appoint one to fill such vacancy within thirty
30 days from the date he receives the nomination, but he may
31 within his discretion appoint any one.

32 (c) In the event that for any reason, the governor fails

1 to receive the nominees provided for herein, within the time
2 prescribed following the occurrence of a vacancy on the
3 board, the governor shall have the right and it shall be his
4 duty to proceed forthwith to make an appointment to fill
5 such vacancy.

6 (d) No member shall be eligible for reappointment who
7 shall have served for as many as four years or more.

8 (3) Any succeeding member appointed to fill the term
9 of a member leaving the board, before the expiration of the
10 term to which he shall have been appointed, shall be
11 appointed to fill the unexpired term of such retiring or
12 deceased member.

13 (4) No member of said board may be a member of the
14 legislature or hold any salaried public office or employment
15 for compensation (other than per diem) existing under or
16 created by the laws of the United States, the State of Louisi-
17 ana, or any municipality or subdivision thereof.

18 (5) No compensation for his services shall be paid to any
19 member of the board, but each member shall be paid a per
20 diem of twenty-five dollars for each day of meeting and his
21 actual expenses in traveling to and from and attending
22 meetings of the board and in attendance to his duties away
23 from his domicile under assignment by the board.

24 (6) The board shall hold an open meeting at least once
25 each month. It may hold other meetings at its discretion,
26 or on call of its chairman. A majority of the members con-
27 stitutes a quorum of the board. In case of a tie vote, the
28 governor shall cast the deciding vote.

29 (7) The board shall have general control, management,
30 supervision, and direction of the Department of Highways.
31 It shall have authority to establish, construct, extend, im-
32 prove, maintain, and regulate the use of the state highways

1 and bridges. It may make such studies and investigations
 2 as it thinks necessary. It shall formulate the policies and
 3 may determine the wisdom and efficacy of the policies, plans,
 4 and procedures of the department and execution of which
 5 may by it be delegated to the director and engineers within
 6 the scope of its functions.

7 (B) The functions of the governor and the director of
 8 highways in relation to the appointment of the chief engi-
 9 neer, maintenance engineer, and the general counsel and his
 10 assistants, of the Department of Highways as now provided
 11 by law, are transferred to and vested in the Board of High-
 12 ways. All other functions of the director, the chief engineer,
 13 and the maintenance engineer may be exercised only under
 14 the supervision, direction, and control of the Board of High-
 15 ways. No appointed member of the board may prescribe or
 16 direct the conduct of the department or the action of the
 17 executive officer of the department or any subordinate mem-
 18 ber thereof in any matter or case, unless first authorized
 19 by the board.

20 (C) The board shall not take any action except by vote in
 21 meeting assembled, and which shall be recorded in the
 22 minutes.

23 (1) The director of highways is the executive officer of the
 24 department. He shall be appointed by the Board of High-
 25 ways. He shall serve at the pleasure of the board. His salary
 26 shall be fixed by the Board of Highways. He shall serve on
 27 a full-time basis.

28 (2) Under the direction, supervision, and control of the
 29 Board of Highways, the director has the management of
 30 the department and shall exercise all of the functions of the
 31 department through the department organizations pro-
 32 vided for by law, except those functions specifically assigned

1 to the Board of Highways under the provisions of this Sec-
 2 tion. The department cannot and shall not act otherwise
 3 than through the Board of Highways or the director or
 4 through someone acting under authority of the board or
 5 director. Every lawful act of the director performed in his
 6 official capacity is the act of the department.

7 (3) The provisions of this amendment shall be self-opera-
 8 tive and shall require no further or other legislation.

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1 **DELEGATE PROPOSAL No. 27—**

2 Introduced by Delegate Dennyery:

3 **A PROPOSAL**

4 To establish state and city civil service.

5 Be it adopted by the Constitutional Convention of Lou-
6 isiana of 1973:

7 **ARTICLE VII. HUMAN RESOURCES**

8 **Section 1. State and City Civil Service**

9 **Section 1. (A) Civil Service System; State, Cities. (1)**

10 State Civil Service. The state civil service includes all
11 offices and positions of trust or employment in the employ
12 of the state, or any instrumentality thereof, or any joint
13 state and federal, parochial, or municipal agency, except mu-
14 nicipal boards of health, irrespective of what funds are used
15 to pay for such employment.

16 (2) City Civil Service. The city civil service includes all
17 offices and positions of trust or employment in the employ
18 of each city in the state with over two hundred fifty thou-
19 sand population, and every instrumentality thereof.

20 (B) Classified and Unclassified Service. The state and
21 city civil service is divided into the unclassified and classi-
22 fied service.

23 All persons not included in the unclassified service are
24 in the classified service.

25 The unclassified service shall include the following offi-
26 cers and employees in the state and city civil service:

- 27 (1) elected officers and persons appointed to fill vacancies
28 in elective offices; (2) heads of principal executive depart-
29 ments appointed by the governor, the mayor, or the govern-
30 ing authority of a city; (3) city attorneys; (4) registrars
31 of voters; (5) members of state and city boards, authorities,
32 and commissions; (6) one person holding a confidential

1 position and one principal assistant or deputy to any officer,
2 board, commission, or authority mentioned in (1), (2), (4),
3 or (5) above, except civil service departments; (7) mem-
4 bers of the military or naval forces; (8) teaching and pro-
5 fessional staffs, and administrative officers of schools, col-
6 leges, and universities of the state and bona fide students of
7 such institutions employed by any state, parochial, or mu-
8 nicipal agency; (9) administrative officers and employees of
9 courts of record, of the legislature, of the offices of the
10 governor, of the lieutenant governor, of the attorney gen-
11 eral, of each mayor of the several cities, of police juries,
12 and of school boards; (10) commissioners of elections, and
13 watchers; custodians and deputy custodians of voting
14 machines.

15 Additional positions may be added and revoked by rules
16 adopted by a commission.

17 (C) State Civil Service Commission; Appointment; Nomi-
18 nation. There shall be a State Civil Service Commission,
19 domiciled in Baton Rouge, composed of seven members
20 who are electors of this state, four of whom constitute a
21 quorum.

22 (1) Appointment. The members shall be appointed by the
23 governor, as hereinafter provided, for terms of six years.

24 (2) Nominations. The presidents of Centenary College,
25 Dillard University, Louisiana College, Loyola University of
26 the South, St. Mary's Dominican College, Tulane Univer-
27 sity of Louisiana at New Orleans, and Xavier University of
28 Louisiana, after giving due consideration to representation
29 of all groups, each shall nominate three persons. One mem-
30 ber of the commission shall be appointed by the governor
31 from the three persons nominated by each president. A va-
32 cancy for any cause shall be filled by appointment in ac-

1 cordance with the procedure governing the original ap-
 2 pointment, and from the same source. Within thirty days
 3 after a vacancy occurs, the president concerned shall submit
 4 the required nominations. Within thirty days thereafter,
 5 the governor shall make his appointment. Should the gov-
 6 ernor fail to appoint within thirty days, the nominee whose
 7 name is first on the list of nominees shall automatically be-
 8 come a member of the commission.

9 (D) City Civil Service Commission; Appointment; Nomi-
 10 nation; Vacancies. There shall be a city civil service com-
 11 mission in each city having a population exceeding two hun-
 12 dred fifty thousand. Each commission shall be composed of
 13 three members, who are qualified electors of the city, two
 14 of whom constitute a quorum. The members shall serve
 15 terms of six years as hereinafter provided. The domicile of
 16 each commission shall be in the city which it serves.

17 (1) New Orleans; Nomination and Appointment. In the
 18 city of New Orleans, the presidents of Dillard University,
 19 Loyola University of the South, and Tulane University of
 20 Louisiana, after giving due consideration to representation
 21 of all groups, each shall nominate three persons, and from
 22 the three persons so nominated by each, the governing au-
 23 thority of the city shall appoint one to serve as a member
 24 of the commission.

25 (2) Other Cities; Nomination and Appointment. In other
 26 cities subject to the provisions of this Section, the presi-
 27 dents of three of the universities listed in Paragraph (C)
 28 (2), which three universities shall be selected by the govern-
 29 ing authority of the respective city, each shall nominate
 30 three persons, after giving due consideration to representa-
 31 tion of all groups, and from the three persons so nominated
 32 by each, the governing authority of the city shall appoint

1 one to serve as a member of the commission.

2 (3) Vacancies. Vacancies for any cause shall be filled by
 3 appointment in accordance with the procedure for the
 4 original appointment and from the same source. Within
 5 thirty days after a vacancy occurs, the university president
 6 concerned shall submit the required nominations. Within
 7 thirty days thereafter, the governing authority of the city
 8 shall make the appointment. Should the governing author-
 9 ity of the city fail to appoint within the thirty days, the
 10 nominee whose name is first on the list of nominees shall
 11 automatically become a member of the commission.

12 (E) Removal. A member of the state or of a city civil
 13 service commission may be removed by the governor or the
 14 governing authority for cause after being served with writ-
 15 ten specifications of the charges against him, and an oppor-
 16 tunity for a public hearing thereon is afforded by his ap-
 17 pointing authority.

18 (F) Department of Civil Service; Directors.

19 (F) (1) State Department. There shall be a Department of
 20 State Civil Service in the executive branch of the state
 21 government.

22 (2) City Departments. There shall be a department of city
 23 service in each city having a population exceeding two
 24 hundred fifty thousand.

25 (3) Directors. Each commission shall appoint a director,
 26 after competitive examination, who shall be the administra-
 27 tive head of his department, and who shall be in the classi-
 28 fied service. Each director shall appoint personnel and ex-
 29 ercise powers and duties to the extent prescribed by the
 30 commission appointing him.

31 (G) Appointments; Promotions. Permanent appointments
 32 and promotions in the classified state and city service shall

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1 be made only after certification by the appropriate depart-
 2 ment of civil service under a general system based upon
 3 merit, efficiency, and fitness, as ascertained by examination
 4 which, so far as practical, shall be competitive. The num-
 5 ber to be certified shall not be less than three; however,
 6 if more than one vacancy is to be filled, the name of one
 7 additional eligible for each vacancy may be certified. Each
 8 commission shall adopt rules for the method of certification
 9 of persons eligible for appointment, promotion, reemploy-
 10 ment, and reinstatement and shall provide for appoint-
 11 ments defined as emergency and temporary appointments
 12 where certification is not required.

18 (H) Disciplinary Actions; Appeals. No person who has
 14 gained permanent status in the classified state or city ser-
 15 vice shall be subjected to disciplinary action except for
 16 cause expressed in writing, and no classified employee shall
 17 be discriminated against by reason of his political or
 18 religious beliefs, sex, or race. Any classified employee sub-
 19 jected to such disciplinary action or so discriminated against
 20 shall have the right of appeal to the appropriate commis-
 21 sion.

22 The burden of proof on appeal, as to the facts, shall be on
 23 the employee.

24 (I) Prohibitions Against Political Activities.

25 (I) (1) No member of any civil service commission and
 26 no officer or employee in the classified service shall par-
 27 ticipate or engage in political activity; or be a candidate
 28 for nomination or election to public office; or be a member
 29 of any national, state, or local committee of a political party
 30 or faction; or make or solicit contributions for any political
 31 party, faction, or candidate; or take active part in the
 32 management of the affairs of a political party, faction, or

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1 candidate or any political campaign, except to exercise his
 2 right as a citizen to express his opinion privately, to serve
 3 as a commissioner or official watcher at the polls and to
 4 cast his vote as he desires.

5 (2) No person shall solicit contributions for political pur-
 6 poses from any classified employee or official or use or at-
 7 tempt to use his position in the state or city service to
 8 punish or coerce the political action of such classified em-
 9 ployee.

10 (J) Rules; Investigations; Wages and Hours.

11 (J) (1) Rules. Each commission is vested with broad and
 12 general rule-making and subpoena powers for the adminis-
 13 tration and regulation of the classified service, including
 14 but not limited to the adoption of rules for the regulation
 15 of employment, promotion, demotion, suspension, reduction
 16 in pay, removal, certification, veteran's preferences, qualifi-
 17 cations, political activities, and all other personnel matters
 18 and transactions, the adoption of a uniform pay and classifi-
 19 cation plan, employment conditions, employee training and
 20 safety, compensation and disbursements to employees, and
 21 generally to carry out and effectuate the objectives and pur-
 22 poses of the merit system of civil service as herein estab-
 23 lished.

24 Rules adopted pursuant hereto shall have the effect of
 25 law. Each commission may impose penalties for violation of
 26 its rules by demotion in, or suspension or discharge from
 27 position, with attendant loss of pay.

28 (2) Investigations. Each commission is authorized to in-
 29 vestigate violations of the provisions of this Section and
 30 the rules, statutes, or ordinances adopted pursuant hereto.

31 (3) Wages and Hours. Any rule or determination affect-
 32 ing wages or hours shall become effective and shall have the

1 effect of law only after approval by the governor or the
2 appropriate governing authority.

3 (K) Penalties. Any person who willfully violates any pro-
4 vision of this Section shall be guilty of a misdemeanor and
5 shall, upon conviction, be punished by a fine of not more
6 than five hundred dollars or by imprisonment for not more
7 than six months, or both.

8 (L) Appeal. Each commission shall have the exclusive
9 power and authority to hear and decide all removal and
10 disciplinary cases, with subpoena power and power to ad-
11 minister oaths. It may appoint a referee to take testimony,
12 with subpoena power and power to administer oaths to wit-
13 nesses. The decision of a commission shall be final on the
14 facts, but shall be subject to review on any question of law
15 upon appeal to the court of appeal wherein such commis-
16 sion is located, upon application filed with such commis-
17 sion within thirty calendar days after its decision becomes
18 final.

19 (M) Appropriations. (1) State. Beginning with the regular
20 session that convenes in the year 197... , and at each regu-
21 lar session thereafter, the legislature shall appropriate to
22 the State Civil Service Commission and to the Department
23 of State Civil Service for the succeeding fiscal year a sum
24 equal to not less than seven-tenths of one percent of the
25 aggregate payroll of the state classified service for the
26 twelve-month period ending on the first day of March pre-
27 ceding the next regular session as certified by the State
28 Civil Service Commission.

29 (2) Cities. Each city subject to the provisions of this
30 Section shall make adequate annual appropriations to enable
31 its civil service commission and department to carry out
32 efficiently and effectively the provisions of this Section.

1 (N) Acceptance of Act; Other Cities, Parishes, City and
2 Parish Governed Jointly. Any city having a population ex-
3 ceeding ten thousand but not exceeding two hundred fifty
4 thousand, and any parish, or any parish governed jointly
5 with one or more cities under a plan of government, having
6 a population exceeding ten thousand, according to the last
7 preceding decennial federal census for which the final re-
8 port of population returns have been reported to the presi-
9 dent of the United States, may elect to accept the provisions
10 of this Section by a majority vote of its qualified electors
11 voting at a general or special election for this purpose. The
12 election shall be ordered and held by the city, the parish,
13 or the city-parish, as the case may be, upon (1) the adop-
14 tion of an ordinance by the governing body thereof calling
15 for such elections; or (2) the presentation to such govern-
16 ing body of a petition signed by qualified electors equal in
17 number to five percent of the qualified registered voters of
18 the city, the parish, or the city-parish, as the case may be,
19 calling for such election.

20 If a majority of the votes cast in such election are in
21 favor of the adoption of the provisions of this Section, all
22 the provisions thereof shall thereafter permanently apply to
23 and govern the city or city-parish, as the case may be, in
24 the same manner and to the same extent as if said Sec-
25 tion and all its provisions had originally applied to such
26 city, parish, or city-parish. In such instance, all officers and
27 employees of the city, the parish, or the city-parish, or any
28 other subdivision of the state, as the case may be, who
29 have acquired civil service status under a civil service sys-
30 tem established by legislative act, city charter, or otherwise,
31 shall retain such status and shall thereafter be subject to
32 and governed by the provisions of this Section and the

1 rules and regulations adopted under the authority of this
2 Section. If a majority of the votes cast in such election are
3 against the adoption of the provisions of this Section, the
4 question of adopting the provisions of this Section shall not
5 be resubmitted to the voters of the city, the parish, or the
6 city-parish, as the case may be, within one year thereafter.

7 (O) City, Parish Civil Service System; Creation. Nothing
8 in this Section shall prevent the establishment by the legis-
9 lature, or by the respective local governing body, in one or
10 more parishes, of a civil service system applicable to any
11 or all parish employees, including those hereinabove ex-
12 empted from the state classified service, or the establish-
13 ment by the legislature, or by the respective local governing
14 body, of a civil service system in one or more cities having
15 a population of less than two hundred fifty thousand, in
16 any manner now or hereafter provided by law.

1 **DELEGATE PROPOSAL No. 27—**

2 Introduced by Delegate Dennerly:

3 **A PROPOSAL**

4 To establish state and city civil service.

5 Be it adopted by the Constitutional Convention of Lou-
6 isiana of 1973:

7 **ARTICLE VII. HUMAN RESOURCES**

8 **Section I. State and City Civil Service**

9 **Section 1. (A) Civil Service System; State, Cities.**

10 (1) State Civil Service. The state civil service includes
11 all offices and positions of trust or employment in the
12 employ of the state, or any instrumentality thereof, or any
13 joint state and federal, parochial, or municipal agency, ex-
14 cept municipal boards of health, irrespective of what funds
15 are used to pay for such employment.

16 (2) City Civil Service. The city civil service includes all
17 offices and positions of trust or employment in the employ
18 of each city in the state with over two hundred fifty
19 thousand population, and every instrumentality thereof.

20 (B) Classified and Unclassified Service. The state and
21 city civil service is divided into the unclassified and classi-
22 fied service.

23 All persons not included in the unclassified service are
24 in the classified service.

25 The unclassified service shall include the following of-
26 ficers and employees in the state and city civil service:

- 27 (1) elected officers and persons appointed to fill vacancies
28 in elective offices; (2) heads of principal executive de-
29 partments appointed by the governor, the mayor, or the
30 governing authority of a city; (3) city attorneys; (4) regis-
31 trars of voters; (5) members of state and city boards,
32 authorities, and commissions; (6) one person holding a

1 confidential position and one principal assistant or deputy
 2 to any officer, board, commission, or authority mentioned
 3 in (1), (2), (4), or (5) above, except civil service depart-
 4 ments; (7) members of the military or naval forces; (8)
 5 teaching and professional staffs, and administrative officers
 6 of schools, colleges, and universities of the state and bona
 7 fide students of such institutions employed by any state,
 8 parochial, or municipal agency; (9) administrative officers
 9 and employees of courts of record, of the legislature, of
 10 the offices of the governor, of the lieutenant governor, of
 11 the attorney general, of each mayor of the several cities,
 12 of police juries, and of school boards; (10) commissioners
 13 of elections, and watchers; custodians and deputy custo-
 14 dians of voting machines.

15 Additional positions may be added and revoked by rules
 16 adopted by a commission.

17 (C) State Civil Service Commission; Appointment; Nom-
 18 ination. There shall be a State Civil Service Commission,
 19 domiciled in Baton Rouge, composed of seven members
 20 who are electors of this state, four of whom constitute a
 21 quorum.

22 (1) Appointment. The members shall be appointed by
 23 the governor, as hereinafter provided, for terms of six
 24 years.

25 (2) Nominations. The presidents of Centenary College,
 26 Dillard University, Louisiana College, Loyola University of
 27 the South, St. Mary's Dominican College, Tulane Univer-
 28 sity of Louisiana at New Orleans, and Xavier University
 29 of Louisiana, after giving due consideration to representa-
 30 tion of all groups, each shall nominate three persons. One
 31 member of the commission shall be appointed by the gov-
 32 ernor from the three persons nominated by each president.

1 A vacancy for any cause shall be filled by appointment
 2 in accordance with the procedure governing the original
 3 appointment, and from the same source. Within thirty days
 4 after a vacancy occurs, the president concerned shall sub-
 5 mit the required nominations. Within thirty days there-
 6 after, the governor shall make his appointment. Should the
 7 governor fail to appoint within thirty days, the nominee
 8 whose name is first on the list of nominees shall automat-
 9 ically become a member of the commission.

10 (D) City Civil Service Commission; Appointment; Nomi-
 11 nation; Vacancies. There shall be a city civil service com-
 12 mission in each city having a population exceeding two
 13 hundred fifty thousand. Each commission shall be com-
 14 posed of three members, who are qualified electors of the
 15 city, two of whom constitute a quorum. The members shall
 16 serve terms of six years as hereinafter provided. The domi-
 17 cile of each commission shall be in the city which it
 18 serves.

19 (1) New Orleans; Nomination and Appointment. In the
 20 city of New Orleans, the presidents of Dillard University,
 21 Loyola University of the South, and Tulane University of
 22 Louisiana, after giving due consideration to representation
 23 of all groups, each shall nominate three persons, and from
 24 the three persons so nominated by each, the governing
 25 authority of the city shall appoint one to serve as a mem-
 26 ber of the commission.

27 (2) Other Cities; Nomination and Appointment. In
 28 other cities subject to the provisions of this Section, the
 29 presidents of three of the universities listed in Paragraph
 30 (C) (2), which three universities shall be selected by the
 31 governing authority of the respective city, each shall nom-
 32 inate three persons, after giving due consideration to rep-

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1 resentation of all groups, and from the three persons so
2 nominated by each, the governing authority of the city
3 shall appoint one to serve as a member of the commis-
4 sion.

5 (3) Vacancies. Vacancies for any cause shall be filled
6 by appointment in accordance with the procedure for the
7 original appointment and from the same source. Within
8 thirty days after a vacancy occurs, the university presi-
9 dent concerned shall submit the required nominations.
10 Within thirty days thereafter, the governing authority
11 of the city shall make the appointment. Should the gov-
12 erning authority of the city fail to appoint within the
13 thirty days, the nominee whose name is first on the list of
14 nominees shall automatically become a member of the com-
15 mission.

16 (E) Removal. A member of the state or of a city civil
17 service commission may be removed by the governor or the
18 governing authority for cause after being served with written
19 specifications of the charges against him, and an oppor-
20 tunity for a public hearing thereon is afforded by his
21 appointing authority.

22 (F) Department of Civil Service; Directors.

23 (F) (1) State Department. There shall be a Department
24 of State Civil Service in the executive branch of the state
25 government.

26 (2) City Departments. There shall be a department of
27 city service in each city having a population exceeding
28 two hundred fifty thousand.

29 (3) Directors. Each commission shall appoint a director,
30 after competitive examination, who shall be the administra-
31 tive head of his department, and who shall be in the classified
32 service. Each director shall appoint personnel and exercise

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1 powers and duties to the extent prescribed by the commission
2 appointing him.

3 (G) Appointments; Promotions. Permanent appointments
4 and promotions in the classified state and city service shall
5 be made only after certification by the appropriate depart-
6 ment of civil service under a general system based upon
7 merit, efficiency, and fitness, as ascertained by examination
8 which, so far as practical, shall be competitive. The number
9 to be certified shall not be less than three; however, if
10 more than one vacancy is to be filled, the name of one
11 additional eligible for each vacancy may be certified. Each
12 commission shall adopt rules for the method of certification
13 of persons eligible for appointment, promotion, reemploy-
14 ment, and reinstatement and shall provide for appointments
15 defined as emergency and temporary appointments where
16 certification is not required.

17 (H) Disciplinary Actions; Appeals. No person who has
18 gained permanent status in the classified state or city
19 service shall be subjected to disciplinary action except for
20 cause expressed in writing, and no classified employee
21 shall be discriminated against by reason of his political
22 or religious beliefs, sex, or race. Any classified employee
23 subjected to such disciplinary action or so discriminated
24 against shall have the right of appeal to the appropriate
25 commission.

26 The burden of proof on appeal, as to the facts, shall be
27 on the employee.

28 (I) Prohibitions Against Political Activities.

29 (I) (1) No member of any civil service commission and
30 no officer or employee in the classified service shall par-
31 ticipate or engage in political activity; or be a candidate
32 for nomination or election to public office; or be a member

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1 of any national, state, or local committee of a political
2 party or faction; or make or solicit contributions for any
3 political party, faction, or candidate; or take active part
4 in the management of the affairs of a political party,
5 faction, or candidate or any political campaign, except to
6 exercise his right as a citizen to express his opinion
7 privately, to serve as a commissioner or official watcher
8 at the polls and to cast his vote as he desires.

9 (2) No person shall solicit contributions for political pur-
10 poses from any classified employee or official or use or
11 attempt to use his position in the state or city service to
12 punish or coerce the political action of such classified
13 employee.

14 (J) Rules; Investigations; Wages and Hours.

15 (J) (1) Rules. Each commission is vested with broad and
16 general rule-making and subpoena powers for the administra-
17 tion and regulation of the classified service, including but
18 not limited to the adoption of rules for the regulation of
19 employment, promotion, demotion, suspension, reduction in
20 pay, removal, certification, veteran's preferences, qualifi-
21 cations, political activities, and all other personnel matters
22 and transactions, the adoption of a uniform pay and classifi-
23 cation plan, employment conditions, employee training and
24 safety, compensation and disbursements to employees, and
25 generally carry out and effectuate the objectives and pur-
26 poses of the merit system of civil service as herein established.

27 Rules adopted pursuant hereto shall have the effect of law.
28 Each commission may impose penalties for violation of its
29 rules by demotion in, or suspension or discharge from posi-
30 tion, with attendant loss of pay.

31 (2) Investigations. Each commission is authorized to in-
32 vestigate violations of the provisions of this Section and

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1 the rules, statutes, or ordinances adopted pursuant hereto.

2 (3) Wages and Hours. Any rule or determination affect-
3 ing wages or hours shall become effective and shall have the
4 effect of law only after approval by the governor or the
5 appropriate governing authority.

6 (K) Penalties. Any person who willfully violates any
7 provision of this Section shall be guilty of a misdemeanor
8 and shall, upon conviction, be punished by a fine of not
9 more than five hundred dollars or by imprisonment for not
10 more than six months, or both.

11 (L) Appeal. Each commission shall have the exclusive
12 power and authority to hear and decide all removal and
13 disciplinary cases, with subpoena power and power to ad-
14 minister oaths. It may appoint a referee to take testimony,
15 with subpoena power and power to administer oaths to
16 witnesses. The decision of a commission shall be final on
17 the facts, but shall be subject to review on any question of
18 law upon appeal to the court of appeal wherein such com-
19 mission is located, upon application filed with such commis-
20 sion within thirty calendar days after its decision becomes
21 final.

22 (M) Appropriations. (1) State. Beginning with the regu-
23 lar session that convenes in the year 197___, and at each regu-
24 lar session thereafter, the legislature shall appropriate to the
25 State Civil Service Commission and to the Department of
26 State Civil Service for the succeeding fiscal year a sum
27 equal to not less than seven-tenths of one percent of the
28 aggregate payroll of the state classified service for the
29 twelve-month period ending on the first day of March pre-
30 ceding the next regular session as certified by the State Civil
31 Service Commission.

32 (2) Cities. Each city subject to the provisions of this

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1 Section shall make adequate annual appropriations to enable
2 its civil service commission and department to carry out
3 efficiently and effectively the provisions of this Section.

4 (N) Acceptance of Act; Other Cities, Parishes, City and
5 Parish Governed Jointly. Any city having a population
6 exceeding ten thousand but not exceeding two hundred fifty
7 thousand, and any parish, or any parish governed jointly
8 with one or more cities under a plan of government, having
9 a population exceeding ten thousand, according to the last
10 preceding decennial federal census for which the final re-
11 port of population returns have been reported to the presi-
12 dent of the United States, may elect to accept the provisions
13 of this Section by a majority vote of its qualified electors
14 voting at a general or special election for this purpose. The
15 election shall be ordered and held by the city, the parish, or
16 the city-parish, as the case may be, upon (1) the adoption
17 of an ordinance by the governing body thereof calling for
18 such elections; or (2) the presentation to such governing
19 body of a petition signed by qualified electors equal in
20 number to five percent of the qualified registered voters of
21 the city, the parish, or the city-parish, as the case may be,
22 calling for such election.

23 If a majority of the votes cast in such election are in favor
24 of the adoption of the provisions of this Section, all the
25 provisions thereof shall thereafter permanently apply to
26 and govern the city or city-parish, as the case may be, in
27 the same manner and to the same extent as if said Section
28 and all its provisions had originally applied to such city,
29 parish, or city-parish. In such instance, all officers and
30 employees of the city, the parish, or the city-parish, or any
31 other subdivision of the state, as the case may be, who have
32 acquired civil service status under a civil service system

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1 established by legislative act, city charter, or otherwise, shall
2 retain such status and shall thereafter be subject to and
3 governed by the provisions of this Section and the rules
4 and regulations adopted under the authority of this Section.
5 If a majority of the votes cast in such election are against
6 the adoption of the provisions of this Section, the question
7 of adopting the provisions of this Section shall not be re-
8 submitted to the voters of the city, the parish, or the city-
9 parish, as the case may be, within one year thereafter.

10 (O) City, Parish Civil Service System; Creation. Nothing
11 in this Section shall prevent the establishment by the legis-
12 lature, or by the respective local governing body, in one or
13 more parishes, of a civil service system applicable to any or
14 all parish employees, including those hereinabove exempted
15 from the state classified service, or the establishment by the
16 legislature, or by the respective local governing body, of a
17 civil service system in one or more cities having a popula-
18 tion of less than two hundred fifty thousand, in any manner
19 now or hereafter provided by law.

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1 **DELEGATE PROPOSAL No. 28—**

2 Introduced by Delegate Dennyery:

3 A PROPOSAL

4 Relative to transition for members of the State Civil Ser-
5 vice Commission.

6 Be it adopted by the Constitutional Convention of Lou-
7 isiana of 1973:

8 Article XIV, Section 1. Transition; Civil Service Commis-
9 sion; State; Cities

10 Section 1. (A) State Commission. Each person who, on the
11 effective date of this constitution, is a member of the State
12 Civil Service Commission shall continue in such position for
13 the remainder of the term to which he was appointed. With-
14 in thirty days after the effective date of this constitution,
15 the presidents of St. Mary's Dominican College and Xavier
16 University of Louisiana each shall submit three names to
17 the governor for appointment to the commission as provided
18 in Article VII, Section 1, Paragraph (C). The term of these
19 appointees shall be six years. Within thirty days after the
20 expiration of the term of the present member nominated by
21 the president of Louisiana State University and Agricultural
22 and Mechanical College, the president of Dillard University
23 shall submit three names to the governor for appointment to
24 the commission as provided in Article VII, Section 1. The
25 term of this appointee shall be six years.

26 (B) City Commission. Each person who, on the effective
27 date of this constitution, is a member of the New Orleans
28 City Civil Service Commission shall continue in such posi-
29 tion for the remainder of the term to which he was ap-
30 pointed. Within thirty days after the expiration of the term
31 of the present member nominated by the governing body of
32 the city, the president of Dillard University shall submit

1 three names to the governing body of the city for appoint-
2 ment to the New Orleans City Civil Service Commission as
3 provided in Article VII, Section 1, Paragraph (D). The term
4 of this appointee shall be six years.

5 Section 2. Transition; Civil Service Officers; Employees;
6 State; Cities

7 Section 2. Upon the effective date of this constitution, all
8 officers and employees of the state and of the cities covered
9 hereunder who have status in the classified service of the
10 state shall retain said status in the position, class, and
11 rank that they have on such date and shall thereafter be
12 subject to and governed by the provisions of this constitu-
13 tion and the rules and regulations adopted under the au-
14 thority hereof.

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Constitutional Convention of Louisiana of 1973

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D. P. No. 28

1 DELEGATE PROPOSAL No. 28—

2 Introduced by Delegate Denney:

3 A PROPOSAL

4 Relative to transition for members of the State Civil Service
5 Commission.

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

8 Article XIV, Section 1. Transition; Civil Service Commis-
9 sion; State; Cities

10 Section 1. (A) State Commission. Each person who, on the
11 effective date of this constitution, is a member of the State
12 Civil Service Commission shall continue in such position for
13 the remainder of the term to which he was appointed. Within
14 thirty days after the effective date of this constitution, the
15 presidents of St. Mary's Dominican College and Xavier Uni-
16 versity of Louisiana each shall submit three names to the
17 governor for appointment to the commission as provided in
18 Article VII, Section 1, Paragraph (C). The term of these
19 appointees shall be six years. Within thirty days after the
20 expiration of the term of the present member nominated by
21 the president of Louisiana State University and Agricultural
22 and Mechanical College, the president of Dillard University
23 shall submit three names to the governor for appointment to
24 the commission as provided in Article VII, Section 1. The
25 term of this appointee shall be six years.

26 (B) City Commission. Each person who, on the effective
27 date of this constitution, is a member of the New Orleans
28 City Civil Service Commission shall continue in such position
29 for the remainder of the term to which he was appointed.
30 Within thirty days after the expiration of the term of the
31 present member nominated by the governing body of the
32 city, the president of Dillard University shall submit three

1 names to the governing body of the city for appointment to
2 the New Orleans City Civil Service Commission as provided
3 in Article VII, Section 1, Paragraph (D). The term of this
4 appointee shall be six years.

5 Section 2. Transition; Civil Service Officers; Employees;
6 State; Cities

7 Section 2. Upon the effective date of this constitution, all
8 officers and employees of the state and of the cities covered
9 hereunder who have status in the classified service of the
10 state shall retain said status in the position, class, and rank
11 that they have on such date and shall thereafter be subject
12 to and governed by the provisions of this constitution and
13 the rules and regulations adopted under the authority hereof.

First Enrollment

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1 Constitutional Convention of Louisiana of 1973
2 DELEGATE PROPOSAL NUMBER 28
3 Introduced by Delegate Dennery
4
5 A PROPOSAL
6
7 Relative to transition for members of the State Civil
8 Service Commission.
9 Be it adopted by the Constitutional Convention of Louisiana
10 of 1973:
11
12 Article XIV, Section 1. Transition; Civil Service
13 Commission; State; Cities
14 Section 1. (A) State Commission. Each person who,
15 on the effective date of this constitution, is a member of
16 the State Civil Service Commission shall continue in such
17 position for the remainder of the term to which he was
18 appointed. Within thirty days after the effective date of
19 this constitution, the president of Xavier University of
20 Louisiana shall submit three names to the governor for
21 appointment to the commission as provided in Article VII,
22 Section 1, Paragraph (C). Within ninety days after the
23 effective date of this constitution, one member of the
24 commission shall be elected by the classified employees of
25 the state from their number as provided by law. The term
26 of these appointees shall be six years. Within thirty days
27 after the expiration of the term of the present member
28 nominated by the president of Louisiana State University and
29 Agricultural and Mechanical College, the president of Dillard
30 University shall submit three names to the governor for
31 appointment to the commission as provided in Article VII,
32 Section 1. The term of this appointee shall be six years.
33 (B) City Commission. Each person who, on the effective
34 date of this constitution, is a member of the New Orleans
35 City Civil Service Commission shall continue in such

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1 position for the remainder of the term to which he was
2 appointed. Within thirty days after the effective date of
3 this constitution, the presidents of St. Mary's Dominican
4 College and Xavier University of Louisiana each shall
5 submit three names to the governing body of the city for
6 appointment to the commission as provided in Article VII,
7 Section 1, Paragraph (D). Within thirty days after the
8 expiration of the term of the present member nominated by
9 the governing body of the city, the president of Dillard
10 University shall submit three names to the governing body of
11 the city for appointment to the New Orleans City Civil Service
12 Commission as provided in Article VII, Section 1, Paragraph
13 (D). The term of these appointees shall be six years.
14 Section 2. Transition; Civil Service Officers;
15 Employees; State; Cities
16 Section 2. Upon the effective date of this constitution,
17 all officers and employees of the state and of the cities
18 covered hereunder who have status in the classified service
19 shall retain said status in the position, class, and rank
20 that they have on such date and shall thereafter be subject to
21 and governed by the provisions of this constitution and the
22 rules and regulations adopted under the authority hereof.

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Constitutional Convention of Louisiana of 1973

1 **DELEGATE PROPOSAL No. 29—**

2 Introduced by Delegate Asseff:

3 **A PROPOSAL**

4 Providing for the reorganization of the executive branch of
5 state government.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **ARTICLE IV. EXECUTIVE BRANCH**

9 **Section 1. Reorganization**

10 Section 1. (A) The governor may propose to the legisla-
11 ture, on or before the first day of any regular session, a
12 plan of reallocation of the functions, powers, duties, and
13 responsibilities of all departments, offices, agencies, and
14 other instrumentalities of the executive branch, except for
15 those functions, powers, duties, and responsibilities allocated
16 by this constitution, among and within not more than
17 twenty-five departments. Either house of the legislature, by
18 a majority vote of the elected members, may disapprove
19 such plan but may not substantively amend it. In the event
20 neither house disapproves the plan submitted prior to the
21 sine die adjournment of the session of the legislature at
22 which submitted, the plan shall become effective at twelve
23 o'clock noon on the day following sine die adjournment.

24 (B) The legislature, by majority vote of the elected
25 members of each house, may reallocate the functions,
26 powers, duties, and responsibilities of all departments,
27 offices, agencies, and other instrumentalities of the execu-
28 tive branch, except those functions, powers, duties, and
29 departments allocated by this constitution, among and with-
30 in not more than twenty-five departments.

1 **DELEGATE PROPOSAL No. 30—**

2 Introduced by Delegate Lennox:

3 **A PROPOSAL**

4 Relative to levee districts

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article_____. Levee Districts

8 Section 1. Levee Districts

9 Section 1. (A) Levee Districts, whose jurisdiction and
10 flood control responsibilities are not limited to and which are
11 not situated entirely within the boundaries of one parish,
12 as now organized and constituted shall continue to exist
13 except that the legislature may provide for the consolida-
14 tion, division, or reorganization of such existing levee
15 districts or create new levee districts, not inconsistent with
16 the provisions hereof, provided that the members of the
17 boards of commissioners of such districts shall be appoint-
18 ed or elected from residents of such district.

19 (B) Levee districts whose jurisdiction and flood control
20 responsibilities are limited to one parish, upon the adoption
21 of an ordinance by a favorable vote of a majority of the
22 elected members of the parish governing authority, shall
23 be merged and consolidated into such parish as now orga-
24 nized and constituted and, thereupon, the existing boards
25 and/or commissions previously created for the management
26 of such districts shall be abolished; and the parish into
27 which such district is merged and consolidated, shall succeed
28 to and be possessed of all the assets, rights, powers, func-
29 tions, duties, revenues, receipts, debts, liabilities, obligations
30 and interests of such district, including the right and power
31 to levy and collect taxes at the rate and subject to the
32 conditions and limitations provided for other levee districts

1 in Section 2 hereof, and shall be the owner of all of the
2 assets, interests and the real, personal and mixed property
3 belonging to such district. Thereafter, the parish shall be
4 the governing authority of the levee district so merged and
5 consolidated and shall by ordinance, provide for powers,
6 functions and jurisdiction of such district. The provisions
7 of this paragraph shall be self-executory.

8 (C) No action taken under this Section shall impair the
9 obligation of any outstanding bonded indebtedness or of any
10 other contract of such levee district.

11 (D) The parish governing authority which assumes the
12 authority of any levee district shall recognize the sanctity
13 and honor all contracts previously entered into by its
14 predecessor providing such contracts were not violative
15 of law at the time of their initiation.

16 (E) The parish governing authority which becomes the
17 governing authority of any levee district shall make all
18 provisions necessary to protect the Civil Service status and
19 retirement benefits which have accrued to all classified
20 employees of the levee district under the conditions of this
21 article.

22 Section 2. District Taxes and Refunding Bonds; Increase
23 in Tax to Raise Additional Funds

24 Section 2. (A) For the purpose of constructing and main-
25 taining levees, levee drainage, flood protection, hurricane
26 flood protection, and for all other purposes incidental there-
27 to, the governing authority of each district, may levy
28 annually a tax not to exceed five mills on the dollar on all
29 taxable property situated within the alluvial portions of said
30 district subject to overflow.

31 (B) Should the necessity to raise additional funds arise
32 in any levee district for any of the purposes herein set

1 forth, or for any other purpose related to its authorized
2 powers and functions which may be specified by the leg-
3 islature, or the governing authority of a levee district which
4 has been merged and consolidated pursuant to Section 1
5 (B) hereof, as the case may be, the tax herein authorized
6 may be increased; provided, however, that before taking
7 effect, the necessity for the increase and the rate thereof
8 shall be submitted to the electors of such district at an
9 election called and held in the manner provided in Article
10 _____, Section 24 of this Constitution, and no increase in
11 taxes shall occur unless a majority of the electors in such
12 district who vote in the election hereinabove provided for
13 vote in favor thereof.

14 Section 3. Interstate Districts

15 Section 3. The legislature, with the concurrence of an
16 adjoining state, may create levee districts composed of
17 territory partly in each state, and may authorize the con-
18 struction and maintenance of levees wholly within another
19 state.

20 Section 4. Cooperation with State and Federal Government

21 Section 4. (A) Parish governing authorities having once
22 assumed the authority previously delegated to levee districts
23 shall be free to contract with agencies of the State of Louisi-
24 ana for the construction, maintenance, upkeep and super-
25 vision of all levees, hurricane and/or tidal protection devices
26 including areas immediately contiguous thereto on terms and
27 conditions satisfactory to the parties and consistent with
28 law.

29 (B) All governing authorities of levee districts which
30 have been, or may be created, are authorized to cooperate
31 with the federal government in the construction and
32 maintenance of the levees in this state, on such terms and

1 conditions as may be provided by the federal authorities
2 and accepted by the levee districts.

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1 **DELEGATE PROPOSAL No. 31—**

2 Introduced by Delegate Dennyery :

3 **A PROPOSAL**

4 Providing for trust; forced heirship.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973 :

7 Article II, Section 14. Trusts; Forced Heirship; Abolition
8 Prohibited; Adopted Children

9 Section 14. The legislature may authorize the creation of
10 express trusts for any purpose, including but not limited to
11 private trusts, trusts for the benefit of employees, trusts for
12 educational, charitable, or religious purposes, and mixed
13 trusts for any combination of purposes. Substitutions not
14 in trust are and remain prohibited; but trusts may contain
15 substitutions to the extent authorized by the legislature. No
16 law shall be passed abolishing forced heirship, but the
17 legitime may be placed in trust to the extent authorized by
18 the legislature. Children lawfully adopted shall become
19 forced heirs to the same extent as if born to the adopter and
20 shall retain their rights as heirs of their blood relatives, but
21 their blood relatives shall have their rights of inheritance
22 from these children terminated.

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Constitutional Convention of Louisiana of 1973

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1 **DELEGATE PROPOSAL No. 32—**

2 By Delegate Drew:

8 **A PROPOSAL**

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

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article V, Section 9. Courts of Appeal; Circuits and Dis-
9 tricts

10 Section 9. Each circuit shall be divided into at least three
11 districts, with at least one judge elected from each. The
12 present circuits and districts and the number of judges as
13 elected in each circuit are retained, subject to change by
14 two-thirds vote of the elected members in each house of the
15 legislature.

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE PROPOSAL NUMBER 32

3 By Delegate Drew

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5 **A PROPOSAL**

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

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

10 **ARTICLE V.**

11 *** * ***

12 Section 9. Courts of Appeal; Circuits and Districts

13 Section 9. Each circuit shall be divided into at least
14 three districts, with at least one judge elected from each.
15 The present circuits and districts and the number of judges
16 as elected in each circuit are retained, subject to change
17 by two-thirds vote of the elected members in each house of
18 the legislature.

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1 **DELEGATE PROPOSAL No. 33—**

2 Introduced by Delegate Dennis:

3 **A PROPOSAL**

4 Providing for the financing of the judicial system.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article____, Section. ____ Financing of Judicial System

8 Section____. The entire judicial system shall be financed
9 at the state level. One-half of the financing shall come from
10 the general fund and the remaining one-half from all fines
11 and forfeitures hereby dedicated to financing the court sys-
12 tem. The legislature may share any excess revenues with
13 local governmental units as it deems appropriate. This pro-
14 vision shall not cause the reduction of the salary of any
15 public official.

1 **DELEGATE PROPOSAL No. 34—**

2 Introduced by Delegate Dennis:

3 **A PROPOSAL**

4 Providing for the financing of the state judicial system.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article____, Section____. Financing of Judicial System

8 Section____. The total cost of the state judicial system shall
9 be paid by the state from the general fund. The legislature
10 may require reimbursement to the state by political sub-
11 divisions of appropriate portions of such cost. This pro-
12 vision shall not cause the reduction of the salary of any
13 public official.

1 **DELEGATE PROPOSAL No. 35—**

2 Introduced by Delegate Miller:

3 **A PROPOSAL**

4 Providing for supreme court districts.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article V, Section____. Supreme Court; Districts

8 Section____. The state shall be divided into seven supreme
9 court districts; said districts shall be determined by the
10 legislature. One judge shall be elected from each district.

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1 **DELEGATE PROPOSAL No. 36—**

2 Introduced by Delegate Gravel:

3 **A PROPOSAL**

4 To provide with respect to retirement systems and plans for
5 public officials and employees and judges.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article VII, Section 1. Retirement.

9 Section 1. The legislature shall provide for the retirement
10 of public officials and employees of the state and its politi-
11 cal subdivisions, through the establishment of one or more
12 retirement systems or plans. No law enacted under author-
13 ity of this provision shall diminish or impair the retirement
14 rights and benefits to which any member of such system or
15 plan, or any other person, is entitled; nor shall the retire-
16 ment rights or benefits to which any person is entitled on
17 the effective date of this constitution be diminished or im-
18 paired. Notwithstanding any other provision of this consti-
19 tution to the contrary, the retirement system and plan for
20 judges and their surviving spouses shall be as set forth in
21 Article VII, Section 8 of the Constitution of 1921, shall be
22 exclusive, and shall be continued in full force and effect.

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1 **DELEGATE PROPOSAL No. 37—**

2 Introduced by Delegates Bel, Bergeron, Casey, Lennox,
3 Mauberret, Tapper, Vesich, Vick, Alexander, Landrum, J.
4 Jackson, Warren, Riecke:

5 **A PROPOSAL**

6 Relative to Orleans Parish courts and officials.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 Article V, Section 35. Orleans Parish Courts, Officials

10 Section 35. Notwithstanding any provisions of this constitu-
11 tion to the contrary, the following courts in Orleans Parish,
12 and the judges and officers thereof, are continued: the civil
18 and criminal district courts, the city, municipal, traffic and
14 juvenile courts, the clerks of the civil and criminal district
15 courts, the civil and criminal sheriffs, the constables and the
16 clerks of the first and second city courts, the register of con-
17 veyances, and the recorder of mortgages. The terms of office
18 as existing at the time of the adoption of this constitution of
19 the hereinabove named officers and judges are retained, sub-
20 ject to change by a two-thirds vote of the elected members of
21 each house of the legislature. The powers and duties of the
22 hereinabove named officers, as provided by the legislature,
23 are continued and their retirement benefits and compensation
24 shall not be reduced during their terms of office.

25 The civil district court shall have civil jurisdiction as
26 provided in Section 16 of this Article and the criminal
27 district court shall have criminal jurisdiction as provided
28 in Section 16 of this Article.

29 The judicial expense fund of Orleans Parish as existing
30 at the time of the adoption of this constitution is retained
31 subject to change by two-thirds vote of the elected mem-
32 bers of each house of the legislature.

1 **DELEGATE PROPOSAL No. 38—**

2 Introduced by Delegate Casey:

3 **A PROPOSAL**

4 To provide for the prohibition of local and special laws
5 where general laws can be made applicable.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article III, Section 12. Local and Special Laws; Prohibi-
9 tion Against Enactment

10 Section 12. (A) The legislature shall pass no local or spe-
11 cial law when a general law is or can be made applicable.

12 (B) The legislature shall not indirectly enact special or
18 local laws by the partial repeal or suspension of a general
14 law.

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1 **DELEGATE PROPOSAL No. 39—**

2 Introduced by Delegate Casey:

3 A PROPOSAL

4 To provide for a date for taking office of members of the
5 legislature at the beginning of each term, or to fill the
6 remainder of an unexpired term.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 Article III, Section____. Taking Office

10 Section____. (A) Members of the legislature shall take
11 office on the same day as the governor and other officials
12 elected statewide.

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

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1 **DELEGATE PROPOSAL No. 40—**

2 Introduced by Delegates Bel and Vesich:

3 A PROPOSAL

4 To provide with respect to the terms of district court judges.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article V, Section____. District Court Judges; Terms

8 Section____. The initial term of a district judge shall be
9 six years. Each consecutive term for which he is reelected
10 shall be twelve years.

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1 **DELEGATE PROPOSAL No. 41—**

2 Introduced by Delegates Bel and Vesich:

3 **A PROPOSAL**

4 To provide with respect to the terms of appellate judges.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article V, Section____. Appellate Judges; Terms

8 Section____. The term of an appellate court judge shall be
9 twelve years.

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1 **DELEGATE PROPOSAL No. 42—**

2 Introduced by Delegates Dennery and Stovall:

3 **A PROPOSAL**

4 Providing for the lieutenant governor as ombudsman.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article IV, Section____. Powers and Duties of the Lieu-
8 tenant Governor

9 Section____. The lieutenant governor shall be the ombuds-
10 man for the people of the state. He shall receive and in-
11 vestigate complaints made against the state, its officials,
12 employees, agencies, boards, or commissions. The legisla-
13 ture shall prescribe procedures and remedies necessary to
14 effectuate this provision.

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Constitutional Convention of Louisiana of 1973

CC-1102

1 **DELEGATE PROPOSAL No. 43—**

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

4 A PROPOSAL

5 Providing for juvenile courts having exclusive original ju-
6 risdiction with the exception for offenses of murder,
7 aggravated kidnapping, armed robbery, or aggravated
8 rape.

9 Be it adopted by the Constitutional Convention of Louisi-
10 ana of 1973:

11 Article____, Section____. Juvenile Courts; Jurisdiction
12 Section____. Juvenile courts including district courts and
13 parish and city courts when sitting as ex officio juvenile
14 courts, shall have exclusive original jurisdiction of all of-
15 fenses committed by persons under the age of seventeen,
16 except that the criminal district courts in the parish of
17 Orleans and the several district courts in the other parishes
18 of the state shall have exclusive original jurisdiction of
19 persons who at the time of the commission of the offense
20 are over the age of fifteen years and who have been indicted
21 by a grand jury for the offenses of murder, aggravated
22 kidnapping, armed robbery, or aggravated rape committed
23 within their respective jurisdictions.

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE PROPOSAL NUMBER 43

3 Introduced by Delegates J. Jackson, Gauthier, Gravel, A. Jackson,
4 Pugh, Roy, Stovall, and Warren

5

6 A PROPOSAL

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8 Providing for special juvenile procedures.

9 Be it adopted by the Constitutional Convention of Louisiana of
10 1973:

11 Article____, Section____. Special Juvenile Procedures
12 Section____. Except for a person fifteen years of age or
13 older who is alleged to have committed a capital offense or
14 attempted aggravated rape, the determination of guilt or in-
15 nocence, the detention, and the custody of a person who is
16 alleged to have committed a crime prior to his seventeenth
17 birthday shall be exclusively pursuant to special juvenile
18 procedures which shall be provided by law. However, by law
19 enacted by a two-thirds vote of the elected members of each
20 house, the legislature may (1) lower the maximum ages of
21 persons to whom juvenile procedures would apply and (2)
22 establish a procedure by which the court of original juris-
23 diction may waive such special juvenile procedures in order
24 that adult procedures would apply in individual cases.

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1 **DELEGATE PROPOSAL No. 44—**

2 Introduced by Delegate Vick:

3 **A PROPOSAL**

4 Making provision for the powers, duties, and qualifications
5 for the state attorney general.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article____, Section____. Powers, Duties, and Qualifica-
9 tions of the Attorney General

10 Section____. (A) There shall be a department of justice,
11 headed by the attorney general who shall be the state's chief
12 legal officer. As may be necessary for the assertion or pro-
13 tection of the rights and interests of the state, the attorney
14 general shall have authority to:

15 (1) institute, and prosecute or intervene in any legal
16 actions or other proceedings, civil or criminal and make
17 such investigations as he may consider necessary, including
18 full participation in grand jury investigations;

19 (2) exercise supervision over the several district attor-
20 neys throughout the state; and

21 (3) for cause, supersede any attorney representing the
22 state in any civil or criminal proceeding.

23 He shall have such other powers and perform such other
24 duties as may be authorized by this constitution or provided
25 by statute.

26 (B) The attorney general shall have been admitted to
27 the practice of law in this state for at least the five years
28 immediately preceding his election.

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1 **DELEGATE PROPOSAL No. 45—**

2 Introduced by Delegate Gauthier :

3 **A PROPOSAL**

4 To provide a retirement system for judges.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article V, Section 23. Retirement of Judges

8 Section 23. (A) A judge shall not remain in office beyond
9 his seventieth birthday, except as otherwise provided herein.

10 (B) A judge or judicial administrator in office or retired
11 at the time of the adoption of this constitution, shall not
12 have diminished any retirement benefits or judicial service
13 rights, including the right to remain in office, as judge, dur-
14 ing his present term, as provided under the previous con-
15 stitution or laws, nor shall the benefits to which his surviv-
16 ing spouse was entitled be reduced.

17 (C) A judge taking office after the adoption of this con-
18 stitution and a judge in office who so elects within ninety
19 days of the adoption of this constitution by notifying the
20 secretary of state, shall be vested and entitled to the follow-
21 ing retirement benefits:

22 (1) This subsection applies to a judge of a court autho-
23 rized by this constitution, except mayors and justices of the
24 peace.

25 (2) A judge with sixteen years of judicial service may re-
26 tire at any age; a judge of twelve years of judicial service
27 may retire with benefits commencing at the age of fifty-
28 five. On retirement, a judge shall receive annually as re-
29 tirement benefits three and one-half percent of his salary
30 times the number of years served, but not more than ninety
31 percent.

32 (3) A judge who is physically or mentally incapacitated to

1 perform his duties shall be retired. He shall receive as an-
2 nual retirement benefits two-thirds of his annual salary, or
3 three and one-half percent of his salary times the number of
4 years served, whichever is greater, not to exceed the maxi-
5 mum amount provided in paragraph (2).

6 (4) Upon the death of a judge, in office or retired, the
7 surviving spouse, until remarriage, shall be entitled to one-
8 half of his annual salary as judge prior to death or retire-
9 ment. If the judge is not survived by a spouse, or if the
10 spouse dies, his unmarried children shall be entitled to the
11 benefits provided in this subsection until the age of eighteen.

12 (5) Benefits provided herein shall be paid from the same
13 sources as was his compensation as judge. The legislature
14 and the political subdivisions shall provide for the payment
15 of these benefits.

16 (6) To receive the benefits provided in this subsection,
17 the judge shall contribute a total of seven percent of his
18 salary to the paying authorities.

1 **DELEGATE PROPOSAL No. 46—**

2 Introduced by Delegate Tobias:

8 **A PROPOSAL**

4 Providing for the continuance of Orleans Parish courts and
5 officials.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article____, Section____. Orleans Parish Courts, Officials;
9 Continued

10 Section____. Except for provisions relating to terms of
11 office as provided elsewhere in this Article and notwith-
12 standing any other provision of this constitution to the con-
13 trary, the following courts and officers in Orleans Parish
14 are continued, subject to change by a vote of a majority of
15 the elected members of each house of the legislature: the
16 civil and criminal district courts, the city, municipal, traffic
17 and juvenile courts, the clerks of the civil and criminal dis-
18 trict courts, the civil and criminal sheriffs, the constables
19 and the clerks of the first and second city courts, the register
20 of conveyances, and the recorder of mortgages.

1 **DELEGATE PROPOSAL No. 47—**

2 Introduced by Delegates Drew and Singletary :

3 **A PROPOSAL**

4 Providing with respect to the expropriation of private prop-
5 erty for public purposes.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973 :

8 Article I, Section..... Expropriation of Private Property
9 for Public Purposes ; Just Compensation

10 Section..... Except as otherwise provided in this consti-
11 tution, private property shall not be taken or damaged
12 except for public purposes and after just and adequate com-
13 pensation is paid.

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1 **DELEGATE PROPOSAL No. 48—**

2 Introduced by Delegates Singletary and Drew :

3 **A PROPOSAL**

4 Making provisions for equal protection of the laws, pro-
5 hibiting discrimination, slavery and involuntary servi-
6 tude.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973 :

9 Article I, Section..... Equal Protection ; Discrimination ;
10 Slavery and Involuntary Servitude

11 Section..... No person shall be denied equal protection of
12 the laws. No law shall discriminate against a person because
13 of race or religion. Slavery and involuntary servitude are
14 prohibited, except in the latter case as a punishment for
15 crime.

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1 **DELEGATE PROPOSAL No. 49—**

2 Introduced by Delegate Brien :

3 **A PROPOSAL**

4 Providing with respect to consumer education and informa-
5 tion councils.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article____, Section 1. Consumer Education and Informa-
9 tion Councils

10 Section 1. The legislature shall create consumer educa-
11 tion and information councils, which shall provide consumer
12 representation for the interest of consumers throughout the
13 state in hearings before any board, commission, depart-
14 ment, or agency of the state or any political subdivision
15 thereof and which shall exercise such other powers and
16 duties as are fixed by law.

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Reprinted as Engrossed

1 **DELEGATE PROPOSAL No. 49—**

2 Introduced by Delegate Brien :

3 **A PROPOSAL**

4 Providing with respect to consumer education and informa-
5 tion councils.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article____, Section 1. Consumer Education and Informa-
9 tion Councils

10 Section 1. The legislature shall create consumer educa-
11 tion and information councils, which may provide consumer
12 representation for the interest of consumers throughout the
13 state in hearings before any board, commission, depart-
14 ment, or agency of the state or any political subdivision
15 thereof and which shall exercise such other powers and
16 duties as are fixed by law.

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1 **DELEGATE PROPOSAL No. 50—**

2 Introduced by Delegate Thistlethwaite:

3 **A PROPOSAL**

4 To provide a preamble and a declaration of rights to the
5 constitution.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 **PREAMBLE**

9 We, the people of Louisiana, grateful to Almighty God for
10 divine guidance and mindful of our unique heritage, do re-
11 affirm our adherence to the Constitution of the United States
12 of America and, desiring to declare and ensure the rights of
13 the individual and provide a plan of government for the
14 good order of the state, do ordain and establish this consti-
15 tution.

16 **ARTICLE I. DECLARATION OF RIGHTS**

17 **Section 1. Inherent Rights**

18 Section 1. Every person has a natural right to life, liberty,
19 the pursuit of happiness, and the enjoyment of the rewards
20 of his own industry. Each person is entitled to equal rights
21 and opportunities under the law, and has corresponding
22 obligations to the people and to the state. Government
23 originates with the people, is founded upon their will, and is
24 instituted to protect the rights of the individual and to
25 enhance the good of the people as a whole.

26 **Section 2. Due Process and Equal Protection**

27 Section 2. No person shall be deprived of life, liberty,
28 property, or other rights without due process of law, nor be
29 denied the equal protection of the laws. No law shall dis-
30 criminate against a person in the exercise of his rights.
31 Private property shall not be taken or damaged nor shall
32 vested rights be divested, except for a public purpose and

1 after just and adequate compensation.

2 **Section 3. Freedom of Religion, Speech, Assembly and**
3 **Petition**

4 Section 3. No law shall be enacted concerning an estab-
5 lishment of religion, or prohibiting the free exercise thereof,
6 or abridging the freedom of speech or of the communica-
7 tions media, or the right of the people to assemble peaceably
8 and to petition the government for a redress of grievances.

9 **Section 4. Right to Privacy**

10 Section 4. The right of the people to be secure in their
11 persons, communications, houses, papers, and effects against
12 unreasonable searches and seizures shall not be violated;
13 and no warrant shall issue without probable cause, supported
14 by oath or affirmation, and particularly describing the place
15 to be searched and the persons or things to be seized.

16 **Section 5. Rights in Criminal Procedure**

17 Section 5. (A) A detained person shall be advised of his
18 legal rights and the reason for his detention. If prosecuted,
19 he shall be informed of the nature and cause of the accusa-
20 tion against him and shall have the right to the assistance
21 of counsel of his choice, or appointed by the court in indigent
22 cases if charged with a serious offense.

23 (B) No person shall be held to answer for a capital crime
24 or a crime punishable by life imprisonment except on in-
25 dictment by a grand jury, and no one shall be twice put in
26 jeopardy for the same offense even if tried by a court of
27 another sovereignty, except on his own application for a
28 new trial or where there is a mistrial or a motion is sus-
29 tained in arrest of judgment.

30 (C) In all criminal prosecutions the accused has the right
31 to a speedy, public trial. In prosecutions for an offense
32 punishable by imprisonment of more than six months, the

1 accused has the right to a trial by an impartial jury unless
2 waived. All trials shall take place in the jurisdiction in
3 which the offense was committed, unless the venue be
4 changed. No person shall be compelled to give evidence
5 against himself. An accused is entitled to confront and cross-
6 examine witnesses against him, compel the attendance of
7 witnesses, present a defense, and take the stand in his
8 own behalf.

9 (D) Excessive bail shall not be required, nor excessive
10 fines imposed, nor cruel or unusual punishment inflicted.
11 Every person shall be bailable by sufficient sureties, except
12 for a person charged with a capital offense or an offense
13 punishable by life imprisonment where the proof is evident
14 and the presumption great.

15 Section 6. Rights of Redress

16 Section 6. All courts shall be open and every person shall
17 have an adequate remedy for injury done to him in violation
18 of his rights. The privilege of the writ of habeas corpus shall
19 never be suspended except in the event of rebellion or in-
20 vasion when the public safety may require it.

21 Section 7. Right to Bear Arms

22 Section 7. The right of a person to keep and bear arms
23 shall not be abridged, but nothing herein shall be held to
24 permit the carrying of concealed weapons.

25 Section 8. Prohibited Laws

26 Section 8. No ex post facto law or law impairing the
27 obligations of contracts shall be enacted.

28 Section 9. Unenumerated Rights

29 Section 9. This listing of rights shall not be construed to
30 deny or impair other rights of the people not herein ex-
31 pressed.

1 **DELEGATE PROPOSAL No. 51—**

2 Introduced by Delegate Asseff:

3 **A PROPOSAL**

4 Providing for appointment of officials; merger, and consolida-
5 tion.

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

8 Article IV, Section 23. Appointment of Officials; Merger,
9 Consolidation of Offices and Departments

10 Section 23. (A) After the first election of state officials
11 following adoption of this constitution, the legislature may,
12 by a vote of two-thirds of the elected members of each house,
13 provide for appointment, in lieu of election, of the state
14 superintendent of education, the commissioner of insurance,
15 the commissioner of agriculture, the state commissioner of
16 elections, or any of them. In such event the legislature shall
17 prescribe qualifications and method of appointment and may
18 provide for the merger or consolidation of any such offices
19 and their departments and functions with any other office
20 or department in the executive branch. No action of the
21 legislature pursuant hereto shall reduce the term or compen-
22 sation of any incumbent elected official. By a vote of two-
23 thirds of the elected members of each house, the legislature
24 may reestablish any of such offices as an elective office and
25 in such event shall prescribe qualifications.

26 (B) Any statute enacted under authority of Paragraph (A)
27 shall become effective only after submission to and approval
28 by a majority of the electors voting thereon at a general elec-
29 tion for representatives either in congress or in the state
80 legislature.

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1 **DELEGATE PROPOSAL No. 52—**

2 Introduced by Delegate Asseff:

3 **A PROPOSAL**

4 Providing for appointment of officials; merger, and consolida-
5 tion.

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

8 Article IV, Section 23. Appointment of Officials; Merger,
9 and Consolidation of Offices and Departments

10 Section 23. (A) After the first election of state officials
11 following adoption of this constitution, the legislature may
12 provide for appointment, in lieu of election, of the state
18 superintendent of education, the commissioner of insurance,
14 the commissioner of agriculture, the state commissioner of
15 elections, or any of them. In such event the legislature shall
16 prescribe qualifications and method of appointment, and may
17 provide for the merger or consolidation of any of such offices
18 and their departments and functions, with any other office
19 or department in the executive branch. No action of the legis-
20 lature pursuant hereto shall reduce the term or compensation
21 of any incumbent elected official. The legislature may reestab-
22 lish any of these offices as an elective office and, in such
23 event, shall prescribe qualifications.

24 (B) Any action taken pursuant to Paragraph (A) of this
25 Section shall be taken only at a regular session immediately
26 preceding a general election of members of the legislature
27 and shall require approval of two-thirds of the elected mem-
28 bers of each house. If so approved, the measure shall aga
29 be acted upon at the first regular session held after the
30 general election, and if it then is adopted by a vote of two-
31 thirds of the elected members of each house it shall become
32 effective.

1 **DELEGATE PROPOSAL No. 53—**

2 Introduced by Delegate Leithman:

3 **A PROPOSAL**

4 Making provisions for education and necessary provisions
5 with respect thereto.

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

8 **ARTICLE IX. EDUCATION**

9 **Section 1. Educational Goals**

10 Section 1. The goal of the public educational system shall
11 be to provide learning environments and experiences that are
12 designed to promote excellence so that every individual may
13 be afforded the opportunity to develop to his full potential.

14 **Section 2. Public Educational System**

15 Section 2. The legislature shall provide for the education
16 of the people of the state and shall establish and maintain a
17 public educational system consisting of all public schools and
18 institutions of learning supported in whole or in part by state
19 funds, the funds of any political subdivision thereof, or both.

20 **Section 3. State Superintendent of Education**

21 Section 3. The Board of Public Education shall appoint a
22 superintendent of education who shall be the ex officio secre-
23 tary of the board and serve as its chief administrative officer.
24 The Board shall prescribe his term of office and his powers,
25 duties, and responsibilities.

26 **Section 4. State Board of Education**

27 Section 4. (A) There is created a body corporate, known
28 as the State Board of Education, which shall be composed of
29 the Board of Public Education and the Board of Regents. The
30 State Board of Education shall be responsible for long-range
31 planning, coordination and evaluation of policies and pro-
32 grams, and submission of unified budget requests for the state

1 public educational system. It shall have such other powers,
2 duties, and responsibilities as are provided in this Article
3 and by law.

4 (B) The board shall consist of twenty-two members, eleven
5 members each from the Board of Public Education and the
6 Board of Regents. The board shall elect a chairman to serve
7 for such term as it may deem appropriate.

8 Section 5. Board of Public Education

9 Section 5 (A) There is created a body corporate, known
10 as the Board of Public Education. The board shall supervise,
11 control, and have budgetary responsibility for all precollegiate
12 public education. The board shall have such other specific
13 powers, duties, and responsibilities as are provided by law,
14 but shall have no control over the business affairs of parish
15 and municipal school boards or the selection or removal of
16 their officers and employees.

17 (B) The board shall consist of eleven members. One mem-
18 ber shall be elected from each of the congressional districts
19 into which the state is divided and an additional number of
20 members shall be appointed by the governor, with the consent
21 of the Senate, from the state at large. All members shall serve
22 overlapping terms of six years, following the initial terms
23 which shall be determined by the legislature in a manner as to
24 effectuate this purpose. The board shall elect a chairman to
25 serve for such terms as it may deem appropriate.

26 Section 6. State Department of Education

27 Section 6. The State Department of Education shall be the
28 administrative and research staff of the Board of Public
29 Education.

30 Section 7. Qualification and Certification of Teachers

31 Section 7. The Board of Public Education shall prescribe
32 and provide for the qualifications to be met by teachers and

1 for the certification of teachers of precollegiate public schools.

2 Section 8. Approval of Private Schools; Effect

3 Section 8. The Board of Public Education shall approve pri-
4 vate elementary, secondary and proprietary schools whose
5 sustained curriculum is of a quality equal to that prescribed
6 for similar public schools. The certificates issued by private
7 schools so approved shall carry the same privileges as those
8 issued by state public schools.

9 Section 9. Parish School Boards; Parish Superintendents

10 Section 9. The legislature shall provide for the creation
11 of parish school boards and shall provide for the election
12 of the members of such boards. Each parish board shall elect
13 a superintendent of parish schools, whose term of office shall
14 be six years. The Board of Public Education shall fix the
15 qualifications and prescribe the duties of the parish superin-
16 tendent, who need not be a resident of the parish where he
17 serves.

18 Section 10. Recognition of Existing Boards

19 Section 10. Parish and municipal school boards in existence
20 as of the date of this constitution are recognized.

21 Section 11. Board of Regents

22 Section 11. (A) There is created a body corporate known
23 as the Board of Regents. The board shall have full power and
24 authority to supervise, coordinate, and have budgetary re-
25 sponsibility for all public higher education except that the
26 board may provide for governing boards to manage each col-
27 lege and university.

28 (B) The board shall consist of eleven members. One mem-
29 ber shall be elected from each of the congressional districts
30 into which the state is divided and an additional number of
31 members shall be appointed by the governor, with the consent
32 of the Senate, from the state at large. All members shall serve

1 overlapping terms of six years, following the initial terms
2 which shall be determined by the legislature in a manner as
3 to effectuate this purpose. The board shall elect a chairman
4 to serve for such terms as it may deem appropriate.

5 Section 12. Chancellor; Higher Education

6 Section 12. The Board of Regents shall appoint a chancellor
7 of higher education who shall be the ex officio secretary of
8 the board and serve as its chief administrative officer for
9 four years. The board shall prescribe his powers, duties, and
10 responsibilities.

11 Section 13. Higher Education; Master Plan

12 Section 13. The Board of Regents shall formulate and make
13 timely revision of a master plan for all public higher educa-
14 tion. As a minimum, the plan shall include a formula for the
15 equitable distribution of funds to the institutions of higher
16 education of the state.

17 Section 14. Board; Staff

18 Section 14. The legislature shall establish and maintain an
19 administrative and research staff for the Board of Regents.

20 Section 15. Public Educational Finance

21 Section 15. The legislature shall have the primary responsi-
22 bility for financing the public educational system. Funds for
23 the support of the system shall be derived from the sources
24 and in the manner prescribed by law.

25 Section 16. Boards of Education; General

26 Section 16. (A) The membership of the Board of Public
27 Education and the Board of Regents shall include members of
28 the predominant minority race in a number equal to the pro-
29 portionate number of members of that race in the total popula-
30 tion of the state.

31 (B) Vacancies occurring for any cause prior to the expira-
32 tion of the term shall be filled by appointment by the governor

1 for the remainder of the unexpired term.

2 (C) Members of boards shall serve without pay except for
3 such per diem and expenses as shall be fixed by the legisla-
4 ture.

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DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:

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

Section 1. Educational Goals

Section 1. The goal of the public educational system shall be to provide learning environments and experiences designed to promote excellence so that every individual may be afforded the opportunity to develop to his full potential.

Section 2. Public Educational System

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

Section 3. Educational Boards

Section 3. The legislature shall establish such board or boards as may be necessary to meet the educational needs of the state. The duties and responsibilities of such board or boards shall be provided by law.

Section 4. Public Educational Finance

Section 4. The legislature shall provide for financing the system of public education and shall provide for equitable distribution of funds to all components of the public educational system.

Section 5. State Superintendent of Education

Section 5. The powers, duties, responsibilities, and salary of the state superintendent of education shall be prescribed by law.

Section 6. Approval of Private Schools; Effect

Section 6. The legislature shall provide for approval by the

appropriate board created under authority of Section 3 herein of private 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.

Section 7. Parish School Boards; Parish Superintendents

Section 7. (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 appropriate board as created by Section 3 herein 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 8. Recognition of Existing Boards and Systems; Consolidation

Section 8. (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 appropriate state board for 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.

Section 9. Appropriations

Section 9. Appropriations for the institutions of the public educational system shall be made to and administered by the appropriate board, agency, or authority and shall be used

1 solely for the operations of the institutions for which desig-
 2 nated in the appropriations.
 3 Section 10. Tulane University
 4 Section 10. The Tulane University of Louisiana, located in
 5 New Orleans, is hereby recognized as created and to be de-
 6 veloped in accordance with provisions of the Legislative Act
 7 No. 43 approved July 5, 1884.

1 DELEGATE PROPOSAL No. 54—

2 Introduced by Delegates Juneau, Leithman and Corne:

8 A PROPOSAL

4 Making provisions for education and necessary provisions with
5 respect thereto.

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

8 ARTICLE 1X. EDUCATION

9 Section 1. Educational Goals

10 Section 1. The goals of the educational system of Louisiana
11 shall be to provide learning environments and experiences
12 designed to promote excellence so that all the children of the
13 state may be afforded the opportunity to develop to their full
14 potential.

15 Section 2. Public Educational System

16 Section 2. The legislature shall provide for a public educa-
17 tional system for the people of the state.

18 Section 3. Educational Boards

19 Section 3. The legislature shall establish such board or
20 boards as may be necessary to meet the educational needs of
21 the state. The duties and responsibilities of such board or
22 boards shall be provided by law.

23 Section 4. Public Educational Finance

24 Section 4. The legislature shall provide for financing the
25 system of public education and shall provide for equitable
26 distribution of funds to all components of the public educa-
27 tional system.

28 Section 4.1. Funding; Elementary and Secondary Educa-
29 tion; Apportionment

30 Section 4.1. (A) State funds. State funds for the education
31 of the school children of this state in the elementary and
32 secondary schools shall be derived from sources determined

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1 by the legislature and shall be apportioned to the parish and
2 city school boards in the manner hereinafter set forth.

3 (1) Minimum program. The legislature shall appropriate
4 sufficient funds to insure a minimum program of education
5 in all public elementary and secondary schools. The minimum
6 program of education to be maintained in all parish and city
7 school systems shall be established by the educational board
8 or authority having supervision over public elementary and
9 secondary education. The board shall adopt formulas and pro-
10 cedures for the distribution of these funds to the several
11 school boards.

12 (2) Other funds. Any other funds provided by the legisla-
13 ture for the support of public schools shall be apportioned and
14 distributed in accordance with a formula established by the
15 educational board or authority having supervision over public
16 elementary and secondary education, except as otherwise spe-
17 cifically provided for by the law appropriating the funds.

18 Any funds for public education from any other source shall
19 be distributed in the manner determined by the board or au-
20 thority having supervision over public elementary and sec-
21 ondary education, subject, however, to the terms of the laws
22 governing such funds or the lawful stipulations of the source
23 of the funds.

24 (B) Local funds. Local funds for the support of public ele-
25 mentary and secondary schools shall be derived from the
26 following sources:

27 (1) Each parish and city school board, the parish of Or-
28 leans excepted, shall levy annually an ad valorem maintenance
29 tax of five mills, or as much thereof as is necessary, on all
30 property subject to such taxation within the parish or city in
31 the manner prescribed by law.

32 The Orleans Parish School Board shall levy annually a tax

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1 not to exceed thirteen mills on the dollar on the assessed val-
2 uation of all property within the city of New Orleans assessed
3 for city taxation and shall certify the fact to the governing
4 authority of the city. The governing authority shall cause
5 said tax to be entered on the tax rolls of the city and collected
6 in the manner and under the conditions and with the interest
7 and penalties prescribed by law for city taxes. The money thus
8 collected shall be paid daily to the Orleans Parish School
9 Board.

10 (2) For giving additional support to the public elementary
11 and secondary schools, any parish, school district, or sub-
12 school district, or any municipality which supports a separate
13 city system of public schools may levy ad valorem taxes for
14 specific purposes, when authorized by a majority of the elec-
15 tors voting in the parish, municipality, district, or subdistrict,
16 in an election called for the purpose. The amount, duration,
17 and purpose of such taxes shall be in accord with any limita-
18 tions imposed by this constitution or by the legislature. No
19 such tax shall be levied for a period longer than ten years,
20 except that any tax levied to pay the costs of bonds or other
21 debts incurred shall be levied and collected until the principal
22 and interest on the bonds or other debts have been paid.

23 (3) The legislature may provide for additional sources of
24 local support for elementary and secondary schools.

25 (C) Monroe, Bogalusa; treatment as parishes. For the
26 effects and purposes of the provisions of this entire Section,
27 the municipalities of Monroe, in Ouachita Parish, and Boga-
28 lusa, in Washington Parish, and no other, shall be regarded as,
29 and treated upon the same basis and shall have the same
30 authority as though they were separate parishes instead of
31 municipalities.

32 (D) Ouachita Parish. The school board of Ouachita Parish

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1 shall not be required to pay to the city of Monroe out of the
2 public funds any per capita for children residing without the
8 limits of said city and who may attend the schools maintained
4 by the city of Monroe under its legislative charter.

5 Section 4.2. Free School Books and Materials of Instruction

6 Section 4.2. The legislature shall appropriate funds to supply
7 free school books, and other materials of instruction as pre-
8 scribed by the appropriate state educational board or other
9 authority, to all school children in elementary and secondary
10 schools.

11 Section 5. State Superintendent of Education

12 Section 5. The powers, duties, responsibilities, and salary
18 of the state superintendent of education shall be prescribed
14 by law.

15 Section 6. Approval of Private Schools; Effect

16 Section 6. The legislature shall provide for approval by the
17 appropriate board created under authority of Section 3 herein
18 of private elementary, secondary, and proprietary schools
19 whose sustained curriculum or specialized course of study is
20 of a quality equal to that prescribed for similar public schools.

21 The certificates issued by private schools so approved shall
22 carry the same privileges as those issued by the state public
23 schools.

24 Section 7. Parish School Boards; Parish Superintendents

25 Section 7. (A) Parish School Boards. The legislature shall
26 create parish school boards and shall provide for the election
27 of the members of such boards.

28 (B) Parish Superintendents. Each parish board shall elect
29 a superintendent of parish schools. The appropriate board as
30 created by Section 3 herein shall fix the qualifications and
31 prescribe the duties of the parish superintendent, who need
32 not be a resident of the parish in which he serves.

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1 Section 8. Recognition of Existing Boards and Systems;
2 Consolidation

3 Section 8. (A) Recognition of Boards and Systems. Parish
4 and city school board systems, in existence on the effective
5 date of this constitution, by virtue of special or local legis-
6 lative acts or previous constitutional provisions, are hereby
7 recognized, subject to control by and supervision of the appro-
8 priate state board for elementary and secondary education
9 and the power of the legislature to enact laws affecting them.

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

14 Section 9. Appropriations

15 Section 9. Appropriations by the legislature for educational
16 purposes shall be made to and administered by the appropriate
17 board, agency, or authority and shall be used solely for the
18 operations of the institutions for which designated in the
19 appropriations.

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1 **DELEGATE PROPOSAL No. 55—**

2 Introduced by Delegate Fontenot:

3 **A PROPOSAL**

4 Making provisions for exemptions from taxation.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article XI, Section _____. Exemptions

8 Section The following property, and no other, shall be
9 exempt from taxation: (A) Homesteads. From state, parish,
10 and special taxes, the homestead, bona fide, consisting of a
11 tract of land, or two or more tracts of land with a residence
12 on one tract and a field, pasture, or garden on the other tract
13 or tracts, not exceeding one hundred and sixty acres, build-
14 ings and appurtenances, whether rural or urban, owned and
15 occupied by every head of a family, or person having a mother
16 or father, or a person or persons dependent on him or her
17 for support, in the full amount of three thousand dollars of
18 the assessed valuation; provided that this exemption shall
19 not extend to any municipal or city taxes, save and except in
20 Orleans Parish, and shall in Orleans Parish apply to the state,
21 the general city, the school, the levee, and levee board taxes.
22 The exemption of homesteads shall extend to the surviving
23 spouse, or minor child or children, of a deceased owner and
24 to the bona fide homestead when occupied as such and title
25 thereto is in either husband or wife, provided that the ex-
26 emption shall not be extended to more than one homestead
27 owned by the husband or wife. An additional two thousand
28 dollar homestead exemption shall be provided for veterans.
29 An additional two thousand dollar homestead exemption for
30 all other than veterans upon reaching age sixty-five shall be
31 provided. Applications shall be made yearly and the term
32 veteran and any other explanation of this matter shall be as

1 defined by the legislature.

2 (B) All public property.

3 (C) Places of religious worship; property owned by re-
4 ligious denominations and used as residences for ministers;
5 places of burial, and property held by any religious denomi-
6 nation or nonprofit corporation or organization for burial
7 purposes, but the exemption shall not apply to unsold lots,
8 crypts, or places for burial, nor shall it apply to lands held for
9 development as places for burial, when so held for profit;
10 places devoted to charitable undertakings, including that of
11 such organizations as lodges and clubs organized for char-
12 itable and fraternal purposes and practicing the same; schools
13 and colleges; nonprofit hospitals; but the exemption shall
14 extend only to property, and grounds thereunto appurtenant,
15 used for the above mentioned purposes, and not leased for
16 profit or income.

17 (D) Cash on hand or deposit; obligations secured by mort-
18 gage on property located in Louisiana and the notes or other
19 evidence thereof; loans by life insurance companies to policy
20 holders, if secured solely by their policies; the legal reserve
21 of domestic life insurance companies; loans by homestead
22 or building and loan associations to their members, if se-
23 cured solely by stock of said associations; debts due for mer-
24 chandise or other articles of commerce or for services ren-
25 dered; obligations of the state or its political subdivisions;
26 all personal property used in the home or on loan in a public
27 place; agricultural products while owned by the producer,
28 agricultural machinery and other implements, used exclu-
29 sively for agricultural purposes, and all animals on the farm,
30 and property belonging to agricultural fair associations; all
31 property used for cultural or civic activities and not oper-
32 ated for profit to the owners; all ocean-going vessels engaged

1 in international trade and domiciled in Louisiana ports, but
 2 this exemption shall not apply to harbor, wharf, shed, and
 3 other port dues, and no vessel operated in the coastal trade of
 4 the continental United States shall be within the exemption
 5 herein granted; boats using gasoline as motor fuel; commer-
 6 cial vessels used for gathering seafood; and rights-of-way
 7 granted to the State Department of Highways.

8 (E) From state, parish, and special taxes, all motor vehicles
 9 used on the public highways of this state, provided that this
 10 exemption shall not extend to any general or special tax levied
 11 by the governing authority of any municipality, or district
 12 created by any such municipality, unless the governing au-
 13 thority thereof shall provide for such exemption by ordinance
 14 or resolution.

15 (F) (1) All raw materials, goods, commodities, and articles
 16 imported into this state from outside of the continental
 17 United States:

18 (a) So long as such imports remain upon the public prop-
 19 erty of the port authority or docks of any common carrier
 20 where such imports first entered this state, or

21 (b) So long as any such imports (other than minerals and
 22 ores of the same kind as any mined or produced in this state
 23 and manufactured articles) are held in this state in the orig-
 24 inal form in bales, sacks, barrels, boxes, cartons, containers,
 25 or other original packages, and raw materials held in bulk
 26 as all or a part of the new material inventory of manufac-
 27 turers or processors, solely for manufacturing or processing;
 28 or

29 (c) So long as any such imports are held by an importer in
 30 any public or private storage in the original form in bales,
 31 sacks, barrels, boxes, cartons, containers, or other original
 32 packages and agricultural products in bulk. This shall not

1 apply to a retail merchant holding such imports as part of his
 2 stock-in-trade for sale at retail.

3 All such property whether entitled to exemption or not shall
 4 be reported to the proper taxing authority on the forms re-
 5 quired by law.

6 (2) All raw materials, goods, commodities, and other
 7 articles being held upon the public property of a port author-
 8 ity or docks of any common carrier or in a warehouse, grain
 9 elevator, dock, wharf, or public storage facility in this state
 10 for export to a point outside the continental United States.

11 All such property entitled to exemption shall be reported
 12 to the proper taxing authority on the forms required by law.

13 (3) All goods, commodities, and personal property in public
 14 or private storage while in transit through this state which is
 15 (a) moving in interstate commerce through or over the terri-
 16 tory of the State of Louisiana, or (b) which is in public or
 17 private storage within the State of Louisiana having been
 18 shipped thereto from outside of the State of Louisiana for
 19 storage in transit to a final destination outside of the State
 20 of Louisiana, whether such destination was specified when
 21 transportation begins or afterward. All such property whether
 22 entitled to exemption or not shall be reported to the proper
 23 taxing authority on the forms required by law.

1 **DELEGATE PROPOSAL No. 56—**

2 Introduced by Delegate Toomy:

3 **A PROPOSAL**

4 Providing with respect to local officials and employees.

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

7 Article VI, Section _____. Local Officials and Employees

8 Section _____. The governing authority of any local govern-
9 mental subdivision shall prescribe the duties and fix the
10 compensation of its members, as well as that of other of-
11 ficers and employees, subject to any applicable civil service
12 law. Compensation of local elected officials shall not be re-
13 duced during the terms for which they are elected.

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1 **DELEGATE PROPOSAL No. 57—**

2 Introduced by Delegate Flory:

3 **A PROPOSAL**

4 To provide for the registration of corporate stockholders.

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

7 Article ____, Section _____. Registration of Corporate Stock-
8 holders

9 Section _____. The legislature shall require all corporations
10 doing business in the State of Louisiana, but not registered
11 with the United States Securities and Exchange Commission,
12 to submit a list of its stockholders to the secretary of state.
13 This register of stockholders shall be submitted annually, at
14 the direction of the legislature, but the secretary of state may
15 order supplemental delivery of the register at any time during
16 a calendar year.

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1 **DELEGATE PROPOSAL No. 58—**

2 Introduced by Delegate Flory:

3 **A PROPOSAL**

4 Providing for municipal fire and police civil service.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 **ARTICLE VII. HUMAN RESOURCES**

8 **Section 1. Municipal Fire and Police Civil Service**

9 Section 1. The legislature shall enact and provide for a
10 system of fire and police civil service applicable to all munic-
11 ipalities with a population of not less than seven thousand
12 persons according to the last decennial census of the United
13 States, and to all parishes and fire and/or police protection
14 districts. Such system shall embrace the principle of tenure
15 during good behavior of all firemen and policemen, and shall
16 recognize the right of promotion and tenure according to
17 seniority. A state examiner for fire and police civil service
18 shall be provided for and funded in a manner to insure inde-
19 pendent and impartial testing and certification of employees
20 for appointment and promotion. Testing procedures and
21 scoring requirements shall be established and all positions in
22 the classified service shall be filled according to the seniority
23 of all applicants who have attained a passing test score for a
24 particular position with the exception of positions which are
25 to be filled by competitive examination. In such case any
26 applicant who has attained a passing test score may be ap-
27 pointed. Admission to tests for a position to be filled pursuant
28 to seniority shall be limited to applicants of the next lower
29 classification. Applicants for competitive examination shall
30 not be restricted to the next lower class, but competitive ap-
31 pointments shall be made only for the following classifica-
32 tions:

1 (1) Chief of the departmental service;

2 (2) The entrance or lowest ranking class in the classified
3 service;

4 (3) Operation, maintenance and supervision of radio, fire
5 alarm, police alarm and other signal systems;

6 (4) Automotive or fire apparatus mechanics and repairmen;

7 (5) Secretary to the chief and departmental records clerk.

8 The system may provide for temporary appointments not to
9 exceed ninety days, but in every case of a temporary appoint-
10 ment, the employee shall be entitled to all privileges of the
11 position to which he is temporarily appointed.

12 A local civil service board shall be provided for in a man-
13 ner to insure civil service employee representation thereon.
14 Such board shall be vested with the power to hear and pass
15 upon all complaints arising out of fire and police civil ser-
16 vice employment, including disciplinary action taken by the
17 appointing authority. The board may render appropriate
18 obligatory orders relative thereto. The right of judicial re-
19 view from a decision of a local board shall be provided for
20 and the scope of such review shall be delineated.

21 No civil service employee shall be discriminated against
22 nor disciplined for any cause not directly related to the per-
23 formance of his public duties, and any disciplinary action
24 taken must be supported by detailed written reasons conveyed
25 to the employee.

1 **DELEGATE PROPOSAL No. 59—**

2 Introduced by Delegate Haynes:

3 **A PROPOSAL**

4 Making provisions for freedom from discrimination.

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

7 Article I, Section _____. Freedom from Discrimination

8 Section _____. Each person shall be free from arbitrary, ca-
9 pricious, or unreasonable discrimination on the basis of race,
10 religion, national ancestry, sex, or physical handicap in access
11 to public accommodations, in the hiring or promotion practices
12 of employers, or in the sale or rental of property. Nothing
13 herein shall be construed to impair freedom of association.

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1 **DELEGATE PROPOSAL No. 60—**

2 Introduced by Delegate Jenkins:

3 **A PROPOSAL**

4 Making provision to control future growth of state tax reve-
5 nues.

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

8 Article ____, Section _____. Control of Tax Revenues

9 Section _____. A state tax revenue limit shall serve as a check
10 on uncontrolled increases in state tax revenues. The state tax
11 revenue limit for any fiscal year shall be ten percent of state
12 personal income. State personal income is the dollar amount
13 that is reported by the United States Department of Com-
14 merce or its successor agency as total income by persons in the
15 State of Louisiana for the calendar year in which the fiscal
16 year commences. State tax revenues include sales, severance,
17 income, gift, inheritance, excise, property, license, fee, cor-
18 poration franchise and similar taxes, collected by the state
19 during the fiscal year. State tax revenues collected in excess
20 of ten percent of state personal income shall be placed in
21 a tax surplus fund which shall be used only for annual income
22 tax refunds or reductions as provided by law.

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1 **DELEGATE PROPOSAL No. 61—**

2 Introduced by Delegates Bel and Vesich:

3 **A PROPOSAL**

4 To provide with respect to judicial districts.

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

7 Article V, Section ____., Judicial Districts; Orleans Civil and
8 Criminal District Courts, Separate Districts

9 Section ____.. The civil district court and the criminal dis-
10 trict court of the parish of Orleans shall be considered as
11 separate judicial districts.

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1 **DELEGATE PROPOSAL No. 62—**

2 Introduced by Delegate Burson:

3 **A PROPOSAL**

4 Making provisions for the grand jury.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article V, Section ____.. Grand Jury

8 Section ____.. (A) There shall be a grand jury or grand
9 juries in each parish whose qualifications, duties and respon-
10 sibilities shall be provided by law. The secrecy of the pro-
11 ceedings, including the identity of the witnesses appearing,
12 shall be provided for by law.

13 (B) Except as otherwise provided in this constitution, a
14 district attorney, or his designated assistant, shall have charge
15 of every criminal prosecution by the state in his district before
16 the grand jury, and its legal advisor. He shall perform such
17 other duties as may be provided by law.

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1 **DELEGATE PROPOSAL No. 63—**

2 Introduced by Delegate Burson:

3 **A PROPOSAL**

4 Making provisions for legislative limitation on executive
5 power of commutation.

6 Article IV, Section _____. Executive Commutation; Limita-
7 tion

8 Section _____. The legislature shall have the power to limit
9 the governor's power of pardon or commutation in defining
10 the penalties for the crime of murder. The governor must
11 submit to the state legislature each year a detailed report
12 showing all pardons or commutations granted during the
18 previous year including the name of the person who received
14 the pardon or commutation and the reason therefor.

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1 **DELEGATE PROPOSAL No. 64—**

2 Introduced by Delegate Toca:

3 **A PROPOSAL**

4 Making provision for a board of commissioners of the Louisi-
5 ana State Library.

6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:

8 Article ____, Section _____. Board of Commissioners; State
9 Library

10 Section _____. (A) There is created a board of commis-
11 sioners of the Louisiana State Library. The board shall have
12 such powers, duties, and responsibilities as provided by law.

13 (B) The board shall consist of eight members. Six members
14 shall be appointed by the governor, with the advice and con-
15 sent of the Senate, from six library groups to be determined
16 by the legislature so as to effectuate representation of li-
17 braries serving small segments of the population to those
18 serving large segments of the population. One member of
19 the House of Representatives shall be appointed by the
20 Speaker of the House and one member of the Senate shall be
21 appointed by the President of the Senate. All members shall
22 serve overlapping terms of four years, following the initial
23 terms which shall be determined by the governor or the
24 legislature, as the case may be, in a manner as to effectuate
25 this purpose.

26 (C) Vacancies occurring prior to the expiration of the
27 term shall be filled by appointment by the governor for the
28 remainder of the unexpired term. Members shall serve without
29 pay except for such per diem and expenses as shall be fixed
30 by the legislature.

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1 DELEGATE PROPOSAL No. 65—

1 DELEGATE PROPOSAL No. 65—

2 Introduced by Delegate Roy:

2 Introduced by Delegate Roy:

3 A PROPOSAL

3 A PROPOSAL

4 Making provisions regarding civil service employment.

4 Making provisions regarding civil service employment.

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

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

7 Article VII, Section _____. State Employment Rights

7 Article VII, Section _____. State Employment Rights

8 Section _____. Everyone shall have an equal opportunity to
9 apply for civil service employment. Selection shall be based
10 on merit without unreasonable qualifications of age or sex.

8 Section _____. Everyone shall have an equal opportunity
9 to apply for civil service employment. Selection shall be based
10 on merit without unreasonable qualifications of age or sex.

11 No civil service employee may be dismissed for cause without
12 the opportunity for a prior hearing.

11 No civil service employee may be subjected to disciplinary
12 action except for just cause and without the opportunity for a
13 prior hearing.

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1 **DELEGATE PROPOSAL No. 66—**

2 Introduced by Delegate Robinson:

3 A PROPOSAL

4 Making provisions to prohibit the appropriation of public
5 funds for private or sectarian schools.

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

8 Article IX, Section _____. No Appropriation of Public Funds
9 to be Made to Private or Sectarian Schools

10 Section _____. No appropriation of public funds shall be made
11 to any private or sectarian school. The legislature may enact
12 appropriate legislation to permit institutions of higher learn-
13 ing which receive all or part of their support from the State
14 of Louisiana to engage in interstate and intrastate educa-
15 tion agreements with other state governments, agencies of
16 other state governments, institutions of higher learning of
17 other state governments and private institutions of higher
18 learning within or outside state boundaries.

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1 **DELEGATE PROPOSAL No. 67—**

2 Introduced by Delegate Abraham:

3 A PROPOSAL

4 Making provisions for the inclusion of the attorney general
5 in the Executive Branch of government.

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

8 Article IV, Section 1. Composition

9 Section 1. (A) The executive branch shall consist of the
10 governor, lieutenant governor, secretary of state, attorney
11 general, treasurer, commissioner of agriculture, commissioner
12 of insurance, superintendent of education, commissioner of
13 elections, and all other executive offices, agencies, and instru-
14 mentalities of the state.

15 (B) All offices, agencies, and other instrumentalities of the
16 executive branch of state government and their respective
17 functions, powers, duties, and responsibilities, except for the
18 offices of governor and lieutenant governor, shall be allocated,
19 according to function, within not more than twenty depart-
20 ments.

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1 **DELEGATE PROPOSAL No. 68—**

2 Introduced by Delegate Abraham:

1 may reinvest itself with such regulatory power in the same
2 manner as it was surrendered.

3 A PROPOSAL

4 Making provisions for the Public Service Commission and
5 necessary provisions with respect thereto in the Execu-
6 tive Branch of state government.

7 Be it adopted by the Constitutional Convention of Louisi-
8 ana of 1973:

9 ARTICLE IV. EXECUTIVE BRANCH

10 Section _____. Public Service Commission

11 Section _____. (A) Composition; Term. There shall be a
12 Public Service Commission, which shall consist of a number
13 of members equal to the number of congressional districts
14 into which the state is divided. One member shall be elected
15 from each congressional district. Members shall be elected at
16 the time fixed for congressional elections for terms of six
17 years. The legislature, by statute, shall provide for over-
18 lapping terms.

19 (B) Powers and Duties. Except as otherwise provided by
20 this constitution, the commission shall regulate all common
21 carriers and other public utilities. It shall adopt and enforce
22 reasonable rules, regulations, and procedures necessary for
23 the discharge of its duties. It shall render decisions on appli-
24 cations, petitions, and proposed rate schedules in the manner
25 provided by statute, and it shall have such other powers and
26 perform such other duties as shall be provided by statute.

27 (C) Limitation. The commission shall have no power to
28 regulate any common carrier or other public utility owned,
29 operated, or regulated by the governing authority of a polit-
30 ical subdivision, except by the consent of a majority of the
31 electors of such political subdivision voting in an election
32 held for that purpose; however, such political subdivision

1 **DELEGATE PROPOSAL No. 69—**

2 Introduced by Delegate Abraham:

3 **A PROPOSAL**

4 Making provisions for the registration of voters.

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

7 Article X, Section _____. Registration of Voters

8 Section _____. All electors of the state shall be registered in
9 the manner provided by law. Declaration of political party
10 affiliation shall not be a prerequisite for registration.

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1 **DELEGATE PROPOSAL No. 70—**

2 Introduced by Delegate Abraham:

3 **A PROPOSAL**

4 Making provisions for the right to property.

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

7 Article I, Section 4. Right to Property

8 Section 4. Subject to reasonable statutory restrictions,
9 every person has the right to acquire, control, enjoy, own,
10 protect, use, and dispose of private property. Property shall
11 not be taken or damaged except for a public and necessary
12 purpose, in which case the owner shall be compensated to the
13 full extent of his loss. The legislature shall provide by statute
14 the methods and procedures of such taking.

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1 **DELEGATE PROPOSAL No. 71—**

2 Introduced by Delegate Abraham:

3 **A PROPOSAL**

4 Making provisions for the inclusion of the attorney general
5 in the Executive Branch of government.

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

8 Article IV, Section 8. Powers and Duties of the Attorney
9 General

10 Section 8. There shall be a department of justice, headed by
11 the attorney general who shall be the state's chief legal officer.

12 As may be necessary for the assertion or protection of the
13 rights and interests of the state, the attorney general shall
14 have authority to:

15 (1) institute and prosecute or intervene in any civil actions
16 or proceedings;

17 (2) advise and assist, upon request of a district attorney,
18 in the prosecution of a criminal case; and

19 (3) for cause when authorized by the court of original
20 jurisdiction in which any proceeding or affidavit is pending,
21 subject to judicial review, supersede any attorney represent-
22 ing the state in any civil or criminal action. He shall have
23 such other powers and perform such other duties as may be
24 authorized by this constitution or provided by statute.

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1 **DELEGATE PROPOSAL No. 72—**

2 Introduced by Delegate Abraham:

3 **A PROPOSAL**

4 Making provisions for the deletion of the attorney general
5 from the Judicial Branch of state government.

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

8 Section 1. Sections 26 and 27 of Article V of the proposed
9 constitution as adopted by Committee Proposal Number 21 are
10 hereby repealed in their entirety.

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1 **DELEGATE PROPOSAL No. 73—**

2 Introduced by Delegate Abraham:

3 **A PROPOSAL**

4 Making provisions for open primary elections.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article X, Section _____. Open Primary Elections

8 Section _____. All elections shall be open to all qualified
9 candidates for office, regardless of political party affiliation.

10 When there are more than two candidates for an office, all
11 candidates for office shall enter the same primary election,
12 and the candidate receiving a majority of the votes cast for
13 an office shall be declared elected. If no candidate receives a
14 majority of the votes cast for an office, the two receiving
15 the highest number of votes shall enter the general election
16 to determine the winner. The names of the candidates shall
17 appear on the election ballot under the heading of their party
18 affiliation.

1 **DELEGATE PROPOSAL No. 74—**

2 Introduced by Delegates Gravel and Berry:

3 **A PROPOSAL**

4 Providing for freedom from discrimination.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 Article I, Section _____. Freedom from Discrimination

8 Section _____. In access to public areas, accommodations,
9 and facilities and in the hiring, promotion, and other employ-
10 ment practices in any business or occupation, every person
11 shall have the right to be free from discrimination based on
12 race, religion, or national ancestry and from arbitrary, capri-
13 cious, or unreasonable discrimination based on sex, age, or
14 physical handicap.

1 **DELEGATE PROPOSAL No. 75—**

2 Introduced by Delegate Burson:

3 **A PROPOSAL**

4 Providing with respect to trial by jury in criminal cases.

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

7 Article I, Section _____. Trial by Jury in Criminal Cases

8 Section____. Any person charged with an offense or set of
9 offenses punishable by imprisonment of more than six months

10 may demand a trial by jury. In cases involving a crime neces-
11 sarily punishable by hard labor, the jury shall consist of twelve

12 persons, all of whom must concur to render a verdict in capital
13 cases, and nine of whom must agree in others. In cases not

14 necessarily punishable by hard labor, the jury may consist of
15 five persons, all of whom must concur to render a verdict.

16 The accused shall have the right to voir dire and to challenge
17 jurors peremptorily.

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1 **DELEGATE PROPOSAL No. 76—**

2 Introduced by Delegate Burson:

3 **A PROPOSAL**

4 For initiation of the prosecution of felonies.

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

7 Article V, Section _____. Initiation of Prosecution

8 Section _____. Prosecution of felonies shall be initiated by
9 indictment or information, provided that no person shall be

10 held to answer for a capital crime, except on indictment by
11 a grand jury. No person shall be twice placed in jeopardy

12 for the same offense, except on his own application for a new
13 trial or when a mistrial is declared or a motion in arrest of

14 judgment is sustained.

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1 **DELEGATE PROPOSAL No. 77—**

2 Introduced by Delegate Robinson:

3 **A PROPOSAL**

4 To provide for the financing of the office of sheriff.

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

7 Article V, Section _____. Sheriffs.

8 Section _____. The operations of the sheriff's office in each
9 parish shall be financed as authorized by law.

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1 **DELEGATE PROPOSAL No. 78—**

2 Introduced by Delegate Robinson:

3 **A PROPOSAL**

4 Making provisions to prohibit religious discrimination and
5 to prohibit the direct or indirect appropriation of money
6 from the public treasury for sectarian, private, charitable
7 or benevolent purposes, except for designated state chari-
8 ties.

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

11 Article I, Section _____. Religious Freedom; Prohibition of
12 Funds

13 Section _____. No money shall ever be taken from the public
14 treasury, directly or indirectly, in aid of any church, sect or
15 denomination of religion, or in aid of any priest, preacher,
16 minister or teacher thereof, as such, and no preference shall
17 ever be given to, nor any discrimination made against, any
18 church, sect or creed of religion, or any form of religious
19 faith or worship. No appropriation from the state treasury
20 shall be made for private, charitable or benevolent purposes
21 to any person or community; provided, this shall not apply to
22 the state asylums for the insane, and the state schools for
23 the deaf and dumb, and the blind, and the charity hospitals,
24 and public charitable institutions conducted under state au-
25 thority.

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1 **DELEGATE PROPOSAL No. 79—**

2 Introduced by Delegate Deshotels:

3 **A PROPOSAL**

4 Providing for a right to privacy.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 **Article I, Section 5. Right to Privacy**

8 Section 5. Every person shall be secure in his person, prop-
9 erty, houses, papers, and effects against unreasonable search-
10 es, seizures or invasions of privacy. No warrant shall issue
11 without probable cause supported by oath or affirmation.

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OMITTED

D. P. No. 80 — duplicate of D. P. No. 69
D. P. No. 81 — duplicate of D. P. No. 73
D. P. No. 82 — duplicate of D. P. No. 70
D. P. No. 83 — duplicate of D. P. No. 67
D. P. No. 84 — duplicate of D. P. No. 68
D. P. No. 85 — duplicate of D. P. No. 71
D. P. No. 86 — duplicate of D. P. No. 72

1 **DELEGATE PROPOSAL No. 87—**

2 Introduced by Delegate Segura:

3 **A PROPOSAL**

4 Providing for state and city civil service.

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

7 **ARTICLE VII. HUMAN RESOURCES**

8 **Section 1. State and City Civil Service**

9 Section 1. The legislature shall provide for the establish-
10 ment and administration of a system of personnel administra-
11 tion in the civil service of the state and its political subdivi-
12 sions. No changes shall be made in the existing state and
13 city civil service system except by a two-thirds vote of each
14 house of the legislature. Appointments and promotions shall
15 be based on merit, length of service, and fitness, demonstrated
16 by examination or by other evidence of competence.

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1 **DELEGATE PROPOSAL No. 88—**

2 Introduced by Delegate Lennox:

3 **A PROPOSAL**

4 To provide for the continuous operation of government.

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

7 Article I, Section _____. Right of Continuous Operation of
8 Government

9 Section _____. Every person shall have the right of continu-
10 ous operation of the government of the State of Louisiana
11 or any of its political subdivisions.

12 An individual may not accept or hold office or employment
13 in the government of the State of Louisiana or any of its
14 political subdivisions if he participates in a strike against
15 the government of the State of Louisiana or any of its politi-
16 cal subdivisions.

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1 **DELEGATE PROPOSAL No. 89—**

2 Introduced by Delegate Lennox:

3 **A PROPOSAL**

4 Prohibiting strikes by public employees.

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

7 Article VII, Section _____. Strikes; Prohibition

8 Section _____. No classified employee of the state or of its
9 political subdivisions shall engage in a strike, nor shall any
10 classified employee cause, condone, instigate, encourage or
11 cooperate in a strike.

12 A strike means any concerted action in failing to report
13 for duty, willful absence, the stoppage of work, including a
14 stoppage by reason of the expiration of a collective bargain-
15 ing agreement, the interruption or interference with opera-
16 tions of the public employer, slowdowns, or the abstinence in
17 whole or in part from the full, faithful and proper performance
18 of the duties of employment.

19 Rules relative to the provisions herein shall be made by
20 the appropriate civil service commission.

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1 **DELEGATE PROPOSAL No. 90—**

2 Introduced by Delegate Lennox:

3 **A PROPOSAL**

4 To prohibit monopolistic control over employment in any
5 industry within the state.

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

8 Article VII, Section 1. Employment; Monopolistic Control;
9 Prohibition

10 Section 1. It shall be the public policy of the State of
11 Louisiana that no person shall be denied the opportunity to
12 obtain or retain employment because of nonmembership in a
13 private organization, nor shall the state or any subdivision
14 thereof, or any corporation, individual, or association of any
15 kind enter into any agreement, written or oral, which excludes
16 any person from employment or continuation of employment
17 because of nonmembership in a private organization.

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1 **DELEGATE PROPOSAL No. 91—**

2 Introduced by Delegate Zervigon:

3 **A PROPOSAL**

4 Making provisions for property taxation.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 **Article XI. Revenue and Finance**

8 **Section 1. Generally**

9 All property subject to ad valorem taxation by the state or
10 any political subdivision of the state, shall be listed on the
11 assessment rolls at its assessed valuation. The assessed valua-
12 tion shall be a percentage of current fair market value or use
13 value.

14 **Section 2. Limits**

15 In no case shall the assessed valuation exceed 25% of cur-
16 rent fair market value.

17 **Section 3. Manner of Assessment**

18 Except as to such public utility property as may be provided
19 by law to be assessed by the Louisiana Tax Commission, the
20 fair market value of property shall be determined by the
21 respective assessors in each parish in a manner provided by
22 law.

23 **Section 4. Parish Ad Valorem Assessments**

24 a) All taxes levied wholly within a single parish shall be
25 levied on the basis of the parish assessment roll.

26 b) Except as provided in Subsection C of this Section, the
27 assessor or assessors of each parish shall prepare a parish
28 assessment roll, listing all property in the parish subject to
29 ad valorem taxation. All such property shall be classified for
30 the purposes of assessment as

31 (1) Land

32 (2) Residential Improvements

1 (3) Commercial or Industrial Improvements

2 (4) Personal Property

3 (5) Public Utilities Improvements

4 For each classification of property the governing authority
5 of the parish shall fix the assessment at a percentage of fair
6 market value, subject to the limitations of Section 2. Such
7 fair market value, assessment ratio, the year of valuation and
8 classification of property shall be clearly shown on the assess-
9 ment rolls.

10 c) Property subject to ad valorem taxation within a munic-
11 ipality with a population of more than 50,000 shall be classi-
12 fied as urban property and shall be listed as such on the parish
13 assessment rolls by the assessor or assessors of each parish
14 containing such a municipality.

15 All such property shall be sub-classified for the purposes
16 of assessment as

17 (1) Land

18 (2) Residential Improvements

19 (3) Commercial or Industrial Improvements

20 (4) Personal Property

21 (5) Public Utilities Improvements

22 For each subclassification of property the governing author-
23 ity of the municipality shall fix the assessment at percentage
24 of fair market value, subject to the limitation of Section 2.
25 Such fair market value, assessment ratio, the year of valua-
26 tion and classification of property shall be clearly shown on
27 the assessment rolls.

28 **Section 5. Multi-Parish Assessments**

29 a) All ad valorem taxes levied by a political subdivision of
30 the state, including two or more parishes, shall be levied on
31 the basis of a multi-parish assessment roll.

32 b) All taxable property within the multi-parish district

1 shall be listed on the multi-parish assessment roll at a per-
2 centage of fair market value, as the governing authority of
3 the multi-parish district shall determine. The governing au-
4 thority of the multi-parish district shall compute the multi-
5 parish assessment roll from the several parish assessment
6 rolls such that all property within a class is assessed equally
7 and uniformly on a multi-parish basis.

8 c) The governing authority of a multi-parish district shall
9 make such classifications of property as provided in para-
10 graph (b) hereof, provided that such classifications shall not
11 distinguish property according to its location.

12 Section 6. State-Wide Assessments

13 a) All taxes levied on a state-wide basis shall be levied on
14 the basis of a state assessment roll.

15 b) All property subject to taxation shall be listed on the
16 state assessment roll at a percentage of fair market value or
17 use value as the state legislature shall determine.

18 c) The State Tax Commission shall compute the state
19 assessment roll from the several parish assessment rolls such
20 that all property within a class as shown on the parish assess-
21 ment rolls, is assessed equally and uniformly on a state-wide
22 basis. The State Tax Commission may classify for the pur-
23 pose of State assessments:

- 24 1) Land
- 25 2) Residential Improvements
- 26 3) Commercial or Industrial Improvements
- 27 4) Personal Property
- 28 5) Rolling Stock
- 29 6) Bank Stock
- 30 7) Public Utilities Improvements

31 Section 7. Exemptions

32 The following property, and no other shall be exempt from

1 taxation:

2 A. Homesteads

3 From state, parish, and special taxes, the homestead, bona
4 fide, consisting of a tract of land, or two or more tracts of
5 land with a residence on one tract and a field, pasture, or
6 garden on the other tract or tracts, not exceeding one hundred
7 and sixty acres, buildings and appurtenances, whether rural
8 or urban, owned and occupied by every head of a family, or
9 person having a mother or father, or a person or persons de-
10 pendent on him or her for support, in the full amount of three
11 thousand dollars of the assessed valuation; provided that this
12 exemption shall not extend to any municipal or city taxes,
13 save and except in Orleans Parish, and shall in Orleans Parish
14 apply to the state, the general city, the school, the levee, and
15 levee board taxes. The exemption of homesteads shall extend
16 to the surviving spouse, or minor child or children, of a de-
17 ceased owner and to the bona fide homestead when occupied
18 as such and title thereto is in either husband or wife, pro-
19 vided that the exemptions shall not be extended to more than
20 one homestead owned by the husband or wife. An additional
21 \$2,000 homestead exemption shall be provided for veterans.
22 An additional \$2,000 homestead exemption for all other than
23 veterans upon reaching age 65 shall be provided. Applications
24 shall be made yearly and the term veteran and any other ex-
25 planation of this matter shall be as defined by the legislature.

26 B. All public property.

27 C. Places of religious worship; property owned by religious
28 denominations and used as residences for ministers; places of
29 burial, and property held by any religious denomination or
30 nonprofit corporation or organization for burial purposes, but
31 the exemption shall not apply to unsold lots, crypts, or places
32 for burial, nor shall it apply to lands held for development as

1 places for burial, when so held for profit; places devoted to
2 charitable undertakings, including that of such organizations
3 as lodges and clubs organized for charitable and fraternal
4 purposes and practicing the same; schools and colleges; non-
5 profit hospitals; but the exemption shall extend only to prop-
6 erty, and grounds thereunto appurtenant, used for the above-
7 mentioned purposes, and not leased for profit or income.

8 D. All personal property used in the home or on loan in a
9 public place; agricultural products while owned by the pro-
10 ducer, agricultural machinery and other implements used ex-
11 clusively for agricultural purposes, and all animals on the
12 farm, and property belonging to agricultural fair associations.

13 E. The governing body of any parish may, with the con-
14 sent of each popularly elected body which levies an ad valorem
15 tax and which is domiciled within the parish, grant additional
16 exemptions from local ad valorem taxes, in a manner consis-
17 tent with law.

18 F. The Legislature may grant additional exemptions from
19 state ad valorem taxes in a manner consistent with law.

20 The amount of taxes collected from a particular millage
21 levied by any taxing authority shall not be increased or de-
22 creased because of the method of assessing property as pro-
23 vided in Section 4, and it shall be the mandatory duty of all
24 public bodies that levy millage to adjust the millage propor-
25 tionate to the adjustments in assessment values so as to pro-
26 duce the same total dollar amount of revenue. Nothing pro-
27 vided herein shall be construed to prohibit the respective
28 municipalities, parishes, or other taxing districts or authorities
29 from collecting a larger dollar amount of ad valorem taxes by
30 means of levying additional millages in the manner provided
31 by law, by additional property being placed on their respec-
32 tive tax rolls, or by reason of increased property values due

1 to economic conditions, and provided further that this provi-
2 sion shall not be construed so as to diminish the security of
3 outstanding bonds.

4 Section 9. Boards of Review

5 1. There shall be in each parish of the state a Board of Re-
6 view.

7 2. The Board of Review of each parish shall each year
8 equalize in a manner determined by law the assessed valua-
9 tion of all taxable property.

10 3. The Board of review of each parish may recommend
11 additional homestead and other exemptions from ad valorem
12 taxes levied within its jurisdiction to the local governing
13 authority in a manner consistent with law.

14 Section 10. Grievance Procedure

15 Any taxpayer, city, or tax recipient body, aggrieved by the
16 valuation placed upon an individual property, or class of prop-
17 erties or by any other concern involving ad valorem taxation
18 shall be provided an opportunity in a manner established by
19 law to state the grievance to the Board of Review and request
20 a redress of that grievance, and all taxpayers, citizens, or tax
21 recipient bodies shall have the right of testing the correctness
22 of assessments or of appealing their grievance before the
23 courts at the domicile of the assessing authority.

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1 **DELEGATE PROPOSAL No. 92—**

2 Introduced by Delegate Robinson:

3 **A PROPOSAL**

4 Making provisions for public elementary and secondary edu-
5 cation and necessary provisions with respect thereto.

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

8 **ARTICLE IX. EDUCATION**

9 **Section 1. Public Educational System**

10 Section 1. The legislature shall provide for the education
11 of the people of the state and shall establish and maintain a
12 public educational system consisting of all public schools and
13 institutions of learning supported in whole or in part by
14 state funds, the funds of any political subdivision thereof, or
15 both.

16 **Section 2. Superintendent of Education**

17 Section 2. (A) Duties. There shall be a superintendent of
18 education who shall be the chief executive officer of the state
19 department of education and who shall have such duties and
20 responsibilities for public elementary and secondary education
21 as may be prescribed by law.

22 (B) Term of office; appointment or election. The super-
23 intendent of education shall be elected for a term of four years.

24 After the first election of state officials following adoption
25 of this constitution, the legislature may, by a favorable vote
26 of two-thirds of the elected members of each house, provide
27 for the appointment in lieu of election of the superintendent
28 of education and by the same vote may subsequently reestab-
29 lish the office as an elective office. Appointment shall be by
30 the state board of elementary and secondary education for a
31 term not to exceed four years.

32 (C) Qualifications. The state superintendent of education

1 shall possess the minimum qualifications required of parish
2 school superintendents.

3 **Section 3. State Board of Elementary and Secondary Edu-**
4 **cation**

5 Section 3. (A) Creation; function. There is created a body
6 corporate, known as the State Board of Elementary and Sec-
7 ondary Education. The board shall supervise, control, and
8 have budgetary responsibility for all funds appropriated or
9 allocated by the state for all public elementary and secondary
10 schools and special schools under its jurisdiction, as provided
11 by law. The board shall have such other specific powers,
12 duties, and responsibilities as are provided by this constitu-
13 tion or by law, but shall have no control over the business af-
14 fairs of parish and municipal school boards or the selection or
15 removal of their officers and employees.

16 (B) Membership; terms; majority of members to be elected
17 if superintendent of education appointed. The legislature shall
18 provide for the membership, manner of election or selection,
19 and terms of office of the state board of elementary and sec-
20 ondary education; provided, however, that not fewer than two-
21 thirds of the members of the board shall be elected by the
22 people should the office of superintendent of education be made
23 appointive.

24 (C) Vacancies; compensation. Vacancies occurring for any
25 cause prior to the expiration of the terms of members of the
26 state board of elementary and secondary education shall be
27 filled by appointment by the governor for the remainder of the
28 unexpired term. Members shall serve without pay except for
29 such per diem and expenses as shall be fixed by the legislature.

30 **Section 4. Approval of Private Schools; Effect**

31 Section 4. The state board of public elementary and secon-
32 dary education shall approve private elementary, secondary,

1 and proprietary schools whose sustained curriculum is of a
 2 quality equal to that prescribed for similar public schools.
 3 The certificates issued by private schools so approved shall
 4 carry the same privileges as those issued by the state public
 5 schools.

6 Section 5. Parish School Boards; Parish Superintendents

7 Section 5. (A) Parish school boards. The legislature shall
 8 create parish school boards and shall provide for the election
 9 of the members of such boards.

10 (B) Parish superintendents. Each parish board shall elect
 11 a superintendent of parish schools. The state board of elemen-
 12 tary and secondary education shall fix the qualifications and
 13 prescribe the duties of the parish superintendent, who need
 14 not be a resident of the parish in which he serves.

15 Section 6. Recognition of Existing Boards and Systems;
 16 Consolidation

17 Section 6. (A) Recognition of boards and systems. Parish
 18 and city school boards and systems in existence on the effec-
 19 tive date of this constitution by virtue of special or local
 20 legislative acts or previous constitutional provisions are hereby
 21 recognized, subject to control by and supervision of the state
 22 board of elementary and secondary education and the power
 23 of the legislature to enact laws affecting them.

24 (B) Consolidation. Two or more school systems may be
 25 consolidated under procedures enacted by the legislature,
 26 subject to approval of a majority of the qualified electors vot-
 27 ing in each system affected in an election called for that pur-
 28 pose.

29 Section 7. Funding; Elementary and Secondary Education;
 30 Apportionment

31 Section 7. (A) State funds. State funds for the education
 32 of the school children of this state at the elementary and

1 secondary schools shall be derived from sources determined
 2 by the legislature and shall be apportioned to the parish and
 3 city school boards in the manner hereinafter set forth.

4 (1) Minimum program. There shall be appropriated from
 5 the general fund of the state sufficient funds to insure a
 6 minimum program of education in all public elementary and
 7 secondary schools. The minimum program of education to be
 8 maintained in all parish and city school systems shall be es-
 9 tablished by the state board of elementary and secondary edu-
 10 cation. The board shall adopt formulas and procedures for
 11 the distribution of these funds to the several school boards.

12 (2) Other funds. Any other funds provided by the legisla-
 13 ture for the support of public schools shall be apportioned
 14 and distributed in accordance with a formula established by
 15 the state board of elementary and secondary education, except
 16 as otherwise specifically provided for by the law appropriat-
 17 ing the funds.

18 Any funds for public education from any other source shall
 19 be distributed in the manner determined by the state board
 20 of elementary and secondary education, subject, however, to
 21 the terms of the laws governing such funds or the lawful
 22 stipulations of the source of the funds.

23 (B) Local funds. Local funds for the support of public
 24 elementary and secondary schools shall be derived from the
 25 following sources:

26 (1) Each parish and city school board, the parish of Or-
 27 leans excepted, shall levy annually an ad valorem maintenance
 28 tax of five mills, or as much thereof as is necessary, on all
 29 property subject to such taxation within the parish or city in
 30 the manner prescribed by law.

31 The Orleans Parish School Board shall levy annually a tax
 32 not to exceed thirteen mills on the dollar on the assessed

1 valuation of all property within the city of New Orleans as-
 2 sessed for city taxation and shall certify the fact to the govern-
 3 ing authority of the city. The governing authority shall cause
 4 said tax to be entered on the tax roles of the city and collected
 5 in the manner and under the conditions and with the interest
 6 and penalties prescribed by law for city taxes. The money thus
 7 collected shall be paid daily to the Orleans Parish School Board.

8 (2) For giving additional support to the public elementary
 9 and secondary schools, any parish, school district, or subschool
 10 district, or any municipality which supports a separate city
 11 system of public schools may levy ad valorem taxes for specific
 12 purposes, when authorized by a majority of the electors vot-
 13 ing in the parish, municipality, district, or subdistrict, in an
 14 election called for the purpose. The amount, duration, and
 15 purpose of such taxes shall be in accord with any limitations
 16 imposed by the legislature. No such tax shall be levied for
 17 a period longer than ten years, except that any tax levied to
 18 pay the costs of bonds or other debts incurred shall be levied
 19 and collected until the principal and interest on the bonds or
 20 other debts have been paid.

21 (3) The legislature may provide for additional sources
 22 of local support for elementary and secondary schools.

23 (C) Monroe, Bogalusa treatment as parishes. For the
 24 effects and purposes of the provisions of this entire Section,
 25 the municipalities of Monroe, in Ouachita Parish, and Boga-
 26 lusa in Washington Parish, and no other, shall be regarded as,
 27 and treated upon the same basis and shall have the same au-
 28 thority as though they were separate parishes instead of mu-
 29 nicipalities.

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

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

3 Section 8. Appropriations; Boards

4 Section 8. The legislature shall appropriate funds for the
 5 operating and administrative expenses of the board or boards
 6 created pursuant to this Article.

7 Section 9. No Appropriation of Public Funds for Private
8 or Sectarian Schools

9 Section 9. No appropriation of public funds shall be made
 10 to any private or sectarian school. The legislature may enact
 11 appropriate legislation to permit institutions of higher learn-
 12 ing which receive all or part of their support from the State
 13 of Louisiana to engage in interstate and intrastate education
 14 agreements with other state governments, agencies of other
 15 state governments, institutions of higher learning of other
 16 state governments and private institutions of higher learning
 17 within or outside state boundaries.

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1 **DELEGATE PROPOSAL No. 93—**

2 Introduced by Delegate Burson:

3 **A PROPOSAL**

4 Providing with respect to grand jury proceedings.

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

7 Article V, Section _____. Grand Jury Proceedings

8 Section _____. Whenever the grand jury is investigating
9 criminal charges previously filed against any person, that
10 person may have counsel present in the jury room for the sole
11 purpose of advising him while he is testifying. If he cannot
12 employ counsel, the court shall appoint counsel for him. No
13 other witness before the grand jury shall be entitled to have
14 counsel present in the jury room.

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1 **DELEGATE PROPOSAL No. 94—**

2 Introduced by Delegate Pugh:

3 **A PROPOSAL**

4 Prohibiting the purchase or subscription by the state or its
5 political subdivisions of stock of any corporation or asso-
6 ciation or for any private enterprise and providing ex-
7 ceptions.

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

10 Article XI, Section _____. Prohibition of Purchase or Sub-
11 scription by the State or its Political Subdivisions of Stock
12 of any Corporation or Association; Exceptions

13 Section _____. The state and its political subdivisions shall
14 not purchase or subscribe to the stock of any corporation or
15 association; however, neither the state nor any political sub-
16 division thereof shall be prohibited from entering into a
17 contract for the purchase of insurance from a mutual company
18 or depositing money in savings and loan associations or sav-
19 ings banks.

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1 DELEGATE PROPOSAL No. 95—

2 Introduced by Delegate Bel:

3 A PROPOSAL

4 Making provisions for property taxation.

5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:

7 ARTICLE XI. REVENUE AND FINANCE

8 Section 1. Property Taxation.

9 Section 1. (A) all property subject to ad valorem taxation
10 shall be listed on the assessment rolls at its assessed valua-
11 tion which shall be twenty-five percent of its use value or fair
12 market value. The method of determining such fair market
13 value or use value shall be uniform throughout the state upon
14 all property.

15 (B) The legislature shall provide the method by which fair
16 market or the use value of property shall be determined.

17 (C) The legislature may provide that agricultural, horti-
18 cultural and timber lands be assessed for purposes of taxa-
19 tion at its use value rather than its fair market value, which
20 use value shall for all purposes be treated as the fair market
21 value of such property.

22 (D) The use and fair market value of all property subject
23 to taxation shall be kept current from year to year by reap-
24 praisement thereof by each assessor in the state.

25 Section 2. Assessment of Property.

26 Section 2. Except as to such categories of property required
27 to be assessed by the Louisiana Tax Commission, property
28 shall be assessed at twenty-five percent of its fair market or
29 use value by the assessors in the respective parishes, subject
30 to review by the Boards of Review of each parish, by the
31 Louisiana Tax Commission and the courts in accordance with
32 the procedure established by law.

1 Section 3. Exemptions

2 Section 3. The following property, and no other, shall be
3 exempt from taxation:

4 (A) Homesteads. From state, parish, and special taxes, the
5 homestead bona fide, consisting of a tract of land, or two or
6 more tracts of land with a residence on one tract and a field,
7 pasture, or garden on the other tract or tracts, not exceeding
8 one hundred and sixty acres, buildings and appurtenances,
9 whether rural or urban, owned and occupied by every head of
10 a family, or person having a mother or father, or a person or
11 persons dependent on him or her for support, in the full
12 amount of two thousand dollars of the assessed valuation;
13 provided that this exemption shall not extend to any municipi-
14 pal or city taxes, save and except in Orleans Parish, and shall
15 in Orleans Parish apply to the state, the general city, the
16 school, the levee, and levee board taxes. The exemption of
17 homesteads shall extend to the surviving spouse, or minor
18 child or children, of a deceased owner and to the bona fide
19 homestead when occupied as such and title thereto is in either
20 husband or wife, provided that the exemption shall not be
21 extended to more than one homestead owned by the husband
22 or wife.

23 (B) All public property

24 (C) Places of religious worship; property owned by reli-
25 gious denominations and used as residences for ministers;
26 places of burial, and property held by any religious denomina-
27 tion or nonprofit corporation or organization for burial pur-
28 poses, but the exemption shall not apply to unsold lots, crypts,
29 or places for burial, nor shall it apply to lands held for devel-
30 opment as places for burial, when so held for profit; places
31 devoted to charitable undertakings, including that of such
32 organizations as lodges and clubs organized for charitable

1 and fraternal purposes and practicing the same; schools and
2 colleges; nonprofit hospitals; but the exemption shall extend
3 only to property, and grounds therunto appurtenant, used
4 for the above-mentioned purposes, and not leased for profit
5 or income.

6 (D) Cash on hand or deposit; obligations secured by mort-
7 gage on property located in Louisiana and the notes or other
8 evidence thereof; loans by life insurance companies to policy
9 holders, if secured solely by their policies; the legal reserve
10 of domestic life insurance companies; loans by homestead or
11 building and loan associations to their members, if secured
12 solely by stock of said associations; debts due for merchan-
13 dise or other articles of commerce or for services rendered;
14 obligations of the state or its political subdivisions; all per-
15 sonal property used in the home or on loan in a public place;
16 agricultural products while owned by the producer, agricul-
17 tural machinery and other implements used exclusively for
18 agricultural purposes, and all animals on the farm, and prop-
19 erty belonging to agricultural fair associations; all property
20 used for cultural or civic activities and not operated for profit
21 to the owners; all oceangoing vessels engaged in international
22 trade and domiciled in Louisiana ports, but this exemption
23 shall not apply to harbor, wharf, shed, and other port dues,
24 and no vessel operated in the coastal trade of the continental
25 United States shall be within the exemption herein granted;
26 boats using gasoline as motor fuel; commercial vessels used
27 for gathering seafood; and right-of-way granted to the State
28 Department of Highways.

29 (E) From state, parish, and special taxes, all motor ve-
30 hicles used on the public highways of this state, provided that
31 this exemption shall not extend to any general or special tax
32 levied by the governing authority of any municipality, or dis-

1 trict created by any such municipality, unless the governing
2 authority thereof shall provide for such exemption by ordi-
3 nance or resolution.

4 (F) The State Board of Commerce and Industry, with the
5 approval of the governor, and the local governing authority
6 may enter into contracts for the exemption of any new manu-
7 facturing establishment already existing in the state upon
8 such terms and conditions as the board, with the approval of
9 the governor, and the local governing authority, may deem to
10 be to the best interest of the state. The terms "manufacturing
11 establishment" and "addition" or "additions" as used in this
12 Paragraph mean a new plant or establishment or an addition
13 or additions to any existing plant or establishment which
14 engages in the business of working raw materials into wares
15 suitable for use or which gives new shapes, new qualities, or
16 new combinations to matter which already has gone through
17 some artificial process. No exemption shall be contracted for
18 any new manufacturing establishment in any locality where
19 there is a manufacturing establishment actually engaged in
20 the manufacture of the same or closely competitive articles
21 without the written consent of the owner of such existing
22 manufacturing establishment to be attached to and identified
23 with the contract of exemption. No exemption from taxes
24 shall be granted under the authority of this Paragraph for a
25 longer initial period than five calendar years from the date
26 of the execution of the contract of exemption or five calendar
27 years from the date of the completion of the construction as
28 described in the contract for tax exemption, the commencement
29 of the exemption upon either of such dates to be specified
30 in the contract at the discretion of the State Board of Com-
31 merce and Industry and subject to approval by the governor.
32 Upon application within ninety days before the expiration

1 of the initial period of five years, and upon proper showing
2 of a full compliance with the contract of exemption by the
3 contractee, any exemption granted under the authority of this
4 subsection shall be renewed for an additional period of five
5 calendar years. Any such exemption shall ipso facto cease
6 upon violation of the terms and conditions of the contract
7 which granted the same. All property exempted, in accor-
8 dance with the provisions of the paragraph shall be listed on
9 the assessment rolls and submitted to the Louisiana Tax Com-
10 mission, but no taxes shall be collected thereon during the
11 period of exemption. On January first following the expira-
12 tion of any contract of exemption entered into under this
13 Paragraph, and for each year thereafter, all property ex-
14 empted by any such contract shall be listed on the assessment
15 rolls and shall be assessed at the end of the tax exemption
16 period at not more than the average assessment ratio on all
17 other property assessed by the assessor in the parish in which
18 the property is located. To determine the assessment ratio of
19 locally assessed property, the Louisiana Tax Commission shall
20 annually determine in each parish the assessed value of all
21 locally assessed property in relation to actual value. All taxes
22 imposed upon such property shall be collected in the manner
23 provided by law.

24 (G) (1) All raw materials, goods, commodities, and articles
25 imported into this state from outside of the continental United
26 States:

27 (a) So long as such imports remain upon the public prop-
28 erty of the port authority or docks of any common carrier
29 where such imports first entered this state, or

30 (b) So long as any such imports (other than minerals and
31 ores of the same kind as any mined or produced in this state
32 and manufactured articles) are held in this state in the orig-

1 inal form in bales, sacks, barrels, boxes, cartons, containers,
2 or other original packages, and raw materials held in bulk
3 as all or a part of the new material inventory of manufac-
4 turers or processors, solely for manufacturing or processing;
5 or

6 (c) So long as any such imports are held by an importer
7 in any public or private storage in the original form in bales,
8 sacks, barrels, boxes, cartons, containers, or other original
9 packages and agricultural products in bulk. This shall not
10 apply to a retail merchant holding such imports as part of
11 his stock in trade for sale at retail.

12 All such property whether entitled to exemption or not
13 shall be reported to the proper taxing authority on the forms
14 required by law.

15 (2) All raw materials, goods, commodities, and other
16 articles being held upon the public property of a port authority
17 or docks of any common carrier or in a warehouse, grain
18 elevator, dock, wharf, or public storage facility in this state
19 for export to a point outside the continental United States.

20 All such property entitled to exemption shall be reported to
21 the proper taxing authority on the forms required by law.

22 (3) All goods, commodities, and personal property in public
23 or private storage while in transit through this state which is

24 (a) moving in interstate commerce through or over the terri-
25 tory of the State of Louisiana, or (b) which is in public or
26 private storage within the State of Louisiana having been
27 shipped thereto from outside of the State of Louisiana for
28 storage in transit to a final destination outside of the State of
29 Louisiana, whether such destination was specified when
30 transportation begins or afterward. All such property whether
31 entitled to exemption or not shall be reported to the proper
32 taxing authority on the forms required by law.

1 Section 4. Adjustment of Ad Valorem Tax Millages
 2 Section 4. The amount of taxes collected from a particular
 3 millage levied by any taxing authority shall not be increased
 4 or decreased because of the method of assessing property at a
 5 uniform ratio of assessment to value as provided in Article
 6 XI, Section 1, or because of any subsequent change in per-
 7 centage of fair market value established by the legislature
 8 for assessment and it shall be the mandatory duty of all
 9 public bodies that levy millage to adjust the millage propor-
 10 tionate to the adjustments in assessment values so as to pro-
 11 duce the same total dollar amount of revenue. Nothing pro-
 12 vided herein shall be construed to prohibit the respective
 13 municipalities, parishes, or other taxing districts or authorities
 14 from collecting a larger dollar amount of ad valorem taxes
 15 by means of levying additional millages in the manner pro-
 16 vided by law, by additional property being placed on their
 17 respective tax rolls, or by reason of increased property
 18 values due to economic conditions, and provided further that
 19 this provision shall not be construed so as to diminish the
 20 security of outstanding bonds.

1 **DELEGATE PROPOSAL No. 96—**

2 Introduced by Delegates Vick, Abraham, Bel, Berry, Casey,
 3 Dennery, Goldman, Guarisco, Haynes, A. Jackson, J. Jack-
 4 son, LeBreton, Lennox, Miller, Pugh, Rachal, Riecke, Soniat,
 5 Stovall, Sutherland, Velazquez, and Weiss:

6 A PROPOSAL

7 Providing for the powers and duties of the attorney general.

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

10 Article V, Section _____. Attorney General; Powers and
11 Duties

12 Section _____. (A) The attorney general shall be the state's
13 chief legal officer. As may be necessary for the assertion or
14 protection of the rights and interests of the state, the attorney
15 general shall have authority to:

16 (1) institute and prosecute in any civil or criminal actions
17 or proceedings;

18 (2) advise and assist, upon request of a district attorney, in
19 the prosecution of a criminal case; and

20 (3) for cause when authorized by the court of original
21 jurisdiction in which any proceeding or affidavit is pending,
22 subject to judicial review, supersede any attorney representing
23 the state in any civil or criminal action.

24 He shall have such other powers and perform such other
25 duties as may be authorized by this constitution or provided
26 by statute.

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1 **DELEGATE PROPOSAL No. 97—**

2 Introduced by Delegates Asseff, Anzalone, Miller, Ber-
3 geron, O'Neill, Kelly, Velazquez, Aertker, Burson, Giarrusso,
4 Jones, Stinson, McDaniel, Wisham, Grier, Warren, Stephen-
5 son, Jack, Smith, Schmitt, Drew, Bel, Ourso, Edwards, Win-
6 chester, Perkins, Casey, Elkins, A. Landry, Ullo, Bollinger,
7 Alario, Stinson, Heine, Roemer, Abraham, Kilbourne, Fulco,
8 Cannon, Gauthier, Willis, Singletary, Planchard, Cowen,
9 Weiss, Toomy, Leigh, Maybuce, Hernandez, Flory and Avant:

10 **A PROPOSAL**

11 To provide with respect to an alternative provision relative
12 to the Executive Branch.

13 Be it adopted by the Constitutional Convention of Louisi-
14 ana of 1973:

15 Section 1. Section 22 of Article IV as set forth in Commit-
16 tee Proposal Number 4 as finally enrolled, being Section 23 of
17 said Article IV as originally adopted by this convention, is
18 hereby deleted from said proposal.

19 Section 2. There shall be placed on the ballot submitted to
20 the people for the ratification of the proposed new consti-
21 tution, as an alternative, the following propositions:

22 2A. FOR permitting the legislature by 2/3 vote to pro-
23 vide for appointment, in lieu of election, of certain
24 statewide elected officials.

25 2B. AGAINST permitting the legislature by 2/3 vote
26 to provide for appointment, in lieu of election, of
27 certain statewide elected officials.

28 Section 3. (A) If Alternative Proposition No. 2A concern-
29 ing legislative permission to provide for appointment, in lieu
30 of election, for certain statewide elected officials is approved
31 by the electors and if the proposed constitution is approved
32 by the electors, then the following section shall become Sec-

1 tion 22 of Article IV of the new constitution:

2 **ARTICLE IV. EXECUTIVE BRANCH**

3 * * *

4 Section 22. Appointment of Officials; Merger, Consolidation
5 of Offices and Departments

6 Section 22. After the first election of state officials follow-
7 ing adoption of this constitution, the legislature may, by a
8 favorable vote of two-thirds of the elected members of each
9 house, provide for appointment, in lieu of election, of the state
10 superintendent of education, the commissioner of insurance,
11 the commissioner of agriculture, the state commissioner of
12 elections, or any of them. In such event the legislature shall
13 prescribe qualifications and method of appointment and by
14 similar vote, may provide that any such offices, their depart-
15 ments and functions be merged or consolidated with any other
16 office or department in the executive branch. No action of the
17 legislature, pursuant hereto, shall reduce the term or com-
18 pensation of any elected official. By a vote of two-thirds of
19 the elected members of each house, the legislature may re-
20 establish any of such offices as an elective office and, in such
21 event, shall prescribe qualifications.

22 (B) If Alternative Proposition No. 2A concerning legisla-
23 tive permission to provide for appointment, in lieu of election,
24 of certain statewide elected officials is not approved by the
25 electors but the proposed constitution is approved by the
26 electors then no change shall be made therein and Section
27 22 of Article IV as set forth in Committee Proposal Number
28 4 as finally enrolled, being Section 23 of said Article IV as
29 originally adopted by this convention shall be null, void, and
30 of no legal effect.

1 **DELEGATE PROPOSAL No. 98—**

2 Introduced by Delegates Henry, Gravel, Graham, Pugh, A.
3 Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels,
4 Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roe-
5 mer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham,
6 Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger,
7 Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy,
8 Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Con-
9 roy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

10 **A PROPOSAL**

11 To provide with respect to an alternative provision relative
12 to education.

13 Be it adopted by the Constitutional Convention of Louisi-
14 ana of 1973:

15 Section 1. There shall be placed on the ballot submitted to
16 the people for the ratification of the proposed new constitu-
17 tion, as an alternative, the following propositions:

18 2A. FOR education article creating only a Board of Re-
19 gents to govern higher education and no management
20 boards.

21 2B. AGAINST education article creating only a Board
22 of Regents to govern higher education and no man-
23 agement boards.

24 Section 2. (A) If Alternative Proposition No. 2A concern-
25 ing education boards is approved by the electors and if the
26 proposed constitution is approved by the electors, then the
27 following Article shall become Article IX of the new consti-
28 tution and Article IX as set forth in Committee Proposal
29 Number 7 shall be null, void and of no effect and shall be
30 deemed stricken from the proposed constitution.

31 **"ARTICLE IX. EDUCATION**

32 Preamble

Page 1

1 The goal of the public educational system is to provide learn-
2 ing environments and experiences, at all stages of human
3 development, that are humane, just, and designed to promote
4 excellence in order that every individual may be afforded an
5 equal opportunity to develop to his full potential.

6 **Section 1. Public Educational System**

7 Section 1. The legislature shall provide for the education of
8 the people of the state and shall establish and maintain a
9 public educational system.

10 **Section 2. State Superintendent of Education**

11 Section 2. There shall be a superintendent of education for
12 public elementary and secondary education who, subject to
13 provisions for appointment in lieu of election set forth in
14 Article IV, Section 22, of this constitution, shall be elected
15 for a term of four years. If the office is made appointive,
16 the State Board of Elementary and Secondary Education shall
17 make the appointment. He shall be the administrative head
18 of the Department of Education and shall implement the
19 policies of the State Board of Elementary and Secondary
20 Education and the laws affecting schools under its jurisdic-
21 tion. The qualifications and other powers, functions, duties,
22 and responsibilities of the superintendent shall be provided
23 by law.

24 **Section 3. State Board of Elementary and Secondary Edu-
25 cation**

26 Section 3. (A) Creation; Functions. The State Board of
27 Elementary and Secondary Education is created as a body
28 corporate. It shall supervise and control the public elemen-
29 tary and secondary schools, post-secondary vocational-techni-
30 cal schools, special schools under its jurisdiction and shall
31 have budgetary responsibility for all funds appropriated or
32 allocated by the state for those schools, all as provided by

Page 2

1 law. The board shall have other powers, duties, and respon-
2 sibilities as provided by this constitution or by law, but shall
3 have no control over the business affairs of a parish or city
4 school board or the selection or removal of its officers and
5 employees.

6 (B) Membership; Terms. The board shall consist of eight
7 members elected from single-member districts which shall be
8 determined by law and three members appointed by the gov-
9 ernor from the state at large, with consent of the Senate.
10 Members shall serve overlapping terms of six years, follow-
11 ing the initial terms which shall be fixed by law.

12 (C) Vacancy. A vacancy in the office of an elected mem-
13 ber, if the remaining portion of the term is more than one
14 year, shall be filled for the remainder of the term by elec-
15 tion, as provided by law. Other vacancies shall be filled for
16 the remainder of the term by appointment by the governor.

17 Section 4. Approval of Private Schools

18 Section 4. Upon application by a private elementary, sec-
19 ondary, or proprietary school with a sustained curriculum
20 or specialized course of study of quality at least equal to that
21 prescribed for similar public schools, the State Board of
22 Elementary and Secondary Education shall approve the pri-
23 vate school. A certificate issued by an approved private school
24 shall carry the same privileges as one issued by a state public
25 school.

26 Section 5. Board of Regents

27 Section 5. (A) Creation; Functions. The Board of Regents
28 is created as a body corporate. It shall plan, coordinate, and
29 have budgetary responsibility for all public higher education
30 and shall have other powers, duties, and responsibilities pro-
31 vided in this Section or by law.

32 (B) Membership; Terms. The board shall consist of seven

1 members who shall be appointed by the governor, with con-
2 sent of the Senate from the state at large, and eight members
3 who shall be elected from single-member districts to be deter-
4 mined by the legislature. All members shall serve overlap-
5 ping terms of six years, following the initial terms which
6 shall be fixed by law.

7 (C) Vacancy. A vacancy occurring prior to the expiration
8 of a term shall be filled for the remainder of the unexpired
9 term by appointment by the governor, with consent of the
10 Senate.

11 (D) Powers. The Board of Regents shall meet with the
12 State Board of Elementary and Secondary Education at least
13 twice a year to coordinate programs of public elementary,
14 secondary, vocational-technical, career, and higher education.
15 The board of Regents shall have the following powers, duties,
16 and responsibilities relating to public institutions of higher
17 education:

18 (1) To revise or eliminate an existing degree program,
19 department of instruction, division, or similar subdivision.

20 (2) To approve, disapprove, or modify a proposed degree
21 program, department of instruction, division, or similar sub-
22 division.

23 (3) To study the need for and feasibility of any new insti-
24 tution of higher education, including branches of institutions
25 and conversion of two-year institutions to institutions offer-
26 ing longer courses of study. If the creation of a new institu-
27 tion, or a management board for an institution or group of
28 institutions is proposed, addition of another management
29 board, or the transfer of an existing institution from one
30 board to another is proposed, the Board of Regents shall re-
31 port its written findings and recommendations to the legisla-
32 ture within one year. Only after the report has been filed, or,

1 after one year if no report is filed, may the legislature take
2 affirmative action on such a proposal and then only by law
3 enacted by two-thirds of the elected members of each house.

4 (4) To formulate and make timely revision of a master
5 plan for higher education. As a minimum, the plan shall in-
6 clude a formula for equitable distribution of funds to the
7 institutions of higher education.

8 (5) To require that every institution of higher education
9 submit to it, at a time it specifies, an annual budget proposal
10 for operational needs and for capital needs of each institu-
11 tion under the control of each board. The Board of Regents
12 shall submit its budget recommendations for all institutions
13 of higher education in the state. It shall recommend priorities
14 for capital construction and improvements.

15 Section 6. Boards; Membership; Compensation

16 Section 6. (A) Dual Membership. No person shall be eligible
17 to serve simultaneously on more than one board created by or
18 pursuant to this Article.

19 (B) Compensation. A member of a board created by or
20 pursuant to this Article shall serve without pay, but per diem
21 and expenses may be provided by law.

22 Section 7. Parish School Boards; Parish Superintendents

23 Section 7. (A) Boards. The legislature shall create parish
24 school boards and provide for the election of their members.

25 (B) Superintendents. Each parish board shall elect a su-
26 perintendent of parish schools. The State Board of Elemen-
27 tary and Secondary Education shall fix the qualifications
28 and prescribe the duties of the parish superintendent. He
29 need not be a resident of the parish in which he serves.

30 Section 8. Existing Boards and Systems Recognized; Con-
31 solidation

32 Section 8. (A) Recognition. Parish and city school board

1 systems in existence on the effective date of this constitution
2 are recognized, subject to control and supervision by the
3 State Board of Elementary and Secondary Education and the
4 power of the legislature to enact laws affecting them.

5 (B) Ouachita Parish and Monroe City School Systems;
6 Board Membership. Only persons residing within the juris-
7 diction of the Monroe City School Board shall be eligible to
8 vote for or be members of the Monroe City School Board.
9 Only persons residing in that portion of Ouachita Parish out-
10 side the jurisdiction of the Monroe City School Board shall
11 be eligible to vote for or be members of the Ouachita Parish
12 School Board. The position of a member of either board shall
13 be vacated when he no longer satisfies the requirements of
14 this Paragraph. Notwithstanding any contrary provision of
15 this constitution, this Paragraph shall become operative upon
16 the election of members to the Ouachita Parish School Board
17 taking office in 1977 or upon the first reapportionment af-
18 fecting the Ouachita Parish School Board, whichever occurs
19 earlier.

20 (C) Consolidation. Subject to approval by a majority of
21 the electors voting, in each system affected, in an election
22 held for that purpose, any two or more school systems may
23 be consolidated as provided by law.

24 Section 9. Appropriations; State Boards

25 Section 9. The legislature shall appropriate funds for the
26 operating and administrative expenses of the state boards
27 created by or pursuant to this Article.

28 Section 10. Appropriations; Higher Education

29 Section 10. Appropriations for the institutions of higher
30 education and post-secondary vocational-technical training
31 and career education shall be made and administered as pro-
32 vided by law.

1 Section 11. Funding; Apportionment

2 Section 11. (A) Free School Books. The legislature shall
3 appropriate funds to supply free school books and other ma-
4 terials of instruction prescribed by the State Board of Ele-
5 mentary and Secondary Education to the children of this
6 state at the elementary and secondary levels.

7 (B) Minimum Foundation Program. The legislature shall
8 appropriate funds sufficient to insure a minimum foundation
9 program of education in all public elementary and secondary
10 schools. The funds appropriated shall be equitably allocated
11 to parish and city school systems according to formulas
12 adopted by the State Board of Elementary and Secondary
13 Education and approved by the legislature prior to making
14 the appropriation.

15 (C) Local Funds. Local funds for the support of elementary
16 and secondary schools shall be derived from the following
17 sources:

18 First: Each parish school board, Orleans Parish excepted,
19 and each municipality or city school board actually operating,
20 maintaining, or supporting a separate system of public schools,
21 shall levy annually an ad valorem maintenance tax not to ex-
22 ceed five mills on the dollar of assessed valuation on property
23 subject to such taxation within the parish or city, respectively.

24 Second: The Orleans Parish School Board shall levy an-
25 nually a tax not to exceed thirteen mills on the dollar of the
26 assessed valuation of property within the city of New Or-
27 leans assessed for city taxation, and shall certify the amount
28 of the tax to the governing authority of the city. The govern-
29 ing authority shall have the tax entered on city tax rolls. The
30 tax shall be collected in the manner, under the conditions, and
31 with the interest and penalties prescribed by law for city
32 taxes. The money thus collected shall be paid daily to the

1 Orleans Parish School Board.

2 Third: For giving additional support to public elementary
3 and secondary schools, any parish, school district, or sub-
4 school district, or any municipality or city school board which
5 supports a separate city system of public schools may levy an
6 ad valorem tax for a specific purpose, when authorized by a
7 majority of the electors voting in the parish, municipality,
8 district, or subdistrict in an election held for that purpose.
9 The amount, duration, and purpose of the tax shall be in ac-
10 cord with any limitation imposed by the legislature.

11 (D) Municipal School Systems. For the effects and pur-
12 poses of this Section, the municipalities of Monroe in Ouachita
13 Parish, and Bogalusa in Washington Parish, and no others,
14 shall be regarded and treated as parishes and shall have the
15 authority granted parishes.

16 Section 12. Tulane University

17 Section 12. The Tulane University of Louisiana in New
18 Orleans is recognized as created and to be developed in ac-
19 cordance with Act No. 43 approved July 5, 1884."

20 2.(B) If alternative Proposition No. 2A concerning educa-
21 tion boards is not approved by the electors but the proposed
22 constitution is approved by the electors then no change shall
23 be made therein.

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First Enrollment

1 Constitutional Convention of Louisiana of 1973

D. P. No. 98

2 DELEGATE PROPOSAL NUMBER 98

3 Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson,
4 Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler,
5 Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer,
6 LeBleu, Conino, Warren, Guarisco, Arnette, Abraham,
7 Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger,
8 Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy,
9 Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick,
10 Conroy, Miller, Casey, Dennery, Tobias, O'Neill, and Weiss

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

6 Section 1. Public Educational System

7 Section 1. The legislature shall provide for the education
8 of the people of the state and shall establish and maintain a
9 public educational system.

10 Section 2. State Superintendent of Education

11 Section 2. There shall be a superintendent of education
12 who, subject to provisions for appointment in lieu of election
13 set forth in Article IV, Section 22, of this constitution, shall
14 be elected for a term of four years. If the office is made
15 appointive, the State Board of Elementary and Secondary Education
16 and the Board of Regents shall make the appointment. He shall be
17 the administrative head of the Department of Education and the
18 Board of Regents and shall implement the policies of the State
19 Board of Elementary and Secondary Education and the Board of
20 Regents and the laws affecting schools under their jurisdiction.
21 The qualifications and other powers, functions, duties, and
22 responsibilities of the superintendent shall be provided by law.

23 Section 3. State Board of Elementary and Secondary
24 Education

25 Section 3. (A) Creation; Functions. The State Board of
26 Elementary and Secondary Education is created as a body cor-
27 porate. It shall supervise and control the public elementary
28 and secondary schools, post-secondary vocational-technical
29 schools, special schools under its jurisdiction and shall have
30 budgetary responsibility for all funds appropriated or allo-
31 cated by the state for those schools, all as provided by law.
32 The board shall have other powers, duties, and responsibilities
33 as provided by this constitution or by law, but shall have no
34 control over the business affairs of a parish or city school
35 board or the selection or removal of its officers and employees.

A PROPOSAL

14 To provide with respect to an alternative provision relative
15 to education.

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

18 Section 1. There shall be placed on the ballot submitted
19 to the people for the ratification of the proposed new con-
20 stitution, as an alternative, the following propositions:

21 2A. FOR education article creating only a
22 Board of Regents to govern higher
23 education and no management boards.

24 2B. AGAINST education article creating only
25 a Board of Regents to govern higher
26 education and no management boards.

27 Section 2. (A) If Alternative Proposition No. 2A con-
28 cerning education boards is approved by the electors and if
29 the proposed constitution is approved by the electors, then
30 the following Article shall become Article IX of the new con-
31 stitution and Article IX as set forth in Committee Proposal
32 Number 7 shall be null, void and of no effect and shall be
33 deemed stricken from the proposed constitution.

"ARTICLE IX. EDUCATION

Preamble

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1 (B) Membership; Terms. The board shall consist of eight
2 members elected from single-member districts which shall be
3 determined by law and three members appointed by the governor
4 from the state at large, with consent of the Senate. Members
5 shall serve overlapping terms of six years, following the
6 initial terms which shall be fixed by law.

7 (C) Vacancy. A vacancy in the office of an elected member,
8 if the remaining portion of the term is more than one year,
9 shall be filled for the remainder of the term by election, as
10 provided by law. Other vacancies shall be filled for the re-
11 mainder of the term by appointment by the governor.

12 Section 4. Approval of Private Schools

13 Section 4. Upon application by a private elementary,
14 secondary, or proprietary school with a sustained curriculum
15 or specialized course of study of quality at least equal to
16 that prescribed for similar public schools, the State Board of
17 Elementary and Secondary Education shall approve the private
18 school. A certificate issued by an approved private school
19 shall carry the same privileges as one issued by a state public
20 school.

21 Section 5. Board of Regents

22 Section 5. (A) Creation; Functions. The Board of Regents
23 is created as a body corporate. It shall plan, coordinate,
24 and have budgetary responsibility for all public higher educa-
25 tion and shall have other powers, duties, and responsibilities
26 provided in this Section or by law.

27 (B) Membership; Terms. The board shall consist of seven
28 members who shall be appointed by the governor, with consent
29 of the Senate from the state at large, and eight members who
30 shall be elected from single-member districts to be determined
31 by the legislature. All members shall serve overlapping terms
32 of six years, following the initial terms which shall be fixed
33 by law.

34 (C) Vacancy. A vacancy occurring prior to the expiration
35 of a term shall be filled for the remainder of the unexpired

D. P. No. 98

1 term by appointment by the governor, with consent of the Senate.

2 (D) Powers. The Board of Regents shall meet with the State
3 Board of Elementary and Secondary Education at least twice a
4 year to coordinate programs of public elementary, secondary,
5 vocational-technical, career, and higher education. The Board
6 of Regents shall have the following powers, duties, and respon-
7 sibilities relating to public institutions of higher education:

8 (1) To revise or eliminate an existing degree program,
9 department of instruction, division, or similar subdivision.

10 (2) To approve, disapprove, or modify a proposed degree
11 program, department of instruction, division, or similar sub-
12 division.

13 (3) To study the need for and feasibility of any new
14 institution of higher education, including branches of insti-
15 tutions and conversion of two-year institutions to institutions
16 offering longer courses of study. If the creation of a new
17 institution, or a management board for an institution or group
18 of institutions is proposed, addition of another management
19 board, or the transfer of an existing institution from one
20 board to another is proposed, the Board of Regents shall re-
21 port its written findings and recommendations to the legisla-
22 ture within one year. Only after the report has been filed,
23 or, after one year if no report is filed, may the legislature
24 take affirmative action on such a proposal and then only by
25 law enacted by two-thirds of the elected members of each house.

26 (4) To formulate and make timely revision of a master plan
27 for higher education. As a minimum, the plan shall include
28 a formula for equitable distribution of funds to the institu-
29 tions of higher education.

30 (5) To require that every institution of higher education
31 submit to it, at a time it specifies, an annual budget proposal
32 for operational needs and for capital needs of each institution
33 under the control of each board. The Board of Regents shall
34 submit its budget recommendations for all institutions of
35 higher education in the state. It shall recommend priorities

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1 for capital construction and improvements.
2 Section 6. Boards; Membership; Compensation
3 Section 6. (A) Dual Membership. No person shall be
4 eligible to serve simultaneously on more than one board
5 created by or pursuant to this Article.
6 (B) Compensation. A member of a board created by or pur-
7 suant to this Article shall serve without pay, but per diem
8 and expenses may be provided by law.
9 Section 7. Parish School Boards; Parish Superintendents
10 Section 7. (A) Boards. The legislature shall create
11 parish school boards and provide for the election of their
12 members.
13 (B) Superintendents. Each parish board shall elect a
14 superintendent of parish schools. The State Board of Ele-
15 mentary and Secondary Education shall fix the qualifications
16 and prescribe the duties of the parish superintendent. He
17 need not be a resident of the parish in which he serves.
18 Section 8. Existing Boards and Systems Recognized;
19 Consolidation
20 Section 8. (A) Recognition. Parish and city school
21 board systems in existence on the effective date of this con-
22 stitution are recognized, subject to control and supervision
23 by the State Board of Elementary and Secondary Education and
24 the power of the legislature to enact laws affecting them.
25 (B) Ouachita Parish and Monroe City School Systems; Board
26 Membership. Only persons residing within the jurisdiction of
27 the Monroe City School Board shall be eligible to vote for
28 or be members of the Monroe City School Board. Only persons
29 residing in that portion of Ouachita Parish outside the
30 jurisdiction of the Monroe City School Board shall be eligible
31 to vote for or be members of the Ouachita Parish School Board.
32 The position of a member of either board shall be vacated
33 when he no longer satisfies the requirements of this Para-
34 graph. Notwithstanding any contrary provision of this consti-
35 tution, this Paragraph shall become operative upon the election

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1 of members to the Ouachita Parish School Board taking office
2 in 1977 or upon the first reapportionment affecting the
3 Ouachita Parish School Board, whichever occurs earlier.
4 (C) Consolidation. Subject to approval by a majority of
5 the electors voting, in each system affected, in an election
6 held for that purpose, any two or more school systems may be
7 consolidated as provided by law.
8 Section 9. Appropriations; State Boards
9 Section 9. The legislature shall appropriate funds for
10 the operating and administrative expenses of the state boards
11 created by or pursuant to this Article.
12 Section 10. Appropriations; Higher Education
13 Section 10. Appropriations for the institutions of higher
14 education and post-secondary vocational-technical training and
15 career education shall be made and administered as provided by
16 law.
17 Section 11. Funding; Apportionment
18 Section 11. (A) Free School Books. The legislature shall
19 appropriate funds to supply free school books and other materials
20 of instruction prescribed by the State Board of Elementary and
21 Secondary Education to the children of this state at the ele-
22 mentary and secondary levels.
23 (B) Minimum Foundation Program. The legislature shall
24 appropriate funds sufficient to insure a minimum foundation
25 program of education in all public elementary and secondary
26 schools. The funds appropriated shall be equitably allocated
27 to parish and city school systems according to formulas adopted
28 by the State Board of Elementary and Secondary Education and
29 approved by the legislature prior to making the appropriation.
30 (C) Local Funds. Local funds for the support of elementary
31 and secondary schools shall be derived from the following
32 sources:
33 First: Each parish school board, Orleans Parish excepted,
34 and each municipality or city school board actually operating,
35 maintaining, or supporting a separate system of public schools,

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1 shall levy annually an ad valorem maintenance tax not to exceed
2 five mills on the dollar of assessed valuation on property sub-
3 ject to such taxation within the parish or city, respectively.

4 Second: The Orleans Parish School Board shall levy annually
5 a tax not to exceed thirteen mills on the dollar of the assessed
6 valuation of property within the city of New Orleans assessed
7 for city taxation, and shall certify the amount of the tax to
8 the governing authority of the city. The governing authority
9 shall have the tax entered on city tax rolls. The tax shall be
10 collected in the manner, under the conditions, and with the
11 interest and penalties prescribed by law for city taxes. The
12 money thus collected shall be paid daily to the Orleans Parish
13 School Board.

14 Third: For giving additional support to public elementary
15 and secondary schools, any parish, school district, or sub-
16 school district, or any municipality or city school board
17 which supports a separate city system of public schools may
18 levy an ad valorem tax for a specific purpose, when authorized
19 by a majority of the electors voting in the parish, municipality,
20 district, or subdistrict in an election held for that purpose.
21 The amount, duration, and purpose of the tax shall be in accord
22 with any limitation imposed by the legislature.

23 (D) Municipal School Systems. For the effects and purposes
24 of this Section, the municipalities of Monroe in Ouachita Parish,
25 and Bogalusa in Washington Parish, and no others, shall be re-
26 garded and treated as parishes and shall have the authority
27 granted parishes.

28 Section 12. Tulane University

29 Section 12. The Tulane University of Louisiana in New
30 Orleans is recognized as created and to be developed in accor-
31 dance with Act No. 43 approved July 5, 1884."

32 2. (B) If alternative Proposition No. 2A concerning educa-
33 tion boards is not approved by the electors but the proposed
34 constitution is approved by the electors then no change shall
35 be made therein.

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Constitutional Convention of Louisiana of 1973

D. P. No. 99

1 DELEGATE PROPOSAL No. 99—

2 Introduced by Delegates Vick, Abraham, Aertker, Alex-
3 ander, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bol-
4 linger, Brown, Carmouche, Casey, DeBlieux, Dennery, Den-
5 nis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman,
6 Grier, Guarisco, Hardee, Haynes, A. Jackson, J. Jackson,
7 Jones, Juneau, Landrum, A. Landry, E. J. Landry, Leithman,
8 McDaniel, Maybuce, Miller, Riecke, Roemer, Roy, Sandoz,
9 Schmitt, Shannon, Singletary, Soniat, Stagg, Stovall, Suther-
10 land, Tapper, Thistlethwaite, Tobias, Velazquez, Warren,
11 Wisham and Zervigon:

12 A PROPOSAL

13 To provide with respect to an alternative provision relative
14 to the Judicial Branch.

15 Be it adopted by the Constitutional Convention of Lou-
16 isiana of 1973:

17 Section 1. Section 26 of Article V as set forth in Com-
18 mittee Proposal Number 21 as finally enrolled, being Section
19 27 of said Article V as originally adopted by this convention
20 is hereby deleted from said proposal.

21 Section 2. There shall be placed on the ballot submitted
22 to the people for the ratification of the proposed new con-
23 stitution, as an alternative, the following propositions:

24 2A. FOR authorizing the attorney general to institute,
25 prosecute, or intervene *in both civil and criminal*
26 suits to protect the interests of the state.

27 2B. FOR authorizing the attorney general to institute,
28 prosecute, or intervene *in only civil* suits to pro-
29 tect the interests of the state.

30 Section 3. (A) If Alternative Proposition No. 2A authori-
31 zing the attorney general to institute, prosecute, or intervene
32 in both civil and criminal suits to protect the interests of

Page 1

1 the state is approved by the electors and if the proposed
2 constitution is approved by the electors, then the following
3 section shall become Section 26 of Article V of the new
4 constitution:

5 "ARTICLE VI. JUDICIAL BRANCH

6 * * *

7 Section 26. Attorney General; Qualifications; Powers and
8 Duties; Vacancies

9 Section 26. The attorney general and the assistants shall
10 be learned in the law and shall have actually resided and
11 practiced law, as duly licensed attorneys, in the state for
12 at least five years preceding their election and appointment.
13 They, or one of them, shall attend to, and have charge of
14 all legal matters in which the state has an interest, or to
15 which the state is a party, with power and authority to
16 institute and prosecute or to intervene in any and all suits
17 or other proceedings, civil or criminal, as they may deem
18 necessary for the assertion or protection of the rights and
19 interests of the state. They shall exercise supervision over
20 the several district attorneys throughout the state, and per-
21 form all other duties imposed by law.

22 In case of a vacancy in the office of attorney general,
23 the first assistant attorney general shall perform the duties
24 of the attorney general until his successor shall have been
25 duly elected and qualified."

26 (B) If Alternative Proposition No. 2B authorizing the at-
27 torney general to institute, prosecute, or intervene in only
28 civil suits to protect the interests of the state is approved
29 by the electors and if the proposed constitution is approved
30 by the electors, then the following section shall become Sec-
31 tion 26 of Article V of the new constitution:

32 "ARTICLE V. JUDICIAL BRANCH

1 * * *

2 Section 26. Attorney General; Powers and Duties

3 Section 26. The attorney general shall be the chief legal
4 officer of the state. As necessary for the assertion or pro-
5 tection of the rights and interests of the state, the attorney
6 general may

7 (1) institute and prosecute or intervene in any civil action
8 or proceeding;

9 (2) advise and assist, upon request of a district attorney,
10 in the prosecution of a criminal case; and

11 (3) for cause, when authorized by the court of original
12 jurisdiction in which any proceeding or affidavit is pending
13 and subject to judicial review, supersede any attorney rep-
14 resenting the state in any civil or criminal action.

15 He shall have other powers and perform other duties
16 authorized by this constitution or provided by law."

1 **DELEGATE PROPOSAL No. 100—**

2 Introduced by Delegates McDaniel, Elkins Goldman, O'Neill
3 Asseff, Cowen, Gauthier, Champagne, Avant, Bel, Grier,
4 Drew, Shannon, Ullo, Leigh, Bollinger, Sutherland, Sandoz,
5 A. Landry, Aertker, Hardee, Brown, Perkins, Hernandez,
6 Smith, Alario, Fontenot, Winchester, Miller, Jones, Zervigon,
7 Roemer, Fulco, Henry, Planchard, E. J. Landry, Arnette,
8 Velazquez, Schmitt, Cannon, Leithman, LeBleu and Single-
9 tary:

10 **A PROPOSAL**

11 To provide with respect to an alternative provision relative
12 to the Executive Branch prohibiting a person elected as
13 governor from being his own immediate successor.

14 Section 1. There shall be placed on the ballot submitted to
15 the people for the ratification of the proposed new consti-
16 tution, as an alternative, the following propositions:

17 A. FOR permitting the governor to serve two consecutive
18 terms.

19 B. AGAINST permitting the governor to serve two con-
20 secutive terms.

21 Section 2. (A) If Alternative Proposition No. A permitting
22 the governor to serve two consecutive terms is approved
23 by the electors and if the proposed constitution is approved,
24 then no change shall be made therein.

25 (B) If Alternative Proposition No. B prohibiting the gov-
26 ernor from serving two consecutive terms is approved by
27 the electors and if the proposed constitution is approved by
28 the electors, then Section 3(A) as set forth in Committee
29 Proposal Number 4 shall be null, void, and of no effect,
30 and shall be deemed stricken from the proposed constitution
31 and the following shall become Section 3(A) of Article IV
32 of the new constitution:

1 "ARTICLE IV. EXECUTIVE BRANCH

2 * * *

3 Section 3. Election and Terms

4 Section 3. (A) The governor, lieutenant governor, secre-
5 tary of state, attorney general, commissioner of agriculture,
6 commissioner of elections, commissioner of insurance, su-
7 perintendent of education, and treasurer shall each be elect-
8 ed for a term of four years by the electors of the state, at
9 the time and place of voting for members of the legislature.
10 After the first election of state officials following adoption
11 of this constitution, no person shall be eligible as a candi-
12 date for nomination, election, or reelection to the office of
13 governor for the term immediately following the term to
14 which he was elected as governor; however, this provision
15 shall not apply to the governor in office at the time of the
16 adoption of this constitution, who shall be subject to law in
17 effect at the time of his election."

1 **DELEGATE PROPOSAL No. 101—**

2 Introduced by Delegates Stagg, Roemer, Smith, Sutherland,
3 Asseff, Casey, Abraham, Zervigon, Aleaxander, Kean, Fulco,
4 Bollinger, Bel, Dennery, Duval, Thistlethwaite, De Blieux,
5 Sandoz, Velazquez, Jones, Conroy, J. Jackson, Drew, Har-
6 dee, Grier, Elkins, Dennis, Champagne, A. Landry, Miller,
7 Kilbourne, Warren, Vick, Jack, A. Jackson, Newton, Derbes,
8 Schmitt, Lanier and Shannon:

9 **A PROPOSAL**

10 To provide with respect to an alternative provision relative
11 to Revenue and Finance.

12 Be it adopted by the Constitutional Convention of Louisi-
13 ana of 1973:

14 Section 1. There shall be placed on the ballot submitted to
15 the people for the ratification of the proposed new constitu-
16 tion, as an alternative, the following propositions:

17 2A. FOR permitting local option property taxation assess-
18 ment and homestead exemptions.

19 2B. AGAINST permitting local option property taxation
20 assessment and homestead exemptions.

21 Section 2. (A). If alternative Proposition No. 2A concern-
22 ing local option property taxation assessment and home-
23 stead exemption is approved by the electors and if the
24 proposed constitution is approved by the electors, then the
25 following sections shall become Sections 1 and 3 of Article
26 XI of the new constitution and Sections 1 and 3 of Article
27 XI as set forth in Committee Proposal Number 26 shall be
28 null, void and of no effect and shall be deemed stricken from
29 the proposed constitution.

30 **"ARTICLE XI. REVENUE AND FINANCE**

31 * * *

32 Section 1. Assessment of Property; Classification; Asses-

1 sors; Right of Taxpayer; Exemptions from Ad Valorem
2 Property Taxation

3 Section 1. (A) Assessments. All property subject to ad
4 valorem taxation shall be listed on the assessment rolls at its
5 assessed valuation which shall be a percentage of its fair
6 market value.

7 (B) Classification. All property subject to ad valorem taxa-
8 tion shall be assessed at fifteen percent of its fair market
9 value; however, upon adoption of an ordinance by the gov-
10 erning authority of any parish and with subsequent approval
11 by the legislature, the percentage in any parish may be in-
12 creased to twenty-five percent or decreased to ten percent
13 of fair market value.

14 (C) Valuation. Each assessor shall determine the fair
15 market value of all property subject to taxation within his
16 parish or district, except public service properties, which
17 shall be valued at fair market value by the Louisiana
18 Tax Commission. Fair market value and use value of prop-
19 erty shall be determined in accordance with criteria which
20 shall be established by the legislature.

21 (D) Review. The correctness of assessments by the asses-
22 sor shall be subject to change by the parish governing au-
23 thority, then by the Louisiana Tax Commission, and finally
24 by the courts in accordance with procedures established by
25 law.

26 (E) Use Value. Bona fide agricultural, horticultural,
27 marsh, and timber lands, as defined by general law, shall be
28 assessed for purposes of taxation at a percentage of use
29 value rather than fair market value, as provided in Para-
30 graph (B) hereof.

31 (F) Reappraisal. All property subject to taxation shall be
32 reappraised and valued in accordance with the provisions of

1 this Section at intervals of not more than four years.

2 (G) Multi-parish Districts. A board of assessors is
3 created for each multi-parish district in which the assessed
4 value of property of one of the parishes differs from any
5 other to be composed of the assessor of each parish or part
6 of a parish which is included within the boundaries of a
7 multi-parish district. Such board of assessors for each
8 multi-parish district shall determine the fair market value
9 of all taxable property within the boundaries of said district
10 and shall assess all property within the boundaries of such
11 multi-parish district equally and uniformly and at the per-
12 centage of fair market value fixed by the governing au-
13 thority of each multi-parish district.

14 (H) Enforcement. The state treasurer shall disburse
15 funds out of the state revenue sharing fund to the several
16 local agencies only after the Louisiana Tax Commission has
17 certified that assessments in each parish fall no more than
18 ten percent below the legal assessment ratio for the parish.
19 Local agencies where assessments fall more than ten per-
20 cent below the legal ratio shall receive only that proportion
21 of revenue sharing funds that the assessment ratio in their
22 parish represents of the legal assessment ratio for the par-
23 ish. A period of three months will be allowed in which par-
24 ish assessments may be brought into full conformity with
25 the legal ratio, after which the withheld revenue shall be
26 paid the respective local agencies. Thereafter, if such ad-
27 justments are not made, the funds shall revert to the state
28 general fund.

29 * * *

30 Section 3. Homestead Exemption

31 Section 3. (A) Homeowners. (1) The bona fide home-
32 stead, consisting of a tract of land or two or more tracts

1 of land with a residence on one tract and a field, pasture, or
2 garden on the other tract or tracts, not exceeding one hun-
3 dred sixty acres, buildings and appurtenances, whether
4 rural or urban, owned and occupied by any person, shall be
5 exempt from state, parish, and special ad valorem taxes
6 to the extent of three thousand dollars of the assessed valua-
7 tion.

8 (2) By the law enacted by two-thirds of the elected mem-
9 bers of each house, the legislature may increase this home-
10 stead exemption to an amount which shall not exceed five
11 thousand dollars of the assessed valuation.

12 (3) The homestead exemption of veterans of the armed
13 forces of the United States, honorably discharged or sep-
14 arated from such services or other persons who served in
15 said armed forces, as defined by general law, and of persons
16 sixty-five years of age or older shall be five thousand dol-
17 lars of the assessed valuation.

18 However, if the percentage of fair market or use value
19 is changed in any parish as authorized in Paragraph (B)
20 of Section 1 of this Article, the value of the homestead ex-
21 emption for all eligible homeowners shall be adjusted to com-
22 pensate for the change.

23 (4) The homestead exemption shall extend to the surviv-
24 ing spouse or minor children of a deceased owner and shall
25 apply when the homestead is occupied as such and title to
26 it is in either husband or wife but not to more than the
27 full stead owned by the husband or wife.

28 (5) This exemption shall not extend to municipal taxes.
29 However, the exemption shall apply (a) in Orleans Parish,
30 to state, general city, school, levee, and levee district taxes
31 and (b) to any municipal taxes levied for school purposes.

32 (B) Residential Lessees. Notwithstanding any contrary

1 provision in this constitution, the legislature may provide
2 for tax relief to residential lessees in the form of credits or
3 rebates in order to provide equitable tax relief similar to that
4 granted to homeowners through homestead exemptions.”

5 2. (B) If Alternative Proposition No. 2A concerning local
6 option property taxation assessment and homestead exemp-
7 tions is not approved by the electors but the proposed con-
8 stitution is approved by the electors then no change shall
9 be made therein.

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1 **DELEGATE PROPOSAL No. 102—**

2 Introduced by Delegates Vick, Abraham, Aertker, Alex-
3 ander, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Bol-
4 linger, Brown, Carmouche, Casey, De Blieux, Dennery, Den-
5 nis, Derbes, Duval, Elkins, Flory, Fulco, Giarrusso, Goldman,
6 Grier, Guarisco, Hardee, Haynes, A.Jackson, J.Jackson,
7 Jones, Juneau, Landrum, A.Landry, E.J. Landry, Leithman,
8 McDaniel, Maybece, Miller, Riecke, Roemer, Roy, Sandoz,
9 Schmitt, Shannon, Singletary, Soniat, Stagg, Stovall, Suther-
10 land, Tapper, Thistlethwaite, Tobias, Velazquez, Warren,
11 Wisham and Zervigon:

12 **A PROPOSAL**

13 To provide with respect to an alternative provision relative
14 to the Judicial Branch.

15 Be it adopted by the Constitutional Convention of Lou-
16 isiana of 1973:

17 Section 1. Section 8 of Article IV as set forth in Com-
18 mittee Proposal Number 4 as finally enrolled is hereby de-
19 leted from said proposal.

20 Section 2. There shall be placed on the ballot submitted
21 to the people for the ratification of the proposed new con-
22 stitution, as an alternative, the following propositions:

23 2A. FOR authorizing the attorney general to institute,
24 prosecute, or intervene *in both civil and criminal*
25 suits to protect the interests of the state.

26 2B. FOR authorizing the attorney general to institute,
27 prosecute, or intervene *in only civil* suits to pro-
28 tect the interests of the state.

29 Section 3. (A) If Alternative Proposition No. 2A authoriz-
30 ing the attorney general to institute, prosecute, or intervene
31 in both civil and criminal suits to protect the interests of
32 the state is approved by the electors and if the proposed

1 constitution is approved by the electors, then the following
2 section shall become Section 8 of Article IV of the new
3 constitution:

4 "ARTICLE IV. EXECUTIVE BRANCH

5 * * *

6 Section 8. Attorney General; Qualifications; Powers and
7 Duties; Vacancies

8 Section 8. The attorney general and the assistants shall
9 be learned in the law and shall have actually resided and
10 practiced law, as duly licensed attorneys, in the state for
11 at least five years preceding their election and appoint-
12 ment. They, or one of them, shall attend to, and have
13 charge of all legal matters in which the state has an in-
14 terest, or to which the state is a party, with power and
15 authority to institute and prosecute or to intervene in any
16 and all suits or other proceedings, civil or criminal, as they
17 may deem necessary for the assertion or protection of the
18 rights and interests of the state. They shall exercise su-
19 pervision over the several district attorneys throughout the
20 state, and perform all other duties imposed by law.

21 In case of a vacancy in the office of attorney general,
22 the first assistant attorney general shall perform the duties
23 of the attorney general until his successor shall have been
24 duly elected and qualified."

25 (B) If Alternative Proposition No. 2B authorizing the at-
26 torney general to institute, prosecute, or intervene in only
27 civil suits to protect the interests of the state is approved
28 by the electors and if the proposed constitution is approved
29 by the electors, then the following section shall become
30 Section 8 of Article IV of the new constitution:

31 "ARTICLE IV. EXECUTIVE BRANCH

32 * * *

1 Section 8. Attorney General; Powers and Duties

2 Section 8. There shall be a Department of Justice, headed
3 by the attorney general, who shall be the chief legal officer
4 of the state. The attorney general shall be elected for a
5 term of four years at the state general election. The assis-
6 tant attorneys general shall be appointed by the attorney
7 general to serve at his pleasure.

8 As necessary for the assertion or protection of any right
9 or interest of the state, the attorney general may

10 (1) institute, prosecute, or intervene in any civil action
11 or proceeding;

12 (2) advise and assist, upon the written request of a dis-
13 trict attorney, in the prosecution of any criminal case; and

14 (3) for cause, when authorized by the court which would
15 have original jurisdiction and subject to judicial review,

16 (a) institute, prosecute, or intervene in any criminal action
17 or proceeding, or (b) supersede any attorney representing
18 the state in any civil or criminal action.

19 The attorney general shall exercise other powers and per-
20 form other duties authorized by this constitution or by law."

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1 **DELEGATE PROPOSAL No. 103—**

2 Introduced by Delegates Elkins, Grier, Toca, Flory, Asseff,
3 Weiss, Cowen, Vick, Jones, E. J. Landry, Carmouche, Har-
4 dee, Winchester, Dennis, Planchard, Conroy, Wisham, Anza-
5 lone, Morris, Goldman, Smith, Conino, Willis, Heine, Tobias,
6 Sergura, Ullo, Guarisco, Cannon, Deshotels and Kilbourne:

7 **A PROPOSAL**

8 To provide with respect to an alternative provision relative
9 to the Legislative Branch

10 Be it adopted by the Constitutional Convention of Lou-
11 isiana of 1973:

12 Section 1. There shall be placed on the ballot submitted
13 to the people for the ratification of the proposed new con-
14 stitution, as an alternative, the following proposition:

- 15 2A. FOR reducing the number of days within which
- 16 legislative sessions may be held.
- 17 2B. AGAINST reducing the number of days within
- 18 which legislative sessions may be held.

19 Section 2(A). If Alternative Proposition No. 2A concern-
20 ing the legislature and the legislative sessions is approved
21 by the electors, and if the proposed constitution is approved
22 by the electors, then the following Paragraph shall become
23 Paragraph (A) of Section 2 of Article III of the new con-
24 stitution and Paragraph (A) of Section 2 of Article III as
25 set forth in Committee Proposal Number 3 shall be null,
26 void and of no effect and shall be deemed stricken from the
27 proposed constitution.

28 **“ARTICLE III. LEGISLATIVE BRANCH**

29 Section 2. Sessions

30 Section 2. (A) Annual Session. The legislature shall meet
31 annually in regular session in the state capitol for not more
32 than sixty calendar days. The legislature shall convene at

1 noon on the second Monday in May. No new matter intended
2 to have the effect of law shall be introduced or received
3 by either house after midnight of the fifteenth calendar
4 day, except by a favorable record vote of two-thirds of
5 the elected members of each house. No measure levying
6 a new tax or increasing an existing tax shall be introduced
7 or enacted during a regular session held in an odd-numbered
8 year.”

9 * * *

10 “2(B) if Alternative Proposition No. 2A concerning the
11 legislature and legislative sessions is not approved by the
12 electors but the proposed constitution is approved by the
13 electors then no change shall be made therein.”

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1 A RESOLUTION

2 To provide for the standing rules of the Constitutional Conven-
3 tion.

4 BE IT RESOLVED by the Louisiana Constitutional Convention of
5 1973 that the following be adopted as the standing rules of the
6 Convention until otherwise amended or rescinded as herein pro-
7 vided:

8 CHAPTER 1

9 General Provisions

10 Quorum and Majority

11 Rule No. 1. Call to Order. The Convention shall convene
12 at such time as ordered on the preceding working day by a
13 majority of the delegates and the chairman shall call the
14 Convention to order at that time. If a quorum is in attend-
15 ance, the Chairman shall cause the Journal of the preceding
16 day to be read unless otherwise ordered by the Convention, to
17 the end that any mistake may be corrected.

18 Rule No. 2. Quorum. Sixty-seven delegates to the Con-
19 vention shall constitute a quorum for the transaction of
20 business.

21 Rule No. 3. Roll Call. The secretary shall call the
22 roll at the opening of each session of the Convention and
23 announce whether or not a quorum is present. He shall
24 announce the names of the delegates absent with leave of the

1 Convention and the names of delegates absent without leave,
2 and enter the names of all absentees upon the Journal. If
3 a voting machine is provided, the machine shall be used when-
4 ever a roll call or a vote by yeas and nays is directed by
5 or in accordance with these rules.

6 Rule No. 4. Quorum Calls. A quorum call may be demanded
7 by any delegate during any session of the Convention. When,
8 upon such call, it is found that less than a quorum is pre-
9 sent, the chairman shall order the doors of the Convention
10 closed and direct the secretary to call the roll of the Con-
11 vention and to note the names of the absentees. After such
12 roll call the names of the absentees shall again be called
13 and those for whose absence no excuse, or an insufficient
14 excuse, is made, may, by order of a majority of delegates
15 present, be sent for and taken into custody by the Sergeant-
16 at-Arms, or by his assistants appointed for the purpose,
17 and brought to the floor of the Convention.

18 Rule No. 5. Absence from Convention Service. No delegate
19 shall absent himself from the service of the Convention with-
20 out first obtaining leave of the Convention. A majority of
21 delegates may prescribe penalties for the non-attendance of
22 delegates.

23 Rule No. 6. Absent Delegates. At any time the Conven-
24 tion is in session, whether upon first convening of the day's
25 session or at any time after the hour has arrived to which the
26 Convention stood adjourned, the chairman is authorized to
27 send the Sergeant-at-Arms for any or all absent delegates as
28 the majority of such delegates present shall agree.

29 Rule No. 7. Expense of Compelling Attendance. Any
30 expenses involved in compelling the presence of an absent
31 delegate shall be borne by such delegate, unless such excuse
32 of non-attendance has been made as a majority of a quorum
33 shall judge sufficient, in which case the expense shall be
34 paid out of the appropriated funds to the Convention.

Admission to Floor

1 Rule No. 8. Persons Admitted. No person shall be
2 admitted on the Convention floor while the Convention is in
3 session or during the period five minutes before the time
4 set for the convening of each session or the period five
5 minutes after the adjournment of each session, except that
6 delegates and members of the Convention staff may remain on
7 the floor. Representatives of the news media shall be ad-
8 mitted to the floor as provided in Rule 11. Written messages
9 may be delivered to the delegates by a sergeant-at-arms from
10 persons outside the restricted area. The Convention floor,
11 for purposes of these rules, is defined as the entire enclosed
12 seating area of the delegates.

13 Rule No. 9. Restrictions on the Convention Floor. One
14 chair shall be allowed each delegate on the convention floor
15 and no other chairs shall be permitted in this section.

16 Rule No. 10. Special Permission. Special permission to
17 sit on the convention floor may be granted by the chairman of
18 the Convention to visiting officials of other states or of the
19 United States or of foreign countries.

20 Rule No. 11. News Media. A designated place in the Con-
21 vention Hall shall be provided for the news media, who shall
22 have free access thereto. Accreditation of members of the
23 press and of members of any news media for admission shall be
24 administered by the Chairman. No member of the press or of
25 any news media shall conduct any interview with a delegate on
26 the Convention floor while the Convention is in session.

27 Rule No. 12. Administration of Rules. The Chairman of
28 the Convention shall provide for the administration of the
29 rules governing admission to the Convention as provided
30 herein.

31 Rule No. 13. Regulation of Convention Area. The Chair-
32 man shall have the regulation and control of such parts of
33 the Convention Hall and its passage or any other places of
34 general assembly as are or may be set apart for the use of
35 the Convention, its officers and employees.

1 Rule No. 14. Restrictions on Non-Delegates. No motion
2 shall be deemed in order to admit any person not a delegate to
3 the Convention floor to present any petition, memorial or
4 address, or to read same.

5 Rule No. 15. Open Meetings. All meetings of the Conven-
6 tion shall be open to the public and the news media.

CHAPTER 2

Officers, Employees, and Duties

Officers

7 Rule No. 16. Convention Officers. The officers of the
8 Convention shall be a Chairman, who shall be Chairman of the
9 Convention, a First Vice-Chairman, three Vice-Chairmen, a
10 Secretary, and a Treasurer. These officers shall constitute
11 the Executive Committee of the Convention, shall be delegates
12 to the Convention, and shall each be elected in separate elec-
13 tions by a majority vote of all of the delegates of the
14 Convention.

Employees

15 Rule No. 17. Convention Employees.

16 A. A Chief Clerk and a Sergeant-at-Arms shall be employed
17 by the Chairman of the Convention subject to the approval of
18 a majority vote of the entire Convention; they shall not be
19 delegates to the Convention.

20 B. All other employees, necessary to aid the Convention,
21 shall be employed by the Executive Committee of the Convention
22 in accordance with Act 2 of the 1972 Regular Session.

Executive Committee

23 Rule No. 18. Duties. The Executive Committee shall:

24 A. Employ a research director, research assistants,
25 secretarial and/or clerical personnel and such other employees
26 as it deems necessary, in accordance with provisions of Act 2
27 of the 1972 Regular Session. The Executive Committee shall be
28 a committee on administration, which shall consider research
29 materials and personnel, convention budget and finance and
30 other administrative details, facilities and physical
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1 arrangements for the Convention, for committee hearings and
2 for the staff, outside grants and assistance to the Conven-
3 tion, purchases and rental of equipment, supplies and services,
4 printing and related matters.

5 B. Assist the Chairman of the Convention in the assign-
6 ment of delegates to their seats.

7 C. Serve as the executive board of the Convention in
8 all matters requiring official sanction.

9 D. Assist the Chairman of the Convention in his capacity
10 as supervisor of the research staff of the Convention.

11 The Chairman

12 Rule No. 19. Duties. The Chairman shall be the presiding
13 officer and the Chief Executive Officer of the Convention,
14 and as such, Chairman of the Executive Committee. He shall:

15 A. Preside at sessions of the Convention and exercise the
16 usual powers and perform the usual duties of a presiding
17 officer;

18 B. Preserve order and decorum;

19 C. Speak to points of order, and subject to an appeal to
20 the Convention, decide all points of order;

21 D. Confine delegates in debate to the question, prevent
22 personal reflections, and determine the order of recognition
23 when two or more delegates rise at the same time;

24 E. Designate the First Vice-Chairman to preside in his
25 absence and establish the order of the Vice-Chairmen to preside
26 in the absence of both the Chairman and the First Vice-Chairman;

27 F. Name a delegate to preside as chairman on each occasion
28 when the Convention sits as a Committee of the Whole;

29 G. Assign, with the assistance of the Executive Committee,
30 the delegates to their seats, according to congressional dis-
31 tricts;

32 H. At the request of at least twenty-seven delegates, a
33 recorded yea and nay vote shall be ordered by the Chairman;

34 I. Sign all official documents of the Convention,
35 attested by the Secretary;

1 J. Make corrections of the official journal of the
2 Convention, if necessary, attested by the Secretary with
3 notification of any substantive changes being made to the
4 Convention at large;

5 K. Direct the Convention in its official activities,
6 including naming delegates to perform duties connected with
7 the business of the Convention;

8 L. Not engage in debate when sitting as Chairman, nor
9 shall he vote on appeals from his rulings;

10 M. Maintain general control of the Convention Hall,
11 its environs, and all rooms set apart for use of the Con-
12 vention;

13 N. Sign all warrants and/or checks;

14 O. Supervise the Convention staff, provided that he may
15 delegate certain of this function to members of the staff;

16 P. On his own initiative or at the direction of the
17 Convention appoint such special committees as may be neces-
18 sary to perform special functions.

19 First Vice-Chairman

20 Rule No. 20. Duties. The First Vice-Chairman shall serve
21 as First Vice-Chairman of the Convention, and as such, shall:

22 A. Preside as acting Convention chairman, when requested
23 to do so by the Convention Chairman, or in the absence or
24 inability of the Chairman to serve;

25 B. Serve as a member of the Executive Committee of the
26 Convention, and carry out such other duties as are assigned
27 by the Chairman;

28 C. Serve as an ex officio member of the Committee on
29 Rules, Credentials, Ethics and Schedules, but shall have no
30 vote and shall not be counted for the purpose of obtaining
31 a quorum.

32 Rule No. 21. Vice-Chairmen. The Vice-Chairmen shall:

33 A. Preside in the absence of the Chairman and the First
34 Vice-Chairman in the order established by the Chairman as
35 provided in Rule No. 19E;

1 B. Serve as members of the Executive Committee and
2 carry out such duties as are assigned by the Chairman.

3 C. The Chairman shall designate Vice-Chairmen to serve
4 ex officio on each of the three remaining procedural commit-
5 tees. No Vice-Chairman shall have a vote on the committee
6 to which he is assigned and shall not be counted for the
7 purpose of obtaining a quorum.

8 Secretary

9 Rule No. 22. Duties. The Secretary shall:

10 A. Exercise responsibility for the accuracy of the
11 Convention Journal of Proceedings, and the daily publica-
12 tion and distribution of the Journal;

13 B. Keep a verbatim written record and a sound record-
14 ing of all proceedings of the Convention and of the Com-
15 mittee of the Whole;

16 C. Prepare a daily calendar of business and notices
17 of schedules of all committee meetings;

18 D. Receive, reproduce, number, and distribute all
19 resolutions, delegate and committee proposals;

20 E. Read to the Convention all proposals, resolutions,
21 petitions, memorials and communications;

22 F. Exercise responsibility for roll calls of the
23 delegates;

24 G. Attest where necessary all official documents of
25 the Convention;

26 H. Preserve and safeguard all original copies of official
27 documents and be responsible for the preservation of all
28 proceedings of the Convention and its committees, and see
29 that all records are properly preserved in archives of the
30 state;

31 I. Serve as a member of the Executive Committee;

32 J. Perform such other duties as may be designated by
33 the Chairman or the Executive Committee.

34 Rule No. 23. Delegation of Secretary's Duties to Chief
35 Clerk. Except for certification of official acts, documents

1 and vouchers, and service on the Executive Committee, the
2 Secretary may delegate his duties to the Chief Clerk, sub-
3 ject to supervision by the Secretary.

4 The Treasurer

5 Rule No. 24. Duties. The Treasurer shall:

6 A. Exercise responsibility for the accuracy of the
7 Convention's financial records and the monthly distribution
8 of financial statements to the delegates of the Convention;

9 B. Co-sign, with the Convention Chairman, all warrants
10 and/or checks;

11 C. Serve as custodian of all Convention financial
12 records;

13 D. Assist in the preparation of the Convention's budget;

14 E. File quarterly audits and the final audit of financial
15 records with the State Treasurer, Clerk of the House of Repre-
16 sentatives and the Secretary of the Senate;

17 F. Make financial records of the Convention available for
18 audit to the Louisiana Legislative Auditor quarterly and at
19 the end of the Convention;

20 G. Serve as a member of the Executive Committee, and carry
21 out such other duties as may be assigned by the Chairman.

22 Chief Clerk

23 Rule No. 25. Duties. The Chief Clerk:

24 A. Shall not be a delegate to the Convention;

25 B. Shall perform general administrative duties of the
26 Convention subject to supervision of the Chairman, and when
27 he assumes the duties of the Secretary as provided in Rule
28 No. 22, he shall do so under the supervision of the Secretary;

29 C. Shall be answerable to the entire Convention for
30 faithful execution of his duties and the smooth functioning
31 of the Convention in assembly as a deliberative body;

32 D. Shall serve as Parliamentarian of the Convention
33 and shall be advisor and counsel to the Chairman and committee
34 chairman on all matters of parliamentary procedure; however,
35 all parliamentary rulings shall be the responsibility of,

1 and shall be made by, the Chairman.

2 Sergeant-at-Arms

3 Rule No. 26. Duties. The Sergeant-at-Arms shall:

4 A. Attend the Convention during its sitting, to execute
5 commands as directed to him by the chairman, including sign-
6 ing for and delivery of correspondence addressed to delegates;

7 B. Maintain order in the Convention Hall and execute
8 Rules of the Convention concerning admission to the floor;

9 C. Maintain order at committee hearings and assist
10 committee chairmen in their duties.

11 D. Exercise supervisory control over his assistants,
12 subject to direction of the chairman.

13 CHAPTER 3

14 Delegates

15 Rule No. 27. Delegates Oath. No delegate shall be
16 qualified to serve unless and until he has taken the pre-
17 scribed oath.

18 Rule No. 28. Recognition in Debate. When any delegate
19 desires to speak in debate or present any matter to the
20 Convention, he shall rise and address himself to the chair.
21 He shall not speak until recognized, and when recognized,
22 he shall confine himself to the question under debate.

23 Rule No. 29. Transgression of Rules. If any delegate
24 in speaking or otherwise, transgresses the rules of the
25 Convention, the chairman shall call the delegate to order;
26 in which case the delegate shall sit down and shall not
27 proceed without leave of the chairman or the Convention.

28 Rule No. 30. Limits on Debate. Delegates shall not
29 speak more than once to the same question, nor more than
30 fifteen minutes, without leave of the Convention,
31 unless the delegate is the mover, proposer or introducer
32 of the matter pending, in which case, either the delegate
33 and/or his designees shall be permitted to speak in reply,
34 but not until every delegate choosing to speak shall have
35 spoken, except where the previous question or the previous

1 question on the entire subject matter has been ordered.
2 When the previous question has been ordered, the mover,
3 proposer or introducer shall nonetheless have the right
4 to speak or reply as provided in Rule No. 76. The time
5 for reply shall not exceed a total of fifteen minutes.

6 Rule No. 31. Prohibited Behavior. No delegate shall
7 walk off of the Convention floor during roll calls, nor
8 shall any delegate in any way impede the business of the
9 Convention by interrupting delegates who are speaking, by
10 use of objectionable language, or by engaging in any way
11 in discourteous conduct.

12 Rule No. 32. Questions of Order. Every question of
13 order shall be decided by the chairman, without debate,
14 subject to an appeal. The chairman may call for the sense
15 of the Convention on any question of order, but when an
16 appeal has been taken from the decision of the chair, any
17 subsequent question of order which may arise from the
18 decision of such appeal by the Convention shall be decided
19 by the chairman without debate, and all appeals therefrom
20 shall also be decided by the Convention without debate.
21 Appeals from any ruling of the chairman shall be affirma-
22 tively put, and to overrule the chairman, shall require the
23 same vote required to suspend the rules. (See Rule No. 85.)

24 Rule No. 33. Answering Roll Calls. Every delegate
25 must be at his desk when a roll call is being taken, and
26 answers to roll calls from other locations on the Conven-
27 tion floor shall not be counted.

28 Rule No. 34. Absence from Daily Sessions. A delegate
29 may be excused from attendance at daily sessions only with
30 leave from the chairman, and no delegate shall be compensa-
31 ted for a day on which he is absent from Convention sessions.

32 Rule No. 35. Vacancies. By a vote of at least two-
33 thirds of the delegates to the Convention, the seat of a
34 delegate may be declared vacant by the Convention if the
35 delegate has been absent for at least fifteen unexcused,

1 consecutive, opening roll calls. In the event of the
2 death of, or written resignation by a delegate, the seat
3 may be immediately declared vacant by the Chairman. The
4 Chairman shall notify the Governor of any vacancy.

5 Rule No. 36. Voting in Person. No person other than
6 the delegate himself will be permitted to vote or to answer
7 any roll call or quorum call.

8 CHAPTER 4

9 Proposals

10 Rule No. 37. Proposal. Any original suggestion, prop-
11 osition, or draft intended to become a part of the Con-
12 stitution shall be referred to as a proposal. A proposal
13 introduced by a delegate shall be designated as a delegate
14 proposal, and a proposal submitted by a committee shall
15 be designated as a committee proposal. An amendment shall
16 be designated as an amendment.

17 Rule No. 38. Resolutions. All matters of general
18 convention business, other than proposals intended to be-
19 come a part of the Constitution, shall be proposed through
20 the instrument of a resolution, which instrument shall be
21 so designated and may be introduced at any time.

22 A resolution introduced by a delegate shall be designated
23 as a delegate resolution, and a resolution submitted by a
24 committee shall be designated as a committee resolution.

25 Resolutions shall be subject to the same rules of read-
26 ings, committee referral and adoption as proposals. Resolu-
27 tions shall contain a short title which shall be reflective
28 of its purpose and substance, and shall comply with the
29 form requirements of Rule No. 41.

30 Rule No. 39. Introduction. A proposal may be intro-
31 duced by a delegate or delegates or by a committee on behalf
32 of a majority of its membership.

33 Rule No. 40. Introduction of Committee Proposals.
34 Committee proposals prepared and approved by the several
35 committees of the Convention prior to July 5, 1973, shall

1 constitute the first proposals to be introduced in the
2 Convention and shall be introduced by the chairman of
3 each committee or his designee.

4 Rule No. 41. Form of Proposals. Delegate proposals
5 shall be distinguished from committee proposals and all
6 proposals shall be separately numbered. All proposals
7 shall be introduced or submitted in eight copies. All
8 proposals must be typed, double spaced on 8-1/2-by-14-inch
9 paper in a type face with excellent reproduction qualities.
10 A margin of one inch on the left and right side and at the
11 top and bottom shall be preserved. The lines on each page
12 shall be numbered consecutively from top to bottom at the
13 left margin, and the left typing margin shall be two spaces
14 to the right of the line numbers. Pages commencing with
15 page two shall be numbered at the top center of the page.
16 The original of all proposals shall remain in the custody
17 of the Convention. The secretary shall, as soon as any
18 proposal is printed, place it on the desks of the dele-
19 gates. The caption of each proposal shall be substantially
20 in the following form:

21 Constitutional Convention of Louisiana of 1973

22 PROPOSAL

23 (Committee or Delegate)

(Number)

24 Introduced by _____

(Name of Delegate or Committee Chairman)

25 Each proposal shall also contain a short title stating
26 concisely the general nature of its subject matter.

27 Rule No. 42. Deadline on Proposals. No proposals may
28 be introduced by delegates after the first sixty days fol-
29 lowing July 5, 1973; committee proposals, however, may be
30 introduced at any time, provided rules governing procedures
31 for adoption are followed. Amendments to proposals may be
32 offered any time.

33 Rule No. 43. Printing. Each proposal introduced shall
34 be immediately printed and distributed to the delegates and
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1 shall be available to the general public and other interested
2 parties. No final action may be taken on any proposals until
3 printed copies have been distributed to the delegates for at
4 least forty-eight hours.

5 Rule No. 44. Order of Processing. The order of Conven-
6 tion procedure in processing each proposal shall be as
7 follows:

8 A. Introduction, which shall constitute the first
9 reading.

10 B. Committee referrals: Committee proposals shall be
11 referred to the Committee offering the proposal. Delegate
12 proposals shall be referred by the Chairman of the Conven-
13 tion to the appropriate committee based on the subject
14 matter of the proposal. The Chairman shall announce his
15 referral to the delegates and if no objection is raised,
16 the proposal shall be referred to the Committee designated
17 by the Chairman; if objection is raised, the referral shall
18 be made by the Convention. Referrals shall be made the day
19 following introduction. Committee referral shall commence
20 the second reading.

21 C. Committee reports.

22 D. Consideration of and voting on the substantive com-
23 mittee report by delegates in general assembly.

24 E. If recommitted, reconsideration by substantive
25 committee or committee of the whole.

26 F. Reference to committee on style and drafting.

27 G. Engrossment, which shall complete the second reading.

28 H. Third reading and final passage.

29 I. Enrollment.

30 J. Referral to Committee on Style and Drafting.

31 K. Convention approval of final styling.

32 L. Final enrollment.

33 Each of the three required readings shall occur on three
34 different days.

35 Rule No. 45. Order of Proposals. When a proposal

1 is up for third reading and final passage, it shall be
2 read, debated, and acted upon separately by sections.
3 Each section shall be considered a separate question for
4 the purpose of "limits on debate" provided for in Rule
5 No. 30.

6 Rule No. 46. Amendments. Amendments shall be sub-
7 mitted in writing, and a copy of every such amendment
8 shall be distributed to each delegate before a vote
9 occurs thereon.

10 Rule No. 47. Styling and Drafting. When all proposals
11 have been processed, the entirety of those adopted shall be
12 sent to the Committee on Style and Drafting for orderly
13 arrangement in the new proposed Constitution, to the end
14 that the document shall be properly coordinated and uniform
15 in style, and such final draft must be approved by a majority
16 of the delegates to the Convention.

17 Rule No. 48. Distribution. For the purpose of these
18 rules "distribution" shall mean that a copy of any document
19 is placed on the desk or chair of each delegate.

20 CHAPTER 5

21 Committees

22 Substantive, Procedural and Other

23 Rule No. 49. Substantive Committees.

24 The following substantive committees are hereby created:

25 1. Committee on Bill of Rights and Elections, which
26 shall consider the Preamble, Bill of Rights, Human Rights,
27 Obligations of Citizenship, distribution of powers, suffrage
28 and elections, the amendment process, and future constitu-
29 tional conventions;

30 2. Committee on Executive Department, which shall
31 consider the offices comprising the executive department,
32 reorganization, term of the Governor and other elected
33 officials, and impeachment;

34 3. Committee on Legislative Powers and Functions, which
35 shall consider the Legislative Department, apportionment,

1 qualifications, regular and special sessions;
2 4. Committee on Judiciary, which shall consider the
3 judiciary, tenure and selection of judges, the Department
4 of Justice, district attorneys, sheriffs, clerks of court
5 and coroners;
6 5. Committee on Local and Parochial Government, which
7 shall consider local and parochial government, home rule,
8 special districts, consolidation of governments and
9 intergovernmental cooperation;
10 6. Committee on Revenue, Finance and Taxation, which
11 shall consider revenue, finance, taxation, assessors and
12 assessment, exemptions, state debts and management of state
13 funds;
14 7. Committee on Education and Welfare, which shall
15 consider public education, Board of Regents for Higher
16 Education, welfare, consumer affairs, civil service, labor
17 and industry; and
18 8. Committee on Natural Resources and Environment,
19 which shall consider public lands, minerals, water resources,
20 wildlife, environmental concerns, recreation and agriculture.
21 Other provisions that may not be covered by the areas
22 of responsibility shown above may be assigned by the Coordin-
23 ating Committee to the appropriate substantive committee.
24 Rule No. 50. Procedural Committees.
25 The following procedural committees are hereby created:
26 1. Committee on Rules, Credentials, Ethics and Schedules,
27 which shall consider rules, credentials of delegates, ques-
28 tions of ethics, press and employees, schedules, calendar,
29 agenda, and shall consider all questions on any procedural
30 disputes referred to it by the Chairman or by the Convention;
31 2. Committee on Style and Drafting, which shall have
32 control over literary style, consistency, arrangement and
33 numbering. The committee shall have authority to rephrase
34 or to regroup proposed language, but shall have no authority
35 to change the sense or purpose of any proposal referred to

1 it; and
2 3. Committee on Legislative Liaison and Transitional
3 Measures, which shall maintain liaison with the legislative
4 branch and the Louisiana Law Institute and provide for co-
5 ordination of the transition of subject matter from the
6 Constitution to the appropriate statute law.
7 4. Committee on Public Information, which shall con-
8 sider and implement measures to inform the people on the
9 actions, procedures, recommendations and activities of the
10 Convention. It shall plan and implement the report to be
11 given to the voters of Louisiana on the result of the
12 Convention's work, and shall direct the effort to obtain
13 approval of the new Constitution and the form and manner
14 of presentation.
15 Rule No. 51. Appointment of Committees.
16 The selection of delegates to serve on the substantive
17 and procedural committees shall be determined as follows:
18 Within twenty-four hours after the adoption of these rules
19 by the Convention, each delegate shall submit in writing to
20 the Convention the committee or committees in order of
21 preference to which he or she desires to be appointed.
22 A Committee on Committees shall select from among said
23 delegates the delegates to serve on each committee after
24 giving due consideration to the preference of each delegate
25 and based on the qualifications, experience and residence
26 of each delegate so as to provide as nearly as possible a
27 fair and balanced representation on each committee of this
28 Convention.
29 Rule No. 52. Committee on Committees.
30 The Committee on Committees shall be composed of the
31 Chairman of the Convention who shall be chairman of the
32 Committee on Committees and sixteen delegates, with two dele-
33 gates to be elected from each congressional district by
34 the delegates voting in the congressional district in which
35 they resided at the time of qualification or appointment.

1 Such voting shall be in separate caucuses.
2 Rule No. 53. Service on Committees.
3 Each substantive and procedural committee shall be com-
4 posed of at least ten delegates and no more than twenty. Each
5 delegate except the Convention Chairman shall serve on at
6 least one and only one substantive committee. Each commit-
7 tee shall elect a chairman, vice-chairman, and such other
8 officers as the committee deems necessary.
9 The Chairman of the Convention shall be ex officio a
10 member of all substantive committees, but shall have no
11 vote and shall not be counted for the purpose of obtain-
12 ing a quorum.
13 Rule No. 54. Coordinating Committee. The Coordinating
14 Committee shall be composed of the Chairman and First Vice-
15 Chairman of the Convention, and the chairmen of the respec-
16 tive substantive committees. The Coordinating Committee
17 shall consider any issues regarding omissions, overlap and/or
18 conflict which might arise concerning the jurisdiction of
19 any substantive committee or any subject matter; call joint
20 meetings of any substantive committees for the purpose of
21 discussing any omissions, overlap and/or conflict which might
22 arise and make recommendations to the respective substan-
23 tive committees as to possible resolution thereof.
24 Rule No. 55. Other Committees. The Convention shall
25 have authority to create other committees, including special
26 advisory committees, as it deems necessary, and all sub-
27 stantive committees may create such sub-committees as each
28 deems necessary, provided that all such sub-committees
29 shall be created only by a majority vote of the creating body.
30 Rule No. 56. Proposals. The various articles of the
31 proposed draft of a Constitution shall be prepared under
32 the direction and supervision of the respective substantive
33 committees. The research staff shall be assigned to the
34 respective committees by the Chairman of the Convention
35 after consultation with the chairman of the committee to

1 which the staff will be assigned.

2 Committee Hearings

3 Rule No. 57. Quorum and Rules of Committees. A majority
4 of any committee constitutes a quorum, but the question of
5 the presence of a quorum of a committee may not be raised on
6 the consideration of a proposal before the Convention, unless
7 the question has been raised before the committee. The rules
8 of the Convention shall be observed in all committees as far
9 as may be applicable, and, if applicable, may not be sus-
10 pended.

11 Rule No. 58. A. Public Hearings, Records. No committee
12 shall sit during sessions of the Convention or of the Commit-
13 tee of the Whole without special leave of a majority of
14 Covention delegates present and voting. All committee
15 hearings shall be publicized, shall be open to the public,
16 and may be recorded verbatim, including the testimony of
17 those wishing to be heard. Minutes of the committee meetings
18 shall be recorded. All committees shall, and are hereby
19 authorized to, hold public hearings either as a committee
20 or through a designated sub-committee, said hearings to be
21 conducted at such localities throughout the State as the
22 committee may designate.

23 B. Appearance of Delegates or Witnesses. Any person
24 wishing to be heard before a committee shall have a right
25 to be heard subject to the rules of that committee.

26 C. Committees and sub-committees may take testimony
27 under oath or affirmation, and the chairman of any committee
28 or sub-committee is authorized to administer the oath.

29 Rule No. 59. Calling of Committees and Agenda. Each
30 committee shall meet at the call of its chairman, who shall
31 also set its agenda. One-third of the members of a commit-
32 tee may in writing request the chairman to call a meeting
33 of that committee, and, upon his failure to do so within
34 forty-eight hours not including Saturdays, Sundays, and
35 legal holidays, a majority of the members of the committee

1 shall have the right to call a meeting of the committee and
2 set its agenda and place of meeting under the appropriate
3 notice requirements. Each proposal referred to a committee
4 must appear on the committee's agenda at least once.

5 Rule No. 60. Reports. All proposals submitted to a
6 substantive committee shall be reported from that committee
7 indicating committee action provided that a majority of the
8 committee membership present and voting must approve the
9 committee report; a minority report may also be made by any
10 member of a substantive committee.

11 Rule No. 61. Form of Reports. The chairman of a
12 substantive committee shall write after each proposal or
13 resolution only the words "reported favorably," "reported
14 unfavorably," "reported with amendments," "reported without
15 action," "reported without action with recommendation that
16 it be recommitted to the Committee on _____," "reported
17 by substitute," as the case may be, which report shall be
18 signed by the chairman. Should amendments be proposed,
19 such amendment or amendments shall be written on a separate
20 paper, original and two copies, numbered consecutively, and
21 attached to the proposal or resolution, and under no circum-
22 stances shall words or sentences be interlined on the body
23 of the measure, and the same be marked while in possession
24 of committees.

25 Rule No. 62. Notice of Committee Meetings. A. No
26 committee meetings may be held unless notice thereof is
27 given in the following manner: The chairman of the committee
28 or the members of the committee calling the meeting shall
29 notify the Secretary of the Convention of the time, date, and
30 place of the committee meeting. Within twenty-four hours thereafter
31 the Secretary shall mail notices of such meeting to all members
32 of the committee, all persons who have filed written requests
33 for notice with the Secretary, and to all members of the Con-
34 vention who have introduced proposals on the subject matter
35 to be considered. The committee hearing shall not be scheduled

1 less than four days from the date of notice to the Secretary.
2 This rule shall apply only when the convention is not in
3 session.

4 B. Committee and sub-committee meetings while the
5 Convention is in session may be called by the chairman or
6 by a majority of the Convention members upon twenty-four hour
7 notice given by announcement from the floor of the Convention
8 and by posting the notice thereof on a designated bulletin
9 board in the vicinity of the floor of the Convention at least
10 twenty-four hours before such meeting.

11 Rule No. 63. Sub-committees. A committee, by the affir-
12 mative vote of the majority of its members, may provide for
13 the appointment by the committee chairman of sub-committee
14 composed of members of the committee. Reports of sub-com-
15 mittees shall be considered by the entire committee before
16 any committee recommends any action thereon by the Convention.
17 All rules applicable to committees shall be applicable to
18 sub-committees.

19 Rule No. 64. Records. All written records and reports
20 of committees of the Convention shall be subject to provi-
21 sions of the Public Records Act.

22 Committee of the Whole

23 Rule No. 65. Procedure. The Convention by a majority
24 vote of the delegates present and voting may resolve itself
25 into a Committee of the Whole for a specified time and pur-
26 pose. The motion of the Committee of the Whole shall
27 specify the maximum time during which the Committee shall
28 sit.

29 A. The chairman shall designate a delegate to serve as
30 chairman of the Committee of the Whole. The rules of pro-
31 cedure of the Convention shall apply insofar as applicable,
32 except that delegates may speak more than once unless the
33 chairman imposes limits on debate, actions will be governed
34 by a majority of those present and voting, matters cannot
35 be referred to other committees, no question may be laid

1 on the table, the previous question cannot be ordered, and
2 motions to adjourn will not be entertained.

3 B. Proposals in the Committee of the Whole shall be
4 read through, debated and acted upon by sections. All
5 amendments shall be in writing and reported to the Convention
6 by the chairman.

7 C. A motion that the Committee of the Whole rise shall
8 always be in order unless a delegate is speaking or a vote
9 is being taken. The motion is not debatable and shall be
10 decided by a majority vote of those present and voting.

11 CHAPTER 6

12 Transaction of Business

13 Daily Business

14 Rule No. 65. Order. The daily business of the Conven-
15 tion shall proceed as follows:

16 Morning Hour

- 17 1. Roll call.
- 18 2. Prayer.
- 19 3. Reading and adoption of Journal.
- 20 4. Petitions, Memorials, and Communications.
- 21 5. Introduction of resolutions.
- 22 6. Report of Committees.
- 23 7. Proposals on Introduction and First Reading.
- 24 8. Resolutions on Second Reading and Referral.
- 25 9. Proposals on Second Reading and Referral.
- 26 10. Reports of Committees Lying Over.
- 27 11. Reconsideration

28 Regular Order of the Day

- 29 12. Unfinished Business.
- 30 13. Special Order.
- 31 14. Resolutions on Third Reading and Final Passage.
- 32 15. Proposals on Third Reading and Final Passage.
- 33 16. Proposals on calendar for approval of final styling.

34 Rule No. 67. Change in Daily Order. The order of daily
35 business set forth in the above rule shall be adhered to

1 unless the consent of the Convention shall be otherwise giv
2 by majority vote of the delegates present.

3 Rule No. 68. Time of Committee Referral. Where appro-
4 priate, all petitions and memorials shall be referred to th
5 proper committees by the chairman as soon as read, where
6 reference may be necessary or is requested by a delegate.

7 Rule No. 69. Privileged Motions. When a question is
8 under debate, no motion shall be received except:

- 9 1. To fix the time to which to adjourn.
- 10 2. To adjourn.
- 11 3. To take a recess.
- 12 4. To call for the Orders of the Day.
- 13 5. To lay on the table.
- 14 6. For a Call of the Convention.
- 15 7. To limit debate.
- 16 8. To move the previous question on the entire subject
17 matter.
- 18 9. To move the previous question.
- 19 10. To postpone to a day certain.
- 20 11. To commit, refer, or recommit.
- 21 12. To amend.
- 22 13. To postpone indefinitely.

23 The motions listed in this rule shall take precedence in
24 the order which they stand arranged. All of them shall be
25 decided by the affirmative vote of a majority of those pres
26 ent and voting, except that a motion for the previous ques-
27 tion and the previous question on the entire subject matter
28 shall require a vote of two-thirds of the delegates
29 present and voting, and a motion to postpone indefinitely
30 requires the affirmative vote of a majority of all delegate
31 to the Convention. When a recess is taken while a question
32 is pending, consideration of such question shall be resumed
33 when the Convention reassembles, unless it determines
34 otherwise. No motion to postpone to a day certain, or to
35 commit, having been decided by the Convention, shall again

1 be in order on the same day or at the same stage of the
2 question. Whenever a proposal is being considered and a
3 motion is then made, either to postpone indefinitely or to
4 commit, any pending amendments to the proposal shall first
5 be in order before any vote is taken on any such motion.

6 Rule No. 70. Motions Not Debatable. A motion to adjourn
7 is always in order except when a motion to fix the time to
8 which to adjourn, or a motion to amend the calendar and
9 agenda, is pending. A motion to adjourn, a motion to lay
10 on the table, a motion for recess pending the consideration
11 of other business and all matters relating to questions of
12 order shall be decided without debate.

13 Rule No. 71. Withdrawal. Any motion may be withdrawn
14 by the mover at any time before decision, amendment or
15 ordering of the yeas and nays, except a motion to reconsider,
16 which may not be withdrawn without consent of the Convention.

17 Rule No. 72. Format of Motions and Seconds. Motions
18 shall be presented in the following manner:

19 A. No motion listed in Rule No. 69 need be in writing.
20 Where a motion is in writing the delegate shall attach his
21 or her name hereto before it is received by the Chairman or
22 read by the Secretary, or before it is debated, if debate
23 is in order.

24 B. No motion need be seconded.

25 Rule No. 73. Motion for Reconsideration. Any member
26 may move for a reconsideration of any question at the same
27 session of the Convention or the next succeeding session.
28 The Committee on Style and Drafting may move for reconsider-
29 ation on any subsequent day if one session day's notice of
30 its intention to do so is given in writing to the Secretary
31 and is entered upon the Journal. A motion to reconsider
32 shall be taken up in its regular order and shall be decided
33 upon by a majority vote of those members present and voting.

34 A motion to reconsider shall not be renewed on the same
35 day.

1 Rule No. 74. Motion to Call from the Table. A motion
2 which has been laid on the table shall be called from the
3 table only by the affirmative vote of two-thirds of the
4 delegates to the Convention.

5 Rule No. 75. Division of a Question. Any delegate
6 may call for a division of the question, which shall be
7 divided if it includes propositions which are so distinct
8 in substance that, when one is removed or deferred, a sub-
9 stantive proposition remains for the decision of the Con-
10 vention. A motion to strike out and insert shall not be
11 subject to division within the meaning of this rule. No
12 section of a proposal may be divided. The limits on debate
13 as set forth in Rule No. 30 of these rules shall apply to
14 the debate on each division of a question.

15 Rule No. 76. Previous Question. A. Previous question.
16 This undebatable motion is applicable only to the pending
17 amendment, or amendments, if more than one amendment is under
18 discussion; and it shall be admitted when ordered by a
19 favorable vote of two-thirds of the delegates present and
20 voting, and when carried its effect shall be to put an end
21 to the debate and bring the Convention to a vote on the
22 pending amendments only, without prejudice to further debate
23 on, or subsequent amendments to, the main question. If
24 there has been any discussion on the amendments, the pro-
25 ponent, or a delegate designated by him, shall have the
26 right to close, even after the previous question is ordered,
27 which closing speech shall be limited to fifteen minutes.

28 B. Previous question on the entire subject matter. It
29 shall only be admitted when ordered by a favorable vote of
30 two-thirds of the delegates present and voting, and when
31 carried, its effect shall be to put an end to all debate,
32 and bring the Convention to a direct vote--

33 (1) Upon the pending amendment and so on back to the
34 first amendment offered;

35 (2) Upon amendment reported by a committee, if any;

1 and,

2 (3) Upon the main question. But in all questions
3 involving length of time, amount of interest, questions of
4 quantity, and similar questions, such questions involving
5 the longest time, the largest interest or quantity shall
6 be put first regardless of the order in which motions,
7 amendments or substitutes, may have been made.

8 On a motion for the previous question on the entire
9 subject matter, and prior to the ordering of the same, a call
10 of the Convention shall be in order; but after the Convention
11 shall have ordered such motion no call shall be in order
12 prior to a decision of the main question. On a motion for
13 the previous question on the entire subject matter, there
14 shall be no debate. All incidental questions of order,
15 arising after a motion is made for the previous question on
16 the entire subject matter, and pending such motion, shall be
17 decided whether on appeal or otherwise, without debate. After
18 a call for the previous question on the entire subject matter
19 has been sustained, the question shall be put and determined
20 in order as above, without debate on either amendments or the
21 main question, provided that the proponents of the amendments
22 and measure, or a delegate designated by him, shall respec-
23 tively have the right to close the debate, after the previous
24 question on the entire subject matter is ordered, which
25 closing speeches shall be limited to a total of fifteen
26 minutes.

27 Rule No. 77. Adjournment and Recess. A motion to adjourn
28 or recess shall always be in order, except when, on a call
29 for the previous question and previous question on the entire
30 subject matter, the question shall have been ordered, or
31 when a delegate has the floor, and shall be decided without
32 debate.

33 Yeas and Nays

34 Rule No. 78. Voting after Decision is Announced. When
35 the Yeas and Nays are taken on any question, no delegate

1 shall be permitted, under any circumstances whatever, to
2 vote after the decision has been announced by the chairman.
3 The names of absentees on all calls of the yeas and nays
4 shall be placed on a separate list.

5 Rule No. 79. Explanation of Vote. No delegate shall be
6 permitted to explain his or her vote except as hereafter pro-
7 vided. Any delegate may explain his or her vote in writing
8 or reasons for not voting in writing and request that such
9 explanation be made part of the record.

10 Rule No. 80. Tie Votes. When the Convention is equally
11 divided, the decision of the chairman shall be taken to break
12 the tie, provided that the chairman, in this event, shall
13 not have previously voted as a delegate on the question.

14 Rule No. 81. Recording the Vote. On the passage on
15 third reading of every proposal, section, or article the yeas
16 and nays shall be entered in the Journal, and no proposal,
17 section, or article shall be declared passed unless a majority
18 of all the delegates to the Convention shall have voted in
19 favor of the passage of same.

20 Special Orders

21 Rule No. 82. Consent. No proposal, resolution or other
22 subject shall be made a special order for a particular day
23 without the consent of two-thirds of the delegates present.

24 Rule No. 83. Precedence. When two or more subjects
25 shall have been specially assigned for consideration, they
26 shall take precedence according to the order of time for
27 which they were severally made or assigned, and said orders
28 shall at no time be lost or changed except by direction of
29 the Convention.

30 Rule No. 84. Change in Rules. Any standing rule of
31 the Convention may be rescinded, altered, or amended in the
32 following manner: notice shall be given in writing of the
33 motion therefore, which motion shall be referred immediately
34 by the chairman to the Committee on Rules, which shall file
35 its report to the Convention within twenty-four hours of

Committee Resolution No. 2
By 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.

A lobbyist is any person who is the representative for compensation of any person, or any partnership, committee, association, corporation or other organization to advocate passage or defeat of proposals of the convention, its committees, sub-committees or delegates.

This rule shall not apply to public officials advocating matters directly affecting their office or the bodies they represent. However, this rule shall apply to public officials when they are not acting within this capacity.

Registration of lobbyists shall be by oath or affirmation before an officer authorized by the convention to administer oaths, or before the chairman of any committee or sub-committee.

Whenever there occurs a change in the facts stated in the registration statement, the lobbyist shall file a revised statement. The Secretary of the Convention shall maintain for inspection by the public and by the delegates of this Convention, a list of all lobbyist and their affiliations.

Any person who has commenced the activities of a lobbyist without prior registration as herein required shall, upon resolution of a delegate, the committees or sub-committees of the Convention, be denied the privilege of addressing that representative delegate, committee or sub-committee. Any lobbyist who has falsified his or her registration statement shall be reported to the Executive Committee, and upon resolution of that committee, referred to an appropriate law enforcement officer or other action.

receipt of the motion. Two days after the filing of the proposed change, the motion shall be considered by the Convention with or without the report of the Committee on Rules, and for passage shall require a vote of a majority of the delegates to the Convention.

Rule No. 85. Suspension of Rules. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds of the delegates present and voting or a majority of delegates to the Convention, whichever constitutes the lesser number.

Rule No. 86. Consideration of Proposals without Committee Recommendation. After one day's notice the Convention, on motion passed by the affirmative vote of a majority of the delegates present and voting, may require a committee to return, with or without a recommendation, any proposal referred to the committee.

Rule No. 87. Notice. Whenever notice is required to be given by these rules, the following shall constitute notice:

(a) If the Convention is in session, an announcement made by the Secretary in open session shall constitute notice for all purposes.

(b) If the Convention is not in session, the Secretary shall give notice to the delegates by U. S. Mail, certified, postage prepaid. The date of mailing said notice shall constitute the date of the notice for all purposes under these rules.

Rule No. 88. Authority. On any question of order and parliamentary practice, when these rules are silent or implicit, Mason's Manual of Legislative Procedure shall be considered authority.

1 **COMMITTEE RESOLUTION No. 3—**

2 Introduced by Delegate Stovall, Chairman, on behalf of the
3 Committee on Rules, Credentials and Ethics, and Delegates
4 Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Single-
5 tary, Velazquez and Warren:

6 **A RESOLUTION**

7 Relative to amending the Standing Rules of the Constitutional
8 Convention to provide expressly for submission of alterna-
9 tive proposals.

10 WHEREAS, Act 2 of the 1972 Regular Session provides for
11 alternative proposals; and

12 WHEREAS, the Standing Rules are presently silent on the
13 procedure by which alternative proposals may be introduced
14 and considered; and

15 WHEREAS, the results of the vote of the people on recently
16 proposed constitutions in other states clearly indicate that a
17 constitution submitted to the people with alternative proposals
18 will include to a greater extent involvement of all voters
19 of Louisiana in the convention; and

20 WHEREAS, the delegates to CC'73 are desirous that this
21 convention adopt a constitution that will be ratified by the
22 voters.

23 THEREFORE, BE IT RESOLVED that Rule No. 37.1 is
24 adopted to read as follows:

25 Rule No. 37.1. Alternative Proposals.

26 A. An alternative proposal is a special form of proposal in
27 which two alternatives are to be submitted to the people on
28 a separate part of the ballot, one of which shall be included in
29 the constitution if adopted by a majority of those voting on the
30 proposal at the election, but only if the proposed constitution
31 is adopted.

32 B. Whenever one-third or more of the delegates request that

1 a particular issue be placed on the ballot in the alternative,
2 the matter will be referred to the Coordinating Committee. The
3 committee will consider such issues submitted to it, and report
4 their recommendations to the convention. An alternative issue
5 submitted to it by the above procedure may be introduced and
6 reported by the Coordinating Committee as an alternative
7 proposal at any time and shall conform to the rules for con-
8 sideration and adoption of proposals. The convention will con-
9 sider the report of the Coordinating Committee and shall pro-
10 ceed to vote on the placing of the alternative proposals on the
11 ballot in the order of priority recommended by the committee.

12 The first six and no more than six such alternative proposals
13 so approved by the convention shall be placed on the ballot.

14 C. Each such alternative proposal shall be so worded as to
15 present two positive choices to the people. i.e.

16 (Vote for one)

17 1. For a unicameral (1 house) legislature.

18 2. For a bicameral (2 houses) legislature.

19 D. The introduction and consideration of alternative pro-
20 posals shall conform to the rules for the introduction, con-
21 sideration, and adoption of proposals.

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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, Singletery, 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.

BE IT RESOLVED that Rule No. 90 is adopted to read as follows:

Rule No. 90. Lobbying

A. Definitions. When used in this Rule:

1. The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

2. The term "clerk" means the clerk of the Constitutional Convention of Louisiana of 1973.

3. The term "convention" means the Constitutional Convention of Louisiana of 1973, its committees, subcommittees, and delegates.

4. The term "proposition" means proposals, resolutions, amendments, nominations, and other matters pending or proposed in the convention and includes any other matter which possibly may become the subject of action by the convention.

B. Persons to Whom Applicable. The provisions of this Rule shall apply to any person, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

1. The passage or defeat of any proposition by the convention.

2. To influence, directly or indirectly, the passage or defeat of any proposition by the convention.

C. Registration of Lobbyists with the Clerk; Compilation of Information.

1. Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any proposition by the convention shall, before doing anything in furtherance of such object, register with the clerk and shall give to him in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, and by whom he is paid or is to be paid. In addition, each such person shall submit a recent photograph and shall file a resume, including all details with respect to the names and addresses of the person, group of persons, or organization whose interests he represents, including the kind of business in which each is engaged. This resume shall be filed with the clerk before engaging in the activities described in this Rule at any of the sessions of the convention, and shall be published by the clerk in a loose-leaf-type book to be maintained in the office of the clerk for the use of each delegate of the convention. This book shall be kept current during the convention as each person registers as required by the provisions of this Rule.

2. Each such person shall pay a fee of ten dollars which shall be used by the clerk to defray the cost of the publishing of the booklet and identification badges. A list of all such people shall be furnished each delegate. The provisions of this Rule shall not apply to any person who merely appears before

1 a committee of the convention in support of or opposition to
 2 a proposition; nor to any public official acting in his official
 3 capacity, unless said official receives special compensation
 4 for these activities; nor in the case of any newspaper or other
 5 regularly published periodical (including any individual who
 6 owns, publishes, or is employed by such newspaper or period-
 7 ical(which in the ordinary course of business publishes news
 8 items, editorials, or other comments, or paid advertisements,
 9 which directly or indirectly urge the passage or defeat of a
 10 proposition, if such newspaper, periodical, or individual en-
 11 gages in no further or other activities in connection with the
 12 passage or defeat of such a proposition, other than to appear
 13 before a committee of the convention in support of or in op-
 14 position to such a proposition.

15 3. Each person registered according to these provisions
 16 shall be issued an identification badge containing the lobby-
 17 ist's name and whom he represents, to be worn at all times
 18 when engaged in the activities regulated by this Rule.

19 D. Reports and Statements Under Oath. All reports and
 20 statements required under this Rule shall be made under
 21 oath, before an officer authorized by law to administer oaths.

22 E. Written Charges, Public Hearings, Notice. It shall be in
 23 order at any time when the convention is in session for writ-
 24 ten charges to be made by any delegate that a violation of
 25 this Rule has occurred. All such charges shall be referred to
 26 the Committee on Rules, Credentials and Ethics. The clerk,
 27 through the sergeant-at-arms, shall serve a copy of said writ-
 28 ten charge on the accused violator. The written charge shall
 29 notify the accused of the nature of the charge and his right
 30 to a public hearing. The committee shall hold a public hear-
 31 ing within five days from service of said charge on the ac-
 32 cused violator. The committee shall report its findings and

1 recommendations, if any, to the convention within five days
 2 after the public hearing, together with this recommendation,
 3 if any, as to the penalty to be imposed.

4 F. For the first violation of the provisions of this Rule, the
 5 convention shall instruct the sergeant-at-arms to deny the
 6 violator any of the regulated activities of this Rule, access
 7 to any committee, subcommittee meeting, convention ses-
 8 sion, or delegate for not less than three nor more than fifteen
 9 meeting days. For a second violation, the violator shall be
 10 denied access to said meetings, sessions, and delegates for not
 11 less than one month nor more than the duration of the con-
 12 vention.

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CC-1059

C. R. No. 5

1 **COMMITTEE RESOLUTION No. 5—**

2 Introduced by Delegate Stovall, Chairman, on behalf of the
3 Committee on Rules, Credentials and Ethics, and Delegates
4 Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Sin-
5 gletary, Velazquez, and Warren:

6 A RESOLUTION

7 Amending Rule No. 44 of the Standing Rules of the Constitu-
8 tional Convention to clarify the requirement with respect
9 to the readings on three different days.

10 BE IT RESOLVED that Rule No. 44 of the Standing Rules
11 at the Constitutional Convention is hereby amended and re-
12 adopted to read as follows:

13 Rule No. 44. Order of Processing. The order of convention
14 procedure in processing each proposal shall be as follows:

15 A. Introduction, which shall constitute the first reading.

16 B. Committee Referrals: Committee proposals shall be re-
17 ferred to the committee offering the proposal. Delegate pro-
18 posals shall be referred by the chairman of the convention to
19 the appropriate committee based on the subject matter of the
20 proposal. The chairman shall announce his referral to the
21 delegates and if no objection is raised, the proposal shall be
22 referred to the committee designated by the chairmen; if ob-
23 jection is raised, the referral shall be made by the convention.
24 Referrals shall be made the day following introduction. Com-
25 mittee referral shall commence the second reading.

26 C. Committee reports.

27 D. Consideration of and voting on the substantive com-
28 mittee report by delegates in general assembly.

29 E. If recommitted, reconsideration by substantive commit-
30 tee or committee of the whole.

31 F. Reference to Committee on Style and Drafting.

32 G. Engrossment, which shall complete the second reading.

1 H. Third reading and final passage.

2 I. Enrollment.

3 J. Referral to Committee on Style and Drafting.

4 K. Convention approval of final styling.

5 L. Final enrollment.

6 The three required readings shall occur on three different
7 days.

Engrossed

C.R. No. 5

1 Constitutional Convention of Louisiana of 1973
2 COMMITTEE RESOLUTION NUMBER 5
3 Introduced by Delegate Stovall, Chairman, on behalf of the
4 Committee on Rules, Credentials and Ethics, and Delegates
5 Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire,
6 Singletary, Velazquez, and Warren

A RESOLUTION

8 Amending Rule No. 44 of the Standing Rules of the Constitu-
9 tional Convention to clarify the requirement with
10 respect to the readings on three different days.

11 BE IT RESOLVED that Rule No. 44 of the Standing Rules
12 at the Constitutional Convention is hereby amended and
13 readopted to read as follows:

14 Rule No. 44. Order of Processing. The order of conven-
15 tion procedure in processing each proposal shall be as
16 follows:

17 A. Introduction, which shall constitute the first
18 reading.

19 B. Committee Referrals: Committee proposals shall be
20 referred to the committee offering the proposal. Delegate
21 proposals shall be referred by the chairman of the conven-
22 tion to the appropriate committee based on the subject
23 matter of the proposal. The chairman shall announce his
24 referral to the delegates and if no objection is raised,
25 the proposal shall be referred to the committee designated
26 by the chairman; if objection is raised, the referral shall
27 be made by the convention. Referrals shall be made the day
28 following introduction. Committee referral shall commence
29 the second reading.

30 C. Committee reports.

31 D. Consideration of and voting on the substantive com-
32 mittee report by delegates in general assembly.

33 E. If recommitted, reconsideration by substantive
34 committee or committee of the whole.

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1 F. Engrossment, which shall complete the second reading.
2 G. Third reading and final passage.
3 H. Enrollment.
4 I. Referral to Committee on Style and Drafting.
5 J. Convention approval of final styling.
6 K. Final enrollment.
7 The three required readings shall occur on three different
8 days.

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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.

BE IT RESOLVED that Rule No. 41 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 41. Form of Proposals. Delegate proposals shall be distinguished from committee proposals and all proposals shall be separately numbered. All proposals shall be introduced or submitted in eight copies. All proposals must be typed, double spaced on 8-1/2-by-14-inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the bottom center of the page. The original of all proposals shall remain in the custody of the convention. The secretary shall, as soon as any proposal is printed, place it on the desks of the delegates. The caption of each proposal shall be substantially in the following form:

Constitutional Convention of Louisiana of 1973
_____PROPOSAL_____

(Committee or Delegate) (Number)

Introduced by _____

(Name of Delegate or Committee Chairman)

Each proposal shall also contain a short title stating concisely the general nature of its subject matter.

1 **COMMITTEE RESOLUTION No. 7—**

2 Introduced by Delegate Stovall, Chairman, on behalf of
3 the Committee on Rules, Credentials, and Ethics, and
4 Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel,
5 Mire, Singletary, Valazquez, and Warren:

6 **A RESOLUTION**

7 Relative to amending the Standing Rules of the Consti-
8 tutional Convention to provide for submission of minority
9 proposals.

10 WHEREAS, the Standing Rules are presently silent on
11 the procedure, or form, by which a minority proposal may
12 be introduced and considered; and

13 WHEREAS, it seems desirable to do so to achieve uni-
14 formity and clarity of style in minority proposals to the
15 proposals reported by the substantive committees.

16 THEREFORE, BE IT RESOLVED that Rule No. 40.1
17 is adopted to read as follows:

18 Rule No. 40.1. Introduction of Minority Committee Pro-
19 posals. Notwithstanding any rule previously adopted by
20 this convention, one or more members of a committee may
21 introduce a proposal representing the views of the minority.
22 A proposal introduced by a minority of any committee shall
23 designate that it is introduced by delegates reflecting a
24 minority view of the members of the committee and which
25 in the caption of each such proposal shall state "Introduced
26 by Minority Delegate(s)". Any such proposal shall
27 be designated as a committee proposal.

3 Introduced by Delegate Stovall, Chairman, on behalf
4 of the Committee on Rules, Credentials, and
5 Ethics, and Delegates Arnette, Bel, Bollinger,
6 Corne, Elkins, McDaniel, Mire, Singletary,
7 Velazquez, and Warren

8 **A RESOLUTION**

9 Relative to amending the Standing Rules of the Constitutional
10 Convention to provide for submission of minority
11 proposals.

12 WHEREAS, the Standing Rules are presently silent
13 on the procedure, or form, by which a minority proposal
14 may be introduced and considered; and

15 WHEREAS, it seems desirable to do so to achieve
16 uniformity and clarity of style in minority proposals
17 to the proposals reported by the substantive committees.

18 THEREFORE, BE IT RESOLVED that Rule No. 40.1 is
19 adopted to read as follows:

20 Rule No. 40.1. Introduction of Minority Committee
21 Proposals. Notwithstanding any rule previously adopted by
22 this convention, one or more members of a committee may
23 introduce a proposal representing the views of the
24 minority. A proposal introduced by a minority of any
25 committee may designate that it is introduced by del-
26 egates reflecting a minority view of the members of the
27 committee and which in the caption of each such proposal
28 shall state "Introduced by Minority Delegate(s) _____".
29 Any such proposal shall be designated as a minority committee
30 proposal.

1 **COMMITTEE RESOLUTION No. 8—**

2 Introduced by Delegate Stovall, Chairman, on behalf of
3 the Committee on Rules, Credentials and Ethics, and Del-
4 egates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel,
5 Mire, Singletary, Velazquez, and Warren:

6 **A RESOLUTION**

7 Amending Rule No. 40 of the Standing Rules of the Consti-
8 tutional Convention to clarify the requirement that each
9 committee proposal shall bear the signature of a major-
10 ity of the members of the committee.

11 **BE IT RESOLVED** that Rule No. 40 of the Standing Rules
12 of the Constitutional Convention is hereby amended and re-
13 adopted to read as follows:

14 Rule No. 40. Introduction of Committee Proposals. Com-
15 mittee proposals prepared and approved by the several com-
16 mittees of the convention prior to July 5, 1973, shall consti-
17 tute the first proposals to be introduced in the Convention
18 and shall be introduced by the chairman of each committee
19 or his designee and shall bear the names of a majority of
20 the members of the committee. These proposals as far as
21 completed shall be mailed to all Convention delegates on or
22 before June 22, 1973.

1 Constitutional Convention of Louisiana of 1973

2 **COMMITTEE RESOLUTION NUMBER 8**

3 Introduced by Delegate Stovall, Chairman, on behalf of the
4 Committee on Rules, Credentials and Ethics, and Del-
5 egates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel,
6 Mire, Singletary, Velazquez, and Warren

7 **A RESOLUTION**

8 Amending Rule No. 40 of the Standing Rules of the Consti-
9 tutional Convention to clarify the requirement that
10 each committee proposal shall bear the signature of a
11 majority of the members of the committee.

12 **BE IT RESOLVED** that Rule No. 40 of the Standing Rules of
13 the Constitutional Convention is hereby amended and readopted
14 to read as follows:

15 Rule No. 40. Introduction of Committee Proposals.
16 Committee proposals prepared and approved by the several
17 committees of the convention prior to July 5, 1973, shall
18 constitute the first proposals to be introduced in the
19 Convention and shall be introduced by the chairman of
20 each committee or his designee and shall bear the names
21 of those delegates voting for each such proposal, which
22 in each case shall be at least a majority of the members
23 of the committee. These proposals as far as completed
24 shall be mailed to all Convention delegates on or before
25 June 22, 1973.

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.

WHEREAS, delegates to the Constitutional Convention while in discussion during sessions have been interrupted by the distribution of numerous loose-leaf communications in duplicated form from unidentified sources, some of which have been prepared on convention equipment; and

WHEREAS, for purposes of open-minded debate and orderly discussion while in session, the delegates desire disclosure of all informational sources and maintenance of proper decorum on the floor of the convention; and

WHEREAS, delegates to the Constitutional Convention are vitally interested in controlling the use and cost of duplicating equipment and materials.

THEREFORE, BE IT RESOLVED that Rule No. 90 is adopted to read as follows:

Rule 90. Duplication and Distribution of Materials. Only material pertinent to the business of the convention may be duplicated on equipment owned, rented, or otherwise operated, under the auspices of the Constitutional Convention. All materials which are placed on the desk of convention delegates must bear the name of the person, or persons, or organizations responsible for the preparation and distribution of the material. Duplication and distribution of all ma-

terials shall be supervised by the chairman of the convention.

The chairman of the convention or a majority of the delegates present and voting may grant exceptions to this Rule.

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Reprinted as Reengrossed

Constitutional Convention of Louisiana of 1973

CC-1159

CC-1159

C. R. No. 9

1
2 **COMMITTEE RESOLUTION No. 9—**

3 Introduced by Delegate Stovall, Chairman, on behalf of the
4 Committee on Rules, Credentials and Ethics, and Delegates
5 Arnette Bel, Bollinger, Corne Elkins, Flory, Haynes, Mc-
6 Daniel Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez,
7 and Warren:

8 **A RESOLUTION**

9 To adopt standing rules to regulate the use of duplicating
10 equipment and the distribution of materials to delegates
11 while in session.

12 WHEREAS, delegates to the Constitutional Convention
13 while in discussion during sessions have been interrupted by
14 the distribution of numerous loose-leaf communications in
15 duplicated form from unidentified sources, some of which
16 have been prepared on convention equipment; and

17 WHEREAS, for purposes of open-minded debate and
18 orderly discussion while in session, the delegates desire
19 disclosure of all informational sources and maintenance of
20 proper decorum on the floor of the convention; and

21 WHEREAS, delegates to the Constitutional Convention
22 are vitally interested in controlling the use and cost of dupli-
23 cating equipment and materials.

24 THEREFORE, BE IT RESOLVED that Rule No. 91 is
25 adopted to read as follows:

26 Rule 91. Duplication and Distribution of Materials

27 A. Only material pertinent to the business of the conven-
28 tion may be duplicated on equipment owned, rented, or other-
29 wise operated, under the auspices of the Constitutional Con-
30 vention. Duplication and distribution of all materials shall be
31 supervised by the chairman of the convention.

32 The chairman of the convention or a majority of the dele-

1 gates present and voting may grant exceptions to this Rule.
2 B. All materials which are placed on the desks of con-
3 vention delegates must bear the name of the person or per-
4 sons or the organization or organizations responsible for the
5 preparation and distribution of the material.

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1 **COMMITTEE RESOLUTION No. 10—**

2 Introduced by Reverend Stovall, Chairman, of behalf of
3 the Committee on Rules, Credentials, and Ethics and Dele-
4 gates:

5 A RESOLUTION

6 To amend and readopt Rule No. 30 of the Standing Rules of
7 the Constitutional Convention to provide for the limita-
8 tion of debate.

9 BE IT RESOLVED that Rule No. 30 of the Standing Rules
10 of the Constitutional Convention is hereby amended and re-
11 adopted to read as follows:

12 Rule No. 30. Limits on Debate. Delegates shall not speak
13 more than once to the same question, nor more than five
14 minutes, without leave of the convention, except that the
15 mover, proposer, or introducer of the matter pending, and/or
16 his designees shall be permitted to speak for ten minutes
17 when the matter is initially debated. When the previous
18 question has been ordered, the mover, proposer, or introducer
19 shall nonetheless have the right to close as provided in Rule
20 No. 76 and the time for closing shall not exceed a total of
21 five minutes.

1 Constitutional Convention of Louisiana of 1973

2 **COMMITTEE RESOLUTION NO. 10**

3 Introduced by Reverend Stovall, Chairman, of behalf of
4 the Committee on Rules, Credentials, and Ethics and Dele-
5 gates

6 A RESOLUTION

7 To amend and readopt Rule No. 30 of the Standing Rules of
8 the Constitutional Convention to provide for the limita-
9 tion of debate.

10 BE IT RESOLVED that Rule No. 30 of the Standing Rules
11 of the Constitutional Convention is hereby amended and re-
12 adopted to read as follows:

13 Rule No. 30. Limits on Debate. Delegates shall not speak
14 more than once to the same question, nor more than ten
15 minutes, without leave of the convention, except that the
16 mover, proposer, or introducer of the matter pending, and/or
17 his designees shall be permitted to speak in reply for ten minutes
18 but not until every delegate choosing to speak has spoken,
19 except when the previous question or the previous question
20 on the entire subject matter has been ordered. When the previous
21 question has been ordered, the mover, proposer, or introducer
22 shall nonetheless have the right to close as provided in Rule
23 No. 76 and the time for closing shall not exceed a total of
24 ten minutes.

1 **COMMITTEE RESOLUTION No. 11—**

2 Introduced by Delegate LeBreton, Chairman, on behalf of
3 the Committee on Legislative Liaison and Transitional
4 Measures, and Delegate Henry, Chairman, on behalf of the
5 Coordinating Committee, and Delegates Aertker, Blair,
6 Casey, Dennia, D'Gerolamo, Drew, Fayard, Hardee, A. Jack-
7 aon, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Miller,
8 Munson, Perez, Rayburn, Smith, Stagg, Thompson, Vick,
9 Womack and Zervigon:

10 **A RESOLUTION**

11 To recommend categories for the orderly transition of
12 material from the Louisiana Constitution of 1921.

13 WHEREAS, the official rules of this convention contem-
14 plate that the Coordinating Committee shall assure that
15 all provisions of the Constitution of 1921, as amended, be con-
16 sidered by at least one substantive committee; and

17 WHEREAS, said rules vest in the Committee on Legisla-
18 tive Liaison and Transitional Measures jurisdiction over
19 matters of transition of subject matter from the constitution
20 to appropriate law; and

21 WHEREAS, the members of these committees have
22 studied various methods of transposition and the coordina-
23 tion of transition procedures with the substantive committees
24 and after deliberation recommend that the convention
25 immediately establish categories into which subject matter
26 can be placed in order to facilitate the work and deliberations
27 of the convention.

28 NOW, THEREFORE, BE IT RESOLVED that each of the
29 eight substantive committees, of the Constitutional Con-
30 vention of Louisiana of 1973, in its deliberations, shall divide
31 the material within its jurisdiction into the following
32 categories:

- 1 1. Articles and sections of the proposed new constitution.
- 2 2. Provisions of the 1921 Constitution to be made statutory,
- 3 but subject to legislative change only by a super majority
- 4 vote.
- 5 3. Provisions of the 1921 Constitution to be made statutory
- 6 and subject to legislative change by the usual majority vote.
- 7 4. Provisions of the proposed new constitution which re-
- 8 quire new legislation for implementation.
- 9 5. Material which is obsolete or unnecessary.

10 BE IT FURTHER RESOLVED that each committee,
11 through its chairman, submit a written report containing
12 its division of material into the categories herein enumer-
13 ated to the convention not later than November 2, 1973.

14 BE IT FURTHER RESOLVED that a copy of this Reso-
15 lution shall be transmitted without delay to the chairman
16 of each of the substantive committees of this convention.

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Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

CC-1198

CC-1198

C. R. No. 11

1 COMMITTEE RESOLUTION No. 11—

2 Introduced by Delegate LeBreton, Chairman, on behalf of
3 the Committee on Legislative Liaison and Transitional Mea-
4 sures, and Delegate Henry, Chairman, on behalf of the
5 Coordinating Committee, and Delegates Aertker, Blair, Casey,
6 Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J.
7 Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson,
8 Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack
9 and Zervigon:

10 A RESOLUTION

11 To recommend categories for the orderly transition of ma-
12 terial from the Louisiana Constitution of 1921.

13 WHEREAS, the official rules of this convention contem-
14 plate that the Coordinating Committee shall assure that all
15 provisions of the Constitution of 1921, as amended, be con-
16 sidered by at least one substantive committee; and

17 WHEREAS, said rules vest in the Committee on Legisla-
18 tive Liaison and Transitional Measures jurisdiction over
19 matters of transition of subject matter from the constitution
20 to appropriate law; and

21 WHEREAS, the members of these committees have studied
22 various methods of transposition and the coordination of
23 transition procedures with the substantive committees and
24 after deliberation recommend that the convention immedi-
25 ately establish categories into which subject matter can be
26 placed in order to facilitate the work and deliberations of
27 the convention.

28 NOW, THEREFORE, BE IT RESOLVED that each of the
29 eight substantive committees, of the Constitutional Conven-
30 tion of Louisiana of 1973, in its deliberations, shall divide the
31 material within its jurisdiction into the following categories:

32 1. Articles and sections of the proposed new constitution.

1 2. Provisions of the 1921 Constitution to be made statutory,
2 but subject to legislative change only by a super majority
3 vote.

4 3. Provisions of the 1921 Constitution to be made statu-
5 tory and subject to legislative change by the usual majority
6 vote.

7 4. Provisions of the proposed new constitution which re-
8 quire new legislation for implementation.

9 5. Material which is obsolete or unnecessary.

10 BE IT FURTHER RESOLVED that each committee,
11 through its chairman, submit a written report containing
12 its division of material into the categories herein enumer-
13 ated to the convention not later than November 2, 1973.

14 BE IT FURTHER RESOLVED that a copy of this Reso-
15 lution shall be transmitted without delay to the chairman of
16 each of the substantive committees of this convention.

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1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE RESOLUTION NUMBER 12

3 Introduced by Delegate Zervigon, Chairperson of the
 4 Committee on Legislative Liaison and Transitional Measures,
 5 and Delegates Comar, D'Gerolamo, Drew, Fayard, Hardee,
 6 J. Jackson, Lambert, Lanier, LeBleu, Lennox, Munson, Rayburn,
 7 Smith, Thompson, Vick, and Womack:

8 A RESOLUTION

9 To extend the date by which certain reports shall be
 10 transmitted to the Committee on Legislative Liaison
 11 and Transitional Measures.

12 WHEREAS, Committee Resolution Number 11 of this Convention
 13 recognizes the need for providing certain information to the
 14 Committee on Legislative Liaison and Transitional Measures
 15 in order that proper plans may be made to effectuate the
 16 transition from the Constitution of 1921 to the new
 17 Constitution; and

18 WHEREAS, it has become evident that the date by which
 19 status reports from each substantive committee to the
 20 Committee on Legislative Liaison and Transitional Measures
 21 should be extended.

22 THEREFORE, BE IT RESOLVED that each of the eight
 23 substantive committees of the Constitutional Convention of
 24 1973 shall divide the material within its jurisdiction into
 25 the categories set forth in Committee Resolution Number 11 and
 26 shall submit the written report therein required to the
 27 Convention within ten days after first enrollment of each
 28 committee and delegate proposal or by November 15, 1973,
 29 whichever is the later date.

30 BE IT FURTHER RESOLVED that a copy of this Resolution
 31 shall be transmitted without delay to the chairman of each of
 32 the eight substantive committees of this Convention.
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1 COMMITTEE RESOLUTION No. 13—

2 Introduced by Delegate Stovall, Chairman, on behalf of the
 3 Committee on Rules, Credentials and Ethics (Substitute for
 4 Committee Resolution No. 3, by Delegate Stovall, et al.)

5 A RESOLUTION

6 To amend the Standing Rules of the Constitutional Convention
 7 to add a new Rule 37.1, to provide expressly for submission
 8 of alternative provisions.

9 WHEREAS, Act 2 of the 1972 Regular Session provides for
 10 alternative provisions; and

11 WHEREAS, the Standing Rules are presently silent on the
 12 procedure by which alternative provisions may be introduced
 13 and considered; and

14 WHEREAS, the results of the vote of the people on recently
 15 proposed constitutions in other states clearly indicate that a
 16 constitution submitted to the people with alternatives will
 17 include to a greater extent involvement of all voters of Lou-
 18 isiana in the convention; and

19 WHEREAS, the delegates to CC/73 are desirous that this
 20 convention adopt a constitution that will be ratified by the
 21 voters.

22 THEREFORE, BE IT RESOLVED that Rule No. 37.1 is
 23 adopted to read as follows:

24 Rule No. 37.1 Submission of Alternative Provisions

25 A. Alternative provisions authorized by Act No. 2 of the
 26 1972 Regular Session to be submitted to a vote of the people
 27 shall be determined by the convention only in the manner pro-
 28 vided below. Notwithstanding Rule No. 42, a delegate may
 29 introduce a proposal setting forth a proposed alternative.
 30 Such a proposal shall state specifically (1) the text of the
 31 alternatives; (2) any deletions of presently adopted para-
 32 graphs, or sections, or the like; (3) the effect of the alter-

C. R. No. 13

1 native; if adopted by the people, in terms of additions to and
 2 deletions from the body of the proposed constitution: and
 3 (4) the text of the ballot proposition on the alternative. Any
 4 proposal so introduced must bear the names of at least forty
 5 delegates. No such proposal may be introduced after January
 6 5, 1974.

7 B. Except as otherwise provided herein, each such proposal
 8 shall follow the order of processing of proposals set forth
 9 in Rule No. 44.

10 C. All proposals setting forth proposed alternatives shall
 11 lie over for committee referral until January 6, 1974. On
 12 that day, there shall be put to the convention the question
 13 of whether to consider further each such proposal. The
 14 question of further consideration shall open the main question;
 15 i.e., the merits of the alternative proposal. Debate on the
 16 question on each proposal shall be limited to thirty minutes,
 17 with the time equally divided between proponents and oppo-
 18 nents. Each proposal receiving a majority vote of the delegates
 19 present and voting in favor of further consideration shall
 20 be referred to the appropriate substantive committee under
 21 the rules. Any proposal failing to receive such a majority vote
 22 shall be deemed withdrawn from the files of the convention.

23 D. Not later than January 9, 1974, each substantive com-
 24 mittee shall report each proposal referred to it to the con-
 25 vention and only in one of the manners specified in Rule No.
 26 61. Any proposal not returned within said time shall be deem-
 27 ed in the possession of the convention, and a motion shall lie
 28 to engross and pass the same to third reading.

29 E. No alternative provision shall be included on the ballot
 30 unless approved on final passage by a majority of the mem-
 31 bership of the convention, which approval shall be by record
 32 vote.

1 F. No more than six alternative provisions shall be placed
 2 on the ballot.

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D. R. No. 1

By 7772 Conference

RESOLUTION

Mr. Chairman, I move that the Convention adopt the following 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,~~

~~BE IT FURTHER RESOLVED that~~ this committee ^{TO} be comprised of sixteen delegates to be elected as follows:

1. Immediately following adoption of this resolution the temporary chairman shall recess the Convention and direct the delegates to immediately meet in separate caucus by Congressional District (each elected delegate participating in the caucus according to the residence established for his election as a delegate and each appointed delegate participating according to his present residence for voting purposes) and to elect from their number two delegates from each congressional district, said election to take place in the LSU Assembly Center and to be completed prior to the Convention finally adjourning on January 5, 1973.

BE IT FURTHER RESOLVED that the aforementioned caucus by congressional district be conducted at specific locations within the LSU Assembly Center to be designated by the temporary chairman.

BE IT RESOLVED that as soon as each caucus has completed such election, it shall advise the temporary chairman, and when all members of the committee have been elected, the temporary chairman shall reconvene the Convention to announce the names of the members of the Committee.

BE IT FURTHER RESOLVED that the Convention will then stand in recess and immediately following the commencement of such recess, the committee shall meet and select from among their number a chairman who will preside over their deliberations, they shall also select a place for their meetings and shall be authorized to employ such secretarial and clerical assistance as may be required for such purposes.

BE IT FURTHER RESOLVED that the committee shall complete a typewritten or printed draft of the proposed rules as promptly as possible, and in any event no later than ^{January 10, 1973} January 10, 1973.

BE IT FURTHER RESOLVED that on or before ^{TH 11 1973} January 11, 1973, the committee will send a xerox or printed copy of the proposed rules to each delegate by ^{U.S.} ~~con~~ mail.

BE IT FURTHER RESOLVED that the Convention will re-assemble at 10:00 am Monday, January 15, 1973, to begin consideration of the rules of organization and procedure; that the committee provided for by this resolution shall thereupon be disbanded and no longer function, except that the chairman of the committee, or a member designated by him in his absence, will present individually the proposed rules to the Convention, together with a brief explanation of such rules, and the rules will be individually voted upon by the Convention.

BE IT FURTHER RESOLVED that Robert's Rules of Order Revised shall be referred to as authority for guidance as temporary rules of this Convention to apply until such time as permanent rules are adopted.

I further move that this resolution be made a permanent part of the record of this Convention and that a roll-call vote be taken and recorded.

Louise J. Halling #54
Carlton J. Zimmerman, Jr. #55
Stanford R. Murray, Jr. #52
James L. DeWitt #14
Frank Secor #81
Wendell H. Gauthier #78
W. G. Gauthier #56
Louis J. Lambert #59
Ray O'Neill #64
Jack Abraham #35
Clayton J. Givens #51
W. Guyon Lamb, Jr. #37

D. R. No. 2

RESOLUTION BY ALARIO

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:

1. Election of a permanent chairman
2. Election of a Rules Committee in the following manner:
 - a. The delegates who reside in the eight Congressional districts of Louisiana shall comprise eight separate committees who shall caucus separately and elect from among their number ² ~~three~~ members to serve on the rules committee.
 - b. Each congressional district committee shall report the results of such election within twenty-four hours from the adoption of this resolution.
 - c. The rules committee shall be composed of the ¹⁶ ~~twenty-~~ ~~four~~ members elected, ² ~~three~~ from each of the eight congressional districts.
 - d. The rules committee shall meet and formulate a draft of the rules of procedure and order of this convention and report thereon at 10:00 A.M. Thursday, January 11, 1973.
 - e. The convention shall consider the report of the rules committee and adopt rules of procedure and order for this convention by majority vote.
 - f. This convention shall then take up such other business as may be decided by its members.

A.C.N. 3

RESOLUTION

Submitted by: Patrick A. Juneau, Jr., Delegate from
District 43
Calvin C. Fayard, Jr., Delegate from
District 71

Mr. Chairman, we move that the Convention adopt the following 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.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions be composed of 17 members, two from each of the eight Congressional Districts and one member to be elected by the Convention delegates as a whole, who shall serve as Chairman of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the election of the Chairman of the Temporary Committee on Rules and Resolutions be held as the next order of business of this Convention.

BE IT FURTHER RESOLVED that immediately after the election of the Chairman of the Temporary Committee on Rules and Resolutions, the Convention shall recess for a period of one (1) hour during which time the delegate from each of the Eight (8) Congressional Districts shall caucus and elect from their group two (2) delegates who shall serve on the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that upon the expiration of the one (1) hour recess the Temporary Chairman shall reconvene the Convention to announce the names of the members of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions will prepare a proposed set of rules and shall mail a copy of said rules to all delegates no later than 12:00 a.m. on January 10, 1973.

BE IT FURTHER RESOLVED that the Convention reconvene on January 15, 1973 at 10:00 a.m. and that the Temporary Committee on Rules and Resolutions submit its proposed rules to the Convention at that time for consideration.

We further move that this resolution be made a permanent part of the record of this Convention and that a roll-call vote be taken and recorded.

Final Enrollment

Constitutional Convention of 1973

Delegate Resolution No. 4

Introduced by Messrs. Velazquez and Schmitt

A MEMORIAL 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.

WHEREAS, all the people of Louisiana black as well as white deplore this senseless action.

WHEREAS, this convention is meeting to write a constitution which will guarantee the civil rights of all its citizens under the rule of law.

WHEREAS, to maintain civilization and order, the individual policeman remains our first line of defense.

BE IT RESOLVED, that the Louisiana Constitutional Convention publicly deplores the above mentioned incident.

BE IT FURTHER RESOLVED, that as its first order of business, before considering the Rules, we will stand for a minute of silence in memory of

Deputy Police Superintendent Louis Sirgo

Patrolman Paul Persigo

Patrolman Phil Coleman

Cadet Albert Narrell

BE IT FURTHER RESOLVED that the Louisiana Constitutional Convention endorses the Tragedy Fund, which is a legitimate fund raising activity composed of a broad spectrum of citizens of all races and faiths and crossing organizational lines, intended to raise funds for the families of the deceased. Which Fund has been endorsed by Mayor Moon Landrieu, Mayor of New Orleans.

The co-authors of this memorial are delegates:

Thomas A. Velazquez, Dist. 97

Joseph I. Giarrusso, Sr., Dist. 98

And,

All delegates who wish to sign will be accepted as equal co-authors.

Final Enrollment

Constitutional Convention of Louisiana of 1973

Delegate Resolution No. 5

By Mr. 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 Louisiana Constitutional Convention from that time to the present.

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NO. *6*

Introduced by Mr. *Weiss*

A RESOLUTION

1
2 Relative to the use of existing Louisiana Hospital Television
3 Network Facilities by the Louisiana Constitutional Conven-
4 tion of 1973, acting through its committees.
5 WHEREAS, it is of vital importance to the success of the
6 work of this convention that its committees have the benefit of
7 the knowledge, wisdom and opinion of all of the citizens of
8 Louisiana and that methods be evolved which permit ease of
9 access to such persons regardless of their place of residence
10 within the state; and
11 WHEREAS, in addition to the public meetings which the various
12 committees will hold within and without the city of Baton Rouge
13 at which interested citizens and those having specialized know-
14 ledge will appear, it is anticipated that additional need for
15 consultation and hearings will develop during the course of
16 committee study and deliberation which will require contact with
17 individuals and groups of individuals in various areas of the
18 state; and
19 WHEREAS, the existing closed circuit television facilities
20 of the Louisiana Hospital Television Network can be of inestimable
21 value to this convention and its committees, and hence to the
22 people of the state of Louisiana, in providing a means of communi-
23 cation between the members of any committee and persons or groups
24 residing in other areas in or near the state owned and operated

1 hospitals which form a part of said hospital television network;
2 and
3 WHEREAS, Section 5(F) of Act No. 2 of the 1972 Regular Session
4 of the Legislature authorizes this convention "to use the facili-
5 ties and services of any board, commission, department or agency
6 of the state and of any political subdivision of the state" and
7 provides that "all such agencies shall cooperate with the conven-
8 tion to the fullest extent in furnishing services, facilities and
9 employees upon request," and it is desirable that action be taken
10 to provide for the use of the facilities of the above referred to
11 television network and, to the extent feasible and necessary, those
12 of the Louisiana Educational Television Authority.

13 THEREFORE, BE IT RESOLVED that, in the interest of expediency
14 and in order to provide a useful facility for the development of
15 data and information and for the review of specific progress in
16 the preparation of assigned categories of its work, this Constitu-
17 tional Convention does hereby make its formal request to the
18 Commissioner of the Louisiana Health and Social and Rehabilitation
19 Services Administration and the head of the Division of Hospitals
20 of said Administration and such other division heads as may be
21 applicable, that the existing facilities of the Louisiana Hospital
22 Television Network be made available to this convention and to
23 the committees of this convention during the course of the deliber-
24 ations in connection with the framing of a new constitution for
25 the state of Louisiana, as provided by Act No. 2 of the Regular
26 Session of 1972, according to such schedule, which shall not
27 conflict with the regular closed circuit programming of said
28 network, as shall be developed and determined by the convention,
29 acting through the respective chairmen of its committees and the
30 appropriate officials or personnel of said Louisiana Hospital
31 Television Network.

32 BE IT FURTHER RESOLVED that such existing closed circuit
33 television facilities shall be made available only when not in
34 use for the purposes for which they are operated and on an hourly
35 cost basis for line charges and personnel time which shall be

1 determined by the Executive Committee of this Constitutional
2 Convention and, further, that such facilities shall be made
3 available only upon request by the respective committee chairmen
4 made prior to the date on which such use is required and then
5 only for necessary discussions relative to the work assigned to
6 the committee making the request and in no case for general
7 discussion meetings which would demand more time than use of
8 lines by all committees requesting such services would permit,
9 consistent with the regular usage of the facilities of the
10 Louisiana Hospital Television Network.

11 BE IT FURTHER RESOLVED that the Louisiana Educational
12 Television Authority is hereby requested to cooperate with the
13 Louisiana Hospital Television Network officials to the full
14 extent deemed necessary and desirable in order to assure that
15 closed circuit television facilities are made available to this
16 Constitutional Convention and its committees as herein set forth.

17 BE IT FURTHER RESOLVED that copies of this Resolution shall
18 be transmitted by the Secretary of the Constitutional Convention
19 to the Commissioner of the Louisiana Health and Social and
20 Rehabilitation Services Administration, to the head of the
21 Division of Hospitals of said Administration, to the head of
22 the Louisiana Educational Television Authority and to any other
23 person to whom applicable without delay.

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Introduced by Mr. Derbes

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A RESOLUTION

2 To adopt the following standing rule of the Constitutional
3 Convention.

4 Rule No. . Registration of Advocates

5 A. Advocates Defined

6 An advocate is any person ^{not a delegate to the Louisiana} who is the representative ^{Constitutional}
7 for compensation and/or reimbursement of expenses of any ^{Convention}
8 other person, or any partnership, committee, association,
9 corporation or other organization, or of any division,
10 subdivision or agency of the State of Louisiana, its parishes
11 or municipalities, to advocate passage or defeat of proposals
12 of or to otherwise influence the work of the Convention, its
13 committees, sub-committees or delegates. Before advocating
14 passage or defeat of proposals of and before attempting to
15 influence the work of the Convention, its committees, sub-
16 committees or delegates, the advocate shall submit a registra-
17 tion statement setting forth his or her name and address, the
18 name and address of the person or entity by whom the advocate
19 is employed, and the name and address of the person or entity
20 whose interest the advocate will advocate.

21 B. Registration

22 Registration of advocates shall be by oath or affirmation
23 before an officer authorized by law to administer oaths, or
24 before the chairman of any committee or sub-committee as

Page 1

1 provided in Rule No. 58. Whenever there occurs a change in
2 the facts stated in the registration statement, the advocate
3 shall file a revised statement. The Secretary of the Conven-
4 tion shall maintain for inspection by the public and by the
5 delegates of this Convention, a list of all advocates and
6 their affiliations.

7 C. Prohibition

8 Any person who has commenced the activities of an advocate
9 without prior registration as herein required shall, upon
10 resolution of the committees or sub-committees of the Conven-
11 tion, be denied the privilege of addressing that respective
12 committee or sub-committee. Any advocate who has falsified
13 his or her registration statement shall be reported to the
14 Executive Committee, and upon resolution of that committee,
15 referred to an appropriate law enforcement officer for pro-
16 secution for the crime of false swearing.

Page 2

Constitutional Convention of 1973

Delegate Resolution No. 8

Introduced by Messrs. Roy and Gauthier, and Dennis

A RESOLUTION

1
2 WHEREAS, pursuant to Act 2 of 1972, the Constitutional
3 Convention for 1973 convened on January 5, 1973; and

4 WHEREAS, the Honorable Walter B. Hamlin, Chief Justice
5 of the Supreme Court of Louisiana was, by said Act, design-
6 nated as the temporary chairman of said Convention; and

7 WHEREAS, Chief Justice Hamlin immediately and conscientious-
8 ly initiated procedures for the orderly commencement of the
9 Constitutional Convention; and

10 WHEREAS, Chief Justice Hamlin devoted many hours of
11 study and preparation for this historic undertaking; and

12 WHEREAS, his new duties as Chief Justice of the Louisiana
13 Supreme Court and as Chief Administrative Officer of the
14 Judiciary of the State of Louisiana compelled him to have
15 someone designated in his stead,

16 NOW, THEREFORE BE IT RESOLVED that the delegates to the
17 Constitutional Convention of 1973, individually and on behalf
18 of their respective districts do hereby express their deep and
19 sincere appreciation to Chief Justice Hamlin for his interest
20 and leadership in the formation of the Convention and for his
21 continued interest heretofore expressed in the confection of
22 a new Constitution for the State of Louisiana.

23 BE IT FURTHER RESOLVED that this Resolution be engrossed
24 and made part of the minutes of this Convention and a copy
25 suitably framed and presented to Chief Justice Hamlin.

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Constitutional Convention of 1973

Delegate Resolution No. //

Introduced by Mr. Avant

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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.

Louisiana Constitutional Convention of 1973

Resolution No. 12

By: Mr. Shannon

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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.

BE IT RESOLVED by the Louisiana Constitutional Convention of
1973 that the convention and all of its members do hereby express
to all those individuals, groups and organizations, public and
private, who have generously assisted this convention and its in-
dividual members during the course of its organizational period
its sincere appreciation for such services.

BE IT FURTHER RESOLVED that all such persons, groups and
organizations are highly commended for the diligence and dedica-
tion exhibited in their efforts in behalf of this Constitutional
Convention.

Constitutional Convention of 1973

Delegate Resolution No

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Introduced by Mr. Guarisco

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A RESOLUTION

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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.

WHEREAS, it will be necessary for the delegate to correspond with persons in the interest of forming a new Constitution;

and

WHEREAS, no official stationery exists for the delegates;

and

WHEREAS, it is of much importance that the delegates to have official stationery so that they will be recognized throughout the state when corresponding with various persons and officials.

THEREFORE, BE IT RESOLVED by the delegates to the 1973 Constitutional Convention of Louisiana that the Chairman and Executive Committee of Convention are hereby directed to provide each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.

Constitutional Convention of 1973

Delegate Resolution No. 14

Introduced by Messrs. 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

WHEREAS, the Honorable Joseph W. Sanders, Justice of the Supreme Court
of Louisiana was, by the Supreme Court, designated as the temporary chairman
of said Convention; and

WHEREAS, Justice Sanders immediately and conscientiously initiated pro-
cedures for the orderly commencement of the Constitutional Convention; and

WHEREAS, Justice Sanders devoted many hours of study and preparation
for this historic undertaking; and

WHEREAS, Justice Sanders did perform the duties of temporary chairman
in an exemplary manner.

NOW, THEREFORE BE IT RESOLVED that the delegates to the Constitutional
Convention of 1973, individually and on behalf of their respective districts
do hereby express their deep and sincere appreciation to Justice Sanders for
his interest and leadership in the formation of the Convention and for his
continued interest heretofore expressed in the confection of a new Constitu-
tion for the State of Louisiana.

BE IT FURTHER RESOLVED that this Resolution be engrossed and made part
of the minutes of this Convention and a copy suitable framed and presented
to Justice Sanders.

A RESOLUTION

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To provide with respect to the functioning of the committees of the Constitutional Convention of 1973.

BE IT RESOLVED, that the substantive, procedural and other committees now created or otherwise created in accordance with the Standing Rules of the Convention are hereby authorized and directed to commence immediately the performance of their functions and duties, and to expend funds of the Convention in furtherance thereof under the administration of the Executive Committee, all in accordance with the Standing Rules of the Convention.

BE IT FURTHER RESOLVED, that the Executive Committee is hereby authorized and directed to commence immediately the performance of its duties and functions including that of budgeting and approving the expenditure of convention funds by itself and all other committees of the Convention, in accordance with Act 2 of 1972 and the Standing Rules of the Convention.

16

1 A RESOLUTION

2 To commend and express the appreciation of the Convention to the
3 Honorable Wade O. Martin, Jr., Secretary of State, for his
4 valuable contributions to the Louisiana Constitutional
5 Convention of 1973.

6 WHEREAS, Mr. Martin was instrumental in the endeavors to
7 bring about this Convention; and

8 WHEREAS, even before the first meeting of the delegates,
9 Mr. Martin and his staff were hard at work taking applications
10 for staff positions for the Convention; and

11 WHEREAS, the Secretary of State attended the first Conven-
12 tion meeting and called the roll of delegates and announced
13 the votes on various measures for the Convention; and

14 WHEREAS, Mr. Martin has offered his personal assistance
15 and the assistance of his staff to aid the delegates in pre-
16 paring a new constitution for the people of this state; and

17 WHEREAS, the delegates of this Convention sincerely
18 appreciate his untiring efforts to help the people of the
19 state of Louisiana.

20 THEREFORE, BE IT RESOLVED by the Louisiana Constitutional
21 Convention of 1973 that its members do hereby express its
22 sincere appreciation to the Honorable Wade O. Martin, Jr.,
23 Secretary of State, for his diligent efforts in receiving
24 applications and providing for a temporary staff for this

Page 1

1 Convention, his participation in the opening session of
2 this body and the many other valuable services which he
3 has performed in behalf of this Convention.

4 BE IT FURTHER RESOLVED that the various members of
5 Secretary of State Martin's staff who worked in behalf of
6 this Convention are hereby commended for their contri-
7 butions toward a successful organizational session of the
8 Louisiana Constitutional Convention of 1973.

9 BE IT FURTHER RESOLVED that this Resolution be engrossed
10 and made part of the minutes of this Convention and a copy
11 suitably framed and presented to the Honorable Wade O.
12 Martin, Jr., Secretary of State.

Page 2

Introduced by Delegates Abraham, Brien, Champagne, Chatelain, Conroy, Derbes,
J. Jackson, Juncau, Landrum, Lanier, Miller, Newton,
O'Neill, Reeves, Taylor, Tobias, Triche, Weiss and
Zervigon

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A RESOLUTION

2 WHEREAS, it is the desire of all delegates to the Constitutional
3 Convention of 1973 that all Citizens of the State of Louisiana
4 participate in the drafting of a new Constitution for the State
5 of Louisiana; and

6 WHEREAS, the participation and support of all Citizens of
7 the State of Louisiana is necessary and desirable in all stages
8 of the drafting and ratification of a new Constitution for the
9 State of Louisiana,

10 NOW, THEREFORE BE IT RESOLVED that the delegates of the
11 Constitutional Convention of 1973, individually and jointly,
12 request that each Citizen of the State of Louisiana communicate
13 with any or all delegates to the Constitutional Convention of
14 1973 advising what he, she or they think a new Constitution for
15 the State of Louisiana should provide.

16 BE IT FURTHER RESOLVED that each Citizen of the State
17 of Louisiana is extended an invitation by the delegates of the
18 Constitutionnal Convention of 1973 to testify, either in writing or
19 orally, before any appropriate Committee of the Constitutionnal
20 Convention of 1973 regarding what he, she or they think a new
21 Constitution for the State of Louisiana should provide.

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Introduced by Mr. Dennery

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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.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the Executive Committee of the Constitutional Convention is hereby authorized to utilize the personnel and the bidding, purchasing and procurement procedures and services of the Division of Administration in the purchase or procurement of supplies, equipment and printing for the Constitutional Convention.

BE IT FURTHER RESOLVED that the provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, relative to the letting of public contracts, shall be applicable to the purchase or procurement of supplies, equipment or printing by the Louisiana Constitutional Convention and that the Executive Committee of the convention shall, and is hereby directed to, comply with such provisions of law in making such purchases or procuring such items for the convention.

1 **DELEGATE RESOLUTION No. 20—**

2 Introduced by Dr. Asseff:

3 **A RESOLUTION**

4 To require each substantive committee to report to the
5 Convention any portion or portions of the constitution
6 that have been omitted and to indicate clearly and spe-
7 cifically all changes that are being proposed.

8 WHEREAS, it is of extreme importance that the dele-
9 gates be aware of all changes proposed to the existing
10 constitution, and

11 WHEREAS, the delegates can vote intelligently only if they
12 have all of the facts before them, and

13 WHEREAS, the constitution is the basic law and may
14 be changed only after a time-consuming process which
15 makes it essential that each change be reviewed carefully
16 and in the light of all of the facts.

17 THEREFORE, BE IT RESOLVED by the Constitutional
18 Convention of 1973 that each substantive committee is
19 directed to report to the Convention for its consideration
20 any portion or portions of the constitution that have been
21 omitted and to indicate clearly and specifically all changes
22 that are being proposed.

1 **DELEGATE RESOLUTION No. 21—**

2 Introduced by Delegate James H. Brown, Jr.:

3 **A RESOLUTION**

4 To send best wishes to the members of the Constitutional
5 Convention of Louisiana of 1921 still living and request
6 their assistance and advice.

7 WHEREAS, we as delegates selected by the people or ap-
8 pointed by the governor are convened in a Constitutional
9 Convention to rewrite the basic law of the State of Lou-
10 isiana; and

11 WHEREAS, we are grateful to Almighty God for his bless-
12 ings during the fifty-two years since the Constitutional
13 Convention of Louisiana of 1921; and

14 WHEREAS, we are indebted to the members of the Consti-
15 tutional Convention of Louisiana of 1921.

16 THEREFORE, BE IT RESOLVED that the Constitutional
17 Convention of Louisiana of 1973 sends its best wishes to those
18 members of the Constitutional Convention of Louisiana of
19 1921 still living:

- 20 Richard A. Dowling of New Orleans
- 21 Sam H. Jones of Lake Charles
- 22 J. O. Fernandez of New Orleans
- 23 Judge Rene A. Viosca of New Orleans
- 24 John H. Meaux of Creole
- 25 John Dale, Jr. of Vidalia

26 BE IT FURTHER RESOLVED that the Constitutional
27 Convention of Louisiana of 1973 calls upon Delegate Dowling,
28 Delegate Jones, Delegate Fernandez, Delegate Viosca, Dele-
29 gate Meaux, and Delegate Dale to lend any assistance and
30 advice to the work of this convention that might be ap-
31 propriate.

32 BE IT FURTHER RESOLVED that a copy of this resolu-

D. R. No. 21

1 tion shall be sent to each delegate of the Constitutional
2 Convention of 1921 honored herein.

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1 **DELEGATE RESOLUTION No. 22—**

2 Introduced by Delegate:

3 **A RESOLUTION**

4 To amend and readopt Paragraph B of Rule No. 62 of
5 the Standing Rules of the Constitutional Convention,
6 relative to the notice required for committee meetings.

7 **BE IT RESOLVED** that Paragraph B of Rule No. 62
8 of the Standing Rules of the Constitutional Convention
9 is hereby amended and readopted to read as follows:
10 Rule No. 62. Notice of Committee Meetings.

11 B. Committee and subcommittee meetings called while
12 the Convention is in session may be called by the chair-
13 man or by a majority of the committee members upon
14 one calendar day's notice given by announcement from the
15 floor of the Convention and by posting the notice thereof
16 on a designated bulletin board in the vicinity of the floor
17 of the Convention at least one calendar day before such
18 meeting.

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1 **DELEGATE RESOLUTION No. 23—**

2 Introduced by Delegates O'Neill, Thistlethwaite, and Corne:

3 **A RESOLUTION**

4 Amending Rule Nos. 3 and 36 of the Standing Rules of the

5 Constitutional Convention to provide for greater indepen-
6 dence of delegate voting.

7 WHEREAS, the Standing Rules do not expressly provide
8 that where a voting machine is used, the yeas and nays shall
9 not be displayed until the machine is closed; and

10 WHEREAS, the Standing Rules also do not expressly pro-
11 vide that no person other than the delegate shall vote on the
12 passage on third reading of every proposal, section, or article;
13 and

14 WHEREAS, the independence, purity, and sanctity of the
15 balloting by the delegates is desirable.

16 THEREFORE, BE IT RESOLVED that Rule No. 3 is
17 amended and readopted to read as follows:

18 "Rule No. 3. Roll Call. The secretary shall call the role at
19 the opening of each session of the convention and announce
20 whether or not a quorum is present. He shall announce the
21 names of the delegates absent with leave of the convention
22 and the names of delegates absent without leave, and enter the
23 names of all those present and absent upon the Journal. If a
24 voting machine is provided, the machine shall be used when-
25 ever a roll call or a vote by yeas and nays is directed by or in
26 accordance with these rules. However, the yeas and nays on
27 any question shall not be displayed until the machine is closed.
28 After the votes are displayed, the presiding officer shall im-
29 mediately recognize persons desiring to change or record their
30 votes before announcing the decision."

31 BE IT FURTHER RESOLVED that Rule No. 36 is amended
32 and readopted to read as follows:

1 "Rule No. 36. Voting in Person. No person, other than the
2 delegate himself, will be permitted to answer any roll call or
3 quorum call or to vote on third reading of every proposal,
4 section, or article."

1 **DELEGATE RESOLUTION No. 24—**

2 Introduced by Delegate Abraham:

3 A RESOLUTION

4 Relative to explanation of Substantive Committee Proposals.

5 WHEREAS, the comments on substantive committee pro-
6 posals may not fully explain the background and reasons
7 therefor of particular sections of the proposal; and

8 WHEREAS, in order that the business of the Constitu-
9 tional Convention may be expedited; and

10 WHEREAS, in order to avoid unnecessary and duplica-
11 ting amendments and substitute proposals which may be
12 caused by a delegate not having sufficient background in-
13 formation as to why a particular committee proposal was
14 drafted in the manner in which it is being presented,

15 THEREFORE, BE IT RESOLVED, that after the intro-
16 duction of a substantive committee report and referral to
17 committees, and prior to the committee report called for
18 in Rule 44C, the chairman of each substantive committee
19 shall address the convention and present a general outline
20 of the contents of the proposal, the background, thinking,
21 and reasoning of the committee as to why particular sec-
22 tions were drafted in the manner presented, and the intent
23 of particular sections of the proposal, as he may in his
24 discretion deem desirable, such presentation not to exceed
25 one hour, and such presentation subject to no interruption
26 or question from the floor of the convention.

1 **DELEGATE RESOLUTION No. 25—**

2 Introduced by Delegate O'Neill;

3 A RESOLUTION

4 Relative to the time for convention meetings.

5 WHEREAS, the Standing Rules of the Constitutional Con-
6 vention do not specify a time at which the convention is
7 to meet each day; and

8 WHEREAS, it is imperative that we establish a regular
9 meeting time for the convention at the outset.

10 THEREFORE, BE IT RESOLVED that the Constitu-
11 tional Convention of Louisiana of 1973 meet at 12:30 p.m.
12 on Tuesday through Friday of each week.

1 **DELEGATE RESOLUTION No. 26—**

2 Introduced by Delegates Juneau, Fayard, T. Casey, and
3 Kelly:

4 **A RESOLUTION**

5 Relative to amending the Standing Rules of the Constitu-
6 tional Convention to provide for regulation of lobbying
7 before the Constitutional Convention.

8 **BE IT RESOLVED** that Rule No. 90 is adopted to read
9 as follows:

10 Rule No. 90. Lobbying

11 A. Definitions. When used in this Rule:

12 1. The term "person" includes an individual, partnership,
13 committee, association, corporation, and any other organi-
14 zation or group of persons.

15 2. The term "clerk" means the clerk of the Constitutional
16 Convention of Louisiana of 1973.

17 3. The term "convention" means the Constitutional Con-
18 vention of Louisiana of 1973, its committees, sub-commi-
19 tees, and delegates.

20 4. The term "proposition" means proposals, resolutions,
21 amendments, nominations, and other matters pending or
22 proposed in the convention and includes any other matter
23 which possibly may become the subject of action by the
24 convention.

25 B. Persons to Whom Applicable. The provisions of this
26 Rule shall apply to any person, who by himself, or through
27 any agent or employee or other persons in any manner
28 whatsoever, directly or indirectly, solicits, collects, or re-
29 ceives money or any other thing of value to be used prin-
30 cipally to aid, or the principal purpose of which person is
31 to aid, in the accomplishment of any of the following pur-
32 poses:

1 1. The passage or defeat of any proposition by the con-
2 vention.

3 2. To influence, directly or indirectly, the passage or de-
4 feat of any proposition by the convention.

5 C. Registration of Lobbyists with the Clerk; Compilation
6 of Information.

7 Any person who shall engage himself for pay or for any
8 consideration for the purpose of attempting to influence the
9 passage or defeat of any proposition by the convention
10 shall, before doing anything in furtherance of such object,
11 register with the clerk and shall give to him in writing his
12 name and business address, the name and address of the
13 person by whom he is employed and in whose interest he
14 appears or works, the duration of such employment, and by
15 whom he is paid or is to be paid. This resume shall be pub-
16 lished by the clerk in a loose-leaf-type book to be main-
17 tained in the office of the clerk for the use of each delegate
18 of the convention. This book shall be kept current during
19 the convention as each person registers as required by the
20 provisions of this Rule.

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1 **DELEGATE RESOLUTION No. 27—**

1 tutional Convention of 1921 honored herein.

2 Introduced by Delegate Brown:

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3 A RESOLUTION

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4 To extend greetings and commendations to the surviving
5 delegates of the Louisiana Constitutional Convention of
6 1921 and to request their assistance and advice in the
7 work of this convention.

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8 WHEREAS, the delegates to the Constitutional Conven-
9 tion of Louisiana of 1973 are now assembled to rewrite the
10 basic law of the State of Louisiana; and

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11 WHEREAS, the delegates and the citizens of Louisiana
12 are deeply indebted to the redactors of the Louisiana Con-
18 stitution of 1921 and are grateful to Almighty God for His
14 blessings since the adoption of that constitution.

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15 THEREFORE, BE IT RESOLVED that the Constitution-
16 al Convention of Louisiana of 1973 hereby extends its greet-
17 ings and its high commendations to the following persons
18 who rendered this state invaluable service as delegates to
19 the Louisiana Constitutional Convention of 1921:

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20 Honorabel John Dale, Jr. of Vidalia

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21 Honorable Richard A. Dowling of New Orleans

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22 Honorable J. O. Fernandez of New Orleans

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23 Honorable Sam H. Jones of Lake Charles

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24 Honorable John H. Meaux of Creole

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25 Honorable Wood H. Thompson of Monroe

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26 Honorable Rene A. Viosca of New Orleans

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27 BE IT FURTHER RESOLVED that Delegates Dale,
28 Dowling, Fernandez, Jones, Meaux, Thompson, and Viosca
29 are hereby respectfully urged and requested to lend their
30 advice and assistance to the work of this convention.

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31 BE IT FURTHER RESOLVED that a copy of this Reso-
32 lution shall be transmitted to each delegate of the Consti-

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1 **DELEGATE RESOLUTION No. 28—**

2 Introduced by Delegates Asseif, Lennox, Miller, Planchard,
3 Wisham and Anzalone:

4 **A RESOLUTION**

5 Relative to reports of substantive committees.

6 WHEREAS, it is of extreme importance that the delegates
7 be aware of all changes proposed to the existing constitu-
8 tion, and

9 WHEREAS, the delegates can vote intelligently only if
10 they have all of the facts before them, and

11 WHEREAS, the constitution is the basic law and may
12 be changed only after a time-consuming process which
13 makes it essential that each change be reviewed carefully
14 and in the light of all of the facts.

15 THEREFORE, BE IT RESOLVED by the Constitutional
16 Convention of 1973 that each substantive committee is di-
17 rected to report to the Convention for its consideration any
18 portion or portions of the constitution that have been
19 omitted and to indicate clearly and specifically all changes
20 that are being proposed.

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1 **DELEGATE RESOLUTION No. 29—**

2 Introduced by Delegate Burson:

3 **A RESOLUTION**

4 To amend Rule No. 45 of the Standing Rules of the Con-
5 stitutional Convention to provide for adoption of pro-
6 posals by subsection or paragraph rather than by section.

7 BE IT RESOLVED that Rule 45 of the Standing Rules
8 of the Constitutional Convention is hereby amended and re-
9 adopted to read as follows:

10 Rule No. 45. Order of Proposals. When a proposal is on
11 third reading and final passage, it shall be read, debated,
12 and acted upon separately by sections; however, if a sec-
13 tion is divided into paragraphs, each paragraph may be
14 acted upon separately upon the favorable vote of a majority
15 of those present and voting. Each section, or paragraph if so
16 ordered, shall be considered a separate question for the pur-
17 pose of "limits on debate" provided in Rule 30.

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Engrossed

1 Constitutional Convention of Louisiana of 1973
2 DELEGATE RESOLUTION NUMBER 29
3 Introduced by Delegate Burson

4

5 A RESOLUTION

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7 To amend Rule No. 45 and Rule No. 81 of the Standing Rules
8 of the Constitutional Convention to provide for adoption
9 of proposals by section or paragraph.

10 BE IT RESOLVED that Rule 45 and Rule No. 81 of the
11 Standing Rules of the Constitutional Convention is hereby
12 amended and readopted to read as follows:

13 Rule No. 45. Order of Proposals. When a proposal is on
14 third reading and final passage, it shall be read, debated,
15 and acted upon separately by sections; however, if a section
16 is divided into paragraphs, then, with the consent of a
17 majority of those present and voting, each separately desig-
18 nated paragraph shall be acted upon separately. Each section,
19 or paragraph if so ordered, shall be considered a separate
20 question for the purpose of "limits on debate" provided in
21 Rule 30.

22 Rule No. 81. Recording the Vote. On the passage on
23 third reading of every proposal, article, section, or
24 paragraph if acted on separately, the yeas and nays shall
25 be entered in the Journal, and no proposal, article, sec-
26 tion, or paragraph if acted on separately, shall be declared
27 passed unless a majority of all the delegates to the
28 convention shall have voted in favor of the passage of
29 same.

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DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Constitutional Convention to require that amendments to proposals be germane.

BE IT RESOLVED that Rule No. 46 of the Standing Rules of the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rules No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every amendment shall be distributed to each delegate before a vote occurs thereon. Every amendment proposed must be germane to the subject of the section or paragraph of the proposal to be amended, and an amendment is not in order which is not germane to the question to be amended.

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 debate.

BE IT RESOLVED that Rule No. 30 of the Standing Rules of the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rule No. 30. Limits on Debate. Delegates shall not speak more than once to the same question, nor more than ten minutes, without leave of the convention, unless the delegate is the mover, proposer, or introducer of the matter pending, in which case, either the delegate and/or his designees shall be permitted to speak in reply, but not until every delegate choosing to speak shall have spoken, except where the previous question or the previous question on the entire subject matter has been ordered. When the previous question has been ordered, the mover, proposer, or introducer shall nonetheless have the right to speak or reply as provided in Rule No. 76. The time for reply shall not exceed a total of ten minutes.

1 **DELEGATE RESOLUTION No. 32—**

2 Introduced by Delegates Gravel, Lanier, Jack, and Newton

3 **A RESOLUTION**

4 To amend and readopt Rule No. 46 of the Standing Rules of
5 the Constitutional Convention to provide that floor amend-
6 ments be distributed one calendar day before introduc-
7 tion.

8 WHEREAS, the delegates can vote more intelligently if
9 they have had an opportunity to read and review proposed
10 amendments to resolutions and proposals.

11 THEREFORE, BE IT RESOLVED that Rule No. 46 of
12 the Standing Rules of the Constitutional Convention is here-
13 by amended and readopted to read as follows :

14 **RULE No. 46.**Amendments. Proposed amendments shall
15 be submitted in writing to the clerk, and a copy shall be
16 distributed to each delegate at least one full calendar day
17 before being considered by the convention. The lead author of
18 any floor amendment, however, may accept any change ger-
19 mane to the amendment unless a majority of the delegates,
20 present and voting, object thereto.

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1 **DELEGATE RESOLUTION No. 33—**

2 By Delegate Leithman :

3 **A RESOLUTION**

4 To provide for the numbering sequence in Rule No. 66 of
5 the Rules of Procedure.

6 BE IT RESOLVED that Rule No. 66 of the Rules of Pro-
7 cedure of the Constitutional Convention are hereby amended
8 and readopted as follows :

9 Rule No. 66. Order. The daily business of the Convention
10 shall proceed as follows :

11 Morning Hour

- 12 1. Roll Call.
- 13 2. Prayer.
- 14 2A. Pledge of Allegiance.
- 15 3. Reading and Adoption of Journal.
- 16 4. Petitions, Memorials, and Communications.
- 17 5. Introduction of Resolutions.
- 18 6. Report of Committees.
- 19 7. Proposals on Introduction and First Reading.
- 20 8. Resolutions on Second Reading and Referral.
- 21 9. Proposals on Second Reading and Referral.
- 22 10. Reports of Committees Lying Over.
- 23 11. Reconsideration
- 24 Regular Order of the Day
 - 25 1. Unfinished Business
 - 26 2. Special Order
 - 27 3. Resolutions on Third Reading and Final Passage.
 - 28 4. Proposals on Third Reading and Final Passage.
 - 29 5. Proposals on Calendar for Approval of Final Styling.

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Engrossed

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE RESOLUTION NO. 33

3 By Delegate Leithman

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A RESOLUTION

6 To provide for the numbering sequence in Rule No. 66

7 of the Rules of Procedure.

8 BE IT RESOLVED that Rule No. 66 of the Rules of

9 Procedure of the Constitutional Convention are hereby

10 amended and readopted as follows:

11 Rule No. 66. Order. The daily business of the

12 Convention shall proceed as follows:

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Morning Hour

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1. Roll Call.

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2. Prayer.

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3. Pledge of Allegiance.

17

4. Reading and Adoption of Journal.

18

5. Petitions, Memorials, and Communications.

19

6. Introduction of Resolutions.

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7. Report of Committees.

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8. Proposals on Introduction and

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First Reading.

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9. Resolutions on Second Reading

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and Referral.

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10. Proposals on Second Reading

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and Referral.

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11. Reports of Committees Lying Over.

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12. Reconsideration.

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Regular Order of the Day

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1. Unfinished Business.

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2. Special Order.

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3. Resolutions on Third Reading

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and Final Passage.

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4. Proposals on Third Reading and

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Final Passage.

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5. Proposals on Calendar for Approval

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of Final Styling.

1 **DELEGATE RESOLUTION No. 34—**

2 Introduced by Delegate Asseff:

3 A RESOLUTION

4 To amend Rule No. 76 relative to the previous question.

5 BE IT RESOLVED that Rule No. 76 of the Standing Rules
6 of the Constitutional Convention is hereby amended and re-
7 adopted to read as follows:

8 Rule No. 76. Previous Question. (A) Previous Question.
9 This undebatable motion is applicable only to the pending
10 amendment, or amendments, if more than one amendment is
11 under discussion; and it shall be admitted when ordered by
12 a favorable vote as provided in Rule 69, and when carried
13 its effect shall be to put an end to the debate and bring the
14 Convention to a vote on the pending amendments only, with-
15 out prejudice to further debate on, or subsequent amend-
16 ments to, the main question. If there has been any discus-
17 sion on the amendments, the proponent, or delegates desig-
18 nated by him, shall have the right to close, even after the
19 previous question is ordered, which closing speech shall be
20 limited to fifteen minutes. In addition, anyone whose name
21 is listed by the chairman to speak shall be permitted to
22 speak even after the previous question is ordered.

23 (B) Previous Question on the Entire Subject Matter. It
24 shall only be admitted when ordered by a favorable vote
25 as provided in Rule 69, and when carried, its effect shall
26 be to put an end to all debate, and bring the Convention or
27 any committee to a direct vote—

28 (1) Upon the pending amendment and so on back to the
29 first amendment offered;

30 (2) Upon amendment reported by a committee, if any.

31 (3) The motion for the previous question and the previous
32 question on the subject matter shall, during the considera-

1 tion of any proposal, extend only to the individual section
2 under discussion in accordance with Rule No. 45.

3 On a motion for the previous question on the entire subject
4 matter, and prior to the ordering of the same, a call of the
5 Convention shall be in order; but after the Convention shall
6 have ordered such motion no call shall be in order prior to
7 a decision of the main question. On a motion for the pre-
8 vious question on the entire subject matter, there shall be no
9 debate. All incidental questions of order, arising after a mo-
10 tion is made for the previous question on the entire subject
11 matter, and pending such motion, shall be decided whether
12 on appeal or otherwise, without debate. After a call for the
13 previous question on the entire subject matter has been sus-
14 tained, the question shall be put and determined in order
15 as above, without debate on either amendments or the
16 main question. Anyone whose name is listed by the chair-
17 man to speak shall be permitted to speak even after the
18 previous question is ordered. Also, the proponents of the
19 amendments and measure or a delegate or delegates des-
20 ignated by him shall have the right to close the debate
21 after the previous question on the entire subject matter is
22 ordered, which closing speech shall be limited to a total of
23 fifteen minutes.

1 **DELEGATE RESOLUTION No. 35—**

2 Introduced by Delegate Tobias :

3 **A RESOLUTION**

4 To amend the Standing Rules of the Constitutional Conven-
5 tion to add a new Rule No. 45.1

6 **BE IT RESOLVED** that Rule 45.1 of the Standing Rules of
7 the Constitutional Convention is hereby adopted to read as
8 follows :

9 Rule 45.1. Introduction of New Sections. Notwithstanding
10 any Rule of this convention to the contrary :

11 (A) Whenever an amendment is proposed to establish a
12 new section to a committee or delegate proposal, the amend-
13 ment shall contain the proposed title and proposed sub-
14 stance for the new section. Such amendment shall require
15 a majority vote of all delegates to the convention for
16 adoption.

17 (B) Should an amendment as provided in Paragraph (A)
18 of this Rule be adopted, additional amendments may be
19 proposed to change the substance of the proposed section.
20 Approval of such amendments shall require a majority vote
21 of those delegates present and voting.

22 (C) After all amendments have been proposed and adopted
23 or rejected, the entire section shall be adopted only by a
24 vote of a majority of all delegates to the convention.

1 **DELEGATE RESOLUTION No. 36—**

2 Introduced by Delegate Segura :

3 **A RESOLUTION**

4 To amend Rule No. 33 and Rule No. 36 of the Standing Rules
5 of the Constitutional Convention and to allow proxy
6 voting under certain conditions.

7 **BE IT RESOLVED** that Rule No. 33 of the Standing
8 Rules of the Constitutional Convention is hereby amended
9 and readopted to read as follows :

10 Rule No. 33. Answering Roll Calls. Every delegate must
11 be at his desk when a roll call is being taken, and answers
12 to roll calls from other locations on the convention floor
13 shall not be counted. However, a delegate may request
14 another delegate to vote his machine to answer a roll call
15 or quorum call during his temporary absence from his desk
16 provided that he is on the convention floor, in the gallery,
17 or necessity areas of the convention headquarters.

18 **BE IT FURTHER RESOLVED** that Rule No. 36 of the
19 Standing Rules of the Constitutional Convention is hereby
20 amended and readopted to read as follows :

21 Rule No. 36. Voting in Person. No person other than
22 the delegate himself will be permitted to vote to answer any
23 roll call or quorum call except under the conditions provided
24 for in Rule 33.

1 **DELEGATE RESOLUTION No. 37—**

2 Introduced by Delegate Burson:

3 **A RESOLUTION**

4 To amend the Standing Rules of the Constitutional Conven-
5 tion to add a new Rule to require committee action on
6 any proposed new Section to a Committee Proposal.

7 BE IT RESOLVED that Rule No. 46.1 of the Standing
8 Rules of the Constitutional Convention is hereby adopted
9 to read as follows:

10 Rule No. 46.1. Amendment Adding a New Section. No ac-
11 tion shall be taken on a floor amendment which proposes to
12 add an entirely new Section to a committee proposal until
13 the amendment has been referred to the committee offering
14 the proposal and reported by the committee as provided in
15 Rules No. 60 and 61.

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1 **DELEGATE RESOLUTION No. 38—**

2 Introduced by Delegate Burson:

3 **A RESOLUTION**

4 To amend the Standing Rules of the Constitutional Conven-
5 tion to prohibit amendments in conflict with Sections
6 previously adopted by the convention.

7 BE IT RESOLVED that Rule No. 45.1 of the Standing
8 Rules of the Constitutional Convention is hereby adopted to
9 read as follows:

10 Rule No. 45.1. Prohibited Amendments. No delegate shall
11 submit an amendment to add a new Section to a committee
12 proposal which would conflict with a Section adopted by
13 the convention prior to the time of such submission.

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1 **DELEGATE RESOLUTION No. 39—**

2 Introduced by Delegate Zervigon:

3 **A RESOLUTION**

4 To amend Rule No. 78 of the Standing Rules of the Con-
5 stitutional Convention to provide that delegates not vot-
6 ing, rather than absentees, shall be listed separately.

7 **BE IT RESOLVED** that Rule No. 78 of the Standing
8 Rules of the Constitutional Convention is hereby amended
9 and readopted to read as follows:

10 Rule No. 78. Voting after Decision is Announced. When
11 the Yeas and Nays are taken on any question, no delegate
12 shall be permitted, under any circumstances whatever, to
13 vote after the decision has been announced by the chair-
14 man. On all calls of the Yeas and Nays the names of dele-
15 gates not voting shall be placed on a separate list.

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1 **DELEGATE RESOLUTION No. 40—**

2 Introduced by Delegate Casey:

3 **A RESOLUTION**

4 To amend and readopt Paragraph 2 of Rule Number 50 of
5 the Standing Rules of the Constitutional Convention to
6 require that the recommendations of the Committee on
7 Style and Drafting on proposals adopted be submitted to
8 the substantive committee involved prior to report to the
9 convention.

10 **BE IT RESOLVED** that Paragraph 2 of Rule Number 50
11 of the Standing Rules of the Constitutional Convention is
12 hereby amended and readopted to read as follows:

13 "2. Committee on Style and Drafting, which shall have
14 control over literary style, consistency, arrangement, and
15 numbering. The committee shall have authority to rephrase
16 or to regroup proposed language, but shall have no authority
17 to change the sense or purpose of any proposal referred to
18 it; where a proposal referred to it is inconsistent or in con-
19 flict with a proposal already acted on favorably by the con-
20 vention, the committee shall at the third reading (Rule 44
21 (H)) notify the convention of that inconsistency or con-
22 flict and wait upon its instructions.

23 Prior to returning to the convention, with its report
24 thereon, any finally adopted proposal referred to it, the
25 Committee on Style and Drafting shall submit its proposed
26 report to the substantive committee having jurisdiction over
27 the subject matter. Within five days after such submission,
28 the substantive committee may make any recommendations
29 and comments to the Committee on Style and Drafting it
30 deems necessary. If recommendations or comments are so
31 made, the Committee on Style and Drafting shall consider
32 them prior to reporting the proposal to the convention."

1 **DELEGATE RESOLUTION No. 41—**

2 Introduced by Delegate O'Neill:

3 A RESOLUTION

4 To provide for the submission of an alternative proposal
5 relative to the method of selecting the commissioner of
6 agriculture.

7 WHEREAS, it appears that there is no substantial una-
8 nimity among delegates to the Constitutional Convention
9 with respect to the method of selecting certain state execu-
10 tive officials; and

11 WHEREAS, the people of Louisiana are vitally interested
12 in the determination of how such officials are to be selected;
13 and

14 WHEREAS, the importance of this issue dictates that it
15 be presented to the people in alternative form in order that
16 the electors may make the final decision on the issue.

17 THEREFORE, BE IT RESOLVED that there shall be
18 presented to the electorate of the state an alternative pro-
19 posal which shall read as follows:

20 Section _____. The commissioner of agriculture shall be ap-
21 pointed by the governor for a term of four years subject to
22 confirmation by the Senate.

23 OR

24 Section _____. The commissioner of agriculture shall be
25 elected for a term of four years by the electors of the state, at
26 the time and place of voting for members of the legislature.

27 BE IT FURTHER RESOLVED that the proposition to
28 be submitted to the people shall read:

29 FOR an appointive commissioner of agriculture

30 OR

31 FOR an elective commissioner of agriculture

32

1 **DELEGATE RESOLUTION No. 42—**

2 Introduced by Delegate O'Neill:

3 A RESOLUTION

4 To provide for the submission of an alternative proposal
5 relative to the method of selecting the commissioner of
6 elections.

7 WHEREAS, it appears that there is no substantial una-
8 nimity among delegates to the Constitutional Convention with
9 respect to the method of selecting certain state executive
10 officials; and

11 WHEREAS, the people of Louisiana are vitally interested
12 in the determination of how such officials are to be selected;
13 and

14 WHEREAS, the importance of this issue dictates that it
15 be presented to the people in alternative form in order that
16 the electors may make the final decision on the issue.

17 THEREFORE, BE IT RESOLVED that there shall be
18 presented to the electorate of the state an alternative pro-
19 posal which shall read as follows:

20 Section _____. The commissioner of elections shall be ap-
21 pointed by the governor for a term of four years subject to
22 confirmation by the Senate.

23 OR

24 Section _____. The commissioner of elections shall be elected
25 for a term of four years by the electors of the state, at the
26 time and place of voting for members of the legislature.

27 BE IT FURTHER RESOLVED that the proposition to be
28 submitted to the people shall read:

29 FOR an appointive commissioner of elections

30 OR

31 FOR an elective commissioner of elections

32

1 **DELEGATE RESOLUTION No. 43—**

2 Introduced by Delegate O'Neill:

3 **A RESOLUTION**

4 To provide for the submission of an alternative proposal
5 relative to the method of selecting the commissioner of
6 insurance.

7 WHEREAS, it appears that there is no substantial una-
8 nimity among delegates to the Constitutional Convention with
9 respect to the method of selecting certain state executive
10 officials; and

11 WHEREAS, the people of Louisiana are vitally interested
12 in the determination of how such officials are to be selected;
13 and

14 WHEREAS, the importance of this issue dictates that it
15 be presented to the people in alternative form in order that
16 the electors may make the final decision on the issue.

17 THEREFORE, BE IT RESOLVED that there shall be
18 presented to the electorate of the state an alternative pro-
19 posal which shall read as follows:

20 Section____. The commissioner of insurance shall be ap-
21 pointed by the governor for a term of four years subject to
22 confirmation by the Senate.

23 **OR**

24 Section____. The commissioner of insurance shall be elect-
25 ed for a term of four years by the electors of the state, at
26 the time and place of voting for members of the legislature.

27 BE IT FURTHER RESOLVED that the proposition to be
28 submitted to the people shall read:

29 FOR an appointive commissioner of insurance

30 **OR**

31 FOR an elective commissioner of insurance

32

1 **DELEGATE RESOLUTION No. 44—**

2 Introduced by Delegate O'Neill:

3 **A RESOLUTION**

4 To provide for the submission of alternative proposals rela-
5 tive to the method of selecting the commissioner of
6 agriculture, the commissioner of elections, and the com-
7 missioner of insurance.

8 WHEREAS, it appears that there is no substantial una-
9 nimity among delegates to the Constitutional Convention with
10 respect to the method of selecting certain state executive
11 officials; and

12 WHEREAS, the people of Louisiana are vitally interested
13 in the determination of how such officials are to be selected;
14 and

15 WHEREAS, the importance of this issue dictates that it
16 be presented to the people in alternative form in order that
17 the electors may make the final decision on the issue.

18 THEREFORE, BE IT RESOLVED that there shall be
19 presented to the electorate of the state alternative proposals
20 which shall read as follows:

21 **ALTERNATIVE PROPOSAL No. 1**

22 Section____. The commissioner of agriculture shall be ap-
23 pointed by the governor for a term of four years subject to
24 confirmation by the Senate.

25 **OR**

26 Section____. The commissioner of agriculture shall be elect-
27 ed for a term of four years by the electors of the state, at
28 the time and place of voting for members of the legislature.

29 **PROPOSITION No. 1**

30 FOR an appointive commissioner of agriculture

31 **OR**

32 FOR an elective commissioner of agriculture

ALTERNATIVE PROPOSAL No. 2

Section _____. The commissioner of insurance shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section _____. The commissioner of insurance 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.

PROPOSITION No. 2

FOR an appointive commissioner of insurance

OR

FOR an elective commissioner of insurance

ALTERNATIVE PROPOSAL No. 3

Section _____. The commissioner of elections shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section _____. The commissioner of elections shall be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature.

PROPOSITION No. 3

FOR an appointive commissioner of elections

OR

FOR an elective commissioner of elections

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.

WHEREAS, it appears that there is no substantial unanimity among delegates to the Constitutional Convention with respect to the method of selecting certain state executive officials; and

WHEREAS, the people of Louisiana are vitally interested in the determination of how such officials are to be selected; and

WHEREAS, the importance of this issue dictates that it be presented to the people in alternative form in order that the electors may make the final decision on the issue.

THEREFORE, BE IT RESOLVED that there shall be presented to the electorate of the state an alternative proposal which shall read as follows:

Section _____. The superintendent of education shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section _____. The superintendent of education 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.

BE IT FURTHER RESOLVED that the proposition to be submitted to the people shall read:

FOR an appointive superintendent of education

OR

FOR an elective superintendent of education

1 DELEGATE RESOLUTION No. 46—

2 Introduced by Delegate Asseff:

3 A RESOLUTION

4 To provide for the submission of an alternate provision rel-
5 ative to the appointment, merger, or consolidation of cer-
6 tain officials in the executive branch of government.

7 WHEREAS, the question of whether the state superinten-
8 dent of education, the commissioner of insurance, the com-
9 missioner of agriculture, or the state commissioner of elec-
10 tions should be elected or appointed, or whether any of said
11 offices should be merged or consolidated into any other
12 office or department in the executive branch is of great con-
13 cern to people of the state; and

14 WHEREAS, the delegates to the convention have voted to
15 include a Section in the Article on the Executive Department
16 which would allow the legislature to provide for appointment
17 in lieu of election of these state officials or merge or con-
18 solidate any such officials into another department after the
19 first election of state officials following the adoption of the
20 new constitution; and

21 WHEREAS, this Section contains no provision requiring
22 that any action taken by the legislature be submitted to the
23 people for approval; and

24 WHEREAS, the people should be given the opportunity
25 to approve any action taken by the legislature; and

26 WHEREAS, the issue of whether to give the people the
27 right to approve any legislative action can be submitted as
28 an alternative to the Section previously adopted.

29 THEREFORE, BE IT RESOLVED that there shall be
30 presented to the electorate of the state an alternate provision
31 which shall read as follows:

32 Article IV, Section 23. (A) After the first election of

1 state officials following adoption of this constitution, the
2 legislature may, by favorable vote of two-thirds of the elected
3 members of each house, provide for appointment in lieu of
4 election, of the state superintendent of education, the com-
5 missioner of insurance, the commissioner of agriculture, the
6 state commissioner of elections, or any of them. In such event
7 the legislature shall prescribe qualifications and method of
8 appointment and may provide for the merger or consolida-
9 tion of any such offices and their departments and functions
10 with any other office or department in the executive branch.
11 No action of the legislature pursuant hereto shall reduce the
12 term or compensation of any incumbent elected official. By
13 a vote of two-thirds of the elected members of each house, the
14 legislature may reestablish any of such offices as an elective
15 office and in such event shall prescribe qualifications.

16 (B) Any statute enacted under authority of Paragraph (A)
17 shall become effective only after submission to and approval
18 by a majority of the electors voting thereon at a general
19 election for representatives either in congress or in the state
20 legislature.

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1 DELEGATE RESOLUTION No. 47--

2 Introduced by Delegate Asseff:

3 A RESOLUTION

4 To provide for the submission of an alternate provision
5 relative to the appointment, merger, or consolidation of
6 certain officials in the executive branch of government.

7 WHEREAS, the question whether the state superintendent
8 of education, the commissioner of insurance, the commissioner
9 of agriculture, or the state commissioner of elections should
10 be elected or appointed, or whether any of said offices here-
11 after should be merged or consolidated into any other office
12 or department in the executive branch is of great concern to
13 people of the state; and

14 WHEREAS, the delegates to the convention have voted to
15 include a section in the Article on the Executive Department
16 which would allow the legislature to provide for appointment
17 in lieu of election of these state officials or for merger or
18 consolidation of any such officials into another department
19 after the first election of state officials following the adoption
20 of the new constitution; and

21 WHEREAS, this Section contains no provision requiring
22 that any action taken by the legislature be submitted to the
23 people for approval, and the people should be given the op-
24 portunity to approve any action taken by the legislature; and

25 WHEREAS, requiring a favorable vote of two-thirds of the
26 members of each house of the legislature at both the regular
27 session immediately preceding the general election and the
28 first regular session after the general election will give the
29 people an opportunity to voice their opinion through the
30 election of their representatives; and

31 WHEREAS, this procedure can be provided for and sub-
32 mitted as an alternate to the section previously adopted by

1 the convention.

2 THEREFORE, BE IT RESOLVED that there shall be pre-
3 sented to the electorate of the state an alternate provision
4 which shall read as follows:

5 Article IV, Section 23. Appointment of Officials; Merger,
6 and Consolidation of Offices and Departments

7 Section 23. (A) After the first election of state officials
8 following adoption of this constitution, the legislature may
9 provide for appointment, in lieu of election, of the state super-
10 intendent of education, the commissioner of insurance, the
11 commissioner of agriculture, the state commissioner of elec-
12 tions, or any of them. In such event the legislature shall pre-
13 scribe qualifications and method of appointment, and may
14 provide for the merger or consolidation of any of such offices
15 and their departments and functions, with any other office or
16 department in the executive branch. No action of the legisla-
17 ture pursuant hereto shall reduce the term or compensation
18 of any incumbent elected official. The legislature may re-
19 establish any of these offices as an elective office and, in
20 such event, shall prescribe qualifications.

21 (B) Any action taken pursuant to Paragraph (A) of this
22 Section shall be taken only at a regular session immediately
23 preceding a general election of members of the legislature
24 and shall require approval of two-thirds of the elected mem-
25 bers of each house. If so approved, the measure shall again be
26 acted upon at the first regular session held after the general
27 election, and if it then is adopted by a vote of two-thirds
28 of the elected members of each house it shall become effective.

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DELEGATE RESOLUTION No. 48—

1 Introduced by Delegate Alexander:

2 A RESOLUTION

3 To amend the Standing Rules of the Constitutional Conven-
4 tion to add a new Rule No. 30.1.

5 BE IT RESOLVED that Rule 30.1 of the Standing Rules
6 of the Constitutional Convention is hereby adopted to read
7 as follows:

8 Rule 30.1. Limits on Debate; Amendments

9 Amendments shall be debated for not more than thirty
10 minutes. The time shall be equally divided between proponents
11 and opponents of the amendment. After each speaker the
12 chairman of the convention shall charge the time to the ap-
13 propriate side.

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1 Constitutional Convention of Louisiana of 1973

2 DELEGATE RESOLUTION NUMBER 49

3 Introduced by Delegate Casey *and all other delegates to*
4 *the Convention*

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A RESOLUTION

16 To convey to Delegate Anthony J. Vesich the good wishes of
17 the Convention for a speedy and complete recovery.

18 WHEREAS, the Delegates to the Constitutional
19 Convention have learned with regret that Delegate Anthony J.
20 Vesich, who recently underwent serious surgery in New Orleans
21 will be hospitalized during the Christmas holidays; and

22 WHEREAS, the Delegates desire to express to their
23 colleague their sincere good wishes and a complete and
24 speedy recovery in order that he may return to the Convention
25 within the near future.

26 THEREFORE, BE IT RESOLVED, that the Delegates to the
27 Constitutional Convention of Louisiana of 1973 do hereby express
28 to Delegate Vesich their heartfelt wishes and prayers for a most
29 successful and speedy recovery.

30 BE IT FURTHER RESOLVED, that the Convention takes this
31 opportunity to wish Delegate Vesich a blessed Christmas and a
32 most successful New Year.

33 BE IT FURTHER RESOLVED, that a copy of this resolution
34 will be transmitted without delay to Delegate Anthony J.
35 Vesich at the Hotel Dieu in New Orleans, Louisiana.

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1 **DELEGATE RESOLUTION No. 50—**

2 Introduced by Delegate O'Neill

3 **A RESOLUTION**

4 To amend the Standing Rules of the Constitutional Con-
5 vention to add a new Rule 47.1, to provide for the printing of
6 an attestation clause for the proposed draft of the consti-
7 tution and for the distribution of copies of the proposed
8 draft and to urge and request the governor to take the
9 necessary steps to see that a copy of the Louisiana Con-
10 stitution of 1974 is exhibited permanently in the state
11 capitol.

12 BE IT RESOLVED that Rule 47.1 of the Standing Rules of
13 the Constitutional Convention is hereby adopted to read as
14 follows:

15 *Rule No. 47.1 Attestation Clause and Distribution of Copies*

16 An attestation clause for the proposed draft of the con-
17 stitution with spaces provided for each delegate to the con-
18 vention to sign shall be printed and returned to the conven-
19 tion for signatures prior to January 19, 1974. One hundred
20 thirty-five copies shall be printed. After the signatures of
21 the delegates are affixed to the one hundred thirty-five docu-
22 ments, the documents shall be returned to the printer to be
23 attached to one hundred thirty-five printed copies of the
24 entire proposed draft of the constitution, and a copy thereof
25 shall be transmitted to each person who is a delegate to the
26 convention on January 19, 1974.

27 BE IT FURTHER RESOLVED, that the Governor of Lou-
28 isiana is hereby urged and requested to take the necessary
29 steps to see that a certified copy of the Louisiana Constitu-
30 tion of 1974, as finally ratified by the people of Louisiana,
31 is permanently exhibited in a prominent place on the first
32 floor of the State Capitol.

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE RESOLUTION NUMBER 51

3 Introduced by Delegate Avant

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A RESOLUTION

10 To amend Rule 37.1 of the Standing Rules of the Constitutional
11 Convention to add a Paragraph F to provide for the vote
12 requirement by the people to adopt an alternative to the
13 proposed constitution.

14 BE IT RESOLVED that Paragraph F of Rule No. 37.1 of the
15 Standing Rules of the Constitutional Convention is adopted to
16 read as follows:

17 Rule No. 37.1. Submission of Alternative Provisions

18 * * *

19 F. No alternative proposition submitted to the people
20 for ratification shall become a part of the constitution
21 unless it receives a favorable vote equal to at least a
22 majority of the number of persons voting for and against the
23 basic document.

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1 Constitutional Convention of Louisiana of 1973

2 DELEGATE RESOLUTION NUMBER 52

3 Introduced by Delegate Pugh

4 A RESOLUTION

5 To provide:

6 (A) For the form and manner for the submission to the
7 electors of the state of a proposed new constitution, together
8 with alternative proposals relating to education, and the
9 delegation of authority relating thereto to the appropriate
10 officers of the convention;

11 (B) For the use of the facilities and services of boards,
12 commissions, departments and agencies of the state and of the
13 political subdivisions of the state;

14 (C) With respect to the disbursement of funds appropriated
15 to the convention;

16 (D) A method of reconvening the convention without per
17 diem for any purpose consistent with law; and

18 (E) For the supremacy of this Resolution over other
19 actions of the convention.

20 WHEREAS:

21 (A) By law this convention has been granted full authority
22 to determine the form and manner in which the proposed consti-
23 tution, together with any Alternative Proposals, shall be
24 submitted to the electors;

25 (B) By law this convention has been granted full authority
26 to use the facilities and services of any board, commission,
27 department or agency of the state and of any political subdivision
28 of the state, and all such instrumentalities are charged by law
29 to cooperate with this convention to the fullest extent in fur-
30 nishing services, facilities and employees to this convention upon request;

31 (C) This convention may be required, after January 19, 1974,
32 to expend some of the remaining funds appropriated to it, con-
33 sistent with the duties and obligations imposed upon it by law;
34 and

35 (D) It may be deemed necessary to reconvene this

1 convention after January 19, 1974, without per diem to take
2 further action in regard to the responsibilities imposed upon
3 it by law other than those directly relating to the drafting
4 of a constitution and its Alternate Proposals.

5 (E) All rules and other actions inconsistent with the
6 provisions of this Resolution must be suspended in so far as
7 they may conflict herewith.

8 THEREFORE, BE IT RESOLVED (1) that all electors duly
9 qualified to vote in this state at the time of the election
10 shall be entitled to vote without regard to party affiliation
11 in their respective precincts on the proposition for or against
12 adoption of the constitution and on the question of adoption
13 of one of two alternative provisions relating to education, on
14 official ballots, printed and distributed at public expense, to
15 read as follows:

16 "The Constitution of 1974 shall be adopted if a majority
17 of those casting votes on the proposition is in favor thereof."

18 " FOR the Constitution of 1974, as drafted by the
19 Constitutional Convention and exclusive of either
20 of the alternative provisions relating to education."

21 " AGAINST the Constitution of 1974, as drafted by
22 the Constitutional Convention and exclusive of
23 either of the alternative provisions relating to education"

24 "A majority of those casting votes on the following alter-
25 native provisions shall be determinative of which alter-
26 native proposition shall be a part of the Constitution
27 of 1974 if adopted. You may vote for only one of the
28 alternatives."

29 " A. The alternative provision drafted by the Con-
30 stitutional Convention which provides for five
31 constitutional boards for the governance of
32 education."

33 OR

34 " B. The alternative provision drafted by the
35 Constitutional Convention which provides for

1 two constitutional boards for the governance
2 of education;"

3 (2) Thirty days prior to the election the board of
4 supervisors of elections in each parish shall appoint three
5 commissioners and one clerk to preside over the election of
6 each polling precinct, each of whom shall be a qualified voter
7 of the ward in which the polling precinct is located. If the
8 election is held as a special election, no watchers shall be
9 used. If the election is held at a general election the com-
10 missioners, clerks and watchers appointed therefor shall be
11 used, notwithstanding any of the provisions hereof;

12 (3) Voting machines [booths] shall be used for the
13 conduct of the election and insofar as practical the provisions
14 of R.S. 18:1161 through 18:1198 shall be applicable;

15 (4) Absentee voting is authorized in the election and
16 insofar as practical the provisions of R.S. 18:1071 through
17 18:1081 shall be applicable.

18 (5) The convention chairman and secretary, or either
19 of them, are hereby jointly and severally granted the full
20 power and authority to do all things which they or either of
21 them may deem necessary effectively to carry out the provi-
22 sions of this Resolution, including but not limited to the
23 right to make full and final interpretations of the intent and
24 meaning of this Resolution. subject only to judicial review,
25 and to act for and in behalf of the convention in regard to,
26 but solely limited to, the manner of the election, including
27 when necessary the changing of any of the provisions hereof,
28 and they shall have the convention's unlimited authority to call
29 upon any instrumentality of the state or its political subdi-
30 visions to cooperate in the furnishing of services, facilities
31 and employees for the purpose of carrying out the conventicn
32 responsibilities of the convention in providing for the manner
33 of the election;

34 (6) The cost of printing of tally sheets, cards of in-
35 struction to the commissioners, clerks, voters and any other

1 persons shall be paid by the state and shall be prepaid and dis-
2 tributed by the state officials normally having responsibility
3 therefor. All expenses imposed by law upon the parish governing
4 authorities and accordingly paid in connection with the election
5 shall be reimbursed to the parish governing authorities by the
6 state upon warrant of the parish treasurer drawn on the state
7 auditor, supported by such proof as the state auditor requires.

8 (7) The polls for the election shall be opened at 6:00 a.m.
9 and closed at 8:00 p.m. All persons within the barriers or
10 buildings where the election is being held may vote until 12:00
11 o'clock midnight on the election day. Before, during and after
12 these hours, the commissioners, clerks and others mentioned
13 herein or provided for shall have all of the powers and duties
14 granted and shall be subject to the obligations and penalties
15 imposed by R.S. 18, §§557, 558, 559, 560, 561, 562, 563, 567,
16 568, 569, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584
17 585, 586, 587, 588, 589, 590, 591, and 593 (together with other
18 pertinent provisions of Title 18) insofar as the same be appli-
19 cable and not inconsistent with the provisions of this Resolution.
20 As to R.S. 18:567 the requirements as to the votes for candidates shall
21 be deemed to refer to the constitution and alternative provi-
22 sions submitted so as to give said Section meaning as to this
23 election. The results of the election shall be promulgated by
24 the Secretary of State on December 2, 1974.

25 BE IT FURTHER RESOLVED that each and every instrumentality
26 of the state and its political subdivisions (including by
27 specification the office and staff of both the Secretary of State
28 and the Custodian of Voting Machines) are hereby called upon,
29 in accordance with law, to cooperate with this convention
30 and its designated officers to the fullest extent in furnishing
31 services, facilities, and employees to this convention, upon
32 request, to effectuate the calling and holding of the election
33 herein contemplated.

34 BE IT FURTHER RESOLVED, that there is hereby allocated, if
35 available and necessary and subject to the provisions of law

1 and the obtaining of such further authority as the law may
2 require, up to the sum of \$45,000.00, to the secretary of state
3 for the State of Louisiana to be used by him in carrying out
4 the necessary and usual functions of his office in connection
5 with this election, including those relative to the furnish-
6 ing of appropriate and comprehensive instructions to the
7 proper party or parties as to

- 8 (A) Voters and commissioners;
- 9 (B) Posting of notices;
- 10 (C) Computation by commissioners of precinct returns;
- 11 (D) Transmission of returns;
- 12 (E) Tabulation and promulgation of returns into both
13 parish and statewide returns;
- 14 (F) Time for compilation of tabulation of returns;
- 15 (G) Promulgation of returns and time and manner in
16 which publication is to be made;
- 17 (H) Recordation of results by clerks of court on
18 machines before they are cleared; and
- 19 (I) Any other matters pertaining to the election.

20 BE IT FURTHER RESOLVED that the chairman or a majority
21 of the officers of this convention be and he or they are hereby
22 authorized to call this convention into session without
23 per diem for any purpose for which he or they shall in
24 their discretion deem necessary and appropriate to further
25 provide as to the form and manner of submitting to the
26 electors of this state the constitution, together with
27 alternative provisions relative to education and for any
28 additional purpose or purposes not inconsistent with law.

29 BE IT FURTHER RESOLVED that the provisions of this
30 Resolution shall take preference and priority over and shall be
31 paramount to any rule, provision, Resolution or other action
32 heretofore adopted or taken by the convention relating to
33 the matters covered hereby.

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1 Constitutional Convention of Louisiana of 1973
2 DELEGATE RESOLUTION NO. 53
3 INTRODUCED BY DELEGATE DENNERY

4

5 A RESOLUTION

6

7 Relative to the printing and distribution of copies of the
8 constitution throughout the state.

9 BE IT RESOLVED by the Constitutional Convention of
10 Louisiana of 1973 that the publication of the constitution
11 in the official journal of the state, prior to the election,
12 and the printing and distribution of copies of the constitution
13 throughout the state, prior to the election shall be accomplished
14 and paid for by the convention, and the Executive Committee is
15 directed to do all things necessary and proper to accomplish
16 the same.

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Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 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, 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, Singletery, Slay, Smith, Soniat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Tocmy, Ullo, Velazquez, Vesich, Vick, Wall, Warrea, Wattigny, Weiss, Willis, Winchester, Wisham, Womeck, 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 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,

Final Enrollment

D. R. No. 54

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 Patay Moore; Receptionist Adrienne Patty; Docket Clerks Ellen Ferguson and Frank Pizzolato; Law Students Michael Baer, Richard Brazan, Richard Cryer, Joseph Rausch, Reginald Riquet, Bernice Roberts, Michael Wascom and Jay Zainey; Machine Operators Shirley Corley, Marvin Dorsey, Howard Gist and Terry Tooley; and Messengers Willie Lunkin and Breoda 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;

Final Enrollment

D. R. No. 54

Executive Secretary Kathy Goss; Administrative Assistant Dao 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 Booker, 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 Tooney; 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.

Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 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, Deannery, 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, Wattigoy, 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

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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.

Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 56

Introduced by Delegates Henry, Abraham, Aertker, Alario, Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux, Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns, Burson, Cannon, Carrouche, 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. Jacksoo, 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, Sociat, 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.

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.

Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 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, 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, Maybece, 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, Thomson, 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.

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.

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE RESOLUTION NUMBER 58

3 Introduced by Delegates Henry, Abraham, Aertker, Alario,
4 Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux,
5 Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns,
6 Burson, Cannon, Carmouche, Casey, Champagne, Chatelain,
7 Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo,
8 De Blieux, Dennerly, Dennis, Derbes, Deshotels, Drew,
9 Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot,
10 Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman,
11 Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes,
12 Heine, Hernandez, Jack, A. Jackson, J. Jackson,
13 Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick,
14 Lambert, Landrum, A. Landry, E. J. Landry, Lanier, Lebleu,
15 Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret,
16 Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez,
17 O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal,
18 Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt,
19 Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg,
20 Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate,
21 Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo,
22 Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss,
23 Willis, Winchester, Wisham, Womack, Zervigon

24

25

A RESOLUTION

26 To commend and express the appreciation of the Constitutional
27 Convention of Louisiana of 1973 to the Legislature of the
28 State of Louisiana.

29 WHEREAS, the enactment of Act 2 of 1972 by the members
30 of the Legislature of the State of Louisiana made the
31 Constitutional Convention of Louisiana of 1973 a reality; and

32 WHEREAS, the legislature has been very generous in its
33 support of the convention by appropriating sufficient funds
34 for its operations; and

35 WHEREAS, the legislature has made its own facilities

1 available for the use of the convention when necessary; and
2 WHEREAS, the delegates to the Constitutional Convention
3 of Louisiana of 1973 very much appreciate the support and
4 assistance of the legislature; and

5 WHEREAS, the Constitutional Convention is privileged to
6 have several outstanding members of the legislature, past and
7 present, who have made lasting contributions to the history
8 of our state and this convention; and

9 WHEREAS, delegates of the Constitutional Convention
10 recognize the close parallels between constitutional law
11 which they have been considering and statutory law which
12 members of the legislature consider; and

13 WHEREAS, delegates to the Constitutional Convention of
14 Louisiana of 1973 and members of the Legislature of the State
15 of Louisiana have a deep and abiding interest in the future
16 of our state.

17 THEREFORE, BE IT RESOLVED, that the Constitutional
18 Convention of Louisiana of 1973 commend and express its
19 appreciation to the Legislature of the State of Louisiana and
20 its members individually, in this manner, for their invaluable
21 contributions to the deliberations of this convention.

Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 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, Mauberrret, 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.

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 Baudoia, L. G. Brassett, E. O. Cailleteau, Dan Campbell, Ellis Daigle, Joe Dazzio, Freddie Donald, Macon Geao, David Hamilton, Raymond Holloway, Eddie Joe, Heywood Jeffers, Joseph Keith, Bill Middleton, Steve Mogabgab, Joseph Richard, Mike Skinner, Charles Taylor; Security Personnel Wilson Chaoey, 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 Baudoia, 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.

Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 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, Jumeau, Kean, Kelly, Kilbourne, Kilpatrick, Lambert, Landrum, A. Landry, E. J. Landry, Lanier, LeBleu, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberrret, 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, Thiatlethwaite, 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.

Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 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, Uilo, 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.

Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 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, Chatelaia, 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, LeBlau, Leigh, Leithman, Lowe, McDaniel, Martin, Mauberrret, 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, Sontat, Stagg, Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate, Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo, Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weisa, 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.

Final Enrollment

Constitutional Convention of Louisiana of 1973

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, 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.

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE RESOLUTION NUMBER 61

3 Introduced by Delegates Henry, Abraham, Aertker, Alario,
4 Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux,
5 Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns,
6 Burson, Cannon, Carmouche, Casey, Champagne, Chatelain,
7 Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo,
8 De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew,
9 Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot,
10 Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman,
11 Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes,
12 Heine, Hernandez, Jack, A. Jackson, J. Jackson,
13 Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick,
14 Lambert, Landrum, A. Landry, E. J. Landry, Lanier, Lebleu,
15 Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret,
16 Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez,
17 O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal,
18 Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt,
19 Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg,
20 Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate,
21 Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo,
22 Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss,
23 Willis, Winchester, Wisham, Womack, Zervigon

24
25 A RESOLUTION

26 To commend and express the appreciation of the Constitutional
27 Convention of Louisiana of 1973 to Louisiana State
28 University and Agricultural and Mechanical College and
29 the Louisiana State University Law School, its dean,
30 faculty, and staff for the use of its facilities.

31 WHEREAS, Louisiana State University and Agricultural and
32 Mechanical College and the Louisiana State University Law
33 School, have graciously extended their hospitality to the
34 Constitutional Convention of Louisiana of 1973 by providing
35 working space in the Law Center and the use of the library and

1 other facilities to the research staff of the convention; and
2 WHEREAS, the working space in the Law Center and the use
3 of the Law School Library's extensive legal collection and
4 other facilities have been provided by Louisiana State
5 University and Agricultural and Mechanical College and the
6 Louisiana State University Law School without cost to the
7 convention; and

8 WHEREAS, the dean, faculty, and staff members of the Law
9 School have graciously cooperated with the research staff and
10 the Constitutional Convention of Louisiana of 1973.

11 THEREFORE, BE IT RESOLVED, that the Constitutional
12 Convention of Louisiana of 1973 commends and express its
13 appreciation to Louisiana State University and Agricultural
14 and Mechanical College and the Louisiana State University Law
15 School, its dean, faculty, and staff.

16 BE IT FURTHER RESOLVED, that a copy of this Resolution
17 be transmitted to Louisiana State University and Agricultural
18 and Mechanical College and the Louisiana State University Law
19 School.

1 Constitutional Convention of Louisiana of 1973

2 DELEGATE RESOLUTION NUMBER 45

3 Introduced by Delegates Henry, Abraham, Aertker, Alario,
4 Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux,
5 Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns,
6 Burson, Cannon, Carmouche, Casey, Champagne, Chatelain,
7 Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo,
8 De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew,
9 Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot,
10 Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman,
11 Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes,
12 Heine, Hernandez, Jack, A. Jackson, J. Jackson,
13 Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick,
14 Lambert, Landrum, A. Landry, E. J. Landry, Lanier, Lebleu,
15 Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret,
16 Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez,
17 O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal,
18 Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt,
19 Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg,
20 Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate,
21 Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo,
22 Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss,
23 Willis, Winchester, Wisham, Womack, Zervigon
24

25 A RESOLUTION

26 To commend and express the appreciation of the Constitutional
27 Convention of Louisiana of 1973 to the individuals who
28 have assisted the convention.
29 WHEREAS, the task of writing a new constitution and the
30 responsibilities of the delegates to the Constitutional Con-
31 vention of Louisiana of 1973 have been complex and complicated;
32 and
33 WHEREAS, the work of the convention would have been
34 difficult to accomplish without the aid and assistance of
35 the many people who aided and assisted the Constitutional

1 Convention of Louisiana of 1973 before and during its exist-
2 tence; and

3 WHEREAS, for many months prior to the convening of the
4 Constitutional Convention of Louisiana of 1973 and continuing
5 through the year of the convention's existence the Louisiana
6 Legislative Council and its staff has given invaluable assist-
7 tance to the convention and its staff; and

8 WHEREAS, this assistance has been in the form of untold
9 numbers of hours of advice, counsel, research, and other
10 forms of assistance given graciously and whenever called
11 upon; and

12 WHEREAS, in its beginnings, the research staff of the
13 convention had to rely almost exclusively on the resources
14 of the Legislative Council for its research capability; and

15 WHEREAS, the Division of Administration has worked very
16 closely with the convention and in particular the office of
17 the treasurer of the convention; and

18 WHEREAS, the Division of Administration at the outset
19 of the convention assigned Jim Falkner, a member of its
20 staff to assist the treasurer of the convention; and

21 WHEREAS, the decorum and safety within the convention
22 hall and the areas in close proximity to the convention
23 could not have been assured but for the unceasing efforts
24 of the State Police officers assigned to the Constitutional
25 Convention of Louisiana of 1973; and

26 WHEREAS, the staffs of the Speaker of the House of
27 Representatives and the Clerk of the House have rendered
28 valuable help and assistance to the convention and the
29 delegates when called upon to do so; and

30 WHEREAS, the Secretary of State, the Attorney General,
31 and the Custodian of Voting Machines and their staffs have
32 responded promptly and fairly when called upon to aid the
33 convention in resolving some of the problems confronting
34 it; and

35 WHEREAS, the courtesies which have so generously

1 been supplied to the delegates to the Constitutional Conven-
2 tion of Louisiana of 1973 throughout its deliberations by
3 the newspapers delivered daily by the Shreveport Journal
4 without charge to the convention; and by the complimentary
5 copies of "Citizen's Guide to the 1973 Constitutional Conven-
6 tion" and other material distributed by the Public Affairs
7 Research Council of Louisiana greatly contributed to serving
8 the needs of the delegates to the convention.

9 THEREFORE, BE IT RESOLVED, that the Constitutional
10 Convention of Louisiana of 1973 commend and express its
11 appreciation to the abovementioned individuals, agencies,
12 organizations, and to all others who have contributed for
13 the services they have rendered and the contributions they
14 have made to the successful completion of a new constitu-
15 tion for the State of Louisiana.

16 BE IT FURTHER RESOLVED, that this Resolution be spread
17 upon the official journal of the convention and that a
18 copy hereof be distributed to the persons, agencies, and
19 organizations named herein.

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1 Constitutional Convention of Louisiana of 1973
2 DELEGATE RESOLUTION NUMBER 65
3 Introduced by Delegates Henry, Abraham, Aertker, Alario,
4 Alexander, Anzalone, Arnette, Asseff, Avant, Badeaux,
5 Bel, Bergeron, Blair, Bollinger, Brien, Brown, Burns,
6 Burson, Cannon, Carmouche, Casey, Champagne, Chatelain,
7 Chehardy, Comar, Conino, Conroy, Corne, Cowen, D'Gerolamo,
8 De Blieux, Dennery, Dennis, Derbes, Deshotels, Drew,
9 Dunlap, Duval, Edwards, Elkins, Fayard, Flory, Fontenot,
10 Fowler, Fulco, Gauthier, Giarusso, Ginn, Goldman,
11 Graham, Gravel, Grier, Guarisco, Hardee, Hayes, Haynes,
12 Heine, Hernandez, Jack, A. Jackson, J. Jackson,
13 Jenkins, Jones, Juneau, Kean, Kelly, Kilbourne, Kilpatrick,
14 Lambert, Landrum, A. Landry, E. J. Landry, Lanier, Lebleu,
15 Leigh, Leithman, Lowe, McDaniel, Martin, Mauberret,
16 Maybuce, Miller, Mire, Morris, Munson, Newton, Nunez,
17 O'Neill, Ourso, Perez, Perkins, Planchard, Pugh, Rachal,
18 Rayburn, Reeves, Riecke, Roemer, Roy, Sandoz, Schmitt,
19 Segura, Shannon, Singletary, Slay, Smith, Soniat, Stagg,
20 Stephenson, Stinson, Stovall, Sutherland, Tapper, Tate,
21 Thistlethwaite, Thompson, Tobias, Toca, Toomy, Ullo,
22 Velazquez, Vesich, Vick, Wall, Warren, Wattigny, Weiss,
23 Willis, Winchester, Wisham, Womack, Zervigon
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25 A RESOLUTION

26 To commend and express the appreciation of the Constitutional
27 Convention of Louisiana of 1973 to the Honorable Edwin
28 W. Edwards, Governor of the State of Louisiana.
29 WHEREAS, the Honorable Edwin W. Edwards, Governor of the
30 State of Louisiana, has long maintained that a need existed
31 for a new constitution; and
32 WHEREAS, Governor Edwards advocated the calling of a
33 constitutional convention during his campaign for governor;
34 and
35 WHEREAS, soon after his inauguration, Governor Edwards

1 began in earnest to work toward that end; and

2 WHEREAS, Governor Edwards sponsored legislation calling
3 a constitutional convention; and

4 WHEREAS, that legislation became Act 2 of 1972 creating
5 the Constitutional Convention of Louisiana of 1973; and

6 WHEREAS, Governor Edwards has maintained his interest
7 and support throughout the deliberations of the convention;
8 and

9 WHEREAS, the support of the Governor of this state is
10 essential for the successful ratification of the new con-
11 stitution; and

12 WHEREAS, the delegates to the Constitutional Convention
13 of Louisiana of 1973 realize that the aid, support, interest,
14 and cooperation of the Governor is desirable and necessary.

15 THEREFORE BE IT RESOLVED, that the Constitutional
16 Convention of Louisiana of 1973 and its delegates, indivi-
17 dually, commend and express their sincere appreciation to
18 the Honorable Edwin W. Edwards, Governor of the State of
19 Louisiana, for his continuing interest and support of the
20 successful completion of a new constitution for the State
21 of Louisiana and its people.

22 BE IT FURTHER RESOLVED, that this Resolution be spread
23 upon the official journal of the convention and that a copy
24 hereof be transmitted to Governor Edwards.

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1 Constitutional Convention of Louisiana of 1973
2 DELEGATE RESOLUTION NUMBER 67
3 Introduced by Delegates Rayburn, Thompson, Brown,
4 Reeves, Lambert and Nunez

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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.

