

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

VOLUME V



Records of the Louisiana Constitutional Convention of 1973: Convention Transcripts

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VOLUME FIVE

by

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

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

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LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

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Friday, January 5, 1973

CALL TO ORDER

Hon. Joe W. Sanders The Louisiana Constitutional Convention will now come to order. The invocation will be pronounced by the Most Reverend Philip M. Hannan, Archbishop of New Orleans. Archbishop Hannan.

PRAYER

Archbishop Hannan In the name of the Father and the Son and the Holy Spirit. Oh, God, our Father, and source of all justice, pour down Your blessing on those who participate in this Constitutional Convention. May Your presence abide in us as we fashion the basic law of this state. May our work merit the praise of the Psalmist, "Happy the nation whose God is Yahweh, the people He has chosen for His heritage." Make us mindful that our dignity and rights protected by our law derived from You Whose image we are and make us remember that our laws must honor equally that image of You in every man. Under Your guidance and grace may we make of this state one family, under God, whose deepest concern is for the neediest and whose goal is the reign of charity. Led on by Your light may the efforts of this convention forward in this state Your Kingdom, whose motive is charity, whose law is justice, and whose life is love. Yahweh, let Your love rest on us, as our hope rests in You. Amen.

PRESENTATION OF COLORS AND NATIONAL ANTHEM

Hon. Joe W. Sanders The presentation of the colors will be made by the United States Marine Corps Color Guard. This presentation will be followed immediately by the National Anthem rendered by Mrs. Frances Marsh, Associate professor of Music, Southern University, Baton Rouge. She will be accompanied on the organ by Mr. Melvin Ballard and the delegates will remain standing at this time. Let the color guard advance.

Mrs. Marsh [Anthem]

Hon. Joe W. Sanders The Color Guard will retire the colors. We will now have a prayer by the Reverend Dr. Scott Tatum, Pastor, Broadmoor Baptist Church, Shreveport.

PRAYER

Dr. Tatum Let us pray. Almighty God, our heavenly Father, Father of our Lord and Savior, Jesus Christ, we thank You for the privilege of worship. In this moment we worship You because of Your greatness, because of Your righteousness, because of Your love and because of Your mercy. Deliver us from the folly of thinking that prayers are made by ministers to be heard by man. Give us the faith to know that almighty God is listening even now, not only to the words spoken by this man, but to the thoughts that are in the minds of every person who is here. We pray to delegate under the writing of a constitution. We pray that we shall not think that we ourselves are wise enough to write a constitution for our state, but that we might ask God to work through us as His mind becomes the mind of the delegates. We dedicate these men and women unto You. May they pray not only now but may they pray daily until the constitution they have in this constitution God would have us to have. We pray for this great state of ours. We pray for its citizens, we pray for its officers. We ask that God will give unto us some little part in the advancement of God's kingdom. Thy kingdom come, Thy will be done, in earth, in Louisiana, now as it is in Heaven. In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Hon. Joe W. Sanders The delegates will please be seated. The next item on the program is the roll

call of delegates by the Honorable Wade O. Martin, Jr., Secretary of State. When your name is called, please respond, rise, and come in front of the rostrum for the administration of the oath to the delegates. Secretary Martin.

ROLL CALL

Secretary Martin Mr. Chairman, members of the Constitutional Convention, roll call is as follows: [7 Journal 1-3]

One hundred percent attendance, Mr. Chairman. I would like to say in conclusion and very briefly, Mr. Temporary Chairman and the other officers who will be elected today, to all the delegates who are here assembled for this important event my sincere congratulations and thanks to Governor Edwin Edwards, the members of the Legislature, and everyone who had anything to do with this important forward step in the future of Louisiana, our sincere thanks and appreciation. Thank you, Mr. Temporary Chairman.

ADMINISTRATION OF OATH OF OFFICE

Hon. Joe W. Sanders The delegates will please raise their right hand and repeat after me. I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of this convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God. The delegates may now be seated.

Governor Edwards, members of the clergy, and distinguished delegates of this convention, today, January 5th, nineteen hundred and seventy-three, is a historic day in Louisiana. After more than a half century under the same framework of government, you begin today in a new year to write a new constitution. In a larger sense, however, you write more than the bare phrases of organic law. You write history, for in the new constitution must be distilled the social and economic life of our great people, a people whose rich diversities of culture have been celebrated in song and story. You have been chosen to serve here because of your competence to do the work before us. In a very true sense you write not for yourselves alone, but as representatives of all the people. I congratulate you on your selection as members of this body. Like the delegates in earlier state conventions, you face problems that seem to defy solution. As the late Dr. Owen, a legal authority once noted, "Our present constitution falls short in several major respects. Because of its length, it poses problems in ascertaining basic policy. It embodies defects in governmental structure. Finally, but no less important, it has spawned an abuse of the amending process by placing upon the people the impossible burden of acting upon a multitude of amendments, some of statewide concern, some of local application only." Your work involves more than merely transferring the law from one book to another to shorten a constitution. It also involves a creative process. Your goal will be to create a new framework of government, consistent, and sound; government that is responsive to the needs of the people. No better guidelines can be found than those inscribed in the preamble that all Americans hold dear, "to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." As your temporary chairman, my duty as the law is to preside until you elect a permanent chairman. I will do my very best to facilitate your work. I have reviewed the biography of each of you. No greater assemblage [assemblage] of intellect has ever been achieved in the history of the state of Louisiana. But the ultimate success of this convention requires more than intellect. It also requires spirit. A spirit that will free the convention of the turmoil of discordant factions and the intrusion of partisan interests. Your proceedings must be conducted with decorum, dignity

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and above all, a genuine concern for the welfare of the people. In such an atmosphere a full and informed debate can truly test the soundness of each provision. These deliberations can and must produce a constitution that will merit the approval of the people. This then is your twofold challenge: deliberations that inspire public confidence, and a worthy constitution. The eyes of all Louisianians will be upon you as you respond to this challenge. My sincere wish is that your efforts will redound to the welfare, happiness and prosperity of all of our people. Thank you.

The next prayer will be delivered by Dr. Lester W. Roubey, Rabbi, Temple B'nai Israel, Baton Rouge. Rabbi Roubey.

PRAYER

Rabbi Roubey Gathered in Thy sight, O Lord, in this vast and blessed commonwealth, men and women have gathered for a noble and a significant task. They seek above all to enrich through their deliberations the lives and fortunes of every man, to enrich life not only for the individual but for our common weal that each may grow, may prosper, and yet not disturb or infringe on the rights and privileges of his fellow man. Thou has taught us, O Lord, that man is created in Thy divine image. Therefore, within each of us resides that spark of divinity which brings us into being, that from the Creator and Source of all life. If human life be thus sanctified, then the delegates here gathered to design a mode of living for the citizens of our state must view their appointed tasks as one touched by more than a modicum of sanctity. The writers of scripture first saw that the peace security of the community would demand a social compact which would call for personal sacrifices for the common good. The first laws of right and wrong, of liability and privilege, of property and possession found their formulation in that book of books, our Holy Bible. There too the concept of brotherhood found its loftiest yet simple expression in the words, "Love thy neighbor as get thyself." We therefore pray, O Father, that the delegates of this convention keep constantly in their sights and in their minds and in their hearts the knowledge that the first great corpus of human law found expression in holy writ. And from it have been derived all laws which guard and protect and succor all man. The delegates here assembled take their place in a direct line of descent from those who first formulated the social regulations of an ancient day. May the work of this convention, then, O Lord, ever be blessed, be blessed by a spirit of service to human kind and by a spirit of dedication to the welfare of all. Amen.

Hon. Joe W. Sanders The delegates will please be seated. The Louisiana official song, "Give Me Louisiana," written by Doralea Fontaine will now be rendered by Mr. Melvin Ballard at the organ.

Mr. Melvin Ballard [Give Me Louisiana]

Hon. Joe W. Sanders Once in a great while, a man with a new vision appears upon the political scene in Louisiana. Moved by a strong impulse for leadership, he struggles upward from humble surroundings until he reaches a pinnacle of government in our state. Such a man is our official speaker for today. City councilman, state senator, congressman, governor, each in turn has held his attention. And I have the high privilege of presenting to you the esteemed governor of our great state, Edwin W. Edwards. Governor Edwards.

Governor Edwards Thank you. Please be seated. Ladies and gentlemen of the convention, may I first thank the members of the arrangements committee responsible for arranging this auditorium, the facilities and the properties that will be available to you for your use during the convention. This day and this year will long be remembered by all of us. More than that, it will be remembered by our children and their children, who will be

the ultimate evaluators of your labors, your labors, your labors—I repeat, not mine, your labors. They will acclaim or condemn the product of the work which you will be doing in the days that lie ahead. You have been given at long last the massive and magnificent opportunity to determine whether Louisianians yet unborn shall continue to exist under an archaic and obsolete constitution, not suited to times new and less suited to future times, or as the desired alternative, whether our lives and theirs are to be enriched and ennobled [ennobled] by a document of character suited to the needs and the hopes and the aspirations of a changing society. On Sunday, December 31, 1972, in its lead editorial, entitled Louisiana At the Brink of a Great Moment, the *Shreveport Times* incisively and cogently commented on this convention. In full agreement with that publication's observations, I quote, "Today Louisiana stands at the brink of great moment...the beginning of its first Constitutional Convention in a half century. We are at the cradle of fragile opportunity that only rarely comes to a people...Such a time requires the best in people. And it demands that...common persons be uncommon and above the normal prejudices of life for the course of their convention. It is an exciting challenge that faces these men and women. Their task is to sift through all of the special interests that will shout for individual attention and speak for a document that will speak for the common good and bind this state under an extraordinary law that will provide for the challenges of both today and tomorrow".

So as we here today meet in solemn convocation at the very threshold of this great challenge, may we pause briefly for a few moments to reason why we have come to this point in the history of our state.

In the 160 eventful and turbulent years since the admission of Louisiana to the Union, our forebears adopted 9 different state constitutions. This alone demonstrates that errors of conception have been inherent in our failures of the past. True, our state has managed to rock and roll and get along under its present constitution for more than a half a century. But in the past fifty-one years it has been infested and infested by cancerous, strangling, misunderstood amendments, no less than 536 times. It now contains in excess of a quarter-million words, more than ten times the average of the other 49 states: And whatever its original merit, it has now become the principal impediment to progressive reform in Louisiana.

In a letter to Thomas Jefferson's biographer, Lord Macaulay, Reilly charged that the federal constitution was "all sail and no anchor". Who would deny that as of now, Louisiana's embattled constitution is all anchor and no sail, for it impedes us from moving and affords us none of the benefits of the natural events which would make it possible to capture some of the glory now escaping us. Those who have studied our government, and its proliferating constitution and provisions of the constitution, are unanimously [unanimously] of the opinion that our constitution involves unnecessary detail which seriously hampers local and state government. Instead of being brief, explicit and reasonably concise in its provisions, it is a mass of complexity and confusion. Recurrent changes made it impractical if not impossible to publish a current copy.

In 1954 the Legislature directed the Secretary of State to print an official document. When published it contained over 700 pages, exclusive of an index which required 126 pages to guide to its various positions. If you fashion, and the electors of this state adopt, a modern and clear and well-prepared instrument, the need for constant and recurring change will no longer exist. That in itself is sufficient reason for having you in convention during this year 700, but it is also fair to state flatly that except in those instances where the amendments concern purely local matters in which some of us happen to be personally involved or where the amendments involve highly controversial matters which have provoked expression

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or opinion by leading public figures or by the media, the public seldom becomes knowledgeable on the subject matter of proposals submitted to it for approval or rejection. Indeed, despite the admitted merit of recently proposed changes few want to compound or add to the confusion in the virtually unreadable document and amendment after amendment in the last eight years has gone down to defeat.

Another related objection to our present constitution may be directed to those detailed provisions of purely local application and concern. What can be more unreasonable than to require the people of the entire state to vote on matters which concern only a restricted locality or an isolated area, yet our constitution is replete with unnecessary and involved details exclusively appropriate to local governments. Despite all of these justified criticisms and many more it is appalling to me that yet an appreciable number of people still oppose the confection of a new organic law. Therein will be the problem that we will be facing in the year ahead. The asserted grounds for our position usually conceal from consideration the selfish interests of those individuals and groups who inspire, nurture [nurture] and sponsor such opposition. For there are some individuals and groups who enjoy special benefits, rights and privileges which are completely to their satisfaction in the constitution but may not be in the public interest. They will demand that the constitution continue in its present unsatisfactory condition, admitting that as a document it fails to serve its purpose, but so concerned about their own interests protected by its umbrella they are fearful to effect a change. To them, let the message be clear. If that which concerns you is right and decent and holy, it will continue to have public support and will not be violated. If the other way, if it is not right or proper, then not only does it not deserve public support, but even less it does not deserve to be in the basic document of our constitution.

As a further example of what should not be in the constitution, let me discuss briefly a "for insure" in Article XI (A) which states many pages of great detail relating to the collection of a one cent per gallon tax on gasoline and motor fuel. The subject matter of the entire article would be better out of the constitution and in the statute or by regulation. This absurd and ridiculous state to which our constitution has been brought by repeated tinkering processes illustrates what I refer to. Listen to this as I quote verbatim from a provision of the constitution of the state of Louisiana. "Tractor fuel or distillate base stock shall have a plus 10 minimum sable color, to which shall be added two grams per hundred gallons of base stock of green dye, such as petrol green 31 and petrol green 32, as manufactured by Patent Chemical Oil-1-1, or a product of equivalent color, or a product of equivalent color, as made by American Aniline Products, or their equivalents." Do you know what that means? Does anybody know what it means? Doesn't everybody know it doesn't belong in the constitution? This is an example of what I refer to much material in the constitution which does not belong there, creates problems for the people and creates a desire and therefore rebel against it and want to insulate themselves from its use. By definition, ladies and gentlemen, a constitution is a formal written document assuring and protecting the rights and the liberties of the people and defining and limiting the powers of government. Our document has so far departed from these simple and basic purposes that it can no longer be considered to conform to this definition. The New Orleans Times-Picayune has recently noted that the late John J. Parker, Chief Judge of the U.S. Court of Appeal, has described well the purpose of a state constitution. "Its purpose," he said, "is two-fold: (1) to protect the rights of the individual from the encroachment of the state, and (2) to provide a framework of government for the state and its subdivisions. It is not the function of a constitution to deal with temporary conditions, but to

lay down general principles of government which must be observed amidst changing conditions. It follows then, that a constitution should not contain elaborate legislative provisions, but should lay down briefly and clearly the fundamental principles upon which government shall proceed, leaving to the people's representatives to apply these principles through legislation as conditions arise."

Thus the ultimate purpose of the constitution and this convention must be designed to provide better government for the entire state and its people. To our critics and sceptics [skeptics] may I say that this convention will operate in no vacuum. Its product will face the ultimate democratic test, its deliberations will be open to the public, and people will know what is going on day by day. It will subsequently be submitted to the people for approval. If the work is good, it will be adopted. If it is bad, it will be rejected. There is here, in my opinion, involved a test of our faith in democratic government. Those who question the integrity and ability of this convention, doubt the integrity and ability of the people to govern themselves. Those who assail the good faith of the delegates to this convention attack the very processes, the principles and the ideals under which we live and in which we profess a belief. In short, your coming experience of framing this new constitution will involve a contest between fear and faith, fear of the loss of selfish advantages, fear of adverse political influences as opposed to faith in the principles of democratic government and trust in the people of our state.

During the pre-convention days, there was some observations printed and spoken suggesting an undercurrent of dissension and discord. But is not our state diverse enough, the convention independent enough that every delegate has people to govern themselves. As we approach the first days of deliberation, let us then proclaim that there is no need in this convention for insolence, intemperance or a lack of political manners. May I caution you to resist the temptation to respond in kind to the wild and whirling words of those opposed to reform. Patiently consider all points of view and then judge and decide in the best interest of all. Just a hundred years ago, John Stuart Mill wrote on the pursuit of truth, saying, "There is always hope when people are forced to listen to both sides; it is only when they attend one only that errors harden into prejudices."

Two years ago when I finally concluded to leave the United States Congress, I made a firm resolve to do all within my power to become Governor of Louisiana and as chief goal of that magnificent venture to do what I could to provide a new constitution for our state. I knew as you do that our state would continue to cringe and recoil from a system of creeping constitutionalism, in the people of Louisiana select as their chief executive one of those totally committed to reform and change and improvement of a system of government, festering from sores which encrust the body of our organic law. More recently there has been a hue and cry from some sources suggesting that the work of the convention should be insulated totally and completely from both the office and the person of the governor.

May I say, no citizen, anywhere, regardless of his walk or call in life should be insulated from this convention. All citizens are involved in the truest sense of the word. I do not intend to abdicate my responsibility, nor the call that I think was given to me by the people of Louisiana in a long gubernatorial election. I am determined to respond to the mandate for constitutional change. Flashing across your inward eye, "What does he mean by that? What is that fellow trying to tell

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us?" Very simply this: in a thousand places, small groups and large from the seeming elements of some of our metropolitan areas across the marshlands of South Louisiana and to the hills of North Louisiana for eighteen months, I met, counselled and spoke with leaders of industry, captains of finance, representatives of labor, working men and women, farmers, fishermen, musicians, students, everyone who would listen to me. During that long period of time, divorced from the other pursuits of normal living, little by little and on every effort that I could make, I began to plow into the thinking of people concerned, the need for a constitution, because I had witnessed twenty-five fruitless years of efforts by others to write a new constitution in one of five different ways, and without success. I publicly committed myself to the concept of a convention, and I proudly claim chief responsibility for the passage of the act by an independent legislature which brought you into convention today, that idea and the knowledge that it was the proper thing to do and in fulfillment of a commitment made by me to the people of Louisiana and endorsed by them in a hard fought election.

That was only part of the constitutional change that I preached and talked about. There was a second stage. I argued publicly that a new system of government was needed in Louisiana. I preached about how bad things were. You want to know something? One of the most shocking things that developed to me three days after I became governor was that I was very right; things were bad. And they are going to continue to be bad and it's going to be increasingly difficult to govern this state under the system that we now have. What am I saying? I feel a commitment to the people of this state then to do what I am doing in connection with a systems change that I talked about in an election before all the people for eighteen months; not something that I just yesterday decided that I would move with, or not something that a group of people together, got together in a room and decided we're going to try this, but rather a systems change that I talked about publicly for eighteen months, and I think has the support of the people in Louisiana.

Therefore, in fulfillment again of that commitment at an appropriate time, I intend to offer for consideration by this convention suggestions as to how I think government in Louisiana on a state level can be restructured. It will be placed in your hands and subject to your consideration. I will gladly talk to you together or individually about it, but I will make no effort to sell it to you. I do not know one of you that I think I, or anybody else that I know of, can dictate to you. And which of you, in response to the question, say you are subservient to the thinking or wishes of any other human being? None. Well, then look around you for a brief second and get to know these people here assembled with you. And ask of yourself which of them do you think would blindly follow the leadership or dictates of someone else. And I warrant not one of you can come up with one name. What we are saying then is that you are here assembled as men and women of good will and, as the Justice has said, well trained and well prepared to do a good job, and all that I intend to do is to fulfill my commitment to the people of the state by offering for consideration to this convention a systems change in our government for your consideration. When that is over with and considered by you, then to the extent that I think appropriate, I will try with you to help sell the ultimate document which you will hammer out in your deliberations --not I.

I appreciate the opportunity of speaking with you this morning. It will be the last time that I do so. We will leave from this moment for the same goal but by separate routes. You will be a conventioneer working on hammering out a new constitution. I am going to go about the business of being the Governor of Louisiana and trying to do the best job that I can. I leave you with the thought that I am here to serve you. You did not

come here to serve me, and that you and I together came here to serve the people of Louisiana. I am forty-five years old. I have spent the last nineteen years of my life serving in public life in all levels of government. This is the single most important, proudest moment of my life, because I think it affords all of us the unquestioned opportunity to make the greatest contribution to the future of our state. I congratulate you on your selection or election as a delegate. I leave you with the belief that I, for one, and I think the majority of the people of Louisiana are totally convinced that you possess the ability, the intelligence, the dedication and the desire to serve them and yourselves by granting for this and their consideration the kind of document which will bring to this state the change, the improvement, and the reform we all so desperately seek. I wish you well.

Hon. Joe W. Sanders Thank you, Governor Edwards, for this helpful and inspiring address. At this time, I'd like to afford our distinguished platform guests an opportunity to leave the platform, if they wish. They are, of course, welcome to remain for the business session and remain seated on the platform, but if any of you would like to leave at this point, you may feel free to do so.

Delegates of the convention, please resume your seats for the transaction of business. The convention will now come to order.

At this time I recognize Mr. Wade O. Martin, Jr., Secretary of State, for official business.

Mr. Martin Mr. Chairman and delegates, I request at this time that the record showing the official roll call which was taken at the opening of this convention be filed on record with this convention. I ask, in addition, that the records show that the Secretary of State has officially filed certificates verifying the election and appointment of all the delegates whose names have been called at the time that the roll call was taken. Thank you.

Hon. Joe W. Sanders Gentlemen, we now come to the initial convention business, organization of the convention under its call. A number of delegates have come forward and requested to be recognized. Their names have been taken by the temporary secretary. Is there anyone who has a motion that would like to come forward at this time? Senator De Blieux, have you placed your name here? Thank you very kindly.

Mr. Kean I did not give my name to the Secretary because I will only want to make a motion in the event that the convention in its wisdom decides to proceed with the election of a permanent Chairman as its first order of business.

Hon. Joe W. Sanders Your name will be inscribed for the contingent motion. A contingent motion. Alright, Pat Juneau, Lafayette.

Point of Information

Mr. Juneau Mr. Chairman, I am not sure who is recorded on the list. Would you read for us the names on the list so there won't be any confusion about that?

Hon. Joe W. Sanders I will read it for you. Delegate Mack Abicham—Delegate J. De Blieux, Delegate Woody Jenkins, Delegate Tom Staggs—Alright, Pat, Delegate Pat Juneau, Delegate Shady Wall, the contingent motion. Alright, alright.

Point of Information

Rev. Alexander Mr. Chairman, Delegate Alexander, point of information.

Hon. Joe W. Sanders Yes, Rev. Avery Alexander of New Orleans.

Rev. Alexander My information is that in the

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event one does not choose to place his name on the list now...

Hon. Joe W. Sanders You may rise after these are called. Alright, please come forward.

Mr. Alario John Alario. I have a resolution to offer, Mr. Chairman.

Hon. Joe W. Sanders Alright, John Alario, I have your name down here. Alright. At this time in accordance with the alphabetical listing of those who have indicated they have motions, I recognize Delegate Mack Abraham for a motion or resolution.

INTRODUCTION OF RESOLUTION

Mr. Abraham Mr. Chairman, delegates, it seems the most logical thing for us to do is first of all adopt a set of rules by which we would govern ourselves be in order to effect our organization which will determine the officers we have and how we will organize. So in order to accomplish this, I offer the following resolution. I move that the convention will adopt the following resolution.

READING OF THE RESOLUTION

Mr. Abraham 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 provisions in Act 2 of 1972, and that a rules committee is hereby established, this committee to be comprised of sixteen delegates to be elected as follows: 1. Immediately following the 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 elect one 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 Wednesday, January 10, 1973.

BE IT FURTHER RESOLVED that on or before Thursday, January 11, 1973 the committee will send a xerox or printed copy of the proposed rules to each delegate by U. S. mail.

BE IT FURTHER RESOLVED that the Convention will re-assemble at 10:00 a.m. 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 that the rules will

be individually voted on 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 the 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.

Hon. Joe W. Sanders Alright, now gentlemen, you have heard the reading of the resolution and the Chair states at this time that until an expression is obtained from this group, the chairman will follow the Robert's Rules of Order. Is there a second to the motion? Alright, who made the second? Alright, seconded by Senator J. D. De Bliueux, Baton Rouge.

Are you ready for the discussion? The proponent of course, will have the right to open and close. The proponent has made a statement of the resolution, so it is now in order, I think, to recognize those who oppose this resolution. If you would like to speak, the delegate is recognized.

Substitute Motion

Mr. Alario Mr. Chairman, members of the Convention, at this time, I would like to, if I am in order, Mr. Chairman, to offer a substitute motion that we would go by the following procedure.

The procedure will be as follows: 1. Election of a permanent chairman. 2. Election of a rules committee in the following manner: 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 two members to serve on the rules committee. Each Congressional District committee shall report the result of such election from the adoption of this resolution. The rules committee shall be composed of 16 members, three being two from each Congressional District. 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. The Convention shall consider the report at that time and order for this Convention by a majority vote. This Convention shall then take up such other business as may be decided by its members.

Hon. Joe W. Sanders Gentlemen, you have heard the reading of the substitute motion. Is there a second? Alright, seconded by Representative Dorothy Taylor. The discussion will now occur on the substitute motion. Pat Juneau, delegate from Lafayette. Yes, if you please.

Mr. Juneau Please, Mr. Chairman, I would like to offer a substitute motion to that motion, to the last motion that was seconded.

Hon. Joe W. Sanders Alright, the second offer of a substitute is in order. Proceed. Just a moment, Representative Jenkins, if you would. Go ahead and present your substitute.

Point of Order

Mr. Perez My point of order, sir, is that a substitute motion is not in order to a substitute motion under the Robert's Rules of Order, or as I understand the Robert's Rules of Order, and I know not under any of the legislative processes in this state.

Hon. Joe W. Sanders Alright, Delegate Perez, just one moment, let me confer with my assistants. The point of order is overruled and we will proceed with the second substitute motion. Representative Jenkins.

Mr. Jenkins Mr. Temporary Chairman, I would like to propose as a point of order that the first substitute motion was out of order because the first item that was put before the Convention was not a

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motion at all, but a resolution; and, thus, a substitute motion would not be in order to take the place of a resolution.

Hon. Joe W. Sanders Alright, the point has been stated. The point is that the first substitute motion was out of order. The point was not raised at that time, however, the Chair construes the first offering as being an offering of a motion rather than a resolution. Proceed.

Mr. Juneau Thank you, Mr. Chairman. The motion and/or resolution is submitted by myself, Patrick Juneau, Delegate, District No. 43, and Calvin C. Fayard, Jr., Delegate from District No. 71. Mr. Chairman, the motion or resolution reads as follows:

BE IT RESOLVED that a Temporary Committee of 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 seventeen 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 hour during which time the delegates in each of the eight Congressional Districts shall caucus in separate groups and elect from their group...and elect from their group two delegates who shall serve on the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that upon the expiration of the one 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 set of rules and mail a copy of said rules to all of the 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 and/or motion be made a permanent part of the record of this Convention and that a roll call vote be taken and recorded.

Hon. Joe W. Sanders Alright, now you've filed a copy with the Secretary.

Mr. Juneau I will so file it.

Hon. Joe W. Sanders Alright, is there a second to the Juneau substitute motion? The delegate is recognized and has seconded the motion. The discussion will recur first upon the second substitute. The Chair will recognize the proponent first to make the preliminary discussion. Dr. Asseff, hold yours until we act on these and we will take it up as an original motion. I have your name on the list. Dr. Asseff says that he has a motion that he would like to combine with this one. Dr. Asseff, I have you on the list as a contingent. As a courtesy to the Chair will you defer your until I call on you just a little bit later on? Thank you, Dr. Emmett Asseff, De Soto Parish. Alright, proceed with the debate.

Explanation

Mr. Pat Juneau I would like for the record to record that I am standing next to the microphone. Mr. Chairman and delegates, very simply what the

resolution that Mr. Fayard and I have proposed does this. I think it substantially contains the language of the other two resolutions with regard to the adoption of the Rules Committee, and the net effect is that you will have a Rules Committee composed of sixteen people, seventeen people, sixteen of whom will be elected from the caucuses within the Congressional District then the Delegates as a whole will elect a chairman. It will...and the resolution provides that it will occur in that order. And the reason why I did it, I think it is crucially important, at least it is to myself and Mr. Fayard, that we adopt at this time the...or select the individuals who are going to...going to the difficult task of drafting the rules of this Convention. I have purposely, and so has Mr. Fayard, omitted, deleted, or whatever word you want to use any reference whatsoever to whether or not you want to elect a chairman today or whether you want to elect a chairman after the rules are openly passed. I think the fact is apparently a controversial issue which I don't think should kill a crucial part of this Convention which is the rules. I don't know of that much opposition to it. I would like to see the substitute motion passed, then if you want to get in a controversy with the other ones, file a separate motion for anything you want to do and the Chairman can take it up in that order. Thank you very much, Mr. Chairman.

Questions

Mr. Abraham Mack Abraham, District 35. When you talk about Chairman, in your resolution, you were talking about electing a Chairman of the Rules Committee or a Chairman of the Convention, Pat?

Mr. Juneau Specifically the Chairman of the Rules Committee, solely.

Mr. Abraham Chairman of the Rules Committee. And that Chairman would be elected after the committee members were elected as the next order of business? I think, now, when you said just then if you specifically omitted the election of the Chairman, what...

Mr. Juneau Any reference to the Chairman of this Convention as is contemplated by Act 2 of the Legislature.

Mr. Abraham So, if I understand your resolution correctly, you are saying elect the sixteen member Rules Committee we come back and we elect a Rules Committee chairman.

Mr. Juneau No sir, no sir. You elect the chairman at large for the Rules Committee only. You then...

Mr. Abraham Before or after the committee?

Mr. Juneau Initially, that is the first thing you do. Then you go into a recess within the Congressional District, select your two members, report back, the Chairman would then announce who the sixteen members were and you would have your Rules Committee.

Mr. Abraham So the only difference between your resolution and mine, in effect, is the election of the Rules Committee chairman?

Mr. Juneau There is a big difference between mine and the other two resolutions. I don't say anything about the Chairman of the Convention.

Mr. Abraham Well, neither do I. Neither does mine.

Mr. Juneau Read the first paragraph; I think it does.

Mr. Abraham Oh, I see. Alright, alright.

Mr. Rayburn Mr. Juneau, do you have a copy of

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your resolution with you? We've had about three resolutions introduced; I've heard a lot of them explained, and when I read them, I didn't necessarily agree with the explanation I had heard. I was wondering if there would be a copy available for us, where we would at least have a chance to look at it.

Hon. Joe W. Sanders Captain Harwood, would you get the staff to duplicate the resolution and pass it out to all of the members?

Mr. Rayburn Do you have any objection to maybe furnishing us with a copy of all resolutions, because if we continue in the procedure we've just adopted where you can substitute a substitute, we might be substituting tomorrow night. I never could get by with that in the Legislature, but it looks like that is the track we are on today. So, if you can substitute a substitute we'll be here all day, substituting resolutions. I would like to suggest that everybody who has a resolution, Mr. Acting Chairman, present it at this time, and to give us a few moments to analyze them, so we will at least know what we are talking about.

Recess

Mr. Juneau Mr. Chairman, if it is in order, and as I understand it, it would be within order of the rules, I would like to change the dates upon the second page of the resolution, wherein it will say that the...Oh, excuse me; I thought they had handed them out.

Hon. Joe W. Sanders The copies...is the last one...Alright, proceed, Mr. Juneau, Sponsor: Capt. Harwood, take this copy to Mr. Champagne.

Hon. Joe W. Sanders If you still have your cats, I think he can explain the content very thoroughly to you.

Point of Order

Mr. Juneau Mr. Chairman, point of order. I believe you stated that these are not amendable.

Hon. Joe W. Sanders They can be changed by the sponsor only, not amendable by another delegate of the Convention. Proceed, Mr. Juneau.

Mr. Juneau Mr. Chairman, as I indicated, the only change which was made was on the second page, instead of the Temporary Committee mailing the copies on the tenth, they would be mailed on the ninth, and then in the second to the last paragraph, the Convention would reconvene on the twelfth, which is a Friday, instead of the fifteenth, which is a Monday.

Hon. Joe W. Sanders Does the second consent to that change?

Mr. Juneau Yes, sir, he does.

Hon. Joe W. Sanders Alright, proceed with your explanation.

Explanation continued

Mr. Juneau Very simply, Mr. Chairman, the contents of this resolution in words and substance are substantially the same as the initial two resolutions that were introduced. More specifically, all, all this resolution does is establish a Temporary Rules Committee function of which would be to draft proposed rules for the consideration of this Convention. The composition of this committee would be two delegates from each of the Congressional Districts and as written would be one more delegate which would give the odd number of seventeen which according to the way we have the motion or resolution drafted be elected by the delegation as a whole. It further provides that what would occur that this committee would...you would limit your caucuses; you would report back as to whom your selection of the two people were,

that you would then have in your committee at that time. The next thing that occurs is that subsequently your rules committee is going to meet... come up with a proposed draft of the rules to be mailed out no later than 12:00 noon, January 9, 1973. The Convention will reconvene then on January 12, 1973. In closing, now I would like to say, this resolution and or motion has nothing whatsoever to do with the election of a chairman of this Convention.

Questions

Mr. Duval Mr. Juneau, I merely want to establish one thing to make sure that I understand your motion. As I understand your motion, is it implicit in it that it will be the first order of business taken up by this Convention?

Mr. Juneau According to the way the motion or resolution was drafted, the first order of business at the conclusion of voting on this would be the election of the chairman, as a whole, then you would immediately go, as the next order of business, into your caucus who would then, after a one hour period, report back to the Chairman.

Mr. Duval And it implies that your motion will be considered before any other thing comes up before the Convention. Is that correct?

Mr. Juneau It doesn't imply it, it states it.

Mr. Perez The proposed resolution reads near the end of the bottom of the page that the Convention shall recess for a period of one hour during which time, "the delegate", it should be "delegates" plural, "from each of the eight Congressional Districts, who reside in each of the eight Congressional Districts shall caucus and insert the words "in separate groups".

Hon. Joe W. Sanders Is that change acceptable?

Mr. Juneau I would make that change.

Hon. Joe W. Sanders The mover and the second? Alright, it is accepted. John Alario is recognized.

Mr. Alario Mr. Chairman, fellow delegates, I offer the first amendments to the original motion, and at this time, I would like to request that you go along with Mr. Juneau's resolution and we go ahead and vote on that one. I don't think that it would be in order at this time to withdraw that second one, would it, Mr. Chairman?

Hon. Joe W. Sanders The vote will automatically occur on the second substitute, so no withdrawal is necessary.

Mr. Alario Alright, sir, I just ask that we go ahead with the business of this Convention in establishing our Rules Committee as Mr. Juneau has set forth and ask that you would support his resolution.

Mr. Conino I am Joe Conino from Jefferson. I would like to ask the mover here, Mr. Pat Juneau, if he would extend the time from the mailing to the time that we had convened, because the mail has been awfully slow lately, and I think that we need the additional time; probably give us two or three more days from the ninth to the twelfth. I can vouch that I probably wouldn't even receive this thing by the time I should take action on it.

Mr. Juneau Yes, it was a lot of discussion during the recess, but I don't have any particular...

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Hon. Joe W. Sanders Could they be delivered by messenger?

Mr. Juneau That would be fine, your Honor. I would be glad to not use the words "to amend" but make the motion to read "deliver." Would that be sufficient?

Hon. Joe W. Sanders Alright. The delegate from Winnfield, Louisiana, Terry Reeves.

Mr. Reeves Pat, I have one question in reference to the Temporary Committee. We are, according to the resolution, it is a Temporary Rules Committee, however, we are, their job will be to adopt permanent rules. Could we change this to instead of Temporary to Permanent or just leave out the word Temporary?

Mr. Juneau As I read the resolution, it says that the Temporary Committee on Rules and Regulations will prepare a set of rules; I didn't specify it one way or the other. I think it's implicit that they will prepare rules and call it what you may, and it will be submitted to the delegates. Then at such time when the delegates accept or reject, that's when it will become permanent. I think it covers it adequately like it is. I don't have any particular objection.

Mr. Reeves But it is a permanent committee. That's what I am getting to.

Mr. Juneau No, the contemplation of this committee at the conclusion of its submission to the Convention, it's a dissolved committee. There is nothing left. That's right.

Motion

Mr. Grave Mr. Chairman, I rise simply for the purpose of moving the previous question. I think that the resolution is clear, it doesn't require extended debate, and would ask that the previous question be ordered.

[Motion seconded. Previous question ordered. Record vote ordered. Resolution adopted: 72-60.]

Nomination of Chairman of Temporary Rules Committee

Mr. Duval I would like to make a motion that Mr. Tom Stagg be named as Chairman of the Rules Committee.

Hon. Joe W. Sanders Alright. The motion offered by Delegate Juneau having been adopted, it is now in order to elect a chairman of the Rules Committee. The name Tom Stagg has been submitted. Senator De Blieux, Baton Rouge.

Mr. De Blieux Senator De Blieux from District 68; I would like to second that nomination.

Hon. Joe W. Sanders Gentlemen, are there any other nominations for this position? Alright, moved by John [Louis] Riecke of New Orleans that the nomination is closed. Is there a second? Seconded by Reeves, Winnfield. Are you ready for the question? A point of information has been made. The delegate has requested information as to who has been nominated. The nominee is Mr. Tom Stagg, Shreveport, Louisiana. Are you ready for the question? All in favor of the election by acclamation, please say "Aye." All opposed "No." And I wish to congratulate you, Mr. Stagg. Would you come forward if you have any announcements to make?

Mr. Stagg Mr. Chairman, the Juneau substitute resolution requests that now there take place a caucus of the eight Congressional Districts for the purpose of electing two men from each Congressional or two women...two people from each Con-

gressional District, and as the chairperson of the Rules Committee, I would like to notify in advance anyone who is elected from his district should notify those who are voting upon that nominee that this Committee will go into session this day, tonight, after the adjournment of this meeting, at a meeting room in the Prince Murat Motel, and that we will stay in session until we have produced, with some sleep, until we have produced a proposed set of rules to bring back to this Convention.

[Recess in Congressional District Caucuses to elect rules committee members.]

Rules Committee Members

[Journal 5]

Motion

Mr. Kean Mr. Temporary Chairman, I would like at this time to move that the next order of business of this Convention be the election of the permanent chairman, who may not be the Chairman of the Temporary Rules Committee. That election should occur prior to the adjournment of this inaugural meeting of the Convention. I add that if that carries, Mr. Chairman, I would then have an ancillary motion to make in connection with it.

[Seconded by Mr. Grave.]

Further Discussion

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the Convention, I am opposed to this particular motion, and the reason I am opposed to it because I certainly think that we ought to have the rules and regulations under which we are going to operate. These rules and regulations which we adopt should contain some sort of rule by which we elect not only our chairman, but our other officers at the time. I think that we ought to define the duties and responsibilities of all of our officers in our rules and regulations before we elect the officers to these respected positions. We should not elect part of our officers and then leave the rest hanging in the fire in the event somebody makes the argument that we can elect a chairman now and the other officers at a later date. And it will give, since this is the first time that we have really gotten together, I think it will give us a much better chance to acquaint ourselves with the abilities of these various people who should be the officers of this Convention over the weekend and particularly during the period of time that we argue out the rules and come here and debate the issues. It is much better that we know how we are going to operate, what rules the presiding officer: that is, the permanent chairman will be operating under at the time that we elect our respective officers to, for this Convention. I just think that that is the order that we ought to proceed. Let's decide how we are going to do it, and when we are going to do it, rather than doing it piecemeal, haphazard now without going about it in a regular orderly manner in doing this. And for that particular reason, I am opposed to this motion. And I ask you to reject this motion now, and let us elect our officers after we know what is going to be the duty and responsibilities of all of our officers, and how the Executive Committee is going to be set up, how we are going to determine the members of our Executive Committee, and so forth and so on down the line. That is the orderly way which I think that we ought to proceed.

Further Discussion

Dr. [Mr.] Asseff First, Mr. Chairman, I think that the Convention should recognize that there are a number of delegates from the Northern part of the state. Though we have spent most of my life in Baton Rouge, it is going to be extremely difficult for us to come and go at the whim of the Convention. I do not think that it is fair to us. We have to make reservations. I made reservations

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for a few days. I am expected to cover five hundred miles by a flip of the penny. And it seems to me that this Convention should continue in session until it has finished the duties imposed upon it by us. I am tired of the procedure we have followed. It has been nothing but rush here, rush there. Let's do this, let's do that. I wish to say to you that the final analysis, the people of the state of Louisiana will stand in judgement of this Convention. At this particular moment, the people of Louisiana are not very happy. I am well-known throughout the state of Louisiana, and if we fail to proceed in an orderly fashion and to the job imposed upon us, we will work a long time, but we will find the Constitution rejected. My people, I know, are not enthusiastic. The people of this general area are not. I urge you to think upon that very seriously. We do have... we may go down in history; our names may be added to the greats of the state. If we fail to proceed properly, we may go down in infamy. And I, for one, am serving notice on the Convention now that I for one, if you fail to adopt the proper procedures—elect a chairman, let's us continue and get our work done, divide into committees—if you fail to do so, I assure you that I shall travel the breadth of this state in opposition to the Constitution whatever it may be. I may fail, but I don't think that we are doing justice to anybody. At this time, I would like to carry out what Senator De Blieux has said, by a substitute resolution.

Hon. Joe W. Sanders Alright, read the substitute resolution.

Substitute Motion

Dr. [Mr.] Asseff To establish a nominating committee and determine its membership and duties...

Hon. Joe W. Sanders Read into the microphone...

Dr. [Mr.] Asseff WHEREAS, several delegates are interested in being chairman of the Convention, which position will hold great prestige and power, and

WHEREAS, the persons selected may determine the success or failure of the Convention, and the assembly will be large and most delegates will be unknown to each other, and

WHEREAS, great care should be exercised in filling this important position, so that we will select not only a well qualified person, but also one who has the confidence of the people of this state, and

WHEREAS, this cannot be done by motion from the floor, and additionally, all should be given an opportunity to be heard.

THEREFORE, BE IT RESOLVED, by the Louisiana Constitutional Convention that there is hereby established a nominating committee to be composed of two members from each Congressional District to be selected by the delegates thereof, and two to be selected by the appointed delegates from among their number.

BE IT FURTHER RESOLVED, that if an elected delegate represents a district with portions in more than one Congressional District, if that has happened, he shall meet with the Congressional District in which most of the population of his district resides.

BE IT FURTHER RESOLVED, that each Congressional District and the appointed delegates shall caucus after adjournment and select their representatives on the committee and shall submit them to the Convention at twelve noon Saturday, January 6, 1973.

BE IT FURTHER RESOLVED, that the nominating committee shall submit its recommendations for chairman and vice-chairman the day following the adoption of the rules by this Convention.

[Substitute motion tabled.]

Further Discussion

Mr. Rayburn Mr. Chairman, fellow delegates, I rise in support of Mr. Kean's resolution. We have

a great job to do confronting us, and I think that we might as well go ahead today and elect a chairman and get started to work. Any organization has got to have a head. Any ox team has got to have a lead ox. Any automobile has got to have a driver. Any airplane has got to have a pilot. And as far as my good friend, Emmett Asseff, wanting to get a nominating committee, well I think I am my nominating committee. I know who I am going to vote for, and I think most of you do. If there is somebody who might aspire to be chairman of this Convention, I think all those that have aspired for that high office has contacted us. I have been contacted a little myself. Don't know about you people. But I think that we know what we are going to do. I think that we have got a big job to do, and I suggest that we adopt the resolution, elect a chairman, and go to work.

Further Discussion

Rev. Alexander Mr. Chairman and delegates, I have one particular fear in this Convention. Someone has read the question about special interests. I have one special interest, yes. That is the 36 million people of the State of Louisiana. I just came out of a meeting a few minutes ago of the First Congressional District and I saw what could happen. I saw three factions in operation. Candidates who were nominated are all good, able men. We have three able citizens of the State of Louisiana from whom I have received correspondence, and all of whom seem to possess all the traits and characteristics necessary to do a good job. However, if we drag this thing on, whether it's a day, two days or ten days, a month, it means that this Convention will be divided and polarized into factions, because the followers of each candidate will then become a little faction and thereby bring in dissension. The Rules Committee has already been selected, so we have no problem there. I, therefore, support the motion to elect a chairman immediately.

Motion

Mr. Duval Fellow delegates, before I am prepared to vote on the motion I personally would like to know whether it is going to be by open ballot or secret ballot. Therefore at this time, I propose a substitute motion that the... that the motion... that the vote be by secret ballot.

Hon. Joe W. Sanders The substitute is not necessary. A motion to vote by secret ballot is now in order, or by written ballot.

Further Discussion

Mr. Alario Fellow delegates, all of us are gathered today for the remainder of this year for one purpose and that is to bring a new constitution to the people of our state, so that they might ratify this. I believe that it is going to be a serious mistake on our part if we begin today by voting in secret. I think everybody and every citizen throughout this state deserves to know how the delegate that is representing him votes on every particular issue. If we begin to meet in smoke-filled back rooms, we might as well go home today. The people of this state are not going to go for this type of thing. I think every vote, beginning with this one, needs to be an open vote and recorded as such.

Point of Information

Mr. Kean Mr. Chairman, before Mr. O'Neill comes up, just in order that there is no question about it, the motion that Mr. Duval... is an amendment to my motion. As a matter of fact, Mr. Duval's motion as made is the ancillary motion that I reserve the right to make. I think it should be voted on separately, and therefore I will not accept it as an amendment to my...

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Hon. Joe W. Sanders The mover has declined to accept the amendment, therefore the amendment will have to be voted on separately.

Ruling of the Chair

Hon. Joe W. Sanders The Chair rules that the amendment is now before the house for discussion; that is, that the main motion be amended to provide for a written or a secret ballot.

Mr. O'Neill Mr. Chairman, I believe the author refused to accept the amendment.

Hon. Joe W. Sanders That is correct, and therefore it has to be voted on by the Convention.

Mr. O'Neill Whether or not we are accepting his...

Hon. Joe W. Sanders That is the reason it has to be voted on, because the mover would not accept it. Are you ready for the vote or do you want to express your...

Point of Information

Mr. O'Neill Will you please state the exact thing that we are voting on?

Hon. Joe W. Sanders The motion for amendment as to the main motion that the vote, when taken on the election of the chairman be by written or secret ballot. Do you desire to state your position on the amendment?

Mr. O'Neill Yes, sir, I do at this time, now that the motion has been stated.

Further Discussion

Mr. O'Neill Yes, sir. You talk about smoke-filled rooms and I wonder just how many of us have come from smoke-filled rooms. I saw something moving; I saw the same factions that Reverend Alexander saw. And I saw how they tried to pack the Rules Committee. Morally I am opposed to a secret ballot. I have stated both publicly who I am supporting for chairman, and I have no objections at this time to a secret ballot. If I remember, the House of Representatives voted on a secret ballot for Speaker of the House, if I am correct. Now, I couldn't find the roll call for those votes, but I know that it passed, and I know the majority of the Representatives voted for it. I think that the undue pressure being influenced at this time is something that we should all guard against. I will support a secret ballot, and I believe that a secret ballot will carry.

Further Discussion

Mr. Leigh Mr. Chairman, I would rise to support a secret ballot if the amendment is put. However, if I had an order, I would support the position that Senator De Blieux has stated that the original motion, even with its amendment is premature at this time, and if I am in order, I would like to set up a substitute motion that no action looking to the election of chairman or any other permanent officers of the Convention be taken, until there has been a full report of the Rules Committee and rules have been adopted.

Hon. Joe W. Sanders Your motion is to the effect that the entire subject matter be tabled...

Substitute Motion

Mr. Leigh No, sir, I am moving a substitute to the original motion with its proposed amendment that the no action be taken secret or otherwise until the Rules Committee has reported and the rules have been adopted, and the positions of the officials--the permanent officials of the Convention--have been defined and their responsibilities determined. And I would like to move as a sub-

stitute... I would like to move that as a substitute for the original motion with its amendments.

Point of Order

Mr. Burson Mr. Chairman, as a point of order, I think until the amendment is voted on and decided, we will not know what we are voting to substitute on.

Ruling of the Chair

Hon. Joe W. Sanders I believe that the point is well-taken and the chair rules that the substitute will not be received at this time. If you will defer that, Delegate Leigh, we will first vote on the amendment.

Further Discussion

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the Convention, I am speaking on the amendment to Mr. Kean's motion from the chairman. That is that the vote be taken by a written or secret ballot. We are all human beings subject to human weaknesses, prejudices, bias and so forth. If we are going to be successful in this Convention we have to take into consideration for the weaknesses of human nature and we cannot avoid them as much as we might hope to and want to, because they are going to be there in many instances subconsciously. I would absolutely hate to see the work that we do here not approved by the people of this state. I don't know of any greater honor to have come to me in my entire life than to have been selected a delegate to this Convention. But it will be a vain honor if what we do this day and throughout this year is not approved by the people. I am not in favor of having secret votes on a lot of stuff. I think it ought to be open. But when it comes to a case like this, to where personalities are involved, we ought to be able to vote our conscience in that particular issue so as to avoid some cases of feelings or determination in who's going to be elected and put on a particular committee or who as chairman of this Convention is going to appoint to subcommittees, and so forth and so on because of the fact that one person did not vote for him, and he was reminded him of that. He has a choice of becoming a member of the people. And one of us did not place on that committee. It possibly would have been a little bit better because that person did not support him for election. It can be that way for, not only for the chairman but for the vice chairman, the secretary and others that we have to vote upon. And I am going to ask you, let's try to avoid as much personalities as we possibly can, and use our good conscience by supporting a written ballot for our officers and I would say our officers, only. Now you know that I am not saying this to try to cover up my vote, because I have already publicly made known who I want to vote for for chairman. But in order not to put anybody on the spot in the Convention, the way they can feel like that they can vote their own good conscience. I support the voting in election of our officers and only our officers by a secret ballot, so that each one can vote his conscience as to who would do the best job. And that is the way we have got to get out to convince the people of this state that we really mean business. And we have an independent vote as Mr. O'Neill said, the House Speaker was elected by secret ballot and we also elected the President Pro-Tempore of the Senate by secret ballot.

Further Discussion

Rev. Landrum Mr. Chairman, ladies and gentlemen, as some of you will remember in the Judge's chamber, Judge Hanlin, it was my position at that time if we are going to have an open Convention, then there should be no secret ballot. I fall to see how we can win the confidence of the people if we are going to start doing things in secret. I don't care about the smoke-filled room. I will talk with any

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of you in a smoke-filled room. I am not concerned about what you think either about how I vote, because I am going to vote my conviction and I want everybody to see.

You told the people that you were for them. And you shouldn't be ashamed to vote your conviction, and let your conviction be known. You should not have to hide behind closed doors or secret ballot in order to vote your convictions. We have to start this thing off right, and I think that it would be a terrible mistake to start it off in secret balloting.

Further Discussion

Mr. Chehardy I would just to this honorable body and I as well as Senator De Blieux, as an assessor, as an attorney, consider it one of the great honors of my life that I am going to participate in this Convention. But I do sincerely believe that rather than showing strength by stepping behind a blind, or a closed or a hidden ballot, we are going to bring much more eminence to this group, we are going to bring much more respect to our group by, from its very inception, doing everything in the open. And if a man is chosen for any position who does not suit you, or myself, or some other member this is a time to test our mettle and all of us rally together behind whoever is elected. But I believe that it would be the greatest sign of weakness to start off this Convention on a mode of secrecy, when it pertains to the men who are going to be our guiding light, our pilot, our steering wheel of the next year. And I, for one, am against anything secretive taking place in this Convention. I for one, as Reverend Landrum said, I want to vote my conviction in every case. And I want to vote it openly, and if we fear to say who we are for for an elected office, what is going to happen when the crucial test comes? The important element of this Convention is going to come before us and the pressure groups begin to work and put their efforts against our best efforts on behalf of the people of this state. And I sincerely urge that we have no secrecy throughout this Convention, that we keep it an open book. Thank you.

Further Discussion

Mr. Wall Mr. Chairman, honorable delegates of this Convention, you know I am amazed at some people that they get up here and speak and they are so great. They are so great. They are strong enough to vote their convictions and tell everybody. I just wonder which one of us out there that they think are so weak that we can't vote our convictions? Now, all these fellows get up here and says, "You know who I'm for, I'll tell you, but I want other people to be able to vote their convictions." Now, I don't know who he's talking about or they are talking about; I don't know which one of you he's saying out there is so weak, or he says he's not. So if any of you are so weak that you want to vote in secret ballot, you come up here. I'll agree to let you vote in secret ballot. But I don't want somebody else to come up here and says, "I'm strong and you are weak." Then we've heard about pressure. Of course, we can expect that. There's always those charges. Why doesn't somebody who's put pressure? Who has put pressure? Oh, I've done a little lobbying, but I didn't call that pressure. I don't have any pressure to put. But if someone is so immature and inexperienced that they can't stand the pressure, or if they can't stand what's come to this point, or they, I don't know who they are that can't vote their convictions. If it's over your head that was running you got up and says, "When I get down there I am going to put your business out in the public". I am going to vote my conviction so just anyone who is so inexperienced and immature that they talk about pressure, they haven't seen anything yet. It's not pressure, it's just the lobby of the people's business. It's just the lobbying of the people's business. And that's part of it. In fact the business of people that lobby many

times give you information that you couldn't get from any other source. Of course, sometimes that information they give you can't get from any other source is not correct either, so you go to weed that out. But, what I am going to say is this. Let's have an open Convention. Let's don't get up here and say that some of you out there are too weak. And I am going to stand up here and I am going to vote my convictions, but you are too weak. If, if you, if you can vote your convictions, let's vote them out and let everybody else let somebody else speak for you. If you are not strong enough to vote your convictions though, just line up and say that you want to vote in a secret ballot, because you are not strong enough to have your convictions fully exposed, and we'll vote to give you that right. Otherwise, let's have an open Convention and let's have everything out in the open. Thank you.

Mr. Thompson Mr. Chairman, I think everybody has made up their mind. We're just delaying this thing. So I move for the previous question.

[Previous Question ordered.]

Closing

Mr. Duval The amendment is that the vote, in the event that the resolution to vote for chairman is passed, it will be by secret or written ballot. I would like to say this, I don't think it's a matter of strength or weakness. I think it's a matter of right. The people of...the...as I appreciate it...merely as the proponent of the amendment, I think that I have the right to close.

I think that the people of this state are certainly looking for an uncontrolled Convention. I ask you, what is wrong with each delegate intelligently sitting down and deliberating and voting his own conscience by written ballot? I think most of you are quite aware that the written ballot is one of the hallmarks of our democratic form of government. A written ballot, of course, is what prevents totalitarian forms of government. I am sure there would be no repercussions. I am sure whoever is elected chairman is going to be wise and not vindictive. But I think that as a matter form, as a matter of right, as a matter of setting his conviction off right. And I don't think that anybody is going to think it's cloak and daggers if we all vote for our own-elected public officials by secret ballot. I think that it is certainly less controlled if one is allowed to deliberate without any fear of repercussions whether that be immature, unfounded or weak. Still the element exists and I don't think that it is an indictment for anybody. I think that it's perutile to class it in terms of strength and weakness. I think that we should class it in terms of control and uncontrol. What, I ask, is more uncontrolled than a written ballot? Nothing. And that's what this public wants. Uncontrolled, that's what they want. I guarantee that.

Question

Mr. Tapper Mr. Duval, of course, I am against your amendment, your motion. But, let me ask you this. Don't you think you have a better chance? This being such an important issue before this Convention that we should take it up in a separate resolution, a separate motion rather than as an amendment to the original resolution?

Rolling of the Chair

Hon. Joe W. Sanders Alright, the Chair rules that the question is out of order at this time. The question has been called for, and the vote will recur on the amendment. That is, that is the main amendment, the main motion is adopted to elect the chairman this afternoon that the vote be taken by written or secret ballot. All in favor of the ...

Point of Order

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Mr. Abraham Mr. Temporary Chairman and members of the delegation, this is just a play on words, but I think it is very important. On this amendment the phrase "written or secret ballot" I think...

Hon. Joe W. Sanders Commas around the "or secret" which means that they are one and the same thing. Just understand there are commas, there are commas in there.

Mr. Abraham Well, if the sponsor would suggest that we just drop the "or" and let it read "written secret ballot".

Hon. Joe W. Sanders Well, that's what he meant. That's what he meant. The roll call has been requested. Is there a second to that motion? All-right.

Point of Order

Mr. Perez It was my impression from the way the question was stated that both matters were being taken up at one time. I want to be sure that we understand that the only thing that we are taking up at this time is the question of the secret ballot.

Hon. Joe W. Sanders That's right. The point is well-taken. The only thing on which you will vote will be the amendment to make the ballot, when and if it does occur a secret ballot. Are you ready for the question? And the vote will be by roll call. Mr. Secretary of State, you will call the roll of the delegates.

Point of Information

Mr. Abraham Do I understand that on this particular vote a yes vote means that you are for a secret ballot and a no means that you are not for a secret ballot?

Hon. Joe W. Sanders A yes vote is in favor of the amendment for a secret ballot. A no vote is against a secret ballot. Proceed with the roll call, Mr. Secretary of State.

[Roll call vote ordered. Amendment rejected: 45-87.]

Substitute Motion

Mr. Leigh I would like to offer as a substitute to the main motion that no action be taken by this Convention looking to the election of permanent officers, until the rules of the Convention have been submitted, decided upon, debated and adopted.

Point of Information

Mr. Avant I would ask that the Chair please state briefly the original motion to which there is already, according to my understanding, a substitute on the floor.

Hon. Joe W. Sanders Alright, now there is a motion that as a substitute to the main motion that the election of the chairman be postponed until after the rules are adopted. Now that substitute motion has not as yet received a second. Alright, there is a second by Senator De Blieux.

Mr. Leigh Mr. Chairman, my motion includes all offices, permanent offices of the Convention.

Further Discussion

Mr. Burns Mr. Chairman, ladies and gentlemen of the Convention, I've sat here very patiently and very quietly. At each time I was called on to vote, I had one objective or one goal in mind that to vote in such a way that we could tell this Convention to the people of the state of Louisiana. As two old time-honored and time-tried sayings that keeps coming into my mind that is that the

first impression is always the most important and most lasting. And the other is that to make haste slowly. First I was inclined to be in favor of voting on the permanent chairman this afternoon. But as time went on and I thought more about it, again the public, the people of the State of Louisiana came to my mind. If we were to lose any time by not casting this vote this afternoon, or if we were going to lose a lot of time, I should say that would be an important consideration to take into account. But, whether we vote on a permanent chairman this afternoon or not, we at this Convention are not going to lose five minutes' time, because until we come back next week and hear the report of the Permanent Rules Committee and vote on that, no action will be taken by this Convention one way or the other. So, in all good conscience, I felt it my duty and responsibility, to get up here and say that I think as far as selling this Constitution to the people of the state of Louisiana, they will feel a lot better about it, if we go home and wait until after the rules are submitted to the Constitution and acted on by before we vote on a permanent chairman. And I may say this, I daresay that not five people in this Convention have not already made up their minds who they are going to vote for chairman. And this delay, it's not a delay, is not going to help or hamper the chances of those gentlemen who have made known their candidacy for this office.

Further Discussion

Mr. Burson Mr. Chairman, I speak in opposition to the substitute motion for the same reason that the gentleman preceding me spoke in favor of it. That is, there are not five people in here that have not made up their minds exactly who they are going to vote for the chairman. That was best exemplified by the vote that we just completed on the question of the secret ballot. It was overwhelmingly in favor of an open ballot. Those voting for an open ballot not only know who they are going to vote for, they don't care who knows about it. So if that be the case, then I submit to you why not elect the chairman? The chairman is the man whose chief primary duty, whatever his other duties may be, will be to keep the order of the Convention and to promote the upholding of the rules that are adopted by this Convention. We've got a tremendous committee that's going out to work on these rules. Let's elect a chairman so that he can work with this committee in formulating these rules and come back to us. Now, the objection to that, I have heard discussed today is this: where he's going to tell them what to put in the rules. Now does that really stand up on close examination? What in the world is anyone going to tell, for instance, Tom Stagg who's a Republican and as far as I know not subject to threats or any way, shape or form from the ruling party in this state? What is anyone going to tell the overwhelming majority of the people who have been submitted as members of the Temporary Rules Committee who for the most part are not even public officeholders? How are you going to threaten them? With what? That doesn't really hold up. And I think we've faced in his speech this morning is one of confidence versus fear. I've got confidence that we are going to do the right thing and that includes the chairman that we elect. I say, let's get on with it.

Further Discussion

Mr. Smith Mr. Chairman, fellow members, I happen to be on the Rules Committee, but I would like to join with my friend, colleague, Mr. Burns, in stating I think we ought to wait a while to elect our chairman. I voted to have open ballot. I think I know how am going to vote, but I don't see any reason to have everything done today, appoint the Rules Committee, I think, has been done. I say, I feel like we ought to wait a while—maybe next week to give everybody an opportunity to talk to

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the different candidates. Let's don't rush this thing. I say, if we start off today and that's what I'm interested in, I have no--some of you may have--I have no further political ambitions. All I want to see is a good Constitution written and adopted, and I think the people are watching us today. I don't want to see us railroad anything. I say, let's wait till next week to elect a chairman.

Further Discussion

Mr. Gauthier Mr. Chairman and delegates, before we convened today there was a lot of discussion about this one point, and it became apparent in my eyes that a number of delegates felt that today was not the day to elect a permanent chairman, not because we were in favor of any one candidate, but, simply, because it is not the correct procedure. The State of Louisiana has asked us to draw up rules and regulations to guide this state, and yet, we want to go about in an improper way of conducting this Convention. Just now when you retired to your respective Congressional Districts, what was the first thing you did? Eddie LeBreton headed ours and the first thing he kept saying was we've got to get our guidelines straight. We have to get our procedure foot straight. You've got to do that here before we elect a permanent chairman. You've got to make that clear. It was said earlier, as I quote, "I don't want to fly by the seat." A pilot has to know the rules and regulations. "Every car has a driver." That's correct and that driver knows the rules and regulations. A man that submits himself for chairman should know the rules and procedures. I ask you not to waive today. If you elect a permanent chairman, where do we stop, because if you've noticed a little brochure prepared for you, that little brochure given to everyone--it was prepared for us--and I'll read it to you. It says, "After we establish and create substantive and procedural committees, as the delegates may deem appropriate, elect from their number a chairman, a vice-chairman, and such other officers as they deem necessary, elect an executive committee and take such other actions as they may deem necessary to effect a permanent chairman to organize the Convention. At this time we are not ready to proceed with their business. My group elected me to the Rules of Procedure Committee. Let us establish those rules of procedure before we go on. I submit to you if we elect a chairman today, does a plurality or majority rule? What if there is a tie vote? How is that tie vote broken? Who would break it? There are a number of questions that the Rules of Procedure Committee should answer before one can elect a permanent chairman. Gentlemen, don't make this mistake today, please. Thank you.

Further Discussion

Mr. Hayes McKinley High School...thank you, Judge Sanders. What I'm, I would like to say is I can't see any way that this Convention will suffer with the able-bodied Republican you say we have elected and you have two people from each district to carry on. I can't see no particular way that this Convention can suffer from now until the time. And the next order of business could be the permanent chairman. And I would like to remind the Chairman that I didn't bring any lunch with me today and if there are any provisions for adjourning this Convention...

Hon. Joe W. Sanders I understand Lawrence Chardy is going to treat the entire convention to a dinner. Alright, Delegate John [Louis] Riecke, New Orleans.

Further Discussion

Mr. Riecke Mr. Chairman, my name is Louis Riecke. Thank you. I...this will only take one second. I want to point out to you what Delegate Gauthier said that if we don't have rules when we elect

a chairman...there are four candidates vying for this office. How are you going to rule the majority or a plurality wins the chairmanship? How are you going to do that if you don't have rules? So I submit that we ought to wait until we get the rules, before we vote on the officers.

[Previous question railroad.]

Closing

Mr. Leigh Mr. Chairman and ladies and gentlemen of the Convention, I really have very little to add to what has already been said. I think we'll make a tragic mistake if we go hastily about the business of electing a chairman at this time. I think, as Mr. Gauthier has pointed out, the rules should be adopted. We should have the ground rules by which all of our officers, as well as the chairman, should be elected before we go forward with it and I think that in order to better our image before the State of Louisiana, I think we should make haste slowly. I think I'm quoting Mr. Burns in that, but we are not going to lose any time. We can elect our officers after the rules have been adopted. They are going to have to be adopted and thrashed out anyhow and the officers can be elected after that time. And I think that we will reflect a far better image before the people of this state if we make haste slowly at this time and adopt and elect our officers after the rules have been thrashed out and decided. I ask your support for...

Hon. Joe W. Sanders The vote will recur on the substitute motion, that is that the election of the chairman will be deferred until after the rules are adopted. The Chair will call the Secretary of State to make a roll call vote in favor of the substitute motion; that is to defer the election of chairman until after the rules are adopted. A no is for the immediate election of a chairman. Mr. Secretary of State, Wade O. Martin, will come forward.

[Record vote ordered. Substitute motion rejected: 58-74.]

Personal Privilege

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the Convention, I'd just like to make this observation. I notice that there have been a number of motions for the previous question. As you well know and understand, the previous question when it's once called and voted for cuts off debate; that is, you deprive somebody who may have wanted to speak on a question, the right to do so. Now I know that I probably abuse the privileges speaking on a number of issues, but I always remember something that I like to call it winning shoes on the streets in Columbia, when I was about twelve or thirteen years of age. One Saturday while I was doing that, there was a couple of farmers not too far from me, and I wasn't paying too much attention to them because I was trying to earn a dime if I possibly could by getting a nickel tip. But I did hear one make this statement to the other, and I doubt if either one of them had over a third grade education. One said, "Well, my Pa told me Son, if somebody wants to tell you something stop and listen to him, because the craziest fool in the world can't talk fifteen minutes without saying something worthwhile hearing." If this is going to be an open Convention, we have got to give rank and privilege to every delegate to have his say-so before this Convention. What Mr. Burns stated a few minutes ago I think is very appropo, and we want to start off here on the basis that it's going to be an open Convention. If this is going to be a railroaded Convention, you know and I know what's going to happen to the Constitution that we draft regarding how we'll be run. I'm going to ask you, please, let's let it be an open Convention. I know it gets tired and boroesome sometimes for somebody to go on, and if I think that anybody is filibustering and just

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fillbustering a question, I certainly would be willing to go along with the previous question. But, let's don't start out at least on our first day here of cutting off debate too quick and letting somebody have their rightful say as a delegate of this Convention. I just want to throw that out to you for thought because whatever impression the public gets of this Convention, this state may determine whether or not we are successful or a failure.

Hon. Joe W. Sanders The main motion now on the floor is to proceed with the election of a permanent chairman forthwith. You have heard the debates on the substitute motions. Are you ready for the question on the main motion?

[Previous Question ordered.]

Closing

Mr. Keen Mr. Chairman, the motion I made was to the effect that the next order of business of this Convention would be the election of a permanent chairman, who may not be the chairman of the Temporary Rules Committee, which election shall proceed prior to the adjournment of this inaugural meeting of the Convention. I would like to say to the delegates just briefly, because I think that all that needs to be said on this question has been stated, that Senator Rayburn and I voted together today twice which is a rather unusual situation. Secondly, it pains me greatly to be on the opposite side of this question from my good friend, Tommy Leigh. However, I came here today feeling that, if we could adopt a procedure by which we had an independent Rules Committee capable of drafting rules for further consideration of this Convention, that this was the most important item of business before this group. I thought that once that had been done and accomplished it was important for us to proceed without further delay in the selection of the person who would head up this Convention for the rest of its term, because I believe it needs to have a head. I'm frank to admit that I'm not committed to anyone. I frankly don't know who I'll vote for based on who's nominated. I'm not engaged in trying to run any railroad. I simply feel that we need to have a head of this body so that we can proceed with our business in an orderly fashion. I move under the circumstances, Mr. Chairman, the adoption of the motion.

[Motion adopted.]

Motion

Mr. Jenkins Mr. Chairman and delegates to the Convention, many of us missed breakfast this morning and certainly most all of us missed lunch. We're tired right now and I think before we go into the consideration of electing our permanent chairman, we should recess so that we can have something to eat, and so I would like to move that we recess until 7:00 p.m.

[Motion rejected.]

Point of Information

Mr. Schmitt I have a question. Would the chair please explain the procedure? Will it be nominating speeches and seconding speeches? Will the chair please tell us the procedure which the chair will entertain?

Hon. Joe W. Sanders The chair will, unless the Convention decrees otherwise, the chair will allow one nominating speech and one second for each candidate--very brief nominate and second.

Point of Order

Mr. Champagne We just decided we wouldn't recess. I want to know if everybody here thinks they can spend the next two hours here? Are you, sir,

limiting these speeches to a reasonable amount? Are you going to say five minutes, ten minutes, an hour, or how much?

Hon. Joe W. Sanders A motion would be in order at this time.

Motion

Mr. Champagne Well, I move that nobody be given any longer than ten minutes to express his position, since we seem to be in a hurry, and I think three minutes on the rest of the speakers.

Substitute Motion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the Convention, as a substitute I would move that each nominating speech in behalf of any candidate be limited to five minutes, that there be one seconding speech not to exceed two minutes.

Hon. Joe W. Sanders Would you cover in your motion the method of calculating the vote if more than two candidates are nominated?

Mr. Gravel Well, I'd be glad to do that and add that, additionally, that in order to be elected chairman that a person must receive a majority of the votes of the delegation, and that, if necessary, there'd be a runoff.

Hon. Joe W. Sanders Is that the votes cast or the entire membership?

Mr. Gravel The votes cast in the election. I think everybody is going to vote.

Hon. Joe W. Sanders You have heard the motion. The motion is that each of the two nominating speeches be limited to five minutes and that the chairman be elected by a majority of the votes cast. Is there a second? Second by Delegate Chehardy, Gretna. Delegate Stovall is recognized.

Reverend Stovall I would like to substitute ten minutes for a nominating speech rather than five.

Mr. Gravel Reverend Stovall, if you will permit me, I want to apologize for doing this this way, but Mr. Triche and one other gentleman just pointed out to me that it is necessary under the statutes that the chairman be elected by a majority of the elected in number of the elected delegates.

Hon. Joe W. Sanders Alright, is that amendment accepted by Chehardy, the seconder? The amendment is accepted. Majority of the elected delegates...majority of the delegates.

Mr. Keen Mr. Chairman, as a point of information, is there any provision in Robert's Rules of Order for a runoff or for elimination or...

Hon. Joe W. Sanders That was the motion. That the election be by a majority of the delegates which requires a runoff. The two getting the highest votes have to run it off. That's right. Delegate Chris Roy, Alexandria.

Mr. Roy I'd like to amend the motion of Mr. Camille Gravel to allow two seconding speeches of three minutes each, not just one. I think that we ought to, with this thing this serious, we ought to have two seconding speeches.

[Motion adopted as amended.]

Nominations

Mr. Dennerly I'll start from the beginning. Justice Sanders and fellow delegates, we are indeed one hundred thirty-two fortunate individuals. We start today with an unblemished record like newborn babes in that tangled forest known as the 19c1 Constitution, as amended, with the full confidence of

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the people of this state that we can extricate them from this wilderness and bring forth a sensible document to become the basic, organic law of this state. Each one of us is confident that we can intelligently fulfill the charge placed upon us by Act 2 of 1972. We know we can do this. We have the ability and the courage to do it. We are a diverse body of individuals, truly representative of the people of Louisiana. In our deliberations we will prove to the voters that their confidence was not misplaced. One year from today we will present to the Governor a new Constitution, which we have hammered out in a Democratic manner, one which all of us can claim a hand in having written. One which the voting public can confidently vote for, because we will have retained their confidence by meeting in an open convention and by fully considering their suggestions made at open hearings. Many of us at this Convention have never before been referred to as redactors. Well, we will be so referred to now. One of these days a court will formally refer to us as the redactors of the 1973 Constitution. Then your grandchildren can refer to you as "you old redactor, you." But to be called redactors, we will need a chairman. I am mindful of the sentiments that have been expressed concerning the need to select as a chairman, a man whose integrity and qualifications are beyond question. We have such a man among our delegates, one who has proved himself an independent and impartial chairman of a body as diverse as ours. His management experience in this field is without equal in the entire State of Louisiana. As our first truly permanent act, we delegates should do no less than to elect the best qualified among us as our chairman. I have the honor to place in nomination for the position as Chairman of this Convention the very best doggone redactor of Bienville and Jackson Parishes, the delegate from the First District Number 10, the Honorable E.L. "Bubba" Henry of Jonesboro.

Hon. Joe W. Sanders Will the delegate who is to second the nomination please come forward? The time allotted in the motion of the Convention was three minutes.

Mr. Lanier Thank you very much, Mr. Chairman. Gentlemen, I had the pleasure of attending the Louisiana State University Law School with Bubba Henry. Bubba was very active in our school affairs. He was on our little intramural football team, but at that time it was obvious to me that he possessed qualities of excellence. I think if you will review his conduct as the Speaker of our House of Representatives here in Louisiana, you will see that these qualities have come forth. I am not a member of the House of Representatives, myself, but when this election came up, I made inquiries of people from my district and other districts, who I wanted to be in the House, to see how they fit about the way that Bubba did his job. Almost to the man, I was told that it was fantastic, that he accomplished things in our House of Representatives that some people thought were impossible. We have a very difficult task to accomplish here. We are going to need to all unite no matter what your political feeling or philosophy is. We are going to need to work together for what's in the best interest of the State of Louisiana. I feel that Bubba can unite us and lead us along the path to do that which we need to do which is the ultimate passage of a modern Constitution to bring our state into the twenty-first century. For this reason, I urge your favorable consideration of Bubba Henry. Thank you very much, Mr. Chairman.

Mr. A. Jackson Mr. Chairman, members of the Convention, I proudly rise to second the nomination of E.L. Henry from Jonesboro. I do so, because I think that this Convention is going to need strong leadership. I've watched the men in the House of Representatives provide strong leadership. I rise to second his nomination because I believe that this Convention is going to need courageous leadership. I've watched E.L. Henry face the hard ques-

tions and exercise the courage and the leadership to move Louisiana forward. Therefore, I believe that he is going to be courageous enough to provide the strong and dynamic leadership necessary to bring forth a great, and dynamic, and creative document. So, I proudly second the nomination of E.L. Henry from Jonesboro and ask your vote for this great Louisianian.

Nomination

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the Convention, what we do here today and what we do here in Baton Rouge for the next three hundred and sixty-four or five days is going to weigh heavily upon the people of this state, the children, grandchildren, and for posterity, if the people approve our actions. I have no doubt that any one of the candidates that have been mentioned as chairman could do an outstanding job as chairman of the Convention. But there is a little bit more involved than just being chairman of the Convention. We have to think about the people of which 200, 2,000,000 of them will have the right to pass upon what we do. They are not going to be in this chamber or in the chamber where we sit during our deliberations, or in the chamber where we hold our committee meetings to judge the action of each and every one of us. They are going to have to rely upon what they see in the news media, what they see in the television, what they hear on the radio or what they can read in the newspaper. If they have an idea that we have put out [our] best foot forward and have done a good job because of what they have seen, what they have heard, and what they have read, we may have a real good chance of going down in history as having done something for the state of Louisiana. But regardless of the document that we may adopt and regardless of how good the chairman may have performed in keeping order, and decorum, and so forth, and so on if the people get the idea that this was another controlled Convention, and another three-ring circus, as has been said of our Legislature in times past, our Constitution could reach the state of Louisiana of our Constitutional amendments that have been proposed. Now, I ask you, let's not think about personalities in this case. Let's think about the people of the state, their children, their grandchildren, their great-grandchildren. And I don't believe that we can get off on a better step than having someone that is recognized all over the whole state of Louisiana as being a capable administrator, a capable legal scholar, a capable judge and one that is capable of submitting the image we ought to have in order to get our work approved. I offer to you the name of the Associate Justice of the Supreme Court of the State of Louisiana, a person who was born in Opelousas on September 23, 1920, educated in the schools of this state and just to give you an idea of his ability to preside, he has been Chairman of the Louisiana Commission on the Aging, Chairman of the Louisiana Judiciary Commission, Chairman of the conference of Court of Appeal Judges, Chairman of the Appellate Judges Conference, American Bar Association, an organization of eight hundred appellate judges, he has been Commander of the Vile Platte American Legion, President of Vile Platte's Junior Chamber of Commerce, Chairman of Evangeline Parish Boy Scout District and I could go on and on and name the various organizations in which he has headed, not only being an active member, but actually the chairman or the president of organizations, which show that he has recognized him for having that ability. I ask you let's not look at personalities. Let's look at the best image we can put forth for the state of Louisiana. Let's don't go about this in making it look like we are railroadng anybody. I think that if we can do that we can show our real independence and the people will recognize that that independence and the people will recognize that that we do. I place in nomination for chairman of this Convention, Judge Albert Tate, Associate Justice of the Supreme Court of Louisiana, who has held that position, without opposition since his

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election in 1970.

Mr. Fontenot Mr. Chairman and fellow delegates, it is an honor to rise following Mr. DeBlieux's speech in support and to second the nomination of the Honorable Justice Albert Tate, Jr., and I want to tell you that I am a very biased person, I am from Ville Platte and as you just heard, Judge Tate is from Ville Platte. In fact, he still votes there. I feel like a word which was just mentioned, a railroad, railroading of the Convention. I just calculated on the pros and cons of the election of the chairman today or postponing it. Now, maybe I shouldn't bring it up at this time, but I feel like there is a railroad job being done to this Convention at the present time. My figures show that out of the twenty-seven appointed members, twenty-three of them voted the same way. Out of the elected members of the Legislature twenty-one of twenty-five voted the same way and I feel like this is some indication of the unity. I'm not saying somebody is trying to control us. I see a unity here which may or may not be good for this Convention. What I am trying to say is that you have an opportunity to elect as your chairman a person who I think will not be controlled by any faction. He is a justice of the Louisiana Supreme Court. He has no political ambition, henceforth, I don't think this man can be controlled. I don't think that there will be a railroad job at this Convention, if you elect him. I would very much appreciate if every one of you here studied carefully the names in the hall and you remember the people who voted for you whenever you cast your ballot. Think what the people want. They do not want a controlled Convention. They told me, do not let the Legislature run it. Do not let the Governor run it. And you think seriously about who you want as your chairman, because the sentiment if we--if there's any indication that it is being controlled, the sentiment of the people will be to cast their vote against the Constitution. Just remember that when you vote. And I second the nomination of the Honorable Justice Albert Tate, Jr. Thank you very much.

Mr. Conroy I am David Conroy of Metairie and I have the great honor of seconding the nomination of Judge Albert Tate, Jr. I think this Convention and the people of the state of Louisiana are most fortunate to have such outstanding men seeking the Chairmanship of this Convention, but more than leadership is necessary. The Chairman of this Convention must have the full confidence of the people of the state of Louisiana. Judge Tate is unique in occupying a position in which he is as free as possible of outside pressures and control. And he could bring to this Convention the greatest possible independence. An independence which I firmly believe is essential for the ultimate success of this Convention. I strongly urge your vote for Judge Tate.

Nomination

Mr. Anzalone Mr. Chairman and fellow delegates, there are a great deal of us who feel that the only way that we can write a Constitution that is going to be acceptable to and acceptable by the people of this state is to elect a person who will let the Convention. There are questions here today whether we are or are not. There are those of us who feel that the qualifications of the chairman, of course we don't know what his job is yet, but we feel that the qualifications of the Chairman of this Convention is not to be a person who will run our Convention for us, but to be a person who will let the independent delegates from all across this state run their own Convention. And I feel pleasure and pride that I can name to you a man who has pledged to do these things. If you will allow me, I wish to place the name of Senator Louis Lambert in nomination for the Chairman of this Convention.

Mr. Fayard In case most of you don't know me, and I say that you have no reason to know me, my

name is Calvin Fayard. I represent the people of District 71. I am the coauthor on this bill that was passed with Pat Juneau earlier. I coauthored that bill for one reason. I thought it was the best thing for the Convention. The best thing for the people of our state. I am seconding the nomination of Louis Lambert, Delegate LaBaret, as I know him, because also, I think that he is the best person for the state and for the Convention. As my normal manner would have it, I prepared and sent a letter to my fellow delegates a couple of days ago, and I was a little bit late. I am sure most of you did not get it. But in this letter I outlined my reasons for supporting Delegate Lambert for this position. Number one, there has been a lot of talk about independence, about railroad jobs, about the feeling of the Convention as having to put forth the idea and the image of an independent in order to get it passed for the public. I am new in politics. I've learned a lot here today. I would imagine that by the time that I go home a year from now, I will be aged quite a bit. However, I think that we still have the opportunity to elect a man who can do the job as an independent, who can reflect the proper image of this Convention to the public. My primary concern is that we elect a chairman who is a chairman in name, but is not a chairman of anything else. In his own mind, he places this Convention first and foremost. I realize that we have other qualified people for this position. It is hard for me to make up my mind, much harder than most of you-all, I would say, because the other candidates for the chairmanship I know. I know Representative Henry, Justice Tate taught me in Law School, Jim Dennis is a very good friend of mine. However, I believe that we have to lay this aside, and elect a man who can reflect the image that we want reflected to the public, so a year from now we can go back to our people, and say you elected me to do a job, I've done the job, now please ratify it. Please vote for Senator Lambert as chairman.

Mr. Mire Justice Sanders, fellow delegates it is indeed a pleasure for me to rise and endorse Senator Lambert. Senator Lambert is from my Parish, he ran in Ascension, and in St. James, and in Livingston Parish. He ran as an independent candidate, he was elected there as a delegate to the Convention. Again ran as a delegate to the Convention independently and was elected without opposition. This young man has stood out as a young man in our community to do something for the people of our area. He's one that looks to do for somebody instead of them to do for him. I am most happy to second Senator Lambert's nomination and I wish you would consider him very seriously. Thank you.

Nomination

Rev. Stovall J.L. Stovall, elected delegate from the 79th District, Metairie, Jefferson Parish. It is my happy privilege at this time to present in nomination before you a person who is eminently qualified to serve as chairman of this group. He was an honor student at LSU and has had experience in three places of government: the Legislative, the Judiciary, and the Executive. And even more than this he has deeply committed to constitutional revision. This is indicated in the fact that he served in the Legislature, he introduced legislation to bring about the Convention of this kind, and also, he was the author of the bill for constitutional revision in the Legislature in 1970. He then served as a member and coordinator of that committee in order to present constitutional reform through the Legislature. It might be of some interest to you to know that he introduced legislation to elect as chairman of that Constitutional Revision Committee, instead of the political powers at that time felt that the Speaker of the House would be more suitable to serve as Chairman of the Constitutional Revision Committee. However, the Chairman, I mean the Speaker of the House was not able to do his regular duties plus this tremendous additional responsibility, and they turned to Jim

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Dennis as coordinator of the Constitutional Revision Committee in order that he might bring together and serve ex officio on all the committees. This is to say that Jim Dennis has been through what we are about and what we will be about during this entire year. That is, he has handled all of the details of revising the Constitution. He's been the committee to it, and he has the basic philosophy that we need in order to move forward in the way in which we should. I think that we should keep in mind that during the next year there will be a regular session of the Louisiana Legislature. There may be special sessions of the Legislature. And also I will assume that this body will present to the Legislature a substantial amount of material of all kinds. All of this is to say that we need people in the Legislature and workers there who will assume their full responsibilities. At the same time we need a person who can give full time to this Constitutional Convention, and I submit to you that District Judge Jim Dennis of Monroe, elected delegate from District 16, is the person who can do that. He will give to us a people's Convention. And I think all the people of this state feel that they have a part in the kind of leadership that he will give to us. Thank you.

Mrs. Corne Mr. Chairman, I am Delegate Heloise Corne from the First District. I am pleased to have I am standing to second the nomination of Judge Dennis. This Convention has heard very many of his qualifications and I wish to speak about my personal observations of Judge Dennis. I have observed this young man at his work in the Legislature. I have known very many of his friends, and he has been a person who I can do that for many years now. And when you get somebody from Lafayette to second the nomination of somebody from Monroe, you can say there is no sectionalism left in this state. I have observed, as I said, Mr. Judge Dennis at his work. I find him to be a gentleman with great integrity, with sincerity. I know that, if elected to this Convention, he will preside with decorum and prestige. I think we need a man of the qualifications of Judge Dennis and, for this, I would ask this Convention to consider the voting for Judge Dennis. I thank you.

Mr. Arnette I am a delegate from Jennings, Louisiana. My name is Greg Arnette. I am pretty new to the politics and pretty new to the politics, especially, in Louisiana and everything. But I would like to second the nomination of Judge Dennis for three specific reasons. There are three things mentioned by most of you nominating and seconding delegates who came up here. The first one that was mentioned was image. What kind of image will we portray? I think with Judge Dennis we don't have any worry there. He's independent; he's been recommended highly; he's competent, and he is definitely honest. Second thing is experience. This man is experienced in all three phases of government: the Executive, the Judiciary, and the Legislative. He is an ex-Legislator, so he knows the workings of the Legislature. He knows how the Legislature operates and I think he would be a very competent chairman with this respect. The second thing is that, since he is experienced in the Judiciary, he would know how to maintain order, how to know the inner workings of the Judiciary, also. The next thing is that he is also now presently unconnected. He is an independent candidate. He is a judge at the present time. I think that this would qualify him even further. The last thing that was mentioned was time. I think that this is a major consideration, also. And the consideration I think--since Judge Dennis can give full time--I think this ought to be a major consideration in electing him. I would appreciate it if each and every one of you would vote for Judge Dennis.

[Nominations closed.]

Mr. Abraham I am one of the delegates, one of

the five who has not decided who I am going to vote for yet. And I would ask for a moment for some prayerful consideration so that I may deliberate as to who I might vote for chairman.

Hon. Joe W. Sanders Your request is well taken, Delegate Abraham, and the prayers of all the Convention will be with you. Please, privilege, Delegate Asseff, Mansfield, Louisiana.

Dr. [Mr.] Asseff I wish to inform the delegates that I shall refuse to vote on two grounds. I do not know any of the candidates; I really do not. I have not met one of the candidates until today. I have nothing for nor against anybody else to know them. I don't and I refuse to vote unless I vote intelligently. Those of you that know the candidates may do that. I am not criticizing you. I am simply saying I cannot, and if also Mr. Chairman, remember this: my only desire is to please my constituents of District 7. And that I have done. I really don't care to guess what anybody else has done. And, therefore, my second reason is a formal protest for not giving us ample time to learn the candidates and to proceed properly.

Hon. Joe W. Sanders The Secretary of State will call the roll of the delegates, and I believe that I requested the tellers' committee to come forward at this time and you can answer your vote from the podium. The tellers' committee... Walter I. Lanier, Thomas Casey, J.D. De Blieux, David Conroy, Richard Kilbourne, Pat Juneau, Mary Wisham, Harmon Drew, Greg Arnette, come forward and you can vote from the rostrum.

[Roll Call: Henry-B; Lambert-18; Tate-17; Dennis-151.]

Personal Privilege

Mr. Lambert Honorable Mr. Justice, delegates, I would like to say this: It was a wonderful experience to have had the opportunity to campaign among all the delegates and I will say this; I enjoyed it very much. I am looking forward to working with all of you during the coming six months or year or whatever time limit we find ourselves here. I think it's imperative at this time that we should all, as citizens of this state and delegates to this Convention, stand together, work together, work to make the state of Louisiana a state that has the best Constitution in this country. I ask those of you who are kind enough to vote for me: it is time to lend your support to "Bubba" Henry. He is a fine man. At this time, I would like to ask that--or move, rather--that E.L. "Bubba" Henry be made our Chairman by acclamation.

Personal Privilege

Mr. Dennis Mr. Sanders, I would like to make a second to that motion; but, before I do, I would like to take advantage at this moment to say again what I said to some of you in Baton Rouge, at the breakfast meeting awhile back, that I consider this the greatest honor, privilege of my lifetime, even though I wasn't elected chairman. To just be a delegate is to serve with you in this chance of a lifetime for all of us to give this state the kind of new modern Constitution that we absolutely need in order for this state to progress. I would like to say just a few personal remarks about our new Chairman, before I second the motion. I've known "Bubba" for over ten years. We were in law school together and we served four years in the Legislature. Now back in the last Legislature, the Constitutional Revision wasn't as popular an idea as it is today. It was very hard to get started and, as you know, I introduced some bills; but what wasn't said in the campaigning was that "Bubba" Henry was one of the coauthors of all of my bills, and I would like to be fair and say that Tom Casey,

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Ken Leithman--and I hope I'm not leaving out other members--Conway LeBlue, probably, too. But "Bubba" was a coauthor on all of these bills. And he fought the Constitutional Revision along with me and I know that he, along with a lot of us, received a lot of pressure, to pull back. But he never did, and for that reason, I would like to dispel any of this talk about "Bubba" being controlled. I think he is an independent man; I think he will be an independent Chairman. I saw him withstand pressure somewhat to the pressures that are going to be brought upon us in this Convention. He has withstood them with flying colors. And I know he is going to do that as Chairman, so I ask you to all close ranks and let's forge all this campaign talk. Let's get behind our Chairman, because he is a good Chairman, and write the best darn Constitution that the country has ever seen. Mr. Chief Justice, I would like to second the motion.

Personal Privilege

Mr. Tate My brother delegates and sister delegates--delegate persons, I should say--it was a great pleasure to have been elected; I don't say appointed. It seems to have been a little issue awhile back, selected to serve with you elected delegates about two weeks ago; and since then, I have been very much and deeply impressed with the sincerity and concern of all of you gentlemen and women. I join with my other also rans in congratulating the Convention on the choice of an excellent and strong presiding officer: a man of character, integrity and independence. And I join, also with them, in looking forward to working with you to make the best possible Constitution, to submit to the people of this state, that we can all throughout sincerity and concern of all of our endeavors, to do so very much for the pleasure of having had the chance to participate as I did in the recent processes. Thank you so much.

[Mr. Henry elected by acclamation.]

Personal Privilege

Mr. Henry Thank you, Mr. Justice, fellow delegates, I don't have a speech prepared. It is an extreme honor and a privilege to be elected Chairman of this Constitutional Convention. Many things have been said in the past few weeks when we were getting ready to get to this Convention; and I realize that, when we are doing things with people, things are said. I felt like it was important that today we get the politics of the personalities out of the way so that we could proceed with the issues that we are going to be faced with during the days of this Convention. We are somewhat, I guess, in many respects, like the balloon "Mission Impossible" when he gets that little tape and he says, "Your assignment, should you decide to accept it." Well, we said we wanted an assignment. We haven't accepted the assignment yet because we haven't gone to work. But there are going to be a lot of people, just like that man on that tape said, "We are not going to say anything for you or do anything with you if you get caught." We are going to have our problems during this Convention. But I believe with all my heart and with all my mind that Almighty God has given each one of us something that we can contribute to this Convention, something that we can contribute to the people of our state. I believe that, and I believe that that's why we are here. I believe that if we are the best that's in us to do those things that we are most capable of doing, then we'll come up with a document that you and I can go home with and tell our people, "This is good and we've done a good job and we want you to accept this document." Everybody is not gifted, as J. Denson Smith used to say, to be a piccolo player. You got to have some trumpet players, got to have some of all of us. Somebody said: It looks like to me some nitwits are elected to that Convention. Well, that's probably right, but there are a lot of nitwits in the public and they deserve to be represented here. I

don't have any quarrel with that, do you? I am elected and I am your Chairman. I don't... I thought I knew who was going to vote for me; I don't know who didn't vote for me; and I don't know whether there were any switches. I don't care. I got enough votes to do what I set out to do with your help. I am your Convention Chairman. I have made no deals, and you probably won't believe that, and I really don't care. I am glad to be here to do one thing: that's what I told those people in good old Bienville and Jackson Parishes, and Ward Six and Seven of Ouachita, that I'd do, and that is to represent them at this Convention. I am going to do my best, and I believe that you are, too. To Louis and Jim Dennis or Judge Dennis, Judge Tate, I feel glad that we had a race. I am glad to be glad because of the way it turned out. But I am glad, and I think it was good; and, Jim, you know the time or two I tried to talk you into getting out. Well, I'm glad you didn't. But I don't think we have any problems. Just like Louis said awhile ago, now we take it from here; we go to work on the document that the people have made. The manner in which we conduct ourselves during this Convention is going to be awfully important and some of you won't like me that much when it's over, as you might now, because you-all are going to write the rules, and you-all are going to adopt the rules; and, brethren and sisters, we are going to live with them. We are going to have decorum, if that's what you want. We are going to have order, and nobody is going to be overbearing 'cause you-all are writing the rules and you-all have elected me to preside. That's what I intend to do. I thank you for honoring me with this, and I hope that in the end you won't be disappointed. I didn't write a speech. I scribbled down one or two words and that's about all. I thought I didn't write a speech, but I am trying to tell you how I feel, and feeling is what I am doing right now, because there has been a whole lot of feeling up to this point. I guess it's time for us to start thinking now, so this is going to conclude my remarks and the Chair will entertain any further motions. Mr. Casey is recognized that we are going to start making a list. I'll get you next, Reverend Landrum, Mr. Stagg, Mr. O'Neill. Wait a minute, let me get these names down. Mr. Lanier, Mr. Lowe, and I hope you-all are not going to talk a long time. Mr. Tobias and gentlemen, I am going to try to get these names as good as I can, and ladies, Mr. Womack, Reverend Alexander; I think it will be easier to take those who are not raising their hands. Mr. Wall.

Proceed, Mr. Casey.

Motion

Mr. Casey Mr. Chairman and members to the Louisiana Constitutional Convention, I would like to move that this Convention officially express its most sincere thanks for an extremely outstanding job done by our Acting Chairman, Joe W. Sanders, Associate Justice, Supreme Court of Louisiana, and the Honorable Wade D. Martin, Jr., who acted as our Secretary today. I would like this motion to become a part of our official journals and minutes of the Constitutional Convention, and I would like to request also that, when this motion is adopted, that we give these gentlemen a standing thanks and ovation for a job well done.

Mr. Henry You heard the motion of Delegate Casey to which Mr. Clehardy seconded.

Is there any discussion?

Are you ready for the...?

Mr. De Blieux moves to amend the motion and include GSRI.

Do you accept the amendment?

Any objection?

No objection, so ordered.

Are you ready for the question?

If no objection, the previous question is ordered.

Therefore, as many of you who are in favor of the motion will say, "Yes." Those opposed will

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say, "No."

We don't have a voting machine; I've already lost.

Those who are in favor of the motion will vote "Yes." Those opposed vote "No."

Of course, the motion carries and Justice Sanders... At this time I think it would be appropriate for Justice Sanders, we have a gavel here, which in appreciation for your putting up with all of our comments today, the Convention wants to present to you, which will at the appropriate time be inscribed as a memento for you on this--what we hope will be --a historical occasion.

Hon. Joe W. Sanders I want to thank you, Mr. Chairman, and all the delegates of this Convention for this very fine gavel that will be inscribed for me as a memorial to this very pleasant occasion.

Motion

Mr. Stagg Mr. Chairman, I want to bat in a clean-up position for just a minute. The resolution by Mr. Alario which was then subjected to a substitute --by I think, Mr. Abraham--the substitute by Mr. Abraham had listed in it that Robert's Rules of Order shall be referred to as the authority for guidance to the Temporary Rules. Then the motion was further substituted by the motion of Pat Juneau which was then adopted, and the Juneau Resolution did not have language in it concerning Robert's Rules of Order. I move to the Chair a resolution simply stated that this Convention will...

"BE IT RESOLVED, by this Convention that the latest revision of Robert's Rules of Order be adopted as the temporary parliamentary rules for the conduct of the business of this Convention and that any committees of this Convention, pending the adoption of permanent rules of procedure"...

[Motion adopted.]

Mr. Stagg At this time to those, I hope, hard-working members of the Rules Committee at the adjournment of this meeting--if you would check your watch, the members of the Rules Committee--thirty minutes following adjournment of the meeting in this hall, the Rules Committee will assemble in House Room of the Prince Murat Motel for a short meeting. Then at 9:00 tomorrow morning, the Rules Committee will commence work either in that room or some other room at the Prince Murat, notices of which will be at the desk. I would like to invite all those delegates who have suggestions to bring to the Rules Committee, please let me know or come to the 9:00 session on Saturday morning, tomorrow, and let us have the benefit of your views of items or matters of your concern that ought to be included in the Rules of Procedure. We do invite the participation of all the delegates in the process of devolving these rules, not necessarily only in the debate which will follow next week. Thank you, Mr. Chairman.

[Adjournment to 10:00 a.m.,
Friday, January 12, 1973.]

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Chairman Henry in the Chair

PRAYER

Mr. Stovall ... as we continue with this task that has been given to us, we pause to ask for Your Leadership. Give to each of us open minds, a willingness to decide issues on the basis of their merit, and give to us Your guidance that we might have a better future for our state. May Your presence be with all who are in need and be with us in our deliberations. In the name of Christ, we pray. Amen.

NATIONAL ANTHEM

ROLL CALL

[119 delegates present and a quorum.]

Personal Privilege

Mr. Asseff Mr. Chairman, delegates, ladies and gentlemen. I hope that you will accept this in the spirit in which it is being given. I will go into a little detail, because I appeared before a committee in good faith, only to be told that I was doing it--being sweet--to get something. Well, I assure you, I am not sweet to get anything. That's just not in my nature. I am about to do something that I rarely if ever have done before. I hope that anyone who has done anything to offend any member of this Convention--and some of you have--too, will do the same thing, and clear the air before we begin work on what will be the toughest job that ever faced a group of people. I am not doing it to gain popularity in District 7, for District 7 will support me, nor am I doing it for committee assignment. I'm not taking anything; nor am I owing it because of the cold shoulders I have received. I am doing it because it is my duty to help you help remove division. I don't want to be the cause of any division in the Convention, and because a good constitution means that much to me, for you properly it will herald a new era for Louisiana. I spoke in an hour and a half of discussion, which I regret. We have a rough job before us, and it will take all the skill and ingenuity of all of us to fashion a new Constitution that the people will approve. And if we are to sell it to them, there must be as little division as possible. Our heads will be bloody enough over the issues, without controversy over other matters. Though I represent District 7, and am accountable only to that district, I always will vote my convictions and for what I feel is right and proper and in the best interest of Louisiana. I will do that even though I have political ambitions, and my vote may end my political career. Though the Lord in His infinite wisdom may close the door even if my vote is wrong. Some of you said I could have attended the Governor's reception and learned the candidates. Believe me, I could not, and the Governor accepted my explanation. It was my duty to accept his cordial invitation, but I had no alternative but to decline. I should not have said, I will oppose the new Constitution and will campaign again for an. Some of you said I have said it. I will work closely with you and will do whatever assignment I receive no matter what it is, in the... to the best of my ability. And will make every effort to work out mutually acceptable provisions for all of us and to the people, whose confidence and support we need. I face a dilemma that few of you do. My position on state and local government, on a constitution, is in a notebook of thousands of former college students, and they are constantly reminding me of what to do. If I am convinced that the proposed Constitution is in the best interest of the state, I will support it, and will campaign for it. Again, I am sorry for having said otherwise. Thank you, Mr. Chairman.

Mr. Henry Thank you, Dr. Asseff and certainly your remarks will be well taken by the delegates

to the convention.

INTRODUCTION OF RESOLUTIONS

Mr. Velazquez Mr. Chairman, fellow delegates, ladies and gentlemen, I rise to make a memorial resolution.

WHEREAS, a tragedy has taken place in New Orleans, Louisiana, the effects of 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 of its citizens, under the rule of law.

WHEREAS, to maintain civilization and order, the individual policeman remains also a swine of defense.

BE IT RESOLVED that the Louisiana Constitutional Convention publicly deplore the above mentioned incident.

BE IT FURTHER RESOLVED, that as its first course order of business, before considering the rules we stand for a minute of silence in memory of Deputy Police Superintendent Louis Sirco, Patrolman Paul Persigo, Patrolman Phil Coleman, Cadet Albert Harrell.

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 coauthor of this memorial are delegates: Thomas Velazquez, District 97, and former New Orleans Police Chief Joseph I. Giarrusso, Sr., District 98.

And

All delegates that wish to sign will be accepted as equal coauthors. I move for your acceptance.

Point of Order

Mr. Stinson Mr. Chairman, members of the Convention, I am certainly in favor of this resolution, but we have our hands full and we will for the next year. Many other similar instances I'm afraid may happen; something of other types; and if we get off and adopt, we are not an official legislative body. If we get off and take up resolutions and memorials of this type; we are going to have our hands full because things are happening so fast nowadays. We'll be memorializing the Federal Government, the President and everything. And as I say, I am one thousand percent for this, but I don't think that we should each day come up with something of this type to interfere with the deliberations that we have in which I think will take all of our time. I would like to raise that point. Is it a material matter before this Convention of something of this type? I know of nothing that would be better but, if we start and opened the door each day, we are going to have things of this type. And I would like to raise a point of order if that is in order at this time.

Mr. Henry Surely, Mr. Stinson, your point is well-taken. We are operating without any particular rules of procedure at this time, and I think, that in as much as there appears to be no serious objections to this resolution, that perhaps we can go ahead and dispose of this at this time after which we are going to proceed with the other business of the convention, if you will allow us that latitude.

[Resolution adopted without objection.]

Mr. Henry We are going to have to take care of some business at this time that is perhaps questionable insofar as what we as delegates to the convention did or did not do last week, and I think you are familiar with the propositions on the oath, which we, the convention delegates, took on last

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Friday. In the interest of an abundance of caution, we have checked with the attorney general, Attorney General Guste, has advised us through a written opinion, that as a precautionary matter, that we as delegates should, in addition to the oath we took last Friday, take the oath which is contained in the constitution, just in case someone might question it at some later time. So if there is no serious objection, we have the Secretary of State, Wade O. Martin, present with us today to administer the additional oath. I am going to ask that the Clerk call the roll and that we proceed in the same manner in which we did on last Friday--that you come to the front and stand and then the oath will be administered. Mr. Clerk, will you call the roll?

[Roll Call: Oath of Office administered to delegates as prescribed by Article XIX, Section 1 Louisiana Constitution 1921.]

INTRODUCTION OF RESOLUTIONS

Mr. Poynter. A resolution by Mr. Abraham.
"BE IT RESOLVED that the delegates to the Louisiana Constitutional Convention do hereby reenact, reaffirm, 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."

[Previous Question ordered. Resolution adopted without objection.]

Reading of the Resolution

Mr. Poynter. The Constitutional Convention of Louisiana Of 1973, Committee Resolution No. 1, by Mr. Stagg, on behalf of the Temporary Rules Committee.

A Resolution to provide for the standing rules of the Constitutional Convention. May I point out at this time that extra copies of the proposed rules in the format as they were transmitted to you are available at this time. I'll have pages deliver them to anyone who doesn't have a copy. If you will raise your hand, a page will bring you a copy.

Mr. Henry. If one of the pages will bring Mr. Velazquez and Mr. Riecke, Mr. Rachal, Mr. Asseff, Mr. Leigh, Mr. Chehardy...gentlemen, just stand up so the pages can see you, please. Pages, let's get those rules out right quick like, please. Mr. Stagg, before you begin your explanation, if you will allow me to point out that we do have secretaries where are the secretaries? Mr. Clerk, I thought they were over here. There're secretaries over here in the area of the coffee counter that will prepare any amendments which you desire to perhaps make to the rules. The Chair will insist that we proceed with allowing Mr. Stagg to explain his resolution and the rules insofar as he deems it necessary. If you desire to amend the initial resolution, you should prepare a written amendment. One of the secretaries will help you in the preparation of the amendment. These amendments will be considered by the body as they are submitted to us. We are not going to take them in any particular order. It's first come first served; so, Mr. Stagg, when you get ready. Let me say this too, insofar as the procedure that we'll use, I don't claim to be an authority on Robert's Rules of Order. We are going to proceed along the lines of Robert's Rules of Order, insofar as it will not hamstring the activities that I think you and I want to establish in adopting these rules. We will be as fair and impartial as we are capable of being, and we will ask you not to get too technical insofar as Robert's Rules of Order are concerned because I think we'll find that it's all going to work out the way you want it to anyway. Mr.

Stagg proceed.

Explanation

Mr. Stagg. Mr. Chairman and fellow delegates, it is the belief of your Committee on Rules that the best way to proceed with the expeditious adoption of these rules is to do it on one rule at a time. If there is no significant debate, change, or amendment to be offered to a particular rule, it would be well if we could find that out as early as possible after the number and title of the rule has been announced. If there are amendments and they are brought to the chair to be read, then I presume that the chair will conduct the debate and discussion on the rules. I would hope that if an explanation of the reasons why a particular rule was adopted by the Rules Committee as impartially as I possibly can, I will explain to the delegates why the Rules Committee came to the conclusion that they did. I'd like to say at the outset that we met your deadline, barely. It was a great committee, when you consider that seventeen relative strangers sat down in a room together for a total of twenty-eight actual sessions, followed by several hours of homework because the chairman did give each of the members of the committee homework to do when we were not in session, particularly the review of rules of other states' Constitutional Conventions, to find, if possible, rules we should consider to adopt. We sought to reflect what we perceived to be the attitude of the delegates of this Convention toward the diversity of power of this Convention. To the extent that we met that perceived objective I trust that it will be shared by the members of this Convention. We do not wish to be cast in the position of having to defend to you what we did. We simply will wish to explain it to you, and the final decision on how these rules will read is, of course, the duty of the delegates to this convention. We did depart from the rule or the language of Act 2, which stated several powers to be employed by the Executive Committee. We looked at the Executive Committee as being one to be concerned with the administration of the convention, an Executive Committee that could meet around a table at lunch, and decide, and adopt within that smaller group the administrative details of the Convention. We thought we were reflecting the opinions of the delegates, when a committee exactly like that that wrote the rules, that is elected from the congressional districts, would name the delegates or assign the delegates to the various committees. In a further effort to achieve an absolutely democratic system will provide that the committee would in turn select a chairman and a vice chairman and a secretary of their committee, feeling that this, then, would more closely reflect the feelings of the delegates as to who shall actually be entrusted with and shall manage the business of the convention, which is to write a new Constitution. We do have a few amendments as to style where we omitted the title of a rule, where we fail to capitalize a "c" in the word "Convention." We do have one rule that in the process of final typing was omitted, and it will be offered as a committee amendment. And, Mr. Chairman, with those few preliminary remarks on behalf of the Committee on Rules, we move the adoption of Rule No. 1 as written.

[Rule adopted without objection.]

Explanation

Mr. Stagg. Mr. Chairman, with the idea that we could be home by noon, I move the adoption of Rule No. 2 as presented in the Committee Report.

[Rule adopted without objection.]

Point of Information

Mr. Stagg. Mr. Chairman, on behalf of the delegates, might I ask the Chair, if this record of voting

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on the rules is to be followed, would you make a significant pause between the word without objection and then the falling of the gavel?

Mr. Henry Mr. Stagg, I think that I am proceeding in the way that should proceed, and I'm certainly giving the delegates ample opportunity to raise any objection. You just proceed with handling the resolutions. I'll handle the decorum of the chamber. Proceed.

Mr. Stagg Mr. Chairman, I have heard you operate in the House of Representatives, and that only is the reason for my remark.

Mr. Henry Yes, sir, you have no fear, Mr. Stagg.

Mr. Stagg Mr. Chairman, the Committee on Rules moves the adoption of Rule No. 3.

Further Discussion

Mr. Stinson Mr. Chairman, and Mr. Stagg, and members of the convention, I think this possibly is the proper time to raise this point. We refer throughout the rules that the roll call and votes and majorities and so forth, but I don't find anything that says who will officially tally the votes. The reason I ask that is with a few years' experience I found out that you vote on something and someone says the vote is totaled wrong. You waste thirty minutes and change and call another vote and hardly change the results. I think it should be tied down as who is the official tally committee or something.

Mr. Henry Mr. Stagg, do you wish to elaborate on this...

Mr. Stagg Mr. Chairman, if the Delegate from Bossier Parish has an amendment that would name anybody, anyone to announce the vote—we concede it to be the duty of the Chairman to control the roll call and the announcement of the results in this...

Mr. Stinson It was called to my attention under Rule No. 22. The duties of the Secretary, Subsection F, says "exercise responsibility for roll calls of the delegates." Now possibly as an amendment, we could put it there. I didn't realize, I had overlooked that provision. We could at that time possibly, but it should be definitely set down as to what is the official count on all measures that come before this house.

Mr. Stagg With leave of the Chair and of the convention, may we request that Mr. Stinson have prepared and at the Chair by the time we reach Rule No. 22, a perfecting amendment in writing?

Mr. Henry I think that would be appropriate. You don't wish then to adopt Rule No. 3 at this time, Mr. Stagg?

Mr. Stagg I move the adoption of Rule No. 3.

Mr. Henry Will you yield to the gentleman's question, Mr. Stagg?

Mr. Stagg Yes, sir. Mr. Chairman, the Committee on Rules was concerned that those—a listing of those who were absent—would by implication be a listing of all those who were present, except those who were listed as absent.

Further Discussion

Mr. De Blieux Mr. Chairman, I just wanted to make the same point that Senator Rayburn made. As you well know, some people are only inclined to remember what they see. And I think that if you are going to print the names of the absentees in the Journal that certainly the names of those present ought to be placed in the Journal, too.

Motion

Mr. Womack Mr. Chairman, I would move that the Chair so instruct Mr. Stinson, or Delegate Stinson, as he draws the resolution that you have previously referred to, that he include in that resolution both present and absent.

Mr. Henry Mr. Womack, I certainly hope that whoever is drawing the appropriate amendment to these resolutions will do that, but I don't have any authority to instruct anybody in their amendments so, if you would collaborate, I would appreciate you all resolving this apparent problem.

Mr. Womack Mr. Chairman, I so move, then, that the secretary, instructed to draw that amendment, include both present and absent in the amendment on Rule No. 22, when it is presented.

Mr. Henry Let's pass over your motion; and we will have an amendment to ratify that, Mr. Womack, if that would satisfy you. We are going to get bogged down into procedure otherwise.

Mr. Stagg Mr. Chairman, it is in the nature of a perfecting amendment, and it could easily be handled, if the Chair would permit us to then again refer to Rule No. 3. I cannot, on my feet, other than to suggest the insertion of two or three words to cover this, and it would be better done by someone at their seat. Mr. Keen, as vice chairman of the Rules Committee, has served the committee very well, by that kind of perfecting amendment, as we went through our adoption of our rules originally, and I'd like the leave to ask Mr. Keen to come to the microphone, if he would.

Amendment

Mr. Keen Mr. Chairman, fellow delegates, I move that on page 2, line 2 after the word "names" that there be added the following: "of all those present and," so that it would read, "enter the names of all those present and all absentees upon the Journal."

Mr. Henry Do you have that in writing, Mr. Keen, or can the Clerk assist?

Mr. Poynter I'll prepare the appropriate amendment up here, Mr. Keen.

Explanation

Mr. Stagg In the nature of an amendment to be inserted on page 2 in line 2, after the word "names" insert "of all those present and" and that the...I join in the adoption or in the moving of that amendment.

[Amendment adopted without objection.]

Motion

Mr. Stagg Mr. Chairman, I move the adoption of Rule No. 3 as amended.

[Rule adopted without objection.]

Motion

Mr. Stagg Mr. Chairman, I move that Rule No. 4 be adopted as presented.

Question

Mr. Denny I would ask the Chairman of the Rules Committee if it is necessary to include in line 16 the words "appointed for that purpose" in view of the fact that Rule 26 (B) and Rule 6 provide for more than one sergeant at arms.

Mr. Stagg Mr. Denny, I don't believe that that language does violence to the language included under the duties of the sergeant at arms; it merely places him in this place in the rules to say who shall do it.

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Point of Information

Mr. Guldry Mr. Speaker, would we be asking too much if we asked the Clerk to read each one of these before we go on to...

Mr. Henry We will request that the Clerk read the rule if no one has any objection henceforth.
Mr. Clerk, will you read the Rule No. 4?

Reading of the Rule

Mr. Poynter Rule No. 4. Quorum Calls. A quorum call may be demanded by any delegate during any session of the convention. When, upon such call, it is found that less than a quorum is present, the Chairman shall order the doors of the convention closed and direct the Secretary to call the roll of the convention and to note the names of the absentees. After such roll call, the names of the absentees shall again be called and those for whose absence no excuse or an insufficient excuse is made, may, by order of a majority of the delegates present, be sent for, taken into custody by the sergeant at arms or by his assistants appointed for the purpose, and brought to the floor of the convention.

Questions

Mr. Rayburn Mr. Stagg, I am wondering who will make the decision of whether you have valid excuse or not. Will the entire delegation make it? Will a committee make it? Who will make that decision of whether your excuse is valid or not valid?

Mr. Stagg If the Senator would read in Rule No. 5, the following rule, where a delegate shall absent himself from the convention without first obtaining leave.

Mr. Rayburn Let's refer back to the one we are now talking about. It says here "the names of the absentees shall again be called and those for whose absence has no excuse"...Now who is going to determine the excuse? Or an insufficient excuse? Who's going to determine whether it's sufficient? That is my point.

Mr. Stagg Thank you, Mr. Rayburn... Senator Rayburn. In answer to your question, I think the issue of an insufficient excuse would, by the Chairman, be asked of the Convention.

Mr. Rayburn I know, but maybe I think it should be another way. We're thinking now. I'm trying to find out what will be the best final ruling on it. Who will...I might have an excuse, Mr. Stagg, that I think it's legitimate. The Chairman might not agree with me, and then they're going to send over there and pick me up, if they can find me. And who's going to decide whether my excuse is a valid excuse or not? Now that's the only point I'm trying to make.

Mr. Stagg Mr. Chairman, I wish for the discussion to be...we may get a little more the feeling of the sense of the delegates if...

Mr. Henry I had agreed to recognize Mr. Conroy. I will get you next, Mr. Keane. Then, we'll take you, Senator De Bieux.

Mr. Conroy I had assumed that Rule No. 34 vested that authority in the Chairman, because it says "a delegate may be excused from attendance of daily session only with leave from the Chairman."

Mr. Henry Thank you, Mr. Conroy.

Further Discussion

Mr. Keane Mr. Conroy has made the same point that I wished to make. If you look at Rule No. 34, Rule No. 34 relates to absence from a daily session; in which case, the person who desires to be

absent has to obtain leave from the Chairman. Rule No. 5 dealing with absence from the convention service envisions some length of absence, longer than a daily session, in which case it would be necessary to obtain leave of the convention for that extended absence. It seems to me that pretty well covers the rule. If you are going to be gone for one day, you get it from the Chairman. If you are going to be gone for some extended period of time, or some illness for some extended period of time, you request leave of the convention and it is obtained. I think that if we are going to get into an argument about who thinks it's a good excuse or not a good excuse, and some delegate thinks he can be excused for a purpose that the Chairman doesn't agree to, then we are just going to have a chaotic situation. It seems to me that daily absence has to be approved by the Chairman. That's the way it is in any other office or convention or body of this kind. I suggest that the other rules amply take care of the point Mr. Rayburn has raised.

Further Discussion

Mr. De Bieux Mr. Chairman, what Senator Rayburn was concerned with and I myself am somewhat concerned with is just who's going to pass on this excuse? Now, of course, it says after or following those words that by a majority of delegates they can send for him, but I do think that maybe sometimes we ought to leave it to the delegates as to whether or not they want to accept the excuse or not and then do they want to send for him. They might not like his excuse, but they still might be willing to not go to the expense of sending somebody after him. I really think that ought to be in the hands of the convention as to who's going to be sent for and who isn't. So that is...and you have to do it based on the excuse. I would let me just say this: Somebody might present an excuse that might be thoroughly acceptable to you, but it may not be acceptable to the majority of the delegates. We ought to have a determination whether or not that who's going to make that decision, because another thing is they might present an excuse that might not be acceptable to you. You might want the delegates to respond for him and the delegates may not want to respond to that.

Mr. Henry It will have to be a good voting delegate before I send for him; I'll assure you that, Senator De Bieux. It appears to the Chairman that this is set out and explained in Rule No. 5--if you'll allow me to comment--because it says "No delegate shall absent himself from the service of the convention without first obtaining leave of the convention." And this is putting the entire burden on the backs of the delegates of this convention. But you all proceed and argue this as long as you will.

Question

Mr. LeBleu Mr. Stagg, I'd like to ask a question of you. It appears to me that this rule could be construed as compulsory attendance for all the delegates. Most of us here were elected to be here, want to be here, and I just wonder if there is any necessity for compulsory attendance?

Mr. Stagg It was the feeling of the Rules Committee, after having read the rules of twenty-one other states' conventions, after talking about it among ourselves, that if a delegate was consistently absent from the convention, that he would not be elected to come to this convention for the purpose of writing a new constitution, that there ought to be some process by which the convention itself could obtain enough members, in view of large absences or consistent absences that the convention ought to have the machinery to keep this convention moving. We have a deadline, January 4, 1974. We will be in session beginning July 5. These sessions will be rewarding and productive, if the attendance is what we all expect it to be,

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but if that attendance is not, the Convention ought to have the machinery to bring its members back in for the purpose of attending business.

Further Discussion

Mrs. Warren To the Convention and our Chairman, I am wondering that since the power to give us excuses is our Chairman, would he give us some guidelines as to what he would accept. If we say we are ill, do we need a doctor's certificate, for one example? I think that he could clear up some of this if he would give us some guidelines as to what he thought would be a reasonable excuse for us as delegates.

Mr. Henry Mrs. Warren, the only light that I can shed on this is that it appears to me that if Rule No. 5 is adopted, then the entire Convention will determine whether or not a delegate should be excused for a requested absence. If that is not the case, the only thing that I can tell you is that I would try to use as much discretion as I am capable of using in determining whether a person should be excused from repeated absences to this Convention.

Further Discussion

Mr. Stagg Mr. Chairman, I think it also should be pointed out that the Rule No. 4 concerns the quorum call. And when do you need a quorum call? You need a quorum call when we are in session debating and voting on matters or proposals and parts of the constitution. And if you are in session presenting a proposal in which he has a good interest, noting the absence of a quorum—which would prevent the adoption of any report or any work to go into the constitution—noting the absence of a quorum, this is the machinery of a quorum call, and if it is necessary to send for some delegates in order to achieve a quorum. How else will the Convention be in session? How else will the Convention manage its business? We are concerned with Rule No. 4. The title of that rule is Quorum Call; that will cause the Convention to be able to proceed to its business. If sixty-six people are in the room, no votes can be taken, if a note is made of the absence of a quorum. What machinery do we have? It's provided in Rule No. 4.

Question

Mr. Casey Mr. Stagg, I understand really there are two areas of quorum calls: one as described in Rule No. 3, which is the Roll Call, and the other described in Rule No. 4, Quorum Call. Now the wording in the first sentence of Rule No. 4, "A quorum call may be demanded by any delegate during any session of the Convention," implies that a quorum call setting forth the type of disciplinary action that can be taken under Rule No. 4 can be taken only for a quorum call during the session, and does not cover necessary disciplinary action in order to summon the necessary amount of delegates to have a quorum upon opening a session as required in Rule No. 3. So in Rule No. 3, if you do not have a quorum after the roll call is taken, what is the remedy in order to obtain a quorum, if you have more absences than those present?

Mr. Stagg In Rule No. 6, "at any time the Convention is in session, whether upon first convening of the day's session or any time after the hour has arrived to which the Convention stood adjourned, the Chairman is authorized to send the sergeant at arms to any and all delegates as a majority of such delegates present shall agree." So in Rule No. 6 you have the opening roll call machinery that you asked about.

Point of Information

Mr. O'Neill It appears to me at this point that, by a simple insertion in line 13 after the word

absence, I've put this there "the majority of the delegates find no excuse". I think this would be in the sense the Chairman desires this rule to be taken in and I think this would clear up any intentions on the part of anyone to pass on whether a delegate has a sufficient excuse or not. If there is no objection to this, I offer this as an amendment. We could clear this up and we could keep moving.

Mr. Henry Mr. O'Neill, if you do offer an amendment, we request...do you have a written amendment?

Mr. Poynter I'll prepare it if you'll show me the language...

Mr. Henry We'll prepare it so that we can have the amendment in writing, please. Mr. Hayes, I'll put you on the list. Mr. Avant, while you are coming, I'll ask the members of the news media on my right...we've had some complaints from this side of the convention that those lights are bothering them. If you're not taping or shooting all the time, could you turn those lights off until you need them, please? I would appreciate it. Proceed.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, I speak for the adoption of this rule as written. I think it's simply a practical matter. I think you have to indulge in certain assumptions. First, I assume that every delegate to this convention wants to be here. He's going to be here if he can. If something develops that he can't be here, he's going to try to get in touch with the Chairman and get an excuse as contemplated. But this rule protects, I think as it is written, anyone who for some reason is unable to get a legal excuse or be preexcused or for some reason he is just not here. Now first, I think you are going to have to assume that anybody in that situation is going to tell some other delegate why he is not here. And the protection that is in this rule that before you can send for that man, the majority of the people who are here have not to vote and say, to the Chairman, "Go get him." Now I don't think anybody here is going to do that, unless they have already been convinced by things that have happened before, that this man is just taking French leave and not doing what he is supposed to do. I know there are certain delegates, here this morning, who are not here, and we don't know why they are not here. But I am sure that they all have very good reason for not being here. So I think that this rule as written provides plenty of protection for everybody concerned—both for the convention, so that it may carry on its business in an orderly fashion, and also for a delegate who, because of unforeseen circumstances, just isn't able to make it and isn't able to be free or arrange an excuse with the Chairman. So I don't think that this needs any amendments. I think it addresses itself to the good sense of this body, in which I have the complete confidence.

Questions

Mr. Tapper Mr. Avant, I'm wondering, we are talking here about the majority of the delegates deciding whether or not to send for someone who does not have sufficient excuse. Suppose someone is ill in the hospital and can't be contacted by this body, to the Chairman. Are we going to send for him also? I think it's a little vague.

Mr. Avant The only thing I can say, Mr. Tapper, is this: I'd just have to tell you what I'd do if somebody wasn't here and nobody on the floor could offer any reason as to why he's not here. I would say, "Don't go get him. We'll find out later why he's not here." Then I'd say, "You'll me once, shame on you; fool me twice, shame on me."

Mr. Tapper I understand and I agree with you. Mr. Avant, but we are saying here that we have the right to do it the first time without giving him

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that opportunity to make the first mistake, and this is wherein I disagree with this particular rule.

Mr. Avant Well, I just think that I have enough confidence in this body to think that they're not going to go and, by force of arms, grab a delegate and bring him in here at the first occasion when he is not able to be here.

Mr. Drew Mr. Avant, is it not your understanding that under Rule No. 4, taken in light of Rule No. 5 and Rule No. 6, that this would apply when those who had answered that opening roll call have wandered off the floor of the house at the time the quorum call was made?

Mr. Avant I would think it would apply in that situation. It would also apply when we first get here and had the quorum call. I think it would apply in both situations.

Further Discussion

Mr. Burson Mr. Chairman, I'd like to make a few brief points, some of which have been previously alluded to. First of all, this rule does deal with a quorum call. It's necessary to have a quorum to conduct any business. I don't know of any deliberative assembly, whether Constitutional Convention, legislative, or otherwise, that doesn't have some means of impelling a quorum. Otherwise, you can't conduct any business. I think you've got to have a rule to do this. Secondly, this rule will be seldom needed, and I don't think we should agonize over situations that are highly unlikely at best, such as getting someone out of the hospital. Thirdly, these rules, if they prove unworkable in any particular, can be changed by this Convention anytime, and we will have a Permanent Rules Committee. I think it would be a mistake for us to try to get overly technical, unless the rules that are presented to us today have some major defect that is obvious. Finally, I think that the rules which allow, which throw the major burden of accepting excuses for absences on the Chairman, will serve well in that most of these issues will never have to reach the Convention floor at all. The Chairman will handle most of these situations.

Questions

Mr. Hayes I was wondering if we couldn't combine Rules Nos. 4, 5, and 6 together to cut down on the bulkiness of the rules. If this is an example of what the constitution itself is going to be like, then we are starting off with a pretty long document. I looked at the rules and there are a lot of things that look like they are duplicating themselves here. Looks like Rules No. 4, 5, and 6 are just repeating the same thing over and over. Rule No. 6, I can't see; Rule No. 6 seems to be a subset of Rule No. 4. I would like for, maybe, Mr. Stagg to explain if there is any difference. I wanted to ask the Chairman one question, while I'm here, based on his experience. What does he expect the expected attendance of, say, one hundred and thirty-two people? What would you expect the attendance to be of a group this size?

Mr. Stagg On a daily basis?

Mr. Hayes On a daily basis, average attendance.

Mr. Stagg I have no way of knowing. That's why we have these rules.

Mr. Hayes Based on the experience that you might already have, say with the Legislature.

Mr. Stagg I would expect, with a group with the dedication that these one hundred and thirty-two people have, that it will be rare that more than four or five out of that group would be absent for illness or for any other purpose.

Mr. Hayes Then, if that be the case, I had already drawn up--while they had passed No. 2, I opposed, for raising the quorum from sixty-seven; I don't know if it's too late to bring that back--I had already drawn up the amendment, but it was doing it while you were voting on it.

Mr. Stagg Well, I just want you to know that, as the Chairman of the Rules Committee, I will take my position on reporting the rules over to the Vice-Chairman, Mr. Kean, in order to oppose your amendment. A majority of a deliberative body all over the nation--in the House of Representatives here, in the Senate here--a majority of the members constitutes a quorum. If your interests need to be protected or if there is an item on the floor that you have particular interest in, I believe you'll be here and that a quorum likewise will always be here. But, we are on the subject of Rule No. 4. Rule No. 4 perceives only the situation where the convention is in session. We have been in session for hours. Let's say it's nine o'clock at night or six o'clock in the evening and people want to go get coffee or supper and the floor is suddenly, during the debate, without a quorum. Then a delegate can note the absence of a quorum to the Chairman, produce a quorum call, and the sergeant at arms will go in the immediate vicinity and find enough delegates to restore sixty-seven delegates to the floor for conduct of business. That's what Article IV that we are on is all about. I'm not...I don't wish to...I'm merely presenting the committee report. That's why we did it.

Mr. Guidry Mr. Stagg, doesn't this rule pretty much follow the rules of the House of Representatives right now?

Mr. Stagg Yes, Mr. Guidry, it does. And of the Senate.

Mr. Guidry And it works beautifully and has for many years, and I've seen at times when we didn't have a quorum, we did have to send a state police to pick them up and bring them in and there's no problem. It's very workable, and I've never seen it be any major catastrophe. I think this is good as is.

Mr. Stagg Mr. Guidry, I appreciate your remark. We've been on this subject for seventeen minutes and it is simply...

Amendment

Mr. Poynter Amendment proposed by Mr. O'Neill to Committee Resolution No. 1, offered by Mr. Stagg, amending the original resolution. Amendment No. 1. On page 2, line 13, immediately after the word "absence" and before the words "no excuse" insert the following: "the majority of the delegates find".

Explanation

Mr. O'Neill Mr. Chairman, I offer this so that we can get on with our business, simply to get this rule adopted, and let's just keep moving.

Further Discussion

Mr. Kean Mr. Chairman, as I understand this amendment, if you've got an excuse from the Chairman or you had an excuse previously from the convention, and you thought you were home free, and you were not here, then a majority of the delegates could decide you didn't have an excuse, and it seems to me you'd just have a situation you couldn't live with. I think the rule as originally recommended by the committee is a good rule, and I think we ought to move on with it.

Further Discussion

Mr. Smith Mr. Chairman, members of the committee, I'd like my friend just stated here, Mr. Kean.

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I think we ought to go on with the...turn down this amendment, because we that are on the Rules Committee have gone over these things very carefully. I know some of them you are going to object to, but right now I think you're nitpicking on these technical things. I think it should be left to the discretion of the Chairman, not to the members, on this particular thing. It's worked in other...we've gone over a lot of other states...twenty other states. This system has worked and I feel like we ought to go on with the work of the convention, and quit nitpicking on these technicalities.

Further Discussion

Mr. Arnette I oppose Mr. O'Neill's amendment for the simple reason that this amendment is better addressed to Rule No. 34, which gives the Chairman the ability to say who has an excuse and who doesn't. The Chairman can always be overruled by the convention. This is also in the rules. I don't think we need an amendment to Rule No. 4 anywhere. I think we ought to adopt it just as it is.

[Previous Question ordered on the Amendment. Amendment rejected: viva voce.
Previous Question ordered on Rule No. 4.
Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 5. Absence from the Convention Service. No delegate shall absent himself from the service of the convention without first obtaining leave of the convention. A majority of delegates may prescribe penalties for the nonattendance of delegates.

Questions

Mr. Alario Mr. Stagg, I'm vitally interested in this last sentence in Rule No. 5. It says, "A majority of delegates may prescribe penalties for the nonattendance of delegates." And that sounds fine to me, if you are in the majority. But I'm wondering just how far this convention, or majority of those delegates here, can prescribe penalties. What does that mean? Can they...can a majority get together and say you no longer hold this seat in this convention now, so that provides a vacancy? Could they mean by penalty that, "Well, since you haven't been attending, I am sending you to six months in jail"? Or are we going to line you up and put bamboo shoots under your fingernails now, or strap you to a post and whip you? What do we mean by prescribing penalties? I think if we are here to write a constitution to protect the right of people, we certainly should be trying to protect the rights of ourselves.

Mr. Stagg Mr. Alario, I am used to listening to some colorful language, having sat with twenty... with seventeen colorful people for the hours that we went through these rules. We did not specify the nature of the penalties, believing, as a committee, that a committee composed of thirty and thirty-two of our fellow citizens were not going to put bamboo shoots under anybody's fingernails; nor does this convention, under those circumstances, have the power of calling a delegate's seat vacant, whether a temporary majority or by any other means other than those set forth in the rules. The penalties for nonattendance would be, for instance, to deny a delegate the privilege of the floor for a period of one day or some other similar type of penalty which would be within reason and within the power of the delegates of this convention. It's simply a means to make sure that your convention has its delegates in position, in order to forward the work of this convention in writing a new constitution. There simply has to be some method by which the delegates can have a convention to be in existence. And I'd like to ask if Mr. Poynter would hand me a copy of the rules of the House of Representatives of Louisiana,

Containing a similar rule.

Mr. LeBreton Mr. Chairman and Mr. Stagg, I have no objection to your rule, but I merely wanted to point out that I think it's rather ambiguous. It says, "for permission to leave the convention", and I didn't know whether you want to consider--what do you mean by leaving the convention? When we are in session, when we are not in session. Examples: we have rules in the House, I believe, read something like you can't leave the state of Louisiana while we are in session, without permission. And I just wanted to be sure that no delegate got himself in trouble. If he wants to go to Europe for two or three weeks, is he violating this rule? I just merely wanted to bring that to your attention.

Mr. Stagg I thank you, gentlemen, for the comments. The basic idea of the rule is, as I stated, that it will permit the body to continue in its work. I would say that also it is a constitutional prerogative of this convention to prescribe some penalty for nonattendance. Mr. Chairman, I have...

Mr. Conroy Along the lines of the question of Mr. LeBreton, I wondered whether this rule applied only during the time that the convention is actually in session: that is, now, and then again when we resume activity in July, and not in the interim?

Mr. Stagg I would think that it would provide for, exactly as it says: if a delegate shall absent himself from the service of the convention. The convention will reassemble in July, on July 5; between now and July 5, the convention will not be in session. The statute does not permit it. And only on July 5 will a matter like this occur that a man should absent himself from the service of the convention. And in answer to Mr. LeBreton: Without having first obtained leave of the convention, if a man's wife becomes critically ill or, if one of his children has been injured in an accident and he feels that it is his duty to be at the bedside of his wife or with his child, he should be permitted to obtain permission for whatever number of days that he believes the situation will entail, rather than, on a daily basis, you ask to be excused from attendance. I think the rule is self-explanatory, and I do also point out to you that the rules of the Louisiana House give that House the power to compel the attendance of its absent members in House Rule No. 36.

Mr. De Blieux Mr. Stagg, I'm wondering if there isn't somewhat...a little bit of conflict here. As I read Rule No. 5, it says "convention service." Now I know that these rules provide for the holding of committee meetings outside of convention sessions. I had interpreted the convention service to include service outside of committee sessions, when the convention may not be in session. Now if under Rule No. 5 you've got to have the consent of the convention for a leave of absence, how do you hold that to be in line with Rule No. 34 which says that the Chairman can grant an excuse for nonattendance at any convention session? There seems to be a service out of inconsistency in that regard. I think that possibly that we ought to have a rule for the committee meetings when they are held outside the convention sessions, and also a rule for attendance at convention sessions, because then if you get an excuse from attending a committee meeting, you ought to have the approval of the chairman of the committee and not the convention itself. I just wondered about that because this doesn't say "convention session." It says "convention service." And that makes a little bit of difference in interpretation, in my idea. Maybe I'm wrong about that.

Mr. Stagg Mr. De Blieux, I'd like to point out to you, if I can find time in a short length of time, that there is a rule under the committee section which allows each committee...Rule No. 57, The Rules of the Convention. No, that's not it. We have a rule under the committee section that

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permits a committee to adopt rules of its own, and I would think that the committee chairman and the committee that you're a member of could adopt a rule about excuses from presence at committee sessions. If some member of the Rules Committee will sing out the number of that rule in which we allow a committee to have its own rules, you will note that that is covered. Rule No. 57 is one of them, but there is another one that specifically states that a committee may have rules of its own.

Further Discussion

Mr. Tapper Mr. Chairman, fellow delegates, I see no objection to the requirement that no delegate shall absent himself from the service of the convention without first obtaining leave of the convention. Although we do find a lot of fault--maybe not fault--but I oppose a majority of this convention being able to prescribe penalties, when those penalties...the limits of those penalties are not outlined in these rules. This means that you could...if you decided that you didn't like the excuse that someone gave, by majority of this convention, you could say that he is no longer a delegate to this convention. That's one of the extremes. And of course, I know, it's been said before and I agree with that...I don't believe that a majority of us here would do such a thing. But under this rule, we could if we wanted to. And I think we're going too far afield, when we're telling the people who elect delegates that they can't do anything. A majority of us could take any action we deem fit and proper at any given time against any delegate because we don't agree with the excuse that he's given for missing functions of this convention. For that reason, I rise in opposition, unless this rule is amended to take the penalty clause off by majority. I rise in opposition to Rule No. 4. I would like to offer an amendment to take the last sentence out.

Delegate Keane in the Chair

Further Discussion

Mr. Burns Mr. Chairman, and members of the committee are just now reaching Rule No. 5. It is my suggestion, in these rules that do not strike at the very heart of this convention, that where the question is more or less marginal, that we give the Rules Committee the Benefit of the doubt, rather than assume all sorts of conditions and situations that are very, very unlikely to develop. In the event that they should develop, we can always come back and amend that particular rule and take care of that particular situation. But I implore you almost that let's not pick out every little bit of technicality or anything you bring up that could possibly happen, because we'll always have an opportunity to come back and correct that situation that we assume now might develop and chances are will never develop.

Amendment

Mr. Poynter Amendment proposed by Mr. Tapper to Committee Resolution No. 1 by Mr. Stagg, amending the original resolution, Amendment No. 1, on page 2, line 20, immediately after the word and punctuation "convention," strike out the remainder of the line and strike out lines 21 and 22 in their entirety. Is that not the sense of your amendment, Mr. Tapper?

Further Discussion

Mr. Juneau Mr. Chairman, ladies and gentlemen of the convention, we discussed this at some considerable length in the Rules Committee, and it was the consensus of the Rules Committee that the convention could not pass, in effect, an ex post facto law punishing a member after it had occurred. We left...we prescribed no penalties because we don't think it is going to be necessary to do it. If it should become necessary in the future to prescribe penalties because of continued absences

of the delegates, the convention could then prescribe penalty for future absences or transgressions. And I oppose the amendment.

Further Discussion

Mr. Abraham Mr. Chairman and delegates, I rise in opposition to the amendment, and I would like to emphasize Mr. Burn's remarks. We have been here an hour; we're on Rule No. 5; we're arguing about details, and we appointed a good Rules Committee. They did a magnificent job, I think. And here we are trying to tear this thing apart, before we ever get into the real meat of what we are going to have to do. Now we've got a year to do a lot of work, and if we spend all of our time doing what we are today, nitpicking on minor details...I'm not worried about what's going to happen in the way of the convention prescribing penalties for me if I'm absent or anything like that, because I think we are all adults and I think that we can all decide what we need to do and what we don't need to do. And I'd like to get this thing moving, and I urge you: let's quit nitpicking and tearing these minor details apart, and let's move on with this session and I move the previous question.

Question

Mr. Womack Mr. Abraham, wouldn't you agree, that whether you leave this in or whether you take it out, that any member of this convention could introduce a resolution at any time censuring any other member of this Constitution and that we are wasting a lot of time for nothing?

Mr. Abraham Correct me if I'm wrong, Mr. Womack, but isn't there a rule like this in the Constitution that you have any worry about it? Then why are we worrying about it now? I move the previous question.

Point of Order

Mr. Flory Mr. Chairman, delegates to the Convention, as I appreciate Robert's Rules of Order, which we are operating on at this time...I'd like for a ruling of the Chair to determine whether or not a delegate can get up and speak in opposition to an amendment and move the previous question at the same time. I think he's out of order.

Ruling of the Chair

Mr. Keane The parliamentarian, the temporary parliamentarian, says the motion is always in order and, therefore, the vote will occur on the motion for a previous question.

Appeal from Ruling of the Chair

Mr. Stinson Mr. Acting Chairman, I wish to appeal the rule of the Chair. I don't know who's keeping that list up there, but from the first I stood up and asked to be recognized and never was. I don't know whether I'm on the list or not. But there are several things I think are very important there that haven't even been discussed. If we're going to railroad this, I'll just move the adoption of all the rules in glob and go home.

Mr. Keane Mr. Stinson, you rose to appeal to the Chair. You are now speaking on the motion.

Mr. Stinson No, sir, I rose some time before, and I'm giving my reasons to objecting to the ruling of the Chair.

Mr. Keane Your appeal to the ruling of the Chair is out of order.

Mr. Stinson You can't rule me out of order; you've got to have the body vote.

[Chair sustained: viva voce.]

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Point of Information

Mr. Avant On a point of information, Mr. Chairman, I understood the Chairman to say that it took a two-thirds vote to move the previous question. Now my question is this...I rise for a question. We are proceeding under Robert's Rules of Order, as I understand it.

Mr. Kean That's correct.

Mr. Avant And I'm not sure if that is recorded in Robert's...

Mr. Kean That's what the Clerk, our temporary parliamentarian, advised me.

Mr. Poynter I have a copy. Page twenty-four, the motion takes two-thirds present and voting.

Mr. Stinson Mr. Chairman, apparently it's too late to get out from under the steamroller. But my motion was to appeal the ruling and it should have been an affirmative vote for my motion, and you changed it and I personally didn't realize you were changing it. The vote affirmative would have been to overrule the Chair. Negative would have been, in effect, sustaining the Chair. And it's a parliamentary procedure. You did not state the question correctly.

Mr. Kean Mr. Stinson, it is my appreciation that the motion to overrule the Chair is put in the affirmative to the group. And the move is to sustain the Chair, and I now wish to move forward to the motion of the previous question.

[Previous Question ordered: 89-24.]

Chairman Henry in the Chair

Closing

Mr. Tapper I didn't...I didn't intend to come here to nit-pick and as someone said before--I don't know whether he is going to vote for my amendment or not--I said, "We're really in trouble with this type of steamroller, we're really in trouble." I want to commend the Rules Committee, because I think also, they've done a wonderful job and this may be the only rule that I will approach this rostrum on. However, I would not have approached this rostrum if I had not thought that this was one of the more serious ones of the entire set of rules. And I reiterate what I said before--if a majority of this convention can mete out any type of penalty for any member of this convention, then I don't think--I know--we've started off on the wrong foot. Why couldn't we prescribe the limits of the penalty that can be imposed by the majority of this convention? Sixty-seven members of this convention can impose any type of penalty they so desire. Certainly we don't intend...we hope to except sixty-seven members to be rational and not to try to do anything beyond the reasonable. But why put it in the rule giving sixty-seven members that right? Why should we not prescribe the limits of the penalty that can be meted out by the majority of this convention? And I urge your adoption of my amendment and, hopefully, another amendment will be proposed to limit the type of penalties that we can prescribe. I don't believe the people of this state want a majority sitting here to tell them that someone they elected to this convention hall is no longer a delegate here. Thank you.

[Amendment accepted: 65-70.]

Point of Information

Mr. Lowe Mr. Chairman and delegates to this convention, it occurred to me that we are adopting rules and, in the process of adopting rules, we haven't even decided how we can change them. I am sure that the Chairman of the Rules Committee

has his plan for adopting these rules and I don't intend to try to change his plans, but I would like to suggest to him that many of us may feel a little differently about certain items that aren't substantive, if we know that these rules can be changed later in a certain way. By the time we get down to Rule No. 84, which deals with rule changes, we will have adopted the majority of our rules without, in effect, knowing what it will take to change them. So the matter of suggestion, I would certainly like to vote on the rest of the rules after we've decided what it will take to change the rules.

Mr. Henry Well, at the appropriate time, and this is not the appropriate time, Mr. Lowe, you may make such a motion to the convention, but you would be out of order at this time.

Amendment

Mr. Stinson I do not have it prepared. It is only the deletion of one word. You notice, it says without...no delegate shall absent himself from the convention without first obtaining leave of the convention. I feel that the word "first" should be deleted, because we had three, or two or three, today that were absent. They could not have obtained leave of the convention because if you look at Chapter VI on the transaction of daily business, the first thing is roll call. You call the roll; therefore, they could not get leave of this convention until they're already an absentee. I would like to move that we delete the word, "first".

Questions

Mr. Velazquez While you are correct in saying that a roll call can't be interrupted, am I not right in assuming that a roll call can be supplemented by a statement as was done today by, I believe, Representative Jenkins? Would this not then give the total picture on the representation present?

Mr. Stinson Well, I can foresee that we'll have a lot of this to come up during, if we leave very often. And mine would take care of...would not require the necessity of doing that. Legally, I don't think that you could supplement it because, as I say when you call the session, the first thing is roll call and you cannot interrupt it. A man technically is already absent before he gets his leave. In case of sickness, if we adjourn...before we adjourn today, I couldn't ask for a leave of absence for sickness tomorrow, when I don't know whether I am going to be sick or not. So, I think that the deletion of the word "first" would cure it, and we wouldn't have any problems of possibly trying to correct the roll call.

Mr. Velazquez Would you not then say that, since the roll call is part of the book of proceedings and not the book of proceedings is part of the roll call, that this is already covered?

Mr. Stinson No, I don't think so. The first thing is the roll call. Even before we have the prayer. Then you're technically already absent. If you did that, the first thing we know there would be a man maybe absent last week to come and say, "Well, John Jones was absent a week ago; we'd like to give him a leave of absence now." I think it's best just to delete this one word. I think it would be the cure-all.

Mr. Velazquez If Delegate Jones had a good excuse a week ago, it's still a good excuse today.

Mr. Stinson But, Delegate Jones should have given that excuse a week ago. If you start dropping back week after week, you're going to find a lot of paperwork and problems, and I think this would cure it.

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Mr. Velazquez The exact amount of paperwork and problems is not as important as giving Delegate justice. I do give Delegate Jones justice requires excessive paperwork, give him all the paper he needs.

Mr. Stinson I agree with you and my amendment would do just what you want. If they are, without obtaining leave of the convention, which would take care of your problem...This says he first has to get leave of the convention before he can be absent. I say that what you want would be served by my amendment.

Mr. Velazquez I feel that what I want is served in the rules as already written.

Mr. Stinson Well, that's a matter of opinion and I'm sure you're right in your contention, and I think in mine that it should be this way, too. I'd like to move the adoption, if no further questions...

[Previous Question ordered. Amendment adopted: "iva vo-e."]

Questions

Mr. Leigh Mr. Chairman, at this time I share Senator De Blieux's concern and I ask the question: The rule as submitted after amendment provides that no delegate shall absent himself from the service of the convention...without first obtaining leave of the convention...without obtaining leave of the convention. I ask is there any provision in the rule by which leave of the convention can be obtained by a delegate who absents himself from a committee meeting or other service of the convention, when the convention itself is not in order?

Mr. Stagg Mr. Leigh, in answer to your question, the committees are empowered by these rules to adopt their own committee rules which will be in force and effect while the committee sessions of this convention are the rule, or what's going on, rather than the convention itself. And the committee, each committee, may adopt such a rule as you suggest for its own operation.

Mr. Leigh Do I understand that the committee rules can supersede the convention rules?

Mr. Stagg If they are not in opposition to the rules of this convention...That's also covered in a future rule. I hope that everybody, if you have not already read these rules, will do so as the day proceeds. But the language...I mean the answers to several of the questions that have occurred are in later sections of the rules, and I urge the delegates to read these rules. They were put seventy-two hours in advance in order that you could do so.

Mr. Leigh I've read the rules, Mr. Stagg, but I still inquire as to whether a rule by a committee which provides some different procedure would not be in conflict with the rules as adopted by the convention? And I am concerned about the matter.

Mr. Stagg Mr. Leigh, my only reply to you, sir, is that the committees could not adopt rules that were in opposition to the rules of the convention, and it certainly would be normal to expect that any rule would be in complete harmony with these rules.

Further Discussion

Mr. Champaigne My only reason, Mr. Chairman, for coming up here is because many of us are committed to a new and shorter constitution. If we're going to take this long to decide on a few rules, that I have questions about that probably some of us didn't read fully, then I don't know how long we're going to be here. In other words, I want to

point out to you, that one of the faults of the present constitution is that you can speak for hours and hours and words and words and pages and pages and not cover every eventuality. And I feel that, if we don't try not to cover every eventuality in this thing, then it's going to take us years to get these rules. And I would just implore upon you, if possible, to try to resolve this thing a little faster. Thank you.

Further Discussion

Mr. Bergeron Mr. Chairman and delegates, I realize that we have numerous amendments to Rule No. 5, but in order that we may clarify this rule, I would like to make one more amendment. If you'll notice, the first line reads, "no delegate shall absent himself from service of the convention without first obtaining leave of the convention." I'd like to add the words, "while in session at the convention" so the amendment would read "no delegate shall absent himself from service of the convention while in session, without first obtaining leave of the convention."

Mr. Henry Mr. Bergeron. Is your amendment in writing, Mr. Bergeron?

Mr. Poynter I'll put it in writing, Mr. Bergeron.

Further Discussion

Mr. Stagg Mr. Chairman, in Rule No. 34, which had to do with the daily sessions of the convention, it states that a delegate may be excused from attendance at daily sessions, only with leave from the Chairman, and no delegate shall be compensated for the day on which he is absent from the convention session. The daily excuse is in Rule No. 34. The excuse that we have under debate now has to do with an extended absence, requiring leave of a different variety. So the question is, do you think that the Rules Committee took purview of: One for an extended absence and the other, that is, the absence from convention service. The other in Rule No. 34 has to do with a daily or a much shorter range of absence. And I think that that would cover the objection of the gentleman.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I think that this pertains to absences other than a daily absence. If it's more than one day, we should say that. And I further say that since this says service of the convention it could be to any committee meeting or any other thing that the delegate may be called upon to perform. I'd like to say this with reference to these rules: These rules are about just as important as anything we're going to do. I don't want to filibuster these rules. I don't want to nit-pick them or anything else like that. I know we can change them from time to time, but they are going to provide for the orderly manner in which we are going to go about the adoption of a constitution. And we want to be sure that we have down here the way we are going to proceed and the order in which we should proceed to do our business, so that we can understand them and the Chairman can understand them because it is going to be his duty and responsibility to enforce them. We ought to know what we are doing and not adopt rules which will be inconsistent with each other. However, I call your attention again that this says with leave of the convention. Rule No. 34 says that the Chairman can relieve a delegate from attending any daily session. And I still say that they are inconsistent with each other. Now if we are going to let the Chairman grant the excuses, let's say that. And if we are going to let somebody else do it, let's say that and stand at that. Let's don't have inconsistent rules, because it's going to be mighty hard for the Chairman to enforce.

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Amendment

Mr. Poynter Amendment No. 1 [by Mr. Bergeron]... on page 2, immediately after the word "convention" delete the period. This is on line 20, page 2. Line 20, immediately after the word "convention" delete the period and insert the following: "while in session."

Closing

Mr. Bergeron Ladies and gentlemen, I would like to say in closing on this that, as Senator De Bieux has brought out, Rule No. 34 covers daily sessions, whereas Rule No. 5--we could be in the service of the convention for the next year. So this specifically clarifies the issue, and I ask that you'd please support it.

Point of Information

Mr. Derbes I'm Jim Derbes from New Orleans--my point of order, if I understand from listening to the Clerk read the proposed amendment, that the new language was inserted, from the Clerk's reading, at the end of the sentence and it should appear after the first word. Isn't that correct?

Mr. Bergeron The amendment should be read "no delegate shall absent himself from the service of the convention while in session, without first obtaining leave of the convention."

Mr. Henry Is that the manner in which you read the...?

Mr. Poynter No, it's not. It should read, correctly. On page 2, line 19, immediately after the word "convention" insert the words "while in session".

[Amendment adopted: viva voce.]

Further Discussion

Mr. Burson I rise to offer an amendment because I think, if we adopt Rule No. 5 as it reads right now, that means that anytime somebody has to be absent from this convention, he's going to have to have a vote of the whole convention, whereas Rule No. 34 says that you can be excused from attendance from a daily session with leave from the Chairman. I think there's no way we can have it both ways. So I would like to offer an amendment that would state as follows: "Leave of the convention for absence from a daily session may be obtained by obtaining leave from the Chairman, as set out in Rule No. 34."

Mr. Henry Gentlemen, these amendments do need to be in writing. Can you whip him out an amendment there, Mr. Clerk? Can you write an amendment for him?

Mr. Poynter I'd be happy to. He's going to hand me the language.

Further Discussion

Mr. Abraham I would like to say this: that Mr. Burson's amendment, in trying to do something so it will not be in conflict with Rule No. 34, that we can do this just as well by not having Rule No. 5 at all; so I don't know where we are heading here.

[Previous question ordered.]

Closing

Mr. Burson The only point that I wanted to make was--and the reason I made the amendment was--the general language in Rule No. 5, as it would remain after the amendments that we have accepted, it seems to me, would require a vote of the whole convention anytime somebody wanted to be absent

from a daily session, which I think is cumbersome and unworkable and also in direct contradiction with proposed Rule No. 34.

Amendment

Mr. Poynter Amending the original resolution, Amendment No. 1 [by Mr. Burson]. On page 2, immediately after the word--this is line 20 this time--immediately after the word and punctuation "convention," add the following: "Leave for absence from a daily session may be obtained from the Chairman as provided in Rule No. 34."

[Amendment adopted: viva voce.]

Motion

Mr. Stagg Mr. Chairman, is there now in order a motion to adopt Rule No. 5 as amended?

Mr. Henry Absolutely, yes, sir.

[Rule reread with proposed amendments.]

Mr. Poynter As I appreciate it, with the four amendments it would read as follows: "No delegate shall absent himself from the service of the convention while in session without obtaining leave of the convention. Leave for absence from a daily session may be obtained from the Chairman as provided in Rule No. 34."

Point of Order

Mr. Kean Mr. Chairman, I was under the impression when it was approved that it read, "no delegate shall absent himself from the service of the convention without obtaining leave of the convention while the convention is in session," which is different from the way he reads it now.

Mr. Henry Mr. Clerk, that's not correct, according to the Clerk, Mr. Kean. Gentlemen, I realize that the Chair is giving you a great deal of latitude, but I believe that this is necessary in adopting these rules in our deliberations; so if you will, bear with me.

Questions

Mr. Rayburn Mr. Stagg, as the amendment... as the rule now reads, after the adoption of the amendments, how could I obtain leave? If I understand or was listening correctly, if the convention is in session, I have got to get their permission, and then before I can leave, I've also got to get the Chairman's permission--if I understood the way they read the rule, as it now stands amended.

Mr. Stagg As I understand it, Senator Rayburn, that while the convention is in session, something similar to that which was done this morning by Representative Jenkins on behalf of Wellborn Jack, who is at home sick in bed, and leave of the convention to excuse his absence was asked.

Mr. Rayburn Could we have it read again, slowly?

[Rule reread as amended. Rule adopted: viva voce.]

Recess

[Adjournment: no delegates present and a question.]

Reading of the Rule

Mr. Poynter Rule No. 6. Absent Delegates. At any time the convention is in session, whether upon first convening of the day's session or anytime after the hour has arrived to which the convention stood adjourned, the Chairman is authorized to send the sergeant at arms for any or all absent delegates, as the majority of such delegates present

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shall agree.

Further Discussion

Mr. Hayes I object to Rule No. 6 because it repeats Rule No. 4. It's really a subset of Rule No. 4, and again it would appear that we would try to streamline the rules, if it's an indication of what we are going to do for the constitution.

[Previous Question ordered. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, on behalf of the Temporary Committee on Rules, we move the adoption of Rule No. 7.

Reading of the Rule

Mr. Poynter Rule No. 7. Expenses of Compelling Attendance. Any expenses involved in compelling the presence of an absent delegate shall be borne by such delegate, unless such excuse of nonattendance has been made as a majority of a quorum shall judge sufficient, in which case the expense shall be paid out of the appropriated funds to the convention.

[Previous Question ordered. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, the Temporary Rules Committee moves the adoption of Rule No. 8. Admission to the Floor.

Reading of the Rule

Mr. Poynter Rule No. 8. Persons Admitted. No person shall be admitted on the convention floor while the convention is in session or during the period five minutes before the time set for the convening of each session or the period five minutes after the adjournment of each session, except that delegates and members of the convention staff may remain on the floor. Representatives of the news media shall be admitted to the floor as provided in Rule No. 11. Written messages may be delivered to the delegates by a sergeant at arms from persons outside the restricted area. The convention floor, for purposes of these rules, is defined as the entire enclosed seating area of the delegates.

[Previous Question ordered. Rule adopted: viva voce.]

Amendment

Mr. Stagg Mr. Chairman, the Temporary Rules Committee moves the adoption of Rule No. 9, except that a committee amendment that the word "convention" in line 3 should have a capital C rather than a lower case c; and with that amendment, we move its adoption.

[Previous Question ordered.]

Mr. Stagg In line 14, the word "convention" floor is there. That "convention" should have a beginning capital "C".

Mr. Henry It is a technical amendment, Mr. Denery.

[Rule adopted as amended: viva voce.]

Amendment

Mr. Stagg Mr. Chairman, the Temporary Rules Committee moves the adoption of Rule No. 10 with a technical amendment in line 17 that the word "convention floor"--"convention" should have a capital "C".

Reading of the Rule

Mr. Poynter Rule No. 10. Special Permission. Special permission to sit on the convention floor may be granted by the Chairman of the convention to visiting officials of other states or of the United States or of foreign countries.

[Amendment adopted without objection.]

Question

Mr. Segura I just wanted to ask and suggest that we might not add the State of Louisiana in there.

Mr. Stagg It was the considered opinion, Mr. Segura, of the Rules Committee that the convention floor would not be open to the officials of the State of Louisiana, and this rule is taken from other similar rules--including those of the Louisiana House and Senate--and the floor of this convention is for the delegates. And when there is an honored visitor from out of the state who would be here for the purpose of observing our convention, he would be allowed the privilege of the floor and no other.

[Previous Question ordered. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, the Rules Committee...on behalf of the Rules Committee, I move the adoption of Rule No. 11 on News Media.

Reading of the Rule

Mr. Poynter Rule No. 11 News Media. A designated place in the convention hall shall be provided for the news media, who shall have free access thereto. Accreditation of members of the press, and of members of any news media, for admission shall be administered by the Chairman. No member of the press or of any news media shall conduct any interview with a delegate on the convention floor while the convention is in session.

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 12. Administration of Rules. The Chairman of the Convention shall provide for the administration of the rules governing admission to the convention as provided herein.

[Previous Question ordered. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, on behalf of the Temporary Rules Committee, we move the adoption of Rule No. 13.

Reading of the Rule

Mr. Poynter Rule No. 13. Regulation of Convention Area. The Chairman shall have the regulation and control of such parts of the convention hall and its passage, or any other places of general assembly as are or may be set apart for the use of the convention, its officers and employees.

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 14. Restrictions on Non-delegates. No motion shall be deemed in order to admit any person not a delegate to the convention floor to present any petition, memorial, or address, or to read the same.

Mr. Stagg I move its adoption.

Questions

Mrs. Taylor Does this mean...does this mean that

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the governor of the state will not be allowed to address the convention?

Mr. Stagg That is exactly what it means, Mrs. Taylor. We will be operating as a convention and, many times, when a speaker or a technical expert or some other person whose testimony is desired by the entirety of the convention, the way you do that parliamentarywise is that the convention will resolve itself into a Committee of the Whole, while in a Committee of the Whole, as a committee, this convention--and the same people that you see sitting in the room will be sitting as a Committee of the Whole, and such things would be in order parliamentarywise--but while the convention is in its deliberations, the rule against any other person reading or presenting a speech to the convention is the nature of the rule and the reason for it.

Mr. Triche I'm doing the best I can, Mr. Chairman. I'd like to ask Mr. Stagg a question and, particularly, with regard to your answer to Mrs. Taylor's question. Rule No. 65, in regard to the Committee of the Whole, says that in the Committee of the Whole the rules of procedure adopted by the convention shall apply. That seems to indicate to me that I should be allowed to stand in the Committee of the Whole to invite outside speakers to speak before the convention. I know that the convention wants to be unfettered and free in its deliberations, and I can foresee that there are going to be some times when the convention will want to invite not only the governor, but possibly the treasurer, the collector of revenue, and other persons. I'd like to have it clear that this would be allowed in the rule as contemplated by the committee in regards to the Committee of the Whole.

Mr. Stagg Mr. Triche, on behalf of the Temporary Rules Committee, we may respectfully request that you prepare and send to the Chair a perfecting amendment on that section entitled Committee of the Whole?

Mr. Burson Mr. Stagg, I have a question. Isn't it true that this rule, as any other rule of the convention, could be suspended if special circumstances arose that would warrant it?

Mr. Stagg There is no question but what that these rules can be suspended anytime the convention, in voting a two-thirds vote to suspend the rules to permit any such thing to occur, particularly as suggested by Representative Taylor.

Mr. Rayburn Mr. Stagg, am I correct in thinking that, probably, if our constituents--you know I ran and told the people I was going to represent them? If I vote for this motion, they can't even come on this floor. They can't be heard if they want to appear. They can't say anything, if I adopt this motion. Can we go in a Committee of the Whole and hear someone who likes to appear before a body or committee, or will this keep us from doing this?

Mr. Stagg Senator Rayburn, I believe that either under a suspension of the rules or in the Committee of the Whole, if there was someone that the convention wished to hear speak and this rule would be the prevention of it, that there are two devices by which this rule could be relaxed, but it would require a vote of the convention to decide whether they wanted to hear one of your constituents or not.

Mr. Rayburn The rule now reads "No motion shall be deemed in order to admit any person not a delegate"...and certainly I don't know all the answers, and I don't think you do either.

Mr. Stagg You are absolutely right.

Mr. Rayburn "...to the convention floor," and I don't want to be placed in a position for some of

my people back home saying I voted for a motion that they couldn't even come to the floor or couldn't even address this convention. And that is my worry.

Mr. Stagg Well, Mr. Rayburn, I think the rule clearly states, just exactly as you read it, that unless there was a motion before this convention to suspend the rules--and that takes a two-thirds vote--or if it were in the Committee of the Whole, that then, only under those circumstances, could a person not a delegate to the convention present any petition, memorial, or address, or read the thing; and that's the effect of the rule.

Mr. Duvall You had mentioned that a two-thirds vote was required to suspend the rules. Am I not correct that the rules conflict that a majority of the delegates to the convention can suspend these rules and, in that way, of course, persons could come to the floor? Is that correct, sir?

Mr. Henry That's Rule No. 85.

Mr. Stagg You're right. One or more rules may be suspended. Look at this: "one or more rules may be suspended for a specified purpose by an affirmative vote of two-thirds of the delegates present and voting or a majority of the delegates of the convention, whichever constitutes the lesser number."

Mr. [A.] Jackson Mr. Stagg, did I understand that we can relax this particular provision by suspension of the rules? But it is my appreciation--and I'll be corrected if I'm wrong--that, in order to suspend the rules, you're going to have a motion to suspend the rules. Yet, it's still in Rule No. 14 that says that no motion shall be deemed in order to suspend the rules. Like, for example, I may want to move to suspend the rules...ask the leave of the convention to suspend the rules--to allow the attorney general to speak, but I am just wondering, under Rule No. 14, since the language itself suggested that no motion shall...

Mr. Stagg That language, Mr. Jackson, in my opinion and in the opinion of the Temporary Rules Committee, when we discussed this, a general motion brought up by a member in order to allow the attorney general would not be in order. But a motion to suspend the rules to permit that would be in order. And that would require two-thirds of the people present and voting or a majority of the delegates to the convention, whichever is the lesser number.

Mr. Jackson But that's the interpretation of the Rules Committee in the intent.

Mr. Stagg That's the intention of the rule, Mr. Jackson; yes, sir.

Further Discussion

Mr. Rayburn Mr. Chairman, and fellow delegates, we are here today, in my opinion, for one of the greatest undertakings that we've had in many years. Why I'm here, I really don't know. Senator Blair spent the night with me last night and I asked him this morning; I said, "I've been in political office, if I serve this term, thirty-two years. How did you make this mistake, I'll never know. Have you got any idea?" But I think, in adopting these rules and the procedure of this convention, we should be real cautious. We are the people's delegate, not our own delegate. We don't have all the answers and we never will have. And I know how to get around this rule if I want to, but then snuff dipper and tobacco chasers back home don't know. And for that Times-Picayune to carry an article in the morning that I voted for a rule that would prevent them from coming on this floor or coming to see me, in my opinion, is bad. I am their representative. We spent almost a half a day on rules, worried about what we're going to do

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with those that didn't want to come. Didn't want to come, what're we going to? We're going to assess them, send the police after them, drag them up, bring them up. You know how I feel about that? Some of you that ran this office, if you don't want to come, we'd be better off without you. Why worry about how to get them here? You might not want them after you got them. Have you ever thought of that? You might... I remember one time I had one of the best friends I had in the Senate say, "If you need me, send after me." Well, I needed him. Got a trooper, sent to the hotel, got him out of bed, held the committee up until we got him dressed. He walked in and said, "Vote me No." And that is a true story. So I say this: the people sent us here. In my opinion, this is not the delegate's convention: this is the people's convention. If you're going to try to hamstring and restrict, at the beginning, who can come here and make their views known, who can be heard here, you are going to defeat this thing before we get it started. And you remember and you believe what I've told you. And I think time will bear me out. We are here to serve the people of this state. We are here to do what they think needs to be done, not what you and I... And the only way we're going to know how they feel on issues is to listen to them and hear from them. And I know we can go in a Committee of the Whole. We can hear the attorney general; we can hear the governor; or we can hear other people; but I'd hate to see us go so far as to where the people back home think that we know everything, that we are coming here and we going to solve all the problems without even allowing them a chance to be consulted or to be heard. And you can adopt all the rules you want to. They are no better than the enforcement, just like a law. And I hope that we don't get too streamlined. May I say that we will leave the people back home thinking that we are coming over here and we're going to do something without even allowing them to have an opportunity to come confer with us, come up here before us, come let us know their views, counsel with us, and help us. And I'm going to ask you to proceed with caution with these strenuous rules where nobody can appear on the floor unless you are a delegate. Well, I tell you what, when you was running for this office, you wanted to get everybody to come and listen to you, and you better remember that.

Amendment

Mr. Poynter [Amendment by Mr. Burson]. On page 4, line 2, after the words "shall be deemed in order" add the words "except a motion to suspend the rules on a motion to go into a Committee of the Whole".

Mr. Burson is this to read "the Committee of the Whole?"

Explanation

Mr. Burson This is just for purposes of clarification. The debate has already brought out that it was the intent of the committee that this rule as well as any other rule could be suspended and that we could move into a Committee of the Whole to hear whomever we wished. But in order to allay any fears that any of the delegates might have that this was not plain enough, I am simply suggesting that we insert language to make it plain.

[Amendment reread.]

Question

Mr. Blair Mr. Burson, what is your vote on suspending the rules?

Mr. Burson The vote on suspending the rules as I understand it from the subsequent rule in the book says... or a majority of the delegates, whichever is the lesser number". The majority of the delegates being sixty-seven, I would interpret that to mean that sixty-seven votes could suspend

the rules at any time.

[Previous question order of Amendment adopted: viva voce.]

Amendment

Mr. Poynter Amendment No. 1 [As Mr. Triche]. On page 4, at the end of line 4, delete the period ".," and add the following: "except in the Committee of the Whole as may be provided by the convention in accordance with Rule No. 65."

Explanation

Mr. Triche I move the adoption of the amendment, Mr. Speaker. As I appreciate the gentleman from St. Landry's amendment, it addresses itself to clearing up the language about when a motion shall be in order, and frankly, in my judgment, a motion to suspend the rules is always in order and a motion to resolve into a Committee of the Whole would always be in order, except in special circumstances. But it doesn't clear up the language that once we are in the Committee of the Whole, then no motion shall be in order to admit a delegate to the floor, the convention floor, because the rules on the Committee of the Whole say that when we're in the Committee of the Whole the rules of the convention apply. And we have to go back to Rule No. 14 and apply Rule No. 14, so we get ourselves caught in a position where we're never going to be, by majority vote of this convention, allowed to admit persons to address the convention, except when we suspend the rules. And I suggest to you that suspension, the availability of suspension of rules is not enough protection, because you are going to find, I think, that there are some delegates here who are, as a matter of policy, going to rarely vote to suspend the rules. So you put a harsh limitation on the person or delegate when you tell them you can do this if you can get a suspension of the rules. So I think if you adopt this amendment, it will provide then that no motion will be in order to all our people to address the convention, except when you're in the Committee of the Whole. When we get to the rules on the Committee of the Whole, I think to spell it out, we ought to offer another amendment to spell it out clearly that when we are in the Committee of the Whole, a majority of the delegates of this convention can invite people to address the convention in order to present petitions and memorials and so forth.

Question

Mr. Stinson Mr. Triche, when we are in the Committee of the Whole as you say, usually in advance you know who's going to be the speaker and what's the subject and so forth. Is there any limitation on how many can come in? We may be in committee the whole day... hear from one man, Governor Edwards or someone like that, or anyone, and then we will open the door of what will be as many coming in as want to. The Committee of the Whole is not actually in session. Will there be any danger under your amendment on that? We may anticipate two or three speakers and end up with fifty.

Mr. Triche Of course, Mr. Stinson, when we're in the Committee of the Whole, the majority of the delegates present in the Committee of the Whole control the action of the committee, except as otherwise specified by the rules. And when we get to the rules on the Committee of the Whole, I want to propose or ask someone else to propose an amendment which will allow the Committee of the Whole to invite speakers to speak before the committee and to invite them to present petitions and memorials or whatever the convention would like. All of that is to be controlled by a majority of the delegates present, when the committee sits as a Committee of the Whole. Now it may be that we'll want to allow only one speaker. It

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may be that we'll want several. That's going to address itself to the committee and be determined by those voting in the Committee of the Whole.

Mr. Henry I think, gentlemen, if it might help-- the rules, the proposed rules, do provide that when you go into the Committee of the Whole, that the purpose for going into the Committee of the Whole must be stated at that time, and if we adopt that rule, I think it might clear up any concern that you have now.

[Amendment reread. Previous Question ordered. Amendment adopted: *viva voce*.]

Point of Order

Mr. Stagg Has the motion to insert language after the word "order" in line 2 been adopted?

Mr. Henry Yes, it has.

Question

Mr. Roy Mr. Stagg, this may be an obvious question, I'm not sure, but I was impressed by Senator Rayburn and I want to ask one thing about it. Looks like we've all been talking about or assuming that someone will address the convention. I'm wondering if the rule as it is amended and may be adopted would prevent anyone from offering a petition to any one of us on the floor. Or does it mean that a citizen will not be allowed to offer a formal petition for action by this Constitutional Convention?

Mr. Stagg Mr. Roy, in answering your question: I listened very carefully to Mr. Rayburn and I did not agree with some of what he said that when a citizen of this state wishes to make a presentation of a position or an issue in this convention, certainly such a person, a citizen of this state, would be welcome. We are contemplating in these rules a number of committees that will be concerned with the substance of this constitution, and that these committees will be in session both before July 5, as well as afterwards, to which committees, will be invited and impleaded and treated that the citizens of this state bring to the attention of the committee members matters concerned with this constitution. What this rule means is that a person with a petition cannot walk down those steps, who's not a delegate, walk out onto the floor, come to this microphone and present his petition to this body. It would have to be done by a person who is a delegate to this convention.

[Previous question ordered. Rule reread as amended.]

Closing

Mr. Stagg The rule as amended, Mr. Chairman, has been adopted in this body by the vote that we have just heard, and there is nothing else that the Committee on Rules can add to it at this time.

[Rule adopted: *viva voce*.]

Mr. Stagg Mr. Chairman, on behalf of the Temporary Committee on Rules, we move the adoption of Rule No. 15.

Reading of the Rule

Mr. Poynter Rule No. 15. Open Meetings. All meetings of the convention shall be open to the public and the news media.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Roemer]. On page 4, at the beginning of line 6, after the portion of the word "tion" and before the word "shall"

insert the following: "including committee meetings".

Explanation

Mr. Roemer The amendment simply includes the words on Rule No. 15 to read as follows: "all meetings of the convention, including committee meetings, shall be open to the public and the news media." I think the intent of Rule No. 15 was just that. I would like for the language to read just that. In line with my idea, as most of you have expressed, that our salvation in this endeavor is acceptance of our actions by the public. I think that that acceptance will stem from two things: our personal integrity and the work of the diligent press. It is to that end that I offer this amendment and move its adoption.

Questions

Mr. Kean Mr. Roemer, if you will look at Rule No. 58, you will find the requirement that all committee hearings shall be open to the public. I think that what you've offered is within keeping with the desire of the Rules Committee. We simply had it over in the section dealing with committee hearings.

Mr. Roemer Agreed. I still offer it for this present Rule No. 15.

Mr. Velazquez I wish to ask the question of someone. In Rule No. 56, on page 17, line 30, it states: "the various articles of the proposed draft of the constitution shall be prepared under the direction and supervision of the respective substantive committees. That, in conjunction, with Rule No. 58 on page 18, line 14 and following "all committee hearings shall be publicized, shall be open to the public, and may be recorded verbatim, including the testimony of those wishing to be heard. Do you not feel that these two rules in conjunction give us the significant public input and allow the public who have petitions and who have ideas which might help the constitution to make their point known?"

Mr. Roemer Yes. When in conjunction with the changes, as proposed, to Rule No. 15.

Mr. Triche Mr. Roemer, and I may be addressing the question to the wrong person, but I'd like to get your opinion and maybe we can stimulate some discussion on it. There may come a time when the Executive Committee which is charged under the law with the responsibility of assembling a research staff, will want to meet in executive session when it discusses the personalities of the persons who are to make up the research staff. I think we may find in that exceptional circumstance that it'd be beneficial to allow the Executive Committee for that particular purpose only, to meet in executive session. Now, I wonder if you could tell us what the further rules of the convention provide, the further proposed rules, Rule No. 58 and so on, the other rules that pertain to committee hearings not being closed. Does the other rule, together with this rule amended by you, provide or prohibit the Executive Committee from meeting in executive session when it considers the personalities of the persons who will make up the research staff?

Mr. Roemer Rule Nos. 56 and 58 as now stated refer to substantive committees, so therefore don't exclude your executive session. My inclusion does not refer only to substantive committees but refers to all, including the Executive Committee. Now you might wish to amend...

Mr. Triche As I appreciate your amendment if it's adopted as proposed by you, this will prohibit the Executive Committee from meeting in executive session for a limited purpose of considering the staff.

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Mr. Roemer Exactly. If you so wish, you need to add further language, but mine does not provide for executive session. I do not intend to have such sessions.

[Previous Question ordered. Amendment rejected: viva voce.]

Point of Information

Mr. Stovall The question might be directed to you, Mr. Chairman. As open to the public, if there are representatives from our various districts who might be in the audience as spectators, and they desire to speak with one of us, are the pages and ushers instructed to send word to us or bring word to us that we might go back and speak with them?

Mr. Henry Yes, sir, they certainly are.

Amendment

Mr. Poynter [Amendment by Mr. Jenkins] On page 4, line 6, after the word, portion of the word, "and", insert the words, "including all meetings of committees and subcommittees,".

Explanation

Mr. Jenkins Mr. Chairman and delegates of the convention, this amendment is basically the same as Mr. Roemer's although it does include subcommittees in addition. The reason that I offer it: I think that we should consider very seriously the fact that the public ought to be able to attend every committee meeting and subcommittee meeting, regardless of whether there is a hearing held. And in addition, I think that on this important matter, all of us ought to be recorded, according to our thoughts on it. Therefore, I offer for the adoption of this amendment, and I ask that a roll call vote be taken.

Further Discussion

Mr. LeBreton Mr. Chairman and fellow delegates, I think the subject matter before us is one of the most important matters that has to do with the passage of this Constitutional Convention. And I say that from personal experience, having headed a Constitutional Convention workshop in Florida. The state of California, the state of Florida, stated that their open meetings, particularly the committee meetings, was one of the reasons that they were able to, in Florida's case, sell their entire package to the citizens of that state. In California, when they moved all around the state, they didn't get the coverage as they did in the Capital, so they lost the second half of their convention. The point being that the public wants to know what we're doing in committee and subcommittee meetings. I guess I don't know the speaker well enough, because I had an amendment written out and I wanted to get my amendment in and therefore I am very proud of the gentleman who put in the amendment, though it was defeated, and now the amendment that's before us. I can't urge you enough and nothing that I can say is strong enough language to urge you to support this amendment. I realize that there may be some people with the Executive Committee, some committee of officers, if we have one and so forth. There may be a reason why they might want to meet in executive session. That will be their problem, whoever is on that meeting. But the sum and substance of what we are talking about, is what's going to go into the constitution and I want to be sure that we're not talking about who we're going to hire and why we want to hire them and who wants this job and why they want this job. That's not really of any tremendous importance in front of us. What's in front of us is this convention that we're writing. And if we're going to pass what we're writing and propose to the Governor and public and the Legislature, it's going to have to be in one hundred percent open meetings. And I just

really lean on you and ask you to consider that, and I'd like to see this amendment passed wholeheartedly, one hundred percent, without objection. Because it will show the public our intent to have all committee meetings and all subcommittee meetings open to them. And I'm certain there will be many times when there won't be anybody there, but at times we will have said to the public, "You have the right to come to our meeting, you have the right to come to our committee meeting, you have the right to come to our subcommittee meeting." And I realize that in sections 56, 57, and 58 under committee meetings, why there is some possible difference in the rules in front of us now. Therefore I see a reason to clear it up, so there can be no question of what is before us. It was my definition that what's before us did not include committee meetings, because we are talking about the convention as a whole, one by one by one subject, and there's the section of subcommittee meetings. So I think it belongs right here and hopefully we'll pass the other section when we get to it.

Point of Order

Mr. Womack Mr. Speaker, fellow delegates, as I understand it, with the exception of adding the word "subcommittee", this is exactly the same amendment that was just defeated by the convention. And the point of order that I want to raise is: would I be in order to ask for a division of the question to see that this portion that we had just killed could not be brought back in another form in a substitute added to another technical amendment?

Ruling of the Chair

Mr. Henry Mr. Womack, I think that's a constitutional limitation considering the same issue time and time again on the Legislature, which does not apply to the delegates of this convention at this time. So I think that...I think that Mr. LeBreton...Mr. Jenkins' amendment would be in order.

Questions

Mr. Perez Mr. LeBreton, do you realize that the chapter which we are now dealing with deals with the convention floor and that we have a Rule No. 58 which deals with committee meetings and then later on there are provisions with regard to subcommittees which shall do the same thing, the same procedures with respect to committee hearings and wouldn't it be more appropriate to amend the section Rule No. 58 in order to have orderly rules instead of sticking something into Rule No. 15, which really belongs in No. 58?

Mr. LeBreton Well, Mr. Perez, I covered that in my talk by saying that I understood in sections 56, 57 and 58 it went on the committees, but I didn't want to have any delegate have the opinion that this rule would prevail over another section and if the parliamentarian wishes to tell me that this in no way can outlaw having a public subcommittee and committee meetings open, that's all I want, sir. I certainly am not trying to be technical over one section against the other. I have only one point, ladies and gentlemen, and that is to see that the convention, the committee meetings and the subcommittee meetings are open. And, Mr. Chairman, if that's your interpretation then you word's good enough for me, and I rise in behalf of Mr. Jenkins' amendment, I don't have one myself, but I just want to be sure that we're in there and if they are there, then whatever the ruling is from there on as long as we accomplish these three points.

Mr. Lambert Mr. LeBreton, you're familiar in the last session of the Legislature; we, the Legislature, adopted a revised statute Title 42, Section 7, which was a public notice act. I think this is what you have been talking about all this

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time. Just for what it's worth, I have an amendment prepared that would insert the public notice act and apply to everything that the convention does. And I am going to introduce it shortly, as soon as I am recognized.

Mr. LeBreton And that would cover the three points I'm referring to.

Mr. Lambert I'd cover everything.

Mr. LeBreton Thank you.

Further Discussion

Mr. Stagg I'm speaking on Mr. Jenkins' amendment and I rise in opposition to it. You may quarrel with your Rules Committee about the way these rules are spaced out in your book, but we wrote what we thought was an orderly set of rules and we watched for these things and we gave ourselves notes that when you get to committee hearings, remember notice; when you get to subcommittee hearings, remember that they should be public and open like committees. And in Rule No. 15 we were talking there about the convention, when we got to Rule No. 58, prompted by the notes we wrote to ourselves, we stated "all committee hearings shall be publicized, shall be open to the public and may be recorded verbatim." Then when we got to the rules on subcommittees, where it properly ought to appear, in Rule No. 63, it says very clearly "all rules applicable to committees shall be applicable to subcommittees." And therefore under that interpretation of these rules, no subcommittee can meet without its being publicized and without its being open to the public. And this then is still an orderly document without having nit-picked, put in it here, there and yonder willy-nilly, and Mr. Chairman, I, on a personal point, not for the Committee on Rules, do wish to speak in opposition to Mr. Jenkins' amendment.

Further Discussion

Mr. Abraham Gentlemen, it doesn't appear that any of us are in disagreement at all that we want all of our hearings to be open, all of our meetings to be open. But what we've been doing here is simply debating semantics. And when you say that a committee is a committee, it's part of the convention. We say that the convention is going to be open, well, so are the committees going to be open. And the subcommittee is a committee, I don't care what you call it. Suppose you have a sub-subcommittee, are we going to put in sub-subcommittees? You see, we're simply debating semantics. So, when you say a committee, it includes all types of committees. And in this rule where it says, "No committee shall sit during sessions of the convention," this means this is part of the work of the convention. This convention, to me, doesn't mean that we all have to be sitting here. Committees are part of this convention. So, let's get off the semantics and get on with the substance of the rules.

Further Discussion

Mr. Kean Mr. Chairman, as a member of the Rules Committee, I suggested in the Rules Committee exactly what has been argued here on the floor. The reason I brought up the question before Mr. Roemer was to indicate to this group that the Rules Committee has no intention in their recommendation of these rules to have any secret sessions. I would propose that when we get to the section on committees, change the word "hearing" or "hearings"—it's in Section 58, I think it is, whichever one it is, to "committee meetings" and I think then we can get to the issue and logical order. And I'd like to now move the previous question on this...

[Previous question deferred.]

Closing

Mr. Jenkins Mr. Chairman, delegates to the convention, my interest in offering this amendment was to clear up a point on page 18 at the top of the page. In the section titled "Committee Hearings" it deals with the fact that committee hearings would be open to the public, but it did not mention that all meetings of committees would be open to the public. Of course, every time you have a committee meeting, you would not necessarily have a committee hearing. However, after conferring with the Chairman and the Vice-Chairman of the Rules Committee, they have agreed that at the time we reach that section that deals with those rules regarding committee hearings, they will support amendments to change that word from "committee hearings" to "committee meetings", so that all committee meetings would be open to the public. And so, because of that agreement, I would like to withdraw my amendment with the understanding that we will offer additional amendments at that time to cover this same subject matter.

[Amendment withdrawn. Previous question ordered. Rule adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Lambert, Mr. Wall, Mr. Brown, Mr. Giarrusso, Guarisco, Mr. Anzalone, Mr. Fayard. Amendment No. 1, on page 4, between lines 6 and 7, insert the following: "Rule No. 15.1. Public Notice. The provisions of R.S. 42:7, Statute Title 42, Section 7, shall be applicable to all meetings of this Constitutional Convention, all meetings of its committees, subcommittees, all proceedings, hearings, and other related activities."

Explanation

Mr. Lambert Mr. Chairman, fellow delegates, this creates a new section entitled "Public Notice" and what it does, it incorporates into the convention's activities whether it be the convention meeting as a whole, whether it be a meeting of a committee or subcommittee, public hearing, any other proceeding or related activity of the convention, a Legislative Act that was adopted the last session of the legislature. And what this says, in order to save time, I'm going to read it to you real quick. "Revised Statutes 42:7 Fixed Time and Place of Regular Meetings, Notice of Special Meetings, The Constitutional Convention--I've inserted the word Constitutional Convention in place of all such councils, police juries, governing bodies, boards or authorities--shall fix the time and place of regular meetings and in the event of deviation from the fixed time or place of meetings, or in the event of special meetings, advance public notice shall be given by legible notices posted on the bulletin board or other prominent place at the domicile and place at which the meeting is to be held, if different from the domicile of the council, police jury, governing body, board or authority calling such meeting, and by such other means as are consistent with circumstances. In the case of a special meeting or of a change in the time or location of a regular meeting, the presiding officer of the meeting of the public body shall give the news media which have requested notice by telephone, by telephoning the body, and addresses, notice of the times and places of such meetings at least two hours prior to said meeting, except in cases of dire emergency. The notice to be given of special meetings or changes in time or location of a regular meeting may be given by telephone or telegram, provided that any news media which has equidistant notice shall be conclusively presumed to have consented to payment of charges for the telephone call, or telegram providing the notice. What this amendment does, it incorporates this statute and makes it applicable to all meetings of this convention. This was adopted in the last session of the legislature.

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I think there was probably no opposition to it. If there are no questions, I ask for final passage.

Questions

Mr. Stagg Mr. Lambert would you turn to Rule No. 62 in your rule book, and tell me does not what you suggest...

Mr. Lambert No sir, it doesn't. The heading as I see it says "Notice of Committee Meetings." This amendment incorporates the meeting of the convention as a whole, committee meetings, subcommittee meetings, all proceedings, hearings or other related activities. That's one of the reasons for putting this special section in. I've heard a lot of people talk about...that's why I think we have some amendments breaking it down into subcommittees, committees, etc. I think this covers everything, and that was the purpose of the section. It may duplicate in some areas, but I think it covers the entire convention's activities.

Mr. Stagg The question is not does it duplicate it, but does it not supersede or find itself in conflict with the language appearing in Rule No. 62?

Mr. Lambert In what way?

Mr. Stagg "This committee hearing shall not be scheduled less than four days from the date of the notice to the secretary. This rule shall apply when the convention is not in session," and then we have a Rule B, which will be presented in Rule No. 62 about committee sessions while the Constitutional Convention is in session and how it may be called. Are you engrafting onto this rule a Legislative Act which is or will be in conflict with this? And if you are—I think you might be—should you not also pen language to your motion to say that if any other rule of this convention be in conflict herewith that this rule shall apply. We've got to have some saving language. We tried to cover all the facts you just said in Rule No. 62 A and B.

Mr. Lambert I agree with you, Mr. Stagg, that there possibly could here, and my main objection here is to make sure that we don't omit anything. And I think this covers everything. The amendment that I have introduced, hopefully, may not, but in a case where it may supersede, maybe you're right. Maybe some language should be incorporated.

Mr. Stagg Without that language I can see a hopeless conflict between one section of the rules and the other, because they just may not agree with each other.

Mr. Lambert Well, I agree with you, but I can simply say this. I think this may...and I know the committee did an excellent job, and I'm not being critical at all. I'm doing this in a constructive way. I think this doesn't leave out anything, I don't believe. It was studied very carefully in the last session, and I think the reason that this was introduced was due to the fact that I think there were some meetings that were being held by some public bodies where I think some news media had not been notified, and this was the purpose of this act.

Mr. Juneau Mr. Lambert, I would be put in the unfortunate position of having to vote against your amendment, which I think is a good amendment, unless you put language in there along the lines that Mr. Stagg is talking about, because if not, we'll end up in a hopeless problem of having absolute conflict in the rules. Don't you think...

Mr. Lambert I agree with you and I'm willing to entertain an amendment at this time to do that, Mr. Juneau, if you...

Mr. Stagg Mr. Lambert, we will be some time be-

fore we get to Rule No. 62, which covers this problem, and would it not be appropriate to ask that you take Rule No. 62 and read it very carefully and then append or amend to it the language concerning the public notice act at that point in the rules.

Mr. Lambert I have no objection to doing that.

Mr. Henry You going to withdraw the amendment at this time, Senator?

Mr. Lambert In the interest in moving the body along, I will do that and I would like to, when we get to Rule 62, I'm going to have it prepared.

Mr. Henry We will recognize you for that purpose at that time, Senator.

[Amendment withdrawn.]

Mr. Stagg Mr. Chairman, on behalf of the Temporary Committee on Rules, we move the adoption of Rule No. 16.

Reading of the Rule

Mr. Poynter Rule No. 16. Convention Officers. The officers of the convention shall be a Chairman, who shall be Chairman of the Convention, a First Vice-Chairman, three Vice-Chairmen, a Secretary and a Treasurer. These officers shall constitute the Executive Committee of the convention, shall be delegates to the convention, and shall each be elected in separate elections by a majority vote of all of the delegates of the convention.

Mr. Stagg I move its adoption, Mr. Chairman.

Amendment

Mr. Poynter Amendment proposed by Mr. Reeves and Mr. Roemer to Committee Resolution No. 1 by Mr. Stagg. Amendment No. 1, on page 4, line 13, strike out the word "constitute" and insert in lieu thereof "be members of".

Explanation

Mr. Roemer Mr. Chairman, delegates, I offer the amendment to Rule No. 16 which substitutes for the word "constitute" "shall be members of." The sentence to read, beginning at line 13, "These officers shall be members of the Executive Committee of the convention, etc. etc." I give this amendment with the following background: I was elected on August 19th to represent District 9, which is the rural part of Bossier and Webster Parish. Living on a cotton farm and not being an attorney, I sometimes feel at a loss with the give-and-take of hot air in these conventions. However, I disagree with the following rules as are related to the Executive Committee, which will limit that committee only to these officers here in Rule No. 16, i.e. will be my subsequent purpose to offer an amendment which will expand the Executive Committee to include one delegate selected from each Congressional District to make that body a total membership of fifteen, eight of which represent the people as a whole, seven of whom are these elected officers. In order to do that secondary amendment, I have to submit this amendment, which in effect changes the Executive Committee from a body of seven, hopefully, to a body of fifteen.

Question

Mr. Duval Mr. Roemer, since you've given us the benefit of that background explanation, would you tell me, do you envision that we will still retain the Committee on Committees which will do the selection of committees in addition to this Executive Committee?

Mr. Roemer Yes, my personal preference is not to

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change a word of the duties of the Executive Committee, neither to expand or contract, rather to keep the Committee on Committees. I'm adding members, not changing rules, in regard to their duties.

Further Discussion

Mr. Reeves I, too, would like to change the wording thereof to be members of the Executive Committee. I differ with Mr. Roemer on the selection of the Executive Committee. I feel there should be two persons from each Congressional District. But we can work that out as we get into the Rule No. 18. But I do feel that it is necessary to change Rule No. 16 to read as we have amended "These officers shall be members of the Executive Committee" because if it is as is, "shall constitute", it would mean a closed committee of only the officers and, if you feel very strongly like I do, and I feel very, very strongly on this that the Executive Committee should be members of Congressional Districts--representative of Congressional Districts--as well as officers of the Convention.

Point of Order

Mr. O'Neill I'd like at this time to ask Terry if he would yield to a member of the Rules Committee to explain the reasoning behind this rule as it is set up. I think it's appropriate at this time. I feel not strongly either way, but I think we should have the benefit of their reasoning at this point.

Mr. Henry The Speaker does not have the prerogative to yield the floor.

Further Discussion

Mr. Stagg Mr. Chairman, we are at the point I thought we'd be at before lunch, and it is beginning to be the crux of the rules which we have offered to this convention. The Rules Committee sought to diversify the power of this convention. It was felt by the members of the committee that that reflected the will of the majority of the delegates. When we decided whether an Executive Committee would be a large unwieldy body or a smaller, more compact group which could act as the administrative body of the convention, we had--we set aside all of the rest of our work at the time--we went into who shall be the officers and where the committee structure would arise from; we went into the whole field of how this convention would operate in order to get to the point of concluding what the officers should be. And having arrived at a balanced structure, we felt that a small Executive Committee, one which could meet around a table and have lunch together, one that could meet on the call of the Chairman readily, one that would not be beset with absences or with quorum problems, would be the preferable one for the business of this convention. Its duties, the Executive Committee duties, that we will get to shortly--when you read them in the rule on the Executive Committee duties you'll note that they are entirely administrative, as set out in the first paragraph under A of Rule No. 18. A maximum representation of the Executive Committee is possible under the rule as it was presented, for minority members and for women, out of a seven man group. The substantive committees are where the action is going to be in this convention. That's where most all of the work is going to occur and that was where we felt the emphasis should be, that once the committee assignments were completed, the ordinary administration of this convention could well be carried on by, if you will, a Board of Directors of a reasonable size and reasonably constituted as a reflection of the membership of the delegation of the convention. The Executive Committee isn't going to write the constitution, but the Executive Committee is going to see to it who is employed, they will see to it as to what materials are purchased

and the budget and the other finance and administrative details; where the physical arrangements are going to be made for this convention to meet on a regular basis; they are going to arrange for the purchase and rental of equipment and supplies and services; they are going to be working on the question of printing and related administrative matters. That alludes to what we thought at the time this was under debate would be the kind of Executive Committee that could attend properly to the administrative details of the convention. One of the delegates pointed out that at one time, when an Executive Committee of twenty or more was under consideration, that at fifty dollars a day, it would cause a thousand dollars worth of expense every time the Executive Committee called a meeting, and perhaps that the same work could be done more efficiently by a smaller body, i.e. seven people: the Chairman, four Vice-Chairmen, the Secretary and the Treasurer. It was for that reason that the duties of the Executive Committee were made those of an Administrative Board, whose duty it was to administer to the fiscal and physical and other needs of the Convention. This Convention and would have as its greatest advantage, the ease of its membership gathering together and the rapidity at which it could be called into session, attend to its business, and go on to other matters. For that reason, Mr. Chairman, the Temporary Rules Committee came out with a small Executive Committee, a more representative area-wide committee, for the kind of convention committees in the Committee on Committees, and then a traffic cop committee called the Coordinating Committee that would resolve disputes as may occur between or among the substantive committees. This, in effect, decentralizes the power of this convention and places it in the hands of the delegates to this convention, where the Temporary Rules Committee thought it properly ought to be.

Further Discussion

Mr. Fulco Mr. Chairman and fellow delegates, I'll be very brief, but I did want to add my support to this amendment. I think about the only reason, and I think the only sufficient reason, that I would have for supporting this amendment would be in keeping with, what I think, could very well be the theme of this convention, which would be to keep the people in the convention through us, we the delegates. We have shown that attitude by the choosing of the selection of the Rules Committee. I thought it was extremely democratic in the way that we chose the Rules Committee. And if we continue acting in that manner in choosing the rest of the committees for this convention, I am sure that we will make a great step forward in achieving the respect and the confidence of the people for the days ahead in our work. Now, if we allow at least one member of each Congressional District on this committee, that will again insure the fact that the people will be represented. Now, it is possible under the seven officers that will be elected to constitute this Executive Committee, that they can come from one, two, or three Congressional Districts, thereby eliminating the balance of the eight. So, let's not risk this situation. Let's make sure that every Congressional District will be represented on each and every committee provided or necessary for this convention. So I ask you to seriously consider this amendment and let's make sure that every Congressional District is represented by a delegate--elected delegate--if not an officer. Thank you.

Questions

Mr. Velazquez Mr. Fulco, I am beginning to see what I consider a dangerous trend. I wish to see balance in this convention between the Executive Committee, the Committee on Committees, and the Coordinating Committee. I also want to state I firmly believe in equitable representation and an extension of the size of the Executive Committee, but at this time I wish to ask you: "Are

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you in favor of destroying the Committee on Committees and putting their function into the Executive Committee?"

Mr. Fulco No, I am not opposed to that. That doesn't matter particularly with me. I have no objection to the Committee on Committees.

Mr. Velazquez Excuse me, I asked were you in favor of it? I didn't ask if you were opposed to it.

Mr. Fulco I just said that I have no objection. That doesn't mean that I favor it or oppose it; I have no fixed opinion on it at this time. It's immaterial to me and, when the time comes to consider it, I more than likely will favor it.

[Amendment withdrawn.]

Motion

Mr. Stagg Mr. Chairman, Mr. Roemer, and Mr. Reeves have suggested that perhaps it would be more conducive to orderly proceedings and in forming the judgment of the convention if, out of order, we took up the duties of the Executive Committee in Rule No. 18 and then come back to the constitution of the Executive Committee under Rule No. 16.

Mr. Henry The gentleman has withdrawn his amendment.

Mr. Stagg And now, Mr. Chairman, I would like to withdraw the committee's motion to adopt Rule No. 16 and ask that we take up Rule No. 18, out of order.

Mr. Henry You move to take...to skip over Rule No. 17 at the same time? Do I understand...

Mr. Stagg That is correct, sir, and go immediately to the consideration of the duties of the Executive Committee under Rule No. 18.

Questions

Mr. Rayburn Mr. Stagg, I don't really concur. I'd like to know who the Executive Committee is before I vote to give them all these powers. Maybe after I know who they are, I would give them more powers; maybe after I learn them, I'd want to decrease their powers. But I don't think we should give a committee powers when we at this moment don't know who's going to be on the committee. I just don't think it's right to bypass establishing a committee and then substituting the powers. I'd like to know...

Mr. Stagg Mr. Rayburn, may I reply that's somewhat the way the Rules Committee in its deliberations finally arrived at this conclusion was by deciding what the duties of some of these officers were, what the duties of the Executive Committee were, and then we came back to the paragraph on officers and named the officers as the Executive Committee. But we don't know that that was the most perfect way of doing it. It was the way seventeen of us went about our work in trying to give to the convention a set of rules that clearly delineated the authority of the various bodies of the convention, and we first had to arrive at what those powers were; then we arrived how they were to be exercised. When Mr. Roemer withdrew his motion, he withdrew it simply for the purpose of allowing the convention to consider whether or not it would not be better to take up the duties of the Executive Committee and then go back to establishing the type of body, just the officers or the offices as augmented, would properly be the Executive Committee. And in view of his request that we attempt to do that, that's why this parliamentary device was adopted.

Mr. Rayburn Mr. Stagg, the point I'm trying to make: If I feel that each Congressional District

in this state is represented on the Executive Committee I think that will have a bearing on my vote as to what powers I give them. If I think some two or three Vice-Presidents are going to have all those powers, I think that will have a bearing on how much power I want them to have. And that's my reason for raising the point.

Mr. Gravel Mr. Stagg, it seems to me that in connection with the matter under discussion that it would be appropriate and proper to consider both Rule No. 16 and Rule No. 18 together. My question, sir, is whether you would be willing, as the proponent of the resolution, to request a suspension of the rules to consider them together and, as a preliminary portion of that consideration, a determination of the structure of the Executive Committee be made. I think that would...if you are willing to do that, it would permit an orderly procedure in this matter.

Mr. Stagg Mr. Gravel, I don't really have an objection to that. I am on my feet simply out of a feeling that Mr. Roemer...and Mr. Reeves stated awhile ago he feels very strongly about his position. Well, the Rules Committee in three hours of debate felt very strongly about the same thing, and they came back to this convention with a set of rules that decentralized the operating power of the convention and, if you can, in the suspension of the rules as you have suggested, take up the duties to be given the Executive Committee and then how it shall be constituted. If you'd be willing to do it in that order, I certainly agree that a suspension of the rules would be in order.

Mr. Gravel No, my question was would you be willing to do it in the opposite order—first consider the composition of the Executive Committee; once that composition is determined, then the determinations can be made with respect to the officers and the functions and duties of the Executive Committee. It seems to me that's where we are hung up.

Mr. Stagg Mr. Gravel, you know we started with Rule No. 16 as the pending order. And then there was an amendment seeking to broaden its membership. And it was suggested by those delegates seeking to broaden its membership that it might be more conducive to orderly discussion if we assigned the duties first. And if the rules are suspended, I will ask the Chair if it's in order to proceed with the duties first and then how it shall be constituted.

Mr. Gravel That...doesn't that fail to cover Senator Rayburn's very pertinent observation that he doesn't want to start delineating duties until he knows the composition of the Executive Committee?

Mr. Stagg Yes, it does contravene the views of Senator Rayburn.

Mr. Gravel I just rise to ask you the question whether you would be willing, as the proponent of the resolution, to recommend that we consider Rule No. 16 and Rule No. 18 together and that the initial determination be made as to the composition of the Executive Committee?

Mr. Stagg Let me be...as some other public figures have been noted to say, let me make myself very clear. If you note that as the Chairman of the Rules Committee, Temporary Rules Committee, I moved the adoption of Rule No. 16 in the order in which it numerically appeared, I cannot have any objection to moving in that same direction again; but if I do, then Mr. Roemer is going to seek the floor and Mr. Reeves is going to seek the floor and make an amendment to change its composition, just as they did when it was the pending order of business.

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Mr. Henry It would be out of order at this time.

Mr. Burson Mr. Stagg, in your original introduction and motion that we adopt Rule No. 16, as I understood it, you moved that we would approve in effect an Executive Committee which would be constituted of those officers named in Rule No. 16. So, that if we voted on Rule No. 16, as you originally moved it, we would at one and the same time determine at that time who the Executive Committee was going to be. Is that correct?

Mr. Stagg That's correct.

Mr. Burson So that if we did that, then we would know who is going to be on the committee and we would know when we got down below, whether we would want a Committee on Committees to be other than those officers that are suggested, or whether we would not want a Committee on Committees. For instance, if the amendment as proposed had been accepted with members from each Constitutional... from each Congressional District on it, then perhaps we would not need a Committee on Committees. Would that be correct?

Mr. Stagg That is correct, sir.

Mr. Reeves Point of information, please. Let me explain what we were trying to do.

Mr. Henry Wait, wait, Mr. Reeves. I am not trying to cut you off. We've been allowing a whole lot of latitude, simply because we don't have any rules under which to operate, and I think it would be...it's gone a little far to let you elaborate now. You might go ahead and put that to Mr. Stagg and go ahead and make your little statement and follow it up, I guess, with "did you know?" but let's try to proceed as orderly as is practical here under the lack of rules, which we are trying to do.

Mr. Reeves Yes, sir. I'm sorry. We were trying to...Mr. Stagg, do you agree, that we were trying to establish first of all the members of...whether the Executive Committee would be officers, or they would be made up of other members of the convention. We were not getting into whether the Executive Committee would take the responsibilities of the Committee on Committees, etc, or any other duties. So, we were simply making one statement that "These officers shall be members of", rather than "constitute."

Mr. Stagg It does state your position very well, Mr. Reeves.

Point of Information

Mr. Stovall Before I ask him the question, I'd like to ask you where are we in terms of parliamentary procedure at the present time? Are we considering Rule No. 18 or are we simply considering whether or not we are going to consider it?

Mr. Henry There is a motion on the floor which has not even had the opportunity to be seconded yet, Reverend Stovall, because of the questions which have been asked of Mr. Stagg. But there is a motion on the floor, as I appreciate the procedure, to skip over Rule No. 16 and Rule No. 17 and discuss the adoption of Rule No. 18, which motion is in order.

Point of Information

Mr. Stovall Mr. Chairman, if it's in order, I would like to second that motion and would like to speak very briefly to it.

Mr. Henry Mr. Stovall, you are out of order because I recognized you, not for a motion, but for what I thought was a question. If you don't have a question, then Mr. Stovall does. I have agreed to recognize Mr. Wall for the floor. I put you on

number two to speak on the main motion.

Mr. Roy Mr. Stagg, since we have to get at everything, would you be willing to yield or permit the consideration of an amendment to Rule No. 16 and at the same time a consideration of an amendment to Rule No. 18, as I am now presenting to you, and deliberate on this issue?

Mr. Stagg Mr. Roy, on behalf of the Temporary Committee on Rules, I would like to answer your question by saying that what we are seeking to do is to adopt a rule suggesting to the convention that its Executive Committee be a small, workable body. And if your amendment expands it to sixteen more people or makes it a committee of twenty-three people, then the Rules Committee, having debated this very thoroughly, would object.

Point of Order

Mr. Avant The point of order, Mr. Chairman, is, as I understood your statement a moment ago, our position is that a motion has been made and has had no second. Now as I understand the rules of order, all of this discussion is out of order.

Mr. Henry Mr. Avant, if you will observe what has been going on, really, it's not supposed to have been a discussion. Again, the Chairman is allowing a great deal of leeway. These have been questions and we're going to get to the point right after this on whether or not this motion that Mr. Stagg made is going to get a second or if it's going to die for lack of a second. We're fixing to move, one way or the other.

Mr. Avant That's what I want to do, Mr. Chairman.

Mr. Henry Your point is certainly well taken and I do appreciate it, Mr. Avant.

Substitute Motion

Mr. Wall Mr. Chairman, ladies and gentlemen of the convention, there is a question in many people's mind about the composition of the Executive Committee and who's going to be represented and how that representation will be, so I think that what we need to do is to proceed in the most orderly manner to satisfy the people that have those questions in their mind. And that does not necessarily mean that we proceed exactly as the Rules Committee in every instance has recommended so, therefore, I make a substitute motion at this time that we proceed to Rule No. 18 and if this Rule No. 18 takes up the question in mind...wait a minute...a substitute motion that we consider Rule No. 16 and Rule No. 18 in conjunction.

Mr. Henry Under Robert's Rules of Order in this situation I think the substitute motion, if he can get a second, will be in order, Mr. Smith.

Mr. Wall That we consider Rule No. 16 and Rule No. 18 in conjunction. And I send up amendments, if you...

Mr. Henry You have to get your motion seconded.

Mr. Wall Alright, do I have a second?

Mr. Henry Mr. Wall, makes a substitute motion to consider Rule No. 16 and Rule No. 18 at the same time, to which there is a second.

Questions

Mr. Juneau If you were to jointly discuss these issues together, it seems to me that the question...you still have to vote on them, one in order, or the other, so I don't see what bringing them up together does.

Mr. Wall Mr. Juneau, it brings up the opportunity for the people to vote on specific issues, if

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there is a question in their mind of how the Executive Committee is going to be composed. And it just so happens that Rule No. 16 and Rule No. 17 are interlocking.

Mr. Juneau Point of information. Which rule do we vote on first, even if we discuss them together?

Mr. Wall We are discussing them together and, if we discuss them together, we can offer amendments that actually relate to both rules in one amendment if you are discussing them together. And I ask your favorable consideration. Thank you.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, the important thing under consideration here is what the duties of this group are going to be. Any time you create a political body the most important thing to consider is what its function is going to be. If we were going to set up local city councils it would be for certain designated purposes, and then we would decide how many members we are going to have on it. If we're trying to set up a court system, we'd designate certain purposes in line with the Judicial Branch of government, then we would determine how many people and of what nature to carry out these functions. The importance of the Executive Committee to this convention is to fulfill certain functions. Until we know what those functions are, it's irrelevant to talk about the size. If we give them very few duties, you may only need to have a small number of people on it. If we give them large and extensive duties, it may be that we'd need a large number of people. But we need to find out, first of all, what their duties and responsibilities are going to be, and then, and only then, can we talk about how many people should be involved.

Further Discussion

Mr. Burson The point that I attempted to make—very awkwardly, with a question awhile ago—was in essence that point that Senator Rayburn has made, that I feel that the members of the convention would vote differently on the powers that were to be given to the proposed Executive Committee depending on who's on it. That is to say, if it's only going to be composed of a Chairman, a First Vice-Chairman, three Vice-Chairmen, a Secretary, and a Treasurer, as it's written and proposed to us by the Temporary Rules Committee, then I personally would feel that the power of that Executive Committee should be limited to certain... by no more than those powers that are in proposed Rule No. 18. However, if the membership of the Executive Committee were expanded beyond those officers, as suggested, then perhaps they might be able to serve the same function as the Committee on Committees can make committee assignments. I would not want just the seven officers to be making committee assignments. I would not vote for that, but if the Executive Committee consisted of those seven plus two people from each Congressional District, then I might want to turn over to them the power to make the committee assignments because, as I understand it, the Committee on Committees would be made up of two members from each Congressional District, anyway. We might have included, in effect, the proposed Committee on Committees in the Executive Committee. So, I would tend to believe that probably you would to take both of these things up at the same time.

Further Discussion

Mr. Arnette Well, I definitely believe that we ought to consider the powers of the Executive Committee first, and the reason for this is basically, if you know what... if you know what the powers of the Executive Committee are, you will know what representation you need on this particular committee. If they are expansive powers, you

need an expansive committee; if they are limited powers, you need a limited committee. This is very obvious to me. It seems you need to decide the size of the committee from what the committee does. If the committee has unlimited powers to do many, many different things, then you ought to have representation—one member from each Congressional District wouldn't be enough; I would vote for two. But, if the powers are limited to the powers that are enumerated in the proposed rule—and I don't go ahead, these were unanimously voted on by the delegates who were in the Temporary Rules Committee—if these powers are limited to these particular powers, you don't need this big expansive Executive Committee. And I think we need to vote on that and decide what the powers are going to be before we decide how much representation we need.

Further Discussion

Mr. Champagne Fellow delegates, as set up in the rules by the Rules Committee, the Executive Committee is very administrative in its nature. The Committee on Committees was set up. I just want to point out to some of you, I think something is working out here where the Committee on Committees is pretty soon going to be eliminated, and unless somebody can tell me just which one of these motions is going to be voted on, this talk I heard about they're going to combine them and they're going to vote them, this cannot be done. You're and I go ahead, one or the other, and I think somebody's about to pull the wool over our eyes, if you don't watch it. Thank you.

Further Discussion

Mr. Stovall Mr. Chairman, members of the convention, it's a basic principle of administration or architecture, of almost any field, that function determines form. Now, if we vote down the substitute motion by Mr. Shady Wall and then go along with Mr. Stagg, then we're following the general principle of function determining form. Should you go out here to Perry Segura and ask him to build you a building, you would say I set up a particularly particular kind in mind. You don't say, "Perry, build me a building," and then determine what the function is going to be, and it seems to me that this is the key point at the present time. Let's determine the function and then get on with the business of form. And this means that we would vote against the amendment presented by Mr. Wall and proceed with the amendment as proposed by Mr. Stagg. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman and members of this convention and fellow Americans, I think it would be horrible to say that we have a family of all the delegates here and then say we're going to cut some of them off from the dinner table. If any here that had more in his family than the designated number by the Rules Committee, would you say they couldn't have dinner because it's not a workable thing? I'm gonna ask you to consider two representatives from each Congressional District and I'd like to say to you, I'm not in the running for anything. I don't want to be on the Executive Committee because I want to work with the people in my area and let them know what's going on in the convention, so I don't want to be with you all the time. But I'm going to ask you in the interest of justice and the interest of the people that you will give me a fair shake and give two from each Congressional District. I thank you.

Further Discussion

Mr. Keen Mr. Chairman and fellow delegates, I rise to oppose Mr. Wall's substitute. I do so because I think we're at the very crux of our deliberations with respect to the organization

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and future functioning of this convention. Mr. Stagg has already pointed out in his explanation of the Rules Committee recommendation, that that recommendation is a design to decentralize the power of this convention. We felt that if we had an all-powerful Executive Committee with the power not only to run the convention but to select the committees of the convention, then the rest of us might as well go home and wait for the call of the Executive Committee to perform whatever function they might desire to hand out to us from time to time. It was the feeling of the Rules Committee that the very heart of this convention had to be the substantive committees who would work on the new sections and articles and parts of the Constitution, and that it was essential in the selection of those committees that we have a democratic process by which the members would be named. It was... it was our feeling that if we provided a democratic process by which the committees were selected... we've done a good deal of talk here about representation from Congressional Districts. The Committee on Committees provides that representation; it consists of two delegates from each Congressional District together with the Chairman. And if we are in accord with the feeling of the functioning of this convention has to be in the substantive committees and that's where we want to have democratic representation, then the approach adopted by the Rules Committee, in my opinion, is correct. It provides a means by which democratic representation can be injected into the selection of the committees and the committee membership. We felt that if we separated that authority from the Executive Committee, we then did away with this powerful Executive Committee that's going to run the convention for the benefit of all of us who've been elected to participate in it. And we gave to that Executive Committee limited power and, once we gave it limited power, there was no longer any need for an all-powerful unwieldy Executive Committee to function. And I think Reverend Stovall has put his finger right on it. If we are going to now vote to broaden the duties of the Executive Committee to include the appointment of committee members, then I, too, would stand here and say we've got to have broader representation on the Executive Committee. On the other hand, if we're going to leave the functioning of the Executive Committee as it is, in my opinion there's no good reason that can be advanced by any delegate here for increasing the size of that committee. I say, for that reason, we need to reach the crux of the issue, decide whether or not we wish to leave the Executive Committee with limited authority as the Rules Committee has proposed, have the Committee on Committees democratically elected to select the members of the various committees, and those committees select their own chairman. And I think that if we follow that procedure we're gonna have a democratic convention. If we don't we're going to have a convention dictated to by an Executive Committee all too powerful for our own purposes. For that reason I say to this committee, this convention, I oppose Representative Wall's substitute motion and ask that you support the motion made by Mr. Stagg in order that we can get to Rule No. 18 and get this matter behind us.

Questions

Mr. Velazquez Mr. Keam, do you not feel that this trend to expansion of the Executive Committee is an attempt to destroy the continuity of the Committee on Committees and, therefore, destroy the attempt by the Rules Committee to decentralize the power and keep it in the hands of the delegates?

Mr. Keam I deeply feel that way, Mr. Velazquez.

Mr. Velazquez Thank you very much, Mr. Keam.

Mr. Denney Mr. Keam, answer to Mr. Velazquez' question, you stated that an enlargement of the Executive Committee by eight or sixteen, as the

case may be would tend to remove the powers of the Committee on Committees. Now, I, for one, am not in favor of changing the... I'm in favor of the Committee on Committees' motion that the Rules Committee has adopted, but I do believe that even with the so-called limited powers that you have given to the Executive Committee, you overlook the fact that the Executive Committee has the power to hire all the staff in this convention. And one of the most important things, to my way of thinking, in the development of this convention is to have a good staff, and I question whether or not we shouldn't have a larger Executive Committee, if only for the purpose of determining who a good staff should consist of.

Mr. Keam As I understood Mr. Velazquez's question, he asked me whether or not I thought the effort to enlarge the Executive Committee would lead to doing away with the Committee on Committees and put in the hands of the Executive Committee the authority to name the members of the substantive committees, and I told him that I did. And I do feel that way.

Further Discussion

Mr. Triche Mr. Chairman, ladies and gentlemen of the convention... will you lower this thing a little bit, please; I'm standing as tall as I can and I'm having a little difficulty. Mr. Chairman and ladies and gentlemen of the convention, it seems to me that we are embroiled in a procedural question, and the decision that we ought to make, and we ought to make with some celerity, and then get on with the business of the convention. I rise in favor of Mr. Wall's motion. Mr. Wall's motion makes sense to me. Obviously there is going to be some contest over what the makeup of the Executive Committee should be, and what its powers, duties and functions should be. Mr. Wall suggests that we can consider those two rules, Rules 18 and 16 together, for the purpose of debate and discussion. So that when we get to the floor, when we proceed to that point after we dispose of Mr. Wall's motion, we will be able to address our debate both to the powers, duties, functions and responsibilities of the Executive Committee and also to the makeup of the Executive Committee. That seems to be a logical way to approach it. We can debate it all at one time and none of us need fear about voting for powers and duties and responsibilities of an Executive Committee until we know what the makeup is, or vice versa. And if we adopt Mr. Wall's motion to proceed in that order, we can discuss for the purposes of debate, the makeup of the committee and its duties and functions. When we get to the point of voting, it's entirely in order for any of us to move for a division of the question, and we can vote separately. It seems to me that when we vote separately, we'd be in a position to vote more intelligently if we have had discussion of the amendments on what the makeup of the committee is going to be and what its duties and functions are going to be. That way nobody need fear that we put the cart before the horse; nobody need fear that amendments are going to come after they've noted on the makeup of the committee, to illustrate... after they've voted what the makeup of the committee is going to be. Nobody need fear that the responsibilities of the committee are going to be contrary to what they thought they would be at the time they voted on the makeup of the committee. So, in my judgment, Mr. Wall's approach to it makes a great deal of sense, and I think we ought to decide that issue now. I would urge that we should adopt Mr. Wall's motion so that we could debate both of these rules at one time and divide the question and vote on the amendments separately. And if there's no further discussion, I'd like...

Mr. Henry There is... there is further discussion. Mr. Triche, and I'd ask that you not make such a motion at this time.

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[Motion withdrawn.]

Further Discussion

Mr. Rachal Thank you, Mr. Chairman. Mr. Chairman and delegates, it seems to me that this gets more confusing all the time, but it seems that there are a number of things on which we agree, and I, in an effort to move us along, I would like to suggest that, since it seems rather widely accepted that there be an expansion of the Executive Committee, that we simply consider moving on the officers by accepting the amendment that the officers shall be members of the Executive Committee. Whereby, we could dispense with Rule No. 16 and then under Executive Committee consider both membership of the committee, as well as its duties, which can be discussed together in a more logical fashion. Therefore, Mr. Chairman, I would offer a substitute motion to the substitute motion to that effect; that we dispense with Rule No. 16 with the amendment... I think that passed already... that the officers shall be members of the Executive Committee and then we can... let's see, I don't know. Well I suppose I'll appeal, then, we defeat the substitute motion, which calls for discussion of Rules No. 16 and 18 together, so that we might dispense with Rule No. 16 in that fashion and then take up the Executive Committee and consider together the Executive Committee's membership and duties which will be more logical and avoid confusion.

Further Discussion

Mr. Juneau Mr. Chairman and fellow delegates, it seems to me that we are in a position of shadowboxing. Nobody has thrown a blow yet. Very simply, I think the thing is blown out of proportion. I was on the Rules Committee, you know, with the fourteen thousand Rules Committee. I will have to tell you in all candor, if we were to take a vote right now I don't think there would be any question that approximately eighty to ninety percent of the delegates to this convention would probably vote to expand the Executive Committee by one or two members. I don't think there's any question about that, so we maybe, we're talking about two different things. Secondly, what that being the case and if that's the sole motive for talking about who's going to be on the Executive Committee, let's go ahead and get to the issue and decide do you want to or do you not want to expand the duties of the Executive Committee. If the proponents of the substitute motion would get up here and tell me we don't plan to propose to expand those duties and they would go with two members, I'd say fine. I'd vote for it. Thank you very much.

Further Discussion

Mr. Abraham Mr. Chairman and delegates, I feel like, Pat, we are doing a lot of shadowboxing here. The substitute motion to do discuss the two rules together. Well we've already pretty well hashed over Rule No. 16, so to me the substitute motion can very simply be answered. Well, let's get on to Rule No. 18. And then when we hash over Rule No. 18, then we can come back, as Mr. Triche says, and have separate votes on which one we want to vote on first. But I see no need for the substitute motion because we already discussed one of them. Well, let's go on to Rule No. 18; then we can decide which rule we want to vote on first.

[Previous Questions ordered.]

Point of Information

Mr. Gravel Is the Chair at this time going to state the previous question? I believe I'm a little bit lost, exactly what the question is that we are voting on. Because I don't believe that there was a second to Mr. Rachal's motion.

Mr. Henry Mr. Rachal did not make a motion.

Mr. Gravel I thought he had.

Mr. Henry No, sir. I will restate the question, but I am going to let Mr. Wall close, I believe, before we do that, because we going to have to get back to it anyway. Mr. Wall, do you want to close? Let her rip. No sir, Mr. Wall, please just proceed to close right now, please. No sir, I recognize you to close. We've got a motion under very serious debate.

Closing

Mr. Wall Well, a very serious debate. Ladies and gentlemen, I can't say it under personal privilege, the Speaker may call me out of order, but you know, I am reminded today: the Speaker called me down when I was walking around, then all of a sudden, he told me I was out of order, sit down. And I remembered what he said last week after he was nominated and elected our Chairman. He said, "I don't know who voted for me, and I don't know who voted against me." I thought he was telling a fib then. Either he was telling the truth or he's got a damn short memory.

Mr. Henry Does that complete your remarks, Mr. Wall?

Mr. Wall No, sir.

Mr. Henry You've almost exceeded your time and certainly your welcome. Proceed.

Mr. Wall Mr. Speaker, ladies and gentlemen of the convention, let me point out to you: we gave a job to the Rules Committee to bring a document up here for us to work from. They were to present an instrument that we would take and then we would work according to what, from that basic document, that we could have for the rules for the next convention, and the best making. Just happen that Rule No. 16 deals with officers, and it says that they shall be the Executive Committee. Rule No. 18 deals with the Executive Committee. And at this point, I'd like to point out that I'm not a candidate for a Vice-Chairman or Secretary or Treasurer, will not be a candidate, will not accept, if I'm elected. I'm not a candidate for the Executive Committee from the Congressional District if you add one or two, will not accept if I'm elected. So I'm not up here trying to get to be on the Executive Committee or trying to be an officer of this convention. I'm up here trying to move this convention forward. So the Rules Committee set up Rule No. 16 that deals with officers; they set up Rule No. 18 that deals with the Executive Committee. Now for us to properly consider these two, with some proposed changes, we need to consider them together. You know I was amazed at Reverend Stovall. You know I've heard lots of preachers get up in the pulpit and they would start talking something about the Lord's work, and they were just dumb as hell. And when he started talking about architects today, I could tell he didn't know what he was talking about. He was talking about the way these things...

Mr. Henry Mr. Wall, Mr. Wall, let's confine your remarks.

Mr. Wall Ladies and gentlemen, I'm trying to move the convention forward. If we go ahead and consider these two rules at one time, we will move forward. This is the way for us to move forward with this convention and do what needs to be done. And I ask a favorable vote. Thank you.

Mr. Henry Mr. Wall, Mr. Stagg has moved that we skip over Rule Nos. 16 and 17 and consider the adoption of Rule No. 18, taking it out of its regular order. This motion was seconded by Reverend Stovall, to which a substitute motion was made by Mr. Wall, that we consider the adoption of Rule Nos. 16 and 18 at the same time, which substitute motion was seconded by Mrs. Taylor and

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therefore the vote will occur first on the substitute motion.

[Substitute Motion rejected; viva voce.]

Point of Information

Mr. Stagg Mr. Chairman, would you like... may I suggest to the Chair that the Secretary read Rule No. 18 and then I would like the time to discuss it.

Mr. Henry Actually we need to adopt your motion. First, Mr. Stagg.

Motion

Mr. Stagg Alright, sir. I move that Rule No. 18 be now taken up by the convention.

[Previous Question ordered.]

Point of Order

Mr. Lambert Mr. Chairman, under the rules we're operating on, can you make a substitute to the original motion, now?

Mr. Henry No sir, Mr. Lambert.

Mr. Lambert Under Robert's Rules of Order?

Mr. Henry I don't believe that it would be in order at this time.

Mr. Lambert Don't believe? How about giving us a clear answer.

Mr. Henry I'll say no, it's out of order at this time.

Are you ready for the question?

[Motion adopted; viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 18. Duties. The Executive Committee shall:

A. Employ a research director, research assistants, secretarial and/or clerical personnel and such other employees as it deems necessary, in accordance with provisions of Act 2 of the 1972 Regular Session. The Executive Committee shall be a committee on administration, which shall consider research materials and personnel, convention budget and finance and other administrative details, facilities and physical arrangements for the convention, for committee hearings and for the staff, outside grants and assistance to the convention, purchases and rental of equipment, supplies and services, printing and related matters.

B. Assist the Chairman of the convention in the assignment of delegates to their seats.

C. Serve as the executive board of the convention in all matters requiring official sanction.

D. Assist the Chairman of the convention in his capacity as supervisor of the research staff of the convention.

Explanation

Mr. Stagg Mr. Chairman, I think that the comments that have been made back and forth by the various speakers at this podium, have clearly defined the issue, that the Rules Committee has hopefully designed to the pleasure of the majority of the delegates the machinery by which this convention can be operated and be operated more effectively by the participation of the delegates in the management of the affairs of the delegates other than the day-to-day administrative housekeeping matters. For that reason, the duties of the Executive Committee set forth in Rule No. 18 were made those of an administrative committee. And it is in light of that design, carefully thought out and considered by the Rules Committee, that

we can suggest to the convention that the duties of the Executive Committee be as those are set forth in Rule No. 18, subsections A, B, C, and D. And we move the adoption of the resolution.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Roy] on page 4 at the end of line 28, strike out the colon and add the following--page 4, line 28, after the colon: "be composed of the officers of the convention and sixteen delegates, with two delegates to be elected from each Congressional District, in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Executive Committee shall elect from its membership a chairman and such other officers as it deems necessary. The Executive Committee, in addition to such duties as are prescribed by law or hereinafter set forth in these Rules, shall:"

Point of Order

Mr. Keen Mr. Chairman, I submit that the amendment is not germane to the rule. The rule deals with the duties of the Executive Committee and the amendment deals with the composition of the committee. Therefore I object to the amendment.

Ruling of the Chair

Mr. Henry I think the amendment is in order, Mr. Keen, because I think that since the rules are not adopted, he can amend the rules or propose rules to do whatever he will.

Explanation

Mr. Roy Delegates to the convention, I think without going into a lot of discussion, this amendment merely seeks to adopt and ratify what Mr. Juneau said might be an issue and what everyone seems to want. That is, two delegates from each Congressional District to be elected by a caucus of that district to serve on the Executive Committee. I think that the Executive Committee, as now constituted, is too little, as contemplated by Rule No. 16. And for those who have been arguing about whether we should have function before form, I'd like to know why we have Rule No. 16 ahead of Rule No. 18 in the first place if you want to argue the way in which the rules go. I just think the... let me say this... I think the Temporary Rules Committee has done a great job. I think they are fine people, and I think that they did exactly what they were supposed to do--get the temporary rules out. That doesn't mean I want to be bound by them, and it doesn't mean that any time anybody asks anything about a rule, that they should be so sensitive. I think this is a good amendment, and I move for the adoption of it.

Questions

Mr. Jenkins Chris, as I understand your motion, we could defeat it and still come back when we consider Rule No. 16 and consider the possibility of expansion of the Executive Committee. Is that not correct?

Mr. Roy Certainly, you always can consider it at any other time. I think it's most relevant at this particular time, because I think that's what the convention wants to move on.

Mr. Jenkins The reason I asked it, it seems as though our entire discussion for the last forty-five minutes or an hour has been to go ahead and consider the functions first, which your amendment now would have us turn back again and reverse. So, couldn't we very well still do what we just voted to do by rejecting your amendment and then considering Rule No. 16, and considering the existence of your amendment?

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Mr. Roy I was in the minority in voting against that function form and I think it is out of place, and I think my amendment is timely at this time.

Delegate Kean in the Chair

Further Discussion

Mr. Duval Fellow delegates, I speak against the amendment for the following reasons: I think the heart and soul of this convention is its committees. The committees, the substantive committees, are going to be responsible for the drafting of the constitution. And I might remind all you delegates this is the reason that we are here, to draft a new constitution for the citizens of Louisiana. Therefore, I think that the heart of these rules is the Coordinating Committee. The Coordinating Committee, I think, achieves a delicate balance and a very fine distribution of power in a most democratic and efficient way. The Coordinating Committee is democratically elected and selects the committees which we are going to be appointed. And these committees, as I said, really are what we want representation on. Everybody seems to want representation on the Executive Committee. But what is the Executive Committee but a large mass of people who are not going to be writing this Constitution? And, therefore, I think that we should place our emphasis on the committees. If you have an Executive Committee which contemplates the appointment of committees, you've got twenty some odd people and after they appoint committees, do they all meet to buy pencils? Do they all meet to housekeep? What are they going to do? We have all this representation, and after...and let's assume the Executive Committee appoints committees, what do they do after it serves that function, which can be done very expeditiously, then you have a large unwieldy Executive Committee of twenty some odd people sitting here meeting to do housekeeping, which is totally ridiculous. We should, we should keep in mind again that we want representation on the committees. And this is quite crucial and very important to this convention.

Question

Mr. Velazquez Mr. Duval, don't you feel that part of our problem is a semantical one in that since this committee has the title Executive Committee, everybody assumes that it is a real Executive Committee rather than an administrative committee?

Fr. Duval I think that is quite a valid point. By the mere word "Executive" it implies certain powers that may not be necessary for this convention.

Further Discussion

Fr. Arnette I have to agree with Representative Jenkins that his point he brought up was very valid. We just voted to take up Rule No. 18 first, because Rule No. 18 is duties, duties of the Executive Committee. The reason we decided to take it up first was so we could decide the duties first. If we wanted to decide the makeup of the Executive Committee, we would have gone with Rule No. 16 first, so I think we can go on and take Rule No. 18 as Rule No. 18 is. It is the duties. If we wanted to expand the duties, duties, let's do it in proper perspective. Let's do it in the time when it is due. Let's do it when we consider Rule No. 16. It is very simple. This is the way we contemplated doing it by the way we just voted. Let's take up Rule No. 18 first and not Rule No. 16. So let's do decide what the duties are. Let's defer to this amendment the duties. Once we define the duties, we can decide how big we have to expand this Executive Committee. We might want to expand it to three members from every

Congressional District or four or five or one or whatever you want. But let's do it in the proper time.

Point of Information

Mr. Lanier Mr. Chairman, I believe that we are at a very critical stage of our debate here, and I would like to direct this question to yourself and our Secretary. I would like to have the benefit of the text of Mr. Roy's proposal, for me to review. I have the text of the proposal of the Rules Committee and I think it would be important to all of the delegates to have the text of both, in order to properly deliberate this and make a wise and intelligent decision. So, I would like to request that copies of this be made available to us, Mr. Chairman.

Mr. Kean The Secretary tells me that he does not have sufficient facilities to duplicate copies for all members of the convention. Would you like to have it read, again? The Secretary will read the amendment.

[Amendment r-read.]

Chairman Henry in the Chair

Further Discussion

Mr. Roemer Mr. Chairman, I oppose the amendment both as to its timing and its content. I agree with those previous speakers who said that the debate in the last hour was for naught if this amendment is allowed. I also agree with those speakers who feel that two additional members from each Congressional District would make the Executive Committee too large. However, I would like to speak for the next minute and a half, not about those two erroneous aspects of this amendment, but rather the fact that I disagree with those who come before us and say the Executive Committee as presently constituted in these Rules is not powerful. It is powerful. I point a couple of things out to you. First of all, they have the right to hire and to fire our staff. We know the staff is going to be important to the success of our convention. Some of our delegates have mentioned the fact that we might expend up to two million dollars in this project. As I see it, this Executive Committee would administer those funds. I refer you to Rule No. 18, Part C on page 5: "The Executive Committee serves as the executive board of the convention in all matters requiring official sanction." To me that makes this committee the summit for this whole convention. All aspects that find no other home go here. So I personally disagree with those of you who say the Executive Committee has no power. I think it has a great deal of power. I will admit that perhaps it does not have those powers as laid down in Act 2, but it certainly has the powers that we have here in these rules. So I make this stand—personally, I think it should be expanded to include geographical representation. I think two per Congressional District is too many.

Questions

Mr. Roy Mr. Roemer, isn't it a fact that the reason we're dealing with Rule No. 18 is because the Chairman of the Temporary Rules Committee is the person who moved to disregard Rule No. 16 and go on to Rule No. 18 and we acquiesced in it? Isn't that the reason? Aren't we on Rule No. 18 right now for that reason?

Mr. Roemer His statement, if I remember incorrectly, was and, as he presented the argument to us, that the duties should come before the constitution of that particular committee. I agree with that.

Mr. Roy He asked for Rule No. 18 to be considered before Rule No. 16, didn't he?

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Mr. Roemer Yes. Rule No. 18 is labeled "Duties" as I read it.

Mr. Roy You don't agree that just 'cause we allowed him to do that that do you agree it should be taken up at that time, do you?

Mr. Roemer We have that right. I don't argue with your right, I just argue with your logic.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, just about five minutes ago, you apparently voted overwhelmingly to defeat a substitute motion by Mr. Wall, which would have allowed the consideration of both Rules 16 and 18 at the same time. Now, I submit to you, unless you have changed your mind in the last five minutes, there is no way you can with clear conscience support Mr. Roy's substitute motion for this is nothing more than a political maneuver to have you do what you just voted you did not want to do. I urge you to vote against the Roy substitute motion.

Further Discussion

Mr. Reeves I would like to speak in favor of Mr. Roy's amendment. I am not...first of all let me clear this--I'm not talking for anyone other than the people of my particular representative district and the Fifth Congressional District. I feel very strongly that the Fifth Congressional District should be represented on the Executive Committee. I don't care about their duties--if it is pencil picking up, that's wonderful; let's be represented. I feel very strongly that some of the blacks should be represented. Everyone in the entire state of Louisiana should be very strong, I feel, on the Executive Committee. I feel very strongly that two from each congressional district will give those people this representation. I feel that it is necessary for the actual living of this convention and what goes on in the future for two people from each Congressional District to be represented and Mr. Stag's remarks a few hours ago, I think now in reference to the Executive Committee meeting at lunches and so on and so forth, as far as I'm concerned, that could be simply eliminated by having a bigger table and more chairs. I don't care what their duties are and I very strongly feel this--whatever they are if they're going to be the Committee on Committees--I'm not debating this. This is not the purpose of my getting up here. I don't care if it is or if it isn't; however, I feel that we need to be represented. We, meaning the people of the state of Louisiana, particularly in my case, the people of the Twenty-second Representative District, all the way from the corner of Caldwell Parish to the corner of Winn Parish, I feel very strongly the people need to be represented, and that means everyone. And I will support Mr. Roy's amendment, not because it is Mr. Chris Roy that made it or that Camille Gravel is his law partner or whomever it happened to be. I feel strongly that this needs to be approved. Thank you.

Questions

Mr. Stovall Mr. Reeves, do you understand that if we vote this amendment down, that after that vote and we deal with the Executive Committee's function, that then we will come back and deal with who is going to be a member of it. Do you understand?

Mr. Reeves Yes, sir, I understand that completely, and again, I don't care.

Mr. Stovall Well, we will deal with the basic content, the membership of the Executive Committee at a later point when we deal with Rule No. 16.

Mr. Reeves Again, I understand and I'm quite

aware that we...some members want to deal first of all into the duties and responsibilities and how many hours we are going to meet and who's going to get paid and every little minute thing that happens to be occurring in people's minds, and I have questions to this effect. Yes, I do have questions. But, again, I feel let's set up an organization of the Executive Committee, two persons per Congressional District. It's very simple. That means that there are going to be two people on the Executive Committee per Congressional District, that's sixteen, plus the officers. If they're going to be discussing the budget, which I agree with Mr. Roemer is going to be tremendous--three hundred thousand dollars is not going to even start this convention, two million dollars may not even handle it. And I agree also that we are going to be, the Executive Committee, dealing with many problems; however, if they are minute or great, I don't care. And I cannot reiterate this enough. I feel that this is the time and point to get into the consistency of the Executive Committee, who's going to be on it. And when there, let's drop on down into the duties. But I think there will be no problem.

Point of Information

Mr. Denney Mr. Chairman, this question may be more properly directed to you. Is the Chair aware of any other proposed amendments to this rule at this time?

Mr. Henry I am advised by the Clerk that we have several other amendments at this time.

Mr. Denney Then before we vote on this, could we learn what the other amendments are?

Mr. Henry They haven't been offered. You could come up here and look at them, Mr. Denney, but it would be procedurally out of order. Of course, a lot of other things we've done today have been procedurally out of order.

Questions

Mr. Champagne I want to first say that I apologize for coming up here so often because I really don't like people who do that. But I think here we have something of great issue. In other words, do you think, sir, that possibly under the guise of representatives from each district, that there is something more at hand here than just getting twelve people, sixteen people on this committee since their duties are administrative only?

Mr. Reeves I don't know. I'm not aware and there haven't been any votes to that effect. There could be; there may not be. But again, I simply say that it doesn't matter to me. I'm going to vote for that two people per Congressional District.

Mr. Champagne Are you aware, sir, that there are some motions being circulated such as to do away with the Committee on Committees?

Mr. Reeves I am aware of that.

Mr. Champagne Then I point out to you that possibly there is some slight possibility that...in other words by getting this committee that possibly they are wanting to take away from you, the delegates, the authority that you have been given so graciously in these rules, by simply telling you that under the guise of representatives from each district, they're selling you a bill of goods. That's all I have to say.

Mr. Reeves I'll answer that question, Mr. Champagne, by simply saying, again, I am not aware of any supposedly underground effort to take over this convention, or whatever the idea is, I don't know. But, again, whatever we are going to be discussing in the Executive Committee as far as I'm concerned is immaterial to the fact that if

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we have two persons per Congressional District, it will be taken care of. I don't care what they are going to be discussing. I keep saying, I keep repeating myself and I realize that you are tired of hearing it, but again, it's immaterial to me. I feel very strongly that we could just eliminate this situation.

Mr. Duval Mr. Reeves, let me see if I understand your position. Is it your position that the Executive Committee, notwithstanding the appointment of committees, that the Executive Committee's duties are so important that we should have representation?

Mr. Reeves Yes, I do.

Mr. Duval And is it your position that we could still have a Committee on Committees to do the appointment of the committees?

Mr. Reeves Yes, that's immaterial to me. I'm not debating that at the present time, Stan.

Mr. De Blieux Mr. Reeves, as I understand these proposed rules, Rule No. 16 which was passed over would have been the officers of the convention and where I think it would be proper to place the makeup of the Executive Committee. Now, as I understand the amendment that's being proposed here, doesn't that constitute merely the makeup of the Executive Committee, rather than the duties and functions of the Executive Committee as set out in Rule No. 18, which we are considering now? Wouldn't you be a whole lot better proposing your amendment to Rule No. 16 rather than to Rule No. 18?

Mr. Reeves I understand your question quite well, and I accept that probably in Rule No. 16 you do get into that, but as far as I'm concerned, the Temporary Rules Committee was as such. It was temporary, and there's nothing sacred about what they did. You can move and place in Rule No. 18 the functions of the Chairman, if you wanted to. That's immaterial as far as I am concerned.

Mr. De Blieux I don't say that you are out of order; that's not my claim. The only question is that if we are going to have convention officers, shouldn't we specify our convention officers, that we are going to use Rule No. 16 for that purpose, rather than trying to mix up the makeup of the Executive Committee in Rule No. 18? Shouldn't you...if we are going to have the duties in Rule No. 18, don't you think we would have better rules by letting it go that way, confining Rule No. 18 to its duties rather than to its makeup?

Mr. Reeves I don't feel so. I think we can go ahead and take care of it in Rule No. 18. And again, I think we are debating a minor point. Again, in answer to Senator De Blieux's question, I'll accept that possibly we could put it up in Rule No. 16, but I see no need for it. Why not take care of it in Rule No. 18? It's been proposed here and I'm for it and our original amendment that Mr. Roemer and I had would have shown that the officers would be members thereof and it would have necessarily taken care of itself in Rule No. 18. And I feel that when you are talking about the Executive Committee, you need to be talking about the consistency thereof of the Executive Committee.

Mr. Stinson I preface my question. I have no objection to two from each Congressional District, but I'd like to ask this question, also, even though I agree with Senator De Blieux. I have no objection to duplication that will hasten. Do you also have an amendment to Rule No. 16, though, to put in what you are putting in Rule No. 18?

Mr. Reeves Yes, sir.

Mr. Stinson Well, fine; that answers my question. If you didn't, it would be a conflict between the two. You don't want to go to court if you can stay

out of it. You do have such a resolution?

Mr. Reeves Yes, sir. We would put the amendment we had originally, back in--

Mr. Stinson Thank you.

Mr. Reeves "Shall be members of".

Further Discussion

Mr. Gauthier Gentlemen, it seems apparent at this time...we've just listened to an hour and forty-five minutes of discussion and this has convinced me, and I was leaning toward spreading or increasing the size of the Executive Board, but this has just embedded in my mind the importance of keeping that Executive Board to the number it is now. I submit to you first of all that the amendment is not timely; this isn't the place to take it up. And secondly, that increasing the size to twenty-three, and I direct your attention to page 5 D, "Assist the Chairman of the convention in his capacity as supervisor of the Research Staff of the convention." We're going to really do that Research Staff in. We're going to give them twenty-three bosses to answer to, and it's going to take them about two hours to get through each day's instructions with twenty-three bosses. We're going to make it, not only make it unwieldy--just inoperative, period. First of all, it's not a timely place to take it up; we're trying to get to the functions. Second of all, I don't think we should increase the size of this Executive Board at all. A lot has been brought up about the powers of hiring. We've provided for four Vice-Presidents; we're going to elect seven officers. This is going to give you some geographical representation. These seven people are capable of hiring, but that's not their only duty; it doesn't stop there. It goes much further--to administrative, to renting things, to daily tasks, where even people can do it effectively. You increase the size to fifteen or twenty-three and you've got an unwieldy committee that cannot function adequately. We need at this convention to have an Executive Board that can function quickly and adequately.

Mr. Henry Mr. Gauthier, pardon me for interrupting. That light looks like it might fall, up there. If you people sitting there would move. I don't know if that's an indication of something. You-all might move away from that. We're going to get somebody to check it out. I don't think it will bother anybody. It's the first light. I think if Mrs. Warren and that group will move I think the rest of you'll will be safe. It depends on how you vote as to what happens on that, I'm sure. Proceed, Mr. Gauthier.

Mr. Gauthier Thank you, Mr. Chairman. I think the light falling will conclude my talk.

Question

Mr. Roy Mr. Gauthier, do you admit that the word under capital letter D in Rule No. 18, "assist" the Chairman who is the supervisor, has nothing whatsoever and cannot in any way imply that the Executive Committee will be the boss of the staff?

Mr. Gauthier No, I don't, Mr. Roy, 'cause if they are assisting the Chairman, they can assume duties. You're going to give that power to twenty-three people and how they assist determines what they determine in their minds means "assist."

Mr. Triche Mr. Chairman, in view of the fact that we move to expedite matters, I am going to move to withdraw my amendment and later substitute it in Rule No. 16.

[Amendment withdrawn.]

Amendment

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Mr. Poynter Amendment proposed by Mr. Avant to Rule No. 16. On page 5, between lines 10 and 11 insert the following: "E. Any other provision in these rules to the contrary notwithstanding, the Executive Committee may, when performing the duties assigned to it in this rule, meet in executive session, but no committee action shall be taken while in executive session."

Explanation

Mr. Avant Mr. Chairman, fellow delegates, as was pointed out by Mr. Stagg, a principle part of the duties of the Executive Committee--and this has nothing to do with how it is constituted; I'm not making any reference now to how it is constituted--but a principle part of its duties will be the employment of personnel. Now, it goes without saying, that in the employment of personnel it will be necessary to discuss perhaps on many, many occasions personalities, character, suspected flaws in character and personality--things which are very important for the Executive Committee to consider in the hiring of personnel, but things which by their very nature cannot be discussed in an open meeting. For this reason, and I think it's self-explanatory and requires no extended discussion, I think that it is only proper and in fact is absolutely necessary that this committee, when it is attempting to come to some decision on those types of things, be permitted to hold those discussions in executive session. And I have provided in my amendment, however, that no action of the committee as such can be taken in such executive session. So, those are the reasons for this amendment. I think that they are very obvious, and I ask the adoption of this amendment.

[Amendment reread.]

Further Discussion

Mr. Womack Mr. Speaker, members of the convention, I had planned to take the floor on a point of personal privilege earlier to discuss this, not knowing at that time an amendment would be offered. I'm appearing now in favor of this amendment for the simple reason that the employment, the interview for prospective employment, and the discharge, if there be any, of personnel is something that should not be aired and it was not the intent to start with in the public advertising law that it would cover this field. I feel that the digging into the personal life, habits, accusations, rumors and so forth of any prospective employee is something which should be taken up by an Executive Committee in the discussion of the employee, and then the action taken in public. And I'm very firm in this belief. There could be rumors circulating that any member in here whose son or daughter who had a job might be of a character that wasn't worthy. And I would hate to see the news media come in and start digging into a public hearing as to why that individual wasn't employed or why they saw fit to discharge an individual because they had reason to believe that that individual has some black marks. I just feel that the action of this type of committee should be taken in executive session and their discussion of the character and qualifications of prospective employees is not a matter to be aired at an advertised meeting, to be given out as a public release. So I'd urge the adoption of this amendment.

Question

Mr. Stagg Mr. Womack, would you believe, or would you agree that if this proposed amendment which says "when performing the duties assigned to it in this rule" if there was an added language "with respect to personnel matters, meet in executive session," would you think that that would be a perfecting amendment that would make it say exactly what I think the mover probably intended?

Mr. Womack I think it would, yes.

Further Discussion

Mr. Burns Mr. Chairman and ladies and gentlemen of the convention, ever since the first one of us started campaigning last summer and it continued on up until this afternoon, I think one of the most outstanding themes or policies of this convention is going to be an open, wide open, convention and the public would know and be a party to anything that was done from this convention floor or in any of the committees. It has been by experience in life that once you set a rule or establish a precedent, if you let down the barriers in one instance, you open the doors wide for continuation of that policy--or that exception, rather. I don't think there should be any exception made at the Executive Committee meetings or private meetings with reference to the Executive Committee, especially when it comes to the employment of research assistants or any other employee that this convention may have occasion to employ. I think that any applicant whose past record or life is not open to the searchlight of publicity or open to examination, perhaps shouldn't be employed by this convention. And I think that if you let this down with the perfect record that we have made up to this point with reference to our open meetings and the public being taken in on everything that we do, if you let down in this one instance, you are going to destroy everything that we've done with reference to gaining the public's confidence as to our openness in this convention's activities.

Point of Information

Mr. Velazquez Mr. Chairman, what is the legal liability of the convention if information got to the public on an individual who applied for a job, which had an effect of decreasing his availability for other positions?

Mr. Henry Tom, you got to realize I'm a Chairman; I can't be a judge. I don't think that it would be in our interest for me to comment on something like that. I think that we'll just have to use some real sound discretion, which I'm sure that at the appropriate time, the committee will.

Mr. Velazquez Thank you, Mr. Chairman.

Questions

Mr. Silverberg Mr. Stagg, I figured that I had to get up here, too. I have this question, ladies and gentlemen, do we envision that the Executive Committee will carry out its interviewing, its discussion with the employer of the capabilities and the responsibilities in closed session, because we must realize in our interviewing that we will be talking about the personalities and the background. Are we going to do that in closed session? Do you envision this will happen?

Mr. Stagg Mr. Silverberg, I have to admit that I had only shortly discussed this with the mover of it, whose intention was that the only time the Executive Committee would not be meeting in open session was when it would be talking about the personalities and the capabilities of potential and then present employees and that such employees' relations problems would not be discussed by the Executive Committee out in the open, in order to prevent damage to the reputations of the reputations of people who might be charged with something or who might not have the capabilities that they offer this convention, to the service of this convention. And to save embarrassment to these people of such decisions by the Chair to hire or not to hire would be done outside of the purview of the open convention.

Mr. Silverberg Well, then, I have one other question. Will you hire or fire in open session?

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Mr. Stagg You will hire...the motion to hire individuals and to fire individuals would be the kind of thing that the motion goes on to say, "but no committee action shall be taken while in executive session." That the discussions would be, but the actions of the committee would be in open session.

Mr. Silverberg Well, then, Mr. Stagg, don't you think that you'll be defeating the purpose of an executive session and an executive session would be useless because you will have immediately destroyed the image of anybody you dismiss or do not hire, for instance.

Mr. Stagg Well, I don't believe so, Mr. Silverberg. It might come to that, but I do personally doubt it.

Point of Information

Mr. Stagg Mr. Chairman, when we are at this stage of the game, would it be appropriate for me to ask the Chair how much longer the convention will have to occupy these premises on this date?

Mr. Henry Well, unless the members know how to square dance we [are] going to have to get out about six o'clock, because there is a square dance starting in here shortly thereafter.

Mr. Stagg In other words, we will have to clear this chamber at about six o'clock?

Mr. Henry Yes, sir.

Mr. Fayard Mr. Chairman, the question is more properly directed to the proponent of the amendment. I would like to know if this amendment would...is intended to also exclude delegates from the executive sessions of the Executive Committee who may wish to appear before the committee and voice either a suggestion as to the hiring of an individual or suggestions as to staff positions that may be open for hiring? No, what I want to know is, am I excluded from this executive session, as a delegate of this convention?

Mr. Stagg Mr. Fayard, I did not author this amendment. I sought recognition for the purpose of discussing it with the man who moved it. And I cannot answer your question.

Mr. Fayard Would it be in order to ask the mover to answer the question?

Mr. Stagg I would yield for the purpose of letting the mover answer the question.

Mr. Henry Mr. Stagg, you can't yield but I think that it would not in all probability keep members of the...delegates to the convention from attending any meeting, irrespective of what type it was insofar as the convention is concerned. Were you going [going] to withdraw your amendment? There is some rumor to that effect and there's not any point in us dilly-dallying back and forth if that is going to be the case, Mr. Avant.

[Amendment withdrawn.]

Mr. Avant I have advised the Clerk that I will withdraw the amendment and will resubmit it by adding the words, following the word "rule" in the amendment, "with respect to personnel matters."

Mr. Henry Now is that the way? Again I realize we are out of order, but that's the...do you have that amendment prepared, Mr. Clerk?

Mr. Poynter I do, Mr. Chairman.

Amendment

Mr. Poynter The previous amendment being with-

drawn, amendment would now read: Amendment No. 1 [by Mr. Avant]. On page 5, at the same place, between lines 10 and 11 insert the following: "E. Any other provision in these rules to the contrary notwithstanding, the Executive Committee may, when performing the duties assigned to it in this rule with respect to personnel matters, meet in executive session, but no committee action shall be taken while in executive session."

Question

Mr. Weiss I think it's significant that the delegates should be able to answer this question. I ask Mr. Stagg, how many members of the thirty-five researchers will be selected by the Executive Committee, according to provisions of Act 2 of the 1972 Legislature?

Mr. Henry Mr. Stagg, you don't have the floor, but go ahead now because you are going to have to answer the question in some point in time. Proceed.

Mr. Stagg I would think that all of the members of the executive staff, the Director of Research, and the fourteen research assistants. The Act itself sets up that there shall be four research supervisors who are deans of the Law School and that also there'll be six members of the House and five members of the Senate who'll be appointed by the Governor. So we are talking about fifteen in the Act 2...we'll be talking about fifteen members of the research staff.

[Amendment reread. Previous question ordered. Roll call vote ordered. Amendment adopted: 85-63.]

Amendment

Mr. Poynter Amendment proposed by Mr. Rayburn and Mr. Fayard amending original resolution as follows: On page 5, between lines 10 and 11 insert the following: "F. Any delegate may attend any executive session held by the Executive Committee or any other committee."

Explanation

Mr. Rayburn Mr. President, fellow delegates--Mr. Chairman, rather--since you just adopted the amendment providing for executive sessions, I feel that this amendment is necessary. And the reason I say that, I have served in the Legislature many years ago where they would not allow a member of the Legislature in executive session. Senator De Blieux and I with a bill several years ago corrected that. These amendments simply say that any delegate of this convention can attend any executive session, regardless of what committee it may be. And I move the adoption of the amendment.

[Previous question ordered. Amendment adopted: viva voce.]

Amendment

Mr. Poynter Mr. Gravel sends up amendments, amending the original resolution. Amendment No. 1, on page 5, between the lines 10 and 11 add the following: Now section "G. Perform such additional duties as may be directed or prescribed by the convention."

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, this is just an additional provision that would authorize this convention to direct and authorize the Executive Committee to perform any additional duties that the convention determines should be performed in the future. This should be, I think, noncontroversial because the proposed rule is restricted to the things

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that are outlined in detail in the rules. This would just give the convention authority, which I think it already has, but I believe we should spell it out to give to the Executive Committee such additional direction and prescribe such additional duties as the convention may decide to do.

[Previous Question ordered. Amendment rejected: *viva voce*. Previous Question ordered on Rule No. 18.]

Closing

Mr. Staggs I wish to proceed to the vote and get on with the business of the convention.

[Rule adopted: *viva voce*.]

Mr. Henry Under the original motion of Mr. Staggs, we will now, I believe, proceed back to Rule No. 16. Is that not correct, Mr. Staggs?

Mr. Staggs Mr. Chairman, on behalf of the Temporary Rules, Temporary Rules...oh, boy...Temporary Committee on Rules, I move the adoption of Rule No. 16.

Reading of the Rule

Mr. Poynter Rule No. 16. Convention Officers. The officers of the convention shall be a Chairman, who shall be Chairman of the convention, a First Vice-Chairman, three Vice-Chairmen, a Secretary and a Treasurer. These officers shall constitute the Executive Committee of the convention, shall be delegates to the convention, and shall each be elected in separate elections by a majority vote of all of the delegates of the convention.

Mr. Staggs Mr. Chairman, I move its passage.

Amendment

Mr. Poynter Amendment proposed by Mr. Leigh to Convention Resolution No. 1 by Delegate Staggs, amending the original resolution. Amendment No. 1. On page 4, line 13, after the word "officers" and before the word "shall" insert the following: ", together with a representative from any Congressional District not otherwise represented thereon, to be elected by caucus of the members of the Congressional District involved."

Explanation

Mr. Leigh Ladies and gentlemen of the convention, The purpose of this amendment is to insure that every Congressional District will have a representative on the Executive Committee. I think we have labored the point that this is a public convention and in the state that everyone should be represented. With seven officers enumerated in the rule as submitted, there must be one, at least one, Congressional District which would have no representative on the Executive Committee. Assuming all seven came from the same Congressional District, there could be as many as seven Congressional Districts not represented on the Executive Committee. It seems to me the entire state should be represented on the Executive Committee. And the purpose of this amendment is to insure that every Congressional District will be represented, so that if a Congressional District is not represented by one of the officers on the Executive Committee, then it will have a member on the Executive Committee which member will be elected by a caucus of the delegates from the Congressional District involved. And I ask support of the amendment.

Point of Order

Mr. Roy Can the Chair entertain a substitute amendment to that?

Mr. Henry No sir, if you have another amendment

...you know, if you have an amendment you have to offer them in the form of an amendment, but no substitute amendment to the amendment.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I really don't object to Mr. Leigh's motion, except in one particular... and that is, he wants a caucus of the Congressional District to select that representative. Now since we didn't have a caucus to elect a Chairman, and according to the rules, we're not going to have a caucus to elect a First Vice-Chairman and three Vice-Chairmen, and Secretary and the Treasurer. It's alright to let him limit it to the Congressional District, but I think that the whole convention should have the right to pass upon that member from that Congressional District, the same way as the others. It looks to me like we are favoring that particular Congressional District that way. Now maybe you might not want to go that route, but I think that the whole convention, since they are going to select the other officers at large from the whole delegation, that we ought to have something to say about the representatives from the Congressional Districts, if we are going to choose one from a representative district. That's all I want to point out.

Point of Order

Mr. LeBreton In the event that this amendment was adopted, and then we had a further amendment changing the committee again, is it not true that the last amendment passed would prevail?

Mr. Henry Yes, sir, the way it is finally adopted. The manner in which the rule is finally adopted would prevail, Mr. LeBreton.

Mr. LeBreton Thank you.

Mr. Henry Yes, sir.

Point of Information

Mr. [A.] Landry Mr. Chairman and fellow delegates and lady delegates, as I read the act under which this Constitutional Convention was called, I was wondering whether or not under Section 2, Paragraph 3 where it says "elect from among their number an Executive Committee, the membership of which shall be determined by the delegates, which shall include among its members a Chairman, a Vice-Chairman of the convention." I'm just wondering whether or not if we elected strictly by Congressional District, whether or not we would be in violation of that particular act?

Mr. Henry I don't think you need have any fear in that connection, Ambrose.

Mr. Leigh I will accept an amendment to my amendment.

Mr. Henry Mr. Leigh, I'm sure that you would, but under the method which we are proceeding under, you can't accept an amendment to your amendment. If it is adopted, then it can be further amended insofar as the rule is concerned, but we are not allowing amendments to amendments.

Further Discussion

Mr. Rayburn Mr. Chairman and members of the committee...or the convention, rather...I can visualize what could happen if you adopt this amendment. Suppose we get three vice-presidents from the same Congressional District, and then get our Chairman from the same—I'm just using that—or Secretary or Treasurer. After all, I came here to represent my people. I'm in the Sixth Congressional District, and I love everybody in it; of course, I love those I represent in the far section a little better. I'd hate to see us do

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something here that would pit the metropolitan area against the rural area of this state, where they could not, or would not, have representation. And I hope that you go along with an amendment that was read here earlier, where you will have two members of the Executive Committee from each congressional district elected by the members of that district--just like you elected the Rules Committee. Then you would have representation from all sections of the state. And if I understand the amendments that are now before us, in the event that you have a congressional district does not get a vice-president, Secretary or Treasurer, then you would name one for the Executive Committee from your congressional district, but it does not say that if you get three, you got to give up one or two of them to kinda equalize it. It don't say a thing about that; not a thing. Just says if we can't get in, they'll just let us come by, just pass through, us country folks. Just to keep you from being completely whitewashed, we're going to give you one; if you can get three or four, that's your good luck. I hope that don't happen. I hope, and they've said a lot about a big committee, but if you're going to operate on a big committee, Brother Stovall, let's forty-five of us go home, Oseba, it's a pretty big one. Ain't it pretty big? We had an awful hard time getting together here with this huge committee we've got. But I haven't seen nobody ready to leave yet. They say that we'll have at least twenty members on all the little subcommittees. Pretty big, ain't it, but we don't need but four or five on the Executive Committee. I say to you, I hope we come up with a plan that will give every section of this state representation. I feel like they're entitled to that. And I hope that you will adopt amendments that will assure that.

[Previous Question ordered.]

Closing

Mr. Leigh Gentlemen, I simply want to say that the Executive Committee's duties as we have voted them in Rule No. 18 are largely administrative. I think that every section of the state should be represented on the Executive Committee, but whether we have one representative or three or even seven for any particular district, I see no reason why that should affect the workings of the committee. It seems to me that if we provide the Executive Committee shall have at least one representative from each congressional district, then we have provided representation for the public. I ask you to vote for my amendment.

[Amendment reread. Amendment rejected; viva voce.]

Amendments

Mr. Doynter Amendment No. 1 [by Mr. Roemer]. On page 4, immediately after line 17, insert the following: "The Executive Committee membership shall consist of the officers of the convention and one member elected from each Congressional District within a caucus of same to be held subsequent to the adoption of these rules." Amendment No. 2. On page 4, at the end of line 13, strike out the word "constitute" and insert in lieu thereof "shall be members of".

Explanation

Mr. Roemer Yes. The amendment pertains to the Executive Committee; it deals not at all with the Committee on Committees. I want to make that point first. I don't change any powers of the Executive Committee; I only purport to change its membership. I increase it by one member selected from each congressional district by that delegation...one. The major point that I want to make is that I'm in sympathy with all efforts to expand the Executive Committee, because I disagree with

those of us who would say that the Executive Committee has no power. I think it has many powers and consequently needs direct representation from each of the congressional districts. I only differ with those amendments prior to this and those that might come after who would have us expand it by a greater number than one per district. One per district gives us the geographical spread yet does not make the committee so large as to make it cumbersome. That is my only point. I think it provides representation yet does it concisely.

Question

Mr. Roy Mr. Roemer, since the convention just overwhelmingly beat the last amendment, which provided for only one delegate to be elected from each congressional district, and since I have my amendment up there which calls for two, essentially the one I withdrew under Rule No. 18, would you agree to let the convention take it up and see if it will pass?

Mr. Roemer Well, I would agree to that, Chris, because I am in sympathy of your aim to expand it, however, I disagree with your point that we overwhelmingly defeated the last motion because it had one delegate from each district. I think we overwhelmingly defeated the last amendment because it did not provide for one additional delegate from each district. That's all I'm trying to do. Now if no one agrees with me, that's fine. Vote against my amendment, but I would like to offer it as I submitted it.

Further Discussion

Mr. Abraham I would like to speak in favor of the amendment. It's getting close to adjournment time and I just think that this is an excellent compromise. We've had some people who say we do not want to expand the Executive Committee. We've had a group that says, "Yes, we want to expand it by two people from each Congressional District." So I think this would be a real unifying effort on our part if we would compromise on this issue here.

Further Discussion

Mr. Hayes There's been a whole lot said about just one, one from a district, but I think you have to keep in mind that you have to kinda satisfy the people at the Convention and I guess you have to try to satisfy the people back home, because we don't have sovereign power as we think we have. You do have to consider the people back home, in passing the Constitutional Convention. And the more people I believe that we could have on the Executive Committee, the more votes we would have for passing this document once we get it in some form in which we can present it to the people. So I wouldn't be for restricting the document to a majority of the people here would like to have more than one person to represent them from a district.

Further Discussion

Mr. Alario Mr. Chairman, fellow delegates, several times today, particularly in this discussion, members have come up and said that twenty-three delegates to compose an Executive Committee would be too large. I ask you what is wrong with having all segments of life of the people of Louisiana represented on the Executive Committee, to perform those functions that are necessary to run this convention, and to bring the document forward. I ask you, what's wrong in having minorities represented? Well, this would be virtually eliminated if we go with one from each congressional district. If you go with one from each congressional district, you begin to split this state apart. You begin right away to throw the Metropolitan New Orleans area into a turmoil. They will be pitted against each other, because of the way the first...because

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of the way the Second and Third Congressional Districts are so apportioned. With two from each district, we can accomplish the means and work out this compromise the gentleman just before, or right before the other one talked of. We need to have all segments of the people of this state represented. And the only way we are going to do that is to try to come to some means and some agreement that will do this. I ask that you would defeat this amendment and help support the next one which comes right above, right next, that will help to give the representation that is needed on this committee.

Questions

Mr. Duval Representative Alario, do I take it that you would also envision us having a Committee on Committees as well as the Executive Committee you propose? And that the Executive Committee would be confined to the duties as set forth in the adopted Rule No. 18?

Mr. Alario It would be to my feeling, my personal feeling...of course this would be entirely up to the delegates...that the Executive Committee would absorb the duties of the Committee on Committees, mainly because they are elected by the same process as we are talking about electing these people. If you're surely, these same people would probably be elected to this committee and perform the same duties.

Mr. Duval Then, I may ask you, if you want representation, don't you think that you'd get a good division of power and more of a broad base of representation if you had two committees, the Executive Committee performing the functions set forth in Rule No. 18, and the Committee on Committees performing its function?

Mr. Alario The only problem there, of course, is that then we're getting into the same people probably serving on the same two committees. And then, why not do it all at the same time?

Mr. Duval Of course they would be separate and distinct.

Mr. Alario They would be separate and distinct, but you're talking about possibly out of sixteen people, fourteen of these would be both on the Executive Committee and on this Committee on Committees.

Mr. Velazquez Mr. Alario, you have referred to combining the Executive Committee with the Committee on Committees, which is a snake we have been trying to avoid for a long time. Now you seem to think that this would result in the same people being elected to both groups. Do you really feel that the delegates to this convention and the leadership of the people of Louisiana is so poor and so few, that we don't have enough good men to staff a Committee on Committees and an Executive Committee, both on a two per congressional district basis? Do you have so little regard for the delegates of this convention that you feel we don't have at least four good men in every congressional group?

Mr. Alario Mr. Velazquez, I believe we have as much as twenty-five or thirty good men in each congressional district. The issue is not the point. The point is what are the politics in that particular congressional district. It's fine with me, if that's what the delegates want to do is elect four. Fine, just as long as we have proper representation and a cross section. My objection is that we don't have the representation with only one from each congressional district.

Mr. Velazquez I'd like to say that I do agree with you on that point. I look upon the key to this as being not numbers, but balance. It is necessary that we have a Committee on Committees

based on two per congressional district and I'd be willing, if you were to accept that concept, to go along with also having two from each congressional district on the Executive Committee. The point I'm trying to make is that we are not so short of skilled delegates that we have to elect the same people to the Committee on Committees as we elect to the Executive Committee. This is the only point I'm trying to make. Balance is the word, not numbers.

Mr. Alario Well, of course, this next amendment that comes up provides for two from each. The Executive Committee, to my knowledge, doesn't.

Mr. Henry Mr. Alario, confine yourself to...we don't even know whether there will be a next amendment or not. So confine yourself to your amendment.

Mr. Alario It doesn't necessarily mean that we are going to knock out the Committee on Committees. That would be up to the delegates again on the very next ballot.

Further Discussion

Mr. [J.] Jackson Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the present amendment. On Senator Rayburn's mention of representation he was concerned about the representation that's based on geographical location. I, too, am concerned about that. I would also like to suggest that as Representative Alario has mentioned, that there are other segments and other considerations that we should take into hand before voting on this amendment--the fact that we do have females here; the fact that we do have minorities here; the fact that geographical representation will be a factor. And on those grounds, particularly on the fact that as the congressional districts are so set up now, that if this process continues to be the main criteria for representation, at least balanced representation, I am very much concerned, as I said before the Executive Committee. And I'm particularly concerned about your making an inclusion, but at least make it fair, whereby the potentials of the minorities, females, and geographical representation can be shown on the Executive Committee. And as this amendment is being proposed by Mr. Roemer, as this amendment is being presented, it denies and sort of perpetuates the sort of conditions that basically the minorities and people from various geographical areas are concerned about. And with that concern, I ask that you vote this amendment down and give some very serious consideration to laws accepting two from each Congressional District.

Further Discussion

Mr. Rachal Mr. Chairman, ladies and gentlemen, I rose earlier because we started at 2:15 to discuss Rule No. 16. And it was felt very strongly we couldn't decide on that without discussing Rule No. 18. And as we discuss both of those rules, there are undercurrents and concerns about Rule No. 52, which has to do with the Committee on Committees. I have listened to the arguments of both sides, and I really can't see what's so sacred about the Committee on Committees, especially when it gets referred to as being undercut or eliminated or them trying to take something away from it. Actually in talking about increasing the Executive Committee, two from each district, the same thing which Rule No. 52 calls for, we seem to feel--I get--that the Committee on Committees is even more important than a continuing membership on the Executive Committee. As I read the rule, the Committee on Committees will decide on who will have membership on various committees. Beyond that, it seems to me there is no other function for the Committee on Committees. We talk about electing two from each congressional district on the Committee on Committee which duty could be assumed by the Executive Committee. We

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could continue to have the two representatives from each congressional district remaining on the Executive Committee. Now there are those who say that the Executive Committee doesn't have that much to do. But I sincerely feel that C. under the duties under the Executive Committee is quite a sleeper, and I would like to feel that there would be broader representation. Therefore, I feel that that current amendment before the house of one delegate from each is an insufficient number, an inadequate kind of representation, and I would appreciate hearing from the membership what is so sacred about the Committee on Committees that we must continue to debate the present issue.

Question

Mr. Velazquez Do you think that if the Committee on Committees serves no purpose whatsoever, is of no value, and has no effect, how come everybody wants to put it? Now neither Matthew, Mark, Luke nor John was appointed to the Rules Committee; human beings were elected to the Rules Committee. And they were put together to set up a balanced document which would be fair to all the citizens of the state of Louisiana, to all the delegates of this convention and which would be fair to our esteemed Chairman. One of the criteria that we always took was: let's not ever put our Chairman in an embarrassing position. My... I will restate my question: does the speaker feel that if something is useless, why is everybody jumping on it?

Mr. Rachal I'd be happy. I did not in any way mean to suggest that the Committee on Committees was useless. In fact, I want to... this is not a part of the amendment, Mr. Chairman, but in answering the question, I'll have to give my personal opinion. I feel that the Committee on Committees is very important. However, I am not doing away with their duties. I think it should become a part of the Executive Committee. I think the strength in that argument is that we will not have gone through the motions of electing two representatives for each congressional district, only to have one who will be on committees and who no longer function. I think it will be more important if we spend our time to elect those two representatives. Let them assume those same duties on the Executive Committee as a subcommittee if necessary. That can be debated. But then they remain on the Executive Committee to continue to represent their congressional district.

Further Discussion

Mr. Burson The point I would like to make is that we have here all sorts of interest groups. Geographical representation is historically part of our tradition. Now when we talk less parish representative for each congressional district, I only ask those of you who come from the congressional districts of Metropolitan area of New Orleans, which is a relatively compact area, to remember that those of us from the Eighth Congressional District come from a district with fourteen parishes in it and where we talk the way from Alexandria down to Napoleonville. And for us to choose one member from that congressional district is by definition going to leave an awful lot of people unrepresented. I served on a parish school board. There are many members here who have served on school boards, police juries and other local governments. You know that people will fall out even over ward representation, much less parish representation. I would say we have a much better chance to have adequate representation for all of the legitimate interests of this convention rather than token representation, if we expand the Executive Committee to more than the one per congressional district as suggested. I have changed my mind on this point. I started out today believing that we should have a very small committee, as suggested by the Temporary Committee on Rules. I have changed my mind primarily because I have heard such strong, obviously earnest opinions to

the contrary today and I think it's the overwhelming feeling of this convention that we want a wider representation.

Further Discussion

Mr. Flory Mr. Chairman, delegates to the convention, I rise in opposition to the amendment, not in its construction but in the fact that it does not, in my judgment, provide what I consider to be adequate representation for the public at large on the Executive Committee. You look at the duties spelled out now, that have been adopted so far by this convention, as to the Executive Committee. You find that they have more than adequate duties right now to justify at least two from each congressional district. Assuming that we have problems of politics in the various congressional districts--you have urban vs. renewal, you have the element of race, you have the element of sex, all taken into consideration--it is my judgment that we would be far better off if we were to expand it to at least two per congressional district rather than as proposed under the present amendment. Therefore I rise in opposition to the proposed amendment.

Further Discussion

Mr. Reeves First of all, let me apologize for being up here again, but I do feel strongly in this matter. I also would like to apologize for the late hour. I will limit my remarks to only two items, two or three. One of those items is in reference to the number of people, proponents and others who have stated that the Executive Committee is not going to need to be a large body, due to what its going to be working with. What I feel is that we need at least two persons on the Executive Committee for the reason that we do have a lot of work to be done in the Executive Committee. The budget is one thing that needs to be taken care of for the budget, as far as I'm concerned, and as far as the people in the Twenty-Second Representative District is concerned, is their business. This is not my money they're spending, this is not your money that we are going to be spending. This money is the great state of Louisiana's money and that means that my Mama and all those folks who voted for me and those people that didn't vote for me, that's whose money we got to be worrying about. And the Executive Committee needs to take into consideration the people in Winn Parish, the people in Caldwell Parish, the people in LaSalle Parish and all the folks in the Fifth Congressional District, and I don't feel that one person from the Fifth Congressional District is enough representation on the Executive Committee. The second thing I would like to take care of is this: we have heard a number of people get involved with the Committee on Committees and there was a bit of discussion in reference to Representative Alario's remarks. I simply see this as a subterfuge. I'm not worried about the Committee on Committees at the present time, as far as I would... in reference to the Committee on Committees, there has been a lot of discussion. I think my discussion at the present time is out of order to be discussing the Committee on Committees; I think it was before. It is immaterial, it's not even part of the discussion. My book, says on page 16 we discuss Committee on Committees at the present time, I'm on page 4. That means I'd better either sit down, because I'm on the wrong page, or I'd better do what I'm supposed to do on page 4. So I'm going to talk on page 4, which is the consistency, of what the Executive Committee is made of. And I feel very strongly that Mr. Roemer's amendment needs to be voted down for the reason of this: I feel we need at least two folks on the Executive Committee per congressional district. I feel that one is not enough, and I cannot reiterate it enough. I feel that one person is just simply very few and not enough. Our Fifth Congressional District is very large, probably the largest in the entire state of Louisiana. The blacks can't be represented; me as a young

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person can't be represented. I'm not a politician, or I will put it this way, I may have grown up in politics and been a politician, but I'm not a big politician. The only office I've ever held in my life is a member of the Democratic Executive Committee in Winnfield, or Winn Parish, and this particular position I hold now. And I cannot accept that this convention is controlled, or there is an attempt to control it. And I simply feel, again, that we, if you are for the people of the state of Louisiana and if you told the folks in your district that you were going to represent them, Baby, you'd better vote number one down, as far as one person per congressional district, 'cause you're not representing the people that you agreed that you were going to be representing; you're representing only one person. If you agree that we need more representation per congressional district, and if you told your people, if you told your people in your heart that you were going to represent them, and those are the people that really count, then you're going to vote for two per congressional district. Thank you.

[Previous Question ordered.]

Closing

Mr. Roemer I'll only close briefly by saying that the rhetorical overkill of this convention is amazing. We had a succession of some eleven speakers who all agreed one with the other. The number eleventh one sounded like the first one. I might address a few remarks to their statements. First of all, as regards the infighting in Orleans, it was suggested that if we only take one from each congressional district, we would pit one part of New Orleans against another. My suggestion might be if we elect two members from each congressional district, we might pit two parts of New Orleans against each other. I think they are doomed to be pitted. My meaning and intent was simply this: we all agree the committee needs to be expanded. My purpose in expanding it by one is to get statewide representation, not by two, so thereby the committee will be of size enough that the administration of a convention can be handled. The administration of a convention can be handled. And that is the job of the Executive Committee, the administration of a convention. One person gives us statewide representation, yet makes it small enough to do just that.

[Amendments rejected: *viva voce*. Adjournment to 10:00 o'clock a.m., Saturday, January 13, 1973.]

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PRAYER

Mr. De Blieux Our Father, we ask Your blessing upon us today in our deliberation for all state officials and all others who are holding positions of leadership. Let all of our actions this day be in Thy service and not the least embarrassing to You. We ask this in our Saviour's name. Amen.

PLEDGE OF ALLEGIANCE

ROLL CALL

[122 delegates present and a quorum.]

UNFINISHED BUSINESS

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

Mr. Henry The Chair now recognizes Mr. Stag to proceed with the adoption of the rules. I believe that we were on Rule No. 16, if I'm incorrect, correct me, Mr. Clerk. There has been a motion by Mr. Stag for the adoption of Rule No. 16, and we were in the process at adjournment yesterday afternoon on considering amendments.

Amendments

Mr. Poynter Committee Resolution amending Committee Resolution No. 1, amending the original resolution as follows: Amendment No. 1 [By Mr. Roy], on page 4, line 13 immediately after the period strike out the remainder of the line in its entirety. Amendment No. 2. On page 4, strike out lines 14 through 17 in their entirety and insert in lieu thereof the following: "There shall be an Executive Committee which shall be composed of the officers of the Convention and sixteen delegates, with two delegates to be elected from each Congressional District in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Executive Committee shall elect from itself a Chairman and such other officers as it deems necessary. The Executive Committee shall have such duties as are prescribed by law or hereinafter set forth in these Rules."

Explanation

Mr. Roy Ladies and gentlemen of the Convention, I think yesterday evening right before we adjourned that we were about to get to this amendment which I believe most of the Convention supports. Let me say this morning, quite frankly, that yesterday, I contemplated that we would do away with the Committee on Committees and make it a part of the Executive Committee. When speaking with several of the other delegates and realizing that most people are very much interested in assuring as much participation of all people and all segments as possible, and realizing that the best way to get a true Convention and make up of this committee, I thought and I will tell you right now, that I'm opposed to doing away with the Committee on Committees. I'm for leaving that intact and I think this particular amendment should be passed as is at this particular moment.

Questions

Mr. Kean Mr. Roy, I have prepared and have submitted to the Clerk this morning an amendment to this Rule No. 16, which would provide that no member of the Executive Committee other than the Chairman, may serve on the Committee on Committees. Do I understand your statement here today to be that you would support that amendment?

Mr. Roy I certainly would.

Mr. Juneau I want to thank you for staying up

until two o'clock and accepting that, Mr. Roy. The question that I have Mr. Roy, I noticed in your amendment you said from the Executive Committee that they can elect their own Chairman. I think we've stripped Chairman Henry as far as we can strip him. It seems to me that in the duties of the Chairman we've contemplated that he's the Chief Executive Officer of this Convention, and I'm willing to give him that much. Don't you think that would be good?

Mr. Roy Yes, I think it would. I move to amend that particular portion that Mr. Juneau is talking about, so as to allow the Chairman of the Convention to serve as Chairman of the Executive Committee.

[Amendment withdrawn and resubmitted with corrections.]

Questions

Mr. Perez My question is whether you would be agreeable to an amendment which would provide the following would add to your amendment, provided that the Executive Committee shall not serve as the Committee on Committees?

Mr. Roy I would agree to that. I think that Mr. Kean's particular question went to that, didn't it? So unless it's just going to take up time, I agree in principle with that.

Mr. Drew Mr. Roy, as I understand your amendment, you would delete the last part of line 13 and all of line 14 through 17, is that correct?

Mr. Roy Yes, sir.

Mr. Drew Are you not in effect deleting the requirement that the officers be delegates and the provisions for the election of officers, when you delete those four and a half lines?

Mr. Roy I don't believe, because the provision says that the delegates, the people on the committee will be delegates to be elected from each Congressional District.

Mr. Drew But, you are leaving out the means of electing the officers is what I'm saying, as provided in the present Rule No. 16. They'll be elected in each separate... in separate elections by a majority vote of all the delegates of the Convention. Would you leave that clause?

Mr. Roy Yes, I would be in favor of leaving this clause.

Mr. Stovall Mr. Roy, do I understand that Mr. Perez's statement, because the part of your amendment...

Mr. Roy I said I was in favor of that in principle, but I thought that Mr. Kean's amendment that he would later submit covered that position.

Mr. Stovall Couldn't we include both in the amendment? I'm not trying to amend your amendment. I'm simply asking you to accept it and make it a part of your amendment.

Mr. Roy I would accept it.

Mr. Stovall He would accept it, but would you add that? Give those words to the secretary, and it all becomes a part... we have one vote.

Further Discussion

Mr. De Blieux ... that sixteen people as a result every time that Executive Committee meets is going to increase the cost of this Convention by eight hundred dollars. That's not a large sum. It depends upon how often they meet. I don't know whether or not the twenty-three people that would be on the Executive Committee can do a lot more

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than it could do. But there is one thing that I am particularly concerned with and that is by our actions, are we going to gain greater confidence of the people of this state by putting on eight more, that is, sixteen more people on the Executive Committee who, in my opinion, won't do any more good than the seven that we have that we will select. If they are going to be an administrative committee, administrative or works economically, because I think as it has been seen in the past, the people are more afraid of what we are going to do to their pocketbooks than what we are going to do to their personal liberties. Now, I just want to stress that particular point. The more I look at these rules, although I had impressions to start with, the more I'm convinced that this Rules Committee did a little better job than I thought they did. I know they worked hard at it because I was there part of the time, and I heard part of the discussion. There are a few things that I think that maybe we ought to kinda check on—maybe do a little bit different. Some of the things that they might have missed, but overall they did a pretty good job, and I think it was an independent job. I hope that we can make this Convention look at least lead the public to the conclusion that this Convention is an open, independent Convention, and that we are going to be working in their interest rather than our interest or somebody else's. I think, and I just ask you, let's don't go cluttering up our Executive Committee with a lot of additional people, which I don't think we need.

Questions

Mr. Velazquez Mr. De Blieux, do you believe that democracy is greater served by decreasing the number of representatives of the people?

Mr. De Blieux It depends on what those people do after they are selected, Mr. Velazquez. That's the point. I've known a lot of people that can still be undemocratic in their actions and some few people can be more democratic. It all depends upon the individual.

Mr. Velazquez Do you not think that the people of the state would be more conducive to approving the final draft of this Constitution, if they thought that they had significant representation on every level of the Convention, rather than decreasing the size or keeping the size of the Executive Board at a smaller number which might not end up being representative of all discordant interest in the state?

Mr. De Blieux Mr. Velazquez, I can go along with increasing the Executive Committee to insure that every Congressional District can have at least one representative. But, I think that when you put it beyond that point, you are stretching it a little bit too far. I don't know that two additional people would be any better than three additional people from each Congressional District. If you...why not put the whole Convention on the Executive Committee, if you want to be sure that everybody is represented.

Mr. Velazquez Well, I'll be very happy to go along with three, but I think that two is a nice, workable number.

Mr. De Blieux Well, I just think that the more people you get, sometimes the harder it is to reach a reasonable, qualified decision.

Mr. LeBlieu Senator De Blieux, I don't know if this is correct, but I had understood that the opening day session out at LSU cost \$20,000. Part of that was for rent of the building out there. My question was if that is true, how could you criticize the fact that \$500,000 additional for each meeting would be unjustifiable?

Mr. De Blieux Mr. LeBlieu, I had nothing to do

with making the arrangements with LSU. I don't know how much it cost. But, I can tell you one of the things that I have been concerned with, because I know in talking to the people that they are very much concerned with how we spend our money. Maybe it was wrong to hold that session out there and spend that much money if we could have found some other place to do it. I don't know. But, there is one thing that I do know—that the people are going to be watching our actions very carefully—and I just want to be sure that what we do here today and what we do in the future that it will be acceptable by the people, because this is going to take a lot of time and effort on most all of our part. I would certainly hate to waste the time and effort that we put into this and have it rejected, because of some little small sum like this. If we can assure that this will not jeopardize our confidence, that is the people's confidence in us and our actions, I would be willing to spend ten times that much, if it would do good. But we ought to watch what we do and be sure that we don't do anything which the people can criticize us for doing, just because it might be to the advantage and the disposition of some of the delegates.

Mr. Leithman Senator De Blieux, one of your comments in the objections was the money. And it comes to mind the Constitutional elections that we've had down through the years, and I'm not familiar with what the statewide cost is, but I know what it is in a parish such as the size of Jefferson. It's enormous. I think with an expenditure of moneys for committee meetings, I think we're being shortsighted, because I feel with a good Constitution, properly written, I think in the long run, this \$800.00 committee meeting will actually mean nothing. Do you agree with that? Do you not agree with that, Senator?

Mr. De Blieux I agree with you on that, Representative Leithman. I'd say this. That it's not the amount of money that disturbs me in this respect. But it is whether or not it is necessary expenditure of money. We don't know that we are doing something that the people as a whole can benefit from. And my opinion, from the way I read the rules, the way that they are presently set up, that the seven man Executive Committee can do the job which will only cost whenever they meet and they are going to have a lot of work to do and a lot of meetings to attend to if they do their job right it's only going to cost us \$350,000 at the time that they meet. In fact of the business, it will cost less than that because as you well know, our Chairman has said...has said that since he is the Speaker of the House he will not be on a per diem. But if we go and load up the Executive Committee just to give somebody else some position, and increase our costs, every time they meet, over a period of time that is going to be pointed out by somebody that doesn't like the idea. You can bet your bottom dollar on that. And we've had some pretty close elections in this state, and I just want to be sure we don't lose the confidence of the people by some little small action like this, other than on some big issue that we might be engaged in. And I tell you this. An election in the state right now costs pretty close to...statewide election, a million dollars.

Mr. Leithman And, Senator, you touched on another point that I'm glad you did regarding the public confidence and what have you. And of course, I'm here representing the people of my parish as you are. We have some 350,000 people. The way, with one per Congressional District, it is very apparent that the second largest parish in the state would have no representation on its Executive Committee. I think the people would be a lot at this time by parish, the 350,000 people, with strong emotions if they are not represented on something so

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important as an Executive Committee. And of course, the point that I'm trying to make is that we are trying to get a good Constitution together, but also we are trying to get every big group and every segment of the state behind the ratification. And I think my parish will look at this with very, very down eyes, really, if we did not have any representation on such an important committee. Do you agree on the ratification and pleasing the people back home, sir?

Mr. De Blieux That's why I am concerned with more than anything is pleasing the people back home about this. But I can say this that there will be a lot of parishes that won't have representation on the Executive Committee, even if this amendment is passed.

Mr. Smith Do you perceive of the Executive Committee having two primary functions that of being a nuts and bolts type of daily administration function as well as that of being a watchdog committee to watch the spending of funds and so forth?

Mr. De Blieux Yes, I do. They will have a very important function. Yes, I agree.

Mr. Smith Can't some of the duties as far as the daily administration of this work be delegated to the staff or to someone else?

Mr. De Blieux I think the Executive Committee can perform that function better and they will have the overall say of how we operate. Now, that's why I believe that a small Executive Committee could do a much better job than a large one could.

Mr. Smith Isn't it true that as a watchdog committee function, couldn't they meet periodically, say once every two weeks or once a month?

Mr. De Blieux To be perfectly frank and honest with you, I don't contemplate the Executive Committee being, you might say, a periodical meeting Executive Committee. They are going to be in session very numerous times. They are going to have to, to perform their functions.

Mr. Smith You don't think that this small extra cost is worth the money, so that the people of the state might have fair and adequate representation on this committee, which you say is going to be a very important committee?

Mr. De Blieux I just think that you are broadening the Executive Committee to where that they may lose confidence in it because of the numerous times that they will have to meet and because of the large number of people that will be recalled in the session.

Mr. Flory What, in your judgment, do the people of this state consider to be most sacred, adequate representation or the mere expenditure of an additional \$800.00, when the Executive Committee, who is charged with the responsibility of administering the affairs of this Convention during recess and the supervision of the staff, etc. What do you think that the people would consider most sacred to them, adequate representation or \$800.00 dollars?

Mr. De Blieux Mr. Flory, in my dealing with the public in trying to sample and find out a public opinion, as I stated a few minutes ago, I think they want fair representation, but they want it at economical prices. They are a lot more concerned as to how we spend their money than anything else I know of.

Mr. Guidry Senator De Blieux, I realize you want to see the money and I'm all for it. I'm just sitting back here and figuring out since you've been at the mike and for what it costs us to work for seven hours a day, you have just cost me

forty-five dollars so far. Do you realize that?

Mr. Henry Let's proceed orderly, ladies and gentlemen. Mr. Guidry.

Mr. De Blieux Representative Guidry, I would say that you and I both are going to cost the state a lot more than that forty-five dollars before we are through with this Convention.

Mr. J. Jackson Senator, you know I can understand your concern about finances, but let me suggest to you that in the act that provided for the Constitution for the calling of this Convention and the composition of this Convention, you know, we could have very well said that 105 representative districts could have represented every parish within the state. And yet and still we added, not considering cost, we added an additional twenty-seven delegates to cover the major interests in concern throughout the state. So I think that ... you know cost should be considered, but I think that there has been a precedent set forth by the appointment of twenty-seven delegates who also receive the fifty-seven dollars. We could have as a matter of logic and as a matter of representation just went along with a hundred and five representative districts.

Mr. De Blieux Representative Jackson, I agree with the appointment of the twenty-seven delegates. I think that was okay. And I might say this, it's not the amount of this additional expense that I am complaining about. It's what I would consider the unnecessary expenditure of this fund. We do not need these additional representatives on the Executive Committee. If they are talking about the committees that are going to do the substantive work, Mr. Chairman. What I started to say in answer to Representative Jackson's question, it is not the particular amount here that I am concerned here with. It's what I would consider the unnecessary additional expenditure. And those little things sometimes which can cause the loss of public confidence, rather than maybe some big expenditure sometimes. Those are the ones that get the most publicity. And I just want to emphasize to you again, that we have got to maintain public confidence. Now if this was to have represented upon individual committees, substantive committees, who are going to do the work of this Convention, yes; certainly, I think every segment of our society ought to be represented on those committees. But for the Executive Committee that's unnecessary to add sixteen people to it. I just don't think we ought to do it.

Mr. Reeves Senator De Blieux, I've enjoyed your remarks very much, but would you consider asking for the previous question, please, sir?

Mr. Henry Mr. Reeves, you are out of order even making such a suggestion. Please, sir, there are a lot of other people who want to get their licks in on this, too. There are eleven people on this list at this point in time. Now you can make the motion, Mr. De Blieux, but in the interest of fair play...

Mr. De Blieux No, Mr. Chairman, if there are no other questions, I'll yield the floor.

Mr. Henry I thought you'd understand it that way. Thank you.

Mr. Warren Senator De Blieux, at one time I thought it was finance that you were concerned about. Then you said it's not. Then you said that the governor appointed twenty-seven delegates and you thought that was nice. I have no objection if it. I feel that they are a part of this Convention as much as we that ran and were elected. But, in the same time, do you think that each delegate, a hundred and five districts could have represented, they bring anything else that was designated by the Governor. That would have cut

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back on some of the expense. Is it really expense? I would really like to know what is the reason that you are against the representation of two delegates from each representative Congressional District.

Mr. DeBlieux The, what I'm concerned about is lack of public confidence, because I don't think we need those additional representatives on the Executive Committee.

Mrs. Warren Public confidence, Senator DeBlieux, is one thing. Are you thinking about the people from the district that you are representing, or are you thinking about the people from all over the state? I represent one representative district which includes white and black. I intend to represent them all and I'm not even interested in an executive position, because it's going to keep me from having the contact that I will want to have with all of the people from my district. So, I am looking for public confidence, too, and they are expecting me to come back and tell them something.

Mr. DeBlieux Mrs. Warren, I'm concerned about the people throughout the whole State of Louisiana. I think if we are going to take the vote of all the people in the state, that is going to be subject to them to ratify this Constitution. And so I want to be sure that when it goes to the polls, we will have that confidence in our work to whether they want to vote favorably for it.

Mrs. Warren One more question. In the final analysis when this document is finished will it be the Executive Board that is going to sell it or are you-all going to expect for the people from the representative districts to get out there and pound the beat and say this is good.

Mr. DeBlieux Mrs. Warren, that job is going to depend not only on the Executive Committee but all of us to do that job, as well as other people outside this Convention that have confidence in us.

Delegate Kean in the Chair

Further Discussion

Mr. Smith Mr. Chairman, fellow delegates, I'm going to speak very briefly. I'm not, I don't get up on this floor much, about once a day. I'm probably in the minority. I've been in it quite a bit in the last sixteen years when I was in the Legislature; I'm used to it. But I always believe in getting up and speaking for what I believe in and speaking my convictions, whether you agree with me or not. I was on the Rules Committees. I'm not sensitive if you-all don't go along with everything, but on this particular issue, we gave a lot of thought to the composition and the duties of the members of this committee. I should be on it and I'm in favor of keeping it like it is; I see no reason whatsoever of increasing it, political reasons, two from each Congressional District. The duties don't call for a large committee. I think it would be unwieldy, not necessary. Do you realize that we will have one-fifth of the members of this Convention on this committee? Those about the expense, it'll be fifty dollars a day. That's not too much in doing the work of the committee, but they'll meet quite often. Somebody said they'll divide themselves into sub-committees, but we have no reason to know that. When you go to hiring the personnel, you're going to have a chaotic condition, having twenty-three bosses. And anyhow, I think after probably this committee, after it is made sixteen or twenty-three, which it probably will be, they'll ask for more power. We worked hard on this particular section, and I feel like it ought to stay like it is, and not be increased anymore to twenty-three members. Just so every district would have somebody on it; the duties don't call for it. We have a committee on Committees; that's where the work is going to

take place. I say, let's quit this political thing, trying to increase it just for political reasons. A lot of you-all have political motivations, I have none. I'm not seeking any other office. I'm here today to do my duty for the year, to try to write a good Constitution, one that the people will accept. If we're going to fool around here and talk about the composition we want, our district in order to have that district, which is not of any necessity of it for the duties involved, I say, let's go ahead now and let's do it like it is and add sixteen more members for what reason I don't know.

Further Discussion

Mr. LeBreton Mr. Chairman, members of the Constitutional Convention, I rise very much in favor of Mr. Roy's amendment. I think that this amendment will give the people of our great state full representation on the committee that will be the steering committee; the committee that will work throughout the Convention. By this amendment, we do many things; among them will be to take care of the minorities. I hope that the minority interest, whether it be black or any other minority interest will be fully taken care of in the Committee. That the matter of female representation on the committee will be taken of. That the appointed people as well as the elected people will be taken care of on the Executive Committee; and certainly geographically North and South, East and West will be taken care of. I thoroughly agree that the Committee on Committees should stay in the Rules, however, when their work is completed, the committee's work is finished. This will be true with the Rules Committee, but it certainly will show the public, the citizens of this great state, that this Convention has been most fair, because they are electing the people from the Rules Committee, the Committee on Committees on the Executive Committee. Each Congressional District elects their own representation. By gosh, I think that that should remove any doubt that this was a controlled or stacked Convention. Certainly we couldn't be fairer than going to the people in the district and asking them to give us, the delegates, the Convention, who do we want from the Second Congressional District, such as in my case? I therefore say to you in conclusion that I think this is the fairest way that we can see that everybody is represented. Remove the image of being controlled and with that we can go forward. I congratulate Mr. Roy on a good set of amendments.

Further Discussion

Mrs. Taylor Mr. Chairman and delegates, I had a number of things in mind to say, but on my way up, Mr. Guidry reminded me not to cost the state forty-five dollars, so I will limit my remarks. But I would like to say, that I wholeheartedly support this amendment to the Executive Committee, whereby we would elect two persons from each Congressional District. Why...because I truly believe that this is the only way that we are going to get equal representation. As Mr. Jackson stated earlier that according to the act that provided for this Constitution, one hundred and five persons were elected, and to take care of those persons who were not elected to represent all factions, appointments were provided. And I think in this case after electing the seven officers, that we ought to think in terms of other persons who will not be represented by those seven officers. You know, I used to think that we held the distinction of being labeled as minorities, but I hear that today that you know, and other things, joining that group. I've heard so many identify themselves as minorities. And I think it's important that all minority groups be represented. I'm talking about youth. And if we elect seven persons; can you assure young Louisianians that they will be represented in that number of seven? Can we assure the black community that they have been represented in that number seven? Can you

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assure women across the state that they, too, have been represented in that number seven? Likewise, the appointed and elected delegates, North Louisiana and South Louisiana, but I say if you allow us the opportunity to elect two from each Congressional District, that the persons who are concerned about the final passage of this Constitution will consider all factions and make sure that we do have equal representation. And I urge that each of you who are concerned about the future of Louisiana; that each of you who are concerned about the passage of the Constitution; that I think in terms not only of the money that it's going to cost the state, but more so of equal representation. I urge the passage of this amendment.

Further Discussion

Mr. Stagg Mr. Chairman, I rise in opposition to the amendment by Mr. Roy. I realize full-well the importance that those delegates supporting the Roy amendment have placed upon membership on the Executive Committee. I also feel very strongly that far, far greater stress ought to be placed on the Chairman and the membership of the substantive committees, whose duty it will be to prepare language for the amendment in the later stages of this Convention. Beginning next week, this is where the action will be in this Constitutional Convention in the work of the substantive committees; and for the next six months this will be true. Later in this session, an amendment will be offered that the members of the Executive Committee will not be serving as chairman of a substantive committee. This, I don't believe, has been considered by the proponents of the Roy amendment. I don't know where else to go, except back to the debates in the Rules Committee, where we sought very sincerely to produce a balance of the power of the delegates of this Convention to disperse it as widely among the delegates as possible. I hope the action on this Roy amendment, whether it is voted up or down, I express the hope while I am on my feet that this will break the logjam that we have met this morning and in yesterday's session. We have the rest of these eighty-eight rules to consider and I would hope that we would not have to recess this Convention in order that I or anyone else want to watch the Redskins beat Miami will be able to do so.

Further Discussion

Mr. Anzalone Mr. Chairman and fellow delegates, you've heard a great deal this morning concerning the two members from the Congressional Districts being on an Executive Committee. Now, regardless of whether you realize it or not, or whether you want to admit it or not, there are divisions in this state. Now for years and years you've heard of North vs. the South. We in the Florida Parishes never got into that, and then now you come to us to your Congressional Districts. I would like to assure that most of you—all realize that we have divisions within our Congressional Districts, too. Now there are those from the country and those from the city. We feel like that we from the country are entitled to just as much representation on any committee that this Convention has, whether it be to buy issue paper or what. There are those and here is a map of the Congressional Districts of the state that you could look at at your convenience. There are Congressional Districts in this state that run almost the breadth and length of this state. Is one person from one end of a Congressional District going to be able to adequately represent or to satisfy, I should say, the people from the other end of that Congressional District? I think we can do a much, much better job by having at least two. Now, if we start having one person from each Congressional District now, what are we going to do when we get into the committees to write this Constitution and then we are going to say, "Are we going to exclude somebody from Congressional Districts?" I would submit to you that the proper thing to do is to

begin now to give each and every person as much as possible, representation in this state on any committee that we have to insure the passage of this Constitution once it is written. Now, I'm not from Jefferson Parish, but I understand that Jefferson Parish is situated in three separate Congressional Districts. Now I don't know how much, how you-all feel about the passage of this thing, but I certainly want Jefferson Parish to vote for it and I don't want Jefferson Parish to be excluded from anything. Neither do I want Tangipahoa Parish to be excluded from anything, and I'm from Tangipahoa Parish.

Further Discussion

Mr. Hayes Mr. Chairman, I've heard a lot about the, well, say such statements as cost I hope will not be used to scare the Convention. I'm probably sitting back there between two men now who might, no doubt, finance the Convention. I haven't asked them yet, but I believe they would if we run short of money. But we have such committees as small as the little...the Education Committee here, the Superboard with fifteen people on it. We have fifteen people on the Superboard in the State Department of Education. We have approximately sixteen people on the LSU Board and the CA Board here have fifty-one on it, people. And we're talking about writing a state Constitution for the state of Louisiana, we are afraid that if we get more than seven, it won't pass. Now that was a compromise, we ran into this problem, I believe, well, I was here, but they ran into this problem in writing the Constitution for the United State of America. That's why we have a House that we don't need, and I don't suppose we need the Senate, because we have the House of Representatives representing all the districts, I couldn't see any...really any good need for the Senate, cause they don't really represent anybody. Then there must be a compromise, otherwise they wouldn't exist; so, now it seems to be a division, there seems to be a division. The division here is that some people want two people, some people want seven; so, it looks like there's going to have to be a compromise.

People are going to continue to come up to the mike. So the compromise, and I want to tell you, you probably can find out the way to go. I would like to go whatever way that I believe that we can get the Constitution passed at the polls. I'm not up here trying to run for any office or anything. My problem is can we pass it at the polls? That's where I believe I'd be protected. Now, it appears that everybody seems to want to pass this back at the polls, once they leave here. Not just getting elected to office and getting your name in the paper. Alright, if we can get it passed back at the polls by getting two for each district, then, I'm for that. Now, everybody from each district, say, we favor two delegates from each poll, then I favor the amendment where you have two from each of our district. Then when we met in our Sixth District, it seems it was the unanimous consent from the group there there's enough people in the Baton Rouge district virtually to eliminate the rural district altogether. First thing they decided is they are going to let the rural district be represented. And I don't think the person from the rural district was even opposed by anybody. This went on and they appointed somebody in their district. And then there was a runoff between the persons from the Baton Rouge area. So I think everybody wants to be...district representation...everybody should be represented from every district that there was to be represented from. And so there should be a compromise at this point, so we can move on. Thank you.

Further Discussion

Mr. Thompson I don't know whether it's significant or not, but this is the first time I've come to the microphone for anything. I tell you, when I

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look at the Fifth District of which I am a representative from that district, and find out we have about fifteen, sixteen, or seventeen parishes; without looking at that map, I know it's in excess of fifteen; I wonder how in the world we are going to sell to my people back home, by having one representative or maybe not one representative at all, if you go back to the old seven. Well, I'm sorry, the Chairman's from my district, so that couldn't be. But it could be for some other districts that's not the Fifth District. So it looks like to me and I wholeheartedly support the endorsement of having two from each district on this Executive Committee. I probably have a feeling further down the line that it might be a good idea on these committees that we are going to have that we could at least have two from each district, so the people would feel like when they go to the polls and vote for this Constitutional Convention a year from now that they are not being left out, that their wishes are being considered, and that they are being a part of it. I don't think the \$800.00 a day is near as much as it could be to spend a million and a half or two million dollars in a Convention and then not have the people sold on it and vote it down. We'd be two million dollars in the hole. Senator De Bleuex, I think, you'd better think about that rather than something else. I think that there's been enough debate and there's one or two behind me. I know Mr. Riecke would like to move for the previous question, so with the permission of those behind me, I think we've had enough debate on it. I would like to move for the previous question, Mr. Speaker.

[Motion for Previous Question rejected:
viva voce.]

Closing

Mr. Roy Vote for the amendment. Let me just say one thing about this money matter and this committee being so unwieldy. I foresee that it is going to be broken down into subcommittees and anybody that was elected to this Convention can come here and make money on fifty dollars a day, is going to have a heck of a time doing it. Everybody that I've talked to since the beginning, all for the first meetings I attended, all with different socials want to get involved. They've been sincere about this matter; the only way we can assure effective representation and involvement of everybody in here and give them an honest chance, is to have two on this committee, elected by the delegates from the representative districts of this state, the Congressional representative Districts, and two later by the Committee on Committees. And I don't see any point in saying anything else about this matter.

[Motion for Rerod. Amendment adopted:
22-7.]

Amendment

Mr. Poynter Proposed by Mr. Roy to the original resolution. On page 4, in Convention Floor Amendment No. 1, proposed by Mr. Roy and adopted by the Convention January 13, 1973, in the sentence which reads "The officers of the Convention shall be elected in separate elections by a majority vote of all of the delegates of the convention" strike out the words "in separate elections" and after such sentence add the following:

"The Chairman, First Vice-Chairman, Secretary, and Treasurer shall be elected in separate elections. The three Vice-Chairmen shall be elected together in a single election. No delegate shall be nominated for more than one such Vice-Chairmanship. Election shall be by majority vote of those present and voting with each delegate entitled to vote for three nominees. In the event one or more Vice-Chairmen are not elected on the first ballot, the Chairman shall call such additional runoff elections to be conducted as are

necessary until three delegates have received, respectively, a majority of the votes cast. In any such runoff election, the two candidates not elected, receiving the highest number of votes for each remaining unfilled seat, shall be placed in the runoff election. All such elections shall be by open paper ballot or by delegate roll call, in the discretion of the Chairman."

Explanation

Mr. Roy The purpose of this amendment is to insure that we don't have a particular person starting out and running at one level and, every time he or she is defeated, that person then jumping up and running at the next level, continuously on down. I think that the Chairman--which is really out of the picture, because of Mr. Henry's election already--but with a First Vice-Chairman, or what I think of as a statutory Vice-Chairman, that is the one that the act provides for--that that particular person and the Secretary and Treasurer be elected separately. Then since we have, in a sense, three coequal Vice-Chairmen, if you will, I think everybody who's interested should qualify and we should get that over with in a single election contest: that is, a single contest for one, rather than a person running for one Vice-Chairman. Then we all vote on that, and there's a runoff between two, and then we finally elect one. That person may be defeated or some of the candidates who ran in that jump in the next race and run for the second Vice Chairman. We go through the same routine again, and we do it on three separate occasions. I think that way it insures that we do things more orderly and that we make up our minds more efficiently and go forward with the Convention.

[Amendment withdrawn.]

Amendment

Mr. Poynter First one amendment [By Mr. Roy]: on page 4, in Convention Floor Amendment No. 1, proposed by Mr. Roy, adopted by the Convention on January 13, 1973. In the sentence "The officers of the Convention shall be elected in separate elections by a majority vote of all the delegates of the Convention." Strike out the words "in separate elections" and after such sentence add the following:

"The Chairman, First Vice Chairman, Secretary and Treasurer shall be elected in separate elections." "Thereafter, the three Vice Chairmen shall be elected together in a single election" and here is the primary insertion: "In separate divisions designated alphabetically and each candidate shall declare for which division he or she is a candidate." I'll repeat that sentence. "The three Vice Chairmen shall be elected together in a single election from separate divisions designated alphabetically and each candidate shall declare for which division he or she is a candidate. No delegate shall be nominated for more than one such Vice Chairmanship. Election shall be by majority vote of those present and voting with each delegate entitled to vote for three nominees. In the event, one or more Vice Chairmen are not elected on the first ballot, the Chairman shall cause such additional runoff elections to be conducted as are necessary until three delegates have received respectively, a majority of the votes cast. In any such runoff election, the two candidates not elected, receiving the highest number of votes for each remaining unfilled seat, shall be placed in the runoff election. All such elections shall be by open paper ballot or by delegate roll call, in the discretion of the Chairman."

Explanation

Mr. Roy Essentially the amendment was brought up by several of the delegates who came up and

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pointed out that we had no provision for the order in which these elections were to occur. So the word "thereafter" was inserted to make sure that we were going to elect these Vice Chairmen, after we elected the First Vice Chairman, Secretary and Treasurer. The rest of the sentence as amended was to insure that these divisions, these candidates would not run in a one big pot on each separate occasion. That is, you would not have one, you would not have a bunch of people running for Vice Chairman and us having to vote on it and then later another one running for the next time for Second Vice Chairman and maybe some of the losers there in getting in that race. So we felt that it would be similar to judges being elected from Judicial Districts or divisions, thereby allowing the candidate to choose which division he sought and then have the Convention as a whole to vote on them in separate divisions. And that was the purpose of allowing the candidates to choose its division and also to make sure that we not run everybody in one big pot every time.

Questions

Mr. Newton Just to clarify the sense of your amendment. Would it be possible to amend to preclude a defeated candidate for First Vice Chairman from running for one of the other three Vice Chairmanships?

Mr. Roy No, I don't think it says that. It says that, it says that we first of all elect the first Vice Chairman, then we elect the other three Vice Chairmen and it says that none shall run who, unless he be nominated for Vice Chairmanship, not first Vice Chairmanship. My interpretation of it is that it would not preclude a person who ran for First Vice Chairmanship and was defeated from being nominated to one of these "lesser" Vice Chairmanships.

Mr. Derbes We discussed your proposed amendment at the recess and I believe that the amendment as read by the Clerk does not include the sentence which you and I discussed in the recess, namely the sentence at the end of the amendment as it appears in the xerox copies to which the elections for First Vice Chairman and the election thereafter shall occur before the elections for the general Vice Chairman.

Mr. Roy Mr. Derbes, I changed it after we talked, just to add the word "thereafter" before the three Vice Presidents. In other words, in the second paragraph if you insert "thereafter" it automatically means that we will elect the top slate of officers first.

Mr. Derbes I missed the word. Thank you.

Mr. Burns Mr. Roy, now that we have provided for two sixteen member committees would you consider or entertain the suggestion to do away with the three Vice Chairmen altogether?

Mr. Roy No.

Further Discussion

Mr. Abraham Mr. Chairman, delegates, I rise in opposition to this amendment, because I think we are taking away a right to vote here in trying to elect two Vice Chairmen at one time. Each person has to declare. There are many good people here who, I am sure, would like to serve as the Vice Chairman, and by having to run in districts as such, you wind up with two parties of people being elected, but maybe there are two good people in the same district who should serve as Vice Chairman. By electing Vice Chairmen separately, say that there is a real good candidate in the first election for the first position of one of the Vice Chairmanships, what's wrong with allowing that man to run again, if he wants to, for either the second or the third Vice Chairman position might

be influenced by whoever is elected in the first Vice Chairmanship. So I am in opposition to this amendment.

Question

Mr. Velazquez I take it you are not in favor of winner take all. I think that you are trying to say that we should accept loser take all.

Mr. Abraham I don't think I'm trying to say that.

Further Discussion

Mr. Juneau Mr. Chairman and fellow delegates, I'll make this very brief, but I think this is pertinent because we are talking about two different things. We are talking about the method by which you elect them and the numbers. I thought this would be a pertinent observation. In the state of Arkansas there is a Chairman and four Vice Chairmen. In Hawaii, there was a Chairman and five Vice Chairmen or presidents, however you want to call them. In Illinois, there was a Chairman and three Vice Chairmen. In Maryland, there was a Chairman and two Vice Chairmen. In Michigan, there was a Chairman and Vice Chairmen. In Mexico, there was a Chairman and four Vice Chairmen. In Pennsylvania, there was a Chairman and two Vice Chairmen. The concept is not that bad, I wanted to make that observation.

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the Convention, I regret to have to rise in opposition to this amendment proposed by Mr. Roy from Alexandria. I note that Mr. Roy just advanced and proposed an amendment which was adopted almost unanimously by this Convention and had in it a clause which provided all officers to be elected in separate amendment, excuse me, separate elections. I also note when I read Mr. Roy's initial amendment that that clause requiring separate elections for all officers was penciled by hand, and I presume his hand. I presume it was deliberately done and I presume it was offered to this Convention with the idea that the amendment proposed by an Executive Committee and the election of officers in separate single elections. And then I see right after that Mr. Roy says what I did was a mistake. I've not changed my mind and I ask myself why. And I suggest you ask yourselves why. Why now, after the Rules Committee suggested rules to us calling for separate elections? Why now, after this Convention five minutes ago almost unanimously elected an amendment which also called for the election of officers by separate amendment? Why now do we have a change of attitude? I'm hearing that the election of three Vice Presidents is not important. I'm hearing in the back of the hall that some of us here who just want the honor and dignity of service, that we are being brought around among three fine ladies and gentlemen of this Convention. I've got too much regard about how they do it, because it's not that important. That's not true. And that's the biggest fallacy, the argument advanced in favor of this amendment. The three Vice Presidents had one singular important duty to serve on the Executive Committee. Now let's get down to facts. After being here talking about the function of the Executive Committee which we are discussing. The Executive Committee in spite of the rules of this Convention have the important statutory function described in the act which called this Convention. And that is to assist in a Research Staff of who will write the proposed Constitution and present it to this Convention after we adjourn now and reconvene on July 5th. The most important thing that we do now is to make up the Executive Committee who has that all important function of assembling that Research Staff. And I suggest to you that it's very important that we elect as Vice Chairman the person of the Convention, because they're going to serve on the Executive Committee. And it's very important how

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we go about electing Vice Chairman. Nobody in this Convention Hall is a novice in the processes of election. And there's none of you here who aren't politicians. Just disabuse your mind to that thought. And you know what it's all about. You know what it's all about, when you provide for the election by sections, when you provide for the election of three officers at one time. You don't have to have tickets. If you haven't ridden on one, you've probably voted for one several times. You know all about tickets, and that's what this is all about. And I suggest to you that if we are going to have an open, independent Convention, one that isn't dictated to, one that keeps its options open so it can go in the direction of the will of the majority. We ought to elect our officers in that fashion. And I ask you to vote this amendment down.

Further Discussion

Mr. Burson I rise to speak in favor of the amendment as it has been proposed. It is not unprecedented in the political life of our state. In fact during the last session of the Legislature, there was legislation passed by the House of Representatives and by the Senate that's now the law of the state. Police Jurisdiction School Boards have to elect members where there are multi-member districts by divisions just as is proposed in this amendment. And I think that the rationale behind that act is a good one and applies here. And it is this that you pick your opponent. That you don't have one man who begins to run in the first election and continues to run further down the line, until finally he becomes the third choice. At the beginning you decide which position do I want. There's been a lot of talk in this Convention about minority representation and I dare say, although I don't pretend to speak for the gentlemen and ladies that are here, that those members of obvious minorities in this Convention are well aware of the fact that their best chance to elect a Vice Chairman will be in doing it by divisions. And I am certain, although the gentlemen did not say so, that this is another unspoken premise behind proposing electing the three Vice Chairmen in separate divisions. I think certainly that the number of Vice Chairmen proposed, three is good. I noted in my remarks that he said the state of Illinois. I noted that Mr. Juneau stated that the state of Illinois and the state of Michigan had three Vice Chairmen. I think this is notable in that these are two of the states that successfully passed a new Constitution. Certainly one of the objectives in selecting the officers of this Convention should be to give a wide distribution of representation to all the groups represented in this Convention and the official officers of the Convention. Because you know as well as I do that no matter what the group is, when you go back home to try to sell this document, let's take the issue of race, since actually that's one of the things we are talking about. Twenty-two percent of the last time I say the statistics, of the electorate of this state are black. Now, if we are going to ask the members of this Convention who belong to that group to go back home and sell this to their people, I think as a practical matter we are going to have a better chance to do so, if they have from their group an officer in this Convention, because it's one thing to be one of the crowd and it's one thing to be on the Executive Committee. The vote of this Convention on the Executive Committee shows the importance that is given to the Executive Committee by this Convention. And an officer of this Convention is ex officio, a member of the Executive Committee. And let's please keep that in mind. Thank you.

Question

Mr. Abraham Mr. Burson, I share your concern for representation, but don't you feel that the intent of the Rules Committee in setting up three

Vice Chairmanships was in order to provide for this representation of various groups and don't you feel that it is a sense of this Convention that regardless of how, we'll have our elections? We're going to try to do this type of thing.

Mr. Burson Yes, sir, I do think that Mr. Roy's amendment is an improvement on what the Rules Committee has proposed by establishing a separate division. I think that's significant. I think that's necessary.

[Previous Question ordered.]

Closing

Mr. Roy I want to say a couple of things. One in defense of myself. I don't share Mr. Triche's sagacity, having never been a public official. This being the first time I've ever been here. So I don't know all these fine points of amending rules and what have you and substituting amendments while I'm up here trying to get the pulse of you delegates. If you'll recall, we called a recess and we kept penciling in on the first amendment how the, what the Rule No. 16 would be composed of. And I plead guilty in that's what Mr. Triche wants to hear. I plead guilty to not having the best and most articulate rule that could have been drawn. But I don't plead guilty to any signer that he's trying to insinuate about me. First of all, if you'll look, if you remember the last sentence of Rule No. 16 as amended said simply the officers of the Convention shall be delegates to the Convention and shall each be elected in separate elections by a majority vote of all the delegates of the Convention. Two things to say about that. Obviously, it should have maybe read "shall be elected in a separate election by a majority vote," meaning in an election different from the elections that wherein you will elect from the Convention the people to serve on the Executive Committee. That's the first thing. The second thing that can be said about the particular rule is that there was no chronology set forth for the election of what officers we were talking about, other than officers. Now the present amendment is in a lot more detail. First of all it sets forth the Chairman, Vice Chairman, Secretary and Treasurer shall be elected in a separate election and shall be elected before the three Vice Chairmen. Now one final statement with respect to choosing the people who you want to elect as Vice Chairmen. Surely it's argumentative. We can go both ways and you can argue Mr. Abraham's way and you can argue Mr. Burson's which I prefer. I have in my mind my own feeling that the best way to adequately insure the best chance for this Convention to elect a black Vice Chairman is through this amendment. But the other thing that I think is extremely important is that when, in your deliberations, you're going to decide whom you want to represent you as Vice Chairman, if they all have to qualify in the same time for separate divisions. Then and there you can consider how you will vote on your three different people. Because if you have a makeup of a certain number of people that you like the three different divisions you know who your candidates are; you know how you will vote. The other way is just a guess as to how you will vote in the final analysis. If everybody is allowed to run for Vice Chairman on three separate occasions, in the end, you may not have a person whom you think should have been elected and should have been represented, and representing you. If you make them run in divisions, it is the best possible way for you to decide as you see the three divisions and their candidates, you can decide how you are going to vote in each of the divisions a heck of a lot better than you could if you elected one in just a general pot election. That's all I have to say.

Questions

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Mrs. Taylor Mr. Roy, there seems to be a few questions going around as to the divisions. I believe I know the answer, but I think maybe you ought to explain briefly about how the divisions will be set up, not necessarily geographical lines per se.

Mr. Roy Well, I think the amendment provides simply that I would take it, since it is in alphabetical order, that the Chairman will designate the divisions A, B, and C, for Vice Chairmanships. And then, the candidates who are interested in running in them will so state. One might say I am a candidate for Division A. And at that time whoever thinks they would like to take that candidate on will ask his friend if he chooses to nominate him for that particular Vice Chairmanship. Then Division B would be brought up; the same thing, Division C. And then, that's what I'm saying, at that particular time you, the Convention can go by the majority view, exactly or the best chance, the best composition of the Vice Chairmanship that you want. It will affect the way you vote in the three different divisions.

Mr. DeBlieux Mr. Roy, wouldn't it be more logical rather than having Vice Presidents A, B, and C that we have second, third and fourth Vice Presidents?

Mr. Roy Well, I don't think so, because I think automatically people ascribe some type of numerical significance or superiority of three different positions. I think that A, B, and C is the best way at best we're going about something that's really not that important.

[Amendment rejected: 52-58.]

Personal Privilege

Mr. Weiss Perhaps this is the time to bring forth the motion for lunch, but I'd like to make a comment which I think most appropriate at this time, because of Representative Triche's comments. And I take exception to the situation that a politician is equated with political compromise. Political compromise is the decision to vote with the apparent majority without a thorough comprehension of the reasonable results of group action. A political delegate, which I hope this Convention consists of is one whom the news media has equated with the political virgins and is one who does not accept compromise, but has faith, rather than fear, in the individual in a group decision. Numbers have never overcome fears. Economic abuses bankrupt the state and society. I think this is something we should all consider. I would like to feel that we are politicians, but at the same time have different feelings about compromise. I move that we go to lunch.

Recess

[Quorum call: 126 members present and a quorum.]

Amendment

Mr. Poynter Amendment proposed by Mr. Kean to the resolution.

On page 4, immediately following the portion of the sentence which reads "nor shall the Executive Committee serve as the Committee on Committees"--it was added by Convention Floor Amendment No. 2 proposed by Mr. Roy and adopted by the Convention on January 13, 1973--insert the following: "The Executive Committee may divide itself into subcommittees and assign to any such subcommittee any duty or duties of the Executive Committee."

Explanation

Mr. Kean Mr. Chairman, members of the Convention,

there was some discussion this morning about the size of the Executive Committee and the necessity of the full committee meetings in order to carry out its duties. It seems to me that there ought to be some means by which the committee could divide itself into subcommittees, and it may even be implicit in the fact that such a committee exists. However, in order to make it abundantly clear that the Executive Committee would have this right, in its discretion, and be able to... some of its... all of its functions to subcommittees, I offer the amendment.

[Amendment reread.]

Questions

Mr. Tapper My question is this. I'm wondering if this amendment is germane to this particular rule. Rather should it be, should we amend Rule No. 18 to provide this? Rule No. 18 sets up the Executive Committee and Rule No. 16 as I understand it, sets up the officers of the Convention. And I was just wondering if it wouldn't be better attached to Rule No. 18?

Mr. Kean Well, Mr. Tapper, the only reason I brought it up here is that Rule No. 16 now designates the Executive Committee beyond the officers of the Convention as originally envisioned by the rule. And under the circumstances I would think that it could go here just as well under Rule No. 18.

Mr. Schmitt Does Rule No. 55 pertain to this matter? I think the Convention shall have authority to create other committees including special advisory committees as it deems necessary and all substantive committees may create such subcommittees as each deems necessary, provided that all such subcommittees shall be created only by a majority vote of the creating body. Does that take care of that problem?

Mr. Kean No, I don't think it does, Mr. Schmitt, because that rule goes to the creation of committees, additional committees by the Convention and subcommittees by the substantive committees and the Executive Committee is not a substantive committee.

Further Discussion

Mr. Flory Mr. Chairman and delegates to the Convention, I rise in opposition to the proposed amendment. My opposition is based upon the position that I took on Mr. Roy's amendment in that we ought to have an Executive Committee broad enough to give adequate representation to this Convention and the public at large. I can foresee by this amendment through the use of delegated powers by the Executive Committee to a subcommittee, no limitation of power and a complete dilution of the problem that we attempted to solve by Mr. Roy's amendment. And I simply think that a majority of the Executive Committee could name those subcommittees, excluding, if you will, those that we attempted to put on the Executive Committee by giving broad representation to the minorities. Those based upon sex discrimination, urban versus rural, so that we are right back where we started originally. And I beg you to consider this amendment in the light in which I rise, in opposition. In that you are fixing to dilute what you have already adopted by an overwhelming majority of the Convention. So I ask you to defeat the amendment.

Further Discussion

Mr. Burns The amendment makes sense with me in this respect. Some of the speakers this morning have been talking about and stressing economy in the cost of the operation of this Convention. It would seem to me that under the amendment just proposed that we could certainly save the taxpayers of the state of Louisiana and at the same

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time win over their confidence that in that respect by adopting this amendment, because if the Executive Committee has certain things to come before it, before it, that adapts themselves to certain different fields, it would certainly be an economy move to have subcommittees to meet instead of the entire committee to take care of those particular problems. And so I would suggest to the Convention that they consider this amendment in favorable light on that basis.

[Previous Question ordered.]

Closing

Mr. Kean Mr. Chairman, I think if you look at Rule No. 63, which applies to all subcommittees of which the subcommittees of the Executive Committee would be such. I think it answers the question, the point that Mr. Flory has made as well as answering the question of how you would create the committee and by what vote. Rule No. 63 dealing with the subcommittees says a committee by the affirmative vote of the majority of its members may provide for the appointment by the committee Chairman of subcommittees composed of members of the committee. Reports of subcommittees shall be considered by the entire committee, before any committee recommends any action thereon to the Convention. All rules applicable to the committee shall be applicable to subcommittees. It seems to me that affords ample safeguard against the point that Mr. Flory has made.

Questions

Mr. Tapper I have two questions, Mr. Chairman. Number one in light of Rule No. 65, is your amendment really necessary?

Mr. Kean Rule No. 65 is dealing with the Committee as a whole.

Mr. Tapper The second question is this. Isn't it a fact that under your amendment if adopted, the Executive Committee could by majority vote select that majority to run that Executive Committee and handle all of the business of that committee and exclude the minority? Is that not correct?

Mr. Kean Mr. Tapper, I've been around on the fringe of politics for a good while and I've always been told that if you get a majority of anything you're going to run it.

Mr. Rayburn Mr. Kean, I assume you served on the Rules Committee?

Mr. Kean Yes, sir.

Mr. Rayburn Did you propose this while the Rules Committee was meeting?

Mr. Kean No.

Mr. Rayburn Did you feel it was covered in Rule No. 63?

Mr. Kean The reason I didn't propose it when the Rules Committee was meeting, Senator Rayburn, is because we were dealing then with a small Executive Committee of seven members and I didn't think it was necessary.

Mr. Rayburn Do you think that Rule No. 63 will cover what you are trying to do and if you do, what is the purpose of your amendment?

Mr. Kean It would make it clear that the Executive Committee would have the right to divide itself into subcommittees and carry out the functions through those subcommittees. I tried to make it abundantly clear that the committee had this right to avoid the expense factor that Senator De Blieux spoke to at length this morning.

Mr. Rayburn Well, I don't think that would...that would clear up Senator De Blieux's objection, but doesn't Rule No. 63 cover the exact same thing for any committee that you are attempting to do just with the Executive Committee?

Mr. Kean I would just prefer, Senator, to have it abundantly clear that this applies to the Executive Committee.

Mr. Juneau Mr. Kean, I concur completely in the thrust of what you are trying to do. May I ask you, may this not be a better solution that in Rule No. 63 to make it abundantly clear that we just add when we talk about a committee and say and subcommittee and executive committee? That would take care of the whole thing and keep it in context with the rules. If there is an objection, let me know.

Mr. Kean Well, I don't really, I don't think the objection is the way you put it. The objection, I do appreciate it was more to the substance of the proposal. And I would like to suggest that we adopt it and give the Executive Committee that authority, leave no question about it and I don't think it's really a great problem.

Mr. Arnette As I see it, Mr. Kean, the basic difference between Rule No. 63 and your proposed amendment is that under Rule No. 63 no action can be taken by the subcommittee. But under your amendment the Executive Committee could take action through a subcommittee only. Is that correct?

Mr. Kean I think the report of the subcommittee in order to be considered by the Convention would have to be recommended back to the entire committee as Rule No. 63 provides. On the other hand, housekeeping tasks could be assigned to the subcommittee.

Mr. Arnette Don't you think this needs to be made abundantly clear that the subcommittees would not have the power to make decisions for the entire Executive Committee?

Mr. Kean I have no objection to that being provided, no, sir.

Mr. Avant I wonder if you would be willing to recast your motion, so as to incorporate therein the provisions of Rule No. 63 with respect to this Executive Committee. So as to guarantee that every member of this Executive Committee will be on at least one of the subcommittees and also to make it abundantly clear by recasting it so that the provisions of Rule No. 63 would say that the reports of subcommittees shall be considered by the entire committee, before any committee recommends any action thereon by the Convention. To make it abundantly clear that that provision is applicable to the Executive Committee and its subcommittees.

Mr. Kean I think Rule No. 63 is applicable and insofar as your first suggestion, Mr. Avant, is concerned, I'm not willing to change my amendment to accomplish that. I think the Executive Committee ought to have the right to place people on the subcommittee as they think are necessary to carry out the assigned duties.

Mr. Avant In other words, all I correct in understanding then, that you want your amendment to stand, you're offering to stand so that this Executive Committee can exclude some of its members from any subcommittee, if that is their wish.

Mr. Kean I don't want the Executive Committee to exclude anybody. I want the Executive Committee to have the privilege and discretion to establish its subcommittees with such members as it may see fit to put on it by a majority vote of that committee.

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Mr. Avant And that would though, give them the right if they so saw fit to exclude certain members of the Executive Committee from any subcommittee, as your motion stands now. Would it not?

Mr. Keen I don't view it that way, Mr. Avant.

Mr. Avant Well, maybe you and I don't read the same language.

Mr. Keen That wouldn't be the first time.

Mr. De Blieux Mr. Keen, there is a question by Senator Rayburn awhile ago that the Executive Committee couldn't do that same thing under Rule No. 63. I just want to ask you, as I read Rule No. 63 that the committee can authorize as Chairman to appoint members to a subcommittee. But under the amendment that you propose here, the whole entire Executive Committee must vote to set up these subcommittee and the members. Isn't that the difference, so therefore the majority of the Executive Committee is going to control who serves on each subcommittee? Is that correct?

Mr. Keen That's right, and I think they would.

[Amendment rejected: 54-63. Rule reread as amended. Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 17, Convention Employees. A. Chief Clerk and the other members shall be employed by the Chairman of the Convention subject to the approval of a majority vote of the entire Convention; they shall not be delegates to the Convention. B. All other employees, necessary to aid the Convention, shall be employed by the Executive Committee of the Convention in accordance with Act 2 of the 1972 Regular Session.

Question

Mr. O'Neill My point, Mr. Stagg, would you please explain what the Rules Committee envisions the salary setup of these people? Will the Chairman decide the salary? Will the Executive Committee decide the salary? Would you please clarify that for me?

Mr. Stagg Mr. O'Neill, it is the understanding that the Executive Committee will employ the employees of the Convention and that they shall set the salaries in the budget of the Convention and such other administrative details.

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 19 applies to the Chairman. Rule No. 19, Duties. The Chairman shall be the presiding officer and the Chief Executive Officer of the Convention, and as such, Chairman of the Executive Committee. He shall:

- A. Preside at sessions of the Convention and exercise the usual powers and perform the usual duties of a presiding officer;
- B. Preserve order and decorum;
- C. Speak to points of order, and subject to an appeal to the Convention, decide all points of order;
- D. Confine delegates in debate to the question, prevent personal reflections, and determine the order of recognition when two or more delegates rise at the same time;
- E. Designate the First Vice Chairman to preside in his absence and establish the order of the Vice Chairmen to preside in the absence of the Chairman and the First Vice Chairman;
- F. Name a delegate to preside as Chairman on

- G. Assign, with the assistance of the Executive Committee, the delegates to their seats, according to Congressional Districts;
- H. At the request of at least twenty-seven delegates, a recorded yea and nay vote shall be ordered by the Chairman;
- I. Sign all official documents of the Convention attested by the Secretary;
- J. Make corrections of the official Journal of the Convention, if necessary, attested by the Secretary with notification of any substantive changes being made to the Convention at large;
- K. Direct the Convention in its official activities, including naming delegates to perform duties connected with the business of the Convention;
- L. Not engage in debate when sitting as Chairman, nor shall he vote on appeals from his rulings;
- M. Maintain general control of the Convention Hall, its environs, and all rooms set apart for use of the Convention;
- N. Sign all warrants and/or checks;
- O. Supervise the Convention staff, provided that he may delegate certain of this function to members of the staff;
- P. On his own initiative or at the direction of the Convention appoint such special committees as may be necessary to perform special functions.

Amendments

Mr. Poynter Amending the original resolution as follows: Amendment No. 1 [by Mr. Casey]. On page 5, line 30... on page 5, line 30, after the word "seats" delete the comma "," and in lieu thereof insert a period "." and delete the remainder of line 30. Amendment No. 2. On page 5, delete all of line 31.

Explanation

Mr. Casey Mr. Chairman and members of the Convention, the only effect of this amendment which is very simple gives to the Chairman of the Convention and to the Executive Committee the determination of the method of seating in the Convention rather than being seated by Congressional Districts. Personally, I would just like to sit by delegate districts. Sit where you please. I thought it worked out very well on yesterday at the Convention Center where everybody just walked in, first come, first serve, sit where you want. There was no confusion, difficulty or unhappiness at all with the seating arrangement that has been said of New Orleans, and New Orleans is a problem in many areas, and I even hate to mention that it connection with seating, but unfortunately New Orleans comprises a large portion of the First and Second Congressional District. And I think it is unfortunate that the people in New Orleans and in the areas of other areas such as Shreveport that you are required to have to sit with your own delegation. I think the most important thing that we can do in this Convention other than coming up with an acceptable document for the people is that we can get to know each other better. That we can work with each other. That the people in New Orleans can work well with Shreveport or Acadia Parish or Evangeline and one of the things that I would like to do is be able to sit with the people that I'm glad to work with, sit where I want to... So I think, I think we are causing problems, particularly in a city of New Orleans where I don't think the people from New Orleans should be identified as a block. When we vote, I know I want to vote individually, and I think that everybody else wants to vote, too. So I think really in the area of voting, if we ever have a standing vote, everybody might observe well, New Orleans is voting this way. I think you lose your individuality. It's been said on many occasions in the Legislature and in the Convention it's going to be said, I

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think it's about time that the city of New Orleans becomes a part of the rest of the state. And I think this is a good start.

Questions

Mr. Anzalone Mr. Casey, if we ever find us a place where we're going to meet for more than two days in succession, are we all fixing our seats where we are comfortable, would you mind that being the permanent seating of the Convention or is that the intent of your amendment?

Mr. Casey I have no personal preference on how the Executive Committee or the Chairman of the Convention would determine our seating. Personally, I think it ought to be just on a first come, first served basis. If you walk in wherever we are going to meet and you sit down and just be happy with wherever you are sitting. And I think that would be the appropriate way of doing it. If anybody wants to come late to the Convention and sit in the last seat that's available, that's their problem. If you want a good seat, get there early.

Mr. Guidry Mr. Casey, I'm thoroughly in accord with your amendment. I really like it, but I want to ask you a question which you may be able to answer. Do you think we'll keep on being like cycles and move day to day or do you think we'll finally, finally find a permanent home one of these days? Where we can find a seat where we might like to rest for the rest of the Convention.

Mr. Casey Well, Mr. Guidry, I thought the physical arrangements were excellent yesterday. I'd personally be satisfied with the physical and good arrangements can be made in the House Chamber, itself, I have no opposition to that. I think it would be fine for us to find a permanent home, however, Senator De Blieux has observed that this discussion is costing the state some money, so we ought to terminate it, sir.

[Previous question ordered. Amendments adopted: *visa voce*.]

Amendments

Mr. Poynter Amendments proposed by Mr. Dennerly. Amendment No. 1. On page 6, line 13 delete the words "and/or checks". On page 6, line 13, delete the words "and/or checks". Amendment No. 2. On page 8, delete line 10 in its entirety.

Amendment No. 3. On page 9 between lines 1 and 2, add the following Rule 25.1 to read as follows: Page 9 between lines 1 and 2, the following language would be inserted as a new rule 25.1 to read as follows: Rule 25.1. number 25.1) or out of Checks. All checks shall be signed by the Chairman or the First Vice Chairman and by the treasurer or the Chief Clerk.

Explanation

Mr. Dennerly Section B of Act 2 of 1972 provides that any funds appropriated should be withdrawn from the state treasury in accordance with warrants signed by the Chairman of the Convention and all checks for the disbursement of funds shall be signed by the Chairman and the Vice Chairman of the Convention, or by the Chairman or Vice Chairman and such other persons as shall be designated by the Convention. The purpose of my amendment is merely to clarify the situation so as to conform with the rule and permit either the Chairman or the Vice Chairman, plus the Treasurer and the Chief Clerk to sign checks. I believe you will all agree that if we have to have two people sign checks, we ought to have four people authorized in case any one of the original two (1) or out of town or something. It is basically a technical amendment, and therefore I set it up so that it amends three different sections at the same time.

Questions

Mr. Bollinger Is the Chief Clerk referred to in the amendment as a delegate?

Mr. Dennerly No, it's the Chief Clerk that is referred to in the Rules as one of the employees of the Convention.

Mr. Bollinger Don't you think, in my opinion at least, would it be in your opinion that the other authorized signature that would be coauthorized with the Treasurer should be possibly a delegate or an officer?

Mr. Dennerly I would have no objection to that, Mr. Bollinger, but I just did this because I thought it was the convenient thing to do, because the Chief Clerk usually is around.

Mr. Burson I understand the reason of your amendment to conform it to the law, but would you consent to withdraw that part that relates to a rule that has yet to be considered? I don't see parliamentarily how we could put an amendment to something that's not before the body.

Mr. Dennerly I yield to the Chairman and the Parliamentarian on that, Mr. Burson.

Mr. Henry Inasmuch as this is technical in nature, and inasmuch as we did advance out of our regular order yesterday, I think that at the same time under these circumstances it would be appropriate just for clarity to go ahead and if the body determines to act on this amendment at this time.

Mr. Newton Mr. Dennerly, may I see a copy of your amendment, just a second? You are striking out, you are striking out the word "and/or checks". Now does this leave it so that the Chairman only signs warrants?

Mr. Dennerly No, the Chairman signs warrants and the Vice Chairman signs them.

Mr. Newton But, the Chairman doesn't sign checks? Now isn't it conceivable...

Mr. Dennerly Excuse me, but the amendment to the addition of the Rules No. 25.1 says all checks shall be signed by the Chairman or the First Vice Chairman and by the Treasurer or the Chief Clerk. So it provides for two signatures, either that of the Chairman or the First Vice Chairman and either that of the Treasurer or the Chief Clerk.

Mr. Newton The point I'm making is there a provision in the Act for private funds? I don't know where they are going to come from, but conceivably they could come so that we would be receiving funds from other than from the state treasury. And that's why the words in the rule as originally put in there were put in in those terms. And I don't want to defeat the purpose of that.

[Amendments reread. Previous question ordered. Amendments adopted: *visa voce*. Previous question ordered on the Rule. Rule adopted: *visa voce*.]

Reading of the Rule

Mr. Poynter Rule No. 20 pertains to the First Vice Chairman. Rule No. 20. Duties. That First Vice Chairman shall serve as First Vice Chairman of the Convention, and as such, shall:

- A. Preside as acting Convention Chairman, when requested to do so by the Convention Chairman, or in the absence or inability of the Chairman to serve;
- B. Serve as a member of the Executive Committee of the Convention, and carry out such other duties as are assigned by the Chairman.

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- C. Serve as an ex officio member of the Committee on Rules, Credentials, Ethics, and Schedules, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Amendments

Mr. Poynter Amendment No. 1 [by Mr. De Blieux] on page 6, line 30, after the word "vote" and before the word "and" insert the word "therein". Amendment No. 2, on page 6, line 31, after the word "quorum" and before the period "." insert the word "thereof".

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the Convention, this is just a little technical amendment for clarification to be sure that we're only excluding the Chairman from being counted in that committee meeting, because the provision now stands does not make that clear and we want to be sure that the Vice Chairman has a vote otherwise.

[Amendments reread. Previous Question ordered. Amendments adopted: viva voce. Previous Question ordered. Rule adopted: viva voce.]

Amendment

Mr. Stagg Mr. Chairman, you'll note that on page 5 in the middle of the page the beginning of the duties of the Chairman, there is an interlined word, eleven, saying the Chairman is a title. In line 19 on page 6, there is a title, First Vice Chairman. In line 32 between 31 and 32 there is no title as a technical committee amendment. May we ask and I move that we insert the word "Vice Chairman" in the middle of the page as a style correction?

[Technical Amendment adopted without objection.]

Reading of the Rule

Mr. Poynter Rule No. 21. Vice Chairman. The Vice Chairman shall:

- A. Preside in the absence of the Chairman and the First Vice Chairman in the order established by the Chairman as provided in Rule No. 19E;
- B. Serve as members of the Executive Committee and carry out such duties as are assigned by the Chairman.
- C. The Chairman shall designate First Vice Chairman to serve ex officio on each of the three remaining procedural committees. No Vice Chairman shall have a vote on the committee to which he is assigned and shall not be counted for the purpose of obtaining a quorum.

Amendment

Mr. Stagg Mr. Chairman, I move the deletion of the word in the title following the words "Rule No. 21". Take out "Vice Chairman" at that point and insert the word "Duties" to make it conform with the other parts of this rule, otherwise I move its adoption.

[Technical Amendment adopted: viva voce.]

Mr. O'Neill Mr. Poynter said First Vice Chairman in line 3 and that was a mistake. I wanted to clarify that point.

Mr. Henry Mighty fine. Thank you, sir.

Mr. Stagg Mr. Chairman, Mr. De Blieux added as a style to make it conform with previous adoption that the word "thereof" appear after "quorum" in line 7.

[Technical Amendment adopted: viva voce. Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Secretary. Rule No. 22. Duties.

The Secretary shall:

- A. Exercise responsibility for the accuracy of the Convention Journal of Proceedings, and the daily publication and distribution of the Journal;
- B. Keep a verbatim written record and a sound recording of all proceedings of the Convention and of the Committee of the Whole;
- C. Prepare a daily calendar of business and notices of schedules of all committee meetings;
- D. Receive, reproduce, number and distribute all resolutions, delegate and committee proposals;
- E. Read to the Convention all proposals, resolutions, petitions, memorials and communications;
- F. Exercise responsibility for roll calls of the delegates;
- G. Attest where necessary all official documents of the Convention;
- H. Preserve and safeguard all original copies of official documents and be responsible for the preservation of all proceedings of the Convention and its committees, and see that all records are properly preserved in archives of the state;
- I. Serve as a member of the Executive Committee;
- J. Perform such other duties as may be designated by the Chairman or the Executive Committee.

Questions

Mr. Womack Mr. Stagg, the only thing I would like to do at this time is to point out to the committee the wording there where it is required under, I believe, B, on line 13, keep a verbatim written record of the entire proceedings all the way through. I just wanted to point out to the Convention at this time, that you will quit talking about the peanuts that Senator De Blieux discussed and you are going to be talking about the money in that phrase right there.

Mr. Derbes Mr. Stagg, I understand that if the Journal of proceedings is roughed up and sent to the Legislative Journal. That the notices of committee meetings will not occur through the Journal, while the Convention is not in session. In other words, what I'm concerned about is how do I, as a delegate, who is on one committee know when other committees are meeting? I would like the Secretary required to notify or to distribute schedules of all committee meetings to all delegates.

Mr. Stagg Would you please refer to Rule No. 62 on notice of committee meetings and bring up a perfecting amendment at that time and it would be in order, I think?

Mr. Burson Mr. Stagg, I made a note in my book yesterday that someone had raised a question about on roll calls reporting the results of the votes. Would it be safe to assume that keeping a verbatim written record of the Convention would include keeping a result of all the votes?

Mr. Stagg I would presume that if there was a verbatim record and a sound recording that a recordation record would be of all votes somewhere in the archives of the Convention.

Mr. Avant Mr. Stagg, I rise on the same subject that Mr. Womack rose on, and I refer you to Section E of this rule where you refer to keeping a verbatim written record of all proceedings of the Convention and of the Committee as a Whole. I understand that the Journal for the House of Representatives cost \$2,000.00 dollars a day and it's not a verbatim written record and you and I are both attorneys and I think that the cost of depositions right now is two dollars per page for an original and one copy.

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And my question is, do you have any idea or figure at all that you can give this Convention as to what it would cost the state to provide a verbatim written record of all proceedings of this Convention and of the Committee as a whole?

Mr. Stagg Mr. Avant, in the Rules Committee this same discussion was held. There were several points of view expressed. One of those points of view was that as you know, when questions of Constitutional law and rights are concerned the courts pay attention to legislative history of the formation of the Constitutional Document. It was the opinion of some of the members of the Rules Committee, there were two in the Committee who are Legislators. I think the last time I heard them discuss it, they thought that it would take maybe four secretaries on hand at twenty dollars a day, take twenty-five dollars a day for the pay of those four secretaries or a hundred dollars a day to transcribe the proceedings of the Convention. There were no counter-arguments to the fact that it was of historical and legal significance to have the proceedings of the Convention in a form of a written record and that is now reflected in the language of Subparagraph B.

Mr. Avant Well, Mr. Stagg, are you telling me that it can be done for approximately a hundred dollars per day?

Mr. Stagg No, Mr. Avant, I'm not. I reflected it as being that kind of conversation which took place in the debates in the Rules Committee, and that's why I am up here. To say why the delegates did it. And that's why they did it cause they thought they could do it for a hundred dollars a day and more than that they thought that it was needed as a historical record of the proceedings of the Convention.

Mr. Avant Well, I say this that I agree with you wholeheartedly, it is most needed, if it can be done for a hundred dollars a day. It is well worth it, but I have serious doubts that it can be done anywhere near a hundred dollars a day.

Mr. Rayburn Mr. Stagg, if we're going to keep these records recorded and written, who will have control of them? Could somebody who wanted to nit-pick them come and ask for the records and take them out and pick them to pieces? Who would have control of the records?

Mr. Stagg Under the section that we are discussing, Mr. Rayburn, the duties of the Secretary and in Subparagraph H, it is stated that the secretary shall preserve and safeguard all original copies of the Convention documents. I say that these things.

Mr. Henry Wait just a minute, Mr. Stagg. Mr. Stagg, pardon me. There are numerous delegates complaining about not being able to hear. Please hold down the conversation, especially behind the mic. There are some of you talking like a bunch of blackbirds back there. Please hold it down. Proceed. No offense, Mrs. Taylor, it looks like some snowbirds back there, too. Proceed. Proceed, gentlemen, let's hold down the noise, seriously. Gentlemen and ladies. Proceed.

Mr. Rayburn Mr. Stagg, in their provision as to what control the Secretary would have of these records or if I had fifteen of my constituents that wrote for a complete record and also a complete transcript of all the proceedings of this Convention, would they be entitled to have them mailed to them or sent to them? This things going pretty good right now. We having a little trouble among ourselves and I'm just curious as to what's going to happen when the public starts picking at it. Would they be entitled to get a copy of those records, a copy of that tape, anybody that wrote in and asked for it? What safeguard does the Secretary have as to what disposition he or she

will make of these records in the event someone wants a complete copy of all the proceedings on any particular day of proceedings of this Convention?

Mr. Stagg Mr. Rayburn, never having been a member of a Constitutional Convention I don't know the answer to that. I know that when the Secretary is charged with safeguarding them as his duty, that I think it would lie with the Executive Committee to decide whether a copy of a sound recording would be at the cost of the person applying for it or that a transcript would be at the cost of the person desiring it, if it's xeroxed at ten cents a page, then that would be established as the cost to somebody who wanted a copy. But I don't know the answer to your question.

Mr. Rayburn I know, but do you think we need to put that safeguard in there where any one wanting it would at least have to pay the cost of it? We have that now in our driver's license application. Some attorneys or some insurance company wants some information. They pay the cost of that information, and I don't want to see this Convention get placed in the predicament of where some of our constituents would write in or call in I would like a copy of the proceedings of the entire Convention on such and such a day, and we have no provisions to write in and give it to them we're in trouble. But I think we should have some safeguard to protect ourselves because the cost could really be tremendous or we could be placed in a position if we don't give it to them of looking a little bad. That is the only thing I'm trying...

Mr. Stagg Senator Blair points out that under Rule No. 64, all written records and reports of the Convention shall be subject to the provisions of the Public Records Act.

Mr. Rayburn The Public Records Act, I don't think makes any provision for paying for any records. I think they're paying for an individual could come and see them, if he so desires. And I'm sure if that is true that would take care of what I'm concerned about.

Mr. Flory Mr. Stagg, assuming the cost to operate T...but once you transcribe verbatim the previous day's proceedings, who then is going to proofread against the tape in a test to the validity of the typed verbatim report? I know as you do even in depositions, court reporters and so forth make mistakes in transcribing, so who is going to, when it goes before the court, to get the legislative history on questions of constitutional law, will attest to the validity of the verbatim report?

Mr. Stagg I think that would be the duty of the Secretary of the Convention, Mr. Flory.

Mr. Stinson Mr. Stagg, I'm a little concerned over the duty of the Secretary to tally the vote on any issue that comes up. You know in the Legislature, you can see how you vote and we've had some close votes here with the standing and so forth. If it's one person who's going to have the say-so for marking down whether you vote yea or nay, do you think that's safeguard enough on important issues that I foresee in the future that will come up and will be very controversial?

Mr. Stagg On the yeas and nays, Mr. Stinson, I think the verbatim sound recording could then be played back. You could hear yourself answer the roll or any one else's vote, you question?

Mr. Stinson Thank you. And you think that will take care of the necessary precautions?

Mr. Stagg I do, sir.

Mr. Stinson Don't you think in the case of

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Mr. LeBreton and a few of us, it might take two cameras instead of one?

Mr. Staggs We're going to rename you Mr. Leprechaun.

Amendment

Mr. Poynter Mr. LeBreton, I've made one editorial change on that, if you'd like to look at it. Amendment proposed by Mr. LeBreton to Committee Resolution No. 1 by Mr. Staggs, amending the original resolution. Amendment No. 1. On page 7, line 13, delete the words "a verbatim written record and". (A) would then read or, "we're trying to follow "keep a sound recording of all proceedings of the Convention and of the Committee as a whole."

Explanation

Mr. LeBreton Mr. Chairman, Mr. Staggs and members of the Convention, having read every word of the duties of the Secretary, there are many safeguards to keep a record of what we're doing. Now, in addition to that, when you say to me keep a verbatim written record, that would mean that somebody would have to take down every word that was uttered from the time we convened till we adjourned. I never have heard of that in any body such as this. Legislative duplication, trying to do it. Sound recording seems to duplicate a verbatim written record, you have a record on the tape. I can conceive that maybe the tape would break or maybe the battery would run out or something of that sort, that would just be up to the person who operated the machine. It seems to me that we have a complete duplication. I don't know. I guess one of the most important points I'm making in asking you to remove these six words is that I would think the cost would be just tremendous to have every word. You think of every word that we said yesterday between ten and six. I don't know how many millions of words that would be and how many words have we issued today since nine o'clock this morning. And just wonder if it's necessary. I certainly want to have a complete record as much as anyone does, and I see the justification. I'll have had the experience to understand it, but I don't think that the first six words would be necessary. I think a sound recording would be the answer to all extra precautions. Usually that isn't done, but usually (C) and (D) and so on would be sufficient to keep a record of what we do. So I ask that my amendment be accepted on the basis of (A) to duplication and (B) the cost would be just out of this world.

Further Discussion

Mr. DeBlieux Mr. Chairman and ladies and gentlemen of the Convention, I don't anticipate that we will be recording and putting in each daily journal what transpired verbatim the preceding day. If this is the sense of the rule that the written record will be preserved at the end of the Convention, whatever method you use, I don't think it's going to run into the tremendous expense that Senator Rayburn and Representative LeBreton referred to. But I can say this, probably if we had a written record, verbatim record of the Convention of the states in the year 1787, we probably could have saved a lot of expenses as it has taken the Supreme Court to interpret what that Constitution meant. I hope that the Constitution that we adopt as a result of this Convention will last that long. And I hope that we won't have as many court decisions trying to find out what we meant because of the document we adopted. I think this can be very helpful in that extent. You know you can waste money. You can waste it by dribbles, like I was speaking about a few minutes ago when you enlarged the Executive Committee. Or you can waste it in big lumps. It's not the amount that's important; to a large extent is what you spend it for. And I think that this particular time that if you spent money to keep a record of what

went on and what was said with reference to each one of these provisions that it might be worth a lot, lot more to the public in general than what we've spent on the Executive Committee.

Question

Mr. Blair Senator DeBlieux, in order to defray the expenses of, you know, it's going to be a very expensive thing, would you be willing to let us charge back to each one that comes up here about ten cents a word in order to pay for this?

Mr. DeBlieux Well, Senator Blair that's the same category which I spoke awhile ago about the Executive Committee. It's not how long it takes you to say it, it's what you said here whether or not it's important.

Further Discussion

Mr. Jenkins Mr. Chairman and delegates to the Convention, there are two publications that are contemplated by these rules. The first would be a daily journal. It would be the minutes of what transpires that would be placed on your desk the following day. The other is this verbatim written record. It would not be published every day and placed on your desk. It would not be printed in all likelihood. It would simply be typed up and at the end of the Convention, bound. A few copies would be made available and it would be available to the general public to come in and Xerox or copy in any manner they chose. And the expense involved in doing this would not be great at all. It would cost the people that took the shorthand and then check it against the tape, once it was typed up. I contemplate three or four or five people involved. I think it would run no more than one or two hundred dollars a day, nothing like the cost of printing the journal, which in the House runs, I understand, more than two thousand dollars a day, but which I hope will not be approached anything like that. Now, the importance of this to me is not the cost. I think it would cost us some money, only a small fraction, though, of the total Convention expenses. For every day we meet, we're talking about sixty-six hundred dollars just per diem for members of the Convention. The cost of keeping this transcript would be minuscule compared to the total cost of the Convention. But the importance is that it would provide hopefully for generations to come with the spirit and feeling of what we're doing at this Convention. The few words that we're putting down in the document only tell part of the story. I don't care how precise you are in writing something; it can be interpreted in many ways. And what is said in the debate on this floor--not in things like rules, but when we get to the substance of this Convention--can be all important in future court decisions. It can mean, literally, millions of dollars in the long run in court decisions compared to probably a few thousand spent in this Convention and, more important, not simply from dollars and cents, but from the standpoint for the rights and liberties of our people. It could mean all of those things. Now, keeping a transcript is not uncommon. Most Constitutional Conventions do. The U.S. Congress does everyday. The state legislatures normally don't because what transpires in the state legislature is not of enduring importance. They pass highly technical measures, not short, brief, concise documents like, hopefully, we can pass. Now a tape is not sufficient. Someone who wants to refer to a sound recording would have to listen to lengthy periods in order to find something of relevance. That is not the way you want to find something when you're doing research. You need a bound volume micrographed, xeroxed, or something that you can turn through that will be indexed that you can find the background for. I think this would be very important to the people of the state. It would not be costly, and it would give us a permanent record of what transpires here.

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Delegate Rayburn in the Chair

Further Discussion

Mr. Roy To the Convention, I'm in favor of the amendment of Representative LeBreton. First of all—and I'm not saying this just because I happen to be an attorney—but I've been in a bunch of cases where you just, with even court reporters there, you run into a world of problems and trouble finding out exactly what was said verbatim. I think that what could be done with the sound recording as Representative LeBreton suggested is to do away with a lot of unnecessary expense. How in the world are you going to...and how are you going to index all of the thousands of words we're going to say? What are you going to say? Are you going to index something like Dick Guidry's comment this morning about forty-nine dollars a minute? That doesn't belong in a verbatim transcript and stuff. I haven't found that the courts are overly excited about looking into the past history of acts, and I think if an attorney is interested in citing something to a court, then it's very easy under Rule 22--under part G of that Rule No. 22--for the attorney to ask the Secretary to the Convention to have transcribed, and there's going to be a world of conflict as to exactly what was said. Did the man say read or read or what have you? But in any event, you could attest to whatever somebody wants, charge them for it, and send it up when it's needed. There's no need from day to day to transcribe a verbatim record, whether you do it the next day or six weeks after. There's just no need for it, and if you're going to do it at the expense, I don't see the need for it immediately like it's been suggested. What the courts need, the attorneys can furnish. I'm for the amendment. I think we ought to adopt the amendment.

Questions

Mr. O'Neill Mr. Roy, in listening to your proposal--I respect what you are saying--but what becomes of the recorded transcript to the proceedings, once the Convention has disbanded? In other words, in 1985, I as an attorney write for a written transcript of these proceedings. Who is going to then transcribe the proceedings and make them available to me?

Mr. Roy Well, I think under the Public Records Act under that rule, it provides that this will be a Public Records Act that somebody could be authorized to transcribe that particular section which you wanted and attest to it. I'm just opposed to the concept of a verbatim record being later typed up. I just don't think it makes sense.

Mr. O'Neill As I understand the Public Records Act, its access to information, not certification that the information is correct. Are you familiar with the Public Records Act?

Mr. Roy Not to that extent, but I think if it's a public record that it would have to be certified as a true and correct copy of a public record.

Mr. O'Neill By whom?

Mr. Roy By whoever is in charge of the records.

Further Discussion

Mr. Arnette I was on the Rules Committee and we brought out, practically all the points that have been brought out here, but the main reason that we decided to keep a verbatim written record was for probably four or five specific reasons. First of all, it would not be a deposition type form, it would not cost a dollar or two a page or three dollars a page or anything like this. It would just be a typed copy of what the tape said. Now the second thing is, it's very necessary for future use in law suit purposes for interpretation of

the Constitution. I'm sure everyone understands this is a very important point to consider. The third point is, we went through our homework on the Rules Committee and went through twenty-one other sets of rules to Constitutional Conventions held throughout the last twenty years. In the twenty-one of them, as far as we found, every one of them had a verbatim written record of the proceedings. The next point is, that whoever wants a copy of this transcript and the part that they want, will have to request it and pay for the part that they do want. Now, as Mr. Roy brought out, well if someone wants a specific section, I think it's better if someone would ask for that specific section of the tape. Well, this would be alright if everyone would just want certain sections, but what's going to happen is there are going to be so many different people wanting sections and so many sections that overlap. It would be much easier to have one master copy and just let people copy what they wanted out of this. The entire document verbatim would just let the people take out of it what they wanted, which in the long run would probably be much cheaper than to having these people come in and wanting certain sections and overlapping sections. But these are the main points that I wanted to bring out. Probably not so important is that every other Constitutional Convention for the last twenty years did have a verbatim written record of all the proceedings.

Questions

Mr. Juneau Mr. Arnette, I have a question for you. I discussed this matter with Justice Tate, because this is who it would affect, the Supreme Court, and a verbatim record isn't a necessary thing to have. I think that for the future of the court and the state of Louisiana, my question is this: as I read on line 14 it says, "all proceedings," I proceed to me contemplates committees, subcommittees and everything else. That means all proceedings, procedural and everything else and I think that it would be at the point of being ridiculous. Don't you think that maybe a solution to that would be that we change, possibly change the word "proceedings" to "sessions" and the only verbatim record we would have transcribed then would be the recorded verbatim full sessions. It would eliminate all this redundant stuff we might have in procedural committees.

Mr. Arnette Well, in other words, as I understand your question, you're afraid that we are going to have to copy all the proceedings of the committees, also. Now as the Rule No. 22 is written, the (B) part says proceedings of the Convention and of the Committee as a Whole. As Rule No. 22 Section B, is written, it contemplates proceedings of the Convention and the Committee as a Whole. The verbatim written record of the committee is covered in another section on committees. I can't remember what it is right now, but it contemplates that this committee may have a verbatim record. But it does not require it. Now this is covered by this other section. It's 58(A) if you want to look at it in your rules. I think that's correct.

Mr. DeBlieux Mr. Arnette, as the result of having this record made like this, is it possible that the copies that will be made for the exhibit will be sold, will probably bring in more revenue than what the record would cost to make?

Mr. Arnette Now, this is a possibility. You could have it maybe at ten or fifteen cents a page, according to what the xerox copy would cost. But this is not what I'm concerned with. What I'm concerned with is exactly that we need a verbatim written copy. Another point that has been brought to my attention since I've been up here, is that tapes will deteriorate after a period of time, say twenty or thirty or forty years; and hopefully this Constitution and interpretation of it will be questioned for a longer period of time than twenty,

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thirty or forty years. And a written copy would not.

Chairman Henry in the Chair

Mr. Arnette There is one other thing I'd like to bring out that's also a very important point, besides the deterioration of the tapes, there is a possibility that since tapes do break, they need to be spliced, and splicing you can leave out words. I suppose sometimes words would be garbled because of the splice and it could be possible that certain tapes could be recorded over. That a significant portion of the proceedings that will be very vital to later interpretations would be lost in this manner. So thinking that we should go along with twenty-one other states have done in their Constitutional Conventions, I think we ought to have written verbatim records.

Mr. Duval Mr. Chairman, ladies and gentlemen of the Convention, I don't want to belabor the point and go on forever. I think that the proceedings of the Convention are of enough historical significance to justify keeping a record. There are other good reasons, particularly dealing with questions before the Supreme Court of Constitutional interpretation. In this article provides an orderly means of transcribing it, of having it attested to by the Secretary and the President of which was set out in another rule. Now I would be perfectly willing to limit the broad language of this article, and restrict it by some means as to the substantive debate on the proposals before the Convention. Or even leave it to the discretion of the Executive Committee what portions are going to be transcribed. But I think that we need this provision in here at least to the substantive debate on proposals before the Convention and I urge the defeat of the amendment.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, I think the answer to this thing is in the rule itself. I rise in favor of Mr. LeBreton's amendment. I agree with everything that's been said about the importance of having a record of this proceeding, if what we finally confer here becomes a Constitution of this state. If it does not, then I don't think anybody could care less what we said here, if the people don't adopt our final product. Now, if you will go on down in this rule and read Section 8 thereof, you will see that part of the duties of the Secretary are to see that all records are properly preserved in the Archives of this state. Now, my understanding this tape recording machine over there is recording this on triplicate tape. So there's going to be three tapes. They will be placed in the Archives of this state. Then, if what we have come up with becomes the Constitution of this state, it would be a simple matter for the Legislature to pass an act that those tapes be transcribed and printed and placed in the public libraries of the state. But what in the world do we need a day by day verbatim transcript of all of the words that are flowing here for? It's just an absolute waste of money, I respectfully submit, and I urge you to adopt Mr. LeBreton's amendment.

Further Discussion

Mr. O'Neill James Madison spent hours upon hours at night transcribing notes of the Constitutional Convention that was held back in 1780's. He sat up every night, all night transcribing word for word to the best of his memory, which was very good, the exact proceedings, the exact words which were said during the debate. These debates were closed to the public, of course, and the record was needed. Justice Holmes of the Supreme Court later read all of these things

while making his decisions on the Supreme Court, and I'm sure all of you lawyers here recognize Justice Holmes is a very distinguished Jurist. It strikes close to home, my being a law student, that a verbatim record would be an excellent means of preserving the work of this Convention. I personally would purchase a copy of this verbatim record, if the Constitution were passed or defeated. I think it's important enough that you consider this and that you defeat this amendment so that we can have a verbatim record of these proceedings.

Questions

Mr. Roy Did James Madison transcribe all the comments about Benjamin Franklin's gout and stuff like that or did he transcribe the debate on the substantive issues that went to the Constitution?

Mr. O'Neill Mr. Madison made some very amusing comments in his writings, and he caught the jokes, too.

Mr. Roy Then you think that what Mr. Jack Avant has suggested is out of order at this time and we can't wait and let the state archivist keep all this and if it's passed, then let it be transcribed at that time?

Mr. O'Neill I question the expense of transcribing at that time. I think we should do it now, while we have the opportunity to do it while we are in session. I think the sense of a lot of the things would be lost.

Mr. Stinson Mr. O'Neill, isn't it so that if we don't keep a record of this type in future litigation there is a possibility with all due deference to the paper, that a newspaper will be introduced as what takes place here instead of the actual record of the proceedings?

Mr. O'Neill You never know.

Mr. Stinson And also isn't it a fact that a tape can be changed or deleted or such as that, and you can only...a certification of tape would be that this is a tape and not a certification. This is the actual proceedings, isn't that correct?

Mr. O'Neill Yes, sir.

Mr. Champagne Is it not true that this record verbatim would give us every detail that takes part in this Convention? Is that right?

Mr. O'Neill As I understand, it would give us the details of the Convention in full session. That's my understanding.

Mr. Champagne Then I would suggest possibly that this would be a wonderful opportunity for some of these people who come up here very often to hear just what they said. Is it not?

Mr. O'Neill If they care to that much.

Further Discussion

Mr. Burns Mr. Chairman, ladies and gentlemen of the Convention, I'm just adjusting my brief remarks to the value of the importance in comparison to the cost of transcribing verbatim the proceedings of this Convention that will lead up to our finished product. If the finished product is not sufficient in itself it will fall. But as far as the transcription verbatim of our proceedings here and everything that is going on and all the talk of being any help to the Supreme Court in twenty, or thirty, or forty years in the future, as far as I'm concerned, I think it would be better if the Supreme Court didn't have the availability of all the things that are going on here. And rather be decided in the basis of our finished product, though we've never been told what the cost for a

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verbatim transcription, but if it's anything like the suggestion, I would certainly say without fear of contradiction that it's not worth it.

[Motion for the Previous Question rejected: viva voce.]

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen, I'll only take a few minutes, because I think there's been some misunderstanding from the beginning of this discussion. If you notice in Section (A) referring to the official journal that it shall be placed on our desks daily, but there is nothing in this section that says that the verbatim record shall be placed on our desk daily. It can be typed up at any time. I will not yield now, Mr. Tapper. It can be typed up at any time and I do think that we need the record. We need verbatim record that can be certified to, and when this Convention is dissolved and there are no further officers, there's no one to certify it. I think that the three hundred and fifty thousand dollar appropriation for this Convention is so unreal that maybe it has caused us to appear to be a little over thrifty. If we were in session fifty more days, we would be out of funds. So, don't look for three hundred and fifty thousand dollars to cover the cost of it. This is not a daily record, but it is a permanent record that will be of great need in the future. I urge the defeat of this amendment.

Questions

Mr. Tapper Mr. Drew, of course I agree with everything you've said. Isn't it fact that by simple majority we can change the rules of this Convention at any time? And isn't it a fact that that if we, that we should try this and see how costly it's going to be, and if it's so important to have. And if it's going to be that costly as we proceed in the first few days can't we then go back to amend these rules to provide that we should not have it.

Mr. Drew I don't think that we can determine in the first few days, Mr. Tapper. That's the point I'm making. It may be that the Legislative Council later on after the Convention starts its regular proceedings, the Legislative Council would have available secretaries who could start transcribing these sound recordings. It is not something that we would expect tomorrow of what we did today. But the purpose of this section is to preserve a record of these proceedings and that we need. And I sincerely urge that you defeat this amendment, so that the public will have the benefit of that public record that could be certified to. Thank you.

Mr. Munson Harmon, when we speak of the proceedings of the Convention, what do you envision this to be? Do you envision it to cover subcommittees, Executive Committees or just when we're in open session of the Convention?

Mr. Drew Mr. Munson, we made quite a bit in the Committee, the Rules Committee, over capitalizing and not capitalizing Convention. And I think it is capitalizing here which it would be the proceedings of the Convention and as a whole, not subcommittees or committees. There's another provision that deals with committees.

Mr. Munson Well, rather than just a capital letter, don't you think it should be spelled out that we are talking about Rules of the Convention while in full session, rather than meetings of the—I know it's covered in Rule No. 58, on committees and subcommittees. But don't you think it would be better to spell it out here that we're only talking about proceedings of the Convention, when we come back here on July 5th?

Mr. Drew I would have no objections, although I think as written, when it says Convention and Committee as a whole, it would be hard to interpret it to cover except the full sessions of this Convention and the Committee as a whole.

Mr. Jenkins Harmon, isn't this whole question of whether committee meetings shall be recorded verbatim, taken care of in Rule No. 58, which says that they may be recorded verbatim, but does not require that they be recorded verbatim?

Mr. Drew That is correct, Mr. Jenkins. Whether committee recordings or testimonies are recorded or not is up to the committee. And I think that provision would further clarify what is written here that we are speaking of nothing but the full sessions of the Convention and the Committee as a whole.

Motion

Mr. Singletary Mr. Chairman, I favor this, I favor a--I favor a verbatim written record, however, since the question of expense has been raised, would a motion to table all matters dealing with Section (B) of Rule No. 72, until we can find out exactly what it would cost, be in order?

Mr. Henry The motion to table would be in order, however, I don't know what better position we would be in to determine the cost of it, Mr. Singletary.

Mr. Singletary Okay, I withdraw my motion.

[Motion withdrawn.]

Further Discussion

Mr. Schmitt I'd like to oppose this amendment. Approximately a week ago, I spoke to a former assistant Louisiana attorney general who was in this position for thirteen years. He's presently a judge in Orleans Parish, and his one request was that whatever we do, for God's sake, please prepare a written transcript of all the proceedings so that the intent of the Convention will be known by the attorney general's office, as well as by the courts. I appreciate, during the time in which he served as an assistant Louisiana attorney general, many questions were presented to Jack Gremillion's office, and they had nothing to rely upon. As you know, it's one of the functions of that office to provide written opinions to certain agencies as to what the interpretation of laws and statutes, as well as the Constitution, are. Therefore, he implored me to make this one request. I brought it out through someone else in the committee meeting, and I request that you consider this at this present time and that you defeat the amendment. I would also state, however, that I believe that you could leave a certain amount of this to the discretion either of the Executive Committee or to the Chair as to what aspects should be transcribed verbatim in that certain motions--perhaps, the motion to adjourn or motion to recess--certain other types of motions might not be considered to have the amount of relevance necessary in order that we extend the funds to have them transcribed.

[Previous Question Withdrawn.]

Closing

Mr. LeBreton Mr. Chairman, Mr. Stagg, member of the Convention, I am sorry that my idea caused so much of a problem. However, I want you to know I'm deeply sincere in what I'm saying. One, I question the wisdom of verbatim; but, two, I strongly force the question of cost against what the value is. Now, in Section (B) that we are discussing of Rule No. 72 against Rule No. 58, I say to you, in my opinion--and I'm not a lawyer--that (B) and 58 contradict themselves as to whether or not committees or subcommittees may

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or shall be recorded. Certainly, that would be a tremendous difference in cost. I'm for keeping a record, but not a verbatim record. Now, in answer to what my friend and colleague in the House of Representatives said about the fact that this may not be needed daily or it may be typed, year after the Convention adjourns, I again tell you that, having read Rule No. 22 from top to bottom and bottom to top, I don't see where anyone can say how often that's going to be written, how soon it's going to be written. I could conceive that the session would require it to be on our desks every morning. There's certainly nothing in here that forbids that. So I tell you that the cost on this could be unbelievable. I am told that the eighty pages that was taken in testimony of Southern University cost seven thousand, five hundred dollars; almost a hundred dollars a page was the cost. Now, I can't prove that to you, but I've been told that by one of the members in this room. And I promised not to use the name. So, I--when I tell you that I'm afraid of the cost--I'm coming before you very humbly as a member of the Appropriations Committee and say to you: You've got to consider the cost against the value. And if my figure are anywhere near right, I'll say to you--and stick my neck out--that if we have three hundred and fifty thousand dollars to run this Convention, about half of it's going to go for this. I rest my case, Mr. Speaker.

[Amendment rejected: *viva voce*.]

Amendment

Mr. Poynter Amendment proposed by Mr. Juneau to the resolution. Amendment No. 1, on page 7, line 14, delete the word "proceedings" and insert in lieu thereof the word "sessions".

Explanation

Mr. Juneau Mr. Chairman, I agree one hundred percent with Mr. Drew as what we intended, but I just want to make darn sure that we understand it. It's apparent we have a lot of technical people here and I hate to wait a year later and somebody jumps and says, "I don't care what you say, I want it transcribed". What this does mean is when we're in full session of the Committee as a whole, that will be transcribed. When we have a committee hearing or a subcommittee hearing, then you go to Rule No. 5B and that controls it. I just want to clarify that and that's all this amendment does.

[Previous question ordered. Amendment adopted: *viva voce*.]

Point of Order

Mr. Fulco Mr. Chairman, is it possible after we conclude this rule, voting on this Rule No. 22, that on subsequent rules that the Chair will ask if there are any objections to the rule and if not, that we may be able to suspend the voting on each of the rules in order to save time?

Mr. Henry Well, we could do that, but we're not wasting much time on the vote, Mr. Fulco?

Mr. Fulco I just thought, I asked the question because it has been done many times in the Legislature. And I thought that it might just speed up the process. Thank you.

Mr. Henry Thank you for your suggestion, Mr. Fulco.

Amendment

Mr. Poynter Amendment proposed by Mr. LeBreton amending the resolution as follows: Amendment No. 1. On page 7, line 14 after the word "a" and before the word "written" delete the word

"verbatim". Delete the word "verbatim".

Explanation

Mr. LeBreton Mr. Chairman, members of the Convention, I heard the chorus, but I still think the word "verbatim" is unnecessary and again with the cost. As one member said to me, "Does that mean that if we discuss adjournment for forty-five minutes that's going to be," and of course it would be. And everything else that is said. I see no objection. It's probably good to have a written record, but again I say that a verbatim record is every word that is said from the time we convene till we adjourn, and I just wonder if that is necessary. I for one don't think that it is. Therefore, I offer the amendment.

[Previous question ordered. Amendment rejected: *viva voce*. Previous question ordered on the Rule.]

Question

Mr. Burson There's been a good deal of discussion about the use of the written record in legal proceedings, and I don't see it treated in this specific rule. It may be in some other that I haven't noticed, but will the written record be certified as the written record of the Convention by the Secretary? Because otherwise, we might...

Mr. Stagg In Paragraph (G), Mr. Burson, it says that the Secretary shall attest when necessary to all official documents of the Convention. And a verbatim written record would certainly be one of those documents.

I move the adoption of Rule No. 22, Mr. Chairman.

[Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Rule No. 23. Delegation of Secretary's Duties to Chief Clerk. Except for certification of official acts, documents and vouchers, and service on the Executive Committee, the secretary may delegate his duties to the Chief Clerk, subject to the supervision by the Secretary.

[Previous question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Rule No. 24. Duties Pertaining to the Treasurer. The Treasurer shall:

- A. Exercise responsibility for the accuracy of the Convention's financial records and the monthly distribution of financial statements to the delegates of the Convention;
- B. Cosign, with the Convention Chairman, all warrants and/or checks; and that has been amended now, Mr. Journal Clerk, could I have that amendment? I'll go back.
- C. Serve as custodian of all Convention financial records;
- D. Assist in the preparation of the Convention's budget;
- E. File quarterly audits and final audit of financial records with the State Treasurer, Clerk of the House of Representatives and Secretary of the Senate;
- F. Make financial records of the Convention available for audit to the Louisiana Legislative Auditor quarterly and at the end of the Convention;
- G. Serve as a member of the Executive Committee, and carry out such other duties as maybe assigned by the Chairman.

Mr. Stagg Mr. Chairman, I wish to point out that in line 10 there has been a previous amendment adopted striking "and or/checks".

Mr. Poynter That is correct.

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[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Chief Clerk. Rule No. 25. Duties. The Chief Clerk shall:

- A. Shall not be a delegate to the Convention.
- B. Shall perform general administrative duties of the Convention subject to supervision of the Chairman, and when he assumes the duties of the Secretary as provided in Rules No. 22, he shall do so under the supervision of the Secretary;
- C. Shall be answerable to the entire Convention for faithful execution of his duties and the smooth functioning of the Convention in assembly as a deliberative body;
- D. Shall serve as Parliamentarian of the Convention and shall be advisor and counsel to the Chairman and committee chairman on all matters of parliamentary procedure; however, all parliamentary rulings shall be the responsibility of and shall be made by the Chairman.

Mr. Stagg Mr. Chairman, I move the adoption of Rule No. 25 with a technical amendment that in line 34, "chairman" should "chairmen".

Mr. Poynter It's a new rule that's been inserted, but it's not part of this, it's Rule No. 25.1.

Mr. Henry Do you offer that as a technical amendment?

Mr. Stagg I do, sir.

[Technical Amendment adopted without objection.]

Questions

Mr. Arnette Mr. Stagg, would it be possible for another technical amendment at the end of line 1 on page 9 to add "the Chairman of the Convention" then add "or committee chairmen" at the end of line 1, after "Chairman" and before the period, "or committee chairmen"?

Mr. Stagg Do you offer that as a technical amendment, sir?

Mr. Henry He doesn't have the floor. He asked you a question, Mr. Stagg.

Mr. Stagg Mr. Chairman, in answer to Mr. Arnette, I would like to move a technical amendment to add after the word "Chairman" in line 1 the words "and committee chairmen".

Mr. Henry Mr. Stagg, did you mean "committee chairmen in committee"? Is that the way you meant to amend it?

Mr. Stagg That's what the amendment means, sir.

Mr. Henry As long as we all understand one another.

Mr. Stagg Mr. Chairman, earlier "that he shall be the advisor and counsel to the Chairman," and that's yourself, "and committee chairmen".

Mr. Henry Yes, sir, I understand.

[Technical Amendment adopted without objection. Previous question ordered on the Rule. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, I take it as being factual that the language of Mr. Donnelly added 25.1 will appear in this place in the rules as finally printed?

Mr. Henry Yes, sir.

Mr. Stagg ...with a new numbering system?

Mr. Henry That's correct, sir.

Reading of the Rule

Mr. Poynter "The Sergeant At Arms. Rule No. 26.

Duties. The Sergeant At Arms shall:

- A. Attend the Convention during its sitting, to execute commands as directed to him by the Chairman, including signing for and delivery of correspondence addressed to the delegates;
- B. Maintain order in the Convention Hall and execute Rules of the Convention concerning admission to the floor;
- C. Maintain order at committee hearings and assist committee chairmen in their duties;
- D. Exercise supervisory control over his assistants, subject to direction of the Chairman.

[Previous Question ordered. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, there is an amendment in the nature of a committee amendment, Rule No. 26.1, and that amendment has been moved to the Chair.

Amendment

Mr. Poynter Amendment proposed by Mr. Stagg. Amendment No. 1. On page 9, between lines 12 and 13, add the following: Rule No. 26.1. Vacancies. If a vacancy occurs in the office of Chairman, the first Vice-Chairman shall temporarily preside until the Convention elects a Chairman to fill the office in the same manner in which the officer was first elected.

If a vacancy occurs in the office of any of the Vice-Chairmen or in the office of the Secretary or Treasurer, the Chairman shall appoint a delegate to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected.

Explanation

Mr. Stagg Mr. Chairman, it was the intention of the Rules Committee, in its deliberations, to have a rule on vacancies. The omission was discovered by Mr. Kean and the committee, on behalf of the committee, I offer a committee amendment to establish how vacancies in the officers of the Convention shall be filled.

[Previous Question ordered. Amendment adopted without objection.]

Reading of the Rule

Mr. Poynter Chapter 3. Delegates. Rule No. 27. Delegate's Oath. No delegate shall be qualified to serve unless and until he has taken the prescribed oath.

Question

Mr. Tobias Mr. Stagg, is it not true that we should amend this...make a technical amendment to this rule to provide delegates' oaths at the first in line 15 and also at the end of the sentence in line 17?

Mr. Stagg Mr. Tobias, if all of the delegates to the Convention here present and serving, except those who are absent and ill, have taken two oaths and I would suppose that it should be a technical amendment offered for the prescribed oaths to be taken by our absent delegates, who have not yet taken the oath and any delegate who replaced delegates to this Convention at a later date, would have to take the same oaths as taken by the delegates who are here. And I move the adoption of a technical amendment to pluralize the word "oath" in the title and at the end of line 17.

[Technical Amendment adopted: viva voce. Previous question ordered on the matter. Rule adopted: viva voce.]

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Reading of the Rule

Mr. Poynter Rule No. 28. Recognition in Debate. When any delegate desires to speak in debate or present any matter to the Convention, he shall rise and address himself to the Chair. He shall not speak until recognized, and when recognized he shall confine himself to the question under debate.

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 29. If any delegate, in speaking or otherwise, transgresses the rules of the Convention, the Chairman shall call the delegate to order; in which case the delegate shall sit down and shall not proceed without leave of the Chairman or the Convention.

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 30. Limits on Debate. Delegates shall not speak more than once to the same question, nor more than fifteen 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 Article 76. The time for reply shall not exceed a total of fifteen minutes.

Questions

Mr. Burson Mr. Stagg, it's been apparent that many delegates, including myself, have been engaging in debate under the guise of asking questions and I don't see anything in these rules that say, or any subsequent rules that covers the matter of asking questions and whether that's going to be allocated to fifteen minutes or not. As I read this this is only debate. Is that correct?

Mr. Stagg You'll find, Mr. Burson, that when this Convention gets into the deliberative phase and that Chairman is standing at the chair, when your fifteen minutes begins to click, if you then yield to somebody else for a question you are going to lose some of your fifteen minutes and you won't be so cavalier about it as we've been today.

Mr. Denney Mr. Stagg, is the use of the plural word "designees" on line 33 delegates?

Mr. Stagg Yes, Mr. Denney, when a delegate is permitted to close, and he has or wishes to have indicated to the body, that his views are shared by several people and he has fifteen minutes in which to reply, it is possible for the proposer to divide his time and ask that the closing remarks be made by one, two, three or more delegates in honor and still would honor the time division.

Mr. Denney Mr. Stagg, under those circumstances, would you be good enough to mark in your book that Rule No. 76 (A) refers to delegate in that instance in the singular, so that there was a...

Mr. Stagg I thank the gentleman and I will make certain that when we get to that point we will be careful to include it.

[Previous Question ordered. Rule adopted: viva voce.]

Point of Information

Mr. Kean Now that Rule No. 30 has been adopted, is it now in effect?

Mr. Henry I'd like to say that it is, but I don't think that it is and I'll tell you why, because we are adopting a resolution from the Rules Committee. And I think that it would be improper for the Chair to so rule that that beautiful rule is in effect at this time. If the body were to insist, I would be glad to preside in that manner.

Motion

Mr. Kean My motion is that in light of the fact that we have now adopted Rule No. 30 as part of Resolution No. 1, that we now declare that Rule No. 30 is to be implemented by the Chairman with respect to the debate on the remainder of the rules to come before the body this afternoon or until they are completed.

Questions

Mr. Leithman Mr. Kean, would it not be probably safer for us to maybe adopt Rule No. 1 through 30 in view of we have some provisions for the absence of the Chairman and things of this nature, and just at random, but rather than picking out Rule No. 30, it seems to me, perhaps we could go one to thirty. Would that be not in order?

Mr. Kean I have no objection to that Mr. Leithman, I just simply feel that if we can implement Rule No. 30 with respect to the remainder of the debate, that we can move this thing along much more rapidly than we have in the past.

Mr. Triche Mr. Kean, no sir, I have no objections to limiting the debate to fifteen minutes on each rule, however, but to propose it before the body the adoption of a resolution. And if we adopt Rule No. 30 temporarily to apply would that then mean that we are entitled to debate these rules for only fifteen minutes per person? Debate the entire resolution?

Mr. Kean I think that would be correct.

Mr. Triche Then what you're saying then if we adopt your motion is that Mr. Stagg will be allowed to talk fifteen more minutes on these entire rules, or rule by rule?

Mr. Roy Mine is more in the way of a point of information. I'm for your motion, Mr. Kean, but I'm wondering about Rule No. 76, because part of Rule No. 30 is referred to Rule No. 76 and we haven't adopted it yet. Should we maybe adopt Rule No. 76?

Point of Order

Mr. Tapper I agree with your proposal, but I question whether or not this may in some way cause some legal problems in the future. Wouldn't it be better if instead of adopting this rule before we complete all of the rules... wouldn't it be better if we took a vote of the delegates on their feeling as to whether or not the Chairman could invoke the particular limitation rather than take one of these rules out of this resolution and adopt it? I'm thinking of the legality of it later on.

Mr. Henry Inasmuch that this is apparently a point of order, Mr. Kean, if you will allow me, Mr. Kean had asked if it would be possible to proceed under that rule? It was my ruling, inasmuch, Mr. Tapper, as we are considering a resolution in its entirety that such a motion would be improper, but that he would be in order to suggest that we proceed under such a ruling as is provided in the rules. So I think that resolves your problem.

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Mr. O'Neill I agree with your motion, Mr. Keen, but I question the validity of it at this time, because there's no provision that we've adopted yet to suspend rules, in case we find that we'd like to extend debate on this. And I find that that's a problem, too. It seems like this motion has run into a lot of problems.

[Previous Question ordered. Motion adopted.]

Reading of the Rule

Mr. Poynter Rule No. 31. Prohibited Behavior. No delegate shall walk off the Convention floor during roll calls, nor shall any delegate in any way impede the business of the Convention by interrupting delegates who are speaking, by use of objectionable language, or by engaging in any way in discourteous conduct.

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 32. Questions of Order. Every question of order shall be decided by the Chairman, without debate, subject to an appeal. The Chairman may call for the sense of the Convention on any question of order, but when an appeal has been taken from the decision of the Chair, any subsequent question of order which may arise from the decision of such appeal by the Convention shall be decided by the Chairman without debate, and all appeals therefrom shall also be decided by the Convention without debate. Appeals from any ruling of the Chairman shall be affirmatively put, and to overrule the Chairman, shall require the same vote required to suspend the rules. (See Rule No. 85.)

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 33. Answering Roll Calls. Every delegate must answer his or her roll call if being taken, and answers to roll calls from other locations on the Convention floor shall not be counted.

Questions

Mr. Tobias Mr. Stagg, does this include roll call votes for when we arrive at the Convention, in other words, the initial roll call to see who is present?

Mr. Stagg I would presume that the rule means exactly that, when a roll call is being taken.

Mr. Tobias Would you be willing to amend the rule to provide for that one particular instance?

Mr. Stagg Mr. Tobias, I would do it in courtesy to you. As a committee member, I cannot and I won't.

Mr. Womack Mr. Stagg, would this roll call here be one that you would normally assume would be also an opening roll call or is there a distinction here between roll call and an opening roll call? The reason I ask the question is if you have an opening roll call and you're not permitted one to answer and at no other time would be permitted to answer that, maybe in another section an individual who wasn't at his desk at that particular time would be deprived of his pay for that day. We may need a clarification.

Mr. Stagg I think, Mr. Womack, the comment that you have made and that Mr. Tobias has made are excellent comments on the rules, however in the Rules Committee, I think what we had in mind was the same kind of disorder that has taken place

on the answering of the roll and the various other times during the Convention. The opening roll call has been answered from all over the room, and I think that's adequate, but when a vote is being taken on a critical issue, this Rules Committee rule, that was the kind of roll call the Rules Committee had in mind.

Mr. Tobias I withdraw my objection.

Mr. Landry Mr. Stagg, is it true that the roll call is covered in Rule No. 3?

Mr. Stagg Yes sir, Mr. Landry, it is.

Mr. Weiss Hopefully, Mr. Stagg, we may have an electronic means of voting and roll calls. If that's the case, wouldn't it be necessary to be at your seat at the time to call, according to the first motion or rule that we passed number three.

Mr. Stagg That was the remark that was just made by the previous speaker. And if this Convention be so fortunate as to vote by roll call, then I'm sure that the then permanent Rules Committee would have several amendments to the rules of the Convention to cover the use of the electronic voting machine.

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 34. Absence from Daily Session. A delegate may be excused from attendance at daily sessions only with leave from the Chairman, and no delegate shall be compensated for a day on which he is absent from Convention sessions.

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 35. Vacancies. By a vote of at least two-thirds of the delegates at the Convention, the seat of a delegate may be declared vacant by the Convention, if the delegate has been absent for at least fifteen unexcused, consecutive, opening roll calls. In the event of the death of, or written resignation by a delegate, the seat may be immediately declared vacant by the Chairman. The Chairman shall notify the Governor of any vacancy.

Questions

Mr. Burns Mr. Stagg, did the committee look into the legality of this rule with reference to giving the Convention the legal authority to declare a man's seat vacant? As I understand it, the delegate to this Convention is a duly elected official and I was just wondering whether we have that legal authority or not?

Mr. Stagg Mr. Burns, we did not ask the opinion of any legal authority. It was a group of seventeen delegates writing rules and we figured that if a man or woman was not in his seat or at the opening roll call on fifteen unexcused absences, on fifteen unexcused consecutive opening roll calls, that he had abandoned his seat in this Convention and that measures should be taken so that his District would be represented in this Convention.

Mr. Burns I'm not questioning the... your action in providing that. I'm just questioning the legality of it.

Mr. Stagg If it ever occurs, Mr. Burns, I think we'll face that legality.

Mr. Brown Mr. Stagg, it is your intention to define opening roll call as that roll call that

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begins each day; in other words, if we recess for lunch and come back, is that a roll call? You might have eight or nine roll calls in a day. One roll call a day, is that your interpretation of that particular point?

Mr. Stagg Yes, Senator Brown.

Mr. Brown Mr. Stagg, what happens if you're fifteen minutes late and miss the opening roll call? Does that mean that you have absented yourself from that entire day and that's counted against you as such?

Mr. Stagg No, Senator Brown, I think the roll call provision under Rule No. 3, the delegate who came in late goes to the desk of the Secretary and asks to be marked present. And that's all he's required to do in any parliamentary body.

Motion

Mr. Blair Mr. Chairman, fellow delegates, I'd like to make a motion that we temporarily pass this. Obviously we are not going to finish all these rules today. And let us get a legal opinion on this, because I think this could cause some real static down the ways. I make the motion that we temporarily pass this and check on the legality of it.

Further Discussion

Mr. Arnette When the Rules Committee was considering this particular rule, we looked at Act 2, and Act 2 provides that any seat may be declared vacant if there is an inability or an unwillingness to serve on the part of any delegate. Now the act left it open as to how the Convention would declare this vacancy. And we decided that an equitable type situation would be this as provided in Rule No. 35, fifteen consecutive unexcused roll call misses. And it seems to me, not being a legal scholar or Supreme Court justice, or anything else, but it seems to me that this would be a way and a legal way of providing such vacancies. And for anyone else who has anything to say about it, come on up. But I see no point tabling the motion at this time. Let's get the rules adopted.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the Convention, I want to agree with the previous speaker. I don't think it's necessary to pass over this particular rule at this particular time. I have some questions in my mind to, with reference to the legality of this particular rule. But this may not ever come into being, and I think that whenever it does, whenever we do declare some delegate's seat vacant because he's been absent without leave, without excuse or something of that sort, the courts are going to pass on it anyway, and I think that will be the time to get out legal decision. I don't think we have to worry about it now. So I say that we just go on ahead and adopt the rules and wait for that time.

[Previous question ordered.]

Closing

Mr. Blair Mr. Chairman and fellow delegates, I want to make it perfectly clear that I'm not trying to table this. All I asked for was to temporarily pass it. You know we're not going to finish all the rules today, and I think we could just save a lot of time by checking on the legality now where there wouldn't be any question. I ask that we temporarily pass it up until we can check that.

[Motion rejected: *viva voce*. Previous question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Rule No. 36. Voting in Person. No person other than the delegate himself will be permitted to vote or to answer any roll call or quorum call.

[Previous question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Chapter 4. Proposals. Rule No. 37. Proposals. Any original suggestion, proposition or draft intended to become a part of the Constitution shall be referred to as a proposal. A proposal introduced by a delegate shall be designated as a delegate proposal, and a proposal submitted by a committee shall be designated as a committee proposal. An amendment shall be designated as an amendment.

[Previous question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Rule No. 38. Resolutions. All matters of general Convention business, other than proposals intended to become a part of the Constitution shall be proposed through the instrument of a resolution, which instrument shall be so designated and may be introduced at any time.

A resolution introduced by a delegate shall be designated as a delegate resolution, and a resolution submitted by a committee shall be designated as a committee resolution.

Resolutions shall be subject to the same rules of readings, committee referral and adoption as proposals. Resolutions shall contain a short title which shall be reflective of its purpose and substance and shall comply with the form requirements of Rule No. 41.

Delegate Nunez in the Chair

[Previous question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Rule No. 39. Introduction. A proposal may be introduced by a delegate or delegates or by a committee on behalf of a majority of its membership.

[Previous question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Rule No. 40. Introduction of Committee Proposals. Committee proposals prepared and approved by the several committees of the Convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the Chairman of each committee or his designee.

Amendment

Mr. Poynter Proposed by Ms. Zervigon. On page 12, line 3, the following sentence is to be added at the end of the present sentence. "These proposals as far as completed shall be mailed to all Convention delegates on or before June 22, 1973."

Explanation

Ms. Zervigon The reason I submitted this amendment is that I would like to have at my house and ready for me to read as much as possible of the work that's been done by the committees for the Convention before the July 5th date when we re-assemble to consider them as the first proposals.

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[Previous Question ordered. Amendment adopted: viva voce.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Flory]. On page 12, line 3, delete the period " and this would precede the sentence added by Ms. Zervignon's amendment. Delete the period "." following the word "designee" and add the following: "and shall bear the signatures of a majority of the members of the committee." The additional language, immediately following the word "designee" and before the sentence added by the amendment proposed by Ms. Zervignon and adopted "and shall bear the signatures of a majority of the members of the committee."

Explanation

Mr. Flory Mr. Chairman and delegates, this is a technical amendment to delete the period " and this" important in view of the fact that we have provided in this proposed rule that the Chairman may introduce a committee proposal in his name or the name of his designee. I have served on many governmental and civic commissions and committees in drafting legislation, agreeing in consensus as to what it ought to be in and of itself, and the legislation was finally drafted, it did not necessarily reflect a majority opinion. What this does is assure this Convention that if a committee proposal is introduced, it must bear the signature of a majority of the committee members who have read the final draft and does in fact represent a majority view of that committee in the way of a proposal. I urge the adoption of the amendment.

Questions

Mr. Kean Mr. Flory, Mr. Flory under Rule No. 60, provides all proposals submitted to a substantive committee shall be reported from that committee indicating committee action provided that a majority of the committee membership present and voting must approve the committee report. As I appreciate your proposed amendment you would change that rule as applies to all committees.

Mr. Flory We are talking about here is a majority. If you spell out that majority of that committee shall make the report, Mr. Kean, we'll take care of Rule No. 60 when we get there, if it is the desire of the Convention. But if a committee proposal is to be introduced in the name of a committee, let's assume for example that there are eighteen or nineteen members on the committee. Ten constitutes a majority, then ten people ought to sign that rather than having six people, if six would constitute a quorum, six would be a majority of the quorum present. If we're going to have a committee proposal, it's my judgment that we ought to have a majority of that committee supporting that proposal. And it ought to reflect the consensus of majority of that committee. And that's the sense of my amendment. I urge you to adopt it.

Mr. Perez Mr. Flory, would you be agreeable to an amendment which would provide that there would be a majority in accordance with Rule No. 60 and then when we get to that particular rule, we will decide whether or not a majority of all 11 of the members of the committee or a majority of those voting would be required to vote the matter favorably so that we would have consistency in our rules? In other words when we take up Rule No. 60, we will then determine whether or not we need a majority of the total members of the committee or a majority of those voting, and at that time we could determine what a majority means. So that if you would be agreeable to amending your amendment, so that it would provide that a majority as provided in Rule No. 60, would you be agreeable to that?

Mr. Flory Of course I would have no objection, Mr. Perez, to amending it to that extend; however, I think you're only delaying the pain. The decision has to be made insofar as whether you're going to reflect in a committee proposal the consensus of a majority of a committee or whether or not you're going to do it in the majority of a quorum present. It was my understanding in the Rules Committee, I may be incorrect, and I am not trying to speak for the Rules Committee, but when this was under discussion that a committee proposal should at least reflect a majority opinion of that committee. Now, the only thing I'm trying to do is to assure in the drafting of a proposal, when it comes before this Convention for final passage as a committee proposal, I want to know whether it reflects a majority opinion of that committee or whether it reflects a majority of the quorum that was present at the time that that proposal was heard. I think we ought to be assured that it reflects a majority opinion of the membership of that committee.

Mr. Duval Mr. Flory, I, looking in Rule No. 39, and want to ask you what your interpretation of it is. Rule No. 39 which we recently adopted says, "a proposal may be introduced by a delegate or delegates or by a committee on behalf of the majority of its membership."

Mr. Flory That was the purpose of my amendment, was to clarify Rule No. 39, Mr. Duval, in spelling out that we would know as delegates to the Convention when it appeared in the Journal that it contained a majority of the signatures of the membership of that committee. Yes, sir, this lies directly with Rule No. 39.

Mr. Roy Mr. Flory, in keeping with your argument, isn't it a fact that what Mr. Kean and them are talking about under Rule No. 60 applies only to substantive committees and there are going to be four procedural committees that may be very important to your point?

Mr. Flory That is absolutely correct and particularly if you adopt what is proposed here in the way of the procedural committee.

[Previous Question ordered. Amendment adopted: viva voce.]

Further Discussion

Mr. De Blieux Mr. Acting Chairman, ladies and gentlemen of the Convention, as I understand that, particularly this Rule No. 40 that we are adopting now, that means that all proposals submitted by delegates will have to be introduced, that is there's no prefiling or anything of that sort, will have to be introduced after July the fifth, 1973. That all of the committee proposals which will automatically be the first matters of the Convention will be, you might say, prefiled, they would have to be in order for us to get them out as the amendment we've just adopted by June 22nd. And then we can come to the Convention with our own proposals after we've read the other proposals for changes and submit our own proposals to the Convention. I think that's the sense of that rule, and I just wanted to be sure I understood it.

[Previous Question ordered.]

Question

Mr. Guidry Mr. Stagg, I don't see any provisions for minority proposals on here. I do see a provision in Rule 60 on substantive committees but how about on a procedural committee? Are you entitled to a minority report, a minority proposal?

Mr. Stagg In paragraph sixty I know or I have heard, Mr. Guidry, that there will be an amendment when we get the Rule No. 60 to strike out the word "substantive" in line 6 which would be curative of the question you have raised.

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[Rule adopted: *viva voce.*]

Chairman Henry in the Chair

Reading of the Rule

Mr. Doynter 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 top 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.

[Previous Question ordered. Rule adopted:
viva voce. Adjournment to 1:30 p.m.,
Tuesday, January 16, 1973.]

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Tuesday, January 16, 1973

PRAYER

Mr. Stovall ... name for the creation and preservation and all the blessings of this life. We are grateful that we can come here today to this responsibility with renewed physical strength and we pray that we might come with clear minds and with generous spirits to work together in order to move forward in our state, for all that will help all of our people to find true fulfillment in life. We pray that You will give to each of us a spirit of understanding and consideration and guide us in our deliberations. May Your blessings be with all who are in need and be with us at this time. In the name of Christ we pray, Amen.

PLEDGE OF ALLEGIANCE

ROLL CALL

[14 delegates present and a quorum.]

UNFINISHED BUSINESS

RESOLUTIONS ON FINAL PASSAGE

Reading of the Rule

Mr. Poynter Rule No. 42. Deadline on Proposals. No proposals may be introduced by delegates after the first sixty days following July 5, 1973; committee proposals, however, may be introduced at any time, provided rules governing procedures for adoption are followed. Amendments to proposals may be offered anytime.

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Avant]. On page 12, line 29, following the word "delegates" insert the words "or committees". Amendment No. 2. On page 12, line 30, delete the semicolon ";" and in lieu thereof insert a period "." and delete the remainder of line 30. Amendment No. 3. On page 13, delete line 31. Amendment No. 4. On page 12, line 32, delete the language "for adoption are followed".

Explanation

Mr. Avant Mr. Chairman, fellow delegates, the purpose of this amendment is to place a deadline of sixty days following July 5, 1973, which would be approximately September the fifth, on all proposals. Now, the reason for that is that: We will at that time have approximately one hundred and twenty days within which to complete the work of this Convention. I do not believe that if we are allowed up until the very last day through committees to submit entirely new proposals to this Convention that we will be able to complete the work that we have to accomplish within the time allotted. Now, an amendment to a proposal may be offered at any time. Also a substitute, if I understand these rules, may be offered at any time. Furthermore, if in the fading days of this Convention, some brilliant ideas come forth that all of a sudden is going to precipitate the solution to what has heretofore been a logjam, we can suspend the rules. But, if we are going to allow committees up until the very last day of this Convention to come in with entirely new proposals, I believe we're going to hamstring ourselves and seriously interfere with our ability to accomplish what we are here to accomplish, and that is the reason for this amendment. I think that we can be protected. We have many ways in which we can be protected in the event something comes up at the last minute that we just have to consider. But, to throw it wide open for completely new proposals which could not be covered by an amendment or a substitute up until the last day, I think would be unwise. For that reason, I ask you to adopt this amendment.

[Previous question ordered. Rule adopted: viva voce.]

Question

Mr. Tapper Just a question, if the speaker doesn't mind. I'd like to ask on line 29, where it says "after the first sixty days," I was wondering if the Chairman of the Rules Committee wouldn't consent to change that by amendment to the first... after the sixtieth day, following July 5, 1973. I don't know whether it makes a big difference or not, but it seems a little confusing to me.

Mr. Stagg I think that means the same thing, Mr. Tapper; I really do. I've no strong feelings one way or the other, just so long as on the sixtieth day after July the fifth it's understood there'd be no new proposals.

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Stagg [Poynter] Rule No. 43. Printing. Each proposal introduced shall be immediately printed and distributed to the delegates and shall be available to the general public and other interested parties. No final action may be taken on any proposals until printed copies have been distributed to the delegates for at least forty-eight hours.

Explanation

Mr. Stagg Mr. Chairman, this seemed to the Rules Committee to be a better way of having the proposals be moved to the delegates so that every delegate upon the beginning of the discussion and debate on the proposals will have had the opportunity to at least two days, forty-eight hours, prior reading and study time during which to propose amendments or substitutes.

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 44. Order of Processing. The order of Convention procedure in processing each proposal shall be as follows:

- A. Introduction, which shall constitute the first reading.
 - B. Committee referrals: Committee Proposals shall be referred to the Committee offering the proposal. Delegate proposals shall be referred by the Chairman of the Convention to the appropriate committee based on the subject matter of the proposal. The Chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the committee designated by the Chairman; if objection is raised, the referral shall be made by the Convention. Referrals shall be made the day following introduction. Committee referrals shall commence the second reading.
 - C. Committee reports.
 - D. Consideration of and voting on the substantive committee report by delegates in general assembly.
 - E. If recommended, reconsideration by substantive committee or Committee of the Whole.
 - F. Reference to Committee on Style and Drafting.
 - G. Enrolment, which shall complete the second reading.
 - H. Third Reading and final passage.
 - I. Enrolment.
 - J. Referral to Committee on Style and Drafting.
 - K. Convention approval of final styling.
 - L. Final enrolment.
- Each of the three required readings shall occur on three different days.

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Explanation

Mr. Stagg Yes, Mr. Chairman. If it is appropriate to note that what was sought by the Rules Committee was that no proposal could be rammed through the Convention by having first and second or second and third readings occur on the same Convention day, and that a more orderly way of going about it was considered by the Rules Committee, to require that the bill be considered and read on three different days during the deliberation of the Convention.

Question

Mr. Flory Mr. Stagg, just as a matter of information, I would like to ask your views as regards line 26, which is F and line 30 which is J. It appears that you have two referrals to the Committee on Style and Drafting. Was it the intent of the Rules Committee that the Style and Drafting Committee would style it in proper form prior... that is, upon a committee recommendation to the Convention? This is the way it appears here in my interpretation.

Mr. Stagg Yes, sir. It was hoped that the Style Committee would get the bills and have a chance to style it and to number it, and after it has been amended or otherwise dealt with, between the second and third readings that again the Style Committee could have a look at it. I might say in passing, Mr. Chairman, that the language in F, Committee on Style and Drafting, a technical amendment on raising to initial capitals the Committee on Style and Drafting in line F, or in Item F on line 26. A matter of style only, sir.

[Technical amendment adopted without objection.]

Questions

Mr. Gravel Mr. Stagg, on line 19, the word "commence", should that not be "constitute"? Wasn't that the intention of the rule that the committee referral would constitute the second reading just as the introduction constituted the first reading as set forth in A? I don't know if I quite understand what is meant by "committee referral shall commence the second reading."

Mr. Stagg I think the probable appropriate word would have been "to constitute". I don't know how that got past us, but I believe that the way it should read.

Mr. Henry Mr. Stagg, I don't think the appropriate word would have been "constitute."

Mr. Stagg We had advice from Mr. Poynter when we were concerned with these orders of processing, and I believe that it was Mr. Poynter's suggestion that when you commence the second reading it is done by committee referral and not constitute. That was the suggestion from our parliamentary adviser.

Mr. Gravel I still don't understand it. It seems to me what you are saying is that the introduction...

Mr. Henry Mr. Gravel, I believe that if you'll read that rule more carefully, you'll find that it is absolutely clear and accurate insofar as the procedure of the Convention is concerned.

Mr. Gravel Well, then I don't understand what is meant in line 8, "introduction which shall constitute the first reading."

Mr. Stagg Well, the committee referral commences the reading of it, but you'll not down in "Engrossment" under C--"which shall complete the second reading"--in other words, it's not to go past a reconsideration. It has to be first reconsidered by the delegates under D, and then if recommitted,

reconsidered by the committee, then back to the Committee on Style, and then engrossment which completes the second reading of the proposal. The commencement of it is with the committee referral.

Mr. Gravel I understand. Thank you very much.

Mr. Stagg Yes sir.

Mr. Henry Mr. Gravel, I think you find yourself somewhat in the situation that Mr. Jenkins did one day as Mr. Triche said "Well, I can read it for you, but I can't understand it for you."

Mr. Arnette In line 14 and line 17 was Chairman intended to be capitalized, meaning the Chairman of the Convention, or should this be the person that was presiding that particular day?

Mr. Stagg It would be the person presiding as Chairman of the Convention on that day. Do you propose, Mr. Arnette, that we reduce those capital "C's" to "c" so that anybody who was presiding could make this referral?

Mr. Arnette That's my question.

Mr. Stagg I think your question is well taken.

Mr. Burson Purely for informational purposes--these are technical terms, and I don't really know what you mean--what in line 27 under "C" does the word "Engrossment" mean?

Mr. Stagg Engrossment is a legislative term of art, and it means when you engross a bill you have included a bill with all of its amendments complete and reprinted so that the delegates will have before them in toto the pending proposals.

Mr. Burson And in the same vein in line 29, "I," the word "Enrollment".

Mr. Stagg Enrollment is the bill is then enrolled into the Constitutional document as the last step, or the next to the last step, to its completion of the work on it by the members of the Convention.

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 45. Order of Proposals. When a proposal is up for third reading and final passage, it shall be read, debated, and acted upon separately by sections. Each section shall be considered a separate question for the purpose of "limits on debate" provided for in Rule No. 30.

Question

Mr. Burson When the term "sections" is used here, are you referring to the sections of the different articles to be proposed in the new Constitution?

Mr. Stagg Very definitely. It was felt that if someone presented... if a committee presented a proposed article to the Constitution, that it ought to be able to be debated in each of its parts, rather than as a whole document with fifteen minutes limited to each speaker.

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every such amendment shall be distributed to each delegate before a vote occurs thereon.

Questions

Mr. Schmitt Would you consider adding after

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amendments, "except technical amendments"?

Mr. Staggs No sir, we considered that amendments, inserting commas and semicolons and this kind of thing would occur, but it was the feeling of the committee that since we are keeping a close record on every part of the document, that if you had a technical amendment, it would be in writing.

Mr. Nunez Mr. Staggs, I'm assuming from a procedural standpoint that every amendment that we submit or every amendment submitted by any delegate of this committee has to be reproduced and given to each delegate before we can act on that amendment, regardless of what the substance does? For instance just a change of word, are we going to have to reproduce and submit it to each delegate of this Convention? That's what the amendment does?

Mr. Staggs That's correct, sir.

Mr. Nunez Then the Rules Committee didn't feel like this would hamper the proceedings of the committee at all?

Mr. Staggs To the extent that it hampered it, that was considered, but the overwhelming view of it was that you're going to be voting on some very technical amendments, some of which may have the ability to change the substance of the article, and that every delegate ought to have before him when he votes on the final Constitutional Document, and on the parts of it, that it should be in writing.

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 47. Style and Drafting. When all proposals have been processed, the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement in the new proposed Constitution. The end that the document shall be properly coordinated and uniform in style, and such final draft must be approved by a majority of the delegates to the Convention.

Questions

Mr. De Blieux Mr. Staggs, I noticed in the reading of this you say "when all proposals have been processed"—noticing that clause in the first sentence—"the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement." Now, as I read this and understand this, it means to say that we've got to wait until all the proposals have been processed before the Committee on Style and Drafting would get them. Now, that's not the content that I think was referred to in, I believe, Rule No. 44, which is the one which we've just previously adopted a little bit earlier. I would think that it might be better that these proposals as they are processed—not all—that is, don't know how you interpret it, but I think that we have to make it read so that, as the proposals are processed, then those that have been adopted will be sent to committees because we can't wait until all of them have been adopted before we send them to the Committee on Style and Drafting.

Mr. Staggs Well, what I think we are referring to here, Senator, is that there is under Rule No. 44 an order of processing which causes the bill to be studied by the Committee on Style and Drafting midway in the proposal—midway in its processing—and then when all of the proposals have been processed, the entirety of them are going to be in the hands of the Committee on Style and Drafting for the purpose of arranging them within the body of a new Constitution. And that, I think, is the intent and purpose of this particular article, and in the final draft, at the end of our work, the

final draft in all of its parts must be approved by a majority of the delegates to the Convention.

Mr. De Blieux Well, that kind of clarifies it to me, 'cause I just didn't understand that I didn't want to have to wait 'till we had finished all the proposals before the Committee on Style and Drafting would get them.

Mr. Staggs Correct, sir.

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 48. Distribution. For the purpose of these rules "distribution" shall mean that a copy of any document is placed on the desk or chair of each delegate.

Explanation

Mr. Staggs Mr. Chairman, we were—at the time this rule was under consideration—did not know in what place or in what kind of room the Convention would be meeting, and events of the last several days have shown that it has been in different places and under different circumstances. It was also proposed that among other meeting places that one of them under consideration had only auditorium type seating, so it was an abundance...out of an abundance of precaution that the Rules Committee put the language in "on the desk or chair of each delegate" to cover whatever eventually was before us at the time the Convention is in final deliberative situation.

[Previous question ordered. Rule adopted: viva voce.]

Explanation

Mr. Staggs Mr. Chairman [...] or if between two committees there is a dispute over subject matter or jurisdiction that we provided a Coordinating Committee which would be composed of the Chairman and the First Vice-Chairman of the Convention and the chairman of the respective subcommittees, and the duty of that Coordinating Committee, when we get to it, will be to be sort of a traffic cop to help in the event that two different subject matter problems are being viewed by the two different committees; and, hopefully, these matters can be resolved by the Coordinating Committee. There are as many different ways to divide these committees, perhaps, as there are delegates. The Rules Committee decided on this arrangement, and I'm presenting it and have moved its adoption as being one good way that the work of this Convention can be divided into what the Rules Committee felt was the proper number of substantive committees for the use of this Convention. I move its adoption.

Mr. Henry The gentleman now moves the adoption of the rule, which I think has already been seconded. Now, gentlemen, it looks like a lot of you have questions, but we have a series of amendments, so if you'll allow us to go ahead and proceed with the amendments, then we'll allow Mr. Staggs to speak to the rule itself and recognize you people to speak from the floor. I think it would probably be in the best interest of time to go ahead and see what these amendments do. It may resolve some of your questions or some of your comments. So, Mr. Clerk, if you will, who sends up the first set of amendments?

Amendment

Mr. Poynter Amendment No. 1, proposed by Mr. Silverberg.

On page 15, lines 15 and 16, delete the words "Board of Regents for Higher Education." On page 15, lines 15 and 16, delete the words "Board of

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Regents for Higher Education."

Explanation

Mr. Silverberg Yes, Mr. Chairman. Mr. Chairman and fellow delegates, I urge your favorable consideration of this amendment because I believe the words "Board of Regents for Higher Education" are superfluous and restrictive and should be removed from the sentence. The Committee on Education and Welfare is adequately instructed on its responsibilities by the remaining language. If the words "Board of Regents for Higher Education" are to be included in the rule, then we must assume that the Rules Committee intended the remaining language "Public Education" to include only primary and secondary education. If this is so, then certainly the committee should be instructed to also consider the LSU Board of Supervisors, the Louisiana State Board of Education, the Coordinating Council for Higher Education, and the State Superintendent of Education's office. The language also fails to charge the committee to specifically consider the vocational and technical training of our young people beyond the secondary education level. The specialized field of junior colleges is also not mentioned in the language. If we, the Louisianians, I believe when we speak of public education--well, when we speak of public education, we mean all education--that we offer it through our tax supported public schools, including our primary and secondary and university level institutions. I urge your favorable consideration. Thank you.

Point of Order

Mr. Burns Mr. Chairman, ladies and gentlemen of the Convention, in view of the fact that we are getting ready to discuss--and perhaps have amendments to, or questions on some eight committees--if possible, I would suggest that we take them up for the purpose of discussion and amendments in the order in which they appear, rather than skip from one to the other and get them all mixed up and intermingled. I think that in the interest of clarity and time-saving, if we could do that, it would save a lot of time. It would confine our discussion to one committee at a time, rather than jumping back and forth.

Mr. Henry Mr. Burns, I think that your point is certainly well taken, and while we had decided that we would proceed on the amendments in the order in which they were handed up, I think that you've got a better suggestion. As far as it is practical, Mr. Clerk, I will ask you, after we dispose of this amendment--since he's already explained it--that we proceed in the order in which the committees are listed, if we can, Mr. Clerk.

Point of Order

Mr. Perez Mr. Chairman and fellow delegates, we have just adopted Rule No. 66, which requires that a copy of every amendment be distributed to each delegate before a vote occurs thereon. It is my suggestion at this time that, even though these rules have not yet been formally adopted, that because of the grave importance of the designation of these committees--and apparently there will be several suggestions and recommendations--that a copy of every such proposed amendment be distributed to all of the delegates.

Mr. Henry Mr. Perez, your point is well taken. The problem is the reproduction equipment is not here right now and will be here later on this afternoon. So, we'll just have to make shift and do the best that we can.

Further Discussion

Mr. Leithman Mr. Chairman and members of the delegation, I rise in opposition to my good friend, Mr. Silverberg's, amendment; and I'll try to

explain in just a few minutes a very broad picture of education here in the state. Mr. Silverberg felt that the many scopes of education were left out in the charge by the procedural rules. I question this, and this is one item that I want to touch on briefly. I feel that this is not in the charge and that public education is inclusive. It's inclusive of school bus drivers, of our lunch programs, and retirement systems for our educators. None of this was mentioned, but it is included because we have here--and I'll touch on how this came to be--this is every constitutional factor that relates to education in any way, all of which is included in these volumes of education. So, nothing has been left out in terms of any segment of our educational system. I have a resolution which will come up in a minute--gentlemen, I would not prefer to yield at this time; I will yield later. I have a resolution that I planned to offer at a later time in the proper order, which will make an amendment to this; however, it will include and pull out of Rule No. 7, Mr. Silverberg, all of education. It will have public education, our higher education, special ed., career education, in one committee for handling. This has been prepared and offered, and I feel personally that this is the way it should be, and this is not only my personal viewpoint, but, gentlemen, we have recently done away with all of the education committees here in the Legislature. We have one model joint legislative committee. We feel it's a good committee--people knowledgeable in education--and they have taken it upon themselves, the entire responsibility, of coordinating the professional staff with the Legislature in the direction of education. This joint committee just today passed a resolution that public education and higher education be handled as a one-item committee here in the Convention. So, gentlemen, I ask that we not adopt this because I feel that Mr. Silverberg has good reason to offer this resolution, but I feel that we should not separate education. I think if we separate it, all of education should be taken out; all of education should be handled as one item. We included in there education, which is about thirty-six percent, if I remember, of our total state budget; health and welfare, another big item--the big three items--and the other third is our highways, which is not included. So, really we're talking about almost two-thirds of our budget, right under this one committee hearing, and I just think it's too much for us to cope with. So, gentlemen, I will ask that you reject this, and I do hope that you see fit to include all of education as a single committee at a later adoption period in this program.

Questions

Mr. Tapper Kenny, is it my understanding that your amendment, which you propose to propose at a later time will add a ninth committee to deal with education?

Mr. Leithman It will add a ninth committee to be designated as 7 and 7A, but in essence you will have a ninth committee, and it will deal with all segments of education in the state under one committee--higher, special ed., career education, secondary and elementary.

Mr. Tapper Would you consider in preparing your amendment--I assume you have it prepared already--but would you look it over and instead of designating public education, higher education, etc., etc., would you consider using the word "education" so that it would cover everything--public, higher education, private education and everything else--instead of going into details because, when you do that, you may leave something out. Would you consider just using the word "education, period"?

Mr. Leithman Well, if you think it's necessary, I certainly have no objection to doing that. I don't think it's necessary, but I would certainly do that. 'Cause all I want to do is really include

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all of education under this.

Mr. De Blieux Of course, Mr. Leithman, the question you answered for Representative Tapper has just about given me the answer which I was seeking with reference to this, because I certainly think that this committee should consider education and all of its fields. Now, I don't know about separating it from the other affairs, but I'm with you on that it shall consider all education. Now, as I take it, just lifting out the words "Board of Regents for Higher Education" will not change the functions of the committee whatsoever. You can be your bottom dog and the committee is going to consider some sort of a Coordinating Committee or Regent for Higher Education. Whatever you want to call it, it's going to be considered by the committee which considers education. But I just wondered what harm would we do, if we lift out of this particular section the words which Mr. Silverberg has attempted to do, that is, a Board of Regents for Higher Education. Also, if we just lift out the word "public" so that we'd consider all education, you might say, in every one of its facets.

Mr. Leithman I agree with you.

Mr. Silverberg I don't think that we have any difference in context or in ideas, but I do think that we have a possibility that your resolution or your amendment might not pass. I'm quite concerned over the fact that we have a directive included in a rule and the directive is very, very restrictive. When we speak of the Board of Regents for Higher Education, as you well know, we're speaking of something that won't take place until 1974, if then. If your resolution doesn't pass, what happens to us?

Mr. Leithman Well, I don't see any problem if my resolution does not pass. Education will be handled--all segments of education, higher education as well as the profession, will be handled along with welfare, labor and industry, civil service, and all of these other segments--so it will be handled, and I don't think any great jeopardy will be done. Well, Mr. Silverberg, one, I want to just touch on this: when you mentioned dividing the word about the Board of Regents, I think the planning people--I don't know; I can't really read their minds--but I think they picked this title up off of a bill, and I personally handled the bill in the House, and that was the name, the title of the bill, for higher education. I think, really, they just picked up that Board of Regents for Higher Education and offered that piece of legislation. But I don't see any harm if my bill does not pass; it just merely means that you are going to be handling so much of the state's budget in one committee. Any other questions, Mr. Speaker?

Mr. Fontenot I assume that you intention, by getting up here and voting against Mr. Silverberg's amendment... you are--let me ask you--are you intending to separate this number seven committee into two committees--one to consider the welfare and consumer affairs, civil service, labor and industry--and then again proposing that a committee number nine study education? Is that the intent of your...?

Mr. Leithman Basically, yes. What I plan to do is have 7 and 7-A. Seven would deal totally with education, all segments--higher education, public education, school bus drivers--the whole realm of education. Then 7-A or 7-B, whichever I have on the resolution, will cover the remaining aspects of that paragraph.

There's no other questions, Mr. Speaker?

Further Discussion

Mr. Champagne Fellow delegates, I rise in support of Mr. Silverberg's amendment because, as

the attorney sometimes says, the words "Board of Regents" is leading the witness. I would like to eliminate it, and I would suggest all education. I feel that if you do go along and not adopt this amendment, and you go along as the other speaker mentioned, then you're opening the door to have the same number of committees that the Constitutional Convention in 1921 was killed by. On the point that he mentioned that we would have experts on this committee, being a man of many interests, I submit that you don't want all the experts on the committee to which they may appear to belong. You certainly don't want Legislators on the Legislative Committee completely. You don't want judges on the Judiciary Committee completely. You don't want only educators on the Education Committee. You need people of different interests because, even though it's two-thirds of the budget of the State of Louisiana, the educators themselves do not pay the budget. What I'm telling you is, if you go along and go along on this trend, that you get one for education, one for welfare, and one for relief, one for this and one for that, you'd better hold this thing down to eight committees. It's well represented; it's varied; and it covers it completely, and I repeat to you once again that please observe the amendment that Mr. Silverberg made. Let's consider education complete, because there's some segments of the education that twenty years from now won't even be mentioned on this committee. It's changing times, and you're writing the Constitution for all times. You want all points of education, not only public, but insofar as it deals with private or any other means. But, please, let's not start adding on additional committees, as it seems to be the public opinion of some people here, because the people here divide this thing up to the point that people of many interests cannot be on any.

Further Discussion

Mr. Newton Mr. Chairman, fellow delegates, I rise in opposition to the amendment but I will in defense of Rule No. 49. I was a member of the Temporary Rules Committee, and I don't stand here to tell you that Rule No. 49 is perfect. I don't say it's going to satisfy everybody. There are fifty separate areas of consideration named in this rule. Now, if we start adding and everybody wants to debate everyone of them or shift it or switch it, then we could be here all night on that one rule. We thought that we set out with broad areas that the Convention could get its teeth into and start to work. I'd like to point out that, by the rules already adopted, any committee of this Convention can consider any other area it wants to. The Committee on the Judiciary could, if it so saw fit, take the Rules Committee's mandate. This is something that's just broad to get our teeth into and get started, and I'd like to see it stay like it is. Thank you.

[Previous Question ordered.]

Closing

Mr. Silverberg Mr. Chairman, fellow delegates, it looks like I opened up a whole can of worms; didn't I? However, as I see it, there's a probability or possibility that we will keep our eight committees. All I've done is recommend that we limit the language of this rule and, incidentally, we point out that the Rules Committee has made some minor errors in the compilation of these very excellent set of rules, and it would seem to me that as the rule is now written, it should be very obvious that we are limited to a particular area of education. I think by the elimination of those few words "Board Regents for Higher Education" we have covered the whole spectrum of education in Louisiana. Some of my fellow delegates have come to me and suggested that we drop the word "public," and I would have a good amendment. I did not choose to do that deliberately. I think that the area in which this committee will work

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that it will be limited to public education. I say that we won't--if I happen to be on this committee, or any of you are on this committee--that you won't consider private and other areas of education. But, in the final analysis we are concerned with public education. I urge your adoption of this amendment.

[Amendment adopted: *viva voce.*]

Amendments

Mr. Poynter These are amendments pronounced by Mr. Denny to amend the original resolution as follows:

Amendment No. 1. On page 14, strike out lines 30 through 33 in their entirety and insert in lieu thereof the following: "C. Committee on the Executive Department, which shall consider the offices comprising the Executive Department, reorganization, state civil service, term of the governor and other elected officials of the Executive Department, and impeachment;"

Amendment No. 2. On page 15, strike out lines 6 through 9 in their entirety and insert in lieu thereof the following--on page 15, delete lines 6 through 9 and insert in lieu thereof this--"5. Committee on Local and Parochial Government, which shall consider local and parochial government, home rule, special districts, consolidation of government, intergovernmental cooperation and parochial and municipal civil service."

Amendment No. 3. On page 15, line 16, strike out the words "civil service". Page 15, line 16, strike out the words "civil service."

Explanation

Mr. Denny Ladies and gentlemen of the Convention, first may I congratulate the Rules Committee on limiting the number of committees to eight. I think that's very sound. The purpose of my amendments are to remove civil service from the Committee on Education and to put it back under civil service into state civil service and parochial and municipal civil service and put that subject in the respective committees. The reason for this is that civil service is far more than just a civil service commission; it is a department of personnel within each of these branches of government. It seems to me that the Executive Branch of the government and the committee which considers the Executive Branch should consider state civil service, that the Committee on Local and Parochial Government should consider Local and Parochial Civil Service insofar as they affect the operation of these two fields of government. I realize that the Coordinating Committee would be able to accomplish this, but it would be awkward if you had civil service on under Education and Welfare, and then you had to have a joint meeting of three separate committees to consider the effect of civil service on the state executive as well as on the parochial and municipal. It is for this reason that I have removed it...I suggest the removal of it from Committee No. 7 and the inclusion of each of these in the proper committees.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in opposition to the amendment, and I base my opposition upon the history of civil service--the purpose of civil service has always been to give protection to the state local municipal parochial employees in this state, to take it out of the realm of politics. It is my judgment that civil service has no place whatsoever in the Committee on the Executive Department. I believe that the Rules Committee has outlined in excellent fashion those subject matters to be considered by the eight substantive committees. I would not want Municipal and Parochial Civil Service to be inserted in Subsection Five because I think the matter of civil service ought to be consolidated into one section or article of the constitution.

What's good for the state employees ought to be, in the way of protection, good for municipal and parochial employees of this state adapted to local and municipal and parochial adaptation. Let me say, if I might, in looking at Subsection Seven, the comments that have been made up to this moment in regard to the division of subject matters in Subsection Seven: What is more appropriate in the way of civil service to leave in Subsection Seven with the rights of employees? This is what you are talking about. There is nothing else, basically, in the constitution with reference to rights of employees, except your provisions of civil service. Now I think that Subsection Seven is ideal in the way that the Temporary Rules Committee has had it. I've had my disagreement with some of the things that the Temporary Rules Committee has submitted in the way of detail. But, I submit to you that great consideration was given into the development of the subject matter and breaking it down into the eight substantive committees, as we now have it proposed before us. I would beg you not--not to divide the civil service. Don't put it in the Executive Department. It has no place in being considered with the powers of the Executive. That was the purpose originally of placing the employees of this state and the local governments under civil service: is to give them the protection that they need. I beg you, in all justice, to defeat this amendment.

Delegate K.D. Kilpatrick in the Chair

Further Discussion

Mr. Burson I have no strong feeling about where civil service should be as regards to state employees, but I do have very strong feelings that anything in the new Constitution that we write which is going to affect local, parochial, municipal governments should be considered by the committee that is considering those matters relating to local government. I think the reasons for that are all too obvious in the recent history of this state that our local governments have in many cases been hamstringed by action taken on the state level that they have had no part in formulating or dealing with at all. They had to accept something as fait accompli which, in many cases, visited a grave financial burden on the cities without the means wherewith to meet these additional burdens. I do not think that the Committee on Parochial Municipal Government should be deprived of the opportunity to consider any civil service proposition that will affect those governments. For that reason I speak in favor of the amendment.

Further Discussion

Mr. Abraham While I have no quarrel with what Mr. Burson has said as to local government having a say-so on affairs that affect them, I can't help but agree with Mr. Flory that we should keep civil service all as one package, because what we are talking about here in Section Seven is the Committee on Education and Welfare and civil service is a part of the public welfare. There is nothing to prevent the Committee on Local and Parochial Government from presenting to the Committee on Education and Welfare its views and thoughts on civil service as how it affects them. I am sure--and I think Mr. Flory touched on this a little bit--but I would think as it has been said by any member of the Rules Committee or the Chairman of the Rules Committee who would consent to take the floor to explain their reasoning as to why it was grouped this way. I am in favor of grouping it this way because it deals with the welfare of the public, but maybe we can put a stop to some of the controversy if they will explain to us as to why they did it this particular way, and we would better understand their reasoning.

Further Discussion

Mr. Stagg Mr. Chairman, in answer to the question

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by Mr. Abraham, and in part in answer to some of the things said also by Mr. Flory and by Mr. Burson, we have attempted to balance the work load of eight different committees. We got down now to a discussion of philosophy as to what kind of constitution are we going to present to the people. If we are going to present a hundred thousand words or two hundred thousand words, then perhaps some of these committee structures could be enlarged. So, we are at a crossroads of sorts here. What is the considered opinion of the delegates in this room that our finished product will look like? Will it be a catalogue, a compendium exhaustively treating with every branch of government and every area of government responsibility; or is the new constitution going to be one with very infrequent amendments, a basic statement of law and structure of government; or are we going to write another catalogue like 1921? That is what the committee structure is about. Now we get to the work load of Subcommittee No. 7. There is not going to be a large number of pages on public education. There really isn't in the present Constitution. There's not going to be a great huge amount of language on consumer affairs. This is not a legislative document we are going to draft. It's going to be a general statement of principles of government. On Education and Welfare, if those were the only two subjects to be in the purview of Subcommittee No. 7, their work would certainly not be balanced with that of the Committee on the Executive or on the Legislative or on the Judiciary. So, for that reason, we added to Education and Welfare two or three pretty sticky points, so that their work load would equal out with the other seven committees: For instance, consumer affairs, a new and larger item of governmental interest in recent years, civil service, labor and industry, seeking there a balance between contending economic forces within the same subject matter. We would not want to see this committee if it had the lion's share on it, to have eighteen people previously associated with education. I don't believe that would be what would be a balanced committee on the subject of education. Nor would I like to see it overwhelmingly loaded with people whose business and personal associations have been in the field of welfare, or in the field of education, or in industry. We sought, by this committee structure and this outline of subject matters, to divide the areas of the new constitution evenly as possible in our concept so that the new constitutional document works. The drafting of the document would make one subcommittee about as busy as another; and to the extent that we succeeded by dividing some of these areas, that is the explanation of the reason for the placement of these subject matter areas where you or some of you may think they don't really belong. It was an effort by the Rules Committee to divide the work of the eight separate committees, and that's how these subject matters were switched around and changed around by the Temporary Rules Committee.

Further Discussion

Mr. Womack Mr. Acting Chairman, fellow delegates, it looks like we are going to get into the merits of some of the items that's coming up anyhow. It was envisioned by any of us on the Rules Committee, and probably a lot of others, that there would be any number of overlapping subjects, overlapping articles in the constitution. Some of them are covered in as many as three or four articles that might well be assigned. It was our opinion that this would be considered probably by one or two more committees, because of us were affected, and that the chairman of those committees would get together and quite possibly hold joint hearings on these items where there was an overlapping. Now, if you are going to start out and say that we are going to have a constitution, with one thing in mind and that's brevity, then we need about a hundred words. If we are going to look at a constitution from the standpoint of my in-

terpretation of it, we are looking for a constitution that gives the greatest amount of protection to the individuals of this state--the property owners and everybody else--but the greatest amount of leeway and flexibility to the local and state local government. And when I go back and check and, even though there's many, many pages involved in civil service in the constitution that has never been amended, and if every other act or every other section of the constitution of this state was like civil service, there would not have been an amendment submitted in the last eighteen years. Now I'll give you a little something to think about. There is more votes tied to fouling up civil service in the State of Louisiana than any other item of it, and I defy anybody to successfully contradict it. If you don't think so, somewhere down the line you're not in touch with the rank and file of civil service employees. There's only about fifty thousand of them. When you add all of the other, and the fact that you've got many, many working people in it, I think we better take a second look before we start attempting to make civil service a football in this convention and turn a good portion of our attention to where the real problems are, and that's the problem of the operation of local government and the problems of reducing the multitude of amendments that has been submitted to the people over a period of years which certainly has confused the issue. Thank you.

Chairman Henry in the Chair

[Previous Question ordered.]

Closing

Mr. Denny I would point out with regard to my good friend, Mr. Flory's statements that civil service goes far beyond protection of the employees. In my opinion, the prime purpose of civil service is to have a merit system for the State of Louisiana and for the various local, parochial, and municipal governments. So it seems to me that it is very important to find out what the executive branches of these forms of government have to say about it. Now, as far as Mr. Stano's statement, I do not comprehend that every committee is going to consider an article which covers everything in that committee. It seems to me that the committee can study it, but may recommend that the article go somewhere else in the constitution. And in many situations, it is quite logical; for instance, in Rule No. 49.2 the Committee on the Executive Department is to study the term of the governor and other elected officials. Well, there are many elected officials in this state who are not in the Executive Department; and, presumably, this method of dividing, in the rules, is to comprehend that each committee is to recommend where in the constitution the ultimate article will go. I strongly urge that you adopt this amendment.

[Amendments resumed: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Guarisco to the resolution.

Amendment No. 1. On page 14--page 14--line 27, immediately following "powers," insert the following: ", concepts and principles of government,".

Explanation

Mr. Guarisco Ladies and gentlemen of the Convention, the reason why I brought this amendment up--I may be nit-picking about it--but I think that this particular committee should not be harassed by what is written in, or what we are already used to. For example, we here in this Convention may--and here in Louisiana in 1973--may develop what might turn out to be a new concept of government. We are proceeding that if a man only saw squares, he may have never contemplated the wheel. So, I

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think that this committee should be free to maybe find a new branch of government, or what have you, and they should be free to do this. Therefore, I urge the adoption of the amendment. For an example: distribution of powers—we may eliminate a power; we may add powers, but I think there's a presumption that we're only going to have three branches of government and distribute them in three different areas. So, I urge the adoption of the amendment.

[Amendment reread.]

Further Discussion

Mr. Duval Fellow delegates, I just thought at this point it might be a good idea to perhaps clear up the language under the committees. This language—I don't think the Rules intended this language to be exclusive. It is merely a guideline as is a budget. I don't think any committee is going to be bound by the language of this article. I think if we attempted to outline everything specifically and definitely, we'd be here all year trying to do that. What we must understand is that each committee is going to be basically autonomous and to try to work together with the other committees—but, the general concept being that this language is merely a guideline to the Convention and does not preclude any committee from going off into a peripheral area, and not specifically itemized, under the article setting up the committees. I wish you'd consider this. Therefore, keep that in mind when you vote, please. Thank you.

Questions

Mr. Rachal Mr. Chairman, ladies and gentlemen of the Convention, I'd simply like to ask a question of the maker of this amendment. It seems to me that certainly we can consider these concepts and principles, but it seems to me that we are trying to make a textbook out of a Constitution. As I understand it, the particular article—if that's what it would be—would deal with the rights of individuals as they should be stated. If we are to include in it the concepts and principles of government, we are beginning again to lengthen the Constitution and, to me, make it a textbook rather than a Constitution per se, as I understand the Constitution.

Mr. Duval I might point out I didn't make that amendment.

Mr. Rachal Oh, I'm sorry. I thought I was first... The reason I asked the speaker the question because, as I heard him defending it before, including this terminology, it just seemed to me that it was out of place.

Mr. Duval My remarks may not have been clear enough. I was speaking against the amendment.

[Previous Question ordered. Amendment rejected: viva voce.]

Amendment

Mr. Poynter Amendments proposed by Mr. Denney. Amendment No. 1. On page 15, delete lines 2 through 5 and insert in lieu thereof the following: "4. Committee on Judiciary, which shall consider the judiciary, tenure, selection and removal of judges, the Department of Justice, district attorneys, sheriffs, constables, clerks of court, parish recorders, parish registrars and coroners;"

Explanation

Mr. Denney The purpose of the amendment is to include the removal of judges, primarily. It may be the tenure is sufficiently broad to cover that, but it seemed to me that we ought to have a specific provision to permit the Committee on Judiciary to

consider removal of judges as well as their selection. The addition of the other words, the words "constables," to follow "sheriff," and the words "parish recorder" and "parish registrars" is primarily made because we have those animals in New Orleans. Now, it may well be that we won't have them in New Orleans after the Constitution is adopted. But I would certainly think that they should be considered by the Committee on Judiciary. We have a constable of the first city court who has the same general types of duties as does the sheriff, so I think we should consider that office. Our parish registrar and recorders are independent elected officials.

Questions

Mr. Kilbourne I only wish to ask if justices of the peace should not also be included in there?

Mr. Denney If you consider that a justice of the peace is not comprehended under the term "judiciary," I would assume they should.

Mr. Kilbourne Well, everything else is mentioned but justices of the peace, and I just wondered if it wouldn't be proper to include justices of the peace.

Mr. Bel Mr. Denney, I'd like to ask: Would you include in that city marshalls?

Mr. Denney No, I didn't include that in there.

Mr. Bel Would you?

Mr. Denney Well, I don't think I can amend my own amendment.

Mr. Henry We've got one amendment, gentlemen, which is under consideration, which does not include such a provision. Now, if Mr. Denney wants to withdraw his amendment at this time, certainly that would be in order, or further amendments can be submitted at the appropriate time. But we don't amend the amendments.

Mr. Bel I'll go on and send up amendments.

Mr. Roy Mr. Denney, under No. 5 of that particular rule, Committee on Local and Parochial Government, wouldn't city marshalls and other public officials of a local and parochial nature be covered there, and we don't have to go into justices of the peace and these other specific problems that are being raised?

Mr. Denney I would think that may very well be correct, Mr. Roy.

Mr. De Bieux Mr. Denney, I'd just like to ask you this question. What language in this particular rule or in these rules would prohibit that committee from considering these other officials which you have mentioned?

Mr. Denney Inclusion unius est exclusio alterius. That means if you include one thing, it excludes the other.

Further Discussion

Mr. Abraham Delegates, I would simply like to deplore the addition of all of these words to these rules. These are a set of rules which are a guideline and these committees, I would hope, would have enough discretion to be able to look at all these different things. If we keep adding words simply to include this person or that person, or that job or this job, we're going to wind up with a set of rules just like the Constitution as it is today. I don't see any need for having to add all of these little things, because you see what's happened now: Because he wants to add three people to it, somebody else wants to add another job, and then you're going to have another job. We'll be here for six

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months just adding words to these rules, and these are simply rules for us to work by.

[Previous Question ordered. Amendment rejected: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Leithman. Amendment No. 1. On page 15, strike out lines 14 through 17 in their entirety and insert in lieu thereof the following: "7. Committee on Education, which shall consider all the facets of education in the state; and 7. (A) Committee on Welfare, which shall consider health and welfare, consumer affairs, civil service, labor and industry; and".

Explanation

Mr. Leithman Mr. Chairman, fellow delegates, we touched briefly, moments ago, on this resolution. I have changed the original resolution, at the request of many of you, which would include all facets of education. We eliminated the word "public". In accord with the vote for Mr. Silverberg, I have eliminated the phrase "Board of Regents of Higher Education". The intent being: all facets of education would be included separately. There were other people that asked "What about public institutions?" So I included the word "health" in 7 (A). I broadened welfare to include health and welfare; so, basically, what I'm trying to do here is to keep the children, the students, apart from other facets of this committee hearing. You will hear, in committee, in various P.A. groups, you will hear the teachers' organizations. You'll hear school-bus drivers, retirement representatives. You will go into career education, retarded schools, special schools, not to mention our universities and colleges. This will be a massive undertaking, and I think one committee should be set aside to handle such a important segment of the state; that being, education. I'll yield to questions.

Question

Mr. Avant Mr. Leithman, I would like to read this because I couldn't follow it too well. My question was I understand that what you contemplate is two separate and distinct committees. In other words, there will be one committee that will be the Committee on Education, and then the remainder--or, substantially, the remainder of what is then the proposed seven--will be another committee with two chairmen, so we have nine committees instead of eight committees.

Mr. Leithman That is exactly correct.

Mr. Avant I wanted to be sure I understood it.

Further Discussion

Mr. De Bliueux Mr. Chairman and ladies and gentlemen of the Convention, I rise in opposition to this amendment because what this will do, it'll add another committee. I think we can accomplish the same thing, in a way, by subcommittees which have already been authorized by the rules we have adopted so far. I see nothing wrong with the committees that have been set up by the Rules Committee. I see nothing with the exact number of the rules that have been set up by the Rules Committee: that is, will be considered by each committee. I do question the fact that the Rules Committee did not designate a definite number of people to be on each of these committees. I noticed that in Rule No. 53 there said from ten to twenty. Now, I don't think we can adopt a rule like that. We've got to set out the exact number of people that would be on each committee. But I think that with a smaller number of committees that we have, if we'll keep to that number of eight, it will allow enough representation from the various segments of our society and the various areas of our state to where everybody can

get in their two cents. I think that that's what we should have. I've served in the legislature a long time, and I know that sometimes you can have committees running out of your ears. As a result of that, I've found myself quite certain, trying to make three committees at the same identical time. I don't want this Convention to get in that type of situation. If we can limit the number of committees, hold the number down small, and limit the number of committees which the members will serve on, I believe we can do a much, much better job, because I feel quite certain, there are a number of the members of this Convention will probably like to appear before some committee, sometimes, which they may not be a member of. And, if you have a lot of committees meeting, you're going to find yourself in a very difficult position, sometimes, in making those committee meetings that you would like to make. So, as a result of my observation of this particular amendment, I would suggest that we vote down this particular amendment and stay with the eight that we've got and utilize our subcommittees to divide up the subject matters, which can be taken care of. Now I can see it, if we have a committee of, say, fifteen on the Education and Welfare, that it might be very easy say a committee of seven of those that will consider nothing but education at some particular time and maybe the rest of them consider something else; but, at least, the whole committee will have to pass on it. I think we'll get a much, much better Constitution that way than trying to have a committee for every subject matter that we may discuss during this Convention.

Further Discussion

Mr. Silverberg Mr. Chairman and fellow delegates, I rise in support of Representative Leithman's amendment. I'm quite sure we're all aware of the amount of work that will be in the completion of these rules and the intent of the Rules Committee to limit the number of committees that we'd have so that all of us could participate. However, there is one thing that the Rules Committee couldn't do, nor can any other committee: sit here or stand here and tell us how much work will be involved in the final completion of the few pages that will go into the new Constitution. In my hand here eight type-written pages which are the result of about four and a half months--or, possibly, two hundred and fifty hours--of intensive work in a committee of sixteen who have researched all facets of higher education with the hope that it could come up with something that would be better than Act 732, which will take effect in January of 1974, unless this Convention comes up with something better. As you now know, the Board of Regents would take effect then. Many of us feel that this is an imperfect act, although the intent is good. I think that, in order to accomplish the objectives that have been set forth not only by the Rules Committee, but in order to fulfill the desires of the people throughout this state, that it be our responsibility to give everyone, as well as the delegates to this Convention, an opportunity to participate in depth. I can assure you that if we adopt the ten to twenty-man or women committee that we don't have enough people to staff the particular committee, in which we are referring to, unless we divide it. Thank you, and I urge your support for a favorable adoption of this.

Further Discussion

Mr. Burson I speak in opposition to the amendment for the reason that I believe that the amendment that, because so much of the state budget is devoted to education that we need a separate committee, is spurious for this reason: We are not here to confect a state budget, but a Constitution. The copy of the Constitution that I have here in my hand contains Article XII on public education, twenty-one pages framed. Now there are other

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allusions to public education in the Constitution, but the main article dealing with public education in the present Constitution is twenty-one pages out of the seven hundred-odd pages in the present Constitution. I think it is obvious, therefore, that if we create a separate Committee on Education, that their tendency would probably be to lengthen this twenty-one pages that we have, rather than to decrease it. I imagine that ninety percent of you here ran on the same platform that I did--that we were going to cut down the size of the Constitution. I submit to you that, if you vote for an amendment creating a separate Committee on Education, you're going to be doing the opposite of the platform that you ran on.

Further Discussion

Mr. Aertker Mr. Chairman and ladies and gentlemen of the Convention, I rise to speak in opposition to the amendment. I think that public education is directly related to the other areas that you have already included on this committee. Since this is the first time I've had the occasion to speak to this gathering, I would like to add my compliments to the tremendous job that the Rules Committee has done for this Convention. But, certainly, welfare and, certainly, labor and industry are a definite part of education; and, when we start talking about all of the different segments of education being included in the Constitution, I would hope that one of the things that we don't write into the Constitution is provisions dealing with special education and PTA's and all the other matters, that we develop a Constitution that will give some protection to public education in this state, and that we provide a broad general outline of the duties and the responsibilities of this government to provide certain types of education. We are trying, by this amendment, in my opinion, really to isolate education as far as possible in this state, and I think it is directly connected with the areas that it has on the committee. I request that you vote against this amendment.

Questions

Mr. Champagne I just want to clarify a question in my mind. You are against this amendment; is that right, sir?

Mr. Aertker Yes, I am.

Mr. Champagne And would you...are you superintendent of education in one of these parishes?

Mr. Aertker East Baton Rouge, yes.

Mr. Champagne That's the point I wanted to put.

Further Discussion

Mr. Fontenot Mr. Chairman, fellow delegates, I rise in support of this amendment, and I'm going to give you some of my own personal observations concerning this particular issue we are facing now. I also commend the Rules Committee on its work in proposing eight substantive committees, but I feel that Delegate Leithman's proposal is a good one. My own personal feeling is that the Departments of Education, Welfare, Commerce, Affairs and Civil Service, Labor and Industry--I think it's just too broad and just too big for somewhere around sixteen or eighteen to twenty people to handle. I don't feel like subcommittees could handle it either. I think it would actually take one whole committee to handle public education, all facets of education. This is my own personal opinion. I rise, like I said, in support of the amendment, and I think one more committee is not going to hurt that much. Of course, I see the tendency to maybe start breaking up every committee and adding on new ones, but I'm not for adding on many new committees. But I think--in this particular instance--I think it's a good

idea. I think we ought to do it. So I suggest that everybody support our amendment.

Further Discussion

Mrs. Corne Mr. Chairman, ladies and gentlemen, delegates, I rise in opposition to the proposed amendment. I don't like to see education isolated. I think educators and the departments of education--the different departments of education--are very much concerned with welfare, with civil service, with labor, and other facets of government. I think that the Rules Committee has done a very good job of assigning these eight different committees, and I do not feel that we should add any more. I thank you.

Questions

Mr. Silverberg I want to ask this question of Mr. Aertker. I ask it of you also. We are all familiar with Rule No. 53 which limits the size of each of the substantive committees. Do you think that twenty people, which is the maximum we could have on this committee, is an adequate number to serve the Constitutional Convention and do the job that we will be assigned, if we happen to be assigned to this committee?

Mrs. Corne Yes, sir; I believe that the people who would be assigned to this committee would naturally be people who would wish to be on the committee and who would be very much interested in the work of the committee. I feel that these people, if legislative, would realize that many of the issues are clear-cut issues. And I do think that the Rules Committee has done a good job, and I do think that a twenty-member committee could do the job of this.

Mr. Silverberg This is no reflection on the Rules Committee, but are you familiar with the size of the Coordinating Council for Higher Education?

Mrs. Corne Yes, sir, I am.

Mr. Silverberg It's a large committee.

Mrs. Corne Very.

Mr. Silverberg Are you familiar with how many years it took this Council to put together a program that just is beginning to reach into education? Are you familiar with the size of the education committees in the House and the Senate or the Joint Legislative Committee on Higher Education? They are large committees from which I can understand; is that correct?

Mrs. Corne Yes sir. I also realize that there is a lot of background information that can be gotten--very good information that can be gotten--from these people--these committees.

Mr. Silverberg Well, in other words, you're positive that we can get the job done with the size of the committee.

Mrs. Corne Yes, sir, I feel that way.

[Previous question ordered.]

Closing

Mr. Leithman Mr. Chairman and fellow delegates, I'd like to just touch on a couple of items. Firstly, Mr. De Blieux mentioned a couple of things here. I think the magic number set in the Rules Committee is not necessarily binding. I think if the Rules Committee were to come up with the number twelve, we would have had the same arguments. I am certainly in agreement with fewer committees; however, I don't think the magic number eight is of any consequence. Mr. De Blieux mentioned that he's been in the legislature for

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many years, and he indicated that--or I received the indication that--this was a desirable way of handling this matter, and I've got to take issue because I have here a resolution by every legislator that is now and has been keenly interested in education. They have a resolution here--the chairman of both committees, vice-chairmen of both committees, people that have been active in the Southern Regional Education Conferences, every phase and every conference of education. This is a resolution signed by those people, submitting to you that the children and education be handled separately in this Convention. I've got to compliment Mr. Silverberg on his study of the LSU report. I think it indicates just how this should be handled. Mr. Burson, I've got to apologize. I misled you, Mr. Burson, on the state budget. I did not give the state budget as any basis; apparently, I didn't make myself clear. The dollar certainly isn't a basis for our breaking this committee up. I merely tried to indicate to you the basic scope that education has--and, I think, related to the moneys expended--but I certainly didn't want to mislead you and indicate that education, because of money, should be handled. It is because the future of Louisiana is in education. Number two, you may have twenty-one pages, but in my research, these are the volumes in our Constitution that relate to education. Each page here is an education item, and it's not twenty-one pages. So, gentlemen, I just feel that in something so definite as a revision of our Constitution, we certainly must look into and listen to the people around the state--special education, our careers--and I'm not going to go over and over. Our university people will be wanting to appear before you. This would take literally months and months, and I've been through it. And on that basis, I ask that you handle education separately from the other facets that appear in your rules. Thank you for your attention.

[Amendment rejected: *viva voce*.]

Amendments

Mr. Poynter The next set of amendments, taking them in order as they would arrive within the rule, are sent up by Mr. Tapper, amending the original resolution as follows:

Amendment No. 1.
On page 14, at the end of line 29--page 14, end of line 29--delete the semicolon ";" and add the following:

" , and any other subject deemed appropriate by said committee."

There is a similar amendment at the end of each appropriate line to give similar to page 14, line 33; page 15, line 1; page 15, line 5; page 15, line 9; page 15 line 13; page 15, line 17; page 15, line 23. The similar language is added: ", and any other subject matter deemed appropriate by said committee."

Explanation

Mr. Tapper Mr. Chairman, fellow delegates, the amendment simply does what I think Mr. Staggs said the Rules Committee intended to do, and that is that to divide...it doesn't add any committees; it leaves the number of committees at eight, but what it does is to allow you, as a member of any one of these eight committees, to go into any other subject that the committee by majority vote deems appropriate. Now what that means to me is this. I want to commend the Rules Committee, also, on a wonderful job that they have done. I think they had a real tough time in trying to title these committees and also in specifying under those titles that these committees would study. However, the word "shall" in each committee designation or explanation to me means--or it may mean--that these are the only things that can be considered by these respective committees. And the only thing that my amendment will do is to authorize these committees to go

into--well, let's say in the case of the Judiciary, which does not talk about justices of the peace or constables; I think that there was an amendment here about constables or somebody else--in this event, the respective committee could go into that particular phase of the present Constitution. They could also go into other phases. There was an amendment proposed by someone else to the effect that we should not be considering only those things that are in the Constitution, but possibly those things that are not in the Constitution--maybe like taking one of the departments out, which I'm not saying we should do that. We should have the right, as the Convention of the people, to go into other matters, matters other than are in the present Constitution. And I'll ask your favorable support of my amendment.

Questions

Mr. Rayburn Mr. Tapper, don't you believe that unless you put some safeguards on this amendment that you might have various committees duplicating studies? I mean, you say "or any other matter the committee desires." Well, you could have several committees taking up the same subject matter, if you don't have some provisions on your amendment to eliminate that or to prevent that from happening?

Mr. Tapper It's very possible, Senator Rayburn, and I think that's the reason the Rules Committee went into the Coordinating Committee principle. But the Coordinating Committee, in my understanding, could have only ten members. If we adopt another rule, which is coming up a little later, that our committees will have from ten to twenty members, and six members who don't want to go into anything else that is in this Constitution, other than what's in this Constitution, could very likely say, "Well, we're not going to allow any other committee to go into anything else, if they happen to get on the Coordinating Committee. If we do, it could be broad and it could have some duplication, but I think that every member of this Convention should be authorized, and every committee should be authorized, to go into whatever subject they deem necessary. Because, remember, we're only going to be on one committee apiece. Now, suppose you are on a committee that is studying the judiciary, but you have something that you want in judiciary or you think should or should not be in the judiciary. Now, of course, you can introduce a resolution--or a proposal, rather--and that will be sent to this Committee on the Judiciary, but you will not be a member of that committee." Your proposal could be killed in that committee, and when it gets to the floor of this house, you'd have a hard time overruling that committee.

Mr. Velazquez First, as a member of the Rules Committee, I'd like to thank you for your suggestion; however, we felt that we...do you feel that we covered this sufficiently and all the pertinent balance in line 21, on page 15--"other provisions that may not be covered by the areas of responsibility shown above may be assigned by the Coordinating Committee to the appropriate substantive committee"--and on page 17, line 16, and following, "The Coordinating Committee shall consider any issues regarding omissions, overlap, and/or conflict which might arise concerning the jurisdiction of any substantive committee or on any subject matter, call joint meetings of any substantive committee for the purpose of discussing any omissions, overlap and/or conflict which might arise and make recommendations to the respective substantive committees as the possible resolution thereof?"

Mr. Tapper No sir, I do not think the problem that I'm presenting to you is covered by that. That's the Coordinating Committee which could have only ten members on it, if we adopt the following resolution forthcoming, which means that six members who may not want to go into anything

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else other than what is in the present Constitution could say that they are not going to delegate this authority to any particular substantive committee.

Mr. Velazquez We also have a stipulation that, when something goes before a committee, it must make a decision. There's no way that they could just bottle up the point that you would raise to them.

Mr. Tapper I understand that too, but I don't think that addresses itself to the problem that I am presenting to you. The problem I'm presenting to you is this: I would like to see every member of this delegation, or this Convention, be able to propose any subject before a committee. You know, we also have adopted a rule which says that a committee can make proposals. Now, if a committee cannot go into any other area than is specified under the particular committee heading, then how can that committee make any proposals in that area other than that which is specified? I don't think it's covered by the Coordinating Committee. The Coordinating Committee could be composed of people who don't want to go any further than we want to go.

Mr. Perez Mr. Tapper, would you be agreeable to adding to your amendment, which reads, "and any other subject matter deemed appropriate by said committee"--add the following words: "under the general descriptive name of such committee" so that on the Committee on the Judiciary, any matters which the Judiciary Committee would consider to be under their jurisdiction, they could properly consider, but not consider a matter, for instance, on education or welfare. Would you be agreeable to such an amendment?

Mr. Tapper I don't think that would do what I want it to do, Chalin, but maybe a subsequent amendment can be proposed to that effect. My initial intention of proposing the amendment is to allow... it's my understanding the Rules Committee decided that we should not have too many committees. They decided that eight was a fairly good number because of the number of delegates to the Convention. Each delegate should be on one of these committees, and only one of these substantive committees. I feel that the Rules Committee felt that they had to divide these committees into eight different areas. But I don't think that the Rules Committee and others in this Convention feel that if you're on the Judiciary that you should not be able to go into the area of education or the area of the executive or the legislative. And really, my intent is not so much--and I thank you for your suggestion. Maybe, if this one doesn't pass as it is--because this one is broader than the one you suggested--if it doesn't pass as it is, I would like to offer the other amendment. But I believe that we should have this amendment adopted.

Mr. Avant Mr. Tapper, do you think that the amendment which you offer is not just permissive, but that it actually invites and encourages these committees to be running off in all and any direction that they want to?

Mr. Tapper I don't think it does that, Mr. Avant, but if it does, I'm glad that proposed it because that is exactly what we're here for.

Mr. J. Jackson Mr. Tapper, besides the fact that it makes it permissive on the part of the committee, wouldn't you say that, in effect, it negates Rule No. 44--which I assume we've adopted--that says that when it comes to the matter of referrals, I can envision a situation whereby, you know, we have to refer information, refer a proposal to a certain committee. And if this Convention decides that it goes to one committee over another, your rule would still then allow that committee to be very permissive and say: well, we recognize what the Convention did, but we want to go into that area; we want to deal with that particular subject

itself. So, in effect, it does negate Rule No. 44--if not negate, at least poses some very serious problems in terms of how do we refer certain matters to substantive committees. Wouldn't you say?

Mr. Tapper I don't think it negates it, Mr. Jackson, but I do believe that it may affect it, somewhat, to this extent that the committee members on either of the eight committees, or any of the eight committees, will be able to go into other matters than are specified in the language under that particular heading.

Mr. Burton Mr. Tapper, isn't it true that under the rule that Representative Jackson just alluded to, if I had a delegate proposal that was assigned to one committee and I thought it should be assigned to another, that I could object and ask the Convention to have it assigned to the committee I thought it should go to?

Mr. Tapper Yes, sir, the Convention could by majority vote, as I understand it, send it to... the committee that the convention wants to send it to.

Mr. Burton Don't you think that this proposal then, in the rule that we have already adopted, would cover to a great extent the problem that you're raising with your proposed amendment?

Mr. Tapper No, I don't think it would, because the committee itself can submit a proposal, and I'm trying to deal with the situation where the committee would like to go into another area.

Mr. Duval Mr. Tapper, is it your understanding that the rules setting up the Coordinating Committee did not give the Coordinating Committee directive power, merely suggestive power. Do you understand that as being what the rule says?

Mr. Tapper I think you're right, Mr. Duval.

Mr. Duval Thank you, sir. And do you see anything in these rules which would preclude a committee from suggesting something that may not be specifically germane to the article creating it?

Mr. Tapper I see the word "shall"; yes sir, I do; and that word "shall" bothers me.

Mr. Duval Do you see anything else which might preclude it, since the Coordinating Committee can only suggest?

Mr. Tapper No, you're talking about the Coordinating Committee suggesting something in addition to what is listed under these particular topics. And the word "shall" in there means to me--I may be incorrect--but the word means to me that this is all they can go into.

Mr. Sutherland Mr. Tapper, I'm a little bit concerned as to what do you mean when you say "shall go into the subject matter." What do you have reference to? Are you planning to have a committee, several committees, reporting out different subject matter, or are you planning to have a committee consider the question and refer it to the appropriate committee as determined by the rules?

Mr. Tapper Well, I'm not really planning anything, Mr. Sutherland, but by my amendment, I hope to accomplish this: that any committee can go into subjects that are not listed in under those titles, and whether they submit them to other committees or whether they submit a proposal to the Convention by the committee would be left up to the majority of that committee.

I move for adoption of my amendment.

Further Discussion

Mr. Roy Delegates to the Convention, I rise in

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opposition to this particular amendment. I don't think it's necessary. I think that with reading Rule No. 39, which allows a majority of the committee to introduce any type of resolution, along with Rule No. 42, which allows the committee to introduce a resolution even after sixty days, along with all the other issues brought out by Representative Jackson, what have you, that we're just engaging in a lot of discussion for nothing. I think that the committee--the appointment committee, rather--can be overruled by the Convention as a whole. I don't think there's anything to worry about. I think anything that's germane to any subject can be brought up; and, with due respect to the other people who want to talk, if they are in opposition to this amendment, I'd like to ask them to let me move the previous question at this particular time.

[Previous Question ordered. Amendment rejected: *ave voce.*]

Amendments

Mr. Poynter Amendments proposed by Mr. Schmitt to the committee resolution.

Amendment No. 1. On page 4--14, excuse me--line 26, immediately after the word "consider" and before the word "the" insert the following: "all areas affecting the Bill of Rights and Elections, and shall consider that area not limited to, the following specific areas:"

Amendment No. 2. On page 14, at the end of line 29, delete the semicolon ";" and insert in lieu thereof the following: "notwithstanding any other rules to the contrary there shall be seven--teen members of the Committee on Bill of Rights and Elections."

Explanation

Mr. Schmitt Mr. Speaker, I'd like to withdraw Amendment No. 2 at this time.

[Amendment No. 2 withdrawn.]

Mr. Schmitt I prepared this amendment because I believe it states specifically what the intent of the Committee on Rules was during that hearing. Specifically, it says it shall consider all of those areas which are specifically enumerated. Therefore, there won't be any major areas which will be left out. However, if [if] there are other areas in which the committee deems that it's necessary that it enter, then it has the right to go into these areas. I feel that this would bring about the desires of the committee and would satisfy Mr. Perez's objection to the prior amendment. I believe it would.

Further Discussion

Mr. Burns Mr. Chairman, ladies and gentlemen of the Convention, I started to get up just now--tried to--and speak on Mr. Tapper's amendment, but this is just as good an opportunity to express my views or concepts of the wording of these eight different committees. I think that if we could all agree on--not because I think it--but, if we could all get this concept in mind, it would shorten the future discussions on these particular eight amendments. In other words, as I understand it, the different duties under the different committees are more permissive, but not restrictive. In other words, I think it could be almost humanly impossible to set forth in detail everything that that particular committee is going to consider during their deliberations between now and July 5. I think this is comparable to a budget that's drawn up in businesses and corporations. While it's true it sets forth every amount for that particular item for the coming year, but yet you're not restricted to it; it's merely a directive. I think that that would be different--the wording of these different committees consist of. I believe as a matter of fact, that you

could have gotten by just with the designation and the name of each committee, because that's descriptive in itself. But, I just don't think it's necessary to be amending every one of these committees' duties by saying that something was left out of it, because I don't think that limits their authority in any manner whatsoever. I could not go quite as far as Mr. Tapper's amendment went; but, yet, if it would obtain this purpose, I would have voted for it. But I do think that that should be left to the discretion of each committee. In other words, I don't think a Committee on Education would take it on themselves to go so far afield as to fix the term of or the election method of electing judges, but I think that anything within the concept or the general authority of that particular committee, that they should have the right to take it up without being it set forth in detail.

[Previous Question ordered.]

Closing

Mr. Schmitt I believe that this amendment--and I'm prepared to introduce other ones as we get to the different committees--would clear up any types of problems as to what areas a committee has the authority to enter. It's not extremely restrictive, but it also allows them to go into other related areas in their particular field. As an example, the Bill of Rights and Elections states: "all areas affecting the Bill of Rights and Elections"; therefore, if there is some section which is specifically let out and if Mr. Staag's interpretation is correct, according to the way it is enacted right now, it'd be more limiting. I don't think it should be that limiting.

[Amendment No. 1 reread. Amendment No. 1 rejected: *ave voce.*]

Amendment

Mr. Poynter Amendment proposed by Mr. Kilbourne. Amendment No. 1. On page 15, line 4, immediately after "clerks of court" insert the following: ", and justices of the peace".

Explanation

Mr. Kilbourne Mr. Chairman, fellow delegates, I thought perhaps the justices of the peace was omitted by oversight in consideration by the Judiciary Committee. The office of the justice of the peace is not so much used, I don't think, in urban areas; but, in the country, they still perform necessary and important functions. The justice of the peace is definitely a judicial officer. He can render a judgment just as good as any judge on civil matters up to a hundred dollars. In criminal matters, he's the committing magistrate; he can issue an arrest warrant for any crime from murder on down. He can fix bonds in any crime not necessarily punishable by hard labor. Quite often, in the rural areas, why it takes quite a load off the country judges. I think it would be a mistake not to give some consideration to this office.

[Previous question ordered. Amendment rejected: *ave voce.*]

Amendment

Mr. Poynter Amendment proposed by Mr. Fayard to Committee Resolution No. 1 by Mr. Staag. Amendment No. 1. On page 15, line 15, immediately after the word "consider" and before the word "education" delete the word "public". Page 15, line 15, delete the word "public".

Explanation

Mr. Fayard Mr. Chairman and fellow delegates, I realize there may be some objection to this amendment, but my intention is solely to let this committee consider any aspects of education. It's my

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feeling that if we leave the word "public education" in the rule, as it is now written, we may possibly delete several items which could come up which this committee should consider. Number one, perhaps the special schools or educational clinics, accreditation of private institutions; or the public or Convention may interpret this to mean that we are--this committee--is to consider only lower schools or secondary education. I'm merely putting this in here, throwing it out for some discussion. I ask the members and the delegates to pose any questions they wish to have and make any comments they wish to make on this amendment.

[Previous Question ordered. Amendment rejected: viva voce.]

Amendments

Mr. Poynter Amendment No. 1. On page 15, line 16, after the comma ",", delete the word "labor" and on page 15, line 17, delete the words "and industry".
Amendment No. 2. On page 14, line 29, delete the semicolon ";" and add the following--this is on page 14, line 29--", labor and industry";.

Explanation

Mr. Lennox Mr. Chairman, ladies and gentlemen of the Convention, mine is what I believe to be somewhat of an innocent amendment. I have the honor of having been appointed as a delegate to this Convention, representing industry. As you will note, labor and industry is tucked away under the general category of Committee on Education and Welfare. I submit to you that there are at least a hundred delegates better qualified to serve on the Committee of Education and Welfare than I. But, as the committee is now structured, I'm obliged to request service on the Committee on Education and Welfare. I do not believe that what I proposed does violence to the work of the Rules Committee, and I ask your support.

Further Discussion

Mr. Flory Mr. Chairman and delegates to the Convention, as Mr. Lennox was appointed to represent industry, so was I appointed to represent labor. I hope our division doesn't signify the future of this Convention, insofar as issues are concerned. However, I must stand in opposition to his amendment, insofar as labor is concerned, and I'd ask you to leave those matters relating to labor, as such, as proposed by the Temporary Committee on Rules. And I ask you to vote down this amendment.

Questions

Mr. Bollinger Mr. Flory, I can respect your stand. I'd like to know the reasons for it, if you don't mind.

Mr. Flory I believe that the committee that has been proposed by the Temporary Rules Committee in considering education, health, welfare, civil service, and so forth, relate more to employees than does where the Section 1 as to where Mr. Lennox has proposed to put it. I believe that the interest of the working people of this state lies more closely tied in a line with those other issues to be discussed in Subsection 7, 8, or whichever.

Mr. Bollinger You don't feel that the Bill of Rights would protect these laborers' interests and also, as well, industries' interests--as well as welfare?

Mr. Flory I have no knowledge as to who shall be or will be on any of the committees. And at this point, it's a matter of principle and as to where they, I consider, the most issues that will concern the employees of this state will be considered, and I suggest to you that that is in the field of health, education, welfare, civil service, and those issues directly related to the benefits

and rights of the employees of this state.

[Previous Question ordered.]

Closing

Mr. Lennox Ladies and gentlemen, I'd appreciate your support and vote.
Thank you.

[Amendment rejected: viva voce.]

Amendment

Mr. Poynter Amendment No. 1. On page 15, between lines 20 and 21, insert the following language: On page 15, between lines 20 and 21 "notwithstanding the above, the committees may consider any related matters without limitation."

Explanation

Mr. Sutherland Mr. Chairman, what I'm trying to do with this amendment is to take care of some of the objections that were raised previously that the committees may feel they're limited by the subject matter that is expressed in the committees. This is to eliminate that and let them go into any related matters connected with the subject matter.

Further Discussion

Mr. Conroy I would like to speak in favor of the proposed amendment. A short while ago when we had a recess, in conversations throughout the floor, everyone seemed to agree that the specific enumeration of certain areas--the different committees--did not preclude other committees from getting into those areas if they related to the functions of that committee. The rules don't specifically so state. I don't know why they don't state, and it seems to me that it is incumbent upon this group to adopt Mr. Sutherland's recommendation and specify in the rules that nothing in this precludes the committees from getting into these other areas.

Further Discussion

Mr. Tapper Mr. Chairman and members of the Convention, delegates, I rise in favor of this amendment. This amendment will allow you, no matter what committee you're on, to go into any area that is not specifically set forth in that particular committee description, although comes under fore--like justice of the peace, constable, etc.--and that it wouldn't allow you to go all over the Constitution, and it wouldn't allow you, necessarily to...well you would have no duplication, as such, that the amendment that I proposed might very well have had. I support the amendment; I think this is what all of us would like to have done. We don't want to be restricted under the title, and I don't think the Rules Committee meant it to be that way. I would urge your support of this amendment.

[Previous Question ordered. Amendment rejected: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Nunez to Committee Resolution No. 1, by Mr. Stagg, amending the original resolution.

On page 15, line 22, immediately after the words "may be" strike out the word "assigned" and insert in lieu thereof "recommended for consideration".

Explanation

Mr. Nunez Mr. Chairman and members of the Convention, very possibly the changing of the word

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"assigned" to "recommended for consideration" would clear up some of the problems that a lot of the delegates seem to have when it comes to what subjects of consideration you can have under the eight general categories. It also clears up some of the language in the future rule which would be on page 17, which says "the Coordinating Committee shall recommend"--or "may recommend"; and it puts the same language in Rule No. 8: "they may recommend for consideration. So it does two things. It clears up the language of the two different rules here, and it also allows that subjects that were considered not to be covered can be recommended by the Coordinating Committee, which would take some basic powers away from the Coordinating Committee. And I think that the Rules Committee certainly has done a wonderful job; but just changing this one word, I think, would help these rules out considerably.

Questions

Mr. Womack Senator Nunez, if we go along with the word "recommend", then you polices--suppose they decide they don't want it or somebody decides that they shouldn't have it--who's going to have the final say--?

Mr. Nunez I think it would go back to the committee that is under that category.

Mr. Stagg Senator Nunez, you recognize that there is a slight difference between the language that appears in line 22 and the language that appears under Rule No. 54, when it sets forth the duties of the Coordinating Committee. In the last two lines of the section on Coordinating Committee, it says "and to make recommendations to the respective substantive committees as to possible resolution thereof." What you amendment asks--if I understand it, sir--is that the word "assigned," in line 22, be changed to "recommended". Is that correct? Would you be as willing to suggest that the word "assigned" that's in rule... on line 22, in subsection--bottom of this rule we are studying--that we go over to Rule No. 54 and change the word "recommended" in line 22 to assigned? Would that please you to be consistent? What you are seeking, as I understand your amendment, is consistency. And it would be just as consistent to change "recommended" in Rule No. 54 to "assigned", as it would to change "assigned" to "recommended" in the current rule.

Mr. Nunez Mr. Stagg, when we get to Rule No. 64...

Mr. Stagg 54.

Mr. Nunez ...54, if you want to go ahead and do that, I think the Convention will hear it at that time. Right now, I'm amending Rule No. 49, and I think that "recommended" is a much better word than "assigned" in that particular language.

Mr. Stagg Then you would then look forward to an amendment at Rule No. 54?

Thank you, Mr. Nunez.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, I don't want to get the cart before the horse, but I'm like Senator Nunez. I was disturbed by an apparent conflict, in my mind, between Rule No. 54 and this provision in the rule that we now have under consideration, because Rule No. 54 speaks of the Coordinating Committee making recommendations as to these conflicts. Yet, this rule says that they may assign to the appropriate committee certain matters. Now, like I say, I don't want to get the cart before the horse, but I had sent up an amendment--which hadn't come up yet--which would make it clear that, when the Convention is not in session, then this Coordinating Committee may make these assignments; but that when the Convention is in session, that then these

conflicts would be resolved by the Convention. And I just wanted to bring that to your attention as a possible resolution of what does appear to be an apparent conflict in these rules.

Further Discussion

Mr. Keen Mr. Chairman and members of the Convention, there is no conflict between the provisions of Rule No. 49, with respect to the work of the Coordinating Committee, and the provisions of Rule No. 54. As I appreciate it, and as I understood it when we drafted this language, the provisions on line 21, 22, and 23 of page 15 were designed to cover a situation where there had been no assignment of a particular area of responsibility. And under those circumstances, an assignment--just no assignment having been made--the Committee on Committees, the Coordinating Committee, would have the right to make an assignment of that particular material. On the other hand, where there were conflicts and overlap involved, then under Rule No. 54 it was intended that the Coordinating Committee would only make recommendations with respect to resolution of those particular areas. And under those circumstances it seems to me that the language of the two rules are consistent and ought to be left as they are.

[Previous Question ordered.]

Closing

Mr. Nunez Mr. Chairman and gentlemen of the Convention, certainly there seems to be some conflict as far as what a delegate or what can be considered under these eight categories of rules. Can we, for instance, under the judiciary and pick out and consider Justices of the peace, which is covered under that article in the Constitution? There is some question as to whether you can or not. There is some question as to whether the language that is used in line 22 of the provision, that may not be covered by the areas of responsibility shown, may be assigned by the Coordinating Committee, whether they dictate to you as a committee, make assignments that maybe you don't want. And I don't think you should have that type of authority. So, I think if we change "assigned" to "recommended" that we'd be clearing up the language in the rules, and I think we'd be giving a little leeway to what a lot of people have tried to do here today and maybe have gone too far. So I'd certainly appreciate your vote and consideration on the amendment.

[Amendment rejected: via vote.]

Amendment

Mr. Poynter Amendment proposed by Mr. Avant to the resolution.

Amendment No. 1. On page 15, line 22, between the words "and" and "be" insert the following: ", when the Convention is not in session."

Motion

Mr. Avant Mr. Chairman and fellow delegates, in view of Mr. Keen's explanation, I withdraw the amendment I offered.

[Amendment withdrawn.]

Amendments

Mr. Poynter Amendments proposed by Mr. Tapper to Committee Resolution 1 by Mr. Stagg, amending the original resolution.

Amendment No. 1. On page 4, at the end of line 9, delete the semicolon ";" and add the following: ", and any other subject matter deemed appropriate by said committee under the title above." The similar amendment follows on page 14, line 33; 15, line 1; page 15, line 5; page 15, line 9; page 15, line 11; line 13, rather--page 15, line 17; and 15, line 23.

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Explanation

Mr. Tapper Just briefly, I can sense the feeling of the Convention; however, this would allow the particular committee to go into matters that are not specifically set forth in the definition of the committee that would ordinarily come under the title--like the judiciary; they could go into justices of the peace, constables, etc.; and under education, they could go under private education; they could go into other facets of education, welfare, and what have you. This would not broaden it to the point where they could go--where the Education Committee could go--into the Judiciary or vice-versa. This would allow the committee to decide whether or not they want to go into these areas, rather than the Coordinating Committee. I urge your favorable passage.

Questions

Mr. Fontenot Is it your interpretation that, unless your language is added, that these committees cannot go into this subject matter, or is your language necessary? Is that your interpretation?

Mr. Tapper That's correct. That's my interpretation, because the word "shall" disturbs me--that they "shall" consider this and so--and that it's limited. Now there are other areas under the same topic that are in the constitution that are not specified here. There are other areas that they may want to go into under the judiciary or under education or under agriculture that are not specifically set forth in the explanation under the title. The only thing I want to do is give them the authority to go into other areas under their respective titles only, and not go into any other area that another committee is dealing with.

Mr. Fontenot So, as I take your interpretation, in other words, like in committee no. 4, if... because of the word "shall" included, then this committee will not be able to go into justices of the peace. Is that correct?

Mr. Tapper The way I understand it, unless the Coordinating Committee comes back and recommends to them to go into that, yes. The way it's worded now in my opinion, they cannot go into it, unless... it's recommended to them by the Coordinating Committee. The committee itself, on the Judiciary, could not go into it.

[Previous question ~~replied~~. Amendment rejected: *viva voce*. Previous question ordered ~~in the Rule~~.]

Questions

Mr. Nunez Mr. Stagg, I think that an assurance on your part to the members of this committee that have a feeling there are matters under these eight broad titles that we cannot cover, and there is a line that they can be covered, I think there are important titles in the Constitution that are being left out, if we can't cover them, and I think we should resolve it here. I am assuming, if you give the assurance that you feel that they are covered and we can take up the titles in there that some of us want in there and some of us feel that should be there and they rightfully should be, then I guess we'd go ahead and pass it. I vote for it, but as it stands now, it looks like there are areas of consideration that the various committees would not be able to take up. Now, whether that's going to lie in the Coordinating Council, the Coordinating Committee, to come and tell them they can do it or not, I think it should be under the jurisdiction of that committee if it's in the Constitution, if it's in the Judiciary--which is the one that seems to be used most often--and they want to talk about justices of the peace, which is in the Constitution, they should be able to cover it; don't you agree?

Mr. Stagg In answer to your question, Senator Nunez, it was the opinion of the Rules Committee that in the rule where, if a delegate wanted a proposal to go to a particular committee and the chairman sent it somewhere else, that then the Convention could be appealed to by that delegate to make an assignment. Then we came down to the purpose of writing up eight general committees. We could have spent five pages in these rules, by making an exhaustive compendium of every possible Constitutional subject matter, and made these rules even longer than they are. Rather than to do that, we put, in the last paragraph of these rules, a cover paragraph that the provisions that may not be covered by the areas of responsibility shown above may be assigned by the Coordinating Committee. That's the second line of defense that a delegate has. If he asks for a particular assignment of his proposal and the Chairman won't give it to him, then he can ask the Convention to give it to him. If he fails to do that and wants to take it to the Coordinating Committee, then the Coordinating Committee is open to him to request an assignment of an area of responsibility or subject matter not covered. Then, if that fails and there becomes a disagreement between a delegate and the committee chairman, or a delegate and the Convention Chairman, and two or more of these committees disagree about subject matter, then we erected a Coordinating Committee to act as an umpire to decide and to recommend coverage of all of these things. We do not wish a single piece of proposed Constitutional subject matter to be without a committee to go to. That is the purpose of the rules as drawn.

Mr. Nunez That's what I'm trying to establish, and there seemed to be quite a bit of discussion that that was not the case. Evidentially, it is.

Mr. Stagg I think if you listened to the votes as they went around the room, Senator, the rest of the delegates who voted on each of these amendments seemed to be satisfied that there was a place that every proposal could go, and I hope and trust that that is the way it will be.

Mr. Tapper Mr. Stagg, if your answer to Senator Nunez is correct, I'd like to know why do you oppose, or did you oppose, the amendment which provided that the committee can go into anything that is under the subject to the title above? This doesn't broaden it too wide, but it does allow the respective members on these committees to decide whether or not there's an area under that particular title into which they can go. Why the opposition to that? I don't understand that.

Mr. Stagg I voted against it, sir, and I would again if it comes up again, because I just didn't think it was a necessary amendment.

Mr. LeBlue Mr. Stagg, as I pointed out to you a few minutes ago, it appears that the second paragraph--or, rather, line 21 through 23 on page 15--applies only to Section B and not the preceding seven articles. And I just wondered if maybe this shouldn't be straightened out before we go too much farther?

Mr. Stagg May I ask you a question back, sir? Would you be satisfied if I asked that the second Convention to place in line 21, before the word "other" the arabic numeral [numeral] 9--then, therefore, to separate it entirely from the rest of it? If you would think that would be conducive to greater explanation, I'll ask leave of the Convention to permit the placing of the number 9 at the beginning of line 21.

Mr. Henry Mr. Stagg, this is somewhat a little out of the order. Now would you mind running by the rest of us what you-all just did?

Mr. Stagg Mr. Chairman, I tried to answer Mr.

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LeBleu's comment. He seems to think that we should separate these last three lines which are a paragraph designed to cover all eight committees. He says its being snuggled up under 8 in the printed text might leave you the impression that it only applied to Subparagraph 8. And in answer to his question, which I yielded to do, I asked him back would it make him feel that it was clearer, and more declaratory of the purpose of the rule, to merely add to line 21 a number 9. So it made this a separate paragraph--numbered separate paragraph--under Rule No. 49...

Mr. Henry Mr. Stagg, I appreciate what you're attempting to do. Let me just get Mr. Poynter to point out what is involved in these little changes back and forth that seem so easy to make. Mr. Poynter.

Mr. Poynter Well, those little changes are rather complicated for the desk to keep up but in this case, Mr. Stagg, this rule begins "the following substantive committees are hereby created: 1, 2, 3, 4, 5." I don't think the addition of 9 is the solution here. I think that would tend to indicate that you are talking about another committee there.

Mr. Stagg Mr. Chairman--if I may speak, sir--if you'll notice the punctuation of Rule No. 49, each individual committee's assigned suggested area of coverage is ended by a semicolon. When you get to the end of Rule No. 8, we very consciously placed a period to end it. Then we started a new paragraph. Mr. LeBleu asked how better we could separate the last three lines. I'm not suggesting...

Mr. Henry Well, well, I don't think we're arguing about, you know, anything that's that important. I believe you're right. I think it would be nice if we'd caught it, but we're in the process of the procedure where the previous question has been moved, where you're closing, and we just can't back up that far. We've allowed a lot of leeway, but I think that's unnecessary. Does that conclude your remarks, sir?

Mr. Stagg Yes, Mr. Chairman:

Point of Order

Mr. Tapper I think Mr. LeBleu raised a very good point. I, for one--and I think every member of this Convention--would like to know what is the interpretation now. Does this provision, this second paragraph, apply only to Paragraph 8, or the Committee on Natural Resources and Environment, or does it apply to all of the committees?

Mr. Henry Mr. Tapper, I don't think you need have any concern over the point of order that you just raised. And as much as I don't think that there is anything that needs to be done at this particular point in time, I think we may as well go ahead and vote on the adoption of the rule.

Mr. Stagg, do you have any other remarks that you would like to...

Mr. Stagg Mr. Chairman, I want everybody to understand that the fact that the Rules Committee understands the way this was written was 'cause they lived with it for three days. And I understand when a delegate who has not been through the process of this writing of all these rules could see that second sight is always best. I would like to alleviate the problem. There are two very simple...if there was a Committee on Style in the Chair, instead of the Committee on Rules, it could easily be suggested that Rule No. 49 be divided into Paragraphs A and B--and put A in line 24 on the previous page and B at the beginning of line 21--and that would segregate the rule and make it perfectly clear.

Mr. Henry You know we're not going to segregate much of anything at this Convention, Mr. Stagg.

I tell you, if it will make you folks happy--I mean, I don't think there is any problem--but if it will make you all happy, we'll stick an A and B in there on the side to resolve the problem.

[Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Rule No. 50. Procedural Committees. The following procedural committees are hereby created:

- 1) Committee on Rules, Credentials, Ethics and Schedules, which shall consider rules, credentials of delegates, questions of ethics, press and employees, schedules, calendar, agenda, and shall consider all questions on any procedural disputes referred to it by the Chairman or by the convention;
- 2) Committee on Style and Drafting, which shall have control over literary style, consistency, arrangement, and numbering. The committee shall have authority to rephrase or to regroup proposed language, but shall have no authority to change the sense or purpose of any proposal referred to it; and
- 3) Committee on Legislative Liaison and Transitional Measures, which shall maintain liaison with the legislative branch and the Louisiana Law Institute and provide for coordination of the transition of subject matter from the Constitution to the appropriate statute law.
- 4) Committee on Public Information, which shall consider and implement measures to inform the people of the activities, proceedings, recommendations, and activities of the Convention. It shall plan and implement the report to be given to the voters of Louisiana on the result of the Convention's work, and shall direct the efforts to obtain approval of the new Constitution and the form and manner of presentation.

Explanation and Amendments

Mr. Kean Mr. Chairman and members of the Convention, I would like to offer three technical amendments. The first being on page 16, line 1, delete the word "and" after the semicolon. On page 16, line 6, insert a semicolon ";". Instead of the period after the word "law" and add the word "and." And on page 16, line 6, delete the word "statutes", so it would read merely "to the appropriate law." It's been pointed out that there are regulations such as civil service rules which have the effect of law, that there are home rule charters which have the effect of law, and perhaps other devices which have the effect of law merely outside of the statutes. And under the circumstances, the deletion of the word "statutes" would be appropriate so that the committee could coordinate the transition of the subject matter from the Constitution to the appropriate law. If that included a regulation or a home rule charter or the like, it would have the authority to supervise that particular transition. The Rules Committee, in proposing these four procedural committees attempted to cover procedural matters which were likely to come before the Convention and divide them into areas of responsibility that would, in effect, make these procedural committees important committees. The first Committee on Rules will obviously be an important committee to coordinate not only questions of rules, but the other matters covered by the rule with respect to that particular committee. The Committee on Style and Drafting has been referred to previously and is obviously a necessary committee for the work of the Convention. In connection with the Committee on Legislative Liaison and Transitional Measures, we need to maintain liaison with the legislative branch which includes the Legislative Council, in the opinion of the committee, the Law Institute, and to take whatever steps are necessary to coordinate transition of subject materials from the Constitution to appropriate law. And lastly, the Committee on Public Information, which I believe is an important committee in bringing out the recommenda-

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tions and bringing matters before the voters of the state necessary to the final adoption of a new proposed Constitution. And under the circumstances, I move the adoption of the rule as amended.

Question

Mr. Womack Mr. Chairman and fellow delegates, the question I want to raise is that--since under item 4, there's a proposal there to where you're taking responsibility of taking the final passage and seeing that it's steered on to the adoption by the public, without knowing what we're going to adopt and what we're going to present--the floor might be open...the Chair might be open for volunteers for that position at this time.

Mr. Kean As I pointed out, Mr. Womack, I think the Committee on Public Information is going to be extremely important. It is not designed that that committee would take over the function of the Convention in explaining the new Constitution to the people of the state. But it would plan how we would go about doing it and take necessary steps to implement a public information program.

[Technical amendments adopted without objection.]

Amendment

Mr. Poynter Amendment proposed by Mrs. Zervigon to Committee Resolution, amending the original resolution as follows:

Amendment No. 1.

On page 16, line 1, after the word "it" delete the remainder of the line and insert in lieu thereof the following:

"Where a proposal referred to inconsistent or in conflict with a proposal already acted on favorably by the Convention, the committee shall at the third reading (Rule 44H) so notify the Convention of that inconsistency or conflict and wait upon its instructions."

Explanation

Ms. Zervigon Mr. Clerk, there's a typographical error in the amendment. I meant it to read "Where a proposal referred to it is inconsistent." The words "it" and "is" belong between "to" and "inconsistent."

Mr. Poynter I follow you.

Ms. Zervigon Make that on your copy. The purpose of this amendment is to clarify the intent of the Rules Committee about the activities of the Committee on Style and Drafting. The phrase on page 15, line 32, says that "the Committee on Style and Drafting shall have control over literary style and consistency," etc. I don't think that, if in our five month's deliberation we pass these that are inconsistent or in conflict, the Rules Committee meant that the Committee on Style and Drafting must dictate to us which one of those we really meant to say. And, therefore, I offer this amendment so that they can refer it back to the Convention floor and say: "You've passed these two inconsistent things; which do you prefer, or shall we put them on the ballot as alternatives? And we of the Convention can decide."

[Previous question ordered. Amendment adopted without objection.]

Amendments

Mr. Poynter Amendments sent up by Mr. Flory, amending the original resolution, reads as follows:

Amendment No. 1. On page 51, line 26, following the word "Credentials," delete the comma, ",", and insert in lieu thereof the word "and". Amendment No. 2. On page 15, line 26, delete the words "and schedules". Amendment No. 3. On page 15, line 28, delete the words "schedules, calendar.". Amendment No. 4. On page 15, line 29, delete the word "agenda".

Explanation

Mr. Flory Mr. Chairman, delegates to the Convention, while I consider this to be a technical amendment, let me assure you that it has some important impact, insofar as the orderly procedure of the Convention as is to be operated on the report of committees in the consideration of various proposals. As I interpret this rule, this would give the power to the Committee on Rules, Credentials, and Ethics, the power to set a schedule of the Convention, the calendar, and the agenda. I do not believe that this Convention wise if it adopted this procedure--and let me say to you that as in all legislative bodies to my knowledge, except the national Congress, when a bill or a proposal is reported by committee, it is considered by the overall body in its numerical order, according to the order of the day. I would not want to see any committee--whether it be substantive, procedural, or otherwise--with the power that I consider contained in this proposed rule here. Take for an example, unless you are a member of the Rules Committee or in favor with the Rules Committee, it's quite possible--and I say only possible--that your proposal would never be set on the calendar until the very last week, the last day of the Convention. And it's my judgment in order for every delegate to have the same identical treatment that his proposal, when it is reported by committee or when committee proposals are reported, that they be considered in the regular numerical order in which they are reported by committee, unless this Convention should decide otherwise in which they could set them special order, they say to consider special matters. But I think it's a judgment that this Convention itself ought to make, not a subcommittee of this Convention. Again I say to you that I think it's technical in nature, but it does have some mechanical effect as far as to the future operation...the mechanics of the operation of this Convention, and I think you ought to give serious consideration that each of your delegates ought to be treated the same way in consideration of your proposal, once it's reported by committee, as is done in the Louisiana Legislature and other deliberative bodies. I ask for the adoption of the amendments.

Question

Mr. Burson When you said "except the national Congress," Mr. Flory, weren't you referring to the fact that the Rules Committee...the House of Representatives is often referred to as having dictatorial power in what reaches the floor of the House?

Mr. Flory They not only have the power to tell you what reaches the floor, but they have the power to tell you in what manner it shall appear before the floor and as to whether or not it can be amended and in what fashion. This is the thing that I was trying to avoid.

Further Discussion

Mr. Kean Mr. Chairman, members of the Convention, the word "schedules" which appears in the designation of the committee and in the body of the committee assignment is not designed to deal with any schedule of the Convention. There will be schedules, which will have to be attached to the proposed Constitution, which will say in some instances that a bond issue issued pursuant to a certain prior Constitutional provision is still to be in full force and effect. What the word "schedules" is referring to is not to a schedule of meetings or schedule of the Convention, but to "schedules" which would be attached to the proposed Constitution and which would have to be attached in order to safeguard and protect prior action by the legislature under the prior Constitution. It's a device that's followed in all Constitutional matters. It was done in the prior Constitution and would have

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to be done here. That's what the word "schedules" is talking about. Insofar as the reference to calendar is concerned, the daily business of the Convention proceeds in accordance with Rule No. 66. As I envision it, that sets forth the manner in which matters would be taken up by the Convention, and this is simply a means by which this committee can consider possible conflicts or changes and make recommendations to the Convention if and as necessary. Under the circumstances, I don't see any problem with the assignment of the material to the committee and, certainly, in the case of the schedules which have been listed, that should be retained because someone has to accept that responsibility.

Question

Ms. Zervigon Mr. Kean, you're a lawyer and I'm not, but I understood that schedules, as you just interpreted, should be considered by the Committee for Legislative Liaison and Transitional Matters, and since the word "schedule" is included in the rule that we are now discussing with the words "calendar" and "agenda", I understood that it meant scheduling, as to times, things to be considered by the Convention or its committees.

Mr. Kean That was not my interpretation of it. As I understand the transitional matters, that's going to be material which you are going to actually take out of the Constitution and put in the statutory material. As far as schedules are concerned, they are items which you attach to the Constitution either by way of explanation or by protection for those items which are not being carried over either in the Constitution or by some legislative action.

[Previous Question ordered.]

Closing

Mr. Flory Mr. Chairman, delegates, I too am not a lawyer, but I can only tell you how I read the King's English. When you talk about schedules in the same sentence with calendar and agenda, you are talking about the order or priorities in which matters will be discussed and considered and disposed of before this Convention. Now, I have no quarrel with Mr. Kean insofar as what he's talking about in making reference to that somewhere later on and clarifying it in legal terminology. But when you're talking about schedules here, calendar and agenda, I want you to be very cautious. You're yielding your right as an individual delegate to determine when your matter shall be heard by this Convention. I ask for the adoption of the amendment.

[Amendment adopted: viva voce.]

Point of Order

Mr. Fontenot Mr. Chairman, I'm having trouble keeping up with some of these amendments, and whenever the proposer comes up here and it is being read one time--and just now you kind of closed on it real fast--if I missed it the first time, which I assume a lot of other people are missing it, missing the first reading of it now--maybe I'm the only one, I don't think I am--but there wasn't a second reading of it, and I really didn't know exactly what the exact words were left out or added. I wish you would maybe go a little bit slower or read it a second time upon the final passage. You're just going a little bit too fast, Mr. Chairman. I wish somehow or other you could correct that.

Mr. Heery Thank you, Mr. Fontenot, and your point is well taken. I apologize. I have been trying to proceed as slowly as possible, and we have not had a practice of reading it again; but, perhaps, that is a wise idea. We will proceed accordingly.

[Previous Question ordered: Rule adopted: viva voce.]

Amendment

Mr. Poynter [Amendment by Mr. Poynter, Page 15, line 28, immediately after "ethics" and before the word "and" delete the word "press" and insert in lieu thereof the words "news media".

Explanation

Mr. Colten I almost hesitate to discuss it after all the confusion, but it's a self-obvious change expanding the word "press" to the word "news media". That's all it is.

[Previous Question ordered. Amendment adopted: viva voce. Previous Question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 51. Appointment of Committees. The selection of delegates to serve on the substantive and procedural committees shall be determined as follows: Within twenty-four hours after the adoption of these rules by the Convention, each delegate shall submit in writing to the Convention the committee or committees in order of preference to which he or she desires to be appointed.

A Committee on Committees shall select from among said delegates the delegates to serve on each committee after giving due consideration to the preference of each delegate and, based on the qualifications, experience, and residence of each delegate, so as to provide as nearly as possible a fair and balanced representation on each committee of this Convention.

Explanation

Mr. Kean Mr. Chairman, members of the Convention, I think the rule itself is explanatory. It simply provides a means by which the Committee on Committees, which is set forth in Rule No. 52, would proceed with the designation of the membership of the substantive and procedural committees, taking into consideration the expressed interests of the delegates to serve on a particular committee as well as the qualifications, experience, and residence of each of the delegates in order to provide--both from the standpoint of experience and background, as well as from a geographical standpoint--fair and balanced representation on each committee of the Convention.

Questions

Mr. Fontenot Mr. Kean, as I read this rule, I don't see any provision...I have a copy of the committee preference sheet, and I don't have any place on this committee preference sheet to choose a procedural committee. Now, where in these rules--maybe I overlooked it or something--could you tell me where I have a choice or preference on one of these procedural committees?

Mr. Kean As I recall it, the rules provides that each member of the Convention shall--at least one--shall serve on at least one substantive committee. And I think that we would need to broaden the preference sheet in order to give you an opportunity to express a preference on the procedural committee, since the appointment of the committees would be the same for both substantive and procedural committees.

Mr. Fontenot So, as I take it, in other words, is somebody going to pass out a new preference sheet giving us a preference on the procedural committees, also?

Mr. Kean We can do that, yes sir.

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Mr. Burns Mr. Keane, the second paragraph, "within twenty-four hours after the adoption of these rules by the Convention, each delegate shall submit in writing to the Convention the committee or committees in order of preference to which he or she desires to be appointed"--does that mean that you have an open period of twenty-four hours that the delegates have in which to file their preference? In other words, if one came in at the twenty-third hour, he couldn't be shut off?

Mr. Keane That is correct, sir. As I appreciate the rule, Mr. Burns, it was to expedite the turning in of preference sheets with respect to the delegate preference for committee, and to give some period of time within which they'd have an opportunity to consider the committee or committees they might wish to serve on, taking into consideration as far as the Rules Committee was concerned that there might be some changes in the committees that were listed in the recommended rules from those that actually exist in the rules as adopted. We wanted to have some period of time after the final adoption of the rules within which you could submit your preference.

Mr. Burns In other words, that wouldn't delay or retard the proceedings of this Convention?

Mr. Keane Yes, in a way it would. It would. It's entirely possible, at the rate we're going, Mr. Burns, that we'll spend about twenty-four hours after the adoption of these rules in the election of officers. And under the circumstances, I don't believe this would unnecessarily retard the work of the Convention.

Mr. Alexander Assuming that more than enough persons would attempt to serve on a particular committee--and I understand from this rule that the Committee on Committees then would reassign these persons. Now, suppose an individual is arbitrarily reassigned to a committee on which he does not want to serve and is not appointed to a committee on which he does wish to serve?

Mr. Keane The individual may have the right to appeal to the Committee on Committees for reassignment. But, obviously everyone is not going to be able to have a committee assignment of his first preference or even perhaps his second preference. It will be the responsibility of the Committee on Committees to take into consideration the preference stated by the delegates and to attempt to equitably pass out the committee assignments. But this would be a resolution that would have to be made by the Committee on Committees. And I don't see how we can handle it on any other basis.

Mr. Alexander Would it be the prerogative of the individual members of the committees to swap positions on committees--or swap committees, rather.

Mr. Keane There's nothing in the rules that would prevent that. I think you may have to clear it through the Committee on Committees just in order to avoid duplication.

Mr. Champagne Mr. Keane, since it seems that probably we will need some new sheets--since there was no provision or no space made for the procedural committees--would it also be in order that on this sheet some provision be made that that individual indicate from which Congressional District he resides so that it might help, since location is one of the things that's being considered.

Mr. Keane Yes, we would be glad to do that. We'd be glad to try to get together a new preference sheet which would contain that information as well.

Mr. Henry We've already put it together, Mr. Keane.

Mr. Keane We'll put it together and have it for you in the morning. I think we'll probably be here tomorrow.

Mr. Roy Mr. Keane, I'm in favor of this rule, generally, but it appears that you're talking about...is it that, within twenty-four hours after the adoption of these rules, we must submit in writing to the Convention what preferences we have?

Mr. Keane That's correct.

Mr. Roy Have you all taken into consideration that after the adoption of these rules we've got certain officers to elect who are not eligible to serve on these particular substantive committees and, therefore, we may not be able to do this within the twenty-four hours?

Mr. Keane At this point, there's no prohibition against any of the officers serving on either substantive or procedural committees. The only prohibition is against a member of the Executive Committee, or the Executive Committee as a whole, acting with respect to the Committee on Committees so that officers at this point, unless there's some amendment offered, would have the same right as any other delegate to serve on a substantive or procedural committee.

Mr. Roemer Mr. Keane, you yourself brought out the importance of the procedural committees. My question relates to Rule No. 51 as in conjunction with Rule No. 53--Rule No. 53 limiting our service of any one person to one substantive committee: As I understand the rule vis-a-vis procedural committees, the following rule applies: that is, each of us has the possibility of serving on zero, one, two, three, or four procedural committees. Is that correct?

Mr. Keane That's the way I understand the rule, Mr. Roemer. The only restriction in Rule No. 53 with respect to service is that each delegate, except the Convention Chairman, shall serve on at least one and only one substantive committee so that a delegate could serve on three procedural committees or, if the Committee on Committees so determines, he could serve on none. I think if there's any change to be made with respect to that, that it ought to occur in the consideration of Rule No. 53 rather than Rule No. 51.

Amendment

Mr. Poynter Amendment proposed by Ms. Zervigon to the resolution as follows:

Amendment No. 1. On page 16, beginning with line 23, delete the following after the word "Committee": "after giving due consideration to the preference of each delegate and based on" and insert in lieu thereof the following: "based primarily on the preference of each delegate and giving due consideration to".

Explanation

Ms. Zervigon It's my opinion that the primary thing to be considered in the committee assignment ought to be the preference of the delegates. I understand that we need committees balanced with skills and experience and various areas of the state represented, but I think the preferences of the delegates ought to be the primary consideration. Mr. Jenkins brought up before the Rules Committee a very valid point that we don't want committees made up only of experts in any one field or another--a Judiciary Committee made up only of lawyers, if other people are willing to serve on that committee. I can't tell you how I hesitate to come before you one more time and press my luck, but I really hope that you'll favorably consider this amendment.

[Amendment substituted, Amendment proposed, Amendment adopted, Amendment adopted in the Rule.]

Closing

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Mr. Kean Mr. Chairman, I think the amendment, the rule as amended, is self-explanatory. I move its adoption as amended.

[Rule adopted: *viva voce*.]

Mr. Kean May it please the Convention, we've discussed the Committee on Committees at some length heretofore. It's designed to create a separate committee which will have the responsibility of making substantive and procedural committee assignments in an effort to give Congressional participation. It is provided that the committee would be composed of the chairman and sixteen delegates, with two delegates to be elected from each Congressional District, voting in separate caucuses. I move the adoption of the rule.

Reading of the Rule

Mr. Poynter Rule No. 52. Committee on Committees. The Committee on Committees shall be composed of the Chairman of the Convention, who shall be chairman of the Committee on Committees, and sixteen delegates, with two delegates to be elected from each Congressional District by the delegates voting in the Congressional District in which they resided at the time of qualification or appointment. Such voting shall be in separate caucuses.

Amendments

Mr. Poynter Amendments proposed by Mr. Conino to the resolution as follows:
Amendment No. 1. On page 17, line 1, immediately after the word "separate" strike out the word "caucuses" and insert in lieu thereof the word "caucuses", correctly spelled. Amendment No. 2. On page 17, between lines 1 and 2, add the following: "No member of the Committee on Committees shall be elected a chairman or a vice-chairman of a substantive or procedural committee." "No member of the Committee on Committees shall be elected a chairman or a vice-chairman of a substantive or procedural committee."

Explanation

Mr. Conino Mr. Chairman, fellow delegates, I was a member of the Committee, the Rules Committee, and the philosophy and the theory behind our thinking was that no particular person or group of persons should be in the position to take control of the Convention or any part of it. So, as a consequence of this, I devised this amendment which states very briefly that no member of the Committee on Committees, which will have the ultimate authority of choosing who is to be on any particular committee, can he himself or herself then be in a position to, at a later date, control the committee or control the actions of the committee so that they might choose a procedural or substantive committee. This is in keeping with the whole theory behind the Rules Committee.

Question

Mr. Kean Mr. Conino, would it be your opinion that a delegate in a Congressional caucus would have the right to decline to serve on the Committee on Committees by election of his delegates in that caucus?

Mr. Conino Would he have the right to decline to serve on the Committee on Committees? Yes.

Further Discussion

Mr. Chehardy Mr. Chairman, fellow delegates, I just wanted to say this about the amendment. I believe that it furthers, so Mr. Conino has pointed out, the concept of distribution of power and the assurance that there will be a limitation of power among those placed on the more important committees. And I, for one, am supporting it and certainly urge the support of all of you in the

hope of helping to keep this whole process the ultra in democracy. Thank you very much.

Further Discussion

Mr. Tapper Mr. Chairman, members of the Convention, I rise in support of this amendment. I think this is in the spirit of the Convention. This would prevent a member, serving on the Committee on Committees, from making any type of proposal to any member, that he's going to appoint, to vote for him for chairman. I support this amendment.

Further Discussion

Mr. Roy Delegates to the Convention, I rise in opposition to this particular amendment. I just don't see the reality of anybody on the Committee on Committees, which body is going to be elected by separate caucuses, being able to take a sixteen-member committee and stack it so that he later can become chairman or vice-chairman of a substantive committee. That's number 1. I think we're getting to the point where some people, who may be very well qualified, are going to be penalized from serving on one of your more important, maybe most important, committees, the Committee on Committees, just because he may like to also chair a substantive committee. Now, how in the world this particular individual, if he seeks both--and certainly you can't knock him for it if he's competent and qualified--how he can stack everyone in the Committee on Committees to appoint certain people who by preference can designate which committee--substantive committee--they want, then stack it in such a way as to assure himself a chairmanship or vice-chairmanship, I'd like to know. If he can do it, I think he ought to be able to be a chairman or vice-chairman and probably just president of the whole works here.

Further Discussion

Mr. Nomack Mr. Chairman, members of the Convention, I haven't asked one individual to vote for me for any position. In fact, I didn't ask anybody to vote for me before I came down here. I think that we can go far enough to get just a little bit of independence and a little bit of democracy in this. I'm assuming that when you start out with a Committee on Committees, that each delegation in their caucus will choose what, in their opinion, is one of the better men that they have in the area if we're going to classify ourselves. When you do that, you have automatically eliminated a sizable portion of the top flight men that you have in the entire Convention from taking part in the most important thing that the Convention has, and that is the chairman of the substantive committees. I think that, before we start eliminating people from holding the position of the chairmanship of the substantive committees, I think possibly we ought to say that we take those people and choose them first, by some means, and then get to the lesser offices--the lesser offices down the line being the Committee on Committees or the Executive Committee. I can foresee the possibility of a subcommittee only having two or three people that wants to take the time, wants to devote the work, that is willing to push what it takes to organize and have good substantive committee hearings, that might also be the choice of the caucus to have as their delegates to choose the membership. I'm going to vote against this, and I can just see that the bad in it, no doubt, in my opinion, outweighs the good. Yes, I'll answer a question, if that's what it's for.

Further Discussion

Mr. Juneau Mr. Chairman and delegates, I'll make my remarks very brief. I'd like to lay before you, for your consideration, three considerations--three problems. Number one: from the seventh district, I'm not, I don't want to be,

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and I'm not going to be a member of the Executive Committee. I don't want to be, and I'm not submitting to be, a member of the Nominating Committee, so let's clear that board. Number two: I voted to expand the Executive Committee to give representation across the whole State. I think sooner or later that we are going to have to come to the realization, once we get through with all the technicalities, that we've got to write a Constitution. When we get down to that point, gentlemen, you're going to have to have qualified people to do it. Now, the area of expertise is going to start getting narrow. I think we have gone to the ultimate in having a member of the Rules Committee, did everything humanly possible to assure that the power structure of this Convention was diffused to the delegates. I think we have done that. We have got a system. We have Committees on Committees. We have had caucuses to draw these rules. I think--don't forget that--I think that was an excellent indication of what you can expect. The point that I'm making: we have, in my own humble opinion, gone to the ultimate of extremes in providing diffusion. I think you're going to make a drastic mistake, if you tell the people that you're going to elect on these two committees that you can't serve as a chairman or vice-chairman. We're going to see people bailing out of the ship wondering in which way they're going to go. And I think that you're going to exclude--I don't know who it is--but you could exclude the possibility of an excellent person, serving in a capacity, that's going to have to write this thing. So, I rise in opposition and tell you that I think that we have done the ultimate and hope that you reject this amendment. Thank you very much.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the Convention, I don't believe any delegate is stronger in favor of spreading out the authority of the Convention. We have attempted to do that in the Rules Committee. But here we are talking about one of the most important committees, but with a short life. Once these committees are completed, the Committee on Committees self-destructs. That's the end of its duty. I don't think that we should impose this restriction, because it is so very important that we have some of the best men and women in the Convention on the Committee of Committees. It would, to me, be just as sensible to say, because I served on the Temporary Rules Committee, that I was not eligible to serve on any committee. It's the same logic. I urge you to defeat this amendment.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the Convention, I would... at the time I seconded this amendment I didn't know that I'd have the help of Mr. Chehardy. I guess it's one of the few times that maybe we'll be on the same side, because I'm not a fixer, now, in the past, we have been on different sides. So I'd like to point out this thing, this matter, to you. As has been said, this committee, of course, will be of short duration. But I can tell you, now, there is no committee, not even the Executive Committee or any other committee, that will have as much effect upon writing this Constitution as this Committee on Committees, because this committee is going to select the people who are going to serve on each committee. At the present time in these rules, we don't even know how many people will be on these committees. And a cordiality to the way I read this, it's going to be left to the Committee on Committees to decide whether they're going to have five people, ten people, twenty people, or twenty-five people on any committee. And if this Rules Committee... the Committee on Committees is going to be made up of sixteen people with a chairman, there just might be the possibility that one or two or maybe

three of these people can take people on committees so that they can stack the chairmanships of these respective committees. Now, I think they might be able to do it, even in spite of the fact that we have a rule in here. They may not be a candidate for the chairmanship themselves, but at least there's not near as much incentive of working for somebody else sometimes as there is in working for yourself. And I just don't think we ought to take the possibility of having any committee stacked for the purpose of promoting any one particular individual for chairman or vice-chairman. Yes, I'd like to be chairman of a committee, but I think that my chances are a great deal better if I'm elected. If I'm elected, fine and good. If I'm not elected by the members of the committee, it's okay. But I don't want to get on the Committee on Committees so that I can select those people who will vote for me for chairmanship. That's not the way we ought to write this Constitution. And I think as a result of this, that possibly it would be better off if we did not let the Rules... that is, Committee on Committees serve as chairman of a substantive committee. I don't mind the procedural committees, but substantive committees are the ones who are going to be writing the proposals. I think that's a little bit different. I would let them serve as chairmen, but not as chairman, and rather that be the most important function. And I think we ought to limit it to the fact that they should not serve as chairmen of the substantive committees. Therefore, I support the amendment. I hope you will do so too so that we can show the public that we're going to have an unstacked, cooperative, working, independent Convention. Thank you.

Further Discussion

Mr. Abraham Mr. Chairman, delegates, while I appreciate the intent of this amendment and I think it's well taken, I think there is a degree that we can go to which just really goes beyond reason. In all our deliberations, you feel this air of suspicion about these various delegates and people. Somewhere along the line here, we're going to have to put aside our suspicions. We're going to have to have a little trust in each other. The Committee on Committees is a real important committee. It's very important. It's got to select the best people it can and place them on these various substantive committees. But if I want to be on a particular substantive committee and I have hopes, possibly, of being elected a committee chairman--which I'm not giving consideration to at this time--then this is going to drive me away from wanting to serve on the Committee on Committees. And we're going to have to have some people in here who want to work, who are willing to work, who've got the time to do a lot of this work. This is going to be a lot of work on all of us. But if we put too many restrictions on ourselves, where if I'm on a temporary committee--and I agree with Mr. Drew; I want to point out that this committee is only a temporary committee; it's going to serve just for a short period of time--well, you're in effect telling me or telling everyone else: well, your job is done. I may as well go home, 'cause I can't do any more good down here. I appreciate what the Convention is trying to do. I think that we've gone a long way towards distributing jobs and things like that, but I think we've reached a point now where we're just going too far. And I think we ought to call a halt to it right now, and I would have to oppose... I ask you to oppose this amendment.

Further Discussion

Mr. Duval To make myself clear from the beginning, I'm in opposition to the amendment and I don't find it redundant. I incorporate the remarks of all persons who have spoken in opposition to the amendment. I'd like to make this one other point. I think that I can reasonably last my vote at any time at any place, also, that that operation

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has certainly not been the byword of this Convention. It's just the opposite. I don't think anybody who tries to coerce anything is going to get anywhere in the Convention. And I don't think we have any fear of the Committee on Committees even attempting to stack it so that they elect a chairman. And I'd like to point out this: when I'm on a committee, on a substantive committee, I want to vote for whom I want to vote for on this committee. I don't want other people to tell me that I can't vote for this person. I think each of us thinks that we have a reasonable amount of discretion. Therefore, we should be able to exercise this discretion, using our own intelligence and our own sense of fair play in voting for the chairman of the committees we're on. The committees will elect their own chairmen, and they should elect whomever they damn well please.

Further Discussion

Mr. Fontenot I rise in support of this amendment. I think it's a good idea to spread our power around a little bit. I think we haven't gone too far yet. As a matter of fact, I think the other day--and getting back to what he said--he wanted to vote for anybody he wanted to, and there's no possible way you can stack the committees and everything. The other day we were all called politicians and, if you remember correctly, Pappy Triche told us that. And if you look at those sixteen people and if they're all sixteen politicians, there always is a possibility that they can stack committees for friends or for themselves. Don't tell me there's no way, because there is a way, if we're all politicians. Now, I would like to ask the proposer of this amendment if he would also like to perhaps--call it a friendly amendment--would he also include members of the Executive Committee not serving as the chairman or vice-chairman on the substantive committee.

Mr. Henry Mr. Conino, you can't answer the question because Mr. Fontenot has the floor, and that would have to be made as a point of order, Mr. Fontenot, by a separate amendment. It cannot be incorporated in this amendment. If he desires to do so, he can withdraw his amendment and introduce such an amendment at the appropriate time to that effect. But he can't amend the amendment.

Further Discussion

Mr. Burson I'm going to start off with my disclaimers first. I don't want to be on the Committee on Committees or on the Executive Committee or a committee chairman. I might like to be a co-chairman or sub-chairman or a secretary but, seriously, the amendment, as I understand it, would exclude sixteen people from being committee chairmen. And I think that the problem that has been raised, justifiably so, by some speakers that we might be excluding would go into committee chairmen would be largely resolved by the fact that if we pass this amendment, those people who want to be committee chairman will not make themselves candidates for the Committee on Committees. So this will mean that the Committee on Committees will be composed, then, of sixteen people plus the chairman, who not only are not going to be committee chairmen but didn't want to be committee chairmen in the first place. Apparently there are those among us that feel that this would be a desirable thing, and I think that certainly it is something that could not harm us, since we'd have a hundred and fifteen people left by--well, that should be a hundred fourteen, by excluding the chairman--left who would be potential committee chairmen. And I really find it hard to believe that out of a hundred and fourteen delegates to this Convention--all of whom, upon reading their biographies, seem to be eminently capable--that we couldn't find eight good committee chairmen.

(Questions)

Mr. Womack I want to be sure that I understand your thinking and proposal that we eliminate the Committee on Committees from holding one of the other positions--that we also eliminate the Executive Committee from that. So, that's sixteen and twenty-three is thirty-nine, and they can't hold either the chairman or vice-chairman, so we have eliminated at that seventy-eight people from those positions. I wanted to be sure my calculation was right.

Mr. Burson No, sir, that's incorrect. I'm speaking on the amendment to prevent the people who are on the Committee on Committees from serving as committee chairmen. As I understand it, that's what this amendment is about. If that were expanded to include those on the Executive Committee, I would oppose it because I would agree with you that that would be going too far.

Mr. Duval My question is somewhat related to Mr. Womack's. I merely wanted to understand your thinking. Why should the Executive Committee be able to do it if the Committee on Committees can't? Don't you think conceptually you're being inconsistent?

Mr. Burson Not at all. The Executive Committee won't have anything to do with appointing the membership of the committees who, if we adopt the subsequent rule, will elect the chairmen, whereas the Committee on Committees will be appointing members of that committee who will elect the chairman of the committee. So I think there's a great deal of difference.

Mr. Duval So, you don't think the Executive Committee's influence is such that they could have any influence on any other matter that they shouldn't be on committees?

Mr. Burson I don't object to influence as such by an individual delegate. As I understand the spirit behind this amendment, it is to the effect that let's take the committee that's going to appoint the committee members out of the running for chairman of the committees so that we'll remove any question about whether maybe John Doe, as a member of the Committee on Committees, saw to it that ten of his good friends got to be members of the committee so that they could elect him chairman. That's the limited purpose that I'm speaking for.

Further Discussion

Mr. Guarisco I also agree with Mr. Chehardy that the adoption of the amendment is the only democratic way. The first day we met on January 5, Governor Edwards stood before us and he said, "This is the greatest collection of intellect that we've ever had at a Constitutional Convention in this state." Now, three days later, we've got a hundred and sixteen nitwits. You're going to now say that there are only eight or sixteen brains in this whole operation and everybody else is not talented? I don't think so. This amendment does not prevent a member of the Committee on Committees from being a member of a substantive committee. And if he's so talented, he'll get his work across. He'll let them know what he wants done. He doesn't have to be chairman. But the possible abuse of him being a member of the Committee on Committees, and what he may be able to do insofar as whom they serve, is certainly...his ability to be chairman is subservient to an individual delegate's right to serve on a substantive committee of his choice and whatever his talents...wherever his talents may lie. So I think it's the only democratic way. The first day we came up here, I've heard people come to the stand insofar as they were sent here by God to write this Constitution. Well, He's not going to write it; we're going to write it. So, adopt the amendment.

Further Discussion

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Mrs. Warren Mr. Chairman, fellow delegates, I can remember the first day of the Convention our chairman said that even a nitwit needed some representation. I'd like to say this to you; this is something that I heard many years ago and it has really stuck with me. It says like this: self-praise is the most scandalous, but it's a poor dog who won't wag his own tail. I am just a housewife, but I'd like for this delegation to know that I am qualified to be a chairman of a committee. I'm not seeking one, but I do believe that each delegate that was elected or appointed should have the right to participate in this Convention fully. And if they are going to do it, they must have a chance to come in. If one delegate is going to have all the power, or one or two delegates is going to have all the power, then we might as well go home. I will say, at this point, that I am speaking in favor that these delegates that are on the Committee on Committees will not have the power to be a chairman of a committee. And I even go to the Executive Board Committee cause, in many experiences over many years, I am not so naive to believe—even though I am not a seasoned politician, I have been a politician for many years, and I think everybody should be—the one person would stand up and say I'm not interested in this. And I'm not going to tell you a story; but, if anybody would like for me to tell you why I believe it, come to me after the Convention and I'm going to tell you a little story about the rattlesnake and the bull, and I think you all will be convinced. Thank you very much.

[Previous question ordered.]

Closing

Mr. Conino Fellow delegates, if you enact this amendment, you will have done as much as you possibly can in diffusing the power of this Convention. You will know, in your heart, that there's no particular party, no particular group, no individual who will be able to control this Convention. There are probably other factors that you could take into consideration, but this is your first step. We have a hundred and thirty-two good delegates in here and, if you eliminate sixteen from serving as committee chairman or vice-chairman of a procedural or substantive committee, I feel sure that you have the balance of a hundred and sixteen that you can choose on. This is a free Convention. If you have the ambition of being a chairman of a substantive or procedural committee, just refrain from serving on the Committee on Committees. This up to now is our most important committee. There will be others where more of the action is, but this is it, and I urge you to adopt this amendment.

[Amendments reread. Roll call vote ordered. Amendments adopted: 64-57. Previous question ordered in the Rules. Roll call vote ordered. Roll adopted. [Singing.]

Reading of the Rule

Mr. Poynter Rule No. 53. Service on Committees. Each substantive and procedural committee shall be composed of at least ten delegates and no more than twenty. Each delegate except the Convention Chairman shall serve on at least one and only one substantive committee. Each committee shall elect a chairman, vice-chairman, and such other officers as the committee deems necessary.

The Chairman of the Convention, shall be ex officio a member of all substantive committees, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Explanation

Mr. Kean Mr. Chairman, this particular rule was designed to give the Committee on Committees some leeway in establishing the number of the delegates to serve on any particular substantive and procedural committee, rather than establishing an arbitrary figure of sixteen or seventeen, or what might be any other number you want to establish, and come out with even numbers. The purpose

there was, if there were some committees which would perhaps require a larger number of delegates to serve on that committee than others; then under those circumstances, the Committee on Committees ought to have the right to establish those numbers without restriction but within certain bounds. Secondly, it was the aim of the Rules Committee that every delegate would serve on at least, but not more than, one substantive committee. Insofar as the procedural committees are concerned, it was the feeling of the Rules Committee that there should be greater flexibility on those particular committees in order to get the benefit of as many persons who might have expertise in the particular area which was the responsibility of the procedural committee. The committees would elect a chairman, vice-chairman, and such other officers with the restriction now imposed under the prior rule. The Chairman of the Convention would be ex officio a member of all substantive committees in order to provide proper liaison. As you may recall, we provided that the first vice-chairman and the three vice-chairmen would likewise be ex officio members of the procedural committees, thus giving a liaison at that layer of leadership with those particular committees. I'd be glad to answer any questions, Mr. Chairman, anyone may ask.

Amendments

Mr. Poynter Amendments proposed by Mr. Brown to the original resolution as follows:

Amendment No. 1. On page 17, line 4, immediately after the words "not more than" strike out the word "twenty" and insert in lieu thereof "thirty".

Amendment No. 2. On page 17, line 4, immediately before the word "each" insert the following: "The Committee on Committees shall determine the size of each substantive and procedural committee within such limitations."

Amendment No. 3. On page 17, line 6, immediately after the word "committee" and before the word "each" insert the following: "No delegate shall serve on more than two committees of any nature excluding the Committee on Committees and the Executive Committee".

Explanation

Mr. Brown Mr. Chairman, fellow delegates, I think the amendments are self-explanatory. In amendment No. 1, we're increasing the number, that we can move to, from twenty to thirty. I agree with many of the delegates who have spoken to date saying that we can't get carried away in the number of committees that we have. If you let... we create two or three more, where do you stop? It gets out of hand. In this particular case, however, I think we've got several substantive committees where we've got a tremendous amount of work to do. Take the Finance and Taxation Committee; you take our committee—we had so much debate regarding education and the civil service. I think in instances such as that, especially when we have a lot of talented people amongst this group who can lend support, we ought to be able to have a little more flexibility. I'm not saying all our committees should be numbered thirty. I'm saying that the Committee on Committees should have the discretion to go to twenty-five, twenty-four, twenty-five. I personally feel that some of the smaller committees may only be ten or twelve members. So, I would like to give the Committee on Committees the authority to look at the people involved, see where the preferences lie, and then if we need twenty-four, twenty-five men, men or women, give them the discretion. Amendment No. 2 merely gives the authority to the Committee on Committees to determine what the size shall be. This is merely an amendment to give that authority because right now the rules do not state who shall determine that size. This merely says that the Committee on Committees will make that determination. There's nothing in the rules that says this at the present time, so I personally desire a little more explicitly what's already in the rules. In

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other words I think it says that you should only serve on one substantive committee. Now, Mr. Roemer raised the question, can you serve on all four procedural committees? This merely says that you can only serve on two. So I think that none of them make any drastic changes with the exception of raising from twenty to thirty. I hope you'll go along with me on these amendments.

Further Discussion

Reverend Alexander Mr. Chairman and delegates, I've been analyzing these amendments, and it appeared to me that they make sense. I've been looking at Rule No. 49, I think, which authorizes the committees, standing committees. I find that I'm assuming that the delegates in these committees will break up into subcommittees. If they do, for example, in Subsection No. 2, there are only four subtopics. But in Subsection No. 6, there are eleven subtopics. Now, assuming that this Committee on Revenue, Finance and Taxation would contain possibly two persons on each subcommittee, you would need at least twenty-two people. So, I'm asking the delegates to vote for this amendment. Thank you.

Deleante Lambert in the Chair

Motion

Mr. Perez I ask for a division of the question primarily to determine whether or not we decide to go from twenty to thirty members for each committee, but the more important question is to whether or not any delegate may serve on more than one substantive committee; so that you have two questions which should be divided--the size of the committee and whether or not a delegate may serve on more than one substantive committee. I ask a division of the question.

Point of Order

Mr. Lambert I ask the Clerk whether or not it can be divided.

Mr. Poynter Mr. Chairman,--Acting Chairman, the question can be divided as between all three amendments, if the gentleman desires, or between Amendment No. 1 and consolidated Amendment Nos. 2 and 3. Mr. Perez, how would you like the question divided, sir? All three separately?

Mr. Perez I ask for a division of the question on all three amendments.

Mr. Poynter It may be so divided, Mr. Acting Chairman.

Mr. Lambert The Chair orders that the amendment... the question be so divided. And we ask the Clerk to read Amendment No. 1.

[Amendment No. 1 rec'd.]

Mr. De Blieux I believe, Mr. Chairman, there may be a typographical error in the page of that amendment. The Secretary has been reading "7" and it should be "17," I believe, so that there'll be no error, whenever the amendments are finally printed up.

Mr. Poynter You're referring to page 17, Senator? That's my mistake. The amendment is correctly drawn. Thank you.

[Amendment adopted; viva voce. Amendment No. 2 rec'd and adopted; viva voce.]

Motion

Mr. Brown Mr. Chairman, because of the fact there is some confusion and I understand there's another amendment up to make it more clear--I'd like to withdraw Amendment No. 3.

[Amendment 1 rec'd.]

Amendment

Mr. Poynter Amendment proposed by Mr. Thompson, amending the original resolution as follows:

Amendment No. 1. On page 17, line 6, after the words "least one" delete the words "and only one".

Amendment No. 2. On page 17, line 8, after "necessary"... "Not less than two delegates from each Congressional District shall be appointed to each substantive committee.

Explanation

Mr. Thompson Fellow delegates, since we've raised this committee to thirty, and since each of the eight Congressional Districts have less than one percent deviation by number, I think that the people whom we are going to have to take this back home to, to get it passed, would be better represented if they had two from each Congressional District on each of these committees. This will give you sixteen members to the committee and, of course, you still have fourteen more in which you can raise it on up to thirty. Some of these committees are going to need to be thirty; I don't think all of them will need to be thirty. But you'd at least have representation back home for each of these committees. I urge a favorable vote. Thank you.

Questions

Mr. Abraham Mr. Thompson, doing what you want to do, do you realize that if you've got eight substantive committees and one hundred and thirty-two delegates, that's an average of seventeen people per committee? And if we're going to have to have at least sixteen on a committee, that automatically fixes the number of the committee--the number of people on the committee.

Mr. Thompson Not necessarily so.

Mr. Abraham If two people have to be on each committee from each Congressional District, that's sixteen on a committee. And if we've got eight substantive committees into a hundred and thirty-two, that's seventeen people.

Mr. Thompson You still have sixteen that can be from each Congressional District--two from each Congressional District. How do you think you're going to be amply represented in each Congressional District? Some of them may not have any.

Mr. Abraham I realize what you're trying to do, but the fact that we've increased the number to thirty and the fact that we have a restriction that you can only serve on one substantive committee means you cannot have any...

Mr. Thompson Two.

Mr. Abraham That amendment has not been passed yet.

Mr. Thompson Wasn't that amendment passed on two? What are you doing is we changed it from where you couldn't be on one--that you can be on two. This is part of it.

Mr. De Blieux Mr. Thompson, I don't know whether I talked to you about it or not, but before we got to this particular rule--Rule No. 53--I had proposed an amendment that would have selected two people from each Congressional District to serve on the eight committees. I was informed by, I feel like good authority, that some of the congressional committees would not have enough people to serve on the eight committees if you put two on each committee from each Congressional District. And for that particular reason, I withdrew my amendment in favor of the one we just previously adopted that would expand the committees and allow two people--I mean a delegate to serve on two committees--so

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that we could have better representation that way because, otherwise, if you limit the delegates to one member--that is, to eight committees from the eight Congressional Districts--you would not have enough people in all the districts to serve and place two people on each committee.

Mr. Lambert What is your question, Senator De Blieux?

Mr. De Blieux I just wanted to ask him if he realized that; so, therefore, his amendment would not be practical for that particular reason.

Mr. Thompson May I change the "shall"--there seems to be so much flak about the "shall"--to "may"?

[Amendment withdrawn.]

Chairman Henry in the Chair

Point of Order

Mr. Champagne I think, perhaps, there's some confusion. I don't recall having voted on any amendment which increased this thing to one--as it stands now, it's one and not more than one on each substantive committee--I don't recall having voted on anything to change that. I would suggest, if we may, just read it as it stands at the moment.

Mr. Henry Mr. Champagne, that's more in the form of a point of information. When I left the Chair, the Brown amendment had just--just hold on, Mr. Thompson, please--the Brown amendments had just been submitted.

Mr. Clerk, what portion, if any, of the Brown amendment was adopted?

Mr. Poynter Mr. Chairman, Delegate Perez asked for a division of the question. Amendment No. 1, which increased the maximum committee size from twenty to thirty, was adopted. Amendment No. 2, which provided that the Committee on Committees shall determine the size of each substantive committee--substantive and procedural committee--was adopted, and Senator Brown withdrew Amendment No. 3, which would have provided "No delegate shall serve on more than two committees of any nature."

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Thompson]. On page 17, line 6, after the words "least one" delete the words "and only one". Amendment No. 2. On page 17, line 8, after the word and punctuation "necessary," add the following: "Not less than two delegates from each Congressional District may be appointed to each substantive committee."

Explanation

Mr. Thompson What this does is it changes the "shall" to "may" and makes it permissive to have two on each substantive committee from each of the eight Congressional Districts. And it changes a further reading that you shall not serve on but one to where that you can serve on more than one.

Questions

Mr. Duval Mr. Thompson, are you aware now that the rule, as it presently stands, provides that a delegate can only be on one substantive committee? Are you aware of that sir?

Mr. Thompson This is changing this.

Mr. Duval Is your intention to allow delegates to serve on more than one substantive committee?

Mr. Thompson Yes, sir.

Mr. Duval And don't you think, then, that one delegate could be on eight substantive committees?

And don't you think that wouldn't be very workable?

Mr. Thompson You have an amendment limiting it to two that's already been adopted.

Mr. Duval I'm afraid not, sir. I thought I'd like to ask you if you realize that it hadn't been adopted.

Mr. Thompson Well, you can draw one up for that if you'd like.

Mr. Duval No, sir, I don't.

Mr. Womack Mr. Thompson, I want to clear up one thing: that the word "shall" and "may" means absolutely nothing when you say "two shall" and, then, when you say "not less than two may." You still are leaving it "shall." That's the point that I want to try to clear up.

Mr. Thompson "Shall" and "may" are two different meanings, Representative Womack.

Mr. Womack The point I'm trying to get at, though, is when you say "not less than two may be," then that's automatically "two must be"--whether you say "two shall" or "two not." But, when you say "not less than two," then you go right back to the positive approach on it.

Further Discussion

Mr. Staggs Mr. Chairman, I rise to oppose the amendment by the gentleman from Colfax. The whole thrust of Rule No. 53 was that every delegate in this Convention was going to serve on a substantive committee--at least one and only one--and we left the question open as to whether a delegate could or could not additionally serve on a procedural committee, if he desired to ask for service on one additional or two additional committees concerning with procedure. The whole heart of what Mr. Thompson has proposed completely, totally changes the thrust of the rule as presented by the Rules Committee. It was the conscious feeling by the Temporary Rules Committee that one committee assignment of a substantive nature, involving committee hearings in all parts of the state, involving the writing of very important sections of the Constitution, where a delegate might become completely expert in that part of the Constitutional drafting that is our job to do, was all most of the members of the Convention could in conscience take on. What Mr. Thompson is seeking is to completely turn that language around and allow committee assignments to be made for a delegate to serve on not just one substantive committee, but at least two. Now, I don't believe this is a good amendment, and I certainly do hope that the delegates to the Convention will agree with the Temporary Rules Committee. No matter what further amendment is offered, about service also on a procedural committee, I would not feel so strongly about it. But I feel very strongly that every delegate ought to serve on just one and only one substantive committee. I urge the defeat of the amendment.

Further Discussion

Mr. Arnette Delegates to the Convention, I can't tell you how strongly I oppose this amendment. There's one basic reason I oppose this amendment is because it was offered--or the amendment wasn't offered, but this particular rule was offered--with the idea in mind that everyone would be equal and serve on one substantive committee. There would not be any favorite few that would serve on two. So, if we accept this amendment, we have one or two...we are on the horns of one...on the dilemma that, if we have two and everybody serves on two committees, our committees are at least thirty-two delegates in size, or thirty-four delegates in size, which is a ridiculous size for many of these committees. The other point is that

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we have some people serving on two substantive committees and others serving on one, which is not a fair situation. I think the only fair way to have this Convention run is to have each delegate serving on one substantive committee and only one substantive committee, since these will be the parts of the Convention that are actually going to write this Constitution. Like I say, I can't tell you how strongly I feel about this because I just don't want to see part of these delegates being the favored few that end up on two substantive committees.

Mr. Henry I think we have a technical breakdown on our amendment.

If everyone else that I have on the list will pass just for a few minutes, Mr. Thompson is going to withdraw his amendments and resubmit some amendments.

Motion

Mr. Stinson Mr. Chairman, members, I wish to move that we reconsider the vote by which Amendment No. 1, by Senator Brown, was passed or adopted. That's the one increasing from twenty to thirty.

Mr. Henry Right now, we're in the process of trying to get rid of Mr. Thompson's amendments.

Mr. Stinson I understood it was withdrawn.

Mr. Henry Well, we're sort of having to go around by Laura's house because these people are not drawing these amendments right. Once we get through with these rules of procedure, ladies and gentlemen, we're not going to act like this. We're going to follow the rules. Mr. Stinson, if you will, I'll recognize you in a minute. Let me get this confusion out of the way. Then we'll attempt to take up some more, please. Now, I'm trying to be nice, and I'm trying to be patient, and I'm trying for us to get the job done; but there is no sense in the way we're operating right now. Now if you've got a set of amendments--and, Mr. Thompson, I'm not talking to you specifically, but we've done this, and I've let us set a precedent, and it's my fault--there ought to be some way where, by and large, we can get these amendments right. I realize that you folks are not familiar with this type of procedure, but when we have an amendment up here, there's more to it than just saying "O.K. I'm going to change it," because we are trying to proceed orderly. This is confusing our desk; it's confusing the Clerk; and you know it's confusing me. So, Mr. Thompson withdraws the amendment. Now, Mr. Thompson, if you would, get one of these fellows over here to help you prepare your amendment, because I think we're going to have an abundance of time to go ahead and reconsider them.

Mr. Stinson, I now...the Chair recognizes you.

Motion

Mr. Stinson Mr. Chairman, members of the Convention, my motion is that we reconsider the vote by which Amendment No. 1--that was the division, the first amendment by Senator Brown--was passed by this body. That amendment increased, permissively, from twenty to thirty. And, I think, since then, most people didn't realize what we were doing, and that, if they limited one assignment--if we got thirty on eight--that's two hundred and forty, if I figure correctly. So, I'd like to reconsider the vote by which that amendment was adopted.

Mr. Henry Mr. Stinson now moves to reconsider the vote by which the amendment to increase the size of committees--am I right, Mr. Stinson--was adopted.

Mr. Stinson Yes, sir. Members, as I said, it is an impossibility under the other rules; and also, as Mr. Munson would like to explain, financially there's an additional hardship.

We're worrying about finances. We know that we can't get by with the money that's been appropriated and, if we increase this, we've got the per diem and any other expenses that might come in connection with it. Also, one of the major things is that a thirty-member committee is too large; it's too unwieldy. You can't operate, I don't think, in that much--especially if they said if we travel over the state for hearings and such as that. I think that we should be given another opportunity to consider this. I'd like to urge that we vote it down and leave it as it is--at twenty as the maximum number.

Point of Order

Mr. Fontenot Mr. Chairman, I don't know if I got lost somewhere in all of the discussion, but it seems like the motion at hand is the motion to reconsider; we haven't voted whether we want to reconsider or not. Mr. Stinson is talking about whether we should change twenty to thirty. I think, if I remember correctly, Robert's Rules of Order states that the motion to reconsider takes a two-thirds vote. I don't really remember.

Mr. Henry You are incorrect, Mr. Fontenot, and the motion is debatable.

Mr. Fontenot Excuse me. Are we voting to reconsider...are we discussing reconsideration of it?

Mr. Henry The motion is to reconsider the vote by which part one of the Brown amendment was adopted, Mr. Fontenot.

Mr. Fontenot I don't remember voting on whether to reconsider or not.

Mr. Henry We have not voted on it, Mr. Fontenot. We are discussing that now. Thank you.

Questions

Mr. Bollinger Mr. Stinson, I appreciate your interest in the finances of this Convention; however, I fail to see how this Convention or the Committee on Committees could possibly, or would possibly, place thirty members on each of the eight committees. I think the purpose of Senator Brown's amendment was to allow the Committee on Committees--in the case of a special instance on a special committee where it was deemed that twenty would not be a sufficient number to carry on its business--the committee could expand the special committee past the point of twenty. I don't think it's at all possible or probable that the Committee on Committees would deem necessary to make more than one--or, if so, more than two--committees have a membership of more than twenty.

Mr. Stinson Mr. Bollinger, I appreciate your remarks, but I never have some things that you thought would never happen do happen. And if there is an amendment, later on, saying that you can serve on any number of committees, on all eight, I'm afraid the people--you know, we give in to pressure sometime and, if everybody wants to serve on all the committees, and you can be thirty to a committee--I'm afraid it will get out of hand, financially and control, and also as to the results of this Convention. So, I'd like to urge that let's reconsider this and leave it at twenty, as was drawn up originally by the Rules Committee. I think it would be the best results if this is done. Thank you.

Mr. Champagne I have a question here. I want to see if we understand this thing the same. In other words, as it is now, there's no possibility of getting thirty on all, because it's ten to thirty. Do you foresee in this some attempt to possibly further cloud the picture by saying that you can be on more than one committee?

Mr. Stinson Yes, sir, I think it's going to be

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the next amendment that's going to be offered.

Mr. Champagne Fine.

Mr. Stinson I think that's the one that's being prepared now.

Mr. Schmitt At the present situation right now, assuming that there's one person per substantive committee, wouldn't this restrict it to being a hundred and thirty-two people on the total number of substantive committees, no matter how many you have on each one? Whether you've got ten or thirty, your total could not be any greater than a hundred and thirty-two. Is this correct?

Mr. Stinson It possibly would be worked out that way, unless there's an amendment later on, or some different interpretation. But, therefore, if what you say is correct, therefore, we don't need the thirty. It should be left at twenty as a maximum.

Mr. Schmitt Would you consider reconsidering at some later time, if this amendment is passed, the one of which you are speaking?

Mr. Stinson I still personally would be opposed to it, but if you don't reconsider it now, your right to reconsider might be taken away from you later on--parliamentary procedurally.

Mr. Schmitt Is it your opinion that the Committee on Education and Welfare could not use thirty members to serve on various subcommittees on that committee?

Mr. Stinson Well, if I were on that committee--and I think it'll be my second choice, the importance of it--I think that you should not divide into subcommittees. I think the committee as a whole, the entire group, should be present. And I don't think there's going to be overburden if you have one just on education that's tied into the other. It may be, but I think that it would be important enough that we should serve on all--no delegation of subcommittees.

Mr. Schmitt In other words, you conceive of a group of twenty people traveling around the state at the state's expense to hear the various views throughout the state?

Mr. Stinson Not necessarily. But they would not have to travel in twenties, they could reduce it. But I can envision, if you increase it to thirty, you're going to have thirty traveling around.

Mr. Schmitt If they're reducing it, wouldn't that be to a certain extent a subcommittee? Is it your contention that the twenty people, a maximum, which could possibly serve on the Committee on Education and Welfare would be traveling around the state as the committee of the whole and have the hearings across the entire State of Louisiana, and it would not be broken down into subcommittees?

Mr. Stinson I don't envision too much traveling around. I think that the mountain should be brought to Mohammed. Let people travel here if they want to appear before the committee. But, it would be the same problem and more of a problem if we had thirty instead of twenty. It would be a third again as to the expense and cost.

Mr. Schmitt You mean with reference to as an example...

Mr. Henry Gentlemen, we're just getting absolutely away from the motion to reconsider. Now, I've allowed as much latitude as I intend to allow. Confine your questions and your remarks to the motion to reconsider, please.

Mr. Schmitt Mr. Speaker, I had considered it to be confined to that area.

Mr. Henry Well, the chair seems to have found you're going a little astray, Mr. Schmitt. Do a better job, please.

Mr. Schmitt Assuming that the rules remain the same and that there's only one man per substantive committee, it wouldn't make any difference whether there were ten members on each substantive committee or up to a max of thirty.

Mr. Stinson Well in answer to that, therefore, we don't need thirty; twenty would be adequate.

Mr. Denny Mr. Stinson, don't you think that in view of Ms. Zervignon's amendment which provides that the Committee on Committees shall select, based primarily upon the preference of each delegate, would almost automatically require thirty on each committee?

Mr. Stinson No, sir, I don't think it would.

Mr. Womack Mr. Stinson, I'm going to ask you a question--and when I get through, you'll understand it--that by the time you put each member of this delegation on two committees, then at least half of the functioning committees can never get a quorum because, if they're going to meet at the same time, then you can't be two places, so you choose the one you want so you've got at least a fifty percent absenteeism at every quorum call, if they're balanced out. Now, if you have enough that choose the important committee, then the other one that they're on will never get a quorum. Don't you understand?

Mr. Stinson The answer to your question is yes.

Mr. Henry Now, gentlemen, it's alright with me on this if you want to debate the merits or demerits of the amendment itself. I think that we would be much better off to proceed to determine whether or not we're going to reconsider it or not, before getting into the merits of the amendment itself. And I would ask you to use your wise discretion in making your remarks accordingly.

The Chair recognizes Mr. Alphonse Jackson.

Further Discussion

Mr. A. Jackson Mr. Chairman, ladies and gentlemen of the Convention, I rise in opposition to the motion to reconsider the vote on Senator Brown's amendment. I think that this body was in order when it considered the amendment, and I think that we considered it long. And I think that we made a wise decision. I'd simply like to point out that the amendment is not imposing a requirement that there be thirty members on each committee. I think we're simply dealing with a serious problem that we have, and that is the problem of trying to provide broad representation for some of the considerations that we have in terms of writing this Constitution. I think it's important that we have the latitude to have the kind of expertise and broad representation that's needed, so I would ask you to vote down the motion to reconsider this amendment.

Further Discussion

Mr. De Blieux Mr. Chairman, Mr. Jackson made my point, so that's all I have to say.

Further Discussion

Mr. Riecke Mr. Chairman, you mentioned earlier that you would prefer that we not discuss the merit of the thing, when we consider reconsidering it, but since the man who made that motion discussed the demerits of what we passed before, I think I ought to be permitted to go into the merits of the one we passed before, if you don't mind. This resolution that we passed before--and I'm speaking against the motion to reconsider--this resolution we passed before simply permits

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up to thirty. It does not restrict the Committee on Committees in their appointment of a committee. Now there's a lot of people who sent...everybody of us sent in preference sheets. There's a lot of us that might want to be on some particular committee because we feel we particularly are qualified for that. It's going to be--I'll tell you right now--with a limitation of twenty, there's going to be a lot of delegates that are going to be disappointed because they didn't get their preferences on these committees. This simply permits thirty. Now, I know you can't, you know you can't, appoint two hundred and forty people, when you only have a hundred and seventeen that are eligible. But some of these committees are so important, and some of them are going to require such extensive hearings. For example, one of the committees is the Committee on Education and Welfare. It's divided into six categories, and each and every one of those categories are going to take extensive hearings, in my judgment, and take an awful lot of time of our committee. For example, Education--can't you envision that when that comes up that you're going to have school teachers' delegations. You're going to have educators; you're going to have all kinds of hearings that are going to take committees' time. Welfare--you're going to have extensive hearings on Welfare. It's an important subject. Consumer affairs, civil service, labor, industry. Now if you only permit twenty on this committee, this means that if you divide it evenly in those seven categories, you can only appoint about three people who have a knowledge of the subject. So you divide it into subcommittees, and the rules provide that you can divide it into subcommittees. Is the whole committee going to sit in on every one of those hearings? I don't believe that it's physically possible for you to do this unless you give up your business and your home and spend the rest of your time for a year up here. I think we ought to remove the restriction of twenty and leave the Committee on Committees to handle it. They're not going to appoint two hundred and forty people because they aren't there. They are going to use good, common sense and appoint larger members, larger quantities, on committees that require them and less on the others. Thank you very much.

[Previous Question ordered.]

Closing

Mr. Stinson Mr. Chairman, I have no further argument. I'll leave it up to the committee.

[Motion rejected: *visi voce*. Adjournment to 9:30 o'clock a.m., Wednesday, January 17, 1973.]

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Wednesday, January 17, 1973

ROLL CALL

[Roll call delegates present and a quorum.]

PRAYER

Mr. Burns Let us pray:

Our Heavenly Father, we thank Thee for the privilege of allowing us to be participants in the most momentous event that has occurred in the history of modern Louisiana. We pray as we meet here daily that we be under the guidance and direction of Thy Holy Spirit so that whatever we do will meet with Thy divine approval and with the approval of the citizens of the State of Louisiana. We pray further, Father, that Thou would give us a continuing feeling of fellowship so that, no matter how warm the debate or how hot the argument, we will always have a high regard one for the other, and never let us allow personalities to enter in our deliberations or our procedures. Finally, Father, we would ask that as we meet here that we have your richest blessings on our families. We ask all these things in the name of our Savior and Redeemer, Jesus Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

[With the Office Administrator as the Librarian
Jack J. J. J. J.]

UNFINISHED BUSINESS

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

Mr. Henry Mr. Kean, are you going to take it up this morning?

We were in the process of consideration Rule 53 at adjournment yesterday evening. At that time, I believe, Mr. Kean had offered a motion for the adoption of the rule, which motion had received a second.

Amendments

Mr. Boynter Amendments sent up by Mr. Avant, amending the original resolution as follows:

On page 17, line 6, delete the words "only one" and in lieu thereof substitute "not more than two".

Amendment No. 2. On page 17, line 6, delete the word "committee" and in lieu thereof substitute the word "committees".

Explanation

Mr. Avant Mr. Chairman, fellow delegates, the purpose of this amendment is to simply change the provision in this rule as provided for by the temporary Rules Committee so as to permit a single delegate to serve on two substantive committees instead of only one substantive committee. It does not affect the requirement that every delegate shall serve on at least one substantive committee. So, if this amendment is adopted, then every delegate will still serve on at least one substantive committee and may serve on not more than two substantive committees. Now, the reason for this amendment being offered is this--first, I want to make the usual disclaimer; I'm not a candidate for anything, not going to accept anything--out, it is my humble opinion that there are a number of people who are delegate to this convention who, because of their experience, their background, and their training, can make a very valuable contribution to the work of this convention in more than one particular field. Now, I realize that there has to be a limit on the number of committees on which one person can serve, simply because of the very mathematics of the thing. But, I'm not going to point my finger at any particular individual, but I think if you will look around you that you will probably agree that there are a number of people who are delegates to this

convention who, for one reason or another, are very well qualified to be of great assistance to this convention in its work if they were permitted to serve on two of its substantive committees. I think that that is something that is going to have to address itself to the sound discretion of the Committee on Committees to determine, first, whether or not such individuals have the time and the willingness to serve on two such committees. If you have an individual who, in the sound discretion of that committee, they feel can make a contribution on two committees of a substantial nature to the ultimate success of this convention, and the individual that they have in mind is in a position to make that contribution, then I think that we should not deprive ourselves and deprive the people of this state of the opportunity to receive the benefit of that contribution. That's simply the purpose of this amendment.

Questions

Mr. Velazquez Mr. Avant, don't you accept the premise that every substantive committee will have an extensive workload?

Mr. Avant Yes sir.

Mr. Velazquez Do you accept the premise that we don't just have a handful of people here...

Don't you accept the premise that we have a large number of people here who are knowledgeable enough to make a valuable contribution to several committees?

Mr. Avant Yes.

Mr. Velazquez Then, don't you have enough respect for the great number of delegates--all of whom are knowledgeable enough to serve on several committees and make a valuable contribution--but you are going to sit here and set out one or two people as the chiefs, the most knowledgeable people in the State of Louisiana, and say that they and they alone are the ones that should serve on two substantive committees?

Mr. Avant To sir, I'm not going to make any such decision at all. But, I am perfectly willing to leave that decision to the sound discretion of the Committee on Committees.

Mr. Velazquez Since we are making room in our schedules for those people, from all over the State of Louisiana, who are knowledgeable and who wish to testify before committees to come before those committees, don't we have a sufficient mechanism not to have to have two people--or one person, rather--serving on two substantive committees and putting this additional workload on them so that they only do a half reputable job on each of the substantive committees?

Mr. Avant I'm sorry, Mr. Velazquez; I didn't understand that question.

Mr. Velazquez The point I'm trying to make is that if you take a good man, even an extremely good man, and you try to bend him between two committees, you have only a half effective job on each committee; and, therefore, the committee and the convention is the loser and not the gainer by his vast experience.

Mr. Avant That was a wasteful question, I take it. That was a statement.

Further Discussion

Mr. Burson Ladies and gentlemen of the convention, I speak in opposition to this amendment. The idea which apparently motivated the Rules Committee was that each one of us was going to serve on a committee with which we would work and work during the next six months in the attempt to

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come up with an ideal draft proposal for a new constitution when we meet again in July. Now, all of us here at this convention have other duties: to our families, to our businesses, to our professions. It's going to be asking a great deal of anyone to serve as he should on one substantive committee. The ideal will be to realize something with the problems of the particular area of the committee that we're serving on. Anyone who has done legal writing—and there are many here—know that it is harder to reduce a problem than it is to write a great deal about it. It's a lot easier to write a long brief and ramble all over the lot than it is to boil the point down to something succinct, which is what we're aiming to do here. It's also a lot easier to write one brief, if you have the leisure or the other people in your law firm give you the time to really wear out a point, than it is to try to write three briefs on three different legal questions at the same time. I think even the most exceptional person at this convention would find that he is spreading himself too thin if he tries to tackle, at one and the same time, for instance, the tremendous volume of material in the constitution on local and parochial government and the tremendous volume of material under the judiciary section. I don't believe it's humanly possible to do a good job on both. Mr. Womack raised the problem of a quorum, yesterday. If two committees were meeting on the same day, you would go to one committee meeting and you would not go to another one. You can't serve two masters effectively. If the Chairman assigns you work on one committee, he will expect you to have that work completed by the next time that committee meets. He will not expect you to be absent, meeting with another committee to the widespread expertise of this convention. I agree there are people here that can make contributions to more than one committee. But, I submit that the way for them to make that contribution is not to be a member of two committees, but simply to submit those proposals that they have to a committee other than the one in which they made a mass of delegate proposal and by means of testimony before the other committees in which they have an interest. Also, I can envision someone who might have the leisure to do it serving on two committees at one and the same time working, let us say, to aggrandize the power of the Executive Branch of government on the Executive Committee and to diminish the power of the Legislative Branch on the Legislative Committee, if he's serving on both committees at the same time. I think, in other words, that we may be giving an individual wider latitude than we would want to in writing the total document of the constitution. Finally, I would make the point that the successful constitutional conventions in recent history as far as I can see in reviewing those rules that we were given by G.S.R.I., has, in the main, permitted delegates to serve on one substantive committee. Thank you.

Question

Mr. Alario Mr. Burson, yesterday the delegates passed an amendment to Rule No. 53 which says that "committees shall not contain more than thirty members," so that don't you think, mathematically, that we might just put the Committee on Committees in a bind if, for instance, we have enough delegates who are interested in three committees, which would make up to thirty, and that's ninety of them used up right there to be... which would leave five committees left and only forty-two delegates to split up, you see? The problem here might be that we would put the Committee on Committees in such a bind as to not be able to place people on the committee that they are particularly interested in or in which their interests might lie in.

Mr. Burson Mr. Alario, as I understood the gravamen of Senator Brown's argument when he presented that amendment, it was to the effect that he was not suggesting that all the committees

should have thirty members, that the minimum of ten might well apply to most committees, but that there might be a few committees that would require a larger number, and he wanted to leave a wider latitude.

Further Discussion

Mr. Arnette Mr. Chairman and delegates, I'm going to have to start off my talk, here, with an apology that I'll probably repeat some of the arguments that I made yesterday. But, if delegates would quit bringing up the same thing day after day, I would not have to repeat my remarks.

The first thing I have to say about this particular proposal is in general when the Rules Committee met, they envisioned the idea of one hundred and thirty-one members of this convention, each serving on one committee. We left it up to the Committee on Committees to decide which committees would be more important and which ones would have more members. But, we did not envision at any time that there would be more than one hundred and thirty-one positions on the total of eight committees. If we accept this amendment proposed by Mr. Avant, as I said yesterday, we're on the horns of a dilemma. On the one horn, if we want to have everyone serve on two committees, then we have a definite problem because we're going to have to increase the size of our committees to thirty-two or thirty-three members each. This is entirely unworkable. So, therefore, on the other horn of the dilemma is that we have some people—some favored few—some people who are in with the powers that be on the Committee on Committees that are going to be serving on two committees and some other people that are not in with the powers on the Committee on Committees will be just serving on one committee. Now, to me, to me, to me, this might be an equitable thing to do, but to me, it is entirely inequitable. We came here all equal as delegates. The appointed delegates and the elected delegates all came here equally. I think that we should go into these committees equally. I think we should each serve on one. This would bring the size of the committees down to a reasonable number—say, at the most, probably twenty-three or twenty-four in the largest committee and probably twelve or thirteen or fourteen in the smallest committee. But, this is up to the Committee on Committees to decide which ones and how many people are on each committee. I don't think we're going to put them in any bind whatsoever. I don't think there's any chance they can be put in a bind. If they want to be... if they want thirty members on one committee, they're just going to have to cut down the other ones a heck of a lot. But, I think this is up to them to decide. But, the point I want to make very clear is: I don't want any delegate in here shortchanged. I don't want any delegate shortchanged in representing his district or his area of the state. I think everyone ought to have a right to be on as many committees as everyone else. Now, this is substantive committees. Now, we come up to another problem. If everyone is allowed, or if some people are allowed, to serve on two substantive committees, as been proposed, then we run into another problem because we have set no limit on the amount of procedural committees that a delegate may serve on. So, conceptually it's possible for one delegate to serve on two substantive committees, if this amendment proposed is passed, plus four procedural committees, plus, possibly be on the Executive Committee and the Committee on Committees and could have possibly been a member of the Temporary Rules Committee. So, this is quite a burden to put on someone. Of course, I don't envision this ever happening, but the point I want to make very, very clear is I want everyone to be equal going into these committees and everyone have equal representation on these committees. That's all I have to say.

Further Discussion

Mr. Juneau Mr. Chairman and fellow delegates, I,

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too, don't want to get up here and be redundant, but I feel compelled to speak on this particular issue because, ladies and gentlemen, in my humble opinion this is the most crucial issue that I have voted on in this very convention. I served on the Rules Committee; I went with the concept of expanding. I think that's good. You didn't change the concept of what we were trying to do. What we are talking about in this particular provision, though, is whether you're going to allow for a diffusion or the possibility of a stacking situation in this convention. You can mathematically do it any way you want to add it. The end result is that if you do this, you have theoretically created a situation which allows for a stacking problem. I submit to you that if you vote that way, I find that you will be hard pressed to say that your previous votes were consistent when you voted on the concept of diffusion and expanding of these various committees. I was against the thirty rule--expand to thirty--because I knew what was right behind it, and just exactly what was going to occur. The writing is on the wall. I'd like to make this one other point: the point is made that we want to have a situation where, if you have someone that is expertise in general areas that we could appeal to be useful in two committees. Well, nobody is concluding that. These rules specifically state that you can come and testify and afford whatever expertise advice you want to the committee. I'm not talking about that, and let's divide that issue. What we are talking about is the ability to vote, and that's where all the action is. When you put two people--conceivably two people--on a committee, you've created that additional vote, and that's where you run into problems. I think that we have gone to a great length to divide the division of powers amongst these eight committees. I think when you equitably put one person on each committee, you have done that. You have equitably distributed the power; you've created a Merit Award. And if you want to, for lack of a better term, a one vote concept; each delegate has one vote. So, in closing, I can't stress this enough; I haven't felt more strongly than this one issue. If you vote for this amendment, you might as well pitch out all of the other amendments because you've completely destroyed the thrust of what we are talking about. I've voted the way I've voted to exist, which heretofore we have tried to prevent, is certain people--and I'm including everybody in that category, and I don't mean...that's not directed at anyone--but you have created a situation where certain select people can be on a committee that maybe you're not, and there's where your vote is going to come up. Thank you very much.

Further Discussion

Mr. Roemer Well, I speak in total opposition to the amendment and its concept. I found in the last few days that many times I've bowed to the wisdom of the Rules Committee and I'm in the same position this morning. I think I had three things in my mind when they limited us to one substantive committee. Those three things are: the fact that they felt a deep need to divide the responsibility for the creation of this document equally among us all. Secondly, I think that they were trying to reduce the chance of alliances that spill out of one committee and trap into a trap. If we allow this multi-committee concept to pass. Thirdly, I think they tried, and with good reason, to keep an eye on the fact that many of us overload ourselves by our own self-importance. There are some of us I find here who feel that we know as much as any body in the state, not just with the affairs of one committee, but with the affairs of several. I'm not in that position. I find myself like, perhaps, some of you, who know little about anything in regard to these committees. But, for my protection as well as for those who seem to know everything, I think we should limit our endeavors to one, and only one substantive committee. I might say that I have an amendment that will follow in a few minutes which puts the same

limitations on procedural committees that I speak now in favor of on substantive committees. My final comment would be that those who used the thirty numbers game per committee are totally in error. There is no requirement that we have thirty men and women per committee; we have that right. There is no requirement. There's no argument that can be based on numbers in favor of this amendment. I hope we vote it down.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, I will take just a very short period of your time because I think there has been adequate argument presented to you to vote this amendment down. But, if I did not feel so strongly in opposition, I wouldn't be taking up your time today. I just want to bring up one thing. The general consensus of this entire convention from the first day through the Temporary Rules Committee, and through proceedings up until this morning, have been that we wanted authority spread out and diversified. Frankly, up to this point, we have done an excellent job of carrying that out. If you vote for this amendment, you will, in fact, do away with all of the good things you have done up until this time. I strongly urge you to defeat this amendment.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I would like to suggest to Mr. Drew that if he would like to vote for this amendment and let me propose one which I think is somewhat of a compromise between what he has and what, in the rule that we presently have of not making any changes at all. I can see, if you are going to have some of the committees that are going to have membership in excess of, I would say, fifteen, you are necessarily going to have to have some of the committees which would have less than that number if you use all of the delegates on the substantive committees because, if you consider, that sixteen delegates on each committee would give you a total of a hundred and twenty-eight members on the substantive committees. When you vary more than that, you're going to use more than one substantive committee. I don't believe on more than one committee unless you have some committees with less than that number. Since yesterday we upped the number that could be a member of a substantive committee to thirty--we may not even have one committee that has thirty on it--that necessarily means you're going to have to have some committees with less. So, my proposal is that no person serve...in fact the business to let you know how it reads, I'd like for you to follow along with me and see if you don't like this a little bit better. That is, if you'll turn to page 17 and look at line 6, strike out the words "least one" and insert in lieu thereof--and also strike out the words "any number of" and insert in lieu thereof the following language: "substantive committee, but not more than two committees of any kind," which means that each individual delegate would serve on at least one substantive committee. He may serve on as many as two, but if he serves on two substantive committees, he will not serve on any other substantive committee. If he serves on a substantive committee, he can only serve on one procedural committee. In other words, it limits the delegates to at least two committees. I tell you this, if you get more than two committees, that you're servinn on, you're going to find yourself in difficulty in the handling of this convention. Now, as you well know, all the chairmen will have to serve on the Coordinating Committee. I don't think a chairman should serve on any other committee other than the committee in which he's chairman of and the Coordinating Committee. He's going to have enough to do with that alone without trying to serve on any other committee. Do believe this would be a proper

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compromise between what Mr. Avant has suggested and what has been argued against his amendment. So, I'd like to prevail upon Mr. Avant, if he would, to accept my amendment in lieu of the one which he has proposed.

Further Discussion

Mr. Jack Mr. Chairman, and members of the committee, I'm sorry I've been absent. I've had a terrible case of the flu and I'm delighted I can be back with you now. I rise to talk against this amendment. I'll try to be as brief as I can. This Constitutional Convention is supposed to be completely devoid of politics. The governor in his talk the first day pointed that out. Now, sometimes I speak pretty rough and right to the point, but it's nothing personal--anything I say--because I speak for or against bills and amendments, and things like that, and not individuals. This amendment is politics; I term it a voting power amendment. Now, I don't care how smart any delegate is here, if he is on two substantive committees, he is not going to render near as good service to the people of Louisiana as if he's on one committee. These committees can meet various places. For instance he could be on two committees; one would be meeting in Shreveport at the same time the other one he's on is meeting in New Orleans. Now, I very much oppose this. I believe that under the theory of this amendment that I would probably be qualified as well as most people, to serve on the Judiciary Committee--for one I'd be practicing law, civil and criminal, for forty years. I'd probably be as well qualified as most people who serve on the committee in regard to the legislature. I served twenty-four years in the House. I'd be as qualified on the Executive because I've learned that from the other, too. Now, I would not be as effective in helping the people. Now, I learned this long ago. Before I came to the House in 1940, I was fortunate in being kin to the late Pike Hall who had served in the Senate and to Cecil Morgan--and I learned a lot. I was one of the few men that stated I wanted to serve on one committee and that was Judiciary A. I did serve on it for twenty-four years. They did; but, because legislatures are different from the convention, I'm allowed to serve on others. But, I found that by being on one main committee, Judiciary, I attended more committee meetings of other House committees and Senate committees than anybody in the House of Representatives, to my knowledge. Now, here, this number eight committee--substantive committees--happens to be exactly the one I had succeeded--in meetings up in Shreveport. If you have those eight and you want to speak for others, you should do it. You could speak before...if you're on one committee--you're knowledgeable and interested--you could go speak before seven different ones; be very effective helping the people. You'd be devoid of politics and you wouldn't have that two votes. Now, as to the suggestion by Senator De Bieux's amendment, I'm not going to be in favor of amending this amendment. I say, let's stop this creeping politics that's trying to slither in the door. Now, I happened to be the one that named that business "snake bills" in the legislature--Mr. Ford Stinson kids me a lot--but here is creeping politics, like the snake; kill him before he gets on the front porch. Thank you.

Further Discussion

Mr. Champagne I would have remained seated if I was really as convinced as I think I am that we don't intend to compromise this measure in the least. We intend to defeat it overwhelmingly. My reason for making that statement is: as the rule is written and as it has been written by the Committee on Committees and has been amended to thirty, there is no problem whatsoever to the Committee on Committees to do an excellent job. There was at one time a movement to do away with this Committee on Committees. They failed in

that, and now they propose to you to water down those powers so that again the Committee on Committees--your committee--would amount to nothing. I see here that this is not a question on whether he's out on first or out on third; this is a question of the whole ball game. I see it, if you don't defeat this amendment and these compromises, that you will have dealt indeed a mortal blow to this convention. As suggested by the man who proposed this change, he asks...he said something about looking around and I looked around and I have not found...I have indeed looked around; I have seen very, very much talent. I am greatly impressed with the talent that is present; but I have not seen anyone when they walked in the room cause the lights to blink, or anybody to stoop and scrape because they walked in. I want to tell you now that I am reminded simply in plain language of a little story I heard many years ago--and this man was not a very well educated man, but a good man--and he said, "you know you're a nice looking bird." He says--you have some fine new feathers, but always remember and never forget, you're not the only chicken in the coop."

Further Discussion

Mr. Alexander Mr. Chairman, Delegates, ladies and gentlemen, I have heard many discussions during this convention about defusing powers. A previous speaker stated, that this, in effect... this amendment, rather, would restrict power into the hands of a few. I feel just the opposite. For example, as I stated yesterday if the Committee on Committees is going to be restricted, if we're going to defeat this amendment, and take away from that committee the right to be inflexible enough to vary the numbers on the committees because as we look at the committees created in Rule No. 49, I think, we find that the subtopics vary greatly; to the extent that some of the committees, I think, could work very well with eight or ten members; whereas, others would need twenty or twenty-five. Now, I say to you that there are men in this convention who do possess some unusual expertise. Let me give you this example--and I'm not saying this because this man is from the City of New Orleans--but I know a man by the name of Moise Denery, who has had considerable experience in developing material of this sort. He has worked on the Charter of the City of New Orleans. I know that there are others, but they're not running out of our ears here. It means that a man like that could advise more than one committee. It means that he could serve on two of these committees, and I'm sure there are others. Primarily, the delegates here run from one end of the spectrum to the other. There are some of us here who have ideas, who are going to argue on principles. But, there are others who possess the expertise who are technicians. Now, when I say technicians, I mean those persons who have had experience along the Rules lines. I call upon you, and beg of you to vote this amendment and not to revert the Committee on Committees and put them in this kind of a legal straightjacket. Thank you.

Further Discussion

Mr. Guarisco Fellow delegate, I likewise rise in opposition to the amendment. This proposal reminds me of the George Orwell book on totalitarianism I think called Animal Farm and to paraphrase that particular book there was a section that said, "all delegates are equal, but some delegates are more equal than others." I think if we take that position, then we're going to emasculate the intent of the Rules Committee, if the intent of this convention. If you can sit here and say that a person who wants to contribute, and who has talent, and able to contribute is going to take a little boy attitude and refuse to make his contribution because "he can't vote" then he shouldn't be here. So, I likewise ask that you vote against the

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amendment.

Further Discussion

Mrs. Warren Mr. Chairman, fellow delegates, this morning I seem to be more confused than I ever was about the convention. From the beginning I thought this was supposed to be delegates representing people. Now, I see this morning that you're supposed to be qualified. I think the only thing the act says is that you would live in a certain area, and run from the area, and let your people decide whether you were qualified to be a delegate. I don't think and I'm going to accept--Reverend Avery Alexander mentioned one person, I don't think anybody should be singled out as their expertise. I think everybody here has some expertise and I'm not downing anybody, am against the amendment because I think that everybody should have a fair share of being on a committee. When I ran I said to the people that I want to be your spokesman. You cannot speak for people unless you know what they want. I think one of the things that we're getting confused, when we become a representative of the people, we have to die to our own self-interest and become representatives of the people. This is something I'm seeing hard to believe. I heard Mr. Jenkins mention a little story--and I'm not going to try to tell it, because I think she's the only one--but that made me think more and more about when people are trying to get what they want, it's all nice and glory, but when they get it, I'm sorry, we made it. So, I am going against this amendment. I am a delegate. I want my fair share. I'm not going to stop for anything less.

Motion

Mr. Smith Mr. Chairman, fellow delegates--looks like I messed up things here--I think we've heard enough on this particular question. I served on this committee...that Rules Committee. We discussed this pro and con for several days. I was in the legislature, too, where we had no more than twenty people on a committee. I think if you serve on more than one committee you can't do it efficiently. I feel like that we've all heard about as much as we need to. I think they've made up their mind and we just keep going over and over the same thing. So, I'd like to now, Mr. Chairman, to move the previous question.

[Previous Question ordered.]

Closing

Mr. Avant Mr. Chairman and fellow delegates, comment was made by one of the speakers that this amendment, if it's adopted, would reduce the Committee on Committees to zero. I can't follow that logic. It certainly does not. How that statement was made about the powers that be. Well, you are the powers that be. You are going to elect this Committee on Committees. You are going to have to approve the final product of any substantive committee. You are the powers that be. The final product of this convention is going to be approved by you; and then, the people, hopefully. This is not any kind of a power play. It's a very simple, little proposition. I think Mr. Jack made my point better than I could make it. It's simply this: that if in the wisdom of this Committee on Committees that you are to elect, with two people from each congressional district, there is an individual or individuals that that committee feels could make a contribution to our work by serving on two committees, they have the right to ask him to do so. He has the right to do so, if he is in agreement with the committee's idea. Now, they don't have to do it; they may not do it. But, far from being something that is going to strip the Committee on Committees down to zero, it is just the opposite. I think there are many, many areas in this constitution that are highly technical, that ninety percent of the

lawyers in this state don't have any idea what these provisions in this present constitution that we have, all the ramifications of them. I say that, if we put this Committee on Committees in a straightjacket where they don't have any discretion, that we're going to make a mistake. I close by saying that this is not a power play, and I'm not running for nothing, and won't accept nothing. I leave it to the wisdom of this body.

[Amendments rejected: viva voce.]

Amendments

Mr. Poynter Senator De Bliux sends up amendments as follows:

Amendment No. 1. On page 17, line 11 after the word "vote" and before the word "and" insert the word "therein".

Amendment No. 2. On page 17, line 12 after the word "quorum" and before the period, insert the word "thereof".

Explanation

Mr. De Bliux Mr. Chairman, ladies and gentlemen of the convention, this is just one of those very technical technical amendments, for clarification, so to be sure that we're only talking about the chairman insofar as his attendance for the committee meeting, and not otherwise--that he still has a vote otherwise.

[Amendment reread. Previous question ordered. Amendment adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Roemer to the resolution as follows:

Amendment No. 1. On page 17, line 6, delete the period "." and insert in lieu thereof the following: "and may serve on no more than one procedural committee".

Explanation

Mr. Roemer Yes, Mr. Chairman. My brief amendment is designed to put the same limitations on procedural committees that we just ratified as to substantive committees: that is, that no one delegate may serve on more than one procedural committee. Also notice that it is so worded that there is no requirement, in my amendment to the Committee on Committees, to place each delegate on a procedural committee. There is a requirement, of course, in Rule No. 53 that we all are placed on at least one substantive committee. I make the point that I have no such requirement in my amendment as to procedural committees. The reason I don't have the requirement is for two. One, the procedural committees, by the nature of their activities, I think, can function, perhaps better, without a large number of people. With only four procedural committees, if we were each required to have a procedural committee assignment, four divided into a hundred and thirty--John, your arithmetic might be better than mine--but that is in excess of thirty members per committee. I think that's too large. The second reason that I don't require that we each serve on one procedural committee is that some of us do not wish to serve on a procedural committee. That is my amendment, Mr. Chairman.

[Previous question twice. Amendment adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Burrow amending the original resolution as follows:

On page 17, between lines 8 and 9, insert the following:--would be designated as another paragraph-- "The Chairman of the convention shall designate the date and the place of the original meeting of

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each committee, at which committee officers are to be elected and each committee member is to be notified in person or by certified mail of such designation."

Explanation

Mr. Burson First of all, may I ask the Clerk to add the word "meeting" after "at which committee"--"meeting"?

Mr. Poynter Fine, Mr. Burson.

Mr. Burson The purpose of this amendment is, really, just for housekeeping. I noted, in looking over the rules, apparently everyone is in agreement that the committees should elect their own chairmen. That being the case, somebody's got to call the first meeting at which the officers are to be elected; so that's the only reason for this amendment.

[Previous Question ordered. Amendment adopted: *viva voce*.]

Amendment

Mr. Poynter [Amendment by Mr. Conroy]. In the same place, page 17, line 8, after the word "necessary," it would add the following: "No delegate serving on the Executive Committee shall serve as Chairman or Vice-Chairman of any substantive committee."

Explanation

Mr. Conroy Fellow delegates, our efforts to date have been to assure that control of this convention be effectively diffused and left with no group. An essential part of this diffusion is to have the Executive Committee and the Coordinating Committee as two separate committees. This amendment is to ensure that these two important committees of this convention--the Executive Committee and the Coordinating Committee--be retained as separate committees. If it was not apparent before, it was certainly apparent from yesterday's discussion that there will be no permanent permanent committee--the Executive Committee, the Coordinating Committee. Under the proposed rules, the Coordinating Committee is comprised of the chairman of the substantive committees, and the Coordinating Committee is the body which acts as the traffic cop on which committee studies what matter. There were a number of delegates here who were vitally concerned with which substantive committee studies which matter. The importance of the functions must be obvious from the debates yesterday when these questions were discussed at some length. When the Executive Committee was discussed earlier in this convention, it was described as purely an administrative or house-keeping committee; but, if you permit the members of the Executive Committee to serve as chairmen of a substantive committee and thereby serve as a Coordinating Committee, you will have fused into one the Coordinating Committee and the Executive Committee, and you will have placed real control of this convention--and, more importantly, real control of the product of this convention, of the substance of the constitution--in one small group. I think it vitally important that this fusion of the two entities not be permitted, and that's the purpose of this amendment. There are a hundred and thirty-two delegates to this convention; there are twenty-three on the Executive Committee, sixteen on the Committee on Committees. That's thirty-nine. That leaves ninety-three qualified delegates from whom we can pick sixteen to serve as chairmen of the substantive committees and vice-chairmen of the substantive committees.

Questions

Mr. Velazquez Would you say that your amendment is basically an attempt to continue the balance that the Rules Committee attempted to write into

the rules at their initial setting?

Mr. Conroy Yes.

Mr. Velazquez And, do you feel that, by your amendment, you are preventing the Executive Committee and the Coordinating Committee from being identical?

Mr. Conroy Yes.

Mr. Velazquez Thank you very much.

Further Discussion

Mr. Brown Mr. Chairman, delegates to the convention, I rise to speak in favor of the amendment offered by Mr. Conroy. I think, as Mrs. Warren said when she got up here yesterday, we have an awful lot of talent amongst the delegates to this convention. As Mr. Conroy just mentioned, we have some ninety-three delegates to choose from to be chairmen and vice-chairmen of these very important committees. Since we only have eight substantive committees, allowing a chairman of a committee of a substantive nature to serve on the Executive Committee, I would agree wholeheartedly with Mr. Conroy it would concentrate way too much power. I think this is an excellent opportunity for us to diffuse and show real independence, and I wholeheartedly support the amendment of Mr. Conroy to eliminate a member from being on the Executive Committee and also being a chairman or a vice-chairman of this convention.

Further Discussion

Mr. Alario Mr. Chairman, fellow delegates, I'm appalled at some of the actions that we continue to do here. I think in that we say, "Let us diffuse the power." I don't know what power we're talking about. Since I've been at this convention, I haven't seen a more independent-thinking body assembled anywhere, and I'm proud to be a part of that body. That's the way it should be. We're here to make up our own minds and then do what we think is right. But, every time the committee comes up, somebody tries to make a bonehead out of politics. Every time there's an argument or something, that's exactly what they say: It's politics; it's power. I think if we keep passing these type of restrictions--where you tie yourself down and say that a man can't serve on the Executive Committee, so he can't be chairman of this one or that one; if he serves on the Committee on Committees, he can't be chairman or vice-chairman--pretty soon, we're going to eliminate it down to where there are only five or six people in this whole convention hall that'll be able to serve as chairman on anything. I wonder what the next action will be to tie it down. You still have the power in the hands of the committees themselves to elect a chairman and vice-chairman. I don't see where your problem is going to come. I think there are many, many good, qualified people--or a hundred and thirty-two of them that I can think of--who could serve as chairman or vice-chairman of these committees. I don't think you ought to keep tying yourself down, as is being proposed here. Therefore, I support the amendment offered by my good friend from Metairie.

Further Discussion

Mr. Gauthier Mr. Chairman, fellow delegates, as a member of the Rules Committee and speaking in the spirit in which the Rules Committee worked, I rise in support of this amendment. The Rules Committee tried to effectively diffuse the responsibility. I agree with Mr. Alario: That's this bit about power. Power to the people, power this, power that. I don't think that's the intent. We're trying to diffuse the responsibility. We have a hundred and thirty-two capable people. Let's spread out that responsibility. Let's give each delegate a chance to perform with a degree of

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responsibility and not overload any one delegate. Based on that principle, and if you think back on your vote, if you voted against a person serving on two substantive committees, then you're in that philosophy of spreading out the responsibility--giving each delegate an adequate charge to perform. Based on this reasoning, I ask you to vote for this amendment. Thank you.

Further Discussion

Mr. Cannon Thank you, Mr. Speaker. I speak in opposition to this amendment, and I'd just like to point out--I'm not going to get up here and talk too many times--but I'd just like to say that, when you do a little simple mathematics, your odds of having your Executive Committee and your Coordinating Committee the same is one out of two-fifty-six. That's having total similarity. The odds are only one out of one-twenty-eight that you're going to have half similarity. I think who I am speaking for is the substantive committees that are not yet formed. Give them the leeway, give them the right to choose whoever they want to as chairman or vice-chairman. That's their business. That's where the independence and the real work of this convention is going to come from. I think it's the responsibility of this body to give to these substantive committees the right and the power to choose their own chairman and vice-chairmen with no strings. Thank you.

Further Discussion

Mr. Burson My mother's told me many times in my life that too much of any good thing is enough, and I think we've reached that point with this amendment. I have supported every measure that would diffuse the power of the convention up until this point, but I think at this point that we have sufficient safeguards built-in that anybody who could take over or control this convention at this point would be a political genius of a magnitude. We have just set about passing a rule--or are setting about passing a rule--where the committees will elect their own chairman. We have prohibited a member of the Committee on Committees from serving as a chairman, and the rationale of that amendment--and I supported it--was we didn't want a member of the Committee on Committees to put his brothers-in-law or his close friends on the committee so they could elect him chairman. But, the members of the Executive Committee will have nothing whatsoever to say about who will serve on the various committees. Therefore, there is no opportunity--and not the wildest chance that they could stack a committee to see to it that that committee would elect a member of the Executive Committee chairman. Let's remember we're here to write a constitution like the U. S. Constitution, and the reason why the U. S. Constitution was necessary was because the Articles of Confederation, which it supplanted, had diffused power so much that nobody could make a decision. Let's not make that same mistake.

Further Discussion

Mr. Fontenot Mr. Chairman and fellow delegates, I rise in support of this amendment, and I'm not going to talk about the power issue. I think we have diffused the power enough. The only point that I really consider, in this particular instance, is I am afraid that, if a member is on the Executive Committee, he can also be a member of a substantive committee; he can be a member of a procedural committee; and, if he is elected a chairman of one of these, then he is automatically a member of the Coordinating Committee. Now, I'm sure you realize that being a chairman of a substantive committee is probably going to be the most...the hardest job at this convention--keeping up. It's going to be the full-time job, I feel, and I feel like if a member is on the Executive Committee--and then on two other committees and on the Coordinating Committee--I feel like a chairman

will not have the opportunity to do his best at being a chairman. That's why I feel like there's too much work, so I feel like we should keep a member from the Executive Committee from being a chairman because he will not be able to devote his full time to being chairman of his committee. This is why I rise in support of the amendment. At this time, I would like to call the previous question.

[Previous question ordered.]

Closing

Mr. Conroy Very briefly, in reply to Mr. Alario, I simply say that this is designed to ensure the independence which he says he has found in the convention so far. In reply to Mr. Cannon, I would like to remind him that two members of the Coordinating Committee are already members of the Executive Committee; that is, the Chairman of this convention and the Vice-chairman of this convention are already members of the Coordinating Committee. You don't need very many more to be able to control that committee. In reply to Mr. Burson, I frankly do not follow his logic. This is the first time we get to the actual substance of the constitution and the possible control of it through the substantive committees and Coordinating Committee. I think that this is vitally important to the independence of this convention to adopt this amendment, and I urge its adoption, and I request a roll call vote.

[Roll call vote ordered. Amendment reread. Amendment adopted: 55-49.]

Amendment

Mr. Poynter Amendment proposed Mr. De Bliex to the resolution as follows:
The Amendment No. 1. On page 17, line 6, after the words "I strike out" strike out the words "and substitute one substantive committee," and substitute in lieu thereof the following: "substantive committee but not more than two committees of any kind."

Explanation

Mr. De Bliex Mr. Chairman and ladies and gentlemen of the convention, in explanation of my amendment, I want to give the Committee on Committees a little bit more authority. It seems as if we've taken away quite a bit of their authority insofar as their ability to name people to committees, etc., etc., and, possible, the committees themselves in deciding who's going to be chairman and vice-chairman. Yesterday, we passed an amendment that allows our committees to be up to as many as thirty people. I have a feeling that there may be three or four--or, maybe, as many as ten--delegates that might have to be assigned to more than one committee in order to make up the necessary numbers on the respective committees. If you don't do this, you will not be able to reach anything like thirty members of any committee; and, yet, that amendment was approved yesterday. Now, I don't want to spread it out to where everybody is serving on a lot of committees, and I want to be sure that nobody serves on more than two committees of any kind. There are some of the committees which you will not need very many members, of I know; but, so that the Committee on Committees can properly organize this convention into the proper committees it must have to perform the duties and responsibilities that we have been elected and appointed to do, I'm just asking for this leeway--that the Committee on Committees will be allowed to appoint some people on more than one substantive committee--but, in no case will it be more than two committees serve on more than two committees. I think that that's in line with what we have previously adopted, and I just think that you're going to have some difficulty that might cause us to have to come back and suspend some of our rule in order to get the proper working committees, if we don't do that;

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and it's going to be mighty late whenever we adjourn here and find out that we can't do that. Now, they don't have to, but this just give them the leeway to do so if they see fit to do it. So, I just ask you to concur in this amendment so that we won't find ourselves stymied and not be able to operate.

Questions

Mr. Juneau Senator De Blieux, we just had about an hour and a half of debate. Aren't we talking about the same thing? In essence, what you're saying—you want to come back and say we can have two substantive committees. That's possible under your amendment; isn't that correct?

Mr. De Blieux This is a little bit different in, before, that you could serve on two substantive committees; you could serve on as many as procedural committees as you could get appointed to. This particular, no member, can serve on more than two committees of any kind.

Mr. Juneau Can you serve on two substantive committees according to your amendment? That's my question. Yes or no?

Mr. De Blieux You could; yes. I think it's going to be necessary that a few of the delegates do serve on more than one substantive committee, or else you will not be able to properly organize the convention. That's my point.

Mr. Velazquez With all due respect, Senator, I'm beginning to feel like I'm repeating myself again. Don't you feel that you've already covered the point that one man can't serve two masters? Even the most original of us and the most talented of us can only do a certain amount of work. Since the substantive committees are where the greatest proportion of the work... Since the substantive committees are where the great work is going to be done, don't you think it's unfair to force to have a person overwork himself on two committees and, therefore, not do an effective job on either one?

Mr. De Blieux Mr. Velazquez, I agree with you in that principle. I certainly don't want to see any delegate in this convention appointed to more committees than he can possibly serve on and do the job. That's why I had the limitation that he could serve on only two committees of any kind. It wouldn't make any difference whether it's a procedural committee or whether it was a substantive committee—that he could not serve on more than two committees. But, so that the Committee on Committees could properly organize the committees, that they would be asked to make appoint a very few delegates. They don't have to, but if they're organizing these committees and getting the proper number of the committees, the number on each committee—they decide that they may have to appoint five or ten delegates on more than one committee, they would be able to do so. Under our present rules, as they are written now, they can't do that. As a result of that, you might find some of these committees being a whole lot smaller than what you want them to be, with a lot less representation on them from the areas which we are supposed to represent, if we're going to get representation from all over the state on the committees.

Mr. Velazquez Senator, I think that rules the representation in all the committees as they're already set up. I say, I wish I could go along with you on this, but I feel I'm going to have to go against it. Thank you anyway, though, for your explanation.

Mr. De Blieux Well, it's just something I think the Committee on Committees is going to have a problem whenever they start trying to fix it up; that's just pointed out to you for what it might be worth.

Mr. Dennery Senator De Blieux, are all of the members of this convention likely to be members of the Committee of the Whole?

Mr. De Blieux That could be true, but that's not where the proposals are going to be made up in the Committee of the Whole; they are going to be made up before we get to that point.

Mr. Dennery My question is asked because you say that if you can serve on... you have to serve on at least one substantive committee, but you can't serve on more than two committees of any kind. Therefore, if a man has served on the Rules Committee or if he is elected to the Committee on Committees, or if he is elected to the Executive Committee, that would limit him to one substantive committee period; is that correct?

Mr. De Blieux That's correct. If the person is on the Executive Committee, he can only serve on one substantive committee, they are...

Mr. Dennery And, he can't serve on any procedural committee?

Mr. De Blieux And, he could not serve on any procedural committee.

Mr. Dennery Thank you.

Mr. De Blieux If you've got so many limitations in this that as a result of that, your Committee on Committees is going to find themselves in a very serious difficulty. I want to warn you and tell you that. I suggest you rush out and see what I'm telling you when the Committee on Committees starts trying to form these committees.

Mr. J. Jackson Senator, do you realize that the effect of your amendment would also exclude the Chairman in some cases where he served ex officio in committees from, you know, being a participant in those committees? In addition, do you realize that the effect of your amendment also limits the amount of people who will possibly serve on some of the essential procedural committees?

Mr. De Blieux No, this would not exclude the Chairman because he's automatically an ex officio member of all committees; this will not affect him whatsoever. As it stands now when according to the previous amendments that we have had to this, your procedural committees and your substantive committees, too, you can only serve on one of each. I tell you that you are going to have serious difficulty in making up this convention whenever you start trying to form your procedural committees and your procedural committees with that limitation.

Mr. J. Jackson Right. Well, on the last rule, just let me push that a little further to say that, for instance, if I served on the Executive Committee and for some reason I'm appointed to the Tax Committee; I could not serve on any procedural committees?

Mr. De Blieux That would be correct in my amendment; that's right.

Mr. J. Jackson And, basically, under the present limitations that we have now on the rules on committees, that to a large degree makes assignments to procedural committees almost nonexistent.

Mr. De Blieux Not necessarily so, no, because it will just mean that people on the Executive Committee couldn't serve on the procedural committees, they would be serving on the substantive committees but not on the procedural committees and vice versa to keep from loading down delegates.

Mr. J. Jackson Mr. Chairman, just one short question because I think this point is important. Example, I would argue that the Committee on

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Committees will begin to appoint people based on, one, the substance of this committee and reflecting upon, if their participation on the Executive Committee, the Coordinating Committee, the Committee on Committees. Once they finished that, I would assume that most delegates will probably be assigned to two committees. Your language says very clearly that no person can serve on any more than any two committees which, in effect, means that the Committee on Committees is going to have a very serious problem in terms of manpower to assign people to procedural committees because you are going to be exhausting, in my opinion, you are going to be exhausting your appointments to substantial committees. In fact, that you've got three other committees where people are going to be appointed first, before even being considered for procedural committees.

Mr. De Blieux Mr. Jackson, if I understand you now, you are saying that under the present rules, a person can serve on more than two committees. Now, I don't believe that under the present rules that's possible, because a person can only serve on one procedural committee, and he can only serve on one substantive committee. That's my very point to where we are going to have some difficulty because you are limiting the number of appointments that the Committee on Committees can make, and they are going to have some difficulties.

Delegate Leithman in the Chair

Mr. Cannon Thank you. I've raised the question as to whether or not the Committee on Rules which is composed of some very capable people serving on one substantive committee. Here, let's take a hypothetical situation for let's say, Mr. Kean and Mr. Stagg, these would be excellent members on the Committee on Style and Drafting. Here you would deny... this amendment would deny the convention their expertise in this area of style and drafting; I mean, is this the intent of your motion?

Mr. De Blieux Well, as I stated, probably if they were to be members of the executive Committee, and members of the substantive committee, and members on the Committee on Style and Drafting it will be because then they would be serving on three committees.

Mr. Cannon That's not my question. I'm talking about the Rules Committee which drew up the proposed set of rules, that's one committee, they serve on one substantive committee. Then, this would also deny the convention their expertise on such a committee such as Style and Drafting; I'm using these two examples, these two competent men.

Mr. De Blieux No, because the Committee on Rules would really... that's a temporary committee and would go out of existence whenever we finished adopting the rules.

Mr. Anzalone Senator De Blieux, you have spoken for the possible difficulties that the Committee on Committees is going to have in the appointment of these delegates. Would you not think it would be more proper that if the Committee on Committees should come up with this problem that it would be they who should come back to this convention with something that would resolve it, rather than us trying to resolve it here before the difficulty is actually presented?

Mr. De Blieux Mr. Anzalone, that's the very reason why I proposed this amendment at this particular time because whenever we get these rules adopted and we elect our officers, we are going to adjourn until July 3, 1973. There is no way that I know legally to bring this convention back to being to change any rules until that date, and it will be entirely too late to reform these committees after that time.

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Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I want to say this very briefly. I just want to tell you one more time that if we do not adopt this rule, the Committee on Committees are going to have difficulty putting together these committees like you have already voted. We will not have any chance to change it. Now, it's up to you if you want to go ahead and vote this down. But, I just warned you and don't say that whatever occasion arises, I didn't tell you so.

Questions

Mr. Flory Mr. De Blieux, I'm not clear on your amendment and I have two questions. One is a matter of mathematics, if the Committee on Committees decided that two committees... substantive committees needed thirty members on each committee and the rules already provide a minimum of ten members on each committee, if I figure it correctly, that means that the other six committees could have no more than twelve members per committee; is that correct?

Mr. De Blieux That's absolutely correct. That's one of the points I'm talking about.

Mr. Flory All right. Now, the second question. In your amendment, and I haven't seen it, do you include in the not more than two committees the Executive Committee, the Committee on Committees, or the Coordinating Committee as a limitation insofar as allowing a delegate to serve on no more than two committees?

Mr. De Blieux That's right. I included all the committees, all the committees of the convention, of course, this will not include the Rules Committee could take those out of existence whenever we finish adopting the rules. That's the reason for that because if you had more... if you only have two or three committees that have more than twenty members on it, you are not going to have... you are going to have other committees that are not going to have as many as ten on them sometimes; I just point that out to you now for what your... you all can handle it as you want.

Mr. Womack Senator De Blieux, I'm trying to figure out what good it would do me to be on two committees, one meeting in New Orleans this morning at 10:00 and one meeting in Baton Rouge at 10:00 this morning. Would not, that in effect, make it pretty hard some times to have a quorum on these committees?

Mr. De Blieux Mr. Womack, this amendment will not force you to serve on two committees unless probably you wanted to serve on two committees. I don't think we would have that many. But, I do think that somebody is going to have to serve on more than one committee in order to have the reasonable representation on all of these committees if you have any committee that has an excess of twenty members. I'm just trying to point that out to you from a mathematical standpoint. I have served on committees that don't have more than eight members on them.

Mr. Womack Senator, I'm not going to get into mathematics because when you get to counting that high, you kind of leave me. But, isn't this really the same amendment that was brought in the front door and this delegation threw it out the side door; it was brought back in at the side door and they threw it out at the back door?

Mr. De Blieux Mr. Womack, Mr. Avant's amendment, I thought, gave you such leeway; this one doesn't give that much leeway. I think it will help the Committee on Committees, that's all.

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[Amendment rescinded.]

Point of Order

Mr. Abraham I just want to be sure that the way that this particular sentence would read...this rule would read now is that each delegate except the Convention Chairman shall serve on at least one, but not more than two substantive committees and may serve on no more than one procedural committee.

Mr. Leithman Let me interrupt you there. Mr. Clerk, would you read it one more time please?

Mr. Poynter That would be correct because of the previous amendment offered by Mr. Roemer and adopted by this convention today that additional language would follow.

[Amendment rejected: *viva voce*. Previous question ordered on the Rule. Rule reread. Rule adopted: *viva voce*.]

Chairman Henry in the Chair

Point of Information

Mr. Weiss I understand that the Chairman on one of the amendments was to call the first meeting of the Committee on Committees, was that under Rule No. 53; it was not reported by the Clerk?

Mr. Poynter Correct as read, I believe.

Reading of the Rule

Mr. Poynter "Rule No. 54. Coordinating Committee. The Coordinating Committee shall be composed of the Chairman and First Vice-Chairman of the Convention, and the chairmen of the respective substantive committees. The Coordinating Committee shall consider any issues regarding omissions, overlap and/or conflict which might arise concerning the jurisdiction of any substantive committee or any subject matter; call joint meetings of any substantive committee for the purpose of discussing any omissions, overlap and/or conflict which might arise and make recommendations to the respective substantive committees as to possible resolution thereof."

Explanation

Mr. Kean Mr. Chairman, members of the convention, this committee has been referred to as a "Traffic Cop Committee" and it would be designed to consider and resolve...or assist in resolving overlaps in conflicts. I believe Mr. Juneau has an amendment which he proposes to offer which would delete the word "omissions" in lines 17 and 21 so that Rule No. 54, as thus amended, would be compatible with the provisions of [Rule No. J 40-B on page 15 wherein that same committee is authorized to assign material which has not been covered by the areas of responsibility under the respective substantive committee. It was the feeling of the Rules Committee that such a "Traffic Cop Committee" would be essential to assist in ironing out overlaps in conflicts between or among the substantive committees to provide a means by which they could call joint meetings of those committees to discuss the issues. In general, to try to bring about an orderly consideration of the material assigned to each of the substantive committees. I move the adoption of the rule.

Question

Mr. Bergeron Mr. Chairman, delegate, Mr. Kean, on page 17, line 19 by the words "any subject matter," do the temporary Rules Committee mean subject matter pertaining to the substantive committees or was it the intent of the temporary Rules Committee to allow the Coordinating Committee to consider subject matter pertaining to the procedural committees, also?

Mr. Kean No. As I appreciate the action of the Rules Committee with respect to the Coordinating Committees, the work of that committee related directly to the substantive committees in area of responsibility assigned to those committees.

Amendments

Mr. Poynter Amendments proposed by Mr. Juneau to the resolution.

Amendment No. 1. On page 17, line 17 after the word "regarding" and before the word "overlap" delete the word and punctuation "omissions."

Amendment No. 2--is the same amendment. On page 17, line 21 deleting the word and punctuation "omissions."

Explanation

Mr. Juneau Mr. Kean adequately covered the point, Mr. Chairman. Again, the only point is that it just resolves the conflict between the section we just previously passed. In that connection, I move for the adoption of the amendment.

Questions

Mr. Perez Mr. Juneau, your suggested change gives me one problem and that is the question as to who decides whether or not there is, in fact, an omission in the designation of the various categories in which the respective committees can undertake to write the provisions of the constitution? Does the Coordinating Committee decide or does the particular substantive committee decide whether there is, in fact, an omission?

Mr. Juneau According to the language, Mr. Perez, that I think we have here on page 15, line 21 through line 23, it would be my interpretation that that would indicate that the Coordinating Committee would have the authority under that language to assign those areas not previously...or covered in the previous language.

Mr. Perez Well, don't you think that that could create a dangerous precedent by giving the Coordinating Committee the determination over each of the various committees as to whether they may or may not take up a particular subject matter?

Mr. Juneau I think if...we had this discussed at length, as you well know in the Rules Committee. I think we arrived at the conclusion. Again, we got to the problem of how much importance or emphasis you wanted to put on any particular committee. We decided to defer to some extent the responsibility of the Coordinating Committee, that does, not give them the power to take away from any particular group...consideration of any item. I would, therefore, think that the language would not preclude necessarily the consideration by any other committee of something even though it was assigned; I don't read it that way.

Mr. Perez Well, don't you think if you omit these two words there is a possibility that these rules might be interpreted to give the Coordinating Committee the total authority over these other committees with respect to what their omissions may be and you might run into a difference of opinion between the particular substantive committee and the Coordinating Committee as to whether it is or is not, in fact, omitted?

Mr. Juneau Well, in answer to that, Mr. Perez, is I think the greater danger is being in the obvious conflict that in Rule No. 54 if we leave it as it is now, that the only thing that

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the substantive committee on the one hand could do would be to recommend regarding omissions which would be, in my opinion, in direct contrast with what we have on page 15 which says, "they can assign those areas not covered." I don't know how else to resolve the problem.

Mr. Perez Well, my suggestion to you, sir, if you leave it like it is, we have solved the problem from the standpoint that the respective committees would not be precluded from taking up a matter which they felt was within their jurisdiction. But, if you omit these words, there is a possibility of an interpretation that these particular committees may not be able to take up such matters as would be assigned by the Coordinating Committee to another committee.

Mr. Juneau I have no quarrel with the thrust of what you are saying, Mr. Perez. May be that might address itself to some other language. I see the point that you're making. I don't know if the animal may not be greater than the... or the problem greater than the animal that we started with. I personally don't view that as a problem. I just wanted to resolve the conflict which does exist.

Mr. Duval Mr. Juneau, don't you feel that the only way that really an omission would come up if there were a delegate proposal, perhaps, covering some area in the constitution not covered in the committees and the titles on the committees? If there were a delegate proposal it had to be referred, wouldn't that be the way it would basically come up by a delegate proposal?

Mr. Juneau Basically, but I could conceive of an area that could come up, I'm sure there are thousands of them that we have listed here that could come up in committees but probably would come up in the delegate proposal. I want to emphasize and answer that question. The intent of the Rules Committee, and I know for me personally, was not to give any really sting on the part of the Coordinating Committee; it was purely as a "Traffic Cop" to direct these things as a forum for discussion of these various items. I certainly would oppose any interpretation and subsequently in this convention to that regard.

Mr. Singletary Pat, could this thing be resolved by changing the word "recommendations" in line 22 to "assignments"?

Mr. Juneau I'll answer that question personally by an unequivocal note because what you have then done, if you make that language, you have created the most powerful committee in this convention. You have then determined that that very committee can shelf whatever it wants to shelf any particular piece of proposed legislature; this we discussed at length. My own personal theory was that the idea was to give it a forum so these people could discuss. Let's don't give them the authority to pull and take away, that was the thrust of why we didn't want to do that.

Mr. Burns As I read this Rule No. 54, Coordinating Committee, they have no actual power to do anything; do they?

Mr. Juneau That's right, sir; we just wanted to create a forum, that's correct.

Mr. Burns I noticed first that they "shall consider" and lower down in the article "recommend"; but, they have no power whatsoever.

Mr. Juneau That's correct, isn't it, Mr.

Kelly? That's correct, Mr. Burns.

[Previous question ordered. Amendment adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mrs. Zervigon to the resolution as follows:

On page 17, beginning with line 13 and following through to line 16, delete the first sentence and substitute in lieu thereof the following:

"The Coordinating Committee shall be composed of the Chairman of the Convention, or in his absence a vice-chairman designated by him and the Chairmen and Vice-Chairmen of all substantive committees."

Explanation

Mrs. Zervigon I suggested this amendment in the Rules Committee when they were meeting. They had objection to it because they thought that it made the Coordinating Committee too large to be workable and that's the reason that I put language in here that meant that the Vice-Chairman of the Convention didn't have to attend every meeting of the Coordinating Committee. But, I did think it was important to open the Coordinating Committee to the chairman and vice-chairman of all substantive committees for several reasons. In the first place, the thrust of many of our amendments to the rules and of the rules that we have adopted has been to open the convention floor participation by all. It seems to me that to have chairman and vice-chairman gives us a better chance of having representation of all different categories and geographic areas that are represented at this convention. In addition to that, it means that when the Coordinating Committee discusses and makes its recommendations considering assignment of subject matter, there will always be someone there from each substantive committee who has heard all the deliberations of the substantive committee as well as all the deliberations of the Coordinating Committee. Should the chairman of a substantive committee not be able to attend one of the Coordinating Committee meetings, his or her vice-chairman will have heard all of the deliberations of both committees and need not be filled in on anything. That's all I have to say, Mr. Chairman.

[Previous question ordered. Amendment rejected: viva voce.]

Amendment

Mr. Poynter Mr. Shannon sends up the following amendment:

Amendment No. 1. On page 17, line 15, immediately after the word "Chairman" and before the words "of the" insert the words "and Vice-Chairman".

Explanation

Mr. Shannon Mr. Chairman and fellow delegates, this amendment is very simple. It is in some ways like the one that we just defeated here, but I feel that we have been talking in the past here about representation, and I feel that this will give us more representation on this committee. This is a most important committee, and it will refer to substantive committees those things that are not covered specifically in the outline as we have already approved. This would increase the committee from ten members to eighteen members. I believe in our past discussion here on previous committees that it came up on this floor, the fact that

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six would be a quorum of this ten-man committee, ten-man or woman committee, and four people could direct anything. This would increase the committee to eighteen, which would require a quorum of ten people and then would move up to where six; we would have the advantage of four or six people. The potential dangers there that things could be referred to other committees on a very minor vote. So, I ask your adoption of this amendment.

[Previous Question ordered. Amendment rejected: viva voce.]

Amendment

Mr. Poynter A single amendment proposed by Mr. Conroy as follows:

Amendment No. 1. On page 17, at the end of line 23, delete the period "." and insert the following: "and shall assure that each provision of the Constitution of 1921, as amended, shall have been considered by at least one substantive committee."

Explanation

Mr. Conroy Our ultimate purpose is to write a new constitution, but we cannot forget that we do have a constitution at the present time, and regardless of how some of us may feel about the manner in which that constitution is put together, everything in it was put there for some purpose. Many of the people in this state, many of your constituents are concerned about preserving some of the rights and protections that exist in that constitution. The provisions that exist in that constitution were put there deliberately. They were put there either by a convention of this sort, or by a vote of the two-thirds of the legislature, and passed by a vote of the majority of the people. The purpose of this amendment is simply to make certain that somebody, namely, the Coordinating Committee, makes sure that everything in the present constitution is at least considered by, at least one substantive committee, and that something that's in there doesn't somehow drop through the slot.

[Previous Question ordered. Amendment adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Bergeron to the resolution as follows:

Amendment No. 1. On page 17, line 9, immediately after the word "matter" and before the word "call" insert the following: "pertaining to substantive committees".

Explanation

Mr. Bergeron Mr. Chairman, delegates, before when I asked the question of Mr. Kean, if it was the job of the coordinating committee to consider issues only on the substantive committees he said that was correct. That was the intent of the Temporary Rules Committee. By inserting this I feel it would just clarify the issue and state clearly that the Coordinating Committee concerns issues pertaining to the substantive committees.

Questions

Mr. Perez It was impossible for me to understand the amendment because of the fact that the way the Clerk read it, the amendment was on line 9, and line 9 is in Rule 53, which has already been adopted.

Mr. Poynter Nineteen, Mr. Perez. If I said 9, I was incorrect.

Mr. Perez Could you give it to us again, then, please so we can know what it says?

Mr. Poynter Certainly.

On page 17, line 19, immediately after the word "matter" and before the word "call" insert the following: "pertaining to the substantive committees".

[Previous Question ordered. Amendment adopted: viva voce. Previous Question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 55. Other Committees. The Convention shall have authority to create other committees, including special advisory committees, as it deems necessary, and all substantive committees may create such subcommittees as each deems necessary, provided that all such subcommittees shall be created only by a majority vote of the creating body.

Amendments

Mr. Poynter Amendment No. 1 [By Mr. Dennyery]. On page 17, at the end of line 26, delete the portion of the word "sub-".

Amendment No. 2. On page 17, line 27, delete the portion of the word "stantive". So, it would delete the word "substantive".

Explanation

Mr. Dennyery The amendment is merely to permit the procedural committees to have subcommittees.

Questions

Mr. Flory Mr. Dennyery, aren't you in effect negating the action taken by this convention the other day when the issue came before the convention to allow the Executive Committee to create subcommittees, and that was defeated soundly by this convention? The terminology you used as I understand your trying to include procedural committees, but I think by the use of the word "committees" what you're doing is then going back to the original issue considered by this convention as far as the Executive Committee was concerned.

Mr. Dennyery I don't believe so, sir because this says that the convention has that authority. It's not given to the committee. It says that the convention shall have the authority to create subcommittees.

Mr. Flory Well, what I'm saying is that they shall be created by only a majority vote of the creating body and what you're doing is allowing the committees up here to do that, if I read it correctly.

Mr. Dennyery Well, that's not the way I read it, Mr. Flory.

Mr. Poynter I'll just tell you what it does. It deletes the word "substantive" which appears on line 26 and 27, portion of the word at the end of line 26, and the beginning of the line, line 27. Just deletes the single word "substantive."

Mr. Arnette Well, my question was, wasn't this properly handled in the following rule, Rule No. 63, which relates to any committee which

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may by a majority vote of its members have subcommittees? Wouldn't this solve the problem?

Mr. Denny Well, this was done merely to remove the conflict which apparently existed because this one limited it to substantive committee, this particular rule, 55; therefore, it was in conflict with the rule to which you referred, and I think this would clarify the conflict. Mr. Chairman, in view of Mr. Flory's question, may I withdraw that amendment and substitute another one?

Mr. Henry You may withdraw your amendment at this time.

[Amendment withdrawn.]

Recess

[Quorum Call: 106 members present and a quorum.]

Personal Privilege

Mr. Womack Mr. Chairman, fellow delegates, I would like that Mr. Riecke come up just a minute, if you please. Mr. Riecke, would you come up here?

Mr. Riecke, one of my dedications in life has been to help my fellow man anywhere I could without limitations of geographical area, and it's been apparent to the many of us in the convention that at times you've had little trouble getting recognition, and I want to at this time present to you a flag that might assist you a little bit in getting recognition.

Mr. Riecke May I say a word?

Mr. Henry Certainly, Mr. Riecke.

Mr. Riecke I just want to say that there was some question last night as to whether the delegates at this convention were intellectuals or nitwits. Since you voted the way I asked you to last night, I want you to know that I think you're all intellectuals. Thank you.

Mr. Henry I think it should be pointed out that that is a flag of hunter orange, a color which is very close to the heart of Mr. Womack.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. J. Jackson]. On page 17, line 24, after the words "the convention" and before the word "shall" insert the following: ", by a majority vote of the delegates present in voting".

Explanation

Mr. J. Jackson Mr. Chairman and fellow delegates, this is basically a technical amendment. In Rule No. 55 it provides that a majority vote of the creating body as it relates to subcommittees, although I think it's assumed that any additional committees would be created by a majority vote of the convention, I wanted to insert this for clarification.

[Previous question ordered. Amendment reread and adopted: viva voce.]

Point of Order

Mr. Rayburn Mr. Chairman, as I understood the amendment, that applies to all committees, and if you have a committee meeting that decided they wanted a subcommittee, would we have to call the entire membership of this convention

back in order to get their approval?

Mr. Henry It's the appreciation of the Chairman that that would not be necessary under the rules as amended, Senator. I don't believe that would be necessary under the rule as amended.

Mr. Rayburn May I ask the Clerk to read it very slowly. If you remember in the beginning of the amendment, it applies to the convention, but it later specifies what the various committees can do by dividing into subcommittees.

Mr. Henry We'll ask the Clerk, then, to reread it, the rule as amended.

Mr. Poynter As amended by Mr. Jackson's amendment, Rule No. 55 would now read as follows:

Rule No. 55. Other Committees. The Convention, by a majority vote of the delegates present and voting, shall have authority to create other committees, including special advisory committees, as it deems necessary, and all substantive committees may create such subcommittees as each deems necessary, provided that all such substantive committees shall be created only by a majority vote of the creating body.

Mr. Henry Senator, does that resolve your problem, answer your question?

Why do you rise, Mr. Abraham?

Read it again, Mr. Poynter.

Mr. Poynter Well, it's all one sentence. Do you mean the last clause, Mr. Stagg, is that what I misread?

"...provided that all such subcommittees shall be created only by a majority vote of the creating body."

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Flory and Mr. Avant]. On page 17, line 27, immediately after the portion of the word, "substantive" and before the word "committees" insert the words "and procedural".

Explanation

Mr. Flory Mr. Chairman, delegates, as you recall, I questioned Mr. Denny on his motion prior to lunch. It was my feeling at that time by taking out the word "substantive" you were getting back into an issue that had already been decided by the convention as a whole, and I didn't want to see any extended debate again on that particular issue. The reason I have included, I should say, instead of deleting the word "substantive" add the words "or procedural." I do that for two reasons: one, not to get into the previous question already decided by this convention; secondly, that I don't believe that this convention ought to let the Committee on Committees divide into subcommittees because I think it was the sense of the creation of the Committee on Committees for broad representation as a deliberative group to come up with the committee appointments, the numbers on that committee, etc. By deleting "substantive" I think that's what you'd be doing also is allowing the Committee on Committees to dissolve into subcommittees. I ask for the adoption of the amendment.

Questions

Mr. Denny Mr. Flory, would you be satisfied if the word "advisory" were inserted between the words "such" and "subcommittees" on line 27 of page 17, and the deletion of the word "substantive" as I have originally suggested?

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Mr. Flory Mr. Denney, I would prefer what I have proposed here for the reasons that I have stated in that I would not want to see the Committee on Committees break down into subcommittees, and one subcommittee, for example, take up the appointment of, let's say, the Committee on Bill of Rights, just as an example. I just think it would be better if we hold it to substantive or parochial...I mean, or procedural.

Mr. Stagg Mr. Flory, if your amendment were adopted would that preclude the Executive Committee of the convention from having, for instance, a subcommittee of six or eight people, charged with interviewing some of the hundreds of people who've applied for work to reduce it down to a usable numbers to be considered by the whole Executive Committee, would your proposal prevent the Executive Committee of this convention from using a subcommittee for the purpose of interviewing employees?

Mr. Flory My amendment would not, Mr. Stagg, and particularly in light of the rule on page 20, Rule No. 63, where a committee by the affirmative vote of the majority of its members may provide for the appointment by the Committee Chairman of subcommittee composed of members of the committee. They could have those subcommittees, but I think they would have to come back to the overall Executive Committee for any final action. I do not believe that my amendment precludes advisory committees as such on the Executive Committee.

Mr. Stagg Thank you very much.

[Amendment reread. Previous question ordered. Amendment adopted: viva voce. Previous question ordered on the Rule.]

Mr. Henry You have the right to close, Mr. Keane, and would you yield to a question from Senator De Blieux?

Mr. Keane Yes, sir.

Questions

Mr. De Blieux Mr. Keane, I think this question was touched on before, but I'm not exactly clear about it. I notice at the end of the sentence, you use the words "creating body." Now, all of these committees are created by the convention itself. I'm just wondering whether or not that you could say that no subcommittee, even though the previous rule says that the substantive committee and the procedural committees may create subcommittees, then you go and say "provided that all" and usually my interpretation of provided, that takes care of this situation wherein it refers back. "Provided that all such subcommittees shall be created only by a majority vote of the creating body." Now, I think that possibly that word "body" may need clarification there as whether or not you're going to need the active support of the convention as a whole to create a subcommittee or whether or not the committee itself can create it because as it stands right now, since all these committees are created by the convention itself, we might run into the question there as to whether or not a subcommittee can be created by anything other than the convention itself. I'd just like to have that stated clearly in the record as to how you mean that.

Mr. Keane Mr. De Blieux, as I understand this rule, divided into two parts, separated by the comma after "necessary," the first part is talking about the convention, and I think Mr. Jackson's amendment is clarified what it would take in order to create a special committee,

advisory committee of the convention. The second part is talking about the right of substantive and procedural committees to create subcommittees, and I take the word "creating body" in the last part of the sentence to refer to such substantive or procedural committee as may be creating a subcommittee.

Mr. De Blieux Now, I was...just like they asked, wouldn't it be much clearer to give the interpretation which you use if we change the word "creating body" to "creating committee"?

Mr. Keane In line with Mr. De Blieux's suggestion, I offer as a technical amendment the change of the word "body" in line 29...

Mr. Henry Well, now, Mr. Keane, gentlemen, I'm not trying to be impossible, but we're to the point now that we all ought to go begin learning--and Mr. Keane, I'm not criticizing you; I know you understand this--when we need to amend these bills or these resolutions we ought to try to begin to start using some form of procedure, because when we get here this summer, we're going to have to use procedure. Now, Mr. Keane...

Mr. Keane I withdraw the amendment.

Mr. Henry You understand, but let me explain this for the edification and enjoyment of maybe some of the other delegates who don't understand it. A gentleman has a right to present a motion, an amendment. That gentleman or lady has the right to explain what is in the proposal. We then allow a period of debate if the delegates want to debate it. The proposer or the mover does not have the option to speak and cannot be questioned at just your leisure. You understand this, please. The only time after the mover has explained the question that the mover can speak again is if the previous question has been moved. Then, the mover has the opportunity to close on the debate. Once he's closing, we cannot offer amendments, we cannot make technical amendments. We must proceed orderly. I know that this is all new to you, but we've gone through it and I would request that you give it your very particular attention.

Pardon me, Mr. Keane, for that little lecture. I know you understood it, though, and I'm doing it for your benefit.

Closing

[Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 56. Proposals. The various articles of the proposed draft of a constitution shall be prepared under the direction and supervision of the respective substantive committees. The research staff shall be assigned to the respective committees by the Chairman of the Convention after consultation with the chairman of the committee to which the staff will be assigned.

I have no amendments at this time to this rule, Mr. Chairman.

Explanation

Mr. Keane Mr. Chairman, members of the convention, it was the considered opinion of the Rules Committee that the drafts or the proposals with respect to the various sections of the new constitution should be prepared under the direction and supervision of the respective substantive committees with the aid of an assigned staff, research staff, to each such substantive committee. It was the feeling of the Rules Committee that this was essential insofar as the new constitution was concerned, and the work that would be required to bring it into

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being. It is contrary to the assumption that the constitution, or the proposed constitution, would be drafted by a research staff and then presented to us for consideration on July 5. The thrust of this proposal is that the substantive committees will work between now and July 5 together with the research staff and with their assistants to bring about the proposals that would be presented to the convention in due course.

I move the adoption of the rule.

[Previous Question ordered. Rule adopted: *viva voce.*]

Reading of the Rule

Mr. Poynter "Rule No. 57. Quorum and Rules of Committees. A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the convention unless the question has been raised before the committee. The rules of the convention shall be observed in all committees as far as may be applicable, and if applicable, may not be suspended."

Mr. Henry Mr. Stagg, you have a technical amendment to offer?

Mr. Stagg Yes, Mr. Chairman, that in line 2 instead of just "committee hearings," the title properly ought to read "committee meetings and hearings."

[Technical Amendment adopted without objection.]

Amendment

Mr. Poynter The amendment [by Mr. Stagg] would read as follows:

"On page 18, line 10, after the period "." add the following:

"Any committee may adopt its own rules of procedure. No committee rule shall conflict with the rules of the convention, except that any committee may establish a different rule with respect to limits on debate."

Explanation

Mr. Stagg Mr. Chairman, in further rules that we will be getting to this afternoon, it is stated that all rules applicable to committee shall be applicable to subcommittees. It was felt that in our adoption of Rule No. 30, yesterday, we made a fifteen minute limit on statements and speeches, and that perhaps in the operation of the committee system that that would be, perhaps, considered an inordinate amount of time for subcommittee hearings and subcommittee testimony and that if a committee wished to adopt a rule for lesser speech length, it would be in violation of the rules of the convention. Therefore, this rule was offered-- this amendment was offered--in order to permit a committee or subcommittee to have a different rule on the limits of debate should it desire to do so. That's the purpose of the amendment.

[Amendment reread. Previous Question ordered. Amendment adopted: *viva voce.*]

Amendments

Mr. Poynter Amendments sent up by Mr. Flory as follows:

On page 18, line 4, insert a period "." following the word "quorum" and delete the remainder of line 4.

Amendment No. 2. On page 18, delete lines 5 and 6 in their entirety.

Amendment No. 3. On page 18, line 7, delete the language "the question has been raised be-

fore the committee."

Explanation

Mr. Flory Mr. Chairman, delegates, I raise this question in the way of an amendment, and let me explain to you the problem, as I see it. I don't believe that this was the intent of the Rules Committee in any way, but there is a strong possibility that, let's say, that a committee had thirteen members; six people were present, which is not a quorum. The public was there to be heard, left because of the lack of a quorum, and then some action was taken by the committee, after that, in a minority. Unless someone was present at that moment and raised the question of a quorum, that question could not be raised any further down the road. In other words, it could come before this convention and have been reported by a minority of the committee and the question of a quorum present at the committee meeting could not be raised on the floor of the convention. I just suggest to you that we delete this language. I've discussed it with Mr. Stagg, and I don't intend to speak for him, but I do believe that he recognizes that there is that possibility. I would ask that in your wisdom you consider the deletion of that language to prevent that from happening.

Questions

Mr. Stagg Mr. Flory, I believe that in your presentation of this amendment you suggested that it would be possible under ordinary proceedings before committees, as in the legislature that when the committee assembled according to its schedule and its notices, that not a quorum would be present. Do you consider that this convention may possibly have committees that would operate without a quorum and do present to this floor matters adopted by less than a quorum when I think you, yourself, proposed a rule earlier in these proceedings where every proposal from a committee would have to be signed by at least a majority of that committee before it could come back to the convention?

Mr. Flory Let me take your question in parts, Mr. Stagg. First, I don't suggest that any delegate here would intentionally report a bill with the lack of a quorum present. That's not the purpose of my discussion at all. The amendment offered the other day that you refer to was for the introduction of committee proposals, that committee proposals would require the signatures of a majority of the committee members so that it would reflect, when it reaches the floor of the convention, the views of the majority of that committee. I don't believe there's any contradiction.

Mr. Stagg Well, I can't see the distinction here that the presence of a quorum would not be... in other words, what we seek in this rule to do, Mr. Flory, is to cause the matters which are brought to the floor of the convention to be debatable upon their merits and not that the committee's action which sent it to the floor would be open by debates on the merits of the committee itself. In other words, this rule makes the lack of a quorum be brought up only in the presence of the committee at the committee hearing, else the work of the committee presented to the floor would not be open to that charge. I believe it to be a good rule.

Mr. Flory Mr. Stagg, perhaps we're not communicating; I thought we were. A committee once it's heard a proposal, makes a recommendation to this convention for its action in the form of favorable, or unfavorable, without action with a recommendation to recommit. All I'm saying to you is that the question of a quorum

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being present at the time that that decision was made we want to...I'm trying to assure the convention that we will know that a quorum was present, and that if we find out when the measure is before us with a report favorably recommended by that committee, and we find out when it hits the floor that there was not a quorum, I think any delegate here who has that knowledge ought to be able to rise and say there was not a quorum present when this was considered by that committee and ask that it be recommitted to that committee for consideration by a quorum being present at the committee. That's the purpose of my discussion, solely. I have no other motive in mind whatsoever.

Mr. Abraham Mr. Flory, this is primarily for my education, but if I understand you correctly, if there is not a quorum at a committee meeting, do you mean that a member of the committee cannot come back later before the committee and say, "Look, you all took action at this last meeting and there was not a quorum present," and could not declare that action null and void?

Mr. Flory If you leave the language in there, that's exactly what it says.

Mr. Velazquez Mr. Flory, do you envision that any committee of this convention would dare take action before the public and before the media without having a quorum present?

Mr. Flory Mr. Velazquez, I think I've already answered that. I don't suggest that anyone here would do it deliberately. I just know from experience this has happened in legislative deliberative bodies where a quorum was present on occasion and--let's say the thirteen member committee; seven members were present--for whatever reason, one of the members left during the time of the discussion, action was taken not realizing that a quorum did not exist at that moment. I only say to you that if that should be the case at a later time, you, as a delegate, find that out, you ought to be able to raise the question that a quorum was not present when that issue was decided and ask that it be recommitted for further discussion. That's the sole purpose.

Mr. Velazquez Then, shouldn't you be making a motion to the effect that a quorum call be made prior to each vote on the committee rather than the form that your present amendment is taking, the complete deletion of this statement?

Mr. Flory No. I think there are further rules in here, Mr. Velazquez, that require a majority vote, once a quorum is present. That's no problem as far as I'm concerned.

Mr. Velazquez Well, doesn't that answer that you just gave take care of this problem without the need for this amendment?

Mr. Flory Personally, I don't believe so.

Mr. Kean Mr. Flory, I just want to see if we're thinking alike on this. It would be unusual if we did.

Mr. Flory I'm not opposed to it.

Mr. Kean Because I don't want to unduly complicate the deliberations of the convention. But, suppose we had a situation where a quorum was present to start the committee meeting. Then, some left so that at the time the committee considered the matter there was not a quorum present. But, before that proposal was reported

to the convention, a majority of the committee members signed that proposal, as your prior rule would require them to do so. Under those circumstances, even with the majority of the committee members having signed the proposal, could an objection be made on the floor that at the time the proposal was considered by the committee a quorum was not present?

Mr. Flory No sir, Mr. Kean, I think there's perhaps, some misunderstanding about the amendment that was placed on earlier. It referred solely to committee proposals. It did not refer to committee actions. As you know from your experience, "the round robin has been outlawed," so to speak, in our legislative body. It does not refer...I do not believe that you could have a quorum and a member leave and then a roll call vote be taken and be less than a quorum present and then report action on that. Now, if they came back and there was a quorum present at that time, certainly, they could do that. I don't want to complicate the rules either. I thought I was trying to clear it up.

Mr. Jenkins Mr. Flory, without your amendment, isn't it true that under this rule the very people who might want to raise an objection, namely, the absent committee members, would not be able to object once the proposal came to the floor?

Mr. Flory Absolutely correct.

Mr. Schmitt Without this amendment, doesn't this effectively allow a proxy voting for the person who had left?

Mr. Flory No, sir, and if it does, I'll tell you one thing, I'll pull it down real quick.

Mr. Schmitt No, I don't mean your amendment. I mean the way it is right now.

Mr. Flory No. I don't believe that it recognizes proxy voting.

Mr. Schmitt Well, if one person left, wouldn't it be true if less than a majority voted on it and yet a quorum is necessary, then wouldn't that person be voting even though he wasn't there? He'd have to sign it subsequently.

Mr. Flory Someone would. Let me place it...put it in that...Well, it would be the secretary or reported in that fashion, through error or whatever.

[Previous vote again ordered. An amendment adopted: viva voce. Previous amendment ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 58. A. Public Hearings, Records. "No committee shall sit during sessions of the convention or of the Committee of the Whole without special leave of a majority of the convention delegates present and voting. All committee hearings shall be publicized, shall be open to the public, and may be recorded verbatim, including the testimony of those wishing to be heard. Minutes of the committee meetings shall be recorded. All committees shall, and are hereby authorized to, hold public hearings either as a committee or through a designated subcommittee, said hearings to be conducted at such localities throughout the state as the committee may designate.

B. Appearance of Delegates or Witnesses. Any person wishing to be heard before a committee shall have a right to be heard subject

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to the rules of that committee.

C. Committees and subcommittees may take testimony under oath or affirmation, and the chairman of any committee or subcommittee is authorized to administer the oath.

Explanation

Mr. Stagg Mr. Chairman, as a first matter, in Subsection C, beginning on page 26, a matter of style and a technical amendment. The other two subsections have titles. We wish to suggest as an amendment the word "Testimony" be inserted after the letter "C" in order that this section also will have a title, mainly that it is on the subject of testimony.

[Technical Amendment adopted without objection.]

Questions

Mr. Rayburn Mr. Stagg, do the rules make any provision for a committee to subpoena witnesses to appear before the various committees?

Mr. Stagg No, Senator Rayburn, we did not provide for subpoena power principally because that power was not given to this convention in the statute which brought it into existence.

Mr. Rayburn It does not prohibit a committee from contacting some person that they might like and ask them to appear before the committee? I notice it only spells out those wishing to appear. Suppose a committee would like for someone to appear. Does it prohibit them from asking them to appear?

Mr. Stagg No, sir. I think everything in the rules and the conversations that have been met at this stand encourage a committee chairman to bring to the committee all facets of thought and belief on the subject matter under discussion, and that all witnesses giving or having valuable testimony to give would be encouraged by the chairman to come and present his views. I would hope that's the way these committees would operate.

Mr. Fontenot Mr. Stagg, there has been previous discussion considering recorded verbatim the proceedings of this... of the convention and the committees. Now, I want to clear something up. If I'm on a substantive committee and there's some testimony being given and I want recorded and maybe somebody else doesn't want it recorded, the word here, "may be recorded verbatim," what was the intent of the committee? Would you explain that? Who has the final say-so whether something is going to be recorded or not?

Mr. Stagg I would think it would be the province of the members of the committee or subcommittee before which the testimony was being given could, in advance of the meeting, by arrangements with the members of the committee, have a recording machine placed in the hall, similar to the one we have at this side table over here, so that a tape recording would be available of what was said in the subcommittee or the committee. If a delegate... if the committee did not choose to follow that procedure, I don't think it would be amiss for the delegate who wanted to do so to furnish his own machine.

Mr. Burns Mr. Stagg, on line 18 it reads: "All committees shall, and are hereby authorized to hold public hearings," etc. Don't you think those first three... "shall" should be eliminated--"All committees are hereby authorized to"? That word being mandatory, it gives the

impression that these committees have to hold public hearings whether it is the occasion or not.

Mr. Stagg Well, Mr. Burns, that's exactly what the committee felt it was saying when it drew that rule that way.

Mr. Burns But, don't you think that it would be a little clearer that "All committees are hereby authorized to hold public hearings"?

Mr. Stagg The rule directs the committees to hold public hearings. It does not leave it discretionary with the committee.

Mr. Burns In other words, even though there's no necessity for a public hearing?

Mr. Stagg That's correct, sir.

Mr. Burns What would they take up if there was no necessity for it? They'd hold a public hearing for what purpose?

Mr. Stagg The drawing of the constitution has been said to be the most important work afoot in this state at this time. As the committees are appointed and go to work, it is the feeling of the Rules Committee, and I think of the convention, that the committees of this convention will hold public hearings to get the public's input into their committee sessions before they do any extensive drafting of the constitution. That's why we passed at a previous rule that the committees and their research staffs would work together before July 5. It was the feeling of the Rules Committee, Mr. Burns, that the only way the public is going to feel that it had a part in writing this constitution would be through the method of holding public hearings, and these rules mandate that the committees "shall hold public hearings" to get the public's views on everything that's in the committees purview.

Mr. Burns I'm wholeheartedly in accord with that. Then, as I understand it, this has in mind the holding of public hearings throughout the state even before the proposals are worked up by the research staff.

Mr. Stagg Exactly.

Delegate Leithman in the Chair

Mr. Anzalone Mr. Stagg, did you give us the benefit of the thinking of the temporary Rules Committee as regards the power of subpoena? And, should this convention desire said power, how would we go about getting it?

Mr. Stagg The committee, when it got to this portion of its work, looked to see if, perhaps, the committees would have the power to subpoena a witness, and we felt that if that power was not specified in Act 2 of 1972 that, then, the committee would be without power to do so. To answer your question, it would be necessary that the legislature, in its next session, consider matters concerning perfecting Act 2 of 1973; and, if the legislature, in its wisdom thought that the committees of the Constitutional Convention should have subpoena power, then the legislature would have to pass an act which would permit us to do so.

Mr. Anzalone Then, if we were to introduce a proposal to the convention at this time, asking that the rule that we adopt give us subpoena power, it would be something that would have to be ratified by the legislature and, at the

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present time, be useless?

Mr. Stagg Yes, sir, it would. The better procedure, perhaps, would be to have the legislature work its wisdom on the question; and then, if permitted by the legislature, that then when the convention came back into session in July, the convention could then amend these rules by adopting the subpoena power if the legislature sees fit to furnish it.

Mr. Anzalone Thank you, sir.

Mr. Roy Mr. Stagg, I'm in favor of this rule, but I notice under Rule No. 62 that we're talking about public meetings, that the only way that the public, actually, can be notified is if a person files with the secretary a request that he be informed. I'm worried about the public like you are, and it just appears to me that we ought to maybe have a subp that would be put in the local newspaper or something like that. Wouldn't you agree?

Mr. Stagg Mr. Roy, I agree with you wholeheartedly, and I note that, in the pending amendments to Rule No. 62, there will be an amendment proposed by Mr. De Blieux that the news media of the area where the committee meeting is being held--the news media of that area shall be notified of pendency of a committee meeting, and I believe that will cure it.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendments proposed by Mr. Kean to Committee Resolution No. 1 by Mr. Stagg:

Amendment No. 1...this actually affects two rules, doesn't it, Mr. Kean?

Amendment No. 1. On page 18, line 15, delete the words "meetings" and insert the words "meetings and hearings".

Explanation

Mr. Kean Mr. Chairman, the language on page 15 originally read "all committee hearings shall be publicized, shall be open to the public," etc. In our earlier discussion, it was brought out that we wanted not only the hearings, but the meetings, to be publicized and open to the public, and this amendment would provide for that and is in keeping with the prior amendment that we made to the subtitle on line 2, which now reads "committee meetings and hearings." That does not affect the right that we gave the Executive Committee to consider personnel matters in executive session, if they desired to do so in their discretion, because, if you recall, the language with respect to the Executive Committee said that any other provision of the rules to the contrary notwithstanding, so that this requirement with respect to "all committee meetings and hearings shall be publicized and shall be open to the public" would apply to all other committees, other than the Executive Committee acting under the specific authority in personnel matters.

[Previous question ordered. Amendment reread.]

Mr. Poynter On page 18, line 15...Correct the amendment to delete the word "hearings" rather than the word "meetings".

Then on page 18, line 15, delete the word "hearings"--rather than the word "meetings"--and insert the words "meetings and hearings".

[Amendment adopted: *viva voce*.]

Chairman Henry in the Chair

Amendment

Mr. Poynter Amendment proposed by Ms. Zervigon: On page 18, after line 28 and before line 29, add the following: "D. Any person not a delegate appearing before a committee or subcommittee shall identify himself by name and address and shall state whether or not he is representing any other

person or interest."

Mr. Henry Is it "himself" or Ms. Zervigon's amendment?

Ms. Zervigon That's a misprint. It should be "himself or herself."

Explanation

Ms. Zervigon I think the amendment is self-explanatory. I think it's just easier for us when we're sitting in the committee to know exactly to whom we are listening and whether this person is speaking for a group of people or only for him- or herself.

Further Discussion

Mr. Hernandez Mr. Chairman and ladies and gentlemen of this convention, I rise in support of this amendment. Like so many others have stated, I think the Rules Committee has done a most commendable job on these rules, and I think this Rule No. 58 is no exception to that. However, I think a good rule can be improved some by assuring the members of these committees that they will know who is appearing before this committee, what connection he has; and they can determine whether or not, by these questions, that this person is knowledgeable on the subject. They have a right to know that; they need to know that to know whether or not his testimony can influence their judgment. I urge you to consider this amendment.

[Previous question ordered. Amendment adopted: *viva voce*.]

Amendments

Mr. Poynter Amendments proposed by Mr. Champagne to the resolution:

On page 18, line 18, immediately after the period "." and before the word "All" insert the following: "It shall be the responsibility of these committees to translate to the English language all expressions of fact made other than in the English language at no additional cost to the convention."

Amendment No. 2. On page 16, line 22, at the end of the line, add the following: "This shall not be interpreted as to prevent a delegate from meeting with his district at no additional cost to the convention for the express purpose of setting and expressing views or opinions of any portion of the constitution."

Explanation

Mr. Champagne There's a typographical error on Amendment No. 2. That's "meeting within his district." I have--and, perhaps, you have in your district--many people who, because of reasons within or beyond their control, are not fluent in the English language. I have in my district many French-speaking people and some Italians who speak very little English. Since we are selling this constitution to the people, I don't want to miss one bet and have them feel that, though they may not exercise this privilege, that they are free and welcome indeed to come before these hearings and to express themselves in their own language, their wishes because it's needless for me to point out to you they most certainly will vote on the issue, and we want to have all the friends we can voting on this new constitution. "At no additional cost to the convention"--I simply add that so that no free spender comes along and says, "Now, we need an interpreter." On the second amendment, I want to give you an example to illustrate my point: Just this last Saturday, we had an election in St. Landry Parish in which many of the local organizations endorsed three proposals for a new tax. It was endorsed by many of the bodies of the parish, including the police jury--and whatever you have. The things were certainly needed; the

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improvements were needed; but, on Saturday, they were defeated three-to-one, two-to-one, and somewhere in between. I'm disappointed, we hadn't reached all the people and convinced them. If you think--or, if I think--that we are going to have some few hearings within the state--or many hearings at the larger places--and we shall have, in most cases, those same people who supported this tax coming up and expressing, in an intellectual way, why we should have this constitution and then sell it to the people, this is beyond our understanding. If we are to sell this constitution to the people, it must be done at a grass roots level because there simply are not enough intellectuals in this state to adopt a new constitution. Those are the people who we must sell this thing to in every barbershop, every bar, every store, everyplace that men and women and children will listen to us to understand why we need a new constitution. We must make a concerted effort to convey to these people that, if Louisiana is to progress as it should--if we, as men, women, and children, are to blossom to our full anticipation of greatness--that there is something in this constitution for all people. You must sell it not as something for a small group of people, but you must convince these people at the grass roots level that, indeed, if they are to prosper, this is their means of doing so, and we shall have here a reason and an explanation why these people are included in this voting for this constitution. I am sure that all of you here realize full well that you would not be here if you were not interested in this constitution. I simply point this out and put it and emphasize it just a little more because I feel that it is necessary, to convince all people, that we must show an interest in their adoption of this constitution, and I urge you to support these amendments.

Questions

Mr. Shannon Mr. Champagne, if I read your proposal correctly, you are advocating--people that cannot speak English--that it be interpreted, and they pay for this themselves?

Mr. Champagne No, sir. If I'm on that committee, I'll take care of that, sir. There'll be people on these committees that'll take care of that. In other words, I'm saying that the state not pay for it. I'm saying that the people on those committees will take care of it; or, if these people wish to speak, then they would come forth, and we will--these committees--it will be their responsibilities to get someone who will explain their views to the committee, if he wants to be recorded. In other words, if they wish it to be recorded.

Mr. Shannon Are these people voters that you're talking about?

Mr. Champagne They most certainly are, sir. You don't have to read and write, in this state, to vote.

Mr. Shannon But, yet, you want someone to pay to interpret their views?

Mr. Champagne I don't want anybody to pay, sir. I say that nobody pay to interpret the views. I just say that it's the responsibility of the committee to arrange for an interpretation of this. I was told, in talking about it to a person who had written the constitution, that this is normal; that, in other words, in a court, if the person doesn't speak English, usually the judge does the interpretation for him. I don't think any of these people will come in great numbers, but it's simply a question that--as we were pointed out by Mr. Triche--we are politicians; and, if you're a politician selling this thing, you want to be sure that you don't leave any possibilities of anybody saying: The big shots met, and they didn't include me.

Mr. Shannon I understand that, but the point

I'm trying to make is: Are we going to have an interpreter on every committee, whereas it would not cost the state or someone else some money?

Mr. Champagne I specifically put that in there--that an interpreter was not necessary; that I feel that in localities in which people speak Italian--for instance, in one section of my district that I have the mayor who speaks Italian fluently, and I'll arrange for that if I was there or, if he'll be available and he will interpret the views of these people. He'll gladly do this because he is also a politician.

Mrs. Warren Mr. Chairman and members of the delegation, on page 4, line 35, you have "administrative details." We're talking about the state, and now I'm thinking about a little story, once, said: "Well, who is the state? Who is Uncle Sam?" We are Uncle Sam, or we are the State of Louisiana. Since we have an executive board, I feel that the executive board should take care of having these people...interpret their language so we can understand what they mean. After all, the real citizen of Louisiana is the voter. I think the executive board should take care of that in their administrative staff. Do you feel that way?

Mr. Champagne I really have no argument on that point. The point that I was trying to bring out is that I was very much concerned about these people because I had many of them vote for me, and that's why I'm here--because they sent me. The thing is I don't feel that, necessarily, you have to have people all over the state as interpreters because in very few instances you're going to have this happen. I just wanted to save the state some money, if possible, and say that we would arrange it--the committee would arrange it. I feel that if it becomes a problem, then we can take it up with the Executive Committee, and they'll be liberal enough to take it in part. I didn't want to raise the question. In other words, I am in favor of labor, ladies and gentlemen, and I don't want to raise the question of cutting somebody out of a job; but all I'm saying is that didn't know that I was going to raise this problem, but I want to take care of those people, very definitely.

Mr. Hayes Mr. Champagne, do you think we have enough French-speaking people to have extra copies of the constitution reproduced for your section, in particular?

Mr. Champagne I don't think so, Mr. Hayes. I think that most of these people that I'm concerned about have friends who can read the English language, and they'd be glad to interpret it. I don't think they want to get too involved, but I can give you an example, for instance, that many, many, many of these people, and since I'm for office, I'm concerned, for instance, that every elector in this state be given a number from here on out because I had too many people complain, "I just can't read that name"--if you had a number. So, this is the kind of things that I want to give them the opportunity, if they want to express themselves, to come forth and express themselves.

Mr. Hayes Mr. Champagne, why is it you want the people to pay for this material and not the state?

Mr. Champagne No, I don't want the people to pay for it.

Mr. Hayes Why is it you want the state to...I mean...you said you wanted to pay for it yourself. Why?

Mr. Champagne Well, really, it doesn't matter to me, except that I think this will be very limited; there will be very few of them. In other words, I was simply saying: not these people, but the committee as a group. In other words, if this committee appears anywhere in St.

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Landry Parish or neighborhood, I'd be glad to act as their interpreter. You see?

Mr. Hayes Well, don't you think it would be better to put it in a language that they can read themselves?

Mr. Champagne I don't think these people are capable of reading the French language. They're only capable of speaking it.

Mr. Hayes Well, isn't it true that you have people who can't even read the English language, or any kind of language as far as that's concerned?

Mr. Champagne Well, that's true.

Mr. Velazquez Mr. Champagne, I'm substantially in agreement with you. My only problem is one of mechanism. Would you consider withdrawing your amendment and, when we get to No. 62, try to do it in the form of differences in languages in committee meetings, using other media other than the English language media? Could you make your proposal that way instead of this particular way, which doesn't seem to be very well structured as far as getting a supply of free interpreters?

Mr. Champagne Well, sir, I thought at the time this was the right place to put it, and I would like to let it stand here. I think that, in other words, this is the place for it. I think that this is the point because I just wanted to get this before the convention. It was probably the last opportunity I had to express the need for us to get to the grass roots of the people.

Mr. Arnette Mr. Champagne, wouldn't it be a little bit better, possibly, if these people that want to present their views--and I have a great portion of French-speaking people in my area also--would it possibly be better if they would supply their own interpreter, and this would solve quite a few problems. Say, if besides French, some Italians or any other group of people that don't speak the English language would supply their own interpreter, wouldn't this possibly be better?

Mr. Champagne Really, I'm sure they would be willing to. The main thing I wanted to get to them is I don't want to have them feel left out. I heard so many times, in my place of business: They think they're going to push something on us in that center or this center, or that; but they want to remember that I'm going to vote when I get home.

Further Discussion

Mr. Kean Mr. Chairman, members of the convention, I'm in accord with the intent of Mr. Champagne's amendment, but the thing that disturbs me is, the way it reads, it says: "It shall be the responsibility of these committees to translate to English all expressions of fact made other than in the English language at no additional cost to the convention." As I read it, we're putting a responsibility on the committee that affords them no means by which they can discharge the responsibility. I don't have any objection to the basic intent that he has of giving these persons an opportunity to appear and have their language or their facts translated, but to leave it this way is to put a responsibility on the committee that they have no way of discharging. I think, as written, it's not a good amendment. It might be possible to withdraw it and take it up later and give some thought to a better way of expressing it; but, the way it's written, it just puts an impossible task on the committees and makes it their responsibility with no means at all to carry it out. I would object to it in the form in which it's written.

Questions

Mr. Stovall Mr. Kean, isn't it true that any

committee would be able to do the thing that Mr. Champagne wants accomplished here, even though it were not written into the rules of procedure?

Mr. Kean It would certainly be my understanding that a committee could do that and would have a right to apply to the Executive Committee for funds with which to employ an interpreter. But, as I read the amendment, it would say that it's "at no additional cost to the convention," so you don't even have the opportunity to do that under this amendment.

Mr. Stovall Isn't it the purpose of rules of procedure to lay out general guidelines, rather than to give complete details as to how everything shall be accomplished?

Mr. Kean That's my understanding of the rules, and that was the guideline that the Rules Committee used in discussing it.

Mr. Stovall Should we not then proceed, recognizing that these committees and other groups will have the reasonable approach to take care of situations like Mr. Champagne is trying to accomplish here, rather than trying to detail every item?

Mr. Kean I would like to see us do that very much, Reverend Stovall.

[Previous Question ordered.]

Closing

Mr. Champagne I just want to straighten out one little thing. Reverend Stovall said--and I agree with him--that in most instances--in fact, many, many times I've been up here--and let's not spell it out, and so forth and so on, but I thought that this was the last opportunity. In other words, since I had heard so much expressions, so much concern of being on this committee or that committee and this committee and how many we can get to here, it occurred to me, primarily, that many of us were losing sight of the fact that we were indeed forgetting the people back home that sent us here to write this constitution. It was just one means of refreshing our memory that that is the purpose we're here. Now, I didn't want to make a big deal over this "at no additional cost," etc. I'm conservative of nature, and that's coming out. That's what's coming out of the issue, but I think that it's worthwhile; I think that, if you vote for this thing you're simply putting a few more words; and I think that I'm entitled to a dollar and a dime of the state's money to speak just a little longer for all of those many, many people sitting out there who sent you and I as delegates to this convention. Thank you.

Question

Mr. Arnette I'd just like to make this quick, and maybe this could solve a few problems. In the same place of your amendment, would you be willing, possibly, to withdraw your amendment and change it to the following language: "Anyone wishing to be heard in a language other than the English language shall supply his own interpreter?"

Mr. Champagne I don't think so. Let's vote on this one, and then let's make another one. It won't hurt me if you kill it.

[Amendment withdrawn.]

Amendment

Mr. Sawyer Amendment proposed by Mr. Schmitt to the resolution as follows:

Amendment No. 1. On page 18, line 16, delete the word "may" in recording verbatim" and insert in lieu thereof the following: "shall keep a sound recording and may keep a verbatim written record".

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Explanation

Mr. Schmitt This amendment requires a tape recording of all meetings and hearings, and the cost of these tape recordings will be quite minimal when compared to the costs of the salaries of the members of the committees meeting at that time. The cost could, perhaps, run a dollar or two dollars per hour, which would be quite miniscule. Secondly, it allows the committees to review testimony of subcommittees and, also, allows them to hear the testimony as spoken by the witnesses at the time they spoke it, rather than someone else's interpretation of that testimony. Third, it allows any members of the convention to review the testimony of experts who have spoken before any committee or subcommittee. Fourth, it provides a source of materials for research of any issue by the convention at some later time and, if necessary, can be transcribed in written form at some future point in time.

I feel that the cost of this will be very small. The amount of benefit will be very large. Mr. Stagg, throughout the proceedings in which we attempted to learn what the convention business was going to be out of his own personal expense, maintained a tape recording of all sessions. The cost of this is extremely small, but the benefit to us during our sessions beginning in July and subsequent to that would be astronomical. Assuming that there was an expert witness who spoke upon an area which at the time would not seem important, this information would be lost to the convention unless it was in some type of a permanent form. I'm suggesting that this be in the form of tapes. I'm also suggesting that the committees and subcommittees have the right to keep a verbatim record which is presently allowed under the rule as it is presently stated.

Further Discussion

Mr. Burns Mr. Chairman, ladies and gentlemen of the convention, I rise to oppose this amendment. As you recall, I think on yesterday, when we debated this very issue at length and it was during that discussion that it was distinctly understood, I'm sure it was, that the committee meetings and subcommittee meetings from the requirement that the proceedings be recorded and preserved verbatim, that that amendment passed by a very, very narrow vote. Now, I don't know whether you realize it or not as to the magnitude that this could assume. If we have eight committees going around the state and possibly many subcommittees growing out of that eight committees going around the state holding public hearings and taking testimony from citizens and witnesses, if we are going to bring that back in and provide that all of those hearings be recorded verbatim, the cost would just be unbearable. I certainly hope that the delegates to this convention will stand by their vote of yesterday and just confine the recordings and the preservation of the proceedings and testimony of this convention to the convention meetings itself and not add the additional requirement, and more cost than I would say recording the proceedings of the convention itself would be caused by the amendment that is now before the convention.

Further Discussion

Mr. Burton I want to speak against the amendment. It's been observed that if this country perishes, it will probably be not from defeat by an enemy on the field of battle but because we will be buried in paper. I think that this is what is anticipated in this amendment. If we record verbatim every statement of everyone that appears before every one of our eight committees, then certainly we will be setting up a situation where we will have to have eight complete sets of sound recordings with a mike for each committee member and a mike for each witness to speak into and supposedly a secretary to type up the results of

all of this. Now, I realize that he says "keep a sound recording and may keep a verbatim written record." The rule as it's proposed leaves the question open that you can record what you think is worth recording and, what may not be worth recording, you don't have to record or you don't have to record anything at all. The purpose of the committee system is to separate and divide the labors of this convention. I don't want to go back and review everything that everyone else on all of the other seven committees had to hear to arrive at the committee reports that they will issue to this convention, and I don't think any of you do either. So, if we don't want to do that, of what ultimate value would this verbatim recording be? It can't be used as evidence in court because it's of no ultimate import. For instance, if somebody comes before the Committee on Education and says that they think that we ought to abolish two or three state universities, and the committee rejects this, and it never comes to the floor of the convention, so even though the person that proposes this might have a nice eight or nine page prepared statement to show why we ought to do it, wouldn't it be a great waste of the taxpayers' money and a great waste of time on the part of secretarial help and even a great waste of even tape on tape recording to put it down? There is no reason to preserve that kind of information that's superfluous and unnecessary.

[Previous Question Reread.]

Closing

Mr. Schmitt The cost of the recording equipment and so forth when amortized over the number of hours in which it was used would not be that large. I do feel that it would be very important that we have the right to go back and to review certain testimony. Perhaps, those who are sitting on the committee at the time when they are hearing the testimony might not be interested in those particular points. They might not feel that those are relevant to the issues or germane to their subject area. But, perhaps, there is someone else who's been denied the right to be on that committee who might feel differently. Why can't he call upon this body of information? Why can't he utilize these sources of information to help prepare his position? I don't believe that anyone's views should be excluded. I don't think that the costs are going to astronomical, as others have said. As an example, if you have one four-hour hearing, the cost of your tape might run six dollars; you might have heard forty or fifty people speak on that time. As anyone who is familiar with this type of equipment knows, can be marked off as to what section this person has spoken on and it can be easily gotten to by anyone who's interested in what that person has said. This information will be very vital. I believe we will save the time of the convention as a whole if it is preserved. I move for its adoption.

[Amendment rejected unanimously.]

Amendment

Mr. Pointer Amendment No. 1 [Previous Amendment]. On page 18, line 17, after the word "punctuation" heard," and before the word "minutes" insert the following:

"Anyone wishing to be heard in a language other than the English language shall supply his own interpreter."

Explanation

Mr. Annette This is basically the same thing that Mr. Champagne offered a while ago. But, I think it's phrased a little bit better and doesn't put the burden on the committee to supply the interpreter. I also agree that we need to make it clear that people are welcome to be heard in any language other than the English language and it

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will help us in selling this. That's all my remarks. I don't think we need much debate on it. I think we just need to vote on it.

Further Discussion

Mr. Lanier Mr. Chairman, ladies and gentlemen of the convention, this amendment provides that anyone wishing to be heard in a language other than the English language shall supply his own interpreter. Now, in my particular district in Lafourche Parish we have people that speak French. In the other districts around our area we have the same thing. I see absolutely no reason whatsoever to treat these people any differently than anybody else. If they have something to say to a committee of this convention or to this convention, then the cost of transcribing what these people have to say should be taken care of by the convention. I see no reason whatsoever to make a special category for people who are unable to speak the English language through fault that is not their own. I violently oppose this proposition. We should welcome these people to come. We should take care of the expense to do it. Thank you very much, Mr. Chairman.

[Previous Question ordered. Amendment reread and rejected: *viva voce*.]

Motion

Mr. Stagg Mr. Chairman, I move the adoption of the rule as amended.

Questions

Mr. Champagne Mr. Stagg, just so I might know, if one of these French speaking individuals should ask me is he welcome to come before this committee, just what should I tell him?

Mr. Stagg Tell him that you would be most happy for him to come to any meeting, hearing of any committee, anywhere in the state and he would be welcome and would be heard.

Mr. Champagne And, if he says, "You know I can't express myself well in the English language," what should I tell him?

Mr. Stagg Tell him that if he cannot express himself in English that the committee would welcome his remarks in French and there would be a member of the committee who would help the other members of the committee understand his remarks.

Mr. Champagne That's what I had intended. Now, let me ask you one more question, if I may. Do I understand as far as my Amendment No. 2 had been proposed—in other words, there is no problem if I conduct a separate meeting within my district? In other words, I would not be accused of trying to circumvent the wishes of this committee? In other words, of this convention; is that right? In other words, I have this right?

Mr. Stagg I would think so. The delegates who live in the Fourth Congressional District have already had a public meeting at which all public officials were invited to come and give preliminary thoughts to the delegates from the Fourth Congressional District. Such a meeting was held in the Shreveport City Hall and it would be your prerogative to do it any time you wanted to, in my opinion.

Mr. Champagne In other words, you feel that it is the wishes of the convention that we do bring this constitutional proposal to the people at all levels, at all places throughout this state?

Mr. Stagg That is correct, sir.

Mr. Champagne Thank you.

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Roy]. On page 18, line 17, immediately after the word "heard," and before the word "Minutes" insert the following: "Provided, however, that any delegate shall have the right to have his views recorded."

Explanation

Mr. Roy This just clearly allows you as a delegate on a committee to have your views on any matter before it recorded without having to get a majority of the committee agree to it. It goes not further than the recording; there is no problem about having to transcribe it. I think it may be essential in a few cases and maybe that you may have some people who have seen you about a particular matter and that you may want to be able to show them at a later time that you, in fact, brought up that problem, that you expressed yourself, and it may be interesting to other people anyway. So, that's all it is for.

Questions

Mr. Avant Mr. Roy, is it the intent of your amendment that the committee shall have the responsibility of supplying the recording equipment so that any delegate who speaks may be recorded or is it the intent that the delegate if he wishes to be recorded has the responsibility of seeing to it that there is something there to record it?

Mr. Roy Well, that's a pretty tough question, Jack. I read Rule 40, 58, generally, and it can mean that apparently the committee will have available recording equipment because it provides that the committee may do so on its own. I don't think the delegate should have to supply it, but if he would, if it takes that, I think that a person ought to be able to stand on what he believes and have it recorded if he chooses, and that's all it's for.

Mr. Avant Well, the reason I asked that question, it says that they "may be recorded verbatim", and a particular committee may decide that they don't want to do that and they are not going to have any facilities to record it. Is it your intent that then, under those circumstances, you could bring your own?

Mr. Roy Yes.

Mr. Avant But, it's not your intent to require the committee to supply the recording equipment for you?

Mr. Roy Wait a second. No, I have to take that back. I'm assuming that since this rule reads like it does that each committee will have recording equipment; am I wrong on that?

Mr. Avant Well, how...

Mr. Henry Wait just a minute, gentlemen.

Mr. Roy, you are in the process—you have the floor and you answer the questions; please, don't ask any.

Mr. Roy My answer to that is that I believe the committee...each committee should have recording equipment because it's nonsensical to have Rule No. 58 if, at the time a majority of the committee says they want the committee hearing recorded, somebody says "Well, we don't have recording equipment." It doesn't make any sense. So, I think that the sense of Rule No. 58 is that each committee will have recording equipment and any one delegate will have the right to have his views recorded for whatever reason he chooses.

Mr. Avant I see. So, it's your interpretation of that sentence in Rule No. 58 "All committee meetings and hearings shall be publicized, shall be open to the public and may be recorded verbatim" is a mandate to every committee to have the equip-

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ment there to record it.

Mr. Roy Should a delegate want it or should the majority of the committee vote to record the entire proceedings.

Mr. Kelly Chris, I think I understand your...the purpose of this amendment. But, however, if I understand the rules completely, it says "Minutes of the committee meetings shall be recorded." Now, if you want a particular position shown by yourself within that committee hearing or meeting, couldn't you request that a minute entry be made of your feelings which would also give you a permanent record at that time in that proceeding?

Mr. Roy I don't know the answer to that; maybe some other person does. I thought of minutes as being that the secretary of the committee would subsequently write or record what occurred that day. Now, if it can be done like that, that's fine. All I'm wanting is the right of the delegate to be able to have his views recorded. If you want to call it a minute entry and have it done that way, that's fine with me. I just want...but the rest of the committee doesn't indicate that. It looks like that the only way you can have anything recorded verbatim is if a majority of the committee votes to do so. I'm just worried about whether your suggestion would work. If it works, it's fine. I just think we ought to be in a position to be able to defend what position we took either for ourselves or for somebody else, some special interest group that wanted something brought up and wanted to know how you voted on it, what you said about it.

Mr. Stagg Mr. Roy, I don't think too highly of your amendment, and I'm asking this question. If you feel very strongly that the views you have brought to that committee should be recorded somewhere, why is it that you could not have the chairman of the committee a typed out text of your remarks fully documented and ask that committee chairman to have your remarks placed in the minutes of the committee? The onus would then be upon you to go to the trouble to have your statement typed up and presented to the committee in that orderly fashion.

Mr. Roy Well, I think that begs the question. There would be a lot of times that something that I would think and write about prior to attending the committee meeting would be changed as a result of questions and things that were brought up. I'm going to be...when I express myself at a committee meeting, I want that expression at that time to be recorded and not something that I may have typed up that may not be relevant at the time. I don't think we, as delegates, should have the onus of going to so much trouble to get our views expressed. I don't see where it can amount to much in money or anything else to say "Flick on the recorder, I want to..." Well, I've answered Mr. Stagg's question. I don't think that we, as delegates, should have the onus of going around and typing up a bunch of stuff; some people don't have secretaries, and I don't see the utility in that.

[Previous question on order of Amendment rejected; viva voce. Previous question ordered on the rule.]

Mr. Henry You have the right to close, Mr. Stagg. Would you yield to a question from Reverend Landrum?

Mr. Stagg Yes, sir, Mr. Chairman, I will.

Questions

Mr. Landrum Tell me something. Do you think, to the best of your knowledge, that there are citizens and there are people in the State of Louisiana that do not understand the English

language? What I want to know from you: To the best of your ability, are there people in Louisiana that do not understand the English language when it is heard?

Mr. Stagg Yes, sir. There are people in Louisiana who native tongue is other than English.

Mr. Landrum And they are citizens of this state?

Mr. Stagg That is correct, sir.

Mr. Landrum Now, don't you think as taxpaying people in the State of Louisiana, then they should have a right to know what is in their constitution?

Mr. Stagg Yes, sir, I do think that.

Mr. Landrum Well, why is it that you find...

Mr. Stagg I have no proposed any such amendment, Reverend Landrum. There were gentlemen here who proposed such amendments and they were resoundingly defeated on the floor. I did not take the floor to object to them; I don't think I can be called upon to answer your question since I'm not responsible for the votes of this body.

[Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 59. Calling of Committees and Agenda. Each committee shall meet at the call of its chairman, who shall also set its agenda. One-third of the members of a committee may in writing request the chairman to call a meeting of that committee, and, upon his failure to do so within forty-eight hours not including Saturdays, Sundays, and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each proposal referred to a committee must appear on the committee's agenda at least once."

Explanation

Mr. Stagg Mr. Chairman, the purpose of this rule is simply to further the work of this convention. If members of the committee think that a meeting is required under any circumstances and the chairman does not agree that a meeting is required or necessary, then members of the committee itself may after having requested the chairman to call it, if he does not do so, then the members of the committee can call the committee into hearings...into session over the opposition of its chairman.

Amendment

Mr. Poynter Amendment proposed by Mr. Avant to the resolution as follows:
Amendment No. 1. On page 18, line 31, following the word "agenda" delete the period '.' and insert the following: ", subject to the approval of a majority of the committee."

Explanation

Mr. Avant The purpose of...Mr. Chairman and fellow delegates, the purpose of this amendment is to give a majority of the committee control over the agenda. Now, the way I read this rule, if the chairman set an agenda and it wasn't agreeable with the majority of the committee, there is nothing they could do about it. Furthermore, if he didn't call a meeting and you went through this procedure and they wrote him and then he called a meeting. They still wouldn't have the right to set the agenda because it's only if they ask him to call a meeting and he doesn't call the meeting, that then they can call it and set the agenda. The purpose of this amendment is to simply give

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the majority of the committee control over the agenda if the chairman is not operating the committee, as to its agenda, in accordance with the wishes of the majority of the committee.

[Previous Question ordered. Amendment read and adopted: 64-44. Previous Question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 60. Reports. All proposals submitted to a substantive committee shall be reported from that committee indicating committee action provided that a majority of the committee membership present and voting must approve the committee report; a minority report may also be made by any member of a substantive committee."

Explanation

Mr. Stagg Mr. Chairman, I think the rule is self-explanatory; I move it's adoption.

Amendments

Mr. Poynter Amendment as follows:

Amendment No. 1. By Mr. Poynter. On page 19, line 6, after the word "substantive" add the words "or procedural"

Amendment No. 2. On page 19, between lines 10 and 11, add the following:

"No resolution, petition, memorial or proposal shall be reported by a committee unless a public hearing on the measure first has been held by the committee. No committee shall report a measure to the Convention pursuant to a procedure, referred to as a "round robin."

Explanation

Mr. Flory Mr. Chairman and delegates, you will recall on two different occasions upon amendments that have been adopted, the question has arisen whether or not the mere signature of a majority of the committee would constitute that committee's report. There was some confusion as to whether or not the prior amendment adopted referred only to committee proposals as such, which I'm sure that it did. But, I was asked by a number of you to clarify the point as far as "round robins" are concerned. Those of you familiar with the legislative process, this has been taken word for word, and adapted to the convention, from the rules of the Senate. What it does is basically this: Many times in the past it's been possible toward the end of a session to come down and circulate a petition, and report that to the members of the committee just asking them to sign that, reporting a measure out favorably; it's been done and it's been called a "round robin." This prohibits that and just says that you have to have a public hearing and that "round robins" are prohibited. I don't believe there is any objection to it.

Questions

Mr. Burson Do I understand you to mean that each and every constitutional provision, section, or article that would come out of a committee would have to have a separate public hearing thereon, giving, for example, that we shall have a governor heading the Executive Department? Is that really necessary?

Mr. Flory Mr. Burson, it is my understanding that the purpose of the convention was to let the public participate in a drafting of the new constitution, and I believe it's provided elsewhere that for public hearings that all committee meetings shall be open to the public, etc. Yes, I would say that every measure heard by a substantive or procedural committee and reported to this convention floor would have to have a public hearing.

I think that's inherent in the rules, all the way through.

Mr. Burson You're saying "public hearing" as distinguished from "public committee meeting" for consideration.

Mr. Flory No. That's one and the same thing. The hearing constitutes the meeting because you have to have the quorum before you can have the hearing.

Mr. Burson What I want to understand is that you're saying you've got to have a hearing where you take testimony on that particular item as distinguished from just a public committee meeting where maybe nobody wants to give testimony on it. That's what I'm trying to find out.

Mr. Flory No, sir. All this says is that if a committee's considering a proposal, the public has the right to be heard. They don't have to be heard if no one appears. But, if they have the hearing, the public has a right to be heard.

Mr. Burson That's what I wanted to know.

[Previous Question ordered. Amendments read. Amendments adopted: viva voce. Previous Question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 61. Form of Reports. The Chairman of a substantive committee shall write after each proposal or resolution only the words "reported favorably," "reported unfavorably," "reported with amendments," "reported without action," "reported without action with recommendation that it be recommitted to the Committee on _____," "reported by substitute," as the case may be, which report shall be signed by the chairman. Should amendments be proposed, such amendment or amendments shall be written on a separate paper, original and two copies, numbered consecutively, and attached to the proposal or resolution, and under no circumstances shall words or sentences be interlined on the body of the measure, and the same be marked while in possession of committee.

Explanation

Mr. Stagg Mr. Chairman, I move the adoption of the amendment.

Questions

Mr. Triche Mr. Stagg, I notice in Rule No. 60, as the reference to minority report, then in Rule No. 61 which sets out what the committee report shall be, there's no reference to minority report. What I'd like to know is, what significance will a minority report have, and can you illustrate for us how it would work? I'm concerned with the mechanics of it. If a proposal comes out of the committee and is reported favorably, then we move and so advance it to third reading and so forth, when we do consider a minority report which may report it unfavorably, when would the minority report be considered, and which reports would take preference? How would the minority report reach the floor of the convention?

Mr. Stagg Mr. Triche, don't go away. On usual parliamentary procedures when a committee report is rendered, and a minority report is rendered at the same time as the majority report, the Chair would consider that the minority report is a substitute to the committee report and handle it in that fashion. That is my understanding of the way deliberative bodies such as this one operate.

Mr. Abraham Mr. Stagg, this deals with proposals that are reported out of committee. Where we say here, "should amendments be proposed, such amend-

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ments and so forth, shall be attached," I assume. I take it to mean that this means amendments that are approved by the committee, and not just any amendment that might be submitted to the committee. Is that correct?

Mr. Stagg That's correct, sir.

Mr. Drew Mr. Stagg, I questioned your explanation awhile ago that a minority report would be considered a substitute report.

Mr. Stagg Mr. Drew, it was my understanding that in the Louisiana House of Representatives, when a committee's minority report accompanies the majority report to the floor, that it is considered as a substitute to the majority report.

Mr. Drew I was under the impression you said it would be handled by the committee. Did you mean by the convention?

Mr. Stagg By the convention, sir.

Mr. Drew Another question, Mr. Stagg. I believe we adopted an amendment requiring the majority of the committee to sign committee reports; in this case, we say only "Chairman." Should we not amend it to comply with the other amendments?

Mr. Stagg Mr. Drew, it's possible that we should. Would you find that for me, and we'll look at it together?

[Previous Question ordered on the Rule.
Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 62. Notice of Committee Meetings. A. No committee meetings may be held unless notice thereof is given in the following manner: The chairman of the committee or the members of the committee calling the meeting shall notify the Secretary of the Convention of the time, date, and place of the committee meeting. Within twenty-four hours thereafter the Secretary shall mail notices of such meeting to all members of the committee, all persons who have filed written requests for notice with the Secretary, and to all members of the Convention who have introduced proposals on the subject matter to be considered. The committee hearing shall not be scheduled less than four days from the date of notice to the Secretary. This rule shall apply only when the convention is not in session.

B. Committee and subcommittee meetings while the Convention is in session may be called by the chairman or by a majority of the convention members upon twenty-four hour notice given by announcement from the floor of the Convention and by posting the notice thereof on a designated bulletin board in the vicinity of the floor of the Convention at least twenty-four hours before such meeting.

Explanation

Mr. Stagg Mr. Chairman, in reviewing these rules by the committee during the recesses, a member of the committee suggested an amendment in the way of a technical amendment in that we have in line 4, it was suggested that the word "call"...

Mr. Henry Mr. Stagg, do you have the technical amendment drawn?

Mr. Stagg Yes, sir, in my hand.

Mr. Henry Well, would you hand it up to the Clerk, please, sir?

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Stagg]. On page 20, line 4, immediately after the word "meetings" and before the word "while" insert the word

called.
Amendment No. 2. On page 20, line 6, immediately after the words "of the" and before the words "members" strike out the word "Convention" and insert in lieu thereof "committee".

Explanation

Mr. Stagg Mr. Chairman, it's a technical amendment to cure an oversight by the Rules Committee... the language was unclear about what meetings, and it simply says, "the meetings called while the convention is in session" and it was an error to say "by the majority of the members of the convention." It was erroneous. It should have said "committee members" and those are the corrections that are attempted to be supplied by the technical amendment.

[Previous Question ordered. Amendment read. Technical Amendments adopted: viva voce.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Stagg]. On page 19, line 28, immediately after the word "or" and before the words "the members"--page 19, line 28, after the word "or" and before the words "the members" insert the words "one of".
Amendment No. 2. On page 19, line 28, immediately after the word "meeting" and before the word "shall" insert the following: "under the authority of Rule 59".

Explanation

Mr. Stagg Mr. Chairman, this simply ties the language down as to the calling of those meetings, and we did in No. 59 allow members of the committee, when the chairman wouldn't call it, or didn't call it, the members of the committee could call the meeting, and the sentence would now read "The chairman of the committee or one of the members of the committee calling the meeting under the authority of Rule 59 shall notify the Secretary of the Convention," etc. It merely strengthens the language and tightens it down.

[Previous Question ordered. Technical amendments adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. De Blieux. Amendment No. 1. On page 19, line 33 after the comma ",", following the word "Secretary" and before the word "and" add the following: "the news media of the area where the committee meeting is being held."

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the committee, I think we have already agreed that we wanted to give as much public notice and publicity to these committees as possible. This just assures that everyone is notified by the news media so that they will know that this meeting is being held. I think it's good public relations that we let the news media know when we're having a meeting.

Questions

Mr. Keen Senator, I understand the purport of your amendment, and I'm in accord with giving the news media as much notice as we can concerning our meetings. But, suppose we go into an area, and for one reason or another, the committee doesn't have full information about all of the news media, and we overlook one of the members of the news media, do you consider that the failure to give notice to that particular member of the news media would have some effect upon the validity of the committee action?

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Mr. De Blieux I don't anticipate that, Mr. Kean. Of course, I think that it's going to be...we're going to have to have the cooperation of the news media in letting us know who's operating in any particular area, and might want notice. They can do that under the request because anyone requesting notice is entitled to receive it. I think that they'll give us the cooperation in letting us know who should be notified in any area where the committee's going to meet.

Mr. Womack Senator De Blieux, my question is that if I understood the amendment, it's the news media in the area where the committee meeting would be heard; is that right, or would be held?

Mr. De Blieux That's correct, Rep. Womack.

Mr. Womack Suppose, then, that you're having a committee meeting in Baton Rouge, in the area that would most likely be affected, would be affected most would be southwest Louisiana or Lafayette and Lake Charles area, and giving it to the news media in Baton Rouge might not necessarily serve the purpose. I just wonder if we've given a broad enough definition to the news media, or maybe we should define "news media" as the capitol press, and assuming then that when you give it to the capitol press, that it will cover, that releases will cover the state.

Mr. De Blieux As I understand it, the Associated Press and the United Press all have wires to each of the news agencies throughout the state, and I think if they give it to both of those, it'd be sufficient because they would get publicity throughout the state.

Mr. Womack By the same token, Senator, if you were holding a meeting in Winnsboro, you would be required to give it to the first in town which might not come out and be printed until three or four days after the meeting was held. This is the question I raise.

Mr. De Blieux Well, that's true, but that's the situation. We'll be glad when you all get daily papers up there.

Mr. Tobias Senator De Blieux, is it not true that the Committee on Public Information is charged with this? I refer specifically to Rule No. 5D, which provides that the Committee on Public Information is supposed to inform the public as to the activities of the convention, and is not the meeting of the committees one of these activities? In other words, isn't your proposal nothing but redundancy?

Mr. De Blieux I don't anticipate that because the chairman is the one that's going to be responsible for calling the meetings, and I think that either he can notify the committee who in turn is going to notify the newspapers, or else he should notify the newspapers and the other news media in the area. Now, I think that the Committee on Publicity would be of great assistance to the secretary of the convention or the secretary of the committee by furnishing him the list of all the news media in the particular area where a committee's going to be held.

Mr. Tobias Is not the proper procedure to have the chairman of the committee inform the committee on public information, and proceed by that method rather than any other?

Mr. De Blieux Well, I think it might be advisable to do that in addition to what I have requested, but we just want to be sure that nobody's left out because they didn't get notice of the meeting.

Mr. Silverberg Perhaps I misunderstood you, Senator, but did I understand you to mean that sufficient notice would be accepted if you were giving these news releases to the Associated

Press and the United Press in Baton Rouge?

Mr. De Blieux No, what I was saying, Mr. Silverberg, that if you give notice to the Associated Press, and the United Press, most likely it would reach all of the news media in the state because I believe that practically everything that disseminates, that is every kind of a vehicle you have that disseminates news has a subscription to one or the other or both of those outlets.

Mr. Silverberg Well, Senator De Blieux, I don't think...are you familiar with the makeup of the press in the State of Louisiana, if we're going to limit ourselves to the press? Let me tell you that...are you familiar with the fact there are a hundred and twenty some-odd newspapers in the State of Louisiana, and only a small handful have a lease wire such as Associated Press and United Press?

Mr. De Blieux I'm not in the newspaper field, but I am acquainted with some of the reporters that give me trouble every once in a while whenever I say something wrong, but I think that...that is, I don't know how you would do it otherwise in giving notice that way to...maybe, the capitol press or something of that sort.

That's where the Committee on Publicity can come in handy by letting the chairman know or the secretary know in which area that they have papers that may not have connections with other news media in the state as to where they can get these notices. I think that if they would file their notices or addresses, or wires or whatever they want with the secretary that then they could be assured of getting notices of these meetings that would be held in their area.

Mr. Silverberg Are you familiar with the fact that Louisiana Press Association is domiciled in Baton Rouge out at the University?

Mr. De Blieux Yes, I am.

Mr. Silverberg Are you familiar with the fact that the press of this state is very, very anxious to cooperate with this convention, and would be delighted to have the Press Association facilities used for notices of this type?

Mr. De Blieux Yes, I am, and that's the reason for my amendment because I know the press wants to cooperate with us and therefore, we want to cooperate with the press by being assured that they get these notices of these meetings.

Mr. Silverberg My whole point in asking this question is: Would you think that we can do a better job by using a facility that's statewide for notification, than just using the press as an area?

Mr. De Blieux Well, I don't know, Mr. Silverberg. I could not say that, but I do think that the people in the particular area where the committee's being held most likely would be those that would attend the committee hearing, and for that particular reason, they certainly ought to just receive notice of that through their local news media.

Point of Order

Mr. Weiss Mr. Chairman, is this not out of order? As I read this, this amendment by Senator De Blieux should be well taken care of under the Committee on Public Information which is a procedural committee and this particular rule is directed more to delegates. So, I would ask that you consider this out of order and ask that you rescind that, Senator De Blieux. Your request, it will be taken care of under the...

Mr. Henry I think that the amendment's in order. I can't guarantee that it'll pass, Dr. Weiss. But, I don't think there's anything wrong with the

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offerinn of the amendment at this time.

Further Discussion

Mr. Kean Mr. Chairman, I hesitate to rise in opposition to the amendment because it is somewhat like the one Mr. Champagne had up here. If you vote against it, you're against people making their views known in a language other than the English language. If you vote against this, you're against the news media, and that's not good these days. My part is that if you weighed the provisions of the rule, you will find that the secretary has an obligation under the rule to mail notices of such meetings to all members of the committee, all persons who have filed written requests for notice with the secretary and all members of the convention who have introduced proposals on the subject matter to be considered. Now, that's an affirmative obligation on the secretary that I think he can discharge. He knows who the members of the committee are. He knows the persons who have filed written requests for notice, and he knows who the persons are who have introduced proposals on the time for the hearing. But, for the secretary to have the obligation of notifying all the news media in the area in which the hearing is going to be held is an impossible responsibility because I don't even know what the news media consists of in many areas. We are simply imposing again upon an officer of the convention, just as we would again with the committee of the convention an impossible responsibility. Now, if the news media in an area wants to be notified or if the Press Association generally wants to be notified, all they've got to do is file a request with the secretary, and they get the notice. The failure to get that notice, in my opinion, would invalidate the committee action. But, when you give the secretary some responsibility to give notice to the news media, I think we're giving him a responsibility again that's impossible to discharge, and I would oppose the amendment for that reason and no other.

Questions

Mr. Anzalone Mr. Kean, is it your understanding of this rule that any portion of the news media that would request notification of these committee meetings would have to file one and only one request of that notice with the Secretary of the Convention?

Mr. Kean That would be my opinion, Mr. Anzalone, and all that the AP or whoever the United Press is these days, and Mr. Silverberg, for his newspaper, would file a request with the Secretary saying that we wish to be notified of all committee meetings and I think then, the Secretary has the information that he can use in discharging the duty that's imposed on him under this particular rule. Otherwise, he's at a loss as to how to comply, so I think we put at issue the validity of our hearing.

Mr. Anzalone Mr. Kean, would you yield to one more question?

So, that conceivably speaking on the first day, after these rules were adopted, any news media that wants notice of any committee meeting subsequent to that day would only have to file one and one request only.

Mr. Kean That's my understanding of the rule; yes, Sir.

[Previous Question answered.]

Closing

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the convention, I don't think it's going to be such a difficult job, and I think that we want the full cooperation of the press--and I know they want to cooperate with us--we should attempt to coop-

erate with them. All the members of the news media throughout the state are available; they are available to us; they're available to the chairman or the secretary of these committees, and that's not hard for us to learn who they are and where they are, and what area they cover. So, I just ask for your little cooperation in trying to help them in doing their job that we expect them to do. That's all this amendment would do.

[Amendment rejected: viva voce.]

Amendments

Mr. Poynter Amendments proposed by Mrs. Zervigon to the resolution as follows:

Amendment No. 1. On page 19, line 29, after the word and punctuation "date," and before the word "and" insert the word "place".

Amendment No. 2. On page 19, line 30, before the words "of the committee meeting," delete the word "place" and insert in lieu thereof the word "agenda".

Explanation

Mrs. Zervigon The effect of this amendment is that when the notices are sent out giving day, time, and place, they also include the agenda. Then, anyone wishing to testify before the committee will know what the committee is considering, and can better decide whether or not he or she wants to appear.

[Amendments reread. Previous Question ordered. Amendments adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mrs. Zervigon to the resolution as follows:

Amendment No. 1. On page 20, delete lines 2 through 10 in their entirety and insert in lieu thereof, the following:

Mrs. Zervigon has another amendment she'd prefer at this time. Also on page 20, line 1, after the words "four days" in line 1, delete the remainder of the line and insert in lieu thereof ", not counting Saturdays, Sundays and holidays, after the mailing of the notices by the secretary."

Explanation

Mrs. Zervigon I just didn't want you all to get tired of seeing me, and have my further amendment just...jeopardize this amendment. The effect of this amendment would be that anyone who's taken the time to notify the secretary that he or she is interested in being informed of committee meetings would receive a timely notice. I was a little worried that four days after the notice had been handed to the secretary including Sundays, holidays, and Saturdays, would not be adequate notice to those who had expressed enough interest to request that their names be given to the secretary.

Questions

Mr. Rayburn If you place a notice on a Thursday or a Friday in the post office, and that means we've got till four days, excluding Saturday and Sunday, we've got Monday and Tuesday. So, it would be six or seven days we have to get the notice. In my area, the mail comes to your destination on a Saturday. It might not be delivered Monday, but all the mail you receive Saturday or Sunday is delivered Monday morning. Now, you are preventing a committee from meeting for a period of six days, if this amendment is adopted; is that not true?

Mrs. Zervigon That's true. Since we have now only 11 days for committee meetings without the convention being in session and five months thereafter for committee meetings when the convention

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is in session, I don't see this as a real hold up to our activities. It isn't as if we are like the legislature where everything must be done in thirty to sixty days. I think we have time to consider everything and to let the people, that we've let know that we want here, know when we are available to hear them and let them come and address us on the subject in which they are interested.

Mr. Rayburn Would a telephone message relieve the questions you have?

Ms. Zervigon To those who filed their names on the list?

Mr. Rayburn Yes.

Ms. Zervigon If it would not overburden the secretary, I'd be glad to withdraw this and send up and [an] amendment to that effect. The problem with that is we don't know how many people whose names are going to be on the list.

Mr. Rayburn Well, I still object, I want the floor.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I'm a little concerned about a lot of things we've done since we've been here, primarily the cost of this convention. The reason I'm deeply concerned, I'm Chairman of the Finance Committee and the Budget Committee. If we continue in the pace that we've been going, we're going to spend the initial allocation trying to adopt some rules to operate under. We've got to take all this... everything everybody says we've got to transcribe it; we've got to take it verbatim. We've got to send out special notices; we've got to send them out. Now, a four day period is unknown to me as a member of the legislature. All the provisions I know of is a twenty-four hour notice. Now, if you exclude Saturdays and Sundays, you're talking about a six day period. If we are going to do everything that some of you said we're going to do--and you might here. The keep you away six days--you won't have time to perform your duties. Every notice we send out you've got to wait six days if you send it out on a Friday before you convene. I think you should think of that. I think you should think of what you're going to extend the cost of this convention meeting. You're looking at one that's got to provide the money, and I guess I'm a politician. I've been running for office for thirty-two years, if I live out this term. Thanks to the Lord I've been successful. I don't know how you people got appointed; I think I know, but I don't want to embarrass you. I've served under about five or six governors. They got elected in a political arena just like you came here. The keep you to this mike and say they're nonpolitical--oh no, that's a dirty word, a "politician". Well, I guess I'm a politician. I guess Representative Triche is a politician. I don't know how you got here; you qualified and you ran just like I ran for the office I got, unless you got appointed. Now, if you got appointed, I think we're going a little know a little about politics or you wouldn't be here. I love the Governor--Edwards; think he's a fine man. But, he got to be governor of this state by a majority vote of the people of this state. You can call him a politician or statesman or anything you want to call him. But, I think we're going a little too far in this convention with technicalities. I think we're going a little too far with commas and semicolons--and I'm no educated man. What little education I got, I got it through the hard knocks of life. I got it with the snuff dippers and tobacco chewers and those people, Mr. Champagne, you were talking about. I think we're going a little too far. We're trying to streamline this convention or we're trying to over and above the average thoughts of the people

that are going to have to approve what we do. Let me say this, if I wanted to defeat whatever you do here, all I'd have to do is get up and say it costs two hundred thousand dollars for you to adopt some rules to operate under. You ever thought of that? Fifty dollars a day for everybody here--we've been here how many days now young lady? I don't know I'm so confused; I really don't know. I think we've been here three, or four or five. Would you believe that we have spent the dollars that we have spent trying to operate or adopt some procedures or rules to operate under? This could have all been mailed out to us like we done in the legislature. Come over there and you either adopt it or reject it in one day and you've had it or not had it. You know you win or lose.

Now, you nonpoliticians don't know what I'm talking about. If we conti ue at the rate we're going, Brother Stovall,--and I admire you, don't always agree with you--and you too, Mr. Perez--we're going to use at least half the money we've got to make our studies and our deliberations trying to figure out what kind of rules we're going to operate under. Now, we've got to send out a notice--could be six days before you meet. Well, if grandma gets in trouble she calls a doctor, immediately. We've got a law in this state that says a twenty-four hour notice. I think that's adequate; I've heard no complaint. I've been in public office for twenty-eight years. The only trouble I get is because we meet, because they wonder what you're going to do to them next. There ain't nobody worried about when you meet get them notified. They would rather you wouldn't meet if you want to know the truth about it, because everytime you meet you do a little something. Now, you've got to have a six day notice before you meet--six days, believe me--if we adopt this amendment. I just think that somewhere down the line we're going to be like them railroads, TOP, LOOK, AND LISTEN--if you don't do that a train might hit you. Well, if we don't do that, the people are going to hit us, and you can believe what I'm telling you. Here we are; we came here as a bunch of people that knew what we wanted to do when we ran. We told the people that. I ran; I didn't get appointed--didn't want to be appointed--I might be asked to do it. So, there's nothing to you know. So, I decided to run, and I'm here. But, I want to say this, and I'm fixing to close, we'd better look back and look over what we're doing.

We've done some things here that's unheard of to me as far as procedure, as far as recording, as far as committee meetings, and I've had it. I'm not looking for nothing. A lot of you eager beavers that have just come here the first time, I'm for you. I want you to have some of the things I've had. I've won and I've lost. I've had it upside, downside, in the middle and without. I know it from any angle you can talk about. Served under about six governors--been with some of them, been against a lot of them. So, there's nothing you can do for me; there's no glory you can put on my head because I've had a little of all of it. If some of you people that want to be on two or three committees, I'll give you my proxy, if we can get an amendment passed where you can have a proxy, because I'm looking for nothing.

I want to do a good job for the people of this state. I want to submit a constitution that's simple where them snuff dippers and them toba lo chewers and those French people--Mr. Champagne that you're so deeply interested in--can read and understand or get somebody like Mr. Champagne to read it to them. I'm a Baptist, I married a Catholic--and I carry a little something in the back of my car most of you don't carry--I'll meet along with all of them. I'm really not everybody's sweetheart and nobody's gal, somewhere down the line I join up and walk with them, you know. But, there's a lot of people that wants to be everybody's sweetheart and nobody's gal. Those days are gone.

Mr. Henry Senator, you've about exceeded your time, sir.

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Mr. Rayburn Okay. Well, I'm fixing...I'm closing. But, I'm going to say this,--and I hadn't been to this microphone many times, I believe this is the second time I've been here to say something, I've asked a few questions--and my grandmother told me when I was a young boy, says, "son, in your endeavors in life don't talk too much; somebody might ask you to explain what you're talking about." That's why I don't talk too much. I hadn't been up here near as much as Mr. Burns, and he represents the same area I do. But, I think you should be cautious; I think you should really evaluate what you're doing because I've got to carry your fight in the legislature, and this little measly three hundred or something thousand dollars we've got I'm afraid won't apt the rules because we... every amendment I see it costs money. Then everybody that runs for office says we don't want to spend no more money; we're going to economize; we're going to save you money. I just... in closing, let me leave that one thought with you, and listen: I've got nothing against this fine lady. I think I voted for every proposal that she's had, she's won more of them than I do. I don't think it's right to say that you have got to give people at least six-days' notice before you meet. Listen, I got engaged on less than a six-days' notice. Thank you very much.

Further Discussion

Mr. Hayes I agree that we probably don't need the six days. We probably could use a faster method say like the telephone or the state police like we did before to get something...to get out a notice, if we have to get out one. But, I would suppose that we...that the hundred and five delegates probably spent more money campaigning to get down here in the legislature than I do. I would suppose that the delegates who are here to write the constitution spent more than the legislature allowed for us after we got here to write it. So, I'm in hopes that no one will use the fact that we don't have any money to write the constitution as a threat for not doing or for not giving people the opportunity to express themselves like they have come here to do. Everyone has probably spent more money than the state would probably reimburse them to get here to write it. It is my hopes that they'll have the freedom to do that without the threat of funds. It's often heard that there is a threat...there is a shortage--I'm sure that the three hundred and fifty thousand won't be enough to write the constitution--we'll go until it runs out, and if there is no more, I guess we'll have to close and go in. But, at the same time I'd like to see everybody do the very best job they can, if it takes it all to write the rules, so we just do that. We'll write the rules and we can stop it there. Sure thank you.

Further Discussion

Mr. Perez Mr. Chairman and fellow delegates, as a nonpolitician I want to stand here and help support Senator "Sixty" Rayburn in his objection to the amendment. We discussed this--the Rules Committee--quite a period of time from the particularly the hampering of the committees in calling their various meetings. Keep in mind the fact that generally we propose that there will not only be committee meetings, but subcommittee meetings all over the state and we wanted to provide a procedure whereby adequate notice could be given to people, but at the same time, not provide such a long period of time from the time that you decide to have a meeting until the time that the meeting is actually held. So let me read to you the important part of this rule as it now stands. "The Chairman of the committee shall notify the secretary of the convention of the time, date, and place for the committee hearing. Within twenty-four hours or after, the secretary shall mail out the notices of such meetings to all members. The committee hearings

shall not be scheduled less than four days from the date of delivery to the secretary. In order to be sure that ample opportunity we given to be able to deliver the matter through the mail giving a three day notice." Let me just close by saying that I've heard a lot of people come up here and say to us, "you fellows on the Rules Committee did a wonderful job, but..." and it's hardly a rule has gone by which has not had substantial amendments. I was hoping that when we passed the more important rules which have already been adopted that we might move along a little more quickly. As Senator Rayburn has said, these meetings are costing us an awful lot of money; we can always change these rules when we come back in July if they are not completely to the liking of the people here. It just seems to me that all of us should try to see if we can't move the proceedings forward more rapidly.

Further Discussion

Mr. De Bileux Mr. Chairman, ladies and gentlemen of the convention, let me say what I was going to say, I think, very briefly; let me tell you this: there'd be no more expense in giving the notice for four-days' than giving a notice for six-days'. No more time. No more expense of money other than the time. I don't know of anything that would be worse than somebody who has notified the committee that he or she wants to be heard, and then because of a holiday or something like that, not have notice and then you have your hearing, you adopt your proposals and then present him--and this individual says I gave them notice; they didn't tell me about them; and, therefore, I didn't have a chance to have my say. You've got a built-in opposition to this constitution right off the start of that. Let me tell you this--I'll answer you Mr. Perez, in this regard--this rule is for the committee hearings that will be held prior to July. After July we will not need this procedure; there's another procedure in effect. I think we need all the help and good graces of the people of the state we can get. I don't think giving them notice that we're going to have a meeting--time and notice--is bad for the relations. I'm going to ask you to go along and vote for the amendment.

[Previous Question ordered.]

Closing

Ms. Zervion In the interest of saving the convention money I'll just keep my remarks brief, and say that I have objected to the twenty-four limit because when you find out at four o'clock that you need to be in Baton Rouge for eight in the morning to appear before a committee hearing or your views won't be heard, it's very difficult to get a baby-sitter for the morning and get up here. I hope you'll favorably consider this provision.

[Amendments withheld: viva voce.]

Amendment

Mr. Poynter [Amendment by Ms. Zervion]. On page 20, delete lines 2 through 10 in their entirety and insert in lieu thereof the following: "When the Convention is in session there shall be, in addition to the above notice, further notice given by announcement of date, time, place, and agenda of the committee meeting from the floor of the Convention and by posting of same on a designated bulletin board in the vicinity of the Convention floor. A committee may call an emergency meeting obtaining consent of the Convention by a majority vote of those present and by giving forty-eight hours notice as described above."

Explanation

Ms. Zervion This amendment speaks to my same

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concern. I want us to be able to hear the citizen lobbyists who have expressed an interest in coming to speak to us. There are several citizen groups that I know of that are doing research right now that will be of value to us; the League of Women Voters, the Junior Chamber of Commerce--just to name two. It's very difficult to get your affairs in order and get up here on twenty-four hours' notice. There is no provision as I understand it for mail notice while we're in session. I'd just like to be able to hear all of these folks while we're in session as well as before we convene in July.

Mr. Henry Lady sends up amendments and moves the adoption of the same.

Now, I'd just like for you to read that one more time, Mr. Clerk, because I'm not sure I understand it. If I appreciate what it said, and I know I'm not supposed to comment like this, but it appears to me we're going to have to give about four days' notice on this one, Ms. Zervignon, before we can have a committee hearing while we're in session. I may misunderstand it...I just...I think we should read it again.

[Amendment reread.]

Mr. Henry Now, Ms. Zervignon, if you will allow me the opportunity to comment here, and I'm not trying to kill your amendment, but we're going to assure that there's an abundance of notice on these. I think that you really might hamstring the working of the Convention when you put that forty-eight hour proposition. Now, the Clerk and I just looked at this a minute ago, and there is the possibility it would even require four days when you read all of the rules together on calling such a meeting. I'm not trying to take advantage of you, but I don't think that's what you want to do, is it? You want...

Ms. Zervignon What I want to accomplish is when the committees are working smoothly and logically and have their work planned out, they may give four days' notice. If they find an emergency arises, by the consent of the Convention they could give forty-eight hours. If you want me to withdraw it, submit it...

Mr. Henry No, ma'am, Ms. Zervignon. I have exceeded my latitude, and I apologize to you for it. But, I just wanted to make sure that I understood it.

Further Discussion

Mr. Kilpatrick Mr. Chairman, members of this Committee, this is in essence the same thing that the previous amendment said; this is a bad amendment. It would take four days to get all of us here. In the legislature we post these bills on the bulletin board, the press, the T.V. picks it up, and we only have twenty-four hours for a lot of people to come to Baton Rouge to talk about certain things that they are interested in. We don't need all this time. The Rules Committee has adequately gone over this. I've heard the word "nit-picking" and other words here in this auditorium. I feel like it's time for us to move on with these rules that the temporary Rules Committee has placed before us. We've spent a lot of time here; you are all capable men and women; otherwise, you wouldn't be here. Now, each man here could come up here and through a technicality could challenge any sentence, or paragraph, or rule, that has been presented to this body by this temporary Rules Committee. I think that we're doing some things here that would hurt this convention; we don't need all this time. I ask you to defeat this bill and let's go on with this adoption of these rules and regulations and let's move this convention on along--it's five o'clock here now. I think it's time for us to start really reading these and, when we do have our amendments to come up here, let's have them so that we won't

be challenging something that's not going to be workable in this Constitutional Convention. We're going to have to sell this to the people--and as Senator Rayburn said--this convention is drawing out here into a long, lengthy, expensive session because of these people coming up here to this mike and taking a lot of time. I've been up here the first time. I could have been up here like many of you, a hundred times to challenge different things that were said in these temporary rules. Most of them were defeated. But, let's get on with sowing and let's defeat this one. I thank you.

[Previous Question ordered.]

Closing

Ms. Zervignon The point I wanted to make is that this is not a legislative session; this is a Constitutional Convention. We have more time to plan out our work, more time to consider things. The document that we're supposed to write is supposed to last a hundred years. We want to make certain that the people who we have invited to speak have time to get their affairs in order and address us. If anyone has a substitute proposal that would accomplish this, I would be glad to withdraw it and submit their proposals, but I'm afraid that twenty-four hours' notice is not adequate for people who are not paid lobbyists or delegates to the convention. Thank you, Mr. Chairman.

[Amendment reread and rejected: viva voce.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. De Blieux]. On page 20, line 8 after the word "hereof" add the following: "together with an agenda of the matters to be heard."

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen, this is just to let the people and the members of the committee and other people know what's going to come up before the committee when the Convention is in session, and you post a notice of the meeting. I don't see much reason for posting a notice that a committee is going to meet unless you can tell the people what it's going to meet about. I've been in legislative committee meetings in which a committee meeting was held, and somebody wants to be heard on a bill and then after you call a bill the chairman says well, I've told somebody else they're going to be heard on that bill next week; we won't hear it today. You attend the meeting; people outside the convention will be attending meetings without knowing what's going to come before the committee. This is just to let the chairman and the committee members post their agenda whenever they post a notice of the meeting. That's all it's about, so the public can be informed. I think we've got to take the public into confidence.

Questions

Mr. Rayburn Senator De Blieux, would this apply to any amendment or anything that might come up that some member of the committee might offer to something that had been advertised? If there was an amendment, it might change the structure of the original procedure or the original act? Would your amendment apply to that?

Mr. De Blieux No, Senator Rayburn, this is just a subject matter that's going to be heard at that particular time. As you well know, that these committees will be hearing various proposals on a lot of subject matters, and this just allows the committee or requires the committee to post the subject matter which will be taken up at the

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committee meeting. We certainly can't take into consideration every amendment which might be offered.

Mr. Rayburn It does not prevent the committee from taking up any amendment that might change the subject matter?

Mr. De Blieux Not at all.

Mr. LeBreton Senator, with reference to details of your amendment, would it be possible to discuss something that was not on the agenda?

Mr. De Blieux Representative LeBreton, I don't believe in hiding things from the people. I think you ought to let them know what you're going to discuss. That's the only purpose of it. If you're going to not post your agenda and not let them know what it is, yes, it's possible for you to take up matters that wouldn't be listed that way. But, I don't think we ought to do it.

Mr. LeBreton What do you conceive that we'll have? Subject matters—like we'll take up something with reference to Judiciary or would it pin point the matter? I'm a little lost as to what you mean by putting on your agenda.

Mr. De Blieux Well, at this particular time you're going to have numerous proposals. You're going to have resolutions that they're going to be referred to the committee for action and hearing. This is why the convention is actually in hearing; this is not the committees outside of the convention we're speaking about now. So, therefore, you have a proposal; you'll list on your agenda Proposal No. so-and-so by the Committee will be heard. Or Proposal No. so-and-so by Representative LeBreton will be heard. Resolution No. so-and-so will be heard. That's the only thing you have to be required to do is just post your agenda that the matters that are going to come up.

Mr. LeBreton Well, I don't know whether your idea is good or bad, but the only thought that occurred to me that it could be hamstringing the committee so much that they couldn't get their work done, or we will be putting so much on the agenda that maybe we wouldn't get to it. In other words, I could conceive as a committee chairman—saying well, gee, I don't know whether this bill is going to take thirty minutes or two hours, so I'll put twenty matters on just to be sure and get my work done. I think this is just another matter of hamstringing the committee. Let the committees run, you know, the way a good committee should be run.

Mr. Henry Mr. LeBreton, please sir, ask your questions rather than making a statement please.

Mr. LeBreton My question is that I think that we're just going to hamstring the committee by making them put an agenda.

Mr. De Blieux Mr. LeBreton, one of the things we have to be assured of that we're not running this convention for the benefit of the delegates. We're going to have to run this convention for the benefit of the public. I'm thinking about giving the public a chance to be heard.

[Previous question ordered. Amendment rejected, *viva voce*, Previous Question ordered on the Rule. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 63. Subcommittees. A committee, by the affirmative vote of the majority of its members, may provide for the appointment by the committee chairman of subcommittees composed of members of the committee. Reports of

subcommittees shall be considered by the entire committee before any committee recommends any action thereon by the convention. All rules applicable to committees shall be applicable to subcommittees."

[Previous Question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 64. Records. All written records and reports of committees of the convention shall be subject to the provisions of the Public Records Act."

Question

Mr. Weiss May we embryonic delegates have a copy of the Public Records Act?

Mr. Stagg Yes. The secretary of state's office will be asked to furnish you with one. I'll do it myself.

[Previous Question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Committee of the Whole. "Rule No. 65. Procedure. The convention by a majority vote of the delegates present and voting may resolve itself into a Committee of the Whole for a specified time and purpose. The motion of the Committee of the Whole shall specify the maximum time during which the Committee shall sit.

(A) The chairman shall designate a delegate to serve as chairman of the Committee of the Whole. The rules of procedure of the convention shall apply insofar as applicable, except that delegates may speak more than once unless the chairman imposes limits on debate, actions will be governed by a majority of those present and voting, matters cannot be referred to other committees, no question may be laid on the table, the previous question cannot be ordered, and motions to adjourn will not be entertained.

(B) Proposals in the Committee of the Whole shall be read through, debated and acted upon by sections. All amendments shall be in writing and reported to the convention by the chairman.

(C) A motion that the Committee of the Whole rise shall always be in order unless a delegate is speaking or a vote is being taken. The motion is not debatable and shall be decided by a majority vote of those present and voting."

[Previous Question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter Chapter 6. Transaction of Business; Daily Business.

"Rule No. 66. Order. The daily business of the convention shall proceed as follows:

Morning Hour

1. Roll call.
2. Prayer.
3. Reading and adoption of Journal.
4. Petitions, Memorials, and Communications.
5. Introduction of resolutions.
6. Report of Committees.
7. Proposals on Introduction and First Reading.
8. Resolutions on Second Reading and Referral.
9. Proposals on Second Reading and Referral.
10. Reports of Committees Lying Over.
11. Reconsideration.

Regular Order of the Day

12. Unfinished Business.
13. Special Order.
14. Resolutions on Third Reading and Final Passage.
15. Proposals on Third Reading and Final Passage.

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16. Proposals on Calendar for Approval of Final Styling.

Amendment

Mr. Poynter Mr. Toca sends up the following amendment:

Amendment No. 1. On page 21, between lines 18 and 19 insert the following:
"2A. Pledge of Allegiance".

[Previous Question ordered. Technical Amendment adopted *viva voce*. Previous question ordered on the Rule. Rule adopted *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 67. Change in Daily Order. The order of daily business set forth in the above rule shall be adhered to unless the consent of the convention shall be otherwise given by majority vote of the delegates present."

[Previous question ordered. Rule adopted *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 68. Time of Committee Referral. Where appropriate, all petitions and memorials shall be referred to the proper committee by the chairman as soon as read, where reference may be necessary or is requested by a delegate."

[Previous Question ordered. Rule adopted *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 69. Privileged Motions. When a question is under debate, no motion shall be received except:

1. To fix the time to which to adjourn.
2. To adjourn.
3. To take a recess.
4. To call for the Orders of the Day.
5. To lay on the table.
6. For a call of the Convention.
7. To limit debate.
8. To move the previous question on the entire subject matter.
9. To move the previous question.
10. To postpone to a day certain.
11. To commit, refer, or recommit.
12. To amend.
13. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order in which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question and the previous question on the entire subject matter shall require a vote of two-thirds of the delegates present and voting, and a motion to postpone indefinitely requires the affirmative vote of a majority of the delegates to the convention. When a recess is taken while a question is pending, consideration of such question shall be resumed when the convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, any pending amendments to the proposal shall first be in order before any vote is taken on any such motion."

Amendments

Mr. Poynter Amendment proposed by Mr. Rayburn and Mr. Finn to the resolution:
Amendment No. 1. On page 22, line 26, after

the word "voting," and before the words "a motion" strike out the words "except that";
Amendment No. 2. On page 22, line 28, after the words "vote of" strike out the words "two-thirds" and insert in lieu thereof the words "a majority".

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, you've just heard some thirteen procedural suggestions made by the Rules Committee. My amendments simply say in one of the suggestions that we scratch the "two-thirds vote" for a previous question motion and leave that to a majority vote. That's the only instance I see where they require a two-thirds vote. I don't know how many of you got a two-thirds vote to come here, but I wasn't quite that fortunate. I almost made it, but it wasn't quite two-thirds. I believe in the democratic form of government. I believe in the majority rule. I think you believe in that. That's the democratic process that I have known from babyhood, childhood, to manhood. I can see with all the commotion that we have here where a minority group could keep us here time and time again when we didn't need to be here. I think that we should strike the "two-thirds" out and insert in lieu thereof--and that's what this amendment does--that "a majority" vote shall prevail. Maybe you don't agree with me, I don't know. But, I know how you got here--all you that ran--and I know how I got here. If they would have had a two-thirds vote, some of you might not have made it--some of us, let me say, might not have made it. I have heard no valid reasons from the Rules Committee as to why with thirteen rules they propose that on the previous question we had to have a two-thirds vote. We've been here several days and that rule has not been in order, and the previous question has been offered most often. I'm a great believer in a majority rule. I know a few two-thirds rules that we've got in this state that's got us in trouble. If we're going to go by a two-thirds rule, let's say you've got to get two-thirds of the vote to come here--which I know is not right, and you know is not right. I'm not trying to cut off any delegates and shut me up here. If I can't convince you--a majority of you--I'll never ask for two-thirds or one-third or a minority to let me continue to speak, 'cause if I can't convince a majority, I need to sit down anyway.
I move the adoption of the amendment.

Question

Mr. Burson Senator Rayburn, am I correct in understanding the purpose of your amendment's to prevent one more than one-third of this convention from filibustering and continuing debate?

Mr. Rayburn That is the purpose of my amendment, Mr. Burson. You are exactly right.

Further Discussion

Mr. Arnette Mr. Chairman and delegates, I just have a few points I'd like to make on this particular motion, this particular amendment. I'd like to point out that I'm emphatically opposed to this amendment for several reasons. All these reasons were brought out at the Rules Committee meeting, and we decided to accept this "two-thirds" vote of the delegates to require that...two-thirds vote required to cut off debate. Some of these reasons--of course, I can't put my reasons as well as Senator Rayburn. Some of those heretofore a nonpolitician; I guess I'm a politician now, so maybe I'd better learn how to put myself a little bit better. But, one of the main things that we need to consider here is this constitution is intended to last a long time. But, before we have a constitution that's going to last a long time, we need to have this thing passed at the polls. The way we ran pass this particular con-

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stitution at the polls, is give the minority at this convention a chance to be heard. This is one of the main considerations of not letting a majority cut off debate. Before someone can come up here and shut off debate, I think it should require a two-thirds vote because, perhaps, there is sometimes that maybe three or four votes would be the majority to cut off debate... We need a two-thirds vote required because if a majority could cut off debate, perhaps if debate were not cut off this majority would have voted the other way or would decide to vote the other way if they would hear the other side. But, the present way that we are conducting business, and I'm sure it will be conducted this way at the convention is that people will be recognized in the order that they raise their hand and that the Chairman sees them. Now, it could happen that six or seven people speaking on the same side of one issue could be heard; people would get tired of listening to it and vote for the previous question 'cause they haven't heard any opposition. Well, I think this opposition ought to have a chance to be heard. This is the main thrust of what the Rules Committee did this time. In another way, I think that these people that are at this convention, most of them are not legislators. The legislature and the legislators don't vote for the previous question very often, and the reason they don't is because they know that if they cut off somebody now, they might get cut off later on. But, there are people here, that the Chairman sees, that are legislators and they don't have this particular fear at this time. So, they would be more inclined to vote for the previous question. So, I say we need this little additional safeguard of a two-thirds vote required. Now, there are other safeguards to prevent lengthy debate. An example of that is the fifteen minute limitation on speaking limits to the debate in its entirety. You can move to limit debate to, say, three hours on a particular issue, if you wish. All these things can be done, but I think the minority should have a right to be heard.

Delegate Leithman in the Chair

Questions

Mr. Roy Mr. Annette, I understand your position, but isn't it a fact that when the temporary Rules Committee first met that everybody on it was generally afraid of the thought and the words that would go into that this convention was going to be a stacked convention, and that's the reason that you all had that two-thirds rule, and it really isn't necessary at this time because of all the built-in protection that has not been put on the convention and that we don't really need a two-thirds amendment vote?

Mr. Annette Well, Mr. Roy, if I felt that way, that this two-thirds vote wasn't needed, I wouldn't be up here talking for a two-thirds vote being needed.

Mr. Jenkins Mr. Annette, Senator Rayburn suggested that any delegate should be able to convince this body that he should be able to be heard before the vote on whether to cut off debate. But, isn't it correct that when someone makes a motion for the previous question no debate is in order, so that no one can even be heard on the issue of whether or not he should be allowed to talk on that particular issue?

Mr. Annette Mr. Jenkins, of course, you're right. The Senator made his point very clear that he would probably convince anyone if he got a chance to talk. Well, I'll agree. I think someone here could convince the majority if he got a chance to talk. But, the thing about it is he wouldn't get a chance to talk. When you move the previous question, there's no debate. You just sit up there and you vote whether you want to vote on cutting off debate or not. I think that particular two-thirds vote is necessary to give everyone a

chance to try to convince the majority.

Mr. Roy You realize, Mr. Annette, that what you are creating is a name when you combine it with Rule 85 when you move to suspend the rules. It takes only two-thirds of those present and voting or a majority of the delegates, whichever is the lesser number, so all you do is move to suspend the rules?

Mr. Annette It's possible that you could go the route. Of course, there are some people that want to amend that particular rule on suspending the rules. So, we might not end up with that same particular rule on suspending the rules.

Mr. Schmitt Isn't it true that Robert's Rules of Order, under which we've been acting up to the present time, uses the two-thirds vote in this particular instance and not the one-half as the amendment?

Mr. Annette Mr. Schmitt, you're exactly right on that, and that's one point I forgot to bring on in my initial address, that we haven't had any trouble with having a two-thirds vote. When the majority or when the sense of the convention was to cut off debate, we haven't had any problem getting a two-thirds vote. The previous question has only failed, say, two or three times out of the ten or twelve times it's been proposed. So, I think we've been doing all right with a two-thirds vote, and I think we need to keep it.

Further Discussion

Mr. J. Jackson Mr. Chairman, fellow delegates, I would want to caution you about the amendment as proposed by Senator Rayburn. I think that if this convention is going to succeed in terms of getting full discussion from all viewpoints on the subject matter being discussed, that we ought to at least not make it such an easy winner, such an easy fare, to move the previous question. I would suggest that you that it's as Mr. Jenkins has said, it's not a debatable issue. That is a technique that is used to, one, not only limit debate on an amendment, but you're talking about on the entire subject matter. You're also talking about postponing indefinitely, which means that it's going to require tremendous effort and votes on your part to suspend the rules to get a reconsideration. I think that this is the substance, this is the meat of this whole convention. Will everybody have the opportunity to express themselves? I'm not suggesting that this rule was basically put in to protect minorities and blacks. I'm suggesting that the Rules Committee, in their wisdom, put this rule in to allow every delegate--no matter what his viewpoint is--to express himself. I would caution you very seriously that before you vote that you give some deep consideration to this amendment. I would also say that when you do vote on this matter that remember, it is a non-debatable issue, and that it does not allow and it limits tremendously, and it can be used in any way as to cut off not only discussion, as I said beforehand, on a particular amendment, but I'm talking about on the whole proposition. In that light, I seriously rise and ask that you defeat this amendment.

Chairman Henry in the Chair

Questions

Mr. Velazquez Representative Jackson, don't you think that in voting against the amendment we take a stand to let all views be heard--the views of the majority as well as the views of the minority--the views of all sections of the State?

Mr. J. Jackson I'll let Mr. Velazquez

Mr. Velazquez Thank you very much, Mr. Jackson.

Further Discussion

Mr. Womeck Mr. Chairman, fellow delegates, I want to explain how the Subcommittee on Committees happened to so wisely adopt this rule. The subcommittee voted by a majority vote against the two-thirds. I guess I'm the culprit. About the time we had everything done--all the work done--and it was just a matter of wrapping up and putting the final touch to it, I left when probably I shouldn't have and went on to a prior commitment--I don't remember now, I believe late Sunday night or whenever it might have been, but anytime, it was at a late hour--assuming that the final touch was going to be put. If you had had a two-thirds rule for reconsideration, it would never have been reconsidered. One of the young men who pushed so hard for it, that was convinced that you needed by all means a two-thirds, came and told me, he said, "I have completely changed my position and my idea." After having served not quite as long as Senator Rayburn, but in my fifth administration in the House, I have found that about twenty or twenty-five percent of the people are against shutting off debate, I don't care what you're debating. Just say that basically I have a philosophy that everybody ought to be able to talk as long as they want to talk. So, if you get a simple majority to cut off debate, there is a good odds that you've got at least an eighty percent majority of those that have made up their mind. I think nothing in the world could be more convincing that maybe a simple majority is all you need to cut off debate, than the process we've gone through here in the adoption of these rules. We've only used--or will have within the next few minutes--roughly eight hundred and sixty-five thousand feet of tape. I remember very well that the Mafia Committee used roughly five million feet of tape. Like this, it was very important because the Judges, the Supreme Court, the Pope, Chairman of the Baptist Convention, everybody else was going to have to look at that tape in the future. That tape has been locked up in the legislative auditor's office--that some five million feet--since the day of the adjournment of the Mafia Committee. Until this time, nobody has ever looked at it yet. So, I'm just telling you that some of the things that we are convinced are so holy may not be quite as important. I think in the essence of moving on, that if you get a simple majority, you've already got a two-thirds or a three fourths, and there's a number of times when the delegates to a committee, a subcommittee, or convention are going to be convinced that their mind is made up beyond any question. They are going to be ready to vote "cause there's going to be enough people to say that, what he said a while ago, "I'm not going to shut off debate, because if I shut off debate on him, I'll be the victim of shutting off debate tomorrow." There's a fair chance if you get twenty-five percent to shut off debate you've got enough to overwhelmingly carry the side that the shutting off debate was on. This not being able to shut off debate has cost us many, many hours of work in the House that we wouldn't have had. It's cost, to a great extent, two or three hundred bills not to get final action in the last regular session of the legislature. What I'm saying to you now, I don't want to shut off anything that's worthwhile; nobody else wants to. I go back to what I mentioned to the speaker a while ago, it's his job to maintain order. It's your job as a speaker to maintain attention. In your debating, if you're offering something that you can capture the attention of the delegates, and you're contributing something to the issue at hand, I don't think you'll ever have a problem with the simple majority in an attempt to cut off debate. Thank you.

[Adjournment at 10:00 o'clock a.m.,
Thursday, January 18, 1973.]

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Thursday, January 18, 1973

ROLL CALL

[117 Members present and a quorum.]

PRAYER

Mr. Warren Let us all bow our heads; as we come in his own way pray. Father in heaven, as we each today, a long day that appears to be hectic... I spent many hours with the Lord last night and I didn't know I was going to be called to pray... I'm asking You, Heavenly Father, that to find us and every one of us here that our hearts may deal with each other as we would have each other deal with us. Let us be brothers and sisters in love. Let us think about the unborn generations that will have to live with this constitution. Let no man, no woman come in here and believe that he should stop anyone from having a vote. I'm going to pray and ask You, Heavenly Father, to find us and keep us; then and many other blessings I ask in the name of Jesus and for his sake. Amen.

PLEDGE OF ALLEGIANCE

RESOLUTIONS ON FINAL PASSAGE

Amendments

Mr. Poynter Amendments sent up by Mr. Rayburn and Mr. Ginn to Rule No. 69.

Amendment No. 1. On page 22, line 26, after the word "voting" and before the words "a motion" strike out the words "except that"

Amendment No. 2. On page 22, line 28, after the words "vote of" strike out the word "two-thirds" and insert in lieu thereof the words "a majority".

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, these amendments simply strike out the two-thirds vote and insert in lieu thereof "a majority." I believe the Rules Committee came up with some thirteen motions that could be made if we adopt the rules. This is the only one that I noticed that requires a two-thirds vote. Personally, I cannot see any need for a two-thirds vote; maybe you can, but I cannot. I can see, however, where a two-thirds if it's left in the rules could cause us to stay here hour after hour when we really... it really wouldn't be necessary. So, that's my purpose of the amendments. I think they are good amendments; you may differ with me. But, certainly that's why we are here. I can see where if I wanted to prolong this I would try to get me four or five people and get their name on the list and we'd just keep on talking. I've seen that done before, knowing all the time we didn't have a chance and we were going to get beat, but just trying to confuse the matter. I think a majority vote is a democratic way of doing things and that's why I offered the amendments.

Further Discussion

Mr. DeBlieux Mr. Chairman, ladies and gentlemen of the convention, I oppose this amendment and I would like to tell you the reasons why I'm opposed to it. There is a difference between the rules we adopted here and the rules we have in the legislature. In the Senate, which Senator Rayburn and I served in, we do not have any limitation on debate; you have to vote for a limitation. Here every delegate is limited to fifteen minutes and that can only be extended by a vote of this convention. Therefore, there is no possibility of absolutely filibustering something to death, as we see it. But, I can certainly see this, that if you get three or four people on one side of an issue with the last one agreeing to ask for the previous question and the other side not having been heard, you can certainly cut off your opposition. We should have a

a free convention. We should have a convention in which everyone is allowed to speak his piece. Let me tell you one of the biggest dangers in this. Suppose you want to get the floor to offer an amendment. If somebody calls for the previous question before you have had a chance to offer your amendment, which may make a lot of difference in the subject matter as whether or not it's approved or rejected, you will not have a chance if somebody asks for the previous question previous to the time that you wanted the floor. Now, I've been serving in that legislature a long, long time. I don't believe I've ever tried to keep somebody from having their say. I might not agree with them. I might not want to hear what they say. But, certainly I think they have as much right to be heard as I do. I'll fight as long as I possibly can for their right to say it. I just think if we are going to have a free, open convention and after all let's remember this, ladies and gentlemen, in the legislature we can correct the errors and mistakes we make from year to year. But, if we adopt the type of constitution which I think that we will adopt, it may be a long, long time, much longer than this fifty years, before we have another constitutional convention. So, let's be careful and try to not make waste with haste but put down something that will last us a long, long time by carefully considering and hearing everybody's viewpoints on it before we come to a conclusion. I do not think that two-thirds vote necessary to cut off debate is too much to ask of the convention delegates. So, I ask you, let's reject this amendment and keep the two-thirds rule. We are not going to kill anything with a two-thirds rule, I can tell you that right now.

Further Discussion

Mr. Fulco Mr. Chairman and fellow delegates, if I had been called yesterday before adjournment to speak on this subject, I would have passed because I thought maybe it might have made us all feel good to have heard somebody say "pass," and not come up and take up unnecessarily so, the valuable time of this convention. I think everyone should come before the microphone and express his or her views concerning any rule that we are considering at this time. But, I think like some of the other speakers before me have expressed, that a lot of us come up unnecessarily and sometimes too often. We have kept score on the appearance of some of the delegates before this microphone in some of the days that have passed. We have found that some have come up as many as ten times in one day. I think that is all right. I think they also have a perfect right to. But, I think we should also consider the other delegates of this convention. We should be considerate of the fact that they too have a sincere and genuine interest in this convention. They, too, would like to come to the mike but they don't feel that they have anything that is extremely important and effective insofar as the rule is concerned and, therefore, prefer not to come up. Now, I don't intend to take up too much of your time but I have wanted to say that regarding this rule in particular that we don't want to cut off anybody from debate. But, if we allow what has existed thus far in this convention to continue in the future, there is no telling how long it will take to write a constitution for the people of this state. We have had long sessions and none necessarily so. But, if we didn't have a rule that would allow us to cut off debate by a simple majority, there is a possibility that there is no telling how long it would take us to conclude the work of this convention. So, I, therefore, appeal to you to strike out the two-thirds rule if you're present and let's go with the simple majority. Let's be considerate of each other. Let's realize that the Rules Committee prepared these rules with several days here we are in the third week and we are not yet completed with our work in the rules. So, let's be considerate of each other. Let's appreciate the work that the Rules Committee has done and let's try to confine ourselves to the necessity of speaking to this microphone to discuss the rule. Let's vote for a majority cutoff in debate. Thank you.

Further Discussion

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Mr. Drew Mr. Chairman, ladies and gentlemen of the Convention, there is much merit in the arguments of the proponents of this amendment to reduce this vote to a majority vote. I can see there is merit in that. I have one point to make though in opposition to this amendment. First, I think that we are entitled to full discussion of all questions. But, the basic reason that I was the major proponent of this in committee, and it was by a divided vote in that committee, is the public image that we may give; we've heard a lot about it ever since the beginning of this convention. If this gag rule is permitted to operate with a simple majority and not allow the public of Louisiana to see full discussion on both sides of the question, it could easily be the factor that would reject the entire proposal. I urge you to defeat it. Let's show the public that we are going to give them the benefit of everybody's opinion. Thank you.

Delegate Leithman in the Chair

Further Discussion

Mr. Burson I'm sure in that box score that Mr. Fulco has been keeping, I'm probably one of the leaders. So, you may be surprised that I'm up here to speak in favor of the limitation on debate. So, if things continue the way they are going, I would probably be getting cut off more than just about anybody. My reasons are basically that if this were the best of all possible worlds and we had five years to work on writing a new constitution, we could afford to talk until everybody was out of breath. But, we have got a year's time in which to do this work, and I think many processes of learning and discussion which will be going on other than the floor of the convention. We should all be doing homework, reading in the areas of interest. We'll have committee meetings where people can have their say. As you know, we've had many, many informal discussions in the hotel over dinner and these will continue. So, the floor of the convention and the debate process is the only means for exchanging information. It's been brought out that we do have a limitation on debate of fifteen minutes per person. But, do you realize that an interest group that wanted to stall this convention, if it would organize only thirty-two people with fifteen minutes apiece, that would take eight hours of debate? Do you all realize that we've got in Rule No. 85 the right given and I have an amendment which I hope will change that, but I don't know whether it will yet—under Rule No. 85 we allow anyone to ask for reconsideration of any measure even if he voted on the losing side so that theoretically if the measure were defeated, let's say, by a vote of ninety to thirty that as soon as it were defeated somebody on the losing side could get a thirty—could get up here and move for reconsideration. You'll remember when Mr. Stinson moved for reconsideration the other day the Chairman pointed out to us that the motion for reconsideration is debatable. You can debate the merits of the matter that's under reconsideration. So, theoretically and very possibly we could be debating an issue that the overwhelming majority of this convention had already decided two or three different times, at fifteen minutes a man. The only way we could cut off debate would be by a two-thirds vote. I submit to you that it may off at the end down in the dog days in September, November and December make it impossible for us to finish our work. After all, it is not a debating society, it is a constitutional convention. I think that the public is likely to be as concerned about those of us that take too much time talking as they are about not having the full discussion and debate. I think a lot of that full public discussion I'm going to occur in our committees. I'll just close by referring to the argument on minority rights which I probably the strongest argument that's been advanced on keeping this thing at two-thirds. But, I would remind you that you will all recall some years ago hearing a great deal on faith and belief about a minority of authors members in the United States Senate that managed to

thwart the will of the overwhelming majority of the House of Representatives and of the Senate for years on the question of the passage of Civil Rights Acts by filibustering. Please, let's not have that same kind of thwarting of the will of the majority to go on in this convention, by interminable debate.

Further Discussion

Mr. Ginn Ladies and gentlemen, the purpose of this amendment is not necessarily to suppress debate or prevent amendments at all because I feel our Chairman has been exerting leadership and he's been very cooperative. He keeps a list of those of these amendments, and I don't think we have that fear of ignoring someone's amendment. We have been using the majority vote in this very convention; we've been using it. You out there have been voting for it. Robert's Rules of Order, page 111, says Congress uses it. Mason's Manual, page 235, says that legislative bodies and governmental bodies use it. The Louisiana House uses the majority; you that are representatives have voted for it. Senators here have voted for it in the Louisiana Senate. So, I feel we ought to use it here in this convention. One comment was that there is a difference between the previous question on pending matter and on the entire subject matter. Then, if you'll read our rules I don't feel that we have a fear of affecting an entire article because Rule No. 45, pages 13 and 14 provide for a section by section consideration. I would like to concur with Mr. Burson; I believe in rights for everyone. But, do you also think it's right for a minority to thwart the wishes of the majority of this convention? Do you think that a handful of men can stop the purposes of the rest of the gentlemen and ladies here? I would think that the majority are losing some of their rights. One of the main reasons is that after we deliberate for a long time, you hear both sides two or three times, we waste time, we're wasting the taxpayers money—down here—you've heard a lot of talk about money—our minds are already made up, we know how we're going to vote, so why waste time? I appreciate your consideration.

Questions

Mr. Velazquez Don't you feel that the best method for what was initially a minority opinion to become a majority opinion is through open debate and through consideration of all the issues rather than having a shutoff in debate?

Mr. Ginn Well, considering the shut off, a majority can also prevent it—the previous question—not only pass it. But, everyone is getting their chance to speak; Bubba is calling on them; the Clerk is keeping the list up there; I don't think we have that fear.

Mr. Velazquez Do you really think that we have a concrete majority here or do we have a changing majority? I've noticed many of these votes and it seems to me that the majority isn't always the same people.

Mr. Ginn Well, that's true; that proves that we have an independent convention.

Mr. Velazquez Wouldn't you say that if you want to keep it independent, then you have to continue to keep the two-thirds rule?

Mr. Ginn No, I don't.

Mr. Velazquez I can't see how you say you want to hear everyone's opinion; you want to hear all sides. But, once you reach a point where a certain number of people have spoken, you want to cut off debate entirely.

Mr. Ginn Well, there you go again. If the majority wishes to not have the previous question, they can vote accordingly.

Mr. Velazquez Then you must believe then that a

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majority is concrete; that the people who comprise the majority on a point today will necessarily be a majority on the point ten minutes from now.

Mr. Ginn That may be true.

Mr. Velazquez Haven't you noticed a trend that we tend to either vote yes or no here in hopes that when a series of questions are brought before the body, the body will vote yes for a period of time? Then, there will be a break and the body will vote no. Then, there will be a break and the body will vote yes. But, the body very seldom alternates between yes and no.

Mr. Ginn Well, that may be concerning different issues.

Mr. Velazquez It seems to me...wouldn't you say that the issue point is somewhat different from the concrete majority point?

Mr. Ginn Well, that's one of the main purposes that I'm supporting the previous question, if you follow my line of thinking.

Mr. Velazquez I believe...do you believe that following your line of thinking you should necessarily come to the conclusion that you've come to?

Mr. Ginn Well, I'd appreciate your support.

Chairman Henry in the Chair

Further Discussion

Mr. Jack Mr. Chairman and members of the convention, I want to bring out one or two points. First, I want to mention that I'm for this amendment. I don't think we need a two-thirds rule in this instance. Now, this is not like a legislature. We are going to do all the committee work and everybody is going to have the results before...beginning July 5, the convention is going to take all the material from the eight committees. Now, if any place you'd need the two-thirds, it would be a legislature, not here. In the legislature unless you are on a committee, you don't see that bill till it hits the floor, couple of days after it comes out of the committee. But, here, all the constitutional work is going to be finished by the committees before July 5 when the convention really gets underway. If you've done your homework, you're going to be familiar with this material that the convention is going to finally pass on. You are not going to listen to as many speakers. You are going to have your decision made up probably in lots of things, because you have heard the experts at these meetings of the committees because we're just eight committees in all. If you do your homework, you should know all the material that's passed on; you're an entirely different position. Now, if it was just the opposite, that this work would come out of the committees and two days later this convention took up that work, I would want a two-thirds because I would not have had time to study it. I would immediately say, we can't correct our errors like where you have two Houses in the legislature. But, we are not in that position. So, let's consider the position we are in. I hope you've followed the argument. Eight committees will do all the work for the whole new constitution and prior to July 5th, when the whole constitutional convention gets to work, you are going to have plenty of time to do your homework, to go over it. So, you don't need any two-thirds. A simple [sic] majority is the proper thing to cut off further debate. Thank you.

Further Discussion

Mr. J. Jackson Mr. Chairman, delegates of the Convention, again today I rise in opposition to the amendment as proposed. I'd still like to bring to your attention that the matter of moving the previous question is often known as a device to rally, to a large extent, to cut off debate. The sad part about it--and the part that concerns me about it--

is that it's a nondebatable item. You don't even have a chance to debate the merits of either moving the previous question, or of determining what happens when a speaker--that the previous question will be based upon the merit of the person up here speaking, rather than on the content of what he's trying to get over to the body. Another thing I'd like to point out is that there are fifteen-minute limitations as been proposed by the Rules Committee, which offers as a device to bring extending long debating on the part of delegates. I would also like to mention that, on yesterday, it got to a point they were kind of tired and it was getting kind of late, and there were some very good amendments, in the estimation of some of the delegates, that the previous question was moved and that we have about four amendments right off the bat because a few say "I move the previous question." I'd like for you to reflect upon that in one of those rules--I believe that's Rule No. 69--it shows the precedence of certain motions. In your Rules Committee, you'll find throughout some conventions that the question...that the point of moving the previous question was so dominant that there was great consideration as to whether it was going to be the risk of order. As Senator De Bieux has said, if someone wants to draw an amendment that you want to put to a bill, the previous question--which is nondebatable--has precedence over a motion to amend. I'd also like to suggest that, you know, we talk about the taxpayers' money. Granted, I'm in the legislature, and we do operate on a simple majority, but I also say that I have seen times--and that to some of the statements that have been made--I have seen times where the previous question has been used as a technique to limit the debate because, if you had your votes counted, you'd just run with it. I'd also like to point out that, in the legislature also, we can come back next year. If our bill was killed by the previous question--over the previous question or entire session order--and is postponed indefinitely, I can come back next year and reintroduce it. We cannot come back to this convention next year and reintroduce a matter which is of great importance. With those factors in mind, I suggest that I do realize that it's a double-edged sword. But those persons who are concerned that a minority may control the convention--and I think I speak for those persons who are concerned that it may be the black delegates of this convention could hold up the majority will--I am suggesting to you that that's numerically impossible; in fact, that there are only twelve here at this convention. I would also suggest that, when we talk about minority in the sense of the two-thirds votes, we're talking about people who have different viewpoints and that that minority is not confined to the fact of that whether I'm a black delegate or not. I would say that, in closing, that I would ask that this convention give some careful consideration because, as I mentioned, there are certain things in the rules that will limit tremendously anybody sitting up here and excessively debating over and over again. I think you can only speak to the question once, and you can only speak fifteen minutes; so it's almost impossible for someone to get up here and debate so that the two-thirds vote, as I construe it by being present at the Rules Committee, was to be a device whereby we would ensure that all viewpoints would be represented. With that, Mr. Chairman, I again acknowledge my opposition to the amendment as proposed. I assume there were some questions.

Questions

Mr. Velazquez Can you see a "gag" rule ever allowing complete revelation of all the facts?

Mr. J. Jackson If I understand your question...if I can understand your question--and I want to seriously suggest that when I respond to your question, I respond to it out of my experience and not out of what I believe--that, while I do have the feeling, which is nondebatable like a previous question, that this is a vote to gag a convention, it does not mean that I'm not talking about negative--it's a gag rule.

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constructive debate on any particular issue.

Mr. Leithman Representative Jackson, it's difficult to put this in a question form, but you mentioned about the minority, and I listened with interest because I certainly believe that, when that word was used here previously, there's no doubt in my mind that a minority reflected upon a small group of people opposing an issue. I don't think it was a black-white...

Mr. J. Jackson Right. I'm not suggesting that it was, but I really feel that when we talk about a minority, we're talking about viewpoints.

Mr. Leithman So, my question is this: Do you realize that we could get thirty people on a minority stand and put these thirty people on the stand to be heard; and with each going his full period of time, do you realize we could be talking about as much as one hundred and twenty-five hours? I think just a few thirty people wouldn't be difficult to come by, and I think a hundred and twenty-five hours could literally kill any and all items that come up. Do you realize this?

Mr. J. Jackson I realize that, but I only suggest to you that that's like a, you know, like a two-edge sword. You know, I recognize that. It's like a two-edge sword. So, I'm suggesting that I would rather see that, if there was some sort of motion to allow at least--once the previous question is raised--at least allow the number of people--a limited number of people--to speak after the previous question, then that'll be D. K. But, as it stands right now, that a simple majority--and I guess it's a fear I have, Representative Leithman; and, if the will of the convention is so that we, that we stick with the simple majority, then as far as I'm concerned, you know, you know, I'm bound to go along with those rules. But, I want everyone to be very cognizant of the fact that this is a very crucial issue. It addresses itself, primarily, to the heart of what we're all about, in the terms of discussion--constructive and positive discussion. I think that, when we vote on this, that ought to look at the previous question, rather than looking at it in the sake of that a minority can stop it. I'm particularly interested in the opportunity for all viewpoints to be heard.

Mr. Duval Representative Jackson, isn't it true that, by a motion to limit debate, you can limit debate on a particular matter to a specific limit of time--a half an hour or an hour--so that, actually, the points made by thirty-some-odd people controlling this is actually quite fallacious; isn't that true?

Mr. J. Jackson That's right because, in order of precedence set up under Rule No. 59, you do have a rule that precedes the previous question by limiting debate so that, you know, when its opponents stand up about it's going to provide for excessive discussion, I got to disagree with it.

Further Discussion

Mr. Segura Mr. Chairman, ladies and gentlemen, the thing that has impressed me most out of this entire convention is the sincerity of the delegates. I don't think, from the judgment I've made of everybody here, that there is one person who doesn't want to do a good job. We've taken this set of rules; it's a very small book, double-spaced; it is prepared by a very excellent committee that did an excellent job. I think this book could have been taken care of, we could have adopted these rules as they were; and we could have worked with them. They were workable. But, we've spent five days--and we're still not through with these rules--on something that was already good. Now, I don't know if you've ever seen the volumes of the constitution as it stands today, it's a lot more than this could look like there are a lot more proposals. If you take all the proposals that will be submitted--not only the proposals that were adopted--if you take all of these proposals, you could fill a library. What I'm asking you to do is let's not see the forest for the trees. We could

spend so much time on one issue that is not going to pass, that is not popular, that we could miss some time that we could spend on some good issues. I appeal to the ones who spoke against this because I know they were sincere; and if you are sincere please let's give every issue that's going to be proposed to this Constitutional Convention a chance to pass. I ask you to please vote favorable on this amendment.

Further Discussion

Mr. Weiss Delegate Chairman and fellow delegates, I rise to discuss the very important issue of the previous question. It seems that the best minds in this convention are split on the matter. Those favoring the one-half vote point out matters of expediency--save you time and money--as reflected by their distinguished and articulate Delegate Rayburn. That we not limit debate is one of the desires of the convention as a whole, but by limiting it to some degree would be helpful, and we should have no fear that it would be limited too much, they say. That great son of Louisiana from Jonesboro, Delegate Chairman Henry, is and will be very patient. Even now, I'd consider him saintly; but later, he will have to produce and abide by the decision of this body and stick to the rules. Committee meetings and hearings throughout the state will allow full investigation. There seems little doubt about that. Minority reports will accompany these full committee reports. Apparently, all segments of our great state will be heard, so why the issue? Surely, this is a procedural line, and the state is simply one-half or two-thirds... I propose that the real confusion at this issue is the reasoning by the reasonable in the comparison of these being-adopted procedural rules with legislative procedural rules. Let us clearly set forth that legislators legislate; we delegates will constitute. No one here needs to remind that we must separate the basic constitutional law from statutory or legislative law. It seems the rules of this game--the conventional procedural rules--are reflected by the citizens of the state through us and demand change. This mandate to change, to me, goes particularly to all of us delegates. It's time we removed the old politician concept--working in a specific legislative, political arena--to recognize all of us, whether elected or appointed, city or state officials, legislators or nonlegislators, professional politicians or non-professional politicians, and are here on an equal footing and want to remain so. Let us address one another as delegates, delegated to meet our responsibilities to the people of our state. Governor Edwards, in addressing us, has asked we reflect faith, not fear. Faith comes from security. The safeguard to that security rests in knowing we have the best rules to go by. The most widely used American procedural rules, Robert's Rules of Order, requires two-thirds vote to be approved to move the previous question. One-half vote can stop a debate. We can vote, by a majority, to limit the debate. It is up to us to adopt these rules, not necessarily of expediency--and, particularly, legislative expediency--but those that this convention will go by. Perhaps, Delegate Rayburn and his supporters and I are, as the weather forecaster would say, not too far apart--just two percent. He might favor expediency fifty-one percent and reason forty-nine percent. I favor reason fifty-one percent and expediency forty-nine percent. The compromise of the political process may be close this time, but I have faith that the God-given reason will prevail and the convention will vote to favor the two-third requirement. Delegate Chairman Henry, in closing, I move the previous question on a two-thirds vote.

Mr. Henry That's, in itself, a rare opportunity that an individual gets to move the previous question on the previous question.

Is there a second to the motion?

Mr. Silverberg seconds the motion on the previous question.

Therefore, as many of you in favor of the previous question say aye; opposed, no.

The motion fails.

Why do you rise, Mrs. Warren?

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Point of Order

Mrs. Warren Mr. Chairman and delegates, I'd like to apologize to the Chairman for standing back there screaming, but I've learned one thing since I've been here: that you gotta scream or else you're going to get left. I wanted to speak...

Mr. Henry State your point, please.

Mrs. Warren My point was I wanted to speak against the amendment.

Mr. Henry All right, Mrs. Warren, I have your name on the list, and the motion was defeated. But, when these motions are made, there's nothing that the Chair can do except allow the delegates to vote on them. I have Mr. Roy on the list; Mr. Stagg on the list, Mrs. Warren on the list, Mr. Roemer on the list, Mr. Arnette on the list, and Mr. Schmitt on the list; and they will be recognized if the previous question is not ordered, but I cannot take people out of their normal order of recognition. Thank you.

Proceed, Mr. Roy.

Mr. Roy In the spirit of ecumenism, I have a motion coming up--a resolution--to make Chairman Henry a Catholic so that we might make him a saint. But, in any event...

Mr. Henry Let's proceed orderly, Mr. Roy.

Further Discussion

Mr. Roy I'd like to speak for the amendment of Senator Rayburn. Robert's Rules of Order, incidentally, is the best set of orders to govern first houses, Masonic lodges, Kiwanis, and other things like that. It is the prescribed set of rules to govern legislative bodies--be they a state legislature or a constitutional convention. If it were, and if they were used, you'd never have any constitutions and, probably, never any legislation. I was opposed to the concept of the substantive committees, as you so wisely designated, writing most of the provisions in the constitution. My opinion was that the professional staff should be an integrated unit, and the substantive committees should give it some direction, but you chose to have the substantive committees write the constitution. This means that there will be innumerable hearings all over the State of Louisiana with respect to what the people of this state feel should go into the constitution. That is an essential difference, then and now, from what we're doing here today, where we had a temporary Rules Committee write some rules; and, yet, with this two-thirds vote that we have, we've been here for five days, and we still haven't got our rules. Now, you can just imagine, the number of these various substantive hearings throughout the State of Louisiana, us getting involved, from July 5 on, in a discussion about something that the Chairman and Vice Chairman and, maybe, the entire committee--substantive committee--may have endorsed unanimously and, as a result of some fellows in the minority deciding to insist on the right to speak ad nauseam on the proposition, us never getting a two-thirds vote to go ahead and vote on the substantive matter at hand. That's one of the main reasons I'm for the amendment. My record here so far indicates that I should be on the other side. I'm apparently in the minority in everything that I say, so I should be one of the folks who's for putting the windjammers; but I don't think I was elected to come down here and require that people get this tough, continuously, on something and prevent the majority from moving forward with what we should do, and that is, getting down to writing a constitution for the people of Louisiana to ratify or reject. Rule 85 provides that you might suspend the majority to suspend--any and every rule that this convention will adopt at this time. If a subject matter is

as important that we feel that unlimited discussion should be utilized, then before we get into it, we can suspend the rules and require a two-thirds vote to close or to call the previous question. But, that doesn't mean that every time some non-controversial article comes up and a one-third-plus-one number of people decide they want to continue talking about it, that we shouldn't be able to vote on it. Finally, there's always the problem and there's always the wrath of the right of if we do something wrong--and we're bound to do something wrong because we're all a bunch of human beings here--that we can reconsider what was done wrong. If, after we close the debate on an article and we adopt it and, later, we find out we shouldn't have, then we can change it. But, if you assume that everyone here is conscientious, then those who are for closing the debate and getting on with the task of writing this constitution are in good faith, we can protect against anything that we do wrong. For that reason, I now move that we consider the previous question and vote on it and vote on the amendment.

[Motion for Previous Question rejected: viva voce.]

Further Discussion

Mr. Stagg Mr. Chairman, I hope all of you realize that this is one of the crunch points that we will be debating throughout this whole rules session. I rise to speak, not as a delegate of the Rules Committee, but as a delegate who came to Baton Rouge with a firm conviction that in every deliberative body, full and unlimited debate--giving all of the views of all of the people an opportunity to be heard--would be more appropriate; so it is with some trepidation that I rise in opposition to a resolution or an amendment offered by Senator Rayburn and by Mr. Ginn. As the rule will read, if it is adopted, it will state that a majority of the delegates present and voting can move the previous question. I'd like to point out to you that we adopted, earlier, a rule that stated that sixty-seven people constitute a quorum for the conduct of the business of this convention. If a quorum were present, then the 140 delegates--thirty-four delegates--could cut off debate. The Rules Committee itself was closely divided on the question of the previous question. We used the two-thirds vote very sparingly; we employed it in the previous question to the end that unlimited debate would be the order; we used it in Rule No. 85 concerning the suspension of the rules; and we used it in Rule No. 82 where consent is given for changing the special order of the business of the convention. So, it does appear, in these rules, in a number of places where it was felt by the Rules Committee that two-thirds was the appropriate figure. In others of these rules, particularly in Rule No. 85, we used a slightly different formula. In Rule No. 85, we said that it should take a vote to suspend the rules for a specified purpose, two-thirds of the delegates present and voting, or a majority of the delegates to the convention, whichever constitutes the lesser number. That's a less stringent rule than the two-thirds and, probably, a more workable one on behalf of those of you who think it should be less than a two-thirds vote. If the Chairman would permit it, I have asked the secretarial force on the other side of the hall to prepare a substitute motion--and I considered that the floor would be available for a substitute motion--and the purpose of my substitute motion would be to state the language in line 28 and line 49, where the words appear: shall require a vote of two-thirds of the delegates present and voting. Having stricken that language, the rule would then read: except that a motion for the previous question and the previous question on the entire subject matter and a motion to postpone indefinitely shall require the affirmative vote of a majority of all the delegates to the convention; i.e., in any circumstance, it would take only sixty-seven

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people to shut off debate. That is a more palatable figure to me than the figure of thirty-four delegates empowered to do it if a bare quorum of the convention was present. Mr. Chairman, I move the substitute motion—that the language I read be removed from the rule in lines 29 and 30 so that a motion for the previous question would require an affirmative vote of the majority of all of the delegates to the convention.

Mr. Henry Mr. Stagg, I stand amazed at your failure to realize that we cannot accept amendments to amendments in this...we haven't up to this point, Mr. Stagg. We would do it under Robert's Rules of Order, but we have a strange blend of a type of procedure that we're trying to proceed by, and we just cannot begin to start accepting amendments to amendments in a deliberative body of this type. I would love to accommodate you, but I just think we're going to really—well, for lack of a better word—confuse the situation more than it is right now. So, I'm going to rule that such a motion would not be in order, Mr. Stagg.

Mr. Stagg Mr. Chairman, I have worked, and we have worked, for these several days under Henry's rules of order, and they have proved quite successful. If the Chair rules that a substitute motion to the Rayburn amendment is out of order, then I shall certainly abide by the wishes of the Chairman and the ruling of the Chairman; but I shall, if the Rayburn motion is defeated, suggest to the convention that a better rule would be a majority of those delegates to the convention—sixty-seven being the number—can cut off debate.

Mr. Henry Thank you, Mr. Stagg.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I stand here because I remember our Chairman saying that when we get our rules we're going to have to live with them, and I intend to live with them. I'm going to make this statement, and you can underline it and you can underscore it and even can repeat it: I am not worried about money. I am about the poorest delegate that is here. I would rather give up a day's pay and have a chance to speak my mind for the people whom I represent than to have the money. I'm interested in every delegate here having a voice. I thought that two-thirds would assure that. If I could be assured that the delegates that have proposed this amendment to cut off debate would be willing to relinquish their time in favor of other delegates to have a chance, then I vote wholeheartedly with the majority. Otherwise, I would have to be against the amendment for a majority because I would like for every delegate here, and I want you to say, you can close your eyes and forget about what color I am because I am not a minority. Thank you.

Further Discussion

Mr. Roemer Mr. Chairman, fellow delegates, I'm Roemer, District 9, Bossier and Webster Parishes. I speak in opposition to the amendment for a couple of quite simple reasons. It has mainly to do with the arguments as presented by the advocates of the amendment. I like the people, and I like those people, my mind has been changed by debate. Believe it or not, some of the things said on this stand have changed my simple mind. Unlike the people that advocate the majority rule, I, from that farm in Bossier Parish, believe that the only thing we had to give is our debate, is the expression of our ideas. All of this so-called expense, and what we do in the House and what we do in the Senate begins to weigh heavily on my mind, and my soul begins to grow weary with the talk of it. They talk about the right of the majority. What right of the majority is violated by listening to people speak—their precious time? If they didn't want the job, they shouldn't have run for

it. If they didn't want the job, they shouldn't have accepted the appointment. What precious rights do the majority have that the minority's going to kill by talking on an issue? I submit, none, except their precious time. One further argument presented by the advocates of this motion is the mathematics involved. Some man much cleverer than I, and with a lot more experience, has submitted for our acceptance the simple premise that there's always twenty to twenty-five percent of the people who will not vote to cut off debate. That is a clever half-truth. What he failed to tell us is there's always twenty to twenty-five percent of the people who are always ready to cut off debate. How many times have I heard from that seat yonder the statement, "Buddy, why don't you go up and ask for the previous question? We're tired of this." I mean after the first speaker—"We're tired of this. My mind is made up." How many times have I heard that? So, don't be fooled by the oft-stated mathematics of this body, about the fact that twenty to twenty-five percent of the people are always opposed to cutting off debate, therefore, we need the majority rule. That is completely in error if we use our common sense and realize there are as many, if not more, who are always willing to cut off debate, regardless of the merits of the situation. My mind is made up: I represent, too, the minorities here. There are not many cotton farmers here. I, too, represent the minorities here. I'm talking about the black people; I'm talking about the nonlawyers; I'm talking about the nonlegislators; I'm talking about the people who are truly independent. I'm talking about the people who are willing to give their time, by God, all of it, if that's what it takes. Now, I was elected on Aug. 19. I had a tough fight. I had a guy who spent a lot of money against me. He had a lot of things to use against me. But, I knocked on every door, and I talked to every farmer, and they're all rednecks, and they're eighty-five percent of them white, and I had a lot of reason not to run for this. But, I sold them on one idea, and that is that I don't know much, but I'm going to give everything I've got; and I expect the same of each one of you. If it takes us all year to listen to somebody's ideas, then I'm willing to give it.

Further Discussion

Mr. Annette Mr. Chairman and delegates, I feel very strongly about this issue, and I don't feel I can put it as eloquently as many people have put it before me. But, I would like to make a few points very clear before we decide this question. First, we talked about public image. The public image of this constitution and what comes out of this convention is going to be all-important. I think that all phases and all segments of this convention need to be heard, if we are to have the proper public image. This is an all-important thing, whether we come up with a good document or a bad document. At the polls, it's going to make a lot of difference if it passes whether that person's ideas were heard, whether that person's delegate got a chance to talk on a particular subject. It's going to make a lot of difference to a lot of people. The next thing is, I'd like to point out, we haven't had any trouble with the two-thirds vote that's required to move the question and the question of Robert's Rules of Order. The only time we've had trouble with it is right here during this debate. That's because so many people feel so very strongly about this that they don't want to cut off debate on this particular issue, and I think this is the way it ought to be. We should not cut off debate until the people we need to be heard on this particular issue. It's been brought out that in the legislature we use the majority vote. Well, that's fine for the legislature, but we aren't the legislature. There are two basic differences here. We aren't professional politicians. It's been said we are politicians, and I agree with that. But, most of us here, it's our first time,

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or probably our second, possibly, time in politics, and we don't know the ins and the outs. We don't know that when you vote to shut off debate it's going to bother somebody and hurt somebody's feelings, and the next day the person's going to vote against shutting off debate. The Senate and the House have learned this, and that's why you had so many people that won't shut off debate no matter what. But, here we don't have that situation. We have people overly willing to shut off debate. The next thing that's been pointed out by Mr. Stagg is that that...well, I said this isn't the legislature --and I agree that this isn't the legislature. The thing about this that's so different from the legislature is, we don't have two houses. If we shut off debate and pass a bad bill in one house right here, we don't have another house to send this debate to and to kill that bad bill or that bad proposal. When it pass something here, and we reconsider it and lay it on the table, it's going to take a two-thirds vote to take that back off the table. So, in that way, you could have a bare thirty-three percent thwarting the whole will of the majority. There was a bad proposal passed; we passed it, but debate was cut off, and now we can't reconsider it. We're stuck with it, ladies and gentlemen; we are stuck with it. The next thing Mr. Jack brought out--I hate to just refer to Mr. Jack--but a couple of things in his talk kind of interested me greatly. Another one was that all proposals would be entered by July 5, and we would have a chance to read all these proposals and talk about these proposals. I think about them. This isn't true, ladies and gentlemen; just look at Rule No. 42. "Any proposal may be admitted by a committee or any individual delegate up until sixty days after July 5." We won't have time to consider these things beforehand. There will be proposals just brought up off the floor. We need to talk about these things. This is a very vital thing that everyone ought to hear in their debate and they ought to listen to it because I'm no mental giant, and my mind is changed by debate. My mind can be greatly changed two or three times during a single debate. It depends on what is brought out by the particular speakers. Now we have other, we have other safeguards against filibuster. I think we have a limit on our debate. We can move to limit debate to one hour, two hours, three hours, or whatever we choose. The next point is that we have a fifteen minute limit on each speaker. Another point is that one speaker...each speaker cannot speak more than once on each particular issue. All these things are safeguards against filibuster. Now, this morning we had a meeting of the Temporary Rules Committee, and we were discussing a particular rule and whether to propose it as a rule to the convention. We said, "Wait, let's take out the bible here", referring to the Illinois set of rules. It's got to be kind of a joke in the Temporary Rules Committee because it was probably the basis of our set of rules because the Illinois Convention worked. The Illinois Convention was the most successful convention in the past twenty-five years in this country, and we took many rules from them. But, people have been saying we've been going slow. We haven't been going slow. The Illinois Rules of Procedure took fourteen solid days of debate and argument, and their body wasn't even half our size. They considered the ins and the outs of everything. They worked on it to what they thought was perfection, and everyone's griping about us meeting for five days on rules! I think if we'd meet possibly ten or twelve or fourteen, that might be too much; but, five or six days, that's not too long. I think what we think is a perfect set of rules. I think we ought to have the opportunity to debate all these rules and later on to debate all the proposals that are introduced to the convention. Senator Rayburn, when he introduced his amendment, made a very valid point, and I have to agree with him on this. If we have a chance to do a little talk, I can convince the majority of the delegates

of this convention. Now, I don't know whether he's right or wrong, and I don't know whether he can do it. But, if you vote to shut off debate and move the previous question, that not only shuts off debate on the previous question--whether it ought to be adopted or not--but the fact that if it is passed--that particular argument that is on the floor of the House--no one else gets a chance to talk. I would hate to see Senator Rayburn cut out of his chance to convince the majority by his own amendment. So, I definitely think we ought to keep this two-thirds vote. Now, Mr. Segurs brought out a valid point when he said that most of us are sincere. I believe that; I believe that almost all are sincere. He said, "Let's give each proposal a chance to pass." He believes that the sincerity of the delegates will let each proposal have a chance to pass. Well, I say--a little amendment of my own--let's debate each and then give it a chance to pass. I think that's what we're here for. I think everyone needs to be heard on these things, and I think if every delegate is sincere on letting everyone be heard, that's a small matter, requiring a two-thirds vote instead of a majority vote. It's just a little insurance on this sincerity, and I think we need it. Thank you, ladies and gentlemen.

Question

Mr. Burns: Mr. Arnette, inasmuch as you have the floor, will you please ask the delegates if they'll pay particular attention to all of this argument on Rule No. 69 because Mr. Stagg said the same question about coming in Rules No. 82, and 85, so we won't have to consume all this time, and hear these same arguments again on exactly the same question?

Mr. Arnette: Well, Mr. Burns, you have a very valid point, and that's why I think we're taking quite a bit of time on this particular question, because it not only affects this rule, but it affects several others, and whichever way the vote goes here, the vote's going to go the same way on these other issues. Someone was talking about, "Well, we're taking so much time on this one particular rule, this one particular question", but, once we get finished with this, we're home free until we get down to the double or others at the very end that are kind of sticky again. But, I think that we definitely need to talk about this because it does affect the workings of the convention for the rest of the time we're going to be here and I definitely think this two-thirds vote is definitely needed. So, I think we ought to vote to defeat this amendment by Senator Rayburn, and go ahead and have a two-thirds vote to shut off debate. Thank you.

Further Discussion

Mr. Schmitt: I'm against the amendment. Initially, I was afraid of the friends of the Chairman. However, up to the present time Mr. Henry has leaned over backwards to be fair to many of us who are novices and not familiar with the rules of procedure. I think he's done a fine job, and as fine a job as anyone could have done. The Chairman cannot refuse, however, to cut off debate if the motion to move the previous question is made. This cannot be debated. Any delegate with a majority can then cut off all amendments. There are other means of limiting debate, and I believe that these should be considered, rather than this harsh rule. The motion to limit debate is also undebatable, and can be obtained by a simple majority vote. I request that you vote against the amendment.

Further Discussion

Mr. Nunez: Mr. Chairman and fellow delegates, Mr. Henry, no doubt, should propose a change in the rules before I discuss what is my position on this amendment. That we should have "Delegate Nunez" or "Delegate Rayburn," or "Delegate what

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Have You" because I think you put me at a distinct disadvantage when you call me Senator or Representative.

Mr. Henry I think it was a distinct disadvantage when you left the House, but proceed.

Mr. Nunez I say that that's very unfortunate because I think that--someone put it very well--I think everyone here is sincere and if I come up here and am in favor of an amendment, I'm not in favor of it because it works in the legislature; I'm in favor of it because I think it should be that way, and I think if we look at the mathematics, just the pure and simple mathematics of what we're talking about, maybe we can change some of our minds--and I hope we can--because when you talk about two-thirds of the delegates present or two-thirds of the delegates of the convention, like Mr. Staggs is going to propose--which I think will also be a bad amendment, we're going to need eighty-eight members if my mathematics serves me right. Now, the final document that we're going to send to the people of this state to vote on, we can pass it with sixty-seven delegates voting on it. Sixty-seven delegates can continually vote on every proposal we submit, and that document will go to the people that we're going to need eighty-eight of us to stop someone from speaking. I don't think that we should have the fears that a lot of people are expressing that this is going to be used to stop minority groups or the people who are in a minority, and I'm assuming that when I say, "minority groups", I mean that if you're in a voting minority, that you can be shut off from continued debate. I don't think that's going to be the case at all. I think if there's a proposal that's presented that deserves consideration, that deserves debate, and that has the interest of this body, debate won't be cut off; debate won't be cut off. But, I think it's a simple safeguard that we're not going to. Senator De Blieux mentioned the fact that the legislature comes back year after year after year, and we're only going to be here one year. I submit to him that I think he's incorrect. I think we're going to be here more than a year if we allow two-thirds rule to cut off debate. So, I would ask you just to simply consider the basic mathematics of what you're doing, and the logic of a simple majority being able to pass this document, which is what we will need. Sixty-seven of us can send this document to the people, good, bad, or indifferent. That's what it's going to take, but it's going to take eighty-eight of us to stop anybody from talking when sixty-seven of us feel that it isn't necessary that debate continue. So, consider that, and I think in consideration of that, you would possibly change your mind if you are convinced that two-thirds of us should be allowed to continue debate. I'll yield, Mr. De Blieux.

Questions

Mr. De Blieux Mr. Nunez, I call your attention to the words in the provision that it says "present and voting." That means that those present must vote on the issue before you can determine the percentage that will have to call for the previous question. Now, I ask you, isn't it possible that you could have, maybe a hundred and twenty people present, and if only a seventy-five percent of them vote on the issue, that you could close debate by only...need only thirty-one votes to do that?

Mr. Nunez I think you're right. On the other hand, I think that forty-four of us or one-third of us can continue debate. I don't think the other rules will be a safeguard because when we talk about debate, we're talking about debating each issue as it comes up. I think as long as you can have one-third of the members here that would not want to vote on an issue, then you're having a smaller group than it takes to pass it, if there be a majority of sixty-seven to pass an issue.

Mr. De Blieux So, therefore, then, your calculation of eighty-eight votes is not necessarily accurate, is it, because you can cut off debate if you just have one more than anybody else on the question, of those that actually participate in voting on the issue, and as you have seen it here, right here in this own convention, isn't it true that we have a lot of times that a lot of people don't vote on an issue? Now, isn't that the biggest fear that we have in using the rule of majority rather than the two-thirds of those present and voting? Now, if you want to make it to where that Mr. Staggs has suggested that we have at least sixty-seven, that sounds a lot more reasonable because if you don't have sixty-seven votes, you can't pass it anyway.

Mr. Nunez What's your question, Senator?

Mr. De Blieux I'm just asking you, don't you see that...isn't it true that you can cut off debate with a whole lot less than the eighty-eight which you've been referring to? You can cut off debate, just so you have one more than the other side, even if you don't have but twenty people vote on it, because they may not vote on it.

Mr. Nunez Senator, in my few days here at this convention I've got a lot of confidence and a lot of faith in that we've had excellent attendance, and I'm assuming that you understand the mathematics of what I propose, that we will continue to have excellent attendance, and I don't think we've...we've had very little absenteeism, and as long as we continue to have this excellent attendance and consider that the majority percent of the delegates are here, it would take eighty-eight to cut off debate. I ask you to consider those proposals and think about it when you vote because you could put this convention into a lot of time, more than it would take to normally debate the issue, and give a fifty-one percent of the sixty-seven votes the opportunity to cut off debate. Thank you.

Mr. Segura Senator Nunez, I'm asking you this question because of your experience in having served in the House of Representatives and in the Senate. If ever there's a good proposal on the floor, isn't it very often that someone will vote to cut off debate, if it's a good issue?

Mr. Nunez Mr. Segura, I had one strike against me when you called me Senator. When you told them that I served in the House also, I think you gave me two. I have never voted to cut off debate. I have never voted to cut off debate, but I think the problem might be somewhat different. I think it's been brought out here that there's a different operation in the legislature than what we have here in this convention. Certainly, I think there's merit to that argument. But, I agree with you. I think as we work along that many people--and I think if the Chairman would address the policy, I would like to tell us, to tell us that there are so many people waiting to speak. There are so many people waiting to speak. I think someone has an amendment to that effect, and there are so many more amendments that we have to adopt or that are presented. I think that out of courtesy this group would extend the courtesy to those people that want to speak. That's been my experience. That's the question you asked me, and another question you asked is, would I cut off debate? No, I would never cut off debate if I thought there was an issue to be presented to the body that deserved additional debate and a lot of people wanted to speak on it.

Mr. Segura O.K. My next question is, in this law that was passed by the legislature creating... in the law creating this Constitutional Convention, is there an unlimited amount of time in order for us to work and to present this constitution, or do we have a limited amount of time?

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Mr. Nunez My appreciation is that we have a limited amount of time.

Mr. Segura Well, then, I ask you, if we have a limited amount of time and we allow as much debate on issues that will undoubtedly not pass, will it not, maybe, limit us to consider good proposals that should be presented to the people?

Mr. Nunez Yes, I guess you could say that, but I think we have enough time, and I think we have enough...

Mr. Segura ...not give us enough time to be able to consider every proposal that's going to be presented to us because we only have a limited amount of time to serve in this constitution.

Mr. Nunez That is correct.

Further Discussion

Mr. E. J. Landry This will be the first appearance of a minority. If there is a minority in this room at this time, I am it. There's only one of you in here in the category that I represent, but out there, probably listening to me now or looking at the newspaper later, will be many school children thinking about what it is I'm agreeing with at this time. I'm glad that we have people like young Roemer who said that he didn't know much, but the longer I listened to him, the more I realized he knows plenty. Young Roemer and Mrs. Warren have spoken to the issue. Really and truly, gentlemen of this convention, if there ever was a crucial point, this is it. This is the crux of what it's all about. Now, I've listened carefully; I haven't spoken; I haven't been in any bull sessions, and I think the reason why we don't always get the right answer is that we have so many people in bull sessions who are not listening to all sides of the question. I've been tremendously impressed from the very beginning with the fact that people have been allowed to express the minority opinion. Now, yesterday I was crushed. Really and truly, if you had taken a vote yesterday, after Senator Rayburn said that we had lost and had the privilege of doing what we are doing today because you were tired; you were weary; and you were hammered by Senator Rayburn. I've always felt it a privilege to oppose the power structure, and if there ever was power, it was exhibited yesterday when Senator Rayburn almost threatened us with the purse. Now, that should never happen. That should never happen. I'm going to ask you to let me win my first one. I want the minority, including me, to have this privilege. The two-thirds rule is a good one, ladies and gentlemen, and I ask you to keep it.

Further Discussion

Mr. Kelly Mr. Chairman, fellow delegates, I rise as a member of the Temporary Committee on Rules. I have not been up here a great deal because I really don't think it's the place of the Temporary Rules Committee members to necessarily fight or... or advocate against any of these rules which have been prepared. I've spoken willing to sit back and listen and vote. On this particular issue, the primary thing that I want the convention to understand is, that this was one of the most controversial issues that arose within the Temporary Rules Committee. Quite frankly, the amendment which is before you right now by Senator Rayburn was, so to speak, the law of the land here for about a day and a half. That was our rule; that rule was adopted. Then all of a sudden late... it was brought back up for reconsideration and our dear friend, Mr. Womack, who had a previous engagement was gone and the rule was changed. Now, it could well be that Senator Rayburn's amendment would have been the rule here today. The proponents of the rule as it stands now would have been the proponents of an amendment here today. This thing bears serious thought--very serious thought.

I'm convinced in my own mind that if the Temporary Rules Committee was polled again--and I might add that we did not bring this issue to this morning in our meeting at nine o'clock--but if this issue was raised again I am thoroughly convinced that the two-thirds limitations set forth in the rule as it stands now would not even be adopted in the Temporary Rules Committee.

Further Discussion

Mr. Abraham Mr. Chairman and delegates, I think we have beat this poor dog enough. I realize the theory of some of the people that when you've got a full convention it takes a lot of votes in order to cut off debate. On the other hand, when you've got a small number of people, it doesn't take a whole lot to cut off debate. So, in an effort to compromise this issue, I would suggest this, that we reject the proposed amendment, and I will offer a substitute motion which will make this language the same as it is in Rule No. 85, wherein it will read, "to move the previous question shall require a vote of two-thirds of the delegates present and voting or a majority of the delegates to the Convention, whichever constitutes the lesser number." I offer this in the way of a compromise.

Motion

Mr. Sutherland Mr. Chairman, fellow delegates, I am not one of those who rush up to this microphone to speak on every issue that comes before you. I thought very seriously before I raised my hand to speak on this issue today, because I do recognize the political maneuvers when a group of people can get up here and talk on a subject until you're so tired you don't want to hear anyone as one of my fellow delegates has already indicated to me and is willing to do anything to shut them up. Now, what bothers me is that if somebody has an issue that they want to do and can get the order of the floor and ten, twelve, fifteen or thirty of them speak on this issue before the other side has a chance they jump up and move to cut off debate. I am surprised that the men who I've seen take up more time with this convention get up here and take their time, time and time again and then stand up here and move the previous question after they're finished saying what they want to say. This bothers me. I want to see this convention open. I want to hear discussion. I think we have additional ways of cutting off debate if you so desire, and if a majority decides to do it. Why can we not limit debate to two, or three, or five, or ten people speaking on a particular issue; both the opponents and the proponents and give each side a chance to make their positions known? I have sat here and listened until I'm so tired I'm ready to do almost any action and this is bad. This is exactly what some people would love to have happen, to have you get so tired that you let them put anything through that they want. I think this is a dangerous thing that we're being asked to consider right now; I think there are other methods. To test that, Mr. Speaker, I would like to move that the debate be limited to two speakers on each side after I have finished. Is such a motion in order, Mr. Speaker?

Mr. Henry The motion is in order.

Point of Order

Mr. Tapper Was the delegate right in bounds for a motion or to speak on the subject?

Mr. Henry He can do either one, Mr. Tapper, you're familiar enough with the Rules of Procedure to understand that, I'm sure.

Questions

Mr. Champagne I just wanted to know if you're

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talking about the rest of the rules or if you're talking about the whole convention?

Mr. Sutherland Rest of this rule.

Mr. Champagne The rest of this rule?

Mr. Sutherland Right.

Mr. Champagne Fine.

Mr. Sutherland What I'm doing Mr. Champagne is checking to see whether or not we have a rule to cut off debate.

Mr. Henry The gentleman has moved that only two speakers for the opponents, two for the proponents be allowed on the remainder of this amendment as I appreciate it, is that correct?

Mr. Sutherland That's correct.

Mr. Henry To which objection is urged.

[Motion to limit debate to two additional speakers for each side adopted. Previous Question ordered.]

Closing

Mr. Rayburn Mr. Chairman and fellow delegates, I do not have my hammer that you just heard about. If there's any delegate that thinks that I said anything yesterday that offended anyone, I here and now apologize. But, I would like to say this, I have not been to this microphone too much, but as long as I am a delegate, as long as I can attend this convention, if I deem it necessary that I be heard if I can get recognized, I'll be here. I would hate to see the time come when I could not stand before this body and discuss the cost of this convention. I discussed it when we appropriated the money to finance it in the legislature. I certainly have not, and never will, attempt to threaten anyone. There's not a person in this Chamber that I've asked to vote for this amendment. If there is, I wish you would raise your hand. I have not positive have. I know I have with nobody. I just don't believe in one-third having control. I did mention minorities, if I offended anyone when I said that; I'm sorry. I was speaking of a minority of farmers, labor, industry and many other facets of our government that could be a minority. That's what when I used the word "minority" I had reference to. I just feel like that fifty-one percent of these delegates should have control. The Rules Committee even killed this thing I'm told on two different occasions, and the only reason it's before you now is because one of their members was not present and they brought it up again. That's why it's here. In closing, I want to say I think you have witnessed a good example of how I know I have. I've convinced a one of you how you're going to vote; I doubt if any speaker that's been here has convinced you; I think you had your mind made up. I move the adoption of the amendments and let your conscience be your guide as to how you vote.

[Roll "all vote ordered. Amendment adopted: 64-59.]

Recess

[Quorum call: No members present and a quorum.]

Point of Order

Mr. Roy Since we met at the Bellemont last week and we passed a particular rule that Mr. Kean didn't move that we adopt and follow for the rest of the time, and since we have just passed this rule on cutting off debate by moving to the previous question by a simple majority, I'm wondering if we can apply this same reasoning that was applied

before and let's go with that rule at this particular time?

Mr. Henry No, sir it's not been adopted. The rules...we're still debating that rule, Mr. Roy.

Mr. Roy The amendment that passed, that rule is not adopted yet?

Mr. Henry No, sir.

Mr. Roy Oh, excuse me, I'm sorry.

Amendment

Mr. Poynter Amendments are offered up by Mr. Jenkins as follows:

Amendment No. 1. On page 22, line 21, after the period "...", insert the following:

"Before calling for the vote on the previous question or on the previous question on the entire subject matter, the Chairman shall announce the names of those delegates who have requested to speak and shall state the number of amendments or motions which are still pending."

Explanation

Mr. Jenkins Mr. Chairman, delegates to the convention, I want to first of all say this is not a rehash of the issue that we just voted on. This is an entirely different question. The point that's being raised here is this: you know, so often someone will move the previous question; the Chairman may ask is there any objection and one member may object. Since it is not debatable at that point, the delegates then have no information as to how many members have requested to speak or have offered amendments or motions. The Chairman announce this or it may not under the rules as they are written as it is now. The motion simply would provide that when someone makes a motion for the previous question or for the previous question on the entire subject matter that the Chairman would announce the names of those who have already requested to be allowed to speak on this question and also will announce the number of amendments or motions that are pending. In this manner we can more accurately judge whether or not it's appropriate at the particular time to vote to order the previous question. So, I urge the adoption of this amendment.

[Previous Question ordered. Amendment adopted: voice vote.]

Amendments

Mr. Poynter Mr. Stovall sends up the following amendments:

Amendment No. 1. On page 22, line 24, following the words "stand arranged" add the following: "and opponents of motions shall be recognized to speak alternately."

Amendment No. 2. On page 27, line 24, following the words "All of" delete the word "them" and insert in lieu thereof the word "motions".

Explanation

Mr. Stovall Ladies and gentlemen, this simply means that we'll have one speaker on a motion to speak for a motion and then one against. The reason for this is that on several occasions we have had six, eight or ten speakers who've been either for or against a given point of view. The other reason for it is that if a person who is for an issue is speaking, we'll know that he is for it. It is for that reason that I think this is a good motion. It guarantees that both sides will be heard on a given issue. I think this is especially important because we passed Mr. Rayburn's amendment. The other point is, that issues of the motion will be presented to the convention early in the debate rather than having a dozen persons speak, say on the same side, and then important

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information is presented on the other side. I think it means also that our discussion will be more concise, more to the point, inasmuch as the pro and con has been set before the convention. Now, I realize that we are like the Egyptian Mummy, "we're pressed for time." But, I think it will be worthwhile to take just a couple of moments to adopt this kind of motion.

Questions

Mr. Champagne This would be fine if you have equal numbers, but what I'm worried about now is you may not be prolonging the thing simply because if you have ten against and one for, in other words, you might have to start recruiting people for it, you see. That was my question. I also think it puts a problem on the people...

Mr. Henry Now, wait, wait, Mr. Champagne. If you want to speak, we'll recognize you. Otherwise, ask your question and take your seat, please.

Mr. Stovall The motion does not require that there be an equal number of speakers on both sides. It simply means that as long as there are persons on both sides that there will be alternating between the pro and the con.

Mr. Champagne Do you think...
Can I ask two questions?

Mr. Henry Proceed.

Mr. Champagne Do you think that there's a possibility that this would put an extra burden on these people up here, because I just noticed he was looking for an amendment, there, and he had a problem there? Don't you think this may put a little extra burden?

Mr. Stovall No, I think that when a person stands to have the floor they can simply hold up a thumb meaning they're for it, and another thumb, you know, meaning that they're against it. The only trouble with this is it might create a little confusion among some of our leaders who are trying to tell some of the people how to vote. But, maybe they'll find some other signals.

Mr. Blair Reverend Stovall, who would...how would you select who would speak for or against, and would it be in numbers? Suppose five wanted to speak for or five against. Would it be first come or would you have to get together and caucus, or what?

Mr. Stovall There would be no form of selection. It would be a matter of their getting the recognition of the Chair, and then being recognized by the Chair at the time that he might need either a pro or a con.

Mr. Alario Reverend Stovall, I've seen many a time where--and I'm going to end it with the question, but I need to make this statement first--where a discussion is going on on the floor and then right when the issue comes out, a delegate might be for or against it, and then after he hears some of the discussion, then he changes his mind. What are we going to do in that case where you stand up and tell the Chairman you're for it, and then after a while you get to thinking about this thing and then you're not against it? Then you're... what's going to happen in that case?

Mr. Stovall The man would simply change his mind--He could change his position with the speaker, if he so desired.

Further Discussion

Mr. Wall Mr. Chairman, ladies and gentlemen, you know, fair play is great. Equal Justice is great. But, there's no such thing as absolute justice--no place in the world--from the time you

were a little kid, your mother and father, the way they treated you or the way they treated your sister and brother. There's no such thing as absolute justice, and this type of regimentation is just completely out of order. It's just unreal. You know, I'm just wondering if Reverend Stovall gives the devil equal time on Sunday, and if he takes both sides. You know, some of us, Pappy Triche back here and Sixty Rayburn, they can take either side. With this type of regimentation, they may change their mind before they get up here, so I'm going to ask you to vote down this amendment because, really, I know Reverend Stovall has fair play in mind, but this would do more to abuse justice and fair play than leaving the discretion to the speaker and to the other delegates. If there's no further...no one else to speak, I'll move the previous question, but I'll withdraw it if anyone objects.

[Previous Question Withdrawn. Amendments Rejected: None.]

Amendments

Mr. Poynter To amend the original resolution as follows:

Amendment No. 1 [by Mr. Bollinger]. On page 22, line 27, immediately after the partial word "tion" and before the words "the previous" strike out the word "and" and insert in lieu thereof a comma.

Amendment No. 2. On page 22, strike out line 28 in its entirety.

Amendment No. 3. On page 22, line 29, at the beginning of the line strike out the words "present and voting" and at the end of the line add the word "shall".

Amendment No. 4. On page 22, line 30, at the beginning of the line strike out the word "requires" and insert in lieu thereof the word " requisite".

Amendment No. 5. On page 22, line 30, after the words "vote of" strike out the remainder of the line and insert the following:

"two-thirds of the delegates present and voting or a majority of delegates to the convention, whichever constitutes the lesser number"

Amendment No. 6. On page 22, line 31, at the beginning of the line, strike out the following: "to the convention."

Motion

Mr. Duval I'd like to make a motion to limit debate on this matter to twenty minutes with two proponents allowed five minutes each and then two opponents allowed five minutes each.

Point of Information

Mr. Avant I would request, if it's in order, Mr. Chairman, that the Clerk read the section now, as amended, because there were numerous amendments, and I just can't follow it.

[Clerk reads section.]

Point of Order

Mr. Burson Without trying to be hypertechnical, insofar as that proposed amendment would make... put "two-third" back in as regards to the previous question, didn't we really decide that matter when we voted on the Rayburn amendment?

Mr. Henry I think that there is some substantial difference in the amendment itself, Mr. Burson.

[Motion rejected. Debate resumed.]

Explanation

Mr. Bollinger Thank you, Mr. Chairman. I don't feel that the amendment that Senator

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Rayburn, that Delegate Rayburn, proposed and was adopted reflects the entire or the majority of the convention's ideas. Many of the people have come to me and other delegates and said that they were voting in favor of Senator Rayburn's amendment for the simple reason that they were told that this amendment would follow later and would so-call amend the previous amendment. This amendment simply says that if you ask the entire convention, or the majority, or a lot of people here for the convention that the simple majority or basically the simple majority will rule, or the majority of the delegates, excuse me, the majority of the delegates will rule. But, if you would have a smaller number of delegates, a considerable amount less--possibly a quorum--that it would take two-thirds of the delegates present and voting to cease debate or to call a question on an entire subject matter or on a question of the matter at hand. I hope this is not discussed too much at length. I think we've just about beat this dog into the ground. However, I think it is important enough because the vote was only five difference, and I know of some people who have come to me, as I said before, and said that they voted in favor of the prior amendment because they felt that this amendment would follow.

Questions

Mr. Munson Mr. Bollinger, didn't you make, in your amendment, one other change from the way the rules read now? A motion to postpone indefinitely requires the affirmative vote of a majority of all delegates to the convention. Didn't you change that to two-thirds, also?

Mr. Bollinger It would possibly be two-thirds if there was a, say, just a quorum present. Well, this would require the hundred percent of those present and voting--the way it's stated now--to do this. The way my amendment would change it would be that two-thirds of the people present and voting could do this.

Mr. Munson In other words, it would still take either a majority of all delegates to the convention or two-thirds of those present and voting?

Mr. Bollinger "Whichever constitutes the lesser number," that's correct.

Mr. Alario Mr. Bollinger, just to clear it up for me, then, under your proposal, it would be necessary to have one hundred percent attendance in order for the majority to carry. Is that right?

Mr. Bollinger No, it would not.

Mr. Alario Well, where...I thought you said that...

Mr. Bollinger It's very simple, Mr. Alario. If you had, say, what we have presently today, then you take that figure and take two-thirds or a majority of the entire convention, whichever constitutes the lesser number, would be the number required.

Mr. Alario All right, then. Wouldn't always the majority of the convention be sixty-seven?

Mr. Bollinger Yes.

Mr. Alario All right, then, when you don't have anything else...I see what you're getting at.

Mr. Bollinger You understand?

Mr. Henry Your five minutes are up, Mr. Bollinger.

Mr. Bollinger Thank you, Mr. Chairman.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I hesitate to rise in opposition to this proposed amendment, but I feel compelled to do so in the spirit of expediting the work of this convention. I don't believe that it was ever intended that this convention be used as a forum for political office. I think we have a job to do, an obligation to write a new constitution that guarantees those things to the public of this state that they want guaranteed. I do not believe that any small number should control this convention, and God knows I've always been for protecting the rights of the minority. I've been in the majority all my life, economicwise and otherwise. But, having had some experience in deliberative bodies, I know how this can be abused. What you're talking about here, as we go down the road--September, October, November, or even during vacation period during the summer--you're going to find that you're going to have a short horse, for one reason or another. We've got some seventeen delegates absent now for, I'm sure, legitimate reasons. So, what you're talking about is still a two-thirds majority. I ask you not to adopt this amendment. Don't hamstring the work of this convention, and let's proceed. We've already disposed of this issue once today, we spent all morning on it. I think the basic question has been decided, and I ask you to reject this amendment.

Questions

Mr. Burson Mr. Flory, is it your understanding that under this proposed amendment that the only time that a majority could shut off debate would be if we had perfect attendance, that is that sixty-seven would be a majority if we had all one hundred and thirty-two delegates here? But, otherwise, that sixty-seven would be way more than the majority if we had less than perfect attendance.

Mr. Flory That's correct. As I appreciate the amendment, it says "two-thirds of those present and voting or sixty-seven votes, whichever is the lesser number."

Mr. Schmitt I don't know if my mathematics is right, but it seems like two-thirds of a hundred would be around sixty-six or sixty-seven.

Mr. Flory Sixty-eight votes. Sixty-seven votes.

Mr. Schmitt Therefore, it would only be in that instance in which there would be less than a hundred people present. Would that be correct the way it worked out?

Mr. Flory Well, if...assuming that there are a hundred delegates present and the two-thirds rule or the sixty-seven votes would apply, then, of course, you would still be having the two-thirds rule apply.

Mr. Schmitt But, if you had a hundred and twenty then your sixty-seven votes would...

Mr. Flory That's correct. That's correct. But, what I'm saying is we decided the question already this morning after hours of debate on the majority of those present and voting.

Mr. Newton Mr. Flory, are you tired of whipping a dead horse?

Mr. Flory Well, I'm not a horseman, but I think this issue has had considerable debate.

Mr. Newton Are you ready to get on with the business of the convention?

Mr. Flory Yes, indeed.

Mr. Newton Thank you, sir.

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[Previous Question ordered.]

Closing

Mr. Bollinger Mr. Chairman, delegates, Mr. Flory, I think, is misinformed. The two-thirds rule would be the lesser number any time the convention has less than one hundred present. Thus, the majority of the people here would be...and the two-thirds rule is that if a hundred people are here today and this amendment was adopted, then either two-thirds of the people present and voting or a majority of the delegates would be able to rule on a previous question. This would be sixty-seven in either case.

I move your adoption.

Question

Mr. Rayburn Mr. Bollinger, does not your amendment strike out the amendment that was adopted just prior to recess for lunch, and does it not go further and provide even beyond that amendment and says that the two-thirds vote shall apply on a motion to table? Does it not go far beyond the amendment that we just...

Mr. Bollinger Yes, it does.

Mr. Rayburn Thank you.

[Amendments rejected: by standing vote.
Rule reread. Previous Question ordered
on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 70. Motions Not Debatable. A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order shall be decided without debate."

[Previous Question ordered. Rule adopted:
viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 71. Withdrawal. Any motion may be withdrawn by the mover at any time before decision, amendment or ordering of the yeas and nays, except a motion to reconsider, which may not be withdrawn without consent of the convention."

I have no amendments at this time, Mr. Chairman.

[Previous Question ordered. Rule adopted:
viva voce.]

Amendment

Mr. Stagg Mr. Chairman, I move the adoption of Rule No. 72, and there is a technical amendment. In line 21, insert a "t" in front of the word "hereto" so that the word reads "thereto."

[Amendment adopted without objection.]

Reading of the Rule

Mr. Poynter "The motion shall be presented in the following manner:

No motion listed in Rule No. 69 need be in writing. Where a motion is in writing, the delegate shall attach his or her name thereto before it is received by the Chairman or read by the Secretary, or before it is debated, if debate is in order.

B. No motion need be seconded."

Questions

Mr. Avatt Mr. Stagg, would you explain something to me, please, sir? One of the motions in Rule No. 69 is: "to amend." Now, it was my understanding--and I just want to be clarified--does this mean that a motion to amend a proposal need not be in writing?

Mr. Stagg No, Mr. Avatt, it does not mean that. If it does say that, it's in error.

Mr. Avatt Well, I want to make sure on that before...if you could enlighten me. I'm asking for enlightenment.

Mr. Stagg Is there not another rule, Mr. Avatt, where we have specified that amendments, etc., shall be in writing? If so, there is a conflict, and you are correct in pointing it out.

Mr. Avatt Well, I thought there was another such rule and that there might be a conflict. I'm asking you...

Mr. Henry Mr. Avatt, if I can clear up your problem, this does refer to the precedence of motions, etc., in the Rule No. 69 which are oral motions, and certainly would not be construed by the Chair in any wise to involve amendments, etc.

Mr. Stagg Mr. Chairman, with the leave of the Chair, I should ask the Clerk to insert the word in the line 19, "no motion except to amend, listed in Rule No. 69 need be in writing." That would take care of Mr. Avatt's problem.

Mr. Henry Let's let the Clerk comment on that, if you will.

Mr. Poynter I think if you will look at Rule No. 46 it provides that "amendments shall be submitted in writing and a copy of every such amendment be distributed," etc., Rule No. 46 on page 14.

Mr. Stagg, the motion to amend would refer, if you had a motion pending for example, to adjourn at ten o'clock and someone moved to amend it to nine o'clock, you would require that in writing. I believe Rule No. 46 deals specifically with amendments as opposed to the motion to amend.

Mr. Stagg If Mr. Avatt is satisfied with that explanation, I certainly am. That's as I understood it in the beginning.

[Previous Question Ordered on the Rule.
Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 73. Motion for reconsideration. Any member may move for a reconsideration of any question at the same session of the convention or the next succeeding session. The Committee on Style and Drafting may move for reconsideration on any subsequent day, if one session day's notice of its intention to do so is given in writing to the Secretary and is entered upon the Journal. A motion to reconsider shall be taken up in its regular order and shall be decided upon by a majority vote of those members present and voting.

A motion to reconsider shall not be renewed on the same day."

I do have amendments, Mr. Chairman.

Amendment

Mr. Poynter Amendment No. 1 [to Mr. Stagg]. On page 23 in Rule No. 73, after the words "Motion for Reconsideration," strike out the remainder of line 25 and all of lines 26 and 27--strike out the remainder of line 25 after the caption and all of lines 26 and 27--and add the following sentence: "Any member who voted on the prevailing side of the question may move for a reconsideration of any question at the same session of the convention

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or the next succeeding session."

Explanation

Mr. Burson I had seriously considered withdrawing this amendment, although I drafted it a couple of days ago. But, on reconsideration of my decision, I thought that I would simply present the arguments as briefly as I could to you that I think are involved in here. Then, the convention can decide and either reject the amendment or decide that it's not necessary. As I understand it normally and Robert's Rules of Order says, and I would quote here, that this requirement, that is, "to require that the person making the motion to reconsider have voted on the prevailing side is a protection against its dilatory use by defeated--minority, understand well here refers to those that had the lesser number of votes--especially when the motion is debatable and the minority is large enough to prevent adoption of the previous question." Now, that objection is somewhat alleviated by the fact that we've adopted this majority rule. But, I would only point out to you that the motion for reconsideration is itself a debatable motion. As the Chairman ruled earlier when Mr. Stinson made a motion to reconsider, you can debate again the merits of what you're asking to be reconsidered. So, that it would be possible, and I understand that there's some future amendments that may meet this objection. But, as I read this rule right now other than the two day requirement, it would be possible to bring up for reconsideration any number of times, something that had been resoundingly defeated without changing a single person's mind about the question. I really wonder about the wisdom of saying that suppose a proposal loses 80-20. If you haven't convinced at least one of the eighty to change his vote, why reconsider it because you're just going to wind up with the same vote over again, and you may be wasting a great deal of time.

Now, I understand that it's legislative strategy when you see you're losing to go up and change your vote so you can be on the prevailing side and come back. But, I hope that--and I understand there is an amendment that is going to be coming up to do this--that we set some limits on this reconsideration because it's no secret that in the legislative history of the State of Louisiana that there have been important bills in the legislature that were voted on on Friday. Then, when the motion to reconsider came up on Monday, thirty or forty votes had changed for various reasons. I, for one, would like to see these issues decided. We are going to have a whole lot of committee work done. Most of the things that we are going to be discussing are going to be well discussed in committee and well drafted. Plus, they are going to have three readings here and they are going to be submitted to the Committee on Style and Drafting. I just wonder if we should't put something on the business of reconsideration and that's why I proposed this amendment.

Questions

Mr. Stagg Mr. Burson, it is true under these rules, as written, a member could signal the Chair or the Clerk to change his vote to the prevailing side and then move for reconsideration; is that not true?

Mr. Burson Yes, sir, as I understand the rules; yes.

Mr. Duval Mr. Burson, we did a good deal of discussing about this at the Rules Committee. It was our interpretation that the motion to reconsider could only be made once, that is, either the day... on the day that the matter was decided or on the following session. So, I don't think it would go on ad nauseam. But, would you object to Mr. Poynter, perhaps, who assisted us in discussing this, to perhaps help us in explaining the rule.

Mr. Burson Not at all, I just want to have it well understood.

Mr. Duval Mr. Clerk, if you would give us the benefit?

Mr. Poynter I don't want to go too far on this because I don't know how strong the feelings are on it. This is a rather liberal rule for reconsideration. Most houses of legislatures do require something similar to Mr. Burson's amendment that you be on the "prevailing side." The prevailing side is alternatively construed in many cases. The Senate has one concept of what the prevailing side is; namely, that is the side, whatever the vote requirements are going to be, that lost. The House has a somewhat different interpretation of the prevailing side. This rule, as I appreciate it, is a rule similar to one adopted and utilized by the Illinois Constitutional Convention. It allows any delegate to move for reconsideration on the same day or the next session day and also, allows if there has been no motion... previous motion for reconsideration, your committing on Style and Drafting on one day's notice to make it; it is a somewhat liberal rule for reconsideration. Do you think that's enough explanation, Mr. Duval?

Certainly, the motion for reconsideration can be made once. Then, under this rule, it could be taken in its regular order. If you will go back and consult the order of the day which you have adopted previously or tentatively adopted, you will find that it is the last item, I believe without looking, Item No. 11 of the Morning Hour. So, once a motion for reconsideration has been made it would, in essence, lie over one day and appear before you on the next session day. The question would be whether you do or do not wish to vote to reconsider the particular item.

Mr. Kean Mr. Burson, I just happen to have a copy of Mason's Legislative Manual in which it reads and I quote as follows: "where it is required by rule that the motion can be made only by a member who voted on the prevailing side, then the purpose of the motion is largely frustrated by a member of the minority voting on the prevailing side or changing his vote to that side in order to qualify him to move to reconsider." Would you agree with that statement, sir?

Mr. Burson I'm sure that's true from what I've seen in the past. However, it seems to me that we ought to at least make them go to the trouble of doing that rather than adopt that requirement; they wouldn't even have to go that far.

Mr. Kean Well, in light of the explanation given by the Clerk, which is extremely confusing as to what constitutes the prevailing side dependent upon an issue. Do I issue Do I issue, it would be preferable to leave the rule as it is, where any person can make a motion to reconsider, when by changing his vote, he could regularly defeat the sense of your amendment in any event?

Mr. Burson I'm sure worried about the fact, Mr. Kean, in answer to that, that the language of this rule is so broad; for instance, "any question"--may move for a reconsideration of any question." Now, "any question"--it doesn't say "any proposal"--which, to me, leaves open that you could ask innumerable reconsiderations of amendments--for instance, that had been resoundingly defeated--to proposals as well as proposals themselves. I'd just like to see it limited a little, from the liberality that the Clerk expressed that we have here

Delegate Leithman in the Chair

Mr. Abraham Mr. Burson, I appreciate what you are trying to do. But, don't you think that we would actually wind up with more confusion, and more discussion, and more controversy in trying

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to determine what would be the prevailing side or trying to determine under what manner that a person is able to change his vote? If we went alone with them, we would probably be adding to the confusion. Don't you think we would be better off just to leave it as it is and depend upon the sense of the convention to prevent someone from bringing a motion for reconsideration all the time?

Mr. Burson Well, I've recognized the validity of that argument except that in most cases I think you will be voting either to accept or reject something. It would be my interpretation that whoever wins is the one who prevails in that instance.

Mr. Stagg Mr. Burson, have you read in Rule No. 74 the mild form of clincher motion which has been supplied by the Rules Committee wherein it is provided that if someone moves to reconsider, that then could be followed by a motion to lay the motion to reconsider on the table and it would take a vote of two-thirds of the delegates to take it off the table. You can clincher matters in these conventions; they can't be allowed endlessly to be carried out ad nauseam. We do have a clincher motion which directly follows this rule. Would you not consider that that would be the answer to your discomfort with the way we drew the mild form in reconsideration?

Mr. Burson Mr. Stagg, I don't think that that quite gets to it, because I still am afraid that you can come back and ask for reconsideration. In other words, the clincher motion, as I appreciate it, might be successful and it might not, because the motion to table requires an extraordinary majority, whereas the motion to reconsider does not; it requires only a simple majority. I think the motion to... the clincher motion that you are referring to requires what, a two-thirds...

Mr. Stagg The motion to table can occur by the vote of a majority of the delegates. A motion to take it off the table requires a two-thirds vote of the convention.

Mr. Burson In that event, that certainly does answer part of the objection that I've raised; I'll have to say that.

[Previous question ordered. Amendment rejected: viva voce.]

Amendment

Mr. Poynter Mr. Johnny Jackson. Amendment No. 1. On page 23, line 29, immediately after the word "on" and before the word "any" insert the following: "any matter which is in the purview of said committee's functions on".

Explanation

Mr. J. Jackson Mr. Chairman and fellow delegates, basically what this amendment does is just clarify that for the Committee on Styling and Drafting, that if the question of reconsideration comes up, it has to be raised based on the functions as outlined in Rule No. 50 of the Committee on Styling and Drafting. All it does is further clarify that, so that you would not have a committee to reconsider matters to attempt to bring it before debate again, that if it is reconsidered, it's only reconsidered on things like numbering, styling and technical provisions rather than leaving it open, as I understand it to be in the proposed rule.

Further Discussion

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the convention, I'm afraid this amendment because I think that this particular provision in our rules and regulations possibly can save us from making some very extreme errors sometimes, particularly upon duplication and inconsistency

of provisions which may have been adopted; it's possible only the Drafting and Style Committee would be able to catch. I would favor leaving it just like it is for the particular reason that they can maybe save us from some of our errors. We don't have another time, another body to catch the errors that might be made after we have once made them. It's our final chance to check on what we have done. If we find out that we have made an error, to reconsider it and go back and change it. After it's passed the rules of the Drafting Committee, we are out of luck then. Now, I just suggest at this particular time, leave it where the Drafting and Styling Committee can check anything like that. I'm sure we will have to pass upon what they do; we are not going to let them abuse the privilege.

Question

Mr. Stovall Senator De Blieux, isn't that exactly what Mr. Jackson just said, that this would be used only for the purpose of eliminating duplications and so forth?

Mr. De Blieux No, that's not what I understood. You see, the Style and Drafting Committee as it presently stands right now, they can only make changes in the lettering or the arrangement of the words; they cannot change the substance. Now, if there's a chance to call it to our attention, by reconsideration, of where we have made an error in something we have sent them. Now, under Mr. Jackson's amendment, as I understand it, they would not have that right and privilege to do that. They can only ask for reconsideration in case where we have misplaced a comma or something of that sort. It's got to be something that's not pertaining to the substance matter of the convention. I think that we ought to leave this here just so that we have a chance, the convention is going to have to pass on it anyway, so we can catch any errors we might have made.

[Previous question ordered.]

Closing

Mr. J. Jackson Mr. Chairman and fellow delegates, I can appreciate Senator De Blieux's concern. All this amendment just basically does, it says that it's still within the purview of the Committee on Styling to raise questions of consideration. I'm saying that as it is so stated in the proposed rule that we're discussing, it leaves it very open as to what they can do. All my amendment says is that, you know, whatever we say they can do in Rule No. 50, the one that would be applicable in this rule for reconsideration. On that, I close, Mr. Chairman.

[Amendment rejected: viva voce.]

Mr. Stagg I move the adoption of Rule No. 73, Mr. Chairman.

Question

Mr. Conroy In some of these discussions which I've heard, there's been some inconsistency in what is meant by the word "session" in the first sentence of Rule No. 73. Would you explain what is meant by the word "session"?

Mr. Stagg Yes, sir, Mr. Conroy. When this convention is convened for the purpose of debating the proposals by committees and proposals by delegates for language in the new constitution-- when this convention opens its business, say, on Monday morning at 10:00, and a matter is taken up and voted on, the next day, Tuesday, would be the next session of the convention. A session would be for a day's business. So, if you were going to reconsider, you would have... to move on the same day the matter was voted or you would have to do so on the next succeeding day's session,

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or you could not thereafter move for reconsideration; that's the nature of the motion.

Mr. Conroy Thank you, very much.

[Previous Question ordered on the Rule.
Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 74. Motion to Call from the Table. A motion which has been laid on the table shall be called from the table only by the affirmative vote of two-thirds of the delegates to the convention."

[Previous Question ordered. Rule adopted:
viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 75. Division of a Question. Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule. No section of a proposal may be divided. The limits on debate as set forth in Rule No. 30 of these rules shall apply to the debate on each division of the question."

Amendments

Mr. Poynter The gentleman [Mr. Stagg] sends up amendments.

On page 24, line 11, delete the word "No".

Amendment No. 2. On page 24, line 12, delete the words "section of a proposal may be divided."

Explanation

Mr. Stagg Mr. Chairman, it was brought to the attention of several members of the Rules Committee by delegates here that the division of a proposal, the rules that no section could be divided, might cause us to have some considerations before this body a piece of legislative or constitutional business that had two or three separate provisions. Perhaps, it was felt that two of them were good and one was not and in order to vote on it, you would have to take the good with the bad. The part of the rule which precedes it, which where they are distinct propositions, where one can be removed or deferred takes precedence over the section...over that part of it that says, "No section of a proposal may be divided." The Rules Committee met this morning at 9:00. We reconsidered this Rule No. 75 and it was the judgment of the Temporary Rules Committee that the suggestion that this amendment be adopted be brought to the attention of the convention and for that reason, the amendment was moved to delete the words, "No section of a proposal may be divided."

Chairman Henry in the Chair

Mr. Henry Mr. Stagg, if you would—I just got back in the Chair—and if you would run through that explanation just one more time, I would appreciate it.

Mr. Stagg Mr. Chairman, a number of delegates—one, Mr. Avant, and some others—brought to the attention of the Rules Committee members that the rule section, second sentence from the end, would perhaps face the delegates with a dilemma when a proposal in the new constitution had several paragraphs or several thoughts within a single proposal and that if it could not be divided, you would be maybe forced to vote for a proposition that had some bad things in it you didn't want to vote for. But because it was presented as a single proposal, this would stop you from dividing it. That, being

brought to the attention of the Rules Committee, we met this morning to reconsider our action in putting this rule in here. It was the unanimous view of the members of the Rules Committee—and there were fourteen members present—that this item should be eliminated and that's why the motion was made in the name of the Temporary Rules Committee.

Mr. Henry Realizing that I'm again exercising my discretion, couldn't you accomplish the same thing that you're setting out to accomplish by this...with this rule, by an amendment deleting what is objectionable, insofar as the issue is concerned, Mr. Stagg? All I'm basing my question on is what limited experience I've had in the legislature on such matters, because when you have a bill that comes up for a final passage in the legislature and there is some question that you might lose the bill, you amend out that portion; you resolve that by amendment rather than handling it in the manner in which you're suggesting it. I just wonder about the advisability.

Mr. Stagg Mr. Chairman, it was felt to be inconsistent with the first sentence which reads "Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the convention." If a question can be so divided because it would stand on its own bottom, then the further provision that a section could be divided was a glaring inconsistency.

Mr. Henry would you yield to a question from Mr. Avant?

Mr. Stagg Gladly, and it was on your suggestion that the Rules Committee took this matter up.

Questions

Mr. Avant Mr. Stagg, wouldn't it be true that under this rule that if whatever committee is charged, for example, with writing an article to go into the constitution, say, on the Judiciary and they brought it in in this fashion, Article III, the Judicial Department, Section 1, there will be thus and such courts and they will have thus and such jurisdiction? All right, Section 2, Selection, Tenure and Salary of Judges. All right, they say judges shall be selected in thus and such a manner; their terms of office shall be thus and such years; and they shall be paid in thus and such a fashion. All of those three things are in one section of that proposal. A delegate agreed with the method of selection; he agreed with the method by which they were going to be paid; but, he didn't agree with the tenure. Under this rule, as it's written, he could not move for a division of the question so that each one of those three items would be voted on separately?

Mr. Stagg That's what we felt, Mr. Avant, that it was inconsistent with the previous part of the rule as read.

Mr. Avant He would have to take, would he not, sir, the part that he didn't agree with in order to get the part that he did agree with?

Mr. Stagg That is correct, sir.

Mr. Avant And that's the reason for this amendment?

Mr. Stagg That is correct.

Mr. Kean Mr. Stagg, in light of the comment by the Chairman, it seems to me on further reflection that to delete this sentence from this rule could lead us into a real morass of trying to handle a division of a section, particularly, which can be done by amendments to the section and reach

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the same point. Under the circumstances, do you think it would be in order to withdraw the amendment so that we can proceed with the adoption of the rule?

Mr. Stagg Mr. Kean, I'm--if you don't leave, I want to parley with you--believe that what... it can be done under these circumstances and when Mr. Avant proposed his question of salary, tenure and term of judges that if you were offended by one of those three sections of that proposal, you could move to amend it, either to amend it out or to change the manner of it, or in another fashion protect yourself against voting on an unwarranted part of such a proposal. It was therefore, to be done either of two ways: by amendment or by allowing a section of the proposal to be divided. To the extent that the members of the Temporary Rules Committee would agree, then I would withdraw the motion because it was done by the Temporary Rules Committee this morning.

I would like to ask that the members...any member of the Temporary Rules Committee object to my withdrawing the amendment?

Mr. Henry Mr. Stagg would like to know, and rightfully so, if any member of the Temporary Rules Committee would object to his withdrawing the amendment at this time?

Are you on the Rules Committee, Mr. De Blieux? Would you have a seat just a minute and let us resolve this, please?

All right, sir, Mr. Stagg, what is your...

Mr. Stagg Did any member of the Rules Committee rise to object, Mr. Chairman?

Mr. Henry No member has objected, sir.

Mr. Stagg Then I would be persuaded by the Chairman to withdraw the amendment.

Mr. Henry Thank you, sir.

[Amendment withdrawn.]

Point of Order

Mr. De Blieux Mr. Chairman, if I'm in order, I'd like to propose the same amendment which was proposed by the Rules Committee. I'd like to explain my reasons why.

Mr. Henry Well, I'll tell you what--just take Mr. Stagg's name off and put Senator De Blieux's name on and we'll--Senator De Blieux sends up amendments, Mr. Clerk.

Amendments

Mr. Poynter It would delete in the rule the language on line 11 and 12 "no section of a proposal may be divided".

Explanation

Mr. De Blieux Now, if I may, Mr. Chairman and Ladies and gentlemen of the convention, I want to explain why I think that this is a very good and appropriate amendment. This situation is going to arise when somebody presents an amendment to a proposal. To give you an example of what I'm speaking about, I take the very copy of it to be ineffective. It means, if somebody proposed that type of an amendment to the act, and you didn't like one of those sections in there, you couldn't... you'd have to vote against the whole business when you liked three out of the four. Now, this particular provision would allow you whenever something comes up to take out the bad and leave in the good. You don't have to accept the bad

with the good in order to get something you want. Now, this really is only going to come up on amendments and you cannot propose an amendment to an amendment; I just want to call that to your attention. You vote on amendments one at a time after... according to what they're advocating by not having this in the rules, you've got to adopt the amendment first and then come back with a second amendment and debate the whole matter all over again before you can take out that bad portion which you don't want. If there's enough people there that want that bad portion in, it's going to make it kind of difficult for you to get it out after a prolonged debate. I think it's going to shorten our period of time. Let us go through in an orderly procedure, if we take this amendment and adopt it here, and you don't have to separate those you don't want to separate now, because it's going to be up to the convention as to whether or not they want to divide the question anytime, anyway.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, in all due deference to Mr. Chairman and to the other distinguished delegates who've advocated the amendment process protect a delegate in this instance, I beg to differ. The reason that I want this amendment and urge you to support it is simply this: as I understand this rule, if a proposition can be divided then any delegate has the right to demand that it shall be divided. But, you do not have an unqualified right to offer amendments as you learned earlier when we had all this discussion on the previous question. Now, I may be caught in this situation. I may have an amendment that I want to offer, and I may be down the line, or for one reason or another the previous question is ordered, and I'm then in the position of having to vote either against three good propositions in order to vote against one bad one, or else vote for one bad one in order to vote for three good ones. I think that it just makes sense as this rule says, particularly when you get into proposals which are going to be the substance of the constitution, that if the question can be divided that that if any delegate requests it, it shall be divided. The amendment process does not give you that protection. I urge that you support this amendment.

[Previous question ordered. Amendment adopted: *vide ante*. Previous question ordered in the Rules. Rule adopted: *vide ante*.]

Reading of the Rule

Mr. Poynter Rule No. 76. Previous Question. A. Previous question. This undebatable motion is applicable only to the pending amendment, or amendments, if more than one amendment is under discussion; and it shall be admitted when ordered by a favorable vote of two-thirds of the delegates present and voting, and when carried its effect shall be to put an end to the debate and bring the Convention to a vote on the pending amendments only, without prejudice to further debate on, or subsequent to, the amendment to the main question. If there has been any discussion on the amendments, the proponent, or a delegate designated by him, shall have the right to close, even after the previous question is ordered, which closing speech shall be limited to fifteen minutes.

B. Previous question on the entire subject matter. It shall be admitted when ordered by a favorable vote of two-thirds of the delegates present and voting, and when carried, its effect shall be to put an end to all debate, and bring the Convention to a direct vote--

1) Upon the pending amendment and so on back to the first amendment offered.

2) Upon amendment reported by a committee, if any, and,

3) Upon the main question. But in all questions

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Involving length of time, amounts of interest, questions of quantity, and similar questions, such questions involving the longest time, the largest interest or quantity shall be put first regardless of the order in which motions, amendments or substitutes may have been made.

On a motion for the previous question on the entire subject matter, and prior to the ordering of the same, a call of the Convention shall be in order; but after the Convention shall have ordered such motion no call shall be in order prior to the decision of the main question on a motion for the previous question on the entire subject matter, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question on the entire subject matter and pending such motion, shall be decided whether on appeal or otherwise, without debate. After a call for the previous question on the entire subject matter has been sustained, the question shall be put in determined order as above, without debate on either amendment or motion. The motion provided that the proponents of the amendments and measure, or a delegate designated by him, shall respectively have the right to close the debate after the previous question on the entire subject matter is ordered, which closing speech shall be limited to a total of fifteen minutes."

Amendments

Mr. Poynter Amendments proposed by Mr. Kean amending the Original Resolution.

Amendment No. 1. On page 24, line 19 after the word "vote" delete the remainder of line 19 and insert in lieu thereof the following: "as provided in Rule 69."

Amendment No. 2. On page 24, line 20 delete the word "voting".

Amendment No. 3. On page 24, line 25, delete the "a" before the word "delegate" and change the word "delegate" to "delegates".

Amendment No. 4. On page 24, line 32 after the word "Convention" and before the word "to" add the words "or any committees".

Amendment No. 5. On page 25, line 22, delete the "a" and change the word "delegate" to "delegates".

Amendment No. 6. On page 25, line 25, correctly spell the word--incorrectly spell--"speeches" so as to read "speeches"--correctly spelled.

Explanation

Mr. Kean Mr. Chairman there should be one additional amendment which would be designated "Amendment No. 4" and renumbering those after that as Amendments Nos. 5, 6, and 7, so that on page 24, line 29, you would delete the word "of" and on line 30, delete the words "two-thirds of the delegates present and voting" and insert "as provided in Rule 69." Amendment No. 1 and Amendment No. 4 accords with the action previously taken in Rule 69 to require a majority of those present and voting for the purpose of the previous question. The others are simply technical amendments to provide in one instance, the word "delegates" instead of "delegate", another instance, to make certain that the previous question rule would apply to committees as well as the convention.

Mr. Stagg The other amendment is to correct the spelling of the word "speeches".

[Previous question ordered. Motion adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Duval, amending the Original Resolution.

On page 25, between line 7 and 8 add the following: "(4) The motion for the previous question and the previous question on the entire subject matter shall, during the consideration of any proposal, extend only to the individual section

under discussion in accordance with Rule No. 45."

Explanation

Mr. Duval Mr. Chairman and fellow delegates, this is merely a clarification amendment. I'm sure that our rules as written, would be interpreted as to not allow the previous question on the entire subject matter to be moved on a...let us for an example, let's assume a constitutional article was proposed with ten sections and after discussing two sections, the previous question on the entire subject matter would be moved. I think under Rule No. 45 this could not be done because we are obliged to take each matter up, section by section. But, I think since the Chairman...it's the Chairman's duty to interpret these rules, we should make them as clear as possible and this would avoid any possible argument on the matter in the event that it would come up. So, I urge the adoption of the amendment.

[Amendment reread. Previous question ordered. Amendment adopted: viva voce. Previous question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstances whatever, to vote after the decision has been announced by the chairman. The names of absentees on all calls of the yeas and nays shall be placed on a separate list."

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 79. Explanation of Vote. No delegate shall be permitted to explain his or her vote except as hereafter provided. Any delegate may explain his or her vote in writing or reasons for not voting in writing and request that such explanation be made part of the record."

[Previous question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 80. Tie Votes. When the Convention is equally divided, the decision of the Chairman shall be taken to break the tie, provided that the Chairman, in this event, shall not have previously voted as a delegate on the question."

Amendment

Mr. Poynter [Amendment by Mr. Stagg]. On page 26, line 11, after the words "divided, the" and before the words "of the" delete the word "decision" and insert in lieu thereof the word "vote".

Explanation

Mr. Stagg It was simply that "decision" of the Chairman was not the proper word to use when actually what we meant was that the "vote" of the Chairman shall be taken and it much more simplifies it if you say exactly what you mean.

[Previous question ordered. Amendment adopted: viva voce. Previous question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, section, or article the yeas and nays shall be

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entered in the Journal, and no proposal, section, or article shall be declared passed until a majority of all of the delegates to the Convention shall have voted in favor of the passage of the same."

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 82. Consent. No proposal, resolution, or other subject shall be made a special order for a particular day without the consent of two-thirds of the delegates present."

Mr. Stagg sends up technical amendments.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Stagg]. On page 26, line 23, at the end of the line strike out the period ";" and insert in lieu thereof the following: "and voting"--read "present and voting".

Question

Mr. Burson Would you just explain for the benefit of those of us that are not use to the terms "Special Order of the day, etc." what the significance is here requiring the two-thirds vote, whether this means--this is only for the purposes of deviating or what?

Mr. Stagg It is the purpose that the...under Rule No. 66, Mr. Burson, the daily order of business, the Morning Hour and the Regular Order of the day are set in the rules with particularity as to what must precede another item. In order for there to be a matter to be made the Special Order for tomorrow or for next Monday, which would take it out of its normal order on the day when it occurs, the delegate might have a proposal that you would be getting in the way of and extended debate would occur, and his proposal would never be heard until further in the week when he had already got a prime position on the orders of the day you seek to disrupt the order of the day by Special Order. It was deemed by the Rules Committee that that should not occur without two-thirds of the delegates present and voting.

[Previous Question ordered on the Amendment. Amendment adopted: viva voce. Previous Question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 83. Precedence. When two or more subjects shall have been specially assigned for consideration, they shall take precedence according to the order of time for which they were severally made or assigned, and said orders shall on no time be lost or changed except by direction of the Convention."

[Previous Question ordered. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 84. Change in Rules. Any standing rule of the Convention may be rescinded, altered, or amended in the following manner: notice shall be given in writing of the motion therefore, which motion shall be referred immediately by the chairman to the Committee on Rules, which shall file its report of the Convention within twenty-four hours of the 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."

Mr. Stagg Sends up technical amendments.

Amendment

Mr. Poynter [Amendment by Mr. Stagg]. On page 27, line 4, after the words "require a" and before the word "vote" insert the following "favorable".

Explanation

Mr. Chairman we misspelled the word "therefor" and put an "e" on it which was erroneous. In the next to last sentence, "for passage shall require a vote of the majority of the delegates." It's a vote of a favorable...it's "favorable vote" of a majority of the delegates--it's really a Style change because we've used "favorable vote" in other places.

[Previous Question ordered. Amendment adopted: viva voce. Previous Question ordered on the Rule. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 85. Suspension of Rule. 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."

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Arnette]. On page 27, line 8, after the word "of" delete the remainder of the line and delete lines 9 and 10 in their entirety and insert in lieu thereof the following: "a majority of the delegates to the Convention."--on page 27, line 8, after the word "of" delete the remainder of the line, delete all of lines 9 and 10 and insert in lieu thereof the words "a majority of the delegates to the Convention."

Explanation

Mr. Arnette Well, the purpose of this amendment is to--I'm not trying to open the same can of worms about the two-thirds vote or anything like this about a previous question; this is something entirely different--and there are three or four basic reasons for this change. First of all, if we keep the present rule as it stands, a two-thirds vote or a majority of the Convention, whichever is a lesser number, the rules of this Convention could be suspended if there is a bare quorum present by forty-seven persons. These same forty-seven persons could pass whatever they want to pass by the suspension of the rules; they could even pass an entire constitution. Now, we don't have the safeguards of the Senate and the House that the constitution provides for them. The present law in the Constitution of the State of Louisiana provides that it takes a vote of fifty-three of the House of Representatives or a majority of the Senate--I forget what the majority of the Senate is at the moment--but it requires that vote for any bill to become law. But, we don't have this built-in safeguard in the constitution, so there could be parts of the constitution passed. They could be taken out of consideration. They could be laid on the table by these forty-seven people and it could get passed--if what the majority of the delegates of the Convention want--and then we could not take this off the table except with a two-thirds vote. So, I think, it's imperative that we keep at least a majority of the votes...a majority of the delegates to the constitution required to pass any proposal before this House. I would have any question if there's any question in anyone's mind about this. But, I think it's very important that we have this safeguard. I also think that since the that since we need to have a set of rules that

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is fairly stable, that we should at least require a majority vote of the constitution before we can suspend them on any one day.

Questions

Mr. Burson Without intending to defeat your motion at all, I wanted to ask you, Mr. Arnette, if you had noticed—and I did because I asked some people about it—that in Rule No. 81, regarding recording the vote, that it says that "no article shall be declared passed unless a majority of all the delegates to the convention shall have voted in favor of the passage of same," so that I think that maybe what you're talking about in the rules of the...that the constitution providing for in the House and the Senate is also provided in our rules for this convention, too.

Mr. Arnette Mr. Burson, you're exactly right. It is provided in our rules in Rule No. 81. But, this rule, like any other rule, may be suspended. This is what worries me. We could suspend this rule which requires a majority of the convention to pass every proposal, and there could, perhaps, be a rule after they suspend this rule and, say, "Look, it only takes a vote of forty for any proposal to pass." This is what worries me. I don't envision it happening, and I hope it doesn't happen, but I think we ought to make a rule to take care of this eventuality.

Mr. De Blieux Mr. Arnette, if you say that rule can be suspended which calls for a majority, why couldn't the rule which you are putting in the amendment also be suspended? So, I don't think you're going to be accomplishing anything that way.

Mr. Arnette Well, the rule to suspend the rules is the only way that you may suspend the rules. Therefore, it cannot be suspended until the rules are suspended. So, you can't suspend the rules until you get the affirmative vote of a majority of the delegates to the convention.

Mr. Flory Mr. Arnette, do you realize that with the amendment that you have proposed, assuming that there are a hundred people present, that the normal reason for a suspension of the rules is if you're in the Regular Order of the Day under consideration of matters and you want to suspend the rules in order to revert to the morning hour for the purpose of introduction of Resolutions, Petitions, Memorials, etc., that if there are only a hundred people present that it would require sixty-seven votes in order to move back and forth in order for the desk to do the work that they have to do? Do you realize that?

Mr. Arnette Well, I may be mistaken, but I think we have another rule that provides for a change in the daily order by a majority vote of those present. I don't have it here with me at this particular time, but we have passed such a rule, I'm fairly sure.

[Previous Question ordered.]

Closing

Mr. Arnette In closing I just want to say that I think this is very important that we do have this provision in there that no less than a majority could suspend the rule of this convention for the reasons I stated before, because I don't want anything passed by anything less than a majority of this convention. I think it would hurt our credibility at the polls, and I don't think that we need to have this adverse publicity or anything like this or any provision passed by less than a majority that would hurt us at the polls. This is my main consideration.

[Amendments rejected: *viva voce*. Previous question ordered on the rule. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 86. Consideration of Proposals without Committee Recommendation. After one day's notice the convention, on a motion passed by the affirmative vote of a majority of the delegates present and voting, may require a committee to return, with or without recommendation, any proposal referred to the committee."

[Previous Question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 87. Notice. Whenever notice is required to be given by these rules, the following rules 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."

I have no amendments, Mr. Chairman.

Questions

Mr. Stinson Mr. Stagg, nowadays, you know, our mail is rather terrible. You don't have any time there in which you are given notice. I know when we got the copies of the rules, a week later I got the telegram that was mailed to me to see if I had gotten the rules. Now, this doesn't have any time element. Don't you think there should be some precaution taken to be sure that we will get the...There's no delay at all.

Mr. Stagg Well, it's required, Mr. Stinson, to be sent by certified mail, and we trust that that provision of not just eight cent stamps on it but that it must be certified will probably gain you the receipt of that mail maybe a little quicker than you would under normal circumstances.

Mr. Stinson I could foresee where it might even delay it. I'd rather mine not be certified. You have to pick it up, maybe, in person. It looks like there should be some precaution because...on there. From here to Shreveport or out in the country from Shreveport it takes sometimes three days to get mail up there, at least.

Mr. Stagg Well, Mr. Stinson, I think the committee felt that the most reasonable notice given and capable of being given by the Secretary was to put it in the mail. We can't be using the State Police every time we need a notice and the weather is bad.

[Previous question ordered. Rule adopted: *viva voce*.]

Reading of the Rule

Mr. Poynter "Rule No. 88. Authority. On any question of order and parliamentary practice, when these rules are silent or inexplicit, Mason's Manual of Legislative Procedure shall be considered authority."

Question

Mr. Tobias Mr. Stagg, why did the Rules Committee choose Mason's Manual of Legislative Procedure rather than Robert's Rules of Order?

Mr. Stagg You may not believe this, Mr. Tobias, but after we had argued the rules for some twenty-eight hours and we were prepared to suggest that Robert's Rules of Order would cover places where these rules were silent, we sought advice from legislative members of our...members of our committee who were in the legislature, we sought

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advice from Mr. Poynter, we sought advice from delegates who were present at the Rules Committee hearings, and the general trend of the advice, sir, was that Robert's Rules of Order were particularly designed for conventions of social organizations, for Kiwanis Clubs, for Lions Clubs, for other than legislative and governmental deliberative bodies. It was felt that Mason's Manual of Legislative Procedure is a manual designed particularly for parliamentary bodies, constitutional conventions and state legislatures and that for that reason only, Mason's Manual was felt to be a superior source of legislative information, parliamentary debate than would be Robert's Rules of Order. The committee also made it its business to recommend to the Chair that at all times during the deliberations of this convention, multiple copies of Mason's Manual will be present in whatever room it is we are deliberating so that the members could have access to it.

[Previous Question ordered. Rule adopted: viva voce.]

Amendment

Mr. Stagg Mr. Chairman, I move to adopt Rule No. 89, which reads as follows: "In all correspondence, news releases, memoranda and other similar writings, it shall be permissible to refer to the Constitutional Convention of 1973 by the abbreviation 'C.C./'73.'" I move its adoption.

[Previous Question ordered. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, there is one additional rule concerning the power of the Chairman to call this convention back into session, if necessary, prior to July 5. I think that motion or resolution was forwarded to the Chair by Mr. Womack.

Amendment

Mr. Poynter Amendment No. 1 offered by Mr. Womack to the resolution: On page 27, line 32 add the following:

"CHAPTER 7,

Interim Meetings

Rule No. 90. Interim Meetings of the Convention. The Chairman, with the approval of the Executive Committee, may reconvene the convention."

Explanation

Mr. Womack Mr. Chairman and fellow delegates, It's the feeling of a number of members that there was a void and that not knowing who might raise a constitutional question that needed to be clarified prior to a legislative session or something of that kind, that we needed a rule in there giving the authority for the reconvening of the convention prior to July 5, or at any other time there deemed a necessity. So, I'd urge the adoption.

Questions

Mr. Gravel Mr. Womack, I'm not opposed to the reasoning behind your resolution, but I do have some serious concern about whether we are not directly violating the provisions of Act 2 of 1972. I refer, particularly, to the provision that requires that after completing organizational activities, the convention shall adjourn until July 5, 1973, which appears to me to be a mandatory provision in the law. Now, don't you feel that your resolution is in direct conflict with this provision in the law...of the statutes?

Mr. Womack Mr. Gravel, that is quite apparent, but by the same token, if it becomes absolutely necessary that that be done, then we can go back and amend it and ratify what had been done which, I think, is a procedure that would give us an out

on it. I speak in particular...let me give you this for an example: there has been a constitutional question raised, and one of the alternatives to the settlement of a possible constitutional question would be the convention itself take certain action which would be a corrective measure. But, if there's no provisions for calling the convention into session, then I don't know whether you could do it or not. So, it was felt by a number of us that this should be included in there and then if we have trouble with it, we could ratify it by a House resolution.

Mr. Gravel Well, I don't agree with you that... The point I'm asking is that if this is a convention of the law, and you seem to agree that it is, couldn't we accomplish your purpose by making some provision at this time for the convention to reconvene upon the call of the Chairman and the Executive Committee as a Committee of the Whole, which I think probably would be within the authorization of the statutes? I think your resolution is in conflict--direct, clear conflict--with the law. It's in conflict with the oath that we've taken, and I believe that what you want to do can be handled, but not in this manner.

Mr. Womack What you're trying to say is that if we would add the words "into a Committee of the Whole" you think we could do the same thing by that and eliminate the conflict?

Mr. Gravel That's a possibility. I hadn't thought it out too much, but that would be the only possible way that I think we could do it and not violate the statutes.

Mr. Womack Mr. Chairman, would you declare a standing at ease for about three, four or five minutes and...

Mr. Henry I was just fixing to suggest that if... You're going to withdraw these for the moment?

Mr. Womack Yes, I'll withdraw.

[Amendment withdrawn.]

Further Discussion

Mr. Womack Mr. Chairman, fellow delegates, it is the opinion of our key legal counsel that when we once adjourn that there is no provisions for calling this convention back into session however imperative it might be as you move on. So, instead of a proposal which would allow the reconvening at the apparent close of the urgent business, we plan to propose that we recess until a day certain, which legally and technically will leave the Chairman of the convention in a position to call us back to complete the work that we had left undone; and that portion of the word we'd left undone would be that portion of urgent things that come up that is imperative that it be taken care of in order to see that the functions of the convention are carried out with the...within the duties and responsibilities that we have. At this time, we don't propose any amendment. We propose only that you understand that at the close of the... or at the apparent close of the urgent business that we have, that we will recess, and that motion is the one that will be on the floor, or this afternoon, or tonight or whenever the time might be. Thank you.

Motion

Mr. Stagg Mr. Chairman, the pending order of business before the convention is Committee Resolution No. 1, entered by the Temporary Committee on Rules. On behalf of that committee, I move the adoption of the rules as variously amended.

Point of Information

Mr. Triche Mr. Chairman, I guess rather than a

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question to Mr. Stagg, this would be a point of information from the Chair.

If we adopt these rules, would we be then in a position to consider the resolutions today--those resolutions that have already been filed?

Mr. Henry Mr. Triche, your point is well taken. If we adopt these rules in their entirety with this motion, we will have to suspend the rules to give consideration to any of these resolutions until next July.

Point of Information

Mr. Weiss May we request of either Mr. Stagg or the Chair that we allow the resolutions currently pending to be considered today after the conclusion of this vote?

Mr. Henry Well, now, it's not going to be up to Mr. Stagg. He's a very congenial and agreeable fellow, Dr. Weiss, but it's just not that easy. Now, you see, we've spent over a week hammering out a set of rules of procedure, and I think that once we adopt these rules that we should proceed according to the rules that we have adopted. Now, the position that we will be in if this motion to go ahead and adopt all the rules as amended is adopted, then the resolutions will be introduced. They will be read. The delegate who introduces the resolution can make motion to suspend the rules for the purpose of considering the adoption of the resolution on today. If we get a two-thirds vote to suspend the rules, then certainly we can consider the resolution at that time. But, Mr. Stagg does not have nor would he take the prerogative of saying that he will allow us to introduce and go ahead and debate these resolutions, because it's not Mr. Stagg's ball game; it's mine and yours and his, you see.

Point of Information

Mr. Weiss The point of information is the question to you, Delegate Chairman, is how should we handle this matter at the completion of this vote when we hopefully will accept these rules and then go on from that point? What would you suggest?

Mr. Henry I would... You know, I don't want to act like I'm controlling this convention, Dr. Weiss.

Mr. Weiss This is a point of information, Delegate Chairman. You're certainly not controlling the convention.

Mr. Henry I think that we should go ahead and adopt the rules, and then take your chances on suspending the rules, personally.

Mr. Weiss Thank you.

[Previous Question ordered. Committee Resolution adopted: viva voce.]

Mr. Henry At this time, I think it would be most appropriate for those of us as delegates to express our deep appreciation, Mr. Stagg. I don't usually do this for Republicans, but you have done a splendid job, you and your committee, and I think all of those of us here at the convention are indebted to you. I'd ask that every delegate stand up and give them a round of applause.

Be seated; let's do a great ovation.

Are there resolutions, Mr. Clerk?
I think the first order of business, perhaps, at this point should be inasmuch as the rules provide that the Chairman of the Convention can appoint a Clerk and a Sergeant-at-Arms, I would like to state that my choice for Clerk--and I'm sure this will come as a great surprise--is David Poynter, who we're getting for a real bargain. He has agreed to serve the convention at no cost to the convention at all. He reluctantly agreed to do that after I explained it to him the other night. No, I'm serious.

I would like to recommend the name of R.L. "Duke" Barrios to serve as Sergeant-at-Arms for the convention.

Mrs. Taylor.

Motion

Mrs. Taylor Mr. Convention Chairman and fellow delegates, it is indeed a privilege for me to move that we approve the appointment of Mr. David Poynter as Chief Clerk of this convention. I'm sure you will have to agree with me that Mr. David Poynter has shown his capabilities as Acting Clerk, and I hereby move that we do approve his appointment as Chief Clerk.

[Previous Question ordered. Appointment of Chief Clerk approved by acclamation.]

Motion

Mr. Stagg Mr. Chairman, I move that the convention approve the appointment of Mr. Barrios to be the Sergeant-at-Arms of this convention.

[Previous Question ordered. Appointment of Sergeant-at-Arms approved: viva voce.]

INTRODUCTION OF RESOLUTIONS

Mr. Poynter With the indulgence of the convention, I would like to postpone assigning permanent numbers to these delegate resolutions as there were a number of resolutions offered up the first day that you convened. With your approval, I will temporarily, rather than number them, call them Resolution A, B, etc., and when all the records are examined, we can remember them according to the number of introduction.
Mr. Chairman, will that be appropriate?

Mr. Henry Yes, sir. That's in order, Mr. Poynter.

Mr. Poynter Delegate Resolution No. A (for a temporary purpose) is introduced by Dr. Weiss: A resolution relative to the use of existing Louisiana Hospital Television Network Facilities by the Louisiana Constitutional Convention of 1973, acting through its committees.

Mr. Henry Dr. Weiss, what's your pleasure? Do you want to attempt to consider it?

Mr. Weiss With your permission, Mr. Chairman, I would like to present it and allow the delegates to make that decision.

[Motion to suspend the rules to consider the Resolution adopted: viva voce.]

Explanation

Mr. Weiss Thank you, Delegate Chairman and fellow delegates. Louisiana has unusual capabilities and facilities that are available to this 1973 Constitutional Convention. Thanks to the foresight of a few of our citizens and public officials, this state is the first in the nation and in the world to have in operation a statewide closed-circuit conference television network. It is currently used five days a week by medical and paramedical personnel in ten major areas of our state: Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Greenwell Springs, Jackson and Mandeville. Through this facility, our constitution a statewide closed-committee meetings and/or hearings could be held without the necessity of all parties journeying to one location. At the same time, our interested constituents could sit in on some four thousand seats on any hearing by merely going to the viewing and broadcast station at the local or nearby hospital. For example, from 2 to 4 p.m. on Friday afternoon, members of any given committee--or for that matter they could meet at night--could meet through audiovisual means at the ten locations cited. Two-way

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audio communication is possible at all stations with the Chairman moderating the discussion from Baton Rouge or New Orleans television studios. Many authorities consider that television is the most important discovery since the printing press. Learning has been reported to be eighty percent visual and twenty percent auditory, and we have the means of educating and involving the citizens of Louisiana as no other citizenry has been involved in the history of the world in the formation of their own constitution. Louisiana has the ability to bring this convention into the twenty-first century. Therefore, I propose the following resolution.

Reading of the Resolution
[1 Journal 52]

Questions

Mr. Rayburn Dr. Weiss, do you have any idea as to what we could be talking about in dollars and cents?

Mr. Weiss Yes, I do.

Mr. Rayburn Would you mind giving us the benefit of that knowledge?

Mr. Weiss I specifically stated the two to five o'clock p.m. hour because there would be no charge for that facility. In the event the Constitutional Convention so desires, it would be approximately a hundred dollars an hour on hours, say, between five and nine; for four hours, it would be four hundred dollars, roughly, to operate this facility in the manner in which you said.

Mr. Rayburn Then it would be left up to the committee, I guess, using it, whether they wanted to keep it till nine o'clock or later if they so desired.

Mr. Weiss Well, that depends upon the Executive Committee, and I believe the Louisiana Hospital Television Network and their cameramen and the people who run the facility.

Mr. Rayburn From two to five that equipment and the personnel is now idle?

Mr. Weiss That's correct; and as a matter of fact, the cables are twenty-four hour operations.

Mr. Rayburn Yes, sir. Thank you, doctor.

Mr. Gravel I have two questions, Dr. Weiss, which concern me. First, doesn't this, in effect, make our convention and our committee operations somewhat subject to whatever schedule may be determined in the future by the Louisiana Educational Television Authority? As I read your resolution, it would make us have to accommodate to the schedules that might be determined during the times that we might be deliberating; isn't that correct?

Mr. Weiss Well, yes and no. First, it would appear that way, but this operation is run by the State of Louisiana from our governor, I understand, on down. Therefore, any request made of Mr. Stanley, the Administrator, would of course have to be taken into consideration by the governor and the other authorities above him.

Mr. Gravel But, doesn't this resolution specifically say that we shall not conflict with the regular closed circuit programming of said network?

Mr. Weiss That is correct.

Mr. Gravel Then, we would be subservient or subordinate, so to speak, to the scheduling that the network might make.

Mr. Weiss Not unless the administrator was

instructed otherwise.

Mr. Gravel That second question that I asked is this: have you, Doctor, been able to talk with the people connected with the Louisiana Education Television Authority, Director of Hospitals, and the head of the Health Rehabilitation Services Department to determine their ideas as to the feasibility and cost in scheduling problems that might be involved here?

Mr. Weiss The scheduling and the feasibility has been worked out as asked by Delegate Rayburn. I think there would be three hours without question at no charge to this convention. If they so desired other hours through the Executive Committee's request, that would have to be worked out. The cost would be approximately a hundred dollars per hour on the time that was made available to this convention and its committees.

Mr. Gravel My question, I believe, was whether--let me put it more specifically--whether you've discussed this, for example, with Dr. Vidrine with the Department of Health, Social Rehabilitation Services, with Mr. Sweeney with the Department of Hospitals, and with the officials of the Louisiana Educational Authority with respect to the feasibility of the entire concept.

Mr. Weiss I did not go in between. I went as low and as high as you could go, so to speak. The administrator, Mr. Stanley, agrees that we can handle it. The lieutenant governor, in speaking with him, also felt the same way.

Mr. Bollinger Dr. Weiss, in this resolution, it in no way requires the committee to use these facilities; does it?

Mr. Weiss That is correct.

Mr. Bollinger Thank you.

Further Discussion

Mr. Womack Mr. Chairman, members of the convention, I'm not going to get into the merits or demerits of this resolution. I do want to point out to you, if you will turn to your rules now and look at the Procedural Committee No. 4, they have been assigned by the adoption of the rules to handle these kind of things, and it would look to me like that it would be in order at this time that this proposed resolution be referred to that committee and let the proper committee handle it. I would like to see the convention do that, and let's get ourselves in a habit of following the rules that we have and let the proper committees handle the proper things; and Dr., I do think that that's where this belongs; and if, if you would have no objection, or no serious objection, I would like at this time to move that we do refer it to that committee and let them attempt to work it out. I think that is in keeping with the intent of our rules. So, at this time, Mr. Chairman, I would so move.

[Substitute Motion to Refer to Adopt Resolution A on the Committee on Public Information.]

Point of Information

Mr. Schmitt Is it possible to refer something to a committee where there are no existing members of that committee?

Mr. Henry Under the rules, yes, sir, it's very possible.

Point of Information

Mr. Weiss This is a procedural matter, Mr. Chairman. I'd like you to clarify it for me. I presented this resolution in the substance of the

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discussion of the procedure on rules, thinking that this would be more appropriate and was advised to keep it until the end of the acceptance of this procedural document. I do believe, however, that the convention, at least, should act in this regard, one way or the other, certainly turning it over to the proper subcommittees or committees. But, if the convention is to use these facilities its first few months, I think some action might be taken, and I'm caught in between procedure in this regard. I'd like to know, if this motion passes, will this necessarily delay the use of these facilities that could be most helpful in the coming months, prior to our meeting here in July?

Mr. Henry Dr. Weiss, I think I was the one that suggested that you wait. I thought you were going to introduce it as a rule, and if I gave you some bad information, which I'm very capable and consistent to do, then I apologize to you. If Mr. Womack's submission does pass at this time, your resolution will be referred to Procedural Committee No. 4, which is Public Information, in which event, that committee will not be able to report that resolution back to the full body until we convene again, which probably will be in July.

Mr. Weiss Therefore, these facilities would not be in use before then. Is that correct?

Mr. Henry That's correct.

Mr. Weiss Well, I must have been misinformed on procedure because I would like to see this facility used by all committees before that time. I would speak against the amendment.

Point of Information

Mr. Denny Mr. Chairman, if this matter is referred to Procedural Committee No. 4, will that prohibit the Executive Committee, for example, from negotiating with these state agencies for the use of these facilities if they become desirable during that period?

Mr. Henry If the Executive Committee in its infinite wisdom determines that such a proposition as this was advisable, I would imagine that the Executive Committee could set in motion the mechanics to go ahead and get this on the road to recovery, Mr. Denny.

Mr. Denny Thank you, sir.

Point of Information

Mr. Silverberg Mr. Chairman, am I to understand that the committee, or Procedural Committee No. 4, will not go into operation until July 5?

Mr. Henry No, sir, not at all. That wasn't what I said, Mr. Silverberg.

Mr. Silverberg Well, I misunderstood you, and I would like some clarification of it, please, sir.

Mr. Henry What I was pointing out to Dr. Weiss is simply that under the rules of procedure which you have adopted, if this resolution is committed to a committee that that committee will not be able to make its report back to the convention until July; don't you see? It will make its report to the convention. The convention will then make its determination, which in all probability will be in July.

Further Discussion

Mr. Triche Mr. Chairman and delegates of the convention, I rise in opposition to the motion by my good friend, Mr. Womack. If we commit this resolution, we're going to in effect kill it, and we'll have to take it up when we come back in July. The purpose of the resolution is simply to request

the Louisiana Department of Hospitals, which has a closed circuit television network available for our use now, request that that authority make its facilities available. It requests the Louisiana Television Authority, which is another agency that has these facilities available, it requests that the agency make those facilities available to the convention. There's no requirement that they be used by the convention. There's no requirement that anybody spend any money in the use of these facilities. It also provides that these facilities shall be used when and if determined by the Executive Committee. The Executive Committee will determine when these facilities will be used, and if it's done in committee work, it will be done at the request of the chairman of the respective committees. Now, it just seems to me, ladies and gentlemen, that we have available to us for the use of the citizenry of this state a tremendous network available to disseminate information about the deliberations of this convention to the people of this state. It's available to us. It's available to us at a modest cost. There's no requirement that we spend a crying dime on it. We're simply asking that these people make the facilities available, that the agency make the facilities available; and if the Executive Committee decides that these facilities should be used, they would be used; if the chairman of the committees decides they shall be used, they'll be used. So, it seems like we've got a good bargain available to us, and we ought to take the advantage and opportunity of it. We ought to seek to take the advantage of these facilities now because I believe it's contemplated that we're going to hold hearings throughout the state, and our committees are going to meet between now and July and it would be advisable to think, when these committees are meeting if these facilities are available, and if the agencies involved have the funds to put them on, that they can be in a position then to channel our meetings through their television facilities and disseminate that information far and wide throughout the length and breadth of this state. It would be a good thing that we ought to do. For that reason, I would ask that you not commit Dr. Weiss's resolution, but that you take it up now on its merits and make a decision whether you want to use these facilities now or not.

Questions

Mr. Womack Mr. Triche, would you agree that the wording in the Committee No. 4, that I made a motion to refer to, says that they consider and take the necessary action? That's question No. 1. Question No. 2, doesn't the act that set up this Constitutional Convention, if you will look on under Paragraph (f), and I'll read it to you and ask if you don't realize it, "the convention also shall have full authority to use the facilities and services of any board, commission, department, agency of the state, or any political subdivision," and it goes on. Don't you think that sufficiently covers it? Now, the third question is then, that in view of these, if you still don't think that it is sufficient to give leeway enough to protect it, don't you realize that our motion will be to recess tomorrow, and that we will be reconvened within the next two to three weeks, and it could be taken up at that time, if it was deemed necessary?

Mr. Triche No. That provides that services of state agencies that it be made available to this convention. Of course, to take advantage of the agencies and the services of the agencies, the convention has to make a determination for the use of those facilities. That's what this resolution seeks to do. It seeks to request the Hospital Authority and the Louisiana Television Authority to make their services available, such services as they are.

Mr. Womack Mr. Triche, do you realize that sooner or later this convention is going to have to consider those resolutions and only those

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resolutions that are pertinent, and when I mean pertinent, I mean directly pertinent to the business of this convention? I comment on that question by further stating that each time you introduce a resolution of any kind and print it and run it through the files, you're looking at some three hundred, three hundred and fifty dollars. I'm also looking at the fact that all of these elements of excessive expenditure...

Mr. Triche Mr. Chairman, isn't that an awfully funny question?

Mr. Womack Mr. Triche, I got my lesson from you. You taught me. If that's an unusual question, I had a good teacher. But, don't you think that sooner or later we're going to have to get down to where we're looking at the final product and the analysis of the final product by the voting public? The answer probably is no.

Mr. Triche No, Mr. Womack. This resolution is in the nature of an organization resolution, and this is an organization session, and I think it's entirely in order, and I think it's entirely proper at this time if we want to use those television facilities to disseminate information throughout the state on the subject of this convention, that we make the request for those facilities now.

Further Discussion

Mr. Rachal Mr. Chairman, ladies and gentlemen, I rise to support the amendment, not because I want to kill the resolution. In fact, I think that it registers a tremendous opportunity, and certainly in agreeing with the proponent of the resolution, it will bring us into the twenty-first century. My supporting the motion is not to kill it. However, a number of things stated by Mr. Triche about the availability of the facilities and the absence of cost, I do not see in the resolution. It would be wise that we need to refer this to an appropriate body to determine the feasibility of this operation. Whereas, Mr. Triche mentioned that there were no costs, Dr. Weiss had mentioned that it would cost a hundred dollars an hour after five in the evening. The scheduling problems, which committees will take precedence over other matters, these matters need to be referred to the appropriate committee; I think it's the Public Information Committee, so that it might be implemented. As was suggested by the person who preceded me, this is within the purview of the Public Information Committee, as I understand it, to implement and to institute methods by whereby information would be gotten to the citizens. Another fact which needs to be considered is what is the budget... what will be the budgets of the respective committees so that they might determine how many hours at a hundred dollars that they can afford to have these programs aired; or if additional funds are necessary, how will we get them? So, I rise in support of the motion... or the amendment, rather, not to kill the resolution, but rather to try to assure that the resolution will be implemented and that it will be successful and used for the benefit of the people of this state. Thank you, Mr. Chairman.

Point of Information

Mr. Abraham Mr. Chairman, I would like to have a point clarified. A while ago I understood you to say the Procedural Committee No. 4 on Public Information would not be able to report back to the convention until July, which may be true. But, as I read Procedural Committee No. 4, it says... member of that committee to implement measures, to inform the people in the acts, and procedures," etc. Well, as I understand this, there is nothing to prevent the Committee on Information to take whatever actions it wants to between now and July to publicize our actions. It, on its own, could implement this television service if it wanted to; could it not? Don't they have the latitude to do

whatever they need to do between now and July to disseminate this information?

Mr. Henry You'd better run that by me again, Sir. I'm sorry.

Mr. Abraham Well, what I'm asking is, this says that the Committee on Public Information shall consider and implement measures to inform the people on the actions, procedures, recommendations, and activities of the convention. Doesn't this authorize the Committee on Education to do whatever it needs to do between now and July, or during the next year, to disseminate information; and doesn't this give the committee authority, in effect, that if it wants to activate this type of television network or go to the health authority or whomever it may be that they could do this type of thing and set this up with various committees or whomever they wanted?

Mr. Henry Not at all, Mr. Abraham, any more than it would give the Committee on the Bill of Rights the authority to draw up what it thinks is best and just approve it without coming back to the full body of the convention. No, Sir. There's no need of having a convention if you're going to let your committees have the ultimate decision and say-so.

Mr. Abraham Well, I would beg to disagree with the Chair because this committee, then, cannot do anything unless it comes back to the full convention and gets its permission to publish information in the paper, or whatever it may be.

Mr. Henry Well, if you're telling me that it's your appreciation—and I could be wrong—but, if you're telling me it's your appreciation that this Committee on Public Information can just go to work, then you're telling me they can use the public relations firm and agree to pay them fifty thousand dollars a month or a year, and that we've just got to like it or lump it, Mr. Abraham; and it's just not my understanding that that's what that committee can do.

[Previous question referred to the Subcommittee on the Bill of Rights, Executive Mission reported: viva voce.]

Further Discussion

Mr. Denney Mr. Chairman, delegates, I rise in support of the resolution offered by Dr. Weiss. I happen to be the chairman of the Louisiana Educational Television Authority, and I can assure you that this convention can gain great benefits from the use of the facilities of both the Authority and the Hospital Television Network. The cost... the state is presently paying twenty-seven thousand dollars a month for the lines that the Hospital Authority is using, and those lines are only used approximately half the day. I think this convention could get great benefit from the use of those lines, not only insofar as the public is concerned, but even more importantly during the early stages of this convention as far as the various committees themselves are concerned. For example, if a committee were to meet in one of the cities in Louisiana and a question arose which required some technical knowledge which was not available at that point, the committee could utilize the facilities of this network to get the expertise at one of the two main studios in Baton Rouge or New Orleans, and within a day or so, telecast this around the state so that each one of the delegates who is a member of that committee could go to the nearest hospital and listen to the explanation given by the expert. I think it's a very desirable thing for this convention to be authorized or to authorize its Executive Committee to request the services of these other state agencies.

Further Discussion

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Mr. Riecke Mr. Chairman, I've listened for several days on practically every delegate here say how they wanted to keep the public informed, how they wanted open meetings, and I can't imagine a greater facility to keep the public informed than this offer of Dr. Weiss and the Hospital Association. I speak in favor of the motion, and I think here's something that isn't going to cost us anything. If we need extra time in the prime hours for television, that would seem to me to be a question for the Finance Committee or the Executive Committee to decide, and I think it's a facility for the Publicity Committee that we ought to grab right now, and for that reason, I move the previous Question, Mr. Chairman.

[Motion for Previous Question rejected: viva voce.]

Point of Information

Mr. Kean Do I understand under the rules that if I wanted to offer an amendment to this resolution that it would have to be in writing and distributed to every member of the convention before it could be considered?

Mr. Henry That's my appreciation of the rules, yes, sir.

Mr. Kean I don't want to offer it.

Mr. Henry Mr. Newton. That's one reason that it might not turn out to be such a bad rule.

Substitute Motion

Mr. Newton I think maybe we can solve the problem here. I would like to make a substitute motion at this time that the resolution be referred to the Executive Committee for its consideration and for such action as it may deem appropriate.

Further Discussion

Mr. Weiss I object to that amendment, or substitute motion, and I'm sorry this created such havoc. If everyone is in favor of this, the Executive Committee in the resolution is authorized to handle the matter. So, I think this amendment is redundant and would request that you retract that amendment.

[Previous question ordered. Substitute Motion rejected: viva voce. Previous Question ordered on the Motion. Motion rejected: viva voce. Previous question ordered on the Resolution. Resolution adopted: viva voce.]

Reading of the Resolution

Mr. Poynter Delegate Resolution temporarily numbered "B," introduced by Mr. Derbes. A RESOLUTION to adopt the following standing rule of the Constitutional Convention. Rule No. [It would appropriately be numbered] A. Advocates Defined. At this time, unless the Chairman desires, I won't read it. It further provides for the registration of advocates.

[Resolution read. Time over under the rules.]

Reading of the Resolution

Mr. Poynter Delegate Resolution temporary numbered "C," introduced by Mr. Roy, Mr. Gauthier and Mr. Dennis. A resolution provided with respect to expressing the appreciation of the convention to Chief Justice Hamlin.

Mr. Henry Read the Resolution.

[Amendment read by title. Motion approved. Resolution adopted: viva voce.]

Amendment

Mr. Henry Mr. Triche now sends up amendment. This amendment will provide that every delegate to the convention will serve as a coauthor on the resolution unless there is anybody who objects.

[Amendment adopted with viva voce.]

Explanation

Mr. Dennis Mr. Chairman and fellow delegates, this is a resolution as you've heard which simply commends and conveys our appreciation to Chief Justice Hamlin for his efforts preparatory to the beginning of the convention and before he stepped aside and designated Justice Sanders to convene us on January 5th. I ask for final passage.

[Previous Question ordered. Resolution adopted: viva voce.]

Reading of the Resolution

Mr. Poynter Delegate Resolution number temporarily "D," introduced by Mr. Jenkins. A resolution provide with respect to the purchase of printing, materials, supplies, equipment and services, except employment, and provide further with respect thereto.

[Rules suspended to consider the Resolution at this time.]

Explanation

Mr. Jenkins Mr. Chairman, delegates to the convention, let me first point out a couple of typographical errors on line 11, the last word should be "offered." On line 14, after the word "heretofore" we should have the word "been" included. Now, the purpose of this resolution really is to insure efficiency and economy in the operation of the business of the convention. It seems advisable that we should have our contracts let strictly by a bid to the lower responsible bidder rather than having the possibility of allocations be made that we adopted... agreed to contracts on some other basis other than what is the lowest responsible bidder. I would think it would contribute to our economy of the convention, certainly to the public image of the convention. The second part with regard to lines 13, 14, and 15 specifically refers to certain contracts which may have been made by the State of Louisiana which might be interpreted as referring to us but should not be, such as, the printing contract for the state printer. We have a very limited budget for conducting the operations of this convention. If, for example, the Journal which we are to prepare cost us two thousand dollars a day, we soon won't have enough money to operate on. So, it seems advisable that we ask for bids to be submitted on substantial items such as this so that we can get the lowest responsible bid and save as much money as possible for the people of the state. So, I urge the adoption of this resolution.

Delegate Leithman in the Chair

Questions

Mr. Duval Representative Jenkins, would not this convention be subject to the Public Bid law of Louisiana?

Mr. Jenkins Stan, I don't think we would be. There is no indication that an autonomous body such as this would be. I certainly don't think so; that's why I proposed this particular resolution.

Mr. Duval Have you researched the point on the Public Bid Law or not because I really don't

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know either, and I'm curious?

Mr. Jenkins No, frankly, I haven't. I think we are sort of dealing with an unusual situation here dealing with the Constitutional Convention.

Mr. Silverberg Mr. Jenkins, I have two questions. In the main body of your resolution, "Printing the figure five hundred dollars which could be changed or would you agree to change it to a thousand dollars and you would be within the Public Bid Law, if I'm not mistaken, for printing and supplies? Are you familiar with the length of time that it would take to advertise sealed bids if we follow the public bidding regulations or the prohibitions for...against?"

Mr. Jenkins First, Mr. Silverberg, I would have no objection to raising that amount to a thousand dollars. Secondly, I believe the length of time involved for, in the Public Bid Law, may be a little bit too lengthy for some of our purposes and that's why I wanted to open it up a little broader than that.

Mr. Silverberg Thank you. My second question is: I need a little explanation of the "BE IT FURTHER RESOLVED". This is not a prohibition against using any of the state contract where we could get a much better price for some of the materials we might have to purchase; is it?

Mr. Jenkins No, sir, not at all. I think we would be able to take advantage of such agreement but we would not be necessarily bound by them.

Mr. Silverberg Thank you.

Mr. Flory Mr. Jenkins, I'm not an attorney, but I believe if you will look at Title 38, Section 2211, you'll find that we are subject to the public bidding procedures. Secondly, I think this convention is covered by the Central Purchasing Act already. So that if the state contract where we have a contract, let say, for the purchase of paper, I don't believe that we have the authority to negate that contract that the state may have already let out to bids on and have accepted the most responsible lowest bidder. So, I think, really, that what we ought to do is to research this a little further before we act on it because I wouldn't want to take any position to try to nullify a legitimate, legal and binding contract that may exist under the Central Purchasing or under the Public Bidding statutes already in existence.

Mr. Jenkins Well, Mr. Flory asked me privately if I might want to wait until tomorrow so that we could research this further. I have no objection, assuming we are going to be in session tomorrow. So, if that is the understanding of the Chairman that we will be in session...

Mr. Leithman We will be in tomorrow.

Mr. Jenkins I would ask to return this to the calendar and reconsider it at that time.

[Resolution returned to the calendar subject to be read without objection.]

Reading of the Resolution by Title Only

Mr. Poynter Delegate Resolution number "E" temporarily so designated introduced by Dr. Asseff.

A resolution to urge public and private employers in Louisiana to give preference in their employment practices to disabled veterans.

[Rules suspended to consider the Resolution at this time. Resolution read.]

Explanation

Mr. Asseff Mr. Chairman, delegates, this resolution is submitted on behalf of the State Organization of Veterans of Foreign Wars. It simply calls a serious employment problem of our disabled veterans to the attention of the public and urges public and private employers to give them preference in their employment practices; it's simply an urge and request.

[Previous question ordered. Resolution adopted: viva voce.]

Reading of the Resolution

Mr. Poynter Constitutional Convention of 1973, Delegate Resolution Number, temporarily lettered "F" introduced by Mr. Avant.

A resolution...

I'll read you the one line, perhaps you would want to suspend your rules and adopt it...two lines.

BE IT RESOLVED that no resolution, memorial or petition be in order unless it is germane to the business of this Convention as such.

[Rules Suspended to consider the Resolution at this time.]

Explanation

Mr. Avant Gentlemen, I don't want to hurt anybody's feelings. I don't want to offend anyone. I'm for motherhood. I'm against sin. But, I am seriously concerned about the affairs of this convention. This is a very simply line and a half resolution; it says "BE IT RESOLVED that no resolution, memorial or petition be in order unless it is germane to the business of this Convention as such." I rest my case.

Further Discussion

Mr. LeBreton Mr. Chairman, members of the convention, I rise very much in favor of this. In fact, I was trying to get the floor before Mr. Avant's resolution came up. I did not want to object to Brother Asseff's resolution because I'm a disabled veteran myself—that's not funny, that's the truth. But, I really think it would be a tremendous mistake for one year for us to be passing resolutions about who wins the World Series, or champion box fighter, or sending the Tigers to California to swim in a tank. You know, we get all of these things in the House, you know, everybody who has a hero at home; we resolve and do every kind of thing. But, I just think it's out of order. I don't think it's dignified sufficiently to enter the halls of this convention. We've passed one, but let's close the door there. I strongly urge you to make this unanimous. Thank you.

Questions

Mr. Stinson Mr. LeBreton, we're concerned over in this part, two questions. Was it the Spanish-American War or the War Between the States?

Mr. LeBreton Well, it's the Spanish-American War; my mother's name was Juarez.

Mr. Stinson Next, was your disability mental or physically?

Mr. LeBreton Mentally, obviously. How do you think I got elected?

[Previous question ordered. Resolution adopted: viva voce.]

Reading of the Resolution by Title Only

Mr. Poynter Louisiana Constitutional Convention, 1973, Delegate Resolution Number, temporarily designated "G" by Mr. Shannon.

A resolution to commend and express the appreciation of this convention to all persons, groups

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and organization for assistance during the organizational part of the convention.

[Rules Suspended to consider the Resolution at this time. Resolution read in full.]

Explanation

Mr. Shannon Mr. Acting Chairman, fellow delegates, there are quite a few people that have worked hard during this convention, during the organizational period that has received no additional compensation other than the positions which they held. I would like to express to them our appreciation for their services rendered during this time. I urge approval of this resolution. Thank you.

[Previous Question ordered. Resolution adopted: viva voce.]

Reading of the Resolution

Mr. Poynter Constitutional Convention of 1973, Delegate Resolution "H" introduced by Mr. Guarisco.

I believe this resolution is being passed out at this time; is that right?

A resolution to direct the Chairman and the Executive Committee of the 1973 Constitutional Convention to furnish each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.

[Rules Suspended to consider the Resolution at this time.]

Explanation

Mr. Guarisco As I think it's obvious, a necessary resolution, that when this convention recesses that we have in our possession some means of corresponding with our constituents or any other official agencies and so forth in the state under some official designation, in the same manner as the House of Representatives and the Senate does in the state. The official stationery will, as I understand, if it's used and it would be uniform and it will be a form of something like you had on the front of your proposed rules booklet with the C.C./73 in color. As you see in my resolution, it will include your name, your committee assignment, and any office that you may have. Now, I'll ask, if it's proper, that you add to my resolution at line 21 "any"--and put between "any" and "office"...or convention. It would say, "any convention office held by a delegate," that keeps someone from putting, maybe he's a Senator, or Representative, or some other administrative, or executive office that he may have; I don't think that would be proper in the convention.

Amendment

Mr. Poynter I'll draw it up here. I believe it reads as follows:

Amendment No. 1 [by Mr. Guarisco]. On page 1, line 21, immediately after the words "and any" and before the word "office" insert the word "Convention". Would that be correct?

Mr. Guarisco That's correct.

[Amendment adopted without objection.]

Mr. Guarisco One other thing, after I got this resolution printed, I guess there's no way now for me to make any more amendments. But I thought that we might have other designations like a card, or a license plate, or a sticker for your automobile, and red light and sirens.

Questions

Mr. Rayburn Mr. Guarisco, don't you think that

you would be better if you put a limitation on the amount of stationery? We, in the legislature, order up to a thousand letterheads and envelopes and the cost of that per member of the legislature is roughly fifty something dollars. So, if your resolution is going to pass, I wish you would consider putting some type of limitation on it, whereby maybe some person would come in there and order far more than they would ever need and that would be about the only thing you would use it for, I think. I think it should have some type of limitation; I'm wondering if you would consider it's because with a thousand letterheads and envelopes roughly for this membership, you are talking about six thousand five hundred dollars... over six thousand dollars. So, if someone went in there and said, "Get me five thousand letterheads or get me four thousand letters," I don't know what the cost might be.

Mr. Guarisco I agree with you, Senator Rayburn; that might be covered by leaving it within the sound discretion of the Executive Committee. I don't think that we are going to have anybody that's going to make that kind of request.

Mr. Shannon My question is: What have you figured... what the cost would be of this? I don't believe you touched on it with Senator Rayburn's question, but not directly.

Mr. Guarisco Well, no, I have not found out what the cost may be. But, I think that it's done for the legislature, House of Representatives; it's done for the Senate. I don't think this Constitutional Convention should be treated in any less manner.

Mr. Shannon But, you do not know anything within any bound of reasons what the cost would be?

Mr. Guarisco Of course, I don't.

Mr. Champagne Don't you possibly think that this would be a matter for the Executive Committee?

Mr. Guarisco Mr. Champagne, I think it's a matter for the Executive Committee; it's just the question of authorizing them to do so. I think we have to give them authority; they may not be able to do this without us giving the authority.

Mr. Rayburn Mr. Guarisco, if I read this resolution, it does not authorize, it directs the Chairman. "d-i-r-e-c-t."

Mr. Guarisco We will get it done.

Chairman Henry in the Chair

Further Discussion

Mr. Burns Mr. Chairman, ladies and gentlemen of the convention, I don't see anything wrong with this resolution in this respect, not as far as we, as delegates, are concerned and perhaps it would be more convenient to use such letterhead that this resolution calls for. But, I think it's another form of bringing this convention and the purpose of it to the mind of the people, to keep it before them in the distribution and the reception of letters throughout the state. I don't know what it is but it's something that carries a little authority or a little dignity when you see a letter that a person has received with the great seal of the State of Louisiana or the United States; it sets it apart from just average correspondence. I would certainly think that there should be a limitation placed on the number of letterheads that each delegate could receive during this coming year, say, five hundred. So, the cost wouldn't be excessive or that wouldn't be an item. But, from strictly from the standpoint we're talking about having television programs all over the state. I think the more that we can

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do on a high dignified plane to keep this convention and its purposes before the public during this coming year, the more chance we have of getting their final approval next year when it goes before them for their adoption.

[*Previous Question ordered.*]

Closing

Mr. Guarisco I just feel exactly what Delegate Burns said is that it's a necessary thing to keep this convention before the public; it's very dignified. I think it's very necessary. I can think of plenty of people I'm going to write to. So, I move that this resolution be adopted.

[*Resolution adopted; viva voce. Motion to reconsider tabled.*]

Reading of the Resolution

Mr. Poynter Constitutional Convention of 1973, Delegate Resolution "1"; there is not a copy of this one on your desk. I'm advised by the author, he's going to ask to suspend the rules and consider it without copies being distributed; he wasn't able to do it. He claims it's very noncontroversial in nature. Introduced by Mr. Arnette, Sutherland and all delegates on behalf of all delegates to the convention.

A resolution to commend Justice Sanders.

[*Rules Suspended to consider the Resolution at this time. Resolution read in full. I Journal 53*]

Amendment

Mr. Henry Justice Tate offers up an amendment to include every delegate as a coauthor on the resolution.

[*Amendment adopted without objection. Previous Question ordered on the Resolution. Resolution adopted; viva voce. Motion to reconsider tabled. Motion to adjourn to 10:00 o'clock a.m., Friday, January 19, 1973. Substitute Motion to adjourn to 9:30 o'clock a.m., Friday, January 19, 1973. Motion rejected; viva voce. Substitute Motion adopted; viva voce. Adjournment to 9:30 o'clock a.m., Friday, January 19, 1973.*]

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Friday, January 19, 1973

ROLL CALL

[121 delegates present and a quorum.]

PRAYER

Mr. Landrum Our Father in heaven, we thank Thee this morning for all Thy many blessings, for watching over us all night long, enabling us to rise this morning with a reasonable portion of health and strength enclosed in our right minds. Gracious Master, we thank Thee for this gathering this morning, and we pray, O Lord, that Thou wouldst bless us in such a way that we may do the things that are pleasing in Thy sight, that the people of this state may be benefited by what we do here today. Bless the officers and every delegate; bless their families. Bless those who are present here. These blessings we pray and ask in the name of Thy son, Jesus, and for His sake. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS

Reading of the Resolution

Mr. Poynter Delegate Resolution No. J is introduced by Mr. Dennis:

A resolution to provide with respect to the functioning of the committees of the Constitutional Convention of 1973.

[Resolution read in full and Rules Suspended to consider the Resolution at this time.]

Explanation

Mr. Dennis Mr. Chairman and fellow delegates, this resolution would simply make explicit that which I believe is already implicit in the rules. It would direct the committees to begin to work immediately and authorize them to expend funds in furtherance of their work under the supervision and administration of the Executive Committee. I feel that it would be good to pass this resolution so that that would remove all doubt that we are going to go to work immediately and that the money will be spent under the supervision of the Executive Committee.

I ask for final passage of the resolution.

[Previous Question ordered. Resolution reread in full. Resolution adopted without objection.]

Personal Privilege

Mr. LeBreton Mr. Chairman and delegates, I would like to say a few words from a point of personal privilege, as I understand our rules. I want to talk before we get too far away from the rules that we've adopted, and I would like, particularly, to address myself to the people that attempted to amend the committee rules--subcommittee rules. I think it's the desire of every delegate--I know it's the desire of our Chairman--that the committees will all be run in the way that you will be proud of. But, it wasn't supposed to try and tie devotion into minute details like affecting the committees. I think the Rules Committee did a great job, and I think they were right in writing the rules the way they did, rather than try and say you had to give so many days, or the majority of the committee would pick the agenda and things that I think belong to the Chairman and belong to the committee, and belong to the committee at the time. I think there will be things that would prevail in the committees before July, and then there will be a shift of effecting matters pertaining to the work that the committee has to do. I think it's just impossible to tie a lot of minute rules and say you've not to publish so many days and you've not to put out an

agenda, and you can only speak on those matters, and you've got to do this and you've got to do that, etc. I had the idea that maybe some people thought, the delegates--and I wasn't too particularly interested in that as I was the impression that the press got and then the good citizens of our state, because I think it's important that they realize that it's every delegate's desire to run an open committee, advance notice, subject matter, and as we meet, why, various committees that have different problems, I'm sure, will make up the rules. I'm sure that Bubba Henry will do something like he did when he was elected Speaker of the House. The committee chairman met and they made up a set of rules for the committees to follow. But, they made up a practical set of rules. They made up a set of rules that would be a guideline, and they weren't mandatory, and you weren't breaking a rule or you weren't offending anybody if for some reason you did something else.

All sort of things keep you from doing in a minute way what would make you break a rule. I think the judgement of this delegation was great. I wanted to compliment the people, but I didn't want anybody to think that the committees wouldn't be run properly. I feel certain, having talked to the Chairman, that everybody has the idea of running our committee in the way that you'll be proud of. I think each member of the committee would want his committee to be well thought of. But, I think it would have been wrong if we adopted this, and I didn't want that to change anybody's attitude, particularly the press and the public. So, it's in that vein that I come before you and say, one, to compliment the Rules Committee and, two, to compliment the delegates, and three, to say that we all have nothing but a fine committee meeting every time we meet. Thank you.

RESOLUTIONS ON SECOND READING AND REFERRAL

Reading of the Resolution

Mr. Poynter Morning Hour No. 1. Resolutions on Second Reading and Referral.

Delegate Resolution B. introduced by Mr. Derbes: A resolution to adopt a rule with respect to registration of advocates.

The gentleman, I believe, moves for a suspension of the rules for the purpose of the consideration of the adoption of the resolution at this time.

[Rules Suspended to consider the Resolution at this time.]

Explanation

Mr. Derbes Mr. Chairman and fellow delegates, unfortunately, I wasn't able to be here yesterday. I understand that a copy of this resolution was provided to each of you. If any of you do not have a copy of the resolution, I believe we could probably get one for you.

Basically, the resolution attempts to do--and before going any further I'll read it to you--First, the resolution defines advocates, as follows: "An advocate is any person not a delegate to the Constitutional Convention who is the representative for compensation and/or reimbursement of expenses of any other person, or any partnership, committee, association, corporation or other organization, or of any division, subdivision or agency of the State of Louisiana, its parishes or municipalities, to advocate passage or defeat of proposals of or to otherwise influence the work of the Convention, its delegates, committees, or subcommittees. Before advocating passage or defeat of proposals of, and before attempting to influence the work of the convention, its committees, subcommittees or delegates, the advocate shall file a registration statement setting forth his or her name and address, the name and address of the person or entity by whom the advocate is employed, and the name and address of the person or entity whose interest the advocate will advocate."

It provides for a method of registration.

"Registration of advocates shall be by oath or

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affirmation before an officer authorized by law to administer oaths [in other words, a notary public] or before the chairman of any committee or subcommittee as provided in Rule No. 5E. Whenever there occurs a change in the facts stated in the registration statement, the advocate 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 advocates and their affiliations.

Finally, the prohibition.

"Any person who has commenced the activities of an advocate without prior registration as herein required shall, upon resolution of the committees or subcommittees of the convention, be denied the privilege of addressing that respective committee or subcommittee. Any advocate 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 for prosecution for the crime of false swearing."

Ladies and gentlemen, it's my opinion that we have made axiomatic the characterization of this convention as independent. We have opened it up to public scrutiny, and we are attempting by creation of our committees and by the procedures that we've included in the rules to keep the public well informed of all of the activities of this convention. A very important part of the activities of this convention will be the influence brought to bear on its delegates, its committees and subcommittees, but various persons who are interested in the outcome of this convention, I'm certainly not opposed to this influence; it's part of free expression, and it's part of the democratic process. I merely want to identify the persons who seek to influence the convention, those persons who are classically termed "lobbyists" but whom I call in this particular resolution, "advocates." This resolution simply states that before commencing activities, the individual shall file a registration statement. This resolution does what existing legislation in Bill No. 764 of the 1972 Louisiana Legislature did for that body, only this particular resolution is slightly less onerous as far as the responsibilities of the lobbyists are concerned. We do not seek to identify those people who seek to influence the convention. The prohibitions that are defined in the act, in my opinion, are basically legal. I believe that in order for us to encourage and in fact require a lobbyist to register before commencing his activities, we must have some prohibition. In this particular instance, if the lobbyist does not register, he may be giving up, at the majority vote of a committee or subcommittee, the right to address that committee or subcommittee. But, nevertheless, the discretion for that lies with the committee or subcommittee. Finally, if, in swearing an oath, the advocate falsifies the oath when the oath is before a notary public or when the oath is before an official of this convention who is authorized to administer oaths, that person may be committing a crime against the State of Louisiana. We are not undertaking to prosecute him for that crime; we are merely referring him to the proper law enforcement officer. This resolution does not have the force of legislation. If it did and if it could, we could prescribe a criminal penalty the way the 1972 Louisiana Legislature did. Since we do not have legislative authority, I merely attempted to do, in the format of the rules, an essentially administrative task to regulate, identify and provide a public record of advocates.

I'll now yield to any questions.

Questions

Mr. Kelly Mr. Derbes, am I to understand your resolution that if my good sheriff from Natchitoches Parish or the mayor of Natchitoches decides to come down here and, even though he is not being paid, per se, he is reimbursed for his expenses of coming down here to appear before a committee or before the Committee of the Whole, say, is he going to be required to file one of these advocate affidavits?

Mr. Derbes If he represents himself, no. If he represents the sheriff's organization or the office of the sheriff, or if he represents any other association or corporation, yes.

Mr. Kelly Am I to understand, then, that even if the sheriff is down here just representing the sheriff's office, so to speak, you're going to require him to register as an advocate or a lobbyist, in plain words?

Mr. Derbes Yes. But, let me point out to you that the registration can occur at the time the committee meeting occurs. That is, when the sheriff appears, there will be forms available. All he has to do is fill them out, and he's completed all the requirements.

Mr. Kelly Do you not think that this, perhaps, is covered in the previous rules which were adopted, and I believe Mrs. Zervigon is the one that had the amendment, which requires anyone speaking before a committee to declare their name, address and whom they are speaking for, and if they are advocating for any person aside from themselves?

Mr. Derbes No, I do not, and I'll tell you why. First, this particular provision provides a public record of the identity of all people who seek to influence the convention. Second, it is effective at the time the influencing begins. In other words, if the influencing begins five or six months prior to the committee meetings, the person who seeks to do the influencing must register at that time. Mrs. Zervigon's amendment, as I understand it, is operable only with respect to committee meetings.

Mr. Kelly All right, sir. Then, one other question and back to the sheriff's situation. Are you going to delete or exclude from the provisions within your resolution delegates here at this convention?

Mr. Derbes I have already done so.

Mr. Kelly That is done so. All right. Now, I pose a question for you. Let's suppose that one of the sheriffs who are delegates to this convention appear before a committee in behalf of the Sheriffs' Association of the State of Louisiana. Will he then be deemed an advocate, or will the exclusion regarding his representing a district as a delegate prevail there?

Mr. Derbes When he is nominated, a delegate... when he holds the office of delegate, regardless of his affiliations and regardless of his relationship with any other body, he is exempt from the provisions of this resolution.

Mr. Munson Mr. Derbes, I don't believe what you read just now in the description of an advocate is the same that's in the copy that I have. Am I right? Didn't you say "except delegates"? I don't have that in my copy.

Mr. Derbes That's correct. That's why I went to the trouble of reading it when the Clerk invited me to speak for it, and it had not been read. I realized that I had made an oversight in not exempting delegates. The resolution, as it now stands, does exempt delegates.

Mr. Munson Let me ask you one more question, Mr. Derbes. Wasn't this matter brought up before the Temporary Committee on Rules yesterday and was it not tabled because they felt there were sufficient safeguards already in the rules?

Mr. Derbes I must apologize for having been in New Orleans to try a lawsuit yesterday and unable to participate in the meeting, and I can't speak for the Rules Committee. But, if somebody would care to speak for the Rules Committee and question me along the lines of this resolution, I'd be glad to answer. I can't speak for the Rules Committee, and I don't know what happened.

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Mr. Velazquez Mr. Derbes, do you not think that it is essential that a definite mechanism for spelling out affiliations of all persons appearing before committee and subcommittees be decided upon as soon as possible?

Mr. Derbes Mr. Velazquez, I think your question goes to the very heart of my resolution, and I would answer categorically, yes.

Mr. Velazquez Do you think anyone would be ashamed of giving his name, his address, and his affiliation before speaking before a public body?

Mr. Derbes I can't imagine why he should be. This very same provision operates with respect to the...both Houses of the Louisiana Legislature and has criminal penalties for violation thereof. This very same procedure has operated in the Maryland and Pennsylvania Constitutional Conventions, and as I understand it, in many other constitutional conventions in the United States in the last two decades.

Mr. Velazquez Is it not a true civic service to all of our citizens to clearly record the affiliation of all speakers?

Mr. Derbes I feel that this is the principal difference between...one of the principal differences between my resolution and Mrs. Zervignon's amendment, and that is that this resolution provides a ready record of the affiliations of all people who seek to influence the convention, and that record is open to public inspection and inspection by the delegates.

Mr. Velazquez Is this an attempt to decrease citizen participation?

Mr. Derbes No. I don't consider it an attempt to decrease citizen participation. If somebody would show me how it is, I would be the first person to withdraw it. That is the one thing I am certainly trying not to do, but I...and that is to decrease citizen participation. I am, however, wanting to record...

Mr. Derbes In one way this actually, in my opinion, increases citizen participation because it lets other people know who is speaking to these various committees and subcommittees and what influence is being brought to bear on this convention. We certainly don't seek to publish this in the Journal or to disseminate it to the news media, but it's nevertheless available for public inspection. In my opinion, it could very well increase citizen participation.

Mr. Velazquez Thank you very much, Mr. Derbes.

Further Discussion

Mr. Flory Mr. Chairman and delegates to the convention, I rise in opposition to the resolution as it stands at the moment. Let me call to your attention the fact that not only myself but those that I represent not only supported the position, the act that was passed in the legislature relative to this subject, but we supported a far more stringent measure than was adopted. But, let me call your attention to the specific resolution now before you. Two points: (1) Contained in line 7, where it says "reimbursement of expenses,"--let's take the case where someone works for a company, a union, or whoever it may be. He's furnished an automobile and a credit card. He comes down to testify before a committee. He's not reimbursed for his expenses. He's not paid anything in addition to his normal salary. As I appreciate the resolution, he is not required to register. Secondly--and this is the important part that I do not believe that the gentleman intends to do--line 13, 14, and 15--and I want you to read it very carefully--where it says "before attempting to influence the work of the convention," etc., "or delegates." What that says to me is simply this:

that if someone talks to you as an individual delegate about their position individually or some group that he may represent their thinking, as an individual delegate, then he has to have already registered as an advocate before he can even mail you a letter stating his position, before he can discuss it with you individually; and this is the thing I do not believe that the gentleman has, or at least, attempted to do. By that measure I believe what you're doing with this resolution is discouraging public participation. I would ask, if it stays in this form, that we reject it at this time.

Further Discussion

Mr. Lennox Mr. Chairman, fellow delegates, this may not happen again during the forthcoming year. Mr. Flory has covered every point I would have raised opposing this resolution. Thank you.

Delegate Leithman in the Chair

Substitute Motion

Mr. Kean Mr. Chairman, members of the convention, I'm in accord with the purpose of this resolution. I'm in accord with what Mr. Derbes would like to do with respect to it. But, it seems to me that in its present form it raises a number of very disturbing questions, and I think it would have the effect that Mr. Flory ascribes to it. I think it is a matter that we ought to have action on. I think it's a matter which we ought to have carefully studied and a proper rule adopted; and when that study is done, I would like to offer a substitute motion that this resolution be referred to the Procedural Committee on Rules and Credentials, and that that committee be authorized to study the subject matter of the resolution and to adopt at its earliest possible time, an appropriate resolution governing the registration of lobbyists. I would like to offer this resolution to the Procedural Committee on Rules with authorization in that committee to proceed to study the matter and adopt a proposal for our further use in this convention.

Further Discussion

Mr. Triche Mr. Speaker and ladies and gentlemen of the convention, I rise to oppose Mr. Kean's substitute motion that this bill be...this resolution be referred to the committee. Of course, in addition thereto, I rise in support of Mr. Derbes' resolution. I think there's a critical need for registration of lobbyists. No, there is no need for registration of the citizenry of this state, those of the citizenry that want to appear before the convention and make their views known; there's no need for that. They're welcome. They're invited. The convention is open. Committee hearings are going to be open. Everybody's going to be invited to appear. We're going to take down verbatim what's said. We're going to transcribe it and publicize it and let it rise if. We can invite everybody to participate and there's no need for registration there. But, I submit to you, there is critical need for registration of those people who travel throughout this state soliciting money and raising funds for the purpose of coming to this convention and advocating the views of special interests, and there's a need for it. We can't do it any other way. Wrong with Mr. Derbes' resolution, it's not strong enough. How in the world is this resolution going to hamstring the convention when all a man has to do if he comes here for money or for reimbursement of expenses and it's got to be that way; otherwise, all compensation will be classified as expenses, and nobody will register. Who if it's only one thing wrong who come here for compensation and how is this going to hamstring any group that's in the legitimate business of lobbying before this convention when all they have to do is tell the Clerk, "I'm Mr. So and so, and I represent XYZ?"

What this resolution ought to say, it ought to make them tell this convention how much money they've raised, who's contributed, and how they're going

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to spend it. We're not suggesting that you go that far because some of you don't feel as strongly about this business of legitimate lobbying interests as others of us do. But, all this does is require that they register. So, you and I and Mr. John Q. Public, and Mr. Average Everyday Citizen can know who's before this convention advocating positions of special interests. I think it's important that we do it now because the convention is going to recess now. We've already adopted a resolution directing that our committees meet forthwith and get on with the business of this convention. So, before any committee has time to report, we're going to be, throughout the length and breadth of this state, holding hearings and inviting people to appear, and I believe you me, the delegates, the lobbyists, however you call them are going to be there because they're here today. They were here the day before we met, and they're going to be with us everyday and at every committee meeting. I don't say that there's anything sinister with that.

I think you're going to find, those of you who serve for the first time in a deliberative body that you're going to welcome the views of the lobbyists; you're going to seek them out; you'll want to know; it's important that you know the attitudes and the philosophies of the special interests that they represent. Those are the legitimate lobbyists. Those are the people who are welcome here. I suggest to you that any man in this state and any organization in this state who is going to raise funds to present their views before this convention ought to have no objection to telling us who they are. We ought to do it now. We ought to do it before we get on to any serious deliberations. I remember one time I ran into a very dear friend of mine who holds a minor public office in the country, and he says, "I got into a deliberative body of my organization, and they want us all to put up twenty-five dollars apiece because the legislature's going to meet and we want to advance some legislation for our organization, changing the jurisdiction of our office, raising the pay," or something like that. He said, "What do you think I ought to do? I never could understand why in the world a group of people in this state had to put twenty-five dollars apiece to send somebody to Baton Rouge to advance their views. When we got to putting the pencil to it and got to figuring out how much money would be involved in the twenty-five dollars that was put up--both of us--we just couldn't agree that that money was raised to send a man to Baton Rouge simply to present their views. Now, that's the other side of the coin. That's the bad, evil, sinister side of the coin, and I don't want anybody to get the impression that I don't think lobbyists... that I think lobbyists ought to not be here. We'll welcome them here."

To repeat what I said just a minute ago, you're going to be asking for the views of all the organizations for the protection of this group, protection of the delegates to this convention, and the protection of the people of this state, all groups who raise money, pay compensation to have their views expressed before this convention ought to register.

Further Discussion

Mr. Derbes I'm just speaking only to Mr. Kean's substitute motion. We've considered many very important matters in our twenty-six or twenty-seven hours of deliberations on these rules. It seems to me that we are all quite familiar with the issues raised by my resolution. I think the resolution is well-drawn. I respect the disagreements that I've heard on the substance of the resolution. But, I believe we can make a decision now whether to adopt it as it stands or reject it as it stands; and I see no reason at this point to refer it to committee. Thank you.

Further Discussion

Mr. Weiss Mr. Chairman, fellow delegates, I'm one of the new and naive delegates to this convention, and I appreciate the motion presented here

by Mr. Werbes and commented upon by the others, particularly Mr. Kean's motion and others who appreciate the very intricate details of such a resolution. I would like to say, however, that I, with the rest of you, am not lazy and will be very busy this coming year, particularly with personal, professional, and family matters, as well as the committees that we will have to run. The deliberations we will make here after July. I am not an expert speaker, and we have had those before us who are, display their wares, and there's no question that they do a beautiful job. I would like the privilege of having these experts in the lobbying line labeled so that I know how expert they are and are labeled to be given their time. I would like the privilege of knowing that they have had many, many hours of training and discipline in other studies that the individual citizen that I will listen to, has not, and perhaps cannot express himself as well as I'm trying to express myself to you today. I hope that I make myself clear that I favor Mr. Derbes' motion overwhelmingly, and would suggest that we pass it and defeat Mr. Kean's amendment.

Further Discussion

Mr. Alario Mr. Chairman, fellow delegates, I, too, stand before you in favor of Mr. Derbes' proposal and I think you would do well to vote to substitute. I don't see any problem with asking those, as Mr. Triche has pointed out, that go around this state corraling small groups of individuals, small professions, and ask them for funds and to give, or imply, the impression that these citizens and these individuals of the state, that possibly some of their money is being brought to the attention to be windmilled out among some of the delegates.

We've talked a lot about the image that we have to present here and to sell this constitution to the people. I've seen it happen just as Mr. Triche has pointed out. A friend of mine back home told me in a small profession where there's some three hundred throughout the state they were asked to put up a hundred dollars apiece to go before the legislature so that their profession would be protected or licensed, and they wanted to know where that money was spent. What happens is a promoter goes around and tells them that he can influence members of the legislature or maybe in this case, members of this convention with the alliance dollar. That presents a problem to us. I don't think Mr. Derbes' resolution would in any way hinder any private citizen from coming before this body or this committee to speak. His resolution does not set out that purpose. It set out to protect us as individuals and to protect all the citizens of this state. I think you've heard a lot of discussion on this at this point. If I'm not one of you, I would like to call for the previous question on the entire subject matter, unless someone else has something to add.

Mr. Leithman Mr. Alario, we do have one more.

[Withdrawn in the previous debate and withdrawn.]

Questions

Mr. Rayburn Mr. Alario, let me say this before I ask my question. I'm certainly for all lobbyists registering, but I read the resolution and I'm quite concerned, who would you define as a lobbyist? It also includes in here if anyone has contributed even your expenses; I'm concerned if a little cattle organization in the parish of Washington, two or three of them got together and they paid their expenses, they bought their gas and oil to come over here and attend this convention, would they be classified as a lobbyist and would they have to register? Further, if the League of Women Voters in my parish, if they decide to come over here and their own association paid their expenses above their gas, would they be declared as a lobbyist and have to register? I ran up on an amendment on small, independent organizations that I know

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about in my particular parish. I certainly don't want to do anything that would put them in a category of a professional lobbyist. If there's any way that we could straighten this thing out, I'd like to see it straightened out because I'm really for the lobbyists registering, but I don't think if someone would pay your expenses over here, they should be classified as a lobbyist, and I'm wondering how you interpret this language in here.

Mr. Alario Senator Rayburn, as I appreciate the resolution as offered by Mr. Derbes, it'd be a simple matter for those who have been reimbursed by expenses, and that's got to be put in because the big lobbyists are going to try to bypass this stipulation unless that is put into it. It'd be a simple matter of having the forms available to that committee and just to fill out that necessary information right there on the spot. I don't see any big red tape involved in this. If there were a tremendous amount of red tape or any amount of red tape involved here, then certainly I would be against any proposal that might hurt the individual citizen or those who would represent small groups as we're talking about here.

Mr. Rayburn Do you think if we could say "any paid lobbyist" that that would help remove the things that I see could happen? I'm just trying to really define the "lobbyist" and I hate to see every little person put in the category of a lobbyist or think they're appearing here as a lobbyist when, maybe, they're appearing here as a representation from some various community and they do not want to be classified as a lobbyist. Now, that's my only objection because a lobbyist in some people's mind is kind of like a legislator. It's a dirty word.

Mr. Alario Well, of course, we're trying to define here a difference between pay and those who might get by the description of pay by listing it as expense, and I think that's the purpose of having it in the resolution.

Mr. Leithman Gentlemen, it's a hairline fact here, but we are speaking to the substitute motion. I realize it's very difficult to divide, but keep that in mind that we are speaking on a substitute motion for committee hearing now.

Mr. Champagne My question is this: do you feel that before this committee or whatever it might be that these individuals that'll be on this committee are probably informed as to who is a lobbyist and who's not, and I... to offer an example, as I watched the people, the delegates here, I had some of my friends say, "Well, now, you see, that fellow is such, and this fellow is the other. He represents this and he represents that." Now, since they are so well informed, do you think there's a possibility that the members of these committees would indeed know these people as they came before the committees?

Mr. Alario I don't know here I can guarantee that every member in this convention hall would know every lobbyist that's running around this capital city. Certainly, some are more well-known than others who are professional lobbyists and have been in the business for a number of years. I think you're probably going to see a lot more hitting this area.

Mr. Champagne I have an example, and this worries me a lot. In other words, there's no question in my mind that the intention of the resolution and so forth, is very difficult. But the question I had is for a simple question. Yesterday, two people bought lunch for me, and I'm wondering, since they do represent an organization, would they have had to be... would they have had to be registered as lobbyists?

Mr. Alario If they were trying to influence you in any way, yes, they would have to be registered as lobbyists.

Mr. Champagne In other words, the decision would be up to me as to whether they were trying to influence me or not?

Mr. Alario The decision would be if they are trying to influence you in any way, shape, or form, then it would be their obligation and also yours, if you see fit, to bring this before the proper authorities.

Mr. Champagne This is what I'm particularly worried about. The question is, in other words, I belong to a number of organizations, and on some of those there's no question, of course, I as a delegate, have not covered. But, am I not placing other people who are not delegates at a disadvantage, perhaps?

Mr. Alario May be true.

Mr. Velazquez On the substitute motion, Mr. Alario, do you think it would do any good for us to postpone a decision on this until July?

Mr. Alario No, sir, I don't. Your committees, as I appreciate it, are going to begin meeting shortly.

Mr. Velazquez Doesn't this particular resolution not say "lobbyist" but say "advocate"?

Mr. Alario It does.

Mr. Velazquez Do you think that any small, independent, legitimate groups would be afraid to be known as advocates?

Mr. Alario No, I don't think so.

Mr. Velazquez Thank you very much.

Mr. Alario You're welcome.

Mr. Weiss Don't you think that in answer to some of the questions that have been presented that the delegate who receives the name of Mr. Jones or Mr. Smith, and Mr. Jones representing the Atchafalaya Water Basin's Engineering Society will be able to distinguish between the influence of his group and the amount that they, no doubt, had to pay to get him to Baton Rouge or wherever he may have to go, and the Louisiana Sheriff's Association, or the Louisiana State Medical Society, or other organizations of that magnitude? Don't you feel that the delegates could distinguish between the two?

Mr. Alario Yes, sir. I think so.

Mr. Silverberg Delegate Alario, I appreciate the oratory of Representative Triche. But, to be consistent, don't you think that the delegates should be included in this because we do have some lobbyist input from the delegates here; don't we?

Mr. Alario Well, of course, all your delegates are registered. Everybody knows their biographical information and the things that they're interested in. I think that information is already set forth.

Mr. Silverberg Well, there are twenty-seven of us who were appointed and fifteen of us who were appointed at large. In what respect am I listed as an advocate of any pressure group?

Mr. Alario I don't know if you're listed as any pressure group. I think there's enough information or rap sheet on each of us to probably tell you that.

Further Discussion

Mr. Juneau Mr. Chairman, fellow delegates, I'll make these remarks very brief and confine it, if I can, to the subject matter before the floor. I said I wasn't going to talk anymore after Rule No. 53, and the only reason I'm talking is because I don't like to be put in a position of being against

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motherhood, and that's what you're trying to do to me. What I'm telling you is this: We considered this yesterday thoroughly and completely in the Rules Committee, and to the person, everyone agreed no one whatsoever had any objections concerning the registration of lobbyists. But, gentlemen, you're going to tell me that I should... vote on a bill which I, in my opinion, is ill-prepared for what you're trying to do, and putting me in a position to do that or saying you're against lobbyists. That's not the issue because I'm for registering, but this is not the vehicle, gentlemen. Let me give you an example: We have a subcommittee in Lafayette Louisiana for example, which would be my hometown, and some people from Breaux Bridge, Louisiana, would want to attend, and they would have three Kiwanis groups in that area, St. Martin Parish, get together and reimburse Mr. Smith's expenses to come to Lafayette, how is he going to attend when he doesn't know that he had to register with the secretary of state? Gentlemen, this is just poorly prepared in that regard. I don't mean in the sense of draftsmanship, but it doesn't accomplish what you're trying to do. I'm telling you, don't try... I think it's wrong to identify people you're for or against because that's not the issue. The question is, what's before the floor, and in that regard, one of the subcommittee met with Mr. Keen what we did was put in committee, let it come up with a proper bill and I would act on it accordingly.

Chairman Henry in the Chair

Questions

Mr. Duval Mr. Juneau, didn't you feel it was the intention of the entire Rules Committee that we should have some rule on the registration of Lobbyists?

Mr. Juneau Absolutely.

Mr. Duval And didn't you feel that it was the intention of the Rules Committee that because of the various, perhaps, hiatuses in this particular resolution that a procedural committee could draft it, and draft it so that it actually had some effect and merit; don't you think so?

Mr. Juneau Unquestionable.

Mr. Duval From the statements that have been made, isn't it conceivable that we'll be meeting here before July again?

Mr. Juneau I would anticipate without the next week.

Mr. Duval Thank you.

Further Discussion

Mr. Womack Mr. Speaker, fellow delegates, you know, it's up to the Speaker to maintain order; it's up to the individuals down here to maintain your attention. I would hope that within about the next one minute I can maintain your attention. This is, as I have seen in the past, in my opinion, another case to where you accept prostitution or be branded as being against motherhood. I want to read you just exactly what this says, and I'm always plagued with definitions. "Before advocating passage or defeat of proposals of and before attempting to influence the work of the convention." The final document is going to be the work of this convention. If anyone up and down the street would attempt to influence the passage of this convention which is the work of the convention, if anyone attempts to defeat the final document, he is attempting to influence the work of the convention. Then, the next thing that comes up is where would he lobby; how far-reaching would it be; who all would have charges filed against him; and what position would the district attorney and the local judiciary take as to the degree of guilt that you would have? It was the feeling of the Subcommittee on Rules

as has been stated up here before, we felt that there's nothing wrong with a professional lobbyist-- if you could define "professional"--of registering. There's nothing wrong with knowing who an individual is speaking for. He may say that he's a professional lobbyist for Humble Oil Co., but I'm not speaking for Humble today; I'm speaking for myself, and I don't register in that case." This thing is very loosely written.

I just don't see how that you can take the document you have here and determine the final degree of guilt that an individual would have. On the other hand, I can see some fine individual, or some lady representing a local organization, coming to Baton Rouge, feeling that there was no reason for the lobby. In fact, if someone comes with her that's a member of the organization and buys the lunch, I don't know if she wouldn't be guilty under this because that would be a portion of her expenses. How far you can construe it, I don't know. You can shake your head. I don't know what you could construe, but then to come back and for me as a member to advise the lady that, "Since, in our opinion, or the opinion of seven out of thirteen of this subcommittee, you have not registered as a lobbyist, and you will not be permitted to talk before this body"; you're going to have to look for somebody other than Lantz Womack to tell them that.

What I want to leave with you is, I have no objection to the registering of lobbyists, but I want a more concrete document than this is before you attempt to start out with a lobby registration bill. I think it would be very fitting to go along with Mr. Keen's suggestion that this go to committee and let it be ironed out and come out with something that I think all of us would be proud of... at least, a major portion of us would be proud of. So, I would urge you to support Mr. Keen's motion and send this to committee and let them work the bugs out of it, and come up with the proper amendments and come up with a document that would tend to do what we're trying to do. One last statement, when you start culling down the lobbyists, you're saying that you are afraid to some extent that a lobbyist might unduly influence a member of this convention. Either my appraisals of this convention is wrong, or there's not an individual in here that can be unduly influenced.

Never in my life have I seen a more--and I use the word with great respect--arrogantly independent group than we have here, and I think it's the greatest thing in the world that could happen to this state because if we're going to write a document, no better group of people could do it than that. But, let me call to your attention, what you're interested in is what the individual has to say and what light he can shed on the subject matter, and not who he represents because it matters little who he represents. If he brings up something constructive, he can represent anybody in the world to me, and it's good. If he brings up something that's bad, he can represent anybody in the world and it's still bad. So, to me it matters little who the man represents, whether he represents anybody or not. It's what he has to say and what he has to contribute that might be of value in improving what we have on the constitution for the people of this state that I'm interested in. Mr. Chairman, if someone has a question, I'd be happy to answer it.

Questions

Mr. Derbes Mr. Womack, are you familiar with Act 764 of the 1972 Louisiana legislature which prescribes and defines lobbying and prescribes penalties for failure to register?

Mr. Womack You're talking about the act that the House governs itself by?

Mr. Derbes Yes; it's not a rule of the House but it's an act of both of the Senate and of the House which defines lobbying and requires registration.

Mr. Womack I would say I'm reasonably familiar.

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I probably couldn't quote it like I could the probable.

Mr. Derbes Well, let me read it to you and familiarize you with it. The act says "Any...

Mr. Henry Mr. Derbes, it's alright to ask a question but let's make sure...I've allowed a lot of discretion and latitude so far, but let's confine these questions to legitimate questions.

Mr. Derbes Well, Mr. Womack, are you aware that the act of the 1972 legislature defines lobbying as follows: "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 legislation by the legislature shall before doing anything in furtherance of such objects, register with the Clerk of the House of Representatives and the Secretary of the Senate." Are you familiar with that, Mr. Womack?

Mr. Womack I sure am.

Mr. Derbes Do you see any substantial difference between the provisions of my resolution and the sentence that I just read to you?

Mr. Womack In answer, I see a lot of difference because to attempt to influence the workings of this convention could be not a legislative act; it could not be this body; it could not be a subcommittee; it may be back home when an individual speaks to a Rotary Club and says "I think because of this, this, this, and this you should or you should not vote for it." Then, he would be attempting to influence the works of this convention. We don't have that in the legislature; that is the major difference; and that's the part that I so violently object to and the language in this proposal.

Mr. Derbes Mr. Womack, are you aware then my proposal states that before advocating passage or defeat of proposals and before attempting to influence the work of the convention, you are aware of that phrase?

Mr. Womack The work of the convention is also the final document that is submitted to the people. This is the thing I'm trying to point out: yes.

Mr. Derbes And, you are now aware, Mr. Womack, are you not that the provisions of the 1972 Legislative Act regarding lobbying in the legislature are essentially similar to, if not exactly identical with the provisions of my resolution, with the exception of the fact that my resolution regulates the convention and not the legislature?

Mr. Womack Your resolution goes on back home, though, where a simple act in the legislature, it doesn't go back home.

Mr. Burns Mr. Womack, I've been sitting out there thinking of our old friend Mark Twain when he said, "Everybody talks about the weather, but they don't do anything about it." As I listen to the succession of speakers coming up here speaking in opposition to this bill, isn't there something we sitting out there can do about it or take some action at this time?

Mr. Womack Well, there's something--there's a motion here that the delegation is going to have to do something about; in fact, there is a motion and a substitute. All I'm saying is I would hope that the substitute motion would be carried, put it in a committee and then technicality and wording would be cleared up--nobody has any basic objection to what we normally call a professional lobbyist registering, I have no objection whatever.

Mr. Stovall Delegate Womack, are you familiar with the saying "Straining a gnat and swallowing a camel"?

Mr. Womack Yes, sir, Brother Stovall. I'm also

familiar with one phrase we hear quite often on weekends that "A very, very small sin could send you to hell;" you know?

Mr. Stovall That's exactly what I'm talking about. Are you not kind of hung up on a technicality here and if you go along with this technicality, you destroy something which is very vital and significant?

Mr. Womack Brother Stovall, the technicality can be corrected in a committee and the vital document you talk about can be not only protected, but can be improved.

Mr. Stovall Mr. Womack, isn't this a way of making legitimate lobbying and advocating? Isn't this a way of giving dignity and status to the advocates and lobbyists who might come our way?

Mr. Womack Or course, as you know, definitions of dignity and all of these other words that you have used carry different meanings to different people. I think you can still have a very dignified lobbying bill without the loose language that's in this one and without lobbying a person. I don't look at an act that could cause a criminal charge to be filed against one of the finer citizens we have in the country, whoever it might be, over technicalities; I don't call that minor.

Mr. Stovall Mr. Womack, don't you feel that the only person who's going to be carried and the question here might be a person who would misuse the privilege that would be given to them? Don't you feel that basically this is the way of saying to lobbyists and advocates, "We love you, we want you, but, we simply want you to indicate who you are as you come in"?

Mr. Womack By the same token, it is my opinion that somewhere down the line there could possibly be one individual that was very much disturbed about the final document and would be in position to file charges and could be in the position to prosecute on those charges.

Mr. Henry Don't you gentlemen realize that neither one of you all are convincing the other one of anything and you are wasting our time? Proceed.

Mr. E. J. Landry Mr. Womack, I want to ask if you could maybe repeat a bit for some of us who don't understand too well the provisions of the legislature in protecting themselves as well as the public in the field of lobbying. What in the world is the reason for the act that was passed by the legislature? What is the purpose of it? Why is it that you people in the legislature wanted that basic establishment in the law? What is the purpose behind it?

Mr. Womack The purpose of it is to be sure that it is clear that there is nothing undue, added, or anything else. The one word I'm hung up on or the one phrase here is that before attempting to influence the work of the convention--and what I'm saying is this: That the work of this convention will be the final document. The individual back home and it could be you, that thinks that you have a good document. You get out and go to talking for it, you could be attempting to influence somebody. If you have a district attorney that's got something against you, that really wants to prosecute, he could file a charge under this--this is the thing. I'm not against lobbyists. I'm for it. I vote for the legislation. But, if you go back and I have repeatedly said, we're still for the lobbying; none of us have objected to it. All we say is it get the technicality in it to where the laymen at home we are trying to give a protective constitution to has a protection against criminal procedure over technicalities.

Mr. E. J. Landry One more simple question. Do you think basically that the people in this state

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even those who are not lobbyists are defined as such would object to filling out the forms and establishing the fact that they are there to advocate, if they know that by so doing they are protecting themselves?

Mr. Womack If every individual down the street knew it before he made his statements and before anything was filed against him and he did it; I don't think there would be any problem. But, the individual that would go before the local civic groups and speak, then after it was all over find that he had been charged with this could have a problem and be innocent. The newspapers could pick it up and he could have a lot of trouble over nothing. All I'm trying to say is let's protect the innocent people and let the guilty ones, the ones we are trying to get at; let them go ahead and register. I'm not advocating abolishing. All I'm saying is let's put it in the committee and clean up and be sure that the document we come out with is good.

Mr. E. J. Landry Thank you. I think you have helped me and others.

Further Discussion

Mr. Fontenot Mr. Chairman, fellow delegates, I have to rise in opposition to the substitute motion. I would like to take issue with Mr. Womack's interpretation of the wording "before advocating passage or defeat of proposals of" and "before attempting to influence the work of the convention." It seems like this phrase has given Mr. Womack some trouble. As I have gone to Law School and I have been taught to interpret different phrases in a reasonable interpretation--and I think Mr. Derbes had intended--for a reasonable interpretation of this sentence to not cover the situation that Mr. Womack is talking about. I don't think...if you read the rest of this sentence "influence the work of the convention, its committees, subcommittees, or delegates." My interpretation is not over the situation as an average every day individual walking down the street saying "Vote against the constitution; vote for it; vote because of this, because of that." My interpretation, I think, is a reasonable interpretation does not cover the average individual in this particular case. I think a reasonable interpretation which would cover the case and the people who come before the convention while we are in deliberative body or before its committees, before its subcommittees are talking to individual delegates when the delegates know that they represent a certain interest group. I don't think this particular sentence covers the average individual. This is my point I'm trying to make. Therefore, I really don't think that if we send it to a committee that we are going to have enough time and the committees...I mean, it may just drag in a committee for a couple of months. We may not have anything at all if we don't adopt it here today. Therefore, I will speak against the substitute motion. At this time, I would like to call the previous question.

[Previous Question ordered on the Substitute Motion.]

Closing

Mr. Kean Mr. Chairman, members of the convention, the discussion on this resolution particularly drafted as it is somewhat reminds me of the bumper stickers that you see sometimes that says "Outlaw guns" and the only people who have guns are outlaws. If we adopt this resolution, we're not going to particularly affect the so-called lobbyist. We are simply going to hamstring people who have the legitimate right to speak to us and ought not have to register in order to do so.

If you look at this resolution, it provides that an advocate is any person who is the representative for compensation of any division, subdivision, or agency of the State of Louisiana. Now, if I understand that language, then every mayor, every sheriff

every police mayor, every school board member, every clerk of court, every alderman, every district attorney would have to file a registration with this convention before they could call any of us up and talk to us on the telephone about some matter that might be pending before the convention and affect their particular political office. I simply think that we need to approach this problem sensibly. I don't think that those of us who feel that it ought to be approached sensibly ought to be branded as prolobbyists. I took the same position with the amendment offered by Mr. De Bileux about giving news media notice of committee hearings or the position taken by my friends--I thought about imposing on committees the responsibility of translating at no cost to this convention. I simply think that these are matters that we need to look at, they are on a sensible basis and then come up with some answer to it that's going to cope with the problem without hamstringing people who ought to have a right to talk to us without the necessity of signing this sworn affidavit that says they have some interest in doing so.

You could have twenty-five ladies of the League of Women Voters around the state who want to come before the convention and committee hearing and would have their expenses reimbursed. Under this resolution, they couldn't speak to the committee until they had the sworn affidavit that they were representing the League of Women Voters. If by chance they happen to start talking about the Garden Club, they would be prosecuted for false swearing. Now, I think under the circumstances it's only reasonable to send this matter to the Rules Committee where it can be ironed out or we can come up with a resolution that's going to solve the problem; then, we can proceed with our business in an orderly fashion. In the meantime, we don't suffer any loss.

Mrs. Zervigon offered an amendment as part of the rules that anybody who appears before a committee has got to identify himself and the interest he represents. Under the circumstances, the committees have an ample opportunity to find out just who this individual, that individual is going to be representing, as we want to get him on the oath in order to do it or the chairman of the committee has a right to put him under oath for that purpose. So, I think that in the interim we are amply protected. So, it would give us an opportunity to come up with something that would be significant and would get to the real problem. Under the circumstances, I think it should be properly referred to the Committee on Rules.

Questions

Mr. Munson Mr. Kean, is it your feeling that in all probability within the next few weeks this constitutional issue will be called back into session and in the meantime rather than having to wait until July for any solution to this problem, that the Committee on Rules and Procedures can study this and come up with a workable proposition to present to the convention in just a few weeks?

Mr. Kean It would be my feeling that it's an important enough matter to do just that, Mr. Munson.

Mr. Silverberg Delegate Kean, don't you envision the manner that this resolution is drafted that every newspaper editor or every newspaper publisher, every newspaper owner, every radio station manager, every radio station owner who will participate in the final output of whether we buy or don't buy this constitution will have to register?

Mr. Kean Under the wording of the resolution, it certainly would, Mr. Silverberg. I could list you a string of them, I just gave you a few.

Mr. Rayburn Mr. Kean, in Washington Parish we have a Coon Hunter's Association, which I am a member. At the last meeting we had thirty-eight dollars in the treasury. There's been a lot of pros and cons about outlawing coons. Now, if someone would present something in this convention to

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outlaw coons and we had five of our six...we'll say six of our coon hunters wanted to come over here and our association paid their expenses over here, would all six of them have to register or could one register and talk for the other five?

Mr. Kean I think that if any of those five came over for the purpose of attempting to influence the work of the convention, all of them would have to register—all coon hunters.

Mr. Stovall Mr. Kean, don't you think that Senator Rayburn is straining at a coon and swallowing a camel?

Mr. Kean I'd prefer not to answer that question. I don't know what Senator Rayburn is capable of.

[Substitute Motion adopted: *viva voce*.
Motion to reconsider tabled.]

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Mr. Jenkins, now moves to call from the calendar Delegate Resolution, temporarily designated "D" on the calendar.

[Rules Suspended to consider the
Resolution at this time.]

Explanation

Mr. Jenkins This resolution is the one that was brought up yesterday regarding bidding on all materials and supplies which the convention may purchase; it also has to do with a statement by this convention that we do not recognize as binding on this convention any contracts of printing, materials, services, supplies, or equipment which may have been made by the State of Louisiana. I have amendments that I will offer up in just a moment which will really bring this resolution in accord with the Public Contract Law of the state. I would like to do that at this time before further discussing the resolution.

Amendments

Mr. Poynter Amendment No. 1. On page 1, line 7, delete the words "five hundred dollars" and insert in lieu thereof the words "one thousand dollars".
Amendment No. 2. On page 1, line 12, after the word "bid" delete the semicolon ";" insert a comma "," and the following "all in accord with the Public Contract Law of the state;"

Explanation

Mr. Jenkins The purpose, as I said, is to bring the resolution in accord with the Public Contract Law of the state and provide statutes to Title 38.

Question

Mr. Tobias Mr. Jenkins, the second paragraph of your resolution concerning not making any contract entered into heretofore binding upon this convention. I'm concerned about this. I think it may be unconstitutional under Act 2 since we cannot really impair the...any contract rights and also under the United States Constitution. I would like you to explain how we can get around this if you want to?

Mr. Henry Mr. Tobias, is this on the amendments or the resolution itself?

Mr. Tobias The resolution.

Mr. Henry Well, let's wait. We are on the adoption of amendments, if you'll hold with us just one minute, please, sir?

[Amendment adopted with the explanation.]

Questions

Mr. Tobias I won't repeat what I just said. But, I would like to know how we can invalidate a contract which is perfectly valid and binding on both parties under our law?

Mr. Jenkins Well, certainly, we can't do that, Max, and that's not the purpose of this resolution. The purpose of this resolution is to clarify the point that any contracts which may have been entered into by other agencies or other departments of the State of Louisiana, cannot and do not bind this convention. As an example, we are not a part of the Executive Branch of government, or the Judicial Branch, or the Legislative. No contract entered into by them can possibly be binding on us and that simply states this. If you look in the revised statutes in Title 38 under Section 2211, it deals with the letting of contracts. If you deal with Title 43 in Section 1, it talks about state printing; it says "All administrative boards, commissions, departments, agencies, institutions, and offices within the Executive Branch of the state government shall purchase all requirements of printing and engraving through a central purchasing agency. Now, you notice that limits it to the Executive Branch of government.

There is another provision dealing with the printing of the Journal of the House and Senate and gives the House and the Senate the authority to engage in printing contracts for the House and the Senate. But, nowhere is there any authority which might bind this convention given to any of these various agencies. Certainly, no constitutional convention, to my knowledge, has ever been bound in any way by the acts of other state agencies. It's important for some reason that I'm going to explain that we recognize this fact at this point.

Mr. Tobias Mr. Jenkins, I disagree with your interpretation simply because it appears to me that you are trying to invalidate by saying that this convention repudiates a valid contract that has been entered into by this state. I don't think this convention has that power. I don't think we should get into any conflict with an act or an action by any agency of this state; that's all.

Mr. Jenkins Well, of course, that's not what this does, Max, and let me give you an example. As an example, the state legislature through the Division of Printing and Engraving contracted with TUM Corporation, the printers. This contract says that this company shall print the Official Journal for the House and Senate. There is also a provision in this contract that says "and the Official Journal for any Constitutional Convention which might be held." I've been informed by representatives of that company that they intend to enforce this contract on us. Now, certainly, there is no reason for us to abridge or invalidate any contract that may have been made by some other party. The only point is, this contract has not been made with us and does not bind us. There is no way under the law or under any interpretation of the law by any court that the legislature can enforce this contract and bind us any more than the Executive Department can enter into a contract and bind us, because we are not subservient to nor superior to the Executive Branch of government, the Legislature Branch, or the Judicial; we are something different, sui generis. It's important that we recognize that fact right now, at least we would be bound in the future by other supposed contracts that might bind us. Now, let me tell you what's going to happen if we are bound by that contract entered into by the legislature. Our Official Journal is going to cost us more than two thousand dollars a day to print because that's how much the legislature pays. If we let for a hundred and fifty days between the legislature and the first of the year, we would be paying three hundred thousand dollars just to print our Journals. That's why it's so important for us to recognize right now the fact that these contracts do not bind us; they might bind the legislature; they might bind someone else, but they cannot bind us.

Now, if you look at past interpretation, for

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instance, in the Illinois convention, the Illinois Constitutional Convention asked the attorney general of the State of Illinois how far outside the scope of the creating act it could go. The attorney general of that state said, "The Illinois Constitutional Convention was autonomous, independent, not bound by any of the formalities and procedures that a normal state agency would be." I'm not suggesting that we even need to go that far here. But, what I am suggesting is that no contract entered into by some other branch of government can be imposed on us because we are not subservient to any of those branches of government. If we pursue a different path, here is what we might be faced with--let's not. The governor might enter into a contract obligating us to do something, or the legislature might enter into a contract, or somebody else; where is it going to end? Who can bind us and to what extent? Well, the answer is nobody can. We need to recognize that point right now before we start purchasing materials; before we start spending more money than we have to spend. In the case of this Official Journal, I assure you it can be one for two, or three, to four hundred dollars a day at the most, we need not be caught in a political bind which has been created by things that have happened in the past with regard to the purchase of our printing. So, that's why it's so important to adopt this resolution at this time as it is written. I urge its passage.

Delegate Leithman in the Chair

Mr. Duval Representative Jenkins, as I understand your resolution, you're not attempting to impair any preexisting contracts? Are you merely asserting the right of this convention to enter into contract on its own as it is a separate entity?

Mr. Jenkins Well, that's one part of it, certainly. It's also saying that "no contracts entered into are binding on us," no preexisting contracts are binding on us. They may be perfectly valid contracts binding on the parties, but we are not parties to them.

Mr. Duval Thank you.

Mr. LeBreton Woody, I understood you to say that you would have the Journal printed for three or four hundred dollars a day rather than two thousand; did I understand you correctly?

Mr. Jenkins Yes, sir.

Mr. LeBreton Well, what assurance do you have that you could have it printed and the time, work at night, which I understand is a big part of the cost against what we are paying. What assurance could you give us?

Mr. Jenkins Well, the assurance that I have is my experience in the newspaper publishing business dealing in this town, for example. I know that it can be done for that price. I know it can be done that quickly. So, I have to cite through my own personal experience. Certainly, if any company wants to bid on our printing, they would be allowed to do so under this resolution. If the company who does the state printing is the low bidder on this particular job, they could do that. But, it would not oblige us to go along with any particular firm.

Mr. LeBreton It's hard to believe...it's hard for me to believe that the House of Representatives are wasting fifteen hundred dollars a day; and, I, just for one, don't believe it. Let me ask you another question: Where are we getting our money from to run this convention?

Mr. Jenkins Well, it's hard for me to believe, too, that the legislature is wasting that kind of money. But, I can assure you, Eddie, that it is. Now, we are getting our money through an appropriation from the state legislature; they created us. But, we are not subservient to the legislature. I think if you read the court decisions, you'll see

that's the case and they certainly cannot enter into contracts for us.

Mr. LeBreton Well, Gulf South Research, I understand, did some work for us with the hope of being paid. Are these one of the things that you are shooting at?

Mr. Jenkins No, sir, that really would not be relevant. I think as regards to any work that Gulf South Research Institute did for us, we are going to have to ratify any sort of contracts that were entered into if we are going to pay the bill. But, I don't even know that that's the intent that we pay the bill on Gulf South Research's effort. This is going to have to be determined, I think, by the Executive Committee. But, this doesn't bear on that I don't believe at all.

Mr. LeBreton I would have thought--and this is the question--that what you are talking about, the general things we are discussing will alter the Executive Committee. I'm not a candidate for the Executive Committee, but I did think that the details of these things must be, for example, I didn't know we had such a contract; there may be other things that we don't know about. My question is that there's a...voting when you don't all that exist. I would think, and ask you if you don't think this belongs to the Executive Committee?

Mr. Jenkins Eddie, I think the Executive Committee will have to deal with the details of this. But, if you notice, this is only about fifteen lines long; it's not a detailed resolution that states the general principle that our purchasing shall be done by bidding; that's the first thing. The second thing is that no other agency, or institution, or department in the State of Louisiana can bind us contractually, that we are independent, autonomous and our contracts are going to be entered into on our own.

Mr. LeBreton Just wisely because somewhere in our rules it says that we can call on the other departments of the state to do things for us. I just don't see that these two things go together, Woody.

Mr. Munson Mr. Jenkins, as you will recall, you and I discussed this yesterday afternoon, and I suggested at that time that you discuss your resolution with Mr. Charles Roemer in the Division of Administration. As you know, I also discussed it with Mr. Roemer. I got the impression from talking to Mr. Roemer--you talked to him later, however, but I got the impression in talking to Mr. Roemer that we didn't need in his opinion--and I could be wrong--that we didn't need this resolution, that it was his feeling that by using the State Central Purchasing Act through the Division of Administration we could actually save this convention money rather than take bids on it ourselves. My question is, did you get the same impression, or am I correct in my assumption?

Mr. Jenkins Bob, I don't believe so. What Mr. Roemer said was that we could, he believes, make advantage of Central Purchasing--which that would allow us to do, I believe, in accord with the Public Contract Law of the state, insofar as it deals with independent contracts. The only thing is, there is another contract with the State of Louisiana through the legislature saying that we might be bound for some printing contract. It seems important that we repudiate that here and now, and that we discuss contracts which may be made by other institutions, organizations or officials, which are not subject to our control. Mr. Roemer's--let me say this too about what Mr. Roemer said--he stated last night in my discussion with him that his Division of Administration has been making every effort to save money in printing and to try to get around this particular contract as much as they could--taking over as much of the printing as they could through the state printing office themselves--because they found that they could do it much

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cheaper themselves. They said also they'd be glad to do this official Journal for us if they could, legally. They were only concerned about the size of the thing—they can't print newspaper size—but could print something like this. This would allow us to employ them rather than be bound by some other agreement.

Mr. Munson It is my impression that your resolution would state that we would take bids on anything over a thousand dollars that we wanted to purchase, which would prohibit us from using Central Purchasing. That's my feeling at this time; am I correct? We would not be allowed to use Central Purchasing even if we wanted to, and even if we could save money by that method, if we adopt this resolution.

Mr. Jenkins I think normally that would be true. But, the only way we could buy printing through Central Purchasing is if we went through this particular contract that we're talking about, because that's how the printing is done by the state, through that particular contract.

Mr. Triche Mr. Jenkins, one question, if you will, because you've made some statements here that are rather startling to me. It's my understanding that the legislature's contracts are put out on public bid now, and I understand there's only one private business that has ever bid on it. I understand that this is so because that's a rather specialized and technical type of printing that not many people are available to do, or have the facilities to do. To illustrate, we meet in the legislature sometimes at ten or eleven o'clock at night and the Journal has to be printed and on our desks the next morning. There are not many people in the business available to do that. I was under the impression that the legislature's printing was put out on public bids, but that's not correct. My point is, whether or no—that's correct. Also, I'd like you to explain to me what background information you have, which allows you to make the statements that you know it is costing us two thousand dollars now and that maybe we could get it done for four or five hundred dollars. Nobody in this convention, I believe, wants to spend two thousand dollars for printing that can be gotten for two or three hundred dollars. You know, I'd like to inform you I have that those things would be available to us?

Mr. Jenkins Well, as to the cost now—I've gotten my information from Mr. Poynter, the Clerk of the House, who's given me the approximate cost of printing the Journal. I questioned at length the representative of T.J.M., who never would give me a precise figure on the average cost of printing the Journal. Apparently, those figures are caught up in contracts that are very difficult to state explicitly, but Mr. Poynter has told me the approximate amount that we spend everyday for printing in the House. Now, as to who can do the job, I know this, there are three or four firms right here in Baton Rouge, not counting those in New Orleans and other areas that could do this work, and that I'm sure would be glad to bid on this work if they could bid on this specific job. It can be done, it's not a big task at all. I'll give you an example, I know of one firm that if we prepared our copy—camera ready—for offset printing could produce us say two to three copies of a sixteen page tabloid newspaper for about a hundred and fifty dollars. Now, that's once it's camera ready—naturally it'd cost us something to get it camera ready—but it can be done much cheaper. I think it ought to be done much cheaper. We don't have the money to spend the sort of funds that the legislature spends to print the official Journal. So, I think, it's imperative that we take this action.

Mr. Triche What is the difference in the procedure which you propose in your resolution for letting out these contracts by bid and the procedure now used by the legislature to let its contract for printing out by bid? Now, I think, apparently you agree with me that the legislature now lets its

contracts for printing out by bid. What's the difference between what the legislature has done and what you propose to do in this resolution?

Mr. Jenkins Well, the difference is this, that we would be allowed to let our own contracts and would not be bound by any contract which the legislature may have entered into.

Mr. Triche Well, now I gather what you're proposing to do is that this convention do what the legislature has done in the past.

Mr. Jenkins Well, let me say this, I understand that the reason this particular firm has been the only bidder is because the specifications involved with all state printing are so large and so vast that they're the only ones that can bid on this large a job for the entire state system. This is not true at all for a particular job like the printing of our Journal or the printing of our proposals. There are many businesses which could bid on such a proposal. This would allow us to go individually and buy things in that manner.

Substitute Motion

Mr. Avant Mr. Chairman and fellow delegates, if it's in order, I would move that Mr. Jenkins's resolution be referred to the Executive Committee, that the Executive Committee be instructed to seek the advice of the attorney general with respect to this matter and do whatever he says the law requires us to do.

Question

Mr. Jenkins Now, Jack, your motion, I believe, was to refer it to the Executive Committee and then to allow them to do whatever the attorney general advised them they could do under the law?

Mr. Avant My motion was to refer it to the Executive Committee with instructions to seek an opinion from the attorney general as to what we are legally required to do, and do whatever the law requires us to do, Mr. Jenkins. My reason for that is, that I don't think that is within our prerogative. You have mentioned the point that we're not the Executive Branch of the Government, we're not the Legislative Branch of the Government, and we darn sure aren't the Judicial Branch of the Government. I think it ill behooves us to be saying that we do not recognize ourselves as being bound by some contract that was legally entered into. Now, whether it applies to us or not, I don't know. But, I don't think it's our prerogative to determine that. I think that we have an attorney general who's a constitutional officer of this state whose duty it is to advise the Executive Committee of this convention on what the law is. I don't know of any other source that we can go to, and I think that's what we ought to do.

Chairman Henry in the Chair

Mr. Jenkins Well, my question is this. If your motion is simply to commit this resolution to the Executive Committee, I'm going to have to object to it. Now, if your proposal is to commit it to the Executive Committee and to empower the Executive Committee to do what the attorney general says they are legally empowered to do in order to get the best possible contract that we can in accord with this resolution, I'll have no objection to that.

Mr. Avant Well, that's my motion.

Mr. Jenkins But, I'll believe, under our rules you will have to put that in writing, and I'd like to see the form of your writing and when you...

Mr. Avant Well, it's a motion to commit, which I understand doesn't have to be in writing.

Mr. Henry You're absolutely correct.

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Come forward and state your point, sir.

Point of Order

Mr. Jenkins Mr. Chairman, as I understood it, this was more than a motion to commit. It was a motion to commit with instructions to the committee to do certain things.

Ruling of the Chair

Mr. Henry Well, I think, such a motion is out of order, and the only part we're going to consider is the part to commit it.

Mr. Avant Well, I limit the motion to commit it to the Executive Committee, and I sincerely pray that they do what I advise. But, that's not a part of the motion.

Further Discussion

Mr. Arnette Well, it seems that the entire discussion thus far on this particular resolution and this particular amendment has missed the boat. It seems like all the discussion is centered around one thing, printing of the journal. This is not all we're concerned with with this resolution; we're concerned with the spending of money by this convention in any manner. I think the only way we can responsibly spend money is through a bid system. Now, this particular resolution does not make specific recommendations as to how this bid system will operate. It leaves that up to the Executive Committee. All this does is to agree in principle to having a bid system. As Mr. Jenkins pointed out, we don't know if we're bound by the public bid system act—I don't know exactly what the statute number of it is—but we're not or we might not be bound by this. All this resolution does is have us agree in principle to having a bid system. Now a lot has been said by a lot of people here about saving money and saving time and things of this nature. If we plan on saving money and running this convention as economically as we possibly can, the only thing we can do is accept Mr. Jenkins' resolution, because it does commit our Executive Committee and this convention to a bid system. Now, this does not have anything to do with figures on the journal and how you can get it printed cheaper possibly by another contract. This is everything, and all of the money that this Constitutional Convention is going to spend. I think this is very, very important that we do commit ourselves to such a responsible way of spending money. If we don't have such a system for spending money on a public bid type system, and we vote to just let the Executive Committee spend the money as they so choose, then we can have them accept any contract that they want to accept, no matter how much money it costs this state. This seems to me a very irresponsible thing for this convention to do. So, I think, we need to accept Mr. Jenkins' resolution and start spending money responsibly. Thank you.

Further Discussion

Mr. Segura Mr. Chairman, fellow delegates, I feel that this is a matter for the Executive Committee to handle. It's something that they've got the time to look into and to handle it, and I think they will handle it in the way that it's best for us. If I am in order, I'd like to move the question.

[Previous Question ordered: Substitute Motion adopted: viva voce.]

INTRODUCTION OF RESOLUTIONS

Reading of the Resolution

Mr. Poynter Delegate Resolution No. K by Mr. T. A. Casey:

A resolution to commend and express the appreciation of the Convention to the Honorable Wade D. Martin, Jr., Secretary of State, for his valuable contributions to the Louisiana...

[Rules suspended to consider the Resolution at this time.]

Amendment

Mr. Henry Would you like to offer up an amendment so that every delegate could be made a coauthor?

Mr. Casey I do, Mr. Chairman.

[Amendment adopted without objection. Resolution adopted without objection. Motion to reconsider tabled. Motion to proceed with election of officers as provided in Act 7 of the 1972 Regular Session and the Standing Rules of the Convention adopted without objection.]

Mr. Henry The Chair will now entertain motions--let me give you the game plan as to how I propose that we do this--we will elect...take your seats, ladies and gentlemen, take your seats. We will proceed first to elect the Statutory Vice-Chairman. We will then elect in order the remaining Vice-Chairmen. We will then elect a Secretary, then the Treasurer. We will adjourn for the caucuses so that the congressional districts can elect their membership to the Committee on Committees and the Executive Committee, hopefully, as quickly and as rapidly as we have done this. We seem to have cleared up all of the business and we will adjourn or recess until some future time. The Chair now announces that we will entertain nominations for the Statutory Vice-Chairman. We will allow one nominating speech of approximately three minutes and two seconding speeches of two minutes.

Point of Information

Mr. Fontenot I thought that we were going to elect the First Vice-Chairman, then the Secretary and Treasurer, then the three Vice-Chairmen. Seems like in the interpretation of the rules that was the understanding.

Mr. Henry That amendment was not passed, Mr. Fontenot.

Are there any nominations for the Statutory Vice-Chairman?

Mr. Burson.

Nominations for Statutory Vice Chairman

Mr. Burson I nominate Mrs. Ruth Loyd Miller. The woman I nominate is uniquely qualified by background, education, and experience for the high office of First Vice-Chairwoman of this convention. Her background blends the life experiences of north and south Louisiana. She was reared in Caddo Parish and Madison Parish. She has spent her adult life in Jennings, in Jefferson Davis Parish in southwest Louisiana. Educationally, she has a degree from L.S.U. in speech. She did special studies in sociology, race relations and Christian Religious philosophy at Blue Ridge College in North Carolina, and Union Theological Seminary, New York City. She is the wife of the Honorable Minos D. Miller, Jr., Judge of the Third Circuit Court of Appeal. She is the mother of three children and is a grandmother. This fifty year old woman has during her lifetime, seen and suffered through the torments and turmoil of seeing her husband missing in action in World War II confined to a prisoner of war camp in Japan. As Wordsworth put it, "They also serve who only stand and wait". While her husband was so confined, Mrs. Miller went to law school so that she might support her family. When her husband fortunately returned, she left law school and worked as an editorial assistant, L.S.U. News Bureau, while Judge Miller finished law school. After the torments and torments of wartime were over, she returned to Jennings to raise her family. She continued to mature and grow intellectually into the knowledgeable, strongminded and diversely talented woman I nominate today. By studying on her own, she taught herself the law and passed the Louisiana Bar examination. She has also done community service as president of the Board of

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Supervisors of Elections for her parish. She has chaired the Planning Commission for the city of Jennings, in Jefferson Davis Parish. She is an accomplished public speaker and newspaper writer. She could articulate the objectives of this convention to the many friends that she made across the state as the campaign manager of her husband's successful twenty-one parish race for Court of Appeal. Now, writing the constitution is penultimately a work of language. Mrs. Miller is a scholar of the English language, who is presently completing editing the editions of three new books on Shakespeare that will be published this year. She's a lawyer; she's a good and a good community leader, but most of all she has the intangible qualities of character that we need in this office. She's strong-minded and tough-minded, but not domineering. With all of her skills in language she has not deluged you with comments at the mike. But, I'll tell you when the crunch comes, and the important issues are there, you will hear from her at that time. She's had the patience to sit and pay attention to the rest of us that like to talk. I know that if you elect her to this high office that she will continue to give each and everyone of us that kind of attention and patience. Her whole life and character epitomizes good government. This new constitution is so important to her that when she was appointed to delegate to this convention, she resigned her position as the first woman ever to serve on the Louisiana Mineral Board in order that she might devote this entire year of her life to her duties as a delegate to this convention. Now, we hope to write a document not for the hours, but for the ages. I ask you to enlist the aid of this state's most talented woman, Ruth Miller, as First Vice-Chairwoman of this convention. Thank you.

Mr. Henry Is there a second to the nomination? Is there a seconding speech?
Pardon me, Mr. Arnette, I didn't see you. You'll have to borrow that man's flag.

Mr. Arnette Yes, I'm going to have to have Louie loan me his flag.
It's with great pleasure that I come up here to nominate or to second the nomination of Ruth Miller. I just have a couple of words to say about her. First of all, I'm from her home town. I know her well, and I know that she is a talented woman. The people in her home town who also know her end all around the parish and all around the state for that matter, know that she is qualified, and that she will do a job that you will be very pleased with. Thank you very much.

Mr. Henry Is there a further second to the nomination of Mrs. Miller?

Mr. Badeaux It is indeed an honor for me to second the nomination of Mrs. Ruth Miller. I had never met Mrs. Ruth Miller before joining fellow delegates over here at the beginning of last week. But, she has impressed me very much. From my conversation with other delegates, I take it that she has impressed many of you also. Again, I say it's an honor to second the nomination of Mrs. Ruth Miller. Thank you.

Mr. Henry Are there further nominations for the Statutory Vice-Chairman?

Mr. Alphonse Jackson is recognized.

Mr. A. Jackson Mr. Chairman, ladies and gentlemen of this Constitutional Convention, I think that we all recognize that we are going to need courageous, and diligent, and strong leadership to provide for the people of this state a document that will lead us into a decade of freedom and dignity and security for all of the people of this state. When I look about this convention, in deference to all of the fine ladies that we have here, I think there is such a man and his name is Thomas Staggs from Shreveport, Louisiana. I've watched him in my community work as a leader, as a planner, as a lawyer, as an individual who is concerned about

all of the people of that community and all of the people of this state, and all of the people of this nation of ours. He's gone forth throughout our community making a difference. He's gone forth throughout this state exercising. He has not depleted this nation his genius because he has served us well. I don't always agree with Tom Staggs, but I always say that a man is entitled to one mistake--and his mistake is that he's a Republican--but we won't hold that against him. I don't agree with him, but I respect him. I respect him a man of conviction, I respect him as a man of courage, I respect him as a man of wisdom. You've watched him serve as our Chairman of the Temporary Rules Committee and you know him to be a courageous man with the kind of spirit that will enable us to write a document that will serve us well. His presence is commanding. He's a tall man--tall not only in terms of physical stature, but tall in terms of spirit, in terms of knowledge, in terms of wisdom. So, ladies and gentlemen of this convention, I'm delighted and honored to place in nomination my friend and a great leader, a lawyer, a businessman, and a planner, as the next Vice-President of this Constitutional Convention, Mr. Thomas Staggs.

Mr. Roemer Mr. Chairman and fellow delegates, I proudly rise today to second the nomination of Thomas Staggs as our First Vice-Chairman. Emotion aside, quotas be damned, independence be exalted, Thomas Staggs fits the job. A man more eloquent than I, early in this convention said that we should consider function before form--function before form--and I agree. The first Vice-Chairman will fill in the absence of our competent Chairman. We need a person, be it man or woman, black or white, firm, equitable, knowledgeable and compelling. Fortunately for us, we have that person in our midst. I second the nomination of Thomas Staggs.

Mr. Bollinger Fellow delegates, it is also my honor to second Delegate Jackson's nomination of Thomas Staggs for First Vice-Chairman of this Constitutional Convention. The press has given us the impression--which I think we all appreciate--that this convention is one of independence. What better time is it than now to show our independence? The election of this First Vice-Chairman can do just this. We have an excellently qualified man to fill the office. If we elect Tom Staggs, which I'm sure we will, there will be no doubt in anyone's mind that the number two spot in this convention is filled with one of independence, not associated with the administration in any way. Tom Staggs has been a leader in his party. He has served as national committeeman; he has served on procedural committees at a national level. He is excellently qualified to be the First Vice-Chairman of this convention. I also say that he has, as has been stated before, shown his ability to govern and control and execute leadership in his stance as Chairman of the temporary Rules Committee. At this time, I second his nomination as First Vice-Chairman of the Constitutional Convention of 1973.

Mr. Henry Are there further nominations for the Statutory Vice-Chairman?

The Chair recognizes Delegate Perkins.

Miss Perkins Ladies and gentlemen, I come before you to submit into nomination the name of an individual who can not only represent you, but can advance the spirit of this convention. My selection was based on concern for this convention. As a delegate from the home parish of Governor Edwards, I'm certainly not here to fight the administration or anyone else. When I feel the administration is right, I'll be with them; however, I object to a handpicked slate of candidates or the outwitting of this convention, and this is the reason that I stand before you. Possibly, I am naive in politics. I probably need my head examined for being up here. But, ever since I was a little girl, I was taught there comes a time that you either are a man or a woman or you're not. Well, unfortunately, my day of reckoning is here. Maybe it's a little

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earlier than I would have liked to have seen it, but I am going to stand up and be counted. There have been many commitments made in reference to this position. I don't have to inform you of that; you are as aware of it as I am. But, let me say this: As delegates, any commitments you may have, let's not forget that we had one commitment before we had any commitments in this convention. That was a commitment to our people to come here and vote the way we thought was in the best interest of the convention—to stand on our own two feet, not to wheel and deal, but stand for principle on what was right. I ask you to consider those people at this time. You know, I'd like to take something by reference: the human eye is a mighty beautiful thing; it's the light of the world, as long as it functions with the rest of your body. If you take that eye and remove it from the body, it becomes harsh and ugly; it's of no use. Well, it's the same thing, ladies and gentlemen, with "I the individual." If "I the individual" functions with the body, for that body, in assistance with that body, then it's helpful to that body. If you take it out, about what "I" can get and what "I" can do, then it becomes something harsh too. I would like to say this: that we're making sure that all minorities are represented in these offices. We're taking care of the women, and we're taking care of the blacks; but, ladies and gentlemen, we forgot one minority: the people, the independent people that put you here to do a job in their best interest. If the reporters ask you, all of us are in the position that we can't say very much. Well, as they say, I'm letting it all hang-out right now. It's going to take guts to cast an independent vote. I know that. But, that's what I'm asking you to have in guts. If we don't have it now, we are going to perish for power that does not add anything, simply by letting them convince us that it does exist. I now, ladies and gentlemen, submit into nomination, for Vice-Chairman of this convention, Miss Lynn Perkins. It has taken guts for me to get up and submit my own name into nomination. I could have found someone, in case any of you are worried about it, to submit my name for me—but I chose to do it in this manner. I'm going to ask you to please consider me for this position. It may seem egotistical to submit my own name into nomination, but I can assure you it is done with the greatest of humility. I would like to say this, in closing: I have stood up for what I think is right. At work, I can be defeated and, possibly, the professional politicians can make me look foolish—which I'm sure they may attempt to do—but my personal pride, ladies and gentlemen, is a small price to pay for my own self-respect, a small price to pay for the dignity of this convention, and a small price to pay to restore the confidence of the people of Louisiana. With this, I humbly solicit your support, and I would like to say this: if this short skirt fools you, I think you found out where the guts are. I'll tell you this: We may have to work together, but that doesn't mean the atmosphere has to be unpleasant, so I don't think my skirts have anything to do with it. I'd like to say this too, in closing: You may question my ability to run this convention, I am the Vice-Chairman. Ladies and gentlemen, keeping order and decorum in this convention will be very simple compared to what I have just done. Please, I humbly solicit your support. Thank you for your attention.

Mrs. Warren Mr. Chairman, fellow delegates, when I came here this morning I didn't know I was going to happen. I met Miss Lynn Perkins in Lafayette. I want to say to you she impressed me very much. I don't know anybody at this convention very much. I have to depend on the inner man, and I'm going to tell you it takes guts, and I'll also tell you I got guts. I take very great pride in seconding the nomination of Miss Lynn Perkins as the First Vice-Chairman of this convention. She's a young woman that I feel that will go places. I usually push young people, and it is a great thing to push people. I have never pushed myself, and what happens to me, ladies and gentlemen, is not

important; but what happens to this convention and what happens to the future generation of this state concerns me very much. With these few words, I take great pleasure in seconding the nomination of Miss Lynn Perkins.

Mr. O'Neill I stand before you today to second the nomination of Lynn Perkins. She deserves your consideration as a colleague and as a friend. Lynn did not ask, nor did she expect, to be handed this position on a silver platter. She very simply offered herself to this convention as a young, independent woman. I admire her for her courage, and, at this moment, I ask you to admire her too. Experience is gained through hard work and participation, not simply through years. Experience—Lynn has done as much towards the organization of this convention as any delegate. She attended each of the pre-convention meetings. She was selected as a member of the Temporary Rules Committee and was elected as that body's secretary. Lynn is a practicing attorney. She has served as secretary and vice-president and currently as president of the Avoyelles Parish Bar Association. She has been the Chairman of the L.S.U. Alumni Fund in her parish, and she was voted as the Outstanding Young Woman of America in 1971. Lynn is a woman who can handle this convention in the exemplary manner of Chairman Henry. She has a strong personality, and her ability to get along with everyone is a precious asset. I very strongly feel that the First Vice-Chairman should be a competent presiding officer. I support and second this nomination, not because I oppose any candidate. Were it up to me, every person in this convention would have a prestigious title. Rather, I support Lynn because of her tenacity and independence. It seems that everyone has made a deal to get a vote. I'll support me for the Executive Committee if you'll support me for Vice-Chairman. Or, you can be a Vice-Chairman because you're a sacred cow, and this is India. Well, Lynn and I struck a deal. In return for my seconding her nomination, I get to take her to dinner tonight, and that's a better deal than any of you all have. Senator Rayburn has a speech about everybody's sweetheart and nobody's gal. Well, Lynn's a sweetheart to all of us, but she does want to be our gal. I second her nomination in hopes that you'll see fit to do just this.

[Motion to close nominations adopted without objection. Roll call voice ordered. Delegate Miller-76; Delegate Stage-25; Delegate Perkins-22. Delegate Miller elected Statutory Vice Chairman.]

Mr. Henry Delegates, please take your seats. I recognize, jointly, Delegate Stage and Delegate Perkins.

Mr. Stage Mr. Chairman, on behalf of myself and Miss Perkins, we wish to move that the nomination and the election of Mrs. Miller be made unanimous.

Mr. Henry Is there objection?
—Without objection, so ordered.
Miss Perkins.

Miss Perkins Yes, sir. Thank you. On behalf of Mr. Stage and myself, we offer to Mrs. Miller our public congratulations and assure her of our support and cooperation in any way that we may be needed. Thank you.

Mr. Henry And, congratulations, Mrs. Miller. The floor will now be open for nominations for a Vice-Chairman.
Delegate Dennis.

Nomination for Vice Chairman

Mr. Dennis Mr. Chairman and fellow delegates, I rise to place in nomination for the office of Vice-Chairman of this convention the name of Tom Casey. The Vice-Chairmanship, as you know, is an

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important office, not only from the standpoint of its legal duties—such as presiding in the absence of the Chairman, serving on the Executive Committee and the procedural committees, and performing such other duties as assigned by the Chairman—but, perhaps, even more important is the duty that the Vice-Chairman has to provide leadership within the convention as well as acting as an ambassador to the public. We need for this office a man of ability, of mature judgment, and one who is held in high respect both by the delegates and the citizens of our state. I believe Tom Casey can fill this need in a superb manner. Although I have only known Tom for about five years, I have served through many long, hard, and eventful sessions of the legislature with him. When he entered the legislature, he was already a successful attorney, active in community affairs. I saw him develop from a freshman legislator into one of the most capable, effective leaders within the House of Representatives, handling legislation of the greatest magnitude for our state. But, what was most significant to me was that Tom attained his stature without sacrificing any of the qualities in him that I most admire. He is honest; he is sincere; he tries hard to understand the concerns of others. He votes his conscience even when the issues are politically dangerous; and, as a result, during his tenure in the legislature, he has worked diligently for constitutional revision and for governmental reform. These qualities and his unquestioned ability have earned him deep respect both within the legislature and throughout our state. Our goal here is to write a good constitution and to convince our citizens to adopt it. I believe that the talents of Tom Casey can help us tremendously in writing a good document, and I know that his widely held reputation for sincerity and honesty could prove to be essential in winning the acceptance of that document by our people. Therefore, ladies and gentlemen of the convention, it is a very high honor and a great personal pleasure for me to place in nomination for Vice-Chairman of this convention the name of Delegate Tom Casey of New Orleans. I urge each of you to support this excellent man for this important office. Thank you very much.

Mr. Juneau Mr. Chairman, delegates to the convention, I rise to second the nomination of Tom Casey. To be very honest with you, before this convention, I did not know Tom Casey personally. On the other hand, I did have the opportunity to know him through many other people, and I can say, without exception, that the reputation that he has in the community that I live in is one of excellence. They have told me that he is a person who is honest, who is sincere, who is dedicated, and who is a person of high character. I have met Tom Casey during the course of these deliberations, and what I have heard has been confirmed. I like Tom Casey; I like what he stands for; I like the way he presents himself; I like the way he listens to people. I think that it's crucially important that we have someone of this caliber and of this stature and this background to serve in the capacity as Vice-Chairman—who, in my opinion, will be so important to sell the ultimate document to the people. I am personally confident that Tom Casey will serve this convention well, and I humbly submit his name to you for your consideration for one of the Vice-Chairmanships of this convention. Thank you very much.

Mrs. Soniat Mr. Chairman, fellow delegates, I rise to second the nomination of Mr. Thomas A. Casey. He is a man that I feel, due to his many activities in the city of New Orleans, will be able to fulfill the job as one of the Vice Chairmen of this convention. At the present time, he is president of the Jesuit High School Parent Club. He has also been president of the Junior Chamber of Commerce of New Orleans as well as a past president of the Ursuline Academy Advisory Council and membership in many other civic and social organizations in the city of New Orleans. For this reason, I feel that he will be a capable Vice Chairman, and I hope that you will vote for him as

Vice Chairman.

[Motion to close nominations dropped without objection. Motion to vote for Tom Casey by acclamation adopted without objection.]

Nomination for Vice Chairman

Mrs. Taylor Mr. Chairman, fellow delegates, I rise to place the name of Reverend Avery Alexander in nomination for Vice Chairman. Reverend Alexander received his educational training at Gilbert Academy in New Orleans, with further training and special courses at Tulane and other local universities, also, the Y.M.C.A. School of Commerce and Union Baptist Theological Seminary. In 1972, Reverend Alexander was elected to the State Central Committee, also as a delegate to the National Democratic Convention. He also serves as a member of the Welfare Board of the city of New Orleans. Some of Reverend Alexander's organizational affiliations are: Second Baptist Church of New Orleans, Inter-denominational Alliance, Southern Christian Leadership Conference, International Longshoremen Association Local 1419, and organizer of voter registration throughout the State of Louisiana. Reverend Alexander has served his constituency and the people of this state for many years, giving hope to all citizens to participate fully in the affairs of government in their community and their state. Reverend Alexander's herculean efforts are models and courage, determination and deep faith in the integrity of all people in Louisiana. These demonstrations of courage and unswerving faith in the great future of this state makes him worthy of your serious consideration and your vote as a Vice Chairman of this constitutional convention. I humbly solicit your support for Reverend Avery Alexander as a Vice Chairman. Thank you.

Mr. Wall Mr. Chairman, fellow delegates, it is a signal honor for me to be here among you as a delegate. It really is a great obligation of this body, and it's even a greater honor, though, that I have the privilege of seconding the nomination of Reverend Alexander. He's a man that has served the people; he has served the Lord by serving the people. He's served both black and white people. He has kept the faith. The constitution that we have today has many parts of it that discriminate against black people, but this gentleman, he has told his people that the Lord will not put a cross on you any heavier than you can bear. All of us agree that black people have had a heavy cross to bear, but this man kept the faith of his people, and they knew that someday that this would change. This man has been like a Rock of Gibraltar in this convention. You've seen him sitting there studying, listening, and he's going to be that way all the way through. We need this man in leadership because he can give both white and black people leadership. We're going to need his type of leadership, and a man that has the trust of the best sort of a people—so that we can pass this document that we finish with. It's a great honor that I have a part in nominating Reverend Alexander as Vice Chairman of this convention. Thank you.

Mr. Henry Thank you, Reverend..Delegate Wall. Reverend Alexander said you quit meddling and started preaching on that one.

Mr. Burns Mr. Chairman and ladies and gentlemen of the convention, I asked for this privilege to come up here and second the nomination of Reverend Alexander. Usually, nominating speeches and seconding speeches are made by people who have known the candidate for either a number of years or a number of years. My support of Reverend Alexander is based solely on his reputation as I know it, and on my observation of him in the past two or three weeks. He has impressed me as being a man of sound judgment of listening more than talking, and in that process of taking in everything that has gone on in this convention. When we first started off into session, Reverend Alexander asked some of the

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most practical and sound and sensible questions that I heard any delegate at the convention ask. It impressed me so that if he will recall, I asked him one morning, I said, "Reverend, why don't you get up there and ask some more of your questions," because I actually would get more out of the answers to his questions than I did out of some of the speeches or some of the debate. I think that this convention will be helped in a large measure by having a Vice Chairman of Reverend Alexander's stature, and I therefore take pleasure and consider it an honor to second the nomination of Reverend Alexander for Vice Chairman of this convention.

[*Motion to close the Nominations and elect Delegate Alexander by acclamation adopted without objection.*]

Nomination for Vice Chairman

Mr. Fayard Mr. Chairman--remember that you may have to drive through Livingston Parish one of these days--and fellow delegates, get this convention card. Look me up on our accomplishments thus far. We have exhibited independence; we have exhibited intelligence; and we have exhibited an image of the type of body that I am proud to belong to. In the selection of Vice Chairman, there are many of us that are very well qualified. However, we must seek out a few individuals who have exhibited to this convention the desire to serve in more than just the capacity of delegate. This individual must be willing to give of himself for a least one year. This individual will have many added responsibilities and duties. I cannot say that I have known most of you before coming to this convention, so I've had to make my judgment based on your actions. There's one person among us who is watched, and although I have not shared with all of the time, I think that he is very well qualified. I think that he is the kind of man that this convention needs as a Vice Chairman. It is with pride that I place the name of Delegate Chris Roy into nomination for the office of Vice Chairman. I cannot say that I have known Delegate Roy as well as my life, and as a matter of fact, I've had before me, I've disagreed many times. He's called me a maverick; he's called me an independent. I consider that a privilege. However, Mr. Roy has the ability to seize issues, to put them before this body and to give us a choice, to give us a voice. He was born and reared in Marksville. He is thirty-six years old. He's married and the father of four children. He graduated from L.S.U. Law School and he served as First Deputy Clerk for the Third Circuit Court of Appeal. He is now a practicing attorney in Alexandria. He's presently on the Board of Governors of the Louisiana State Bar Association for the Eighth Congressional District. He has served his country in the National Guard for a period of ten years. In my personal, humble opinion, I feel that he deserves your support and your vote. I ask you to join with me in casting a ballot for Mr. Chris Roy as Vice Chairman of this great convention.

Mr. Kelly Ladies and gentlemen of the convention, I rise to second the nomination of the extremely capable gentleman in our midst, Mr. Chris Roy. I, unlike Mr. Fayard, can say that I have known Mr. Roy for a number of years, now. You might say we're from the same part of the country. I like to many times judge a man among his peers. Mr. Roy is a practicing attorney in Alexandria, Louisiana, and I would add that has one of the most favorable reputations as a practicing attorney in our area. I might add that to me Mr. Roy represents people. He is a man though possibly new in politics, has been involved for many years now with representing the true interests of individual human beings. This speaks well for any man, regardless of his profession, faith, etc. He, in my opinion, was the author of the most important substantive or substantive amendment that came before this convention while we were trying to adopt our rules, which further illustrates his yearning and his desire to fully and finally represent the people. I think

you will refer to the amendment regarding the Executive Committee. Mr. Roy was the author of that bill which gave us full and true representation of all people throughout the state for this convention. I earnestly solicit your support for this candidate.

Mr. Bergeron Mr. Chairman's distinguished ladies and gentlemen of the convention, I rise to second the nomination of Mr. Chris Roy. In the time we've been together, I have had the privilege and pleasure of associating and working with Mr. Roy. This man has captured my respect and he's captured my admiration. Like myself, Mr. Roy has not previously held a political office. But, I find Mr. Roy to be a man who not only shows his ability and willingness to work, but he is working for the benefit of his people--for the benefit of all people in Louisiana. This is important. We need a man such as Mr. Roy who is capable and who does not fear the thought of getting up and speaking his mind, who has the ability to say what he feels in the best interest of his people. Mr. Roy is quite capable of handling this position, the position for which I am asking you to support him for. In closing, I humbly solicit your consideration and your support for Mr. Roy, and I'm sure that you will find him, as I have found him, to be a man we can depend on and to be a man that we can trust when we need him.

[*Motion to close the Nominations and elect Delegate Roy by acclamation adopted without objection.*]

Nominations for Secretary

Mr. Kilpatrick Mr. Chairman and fellow delegates, I rise to place in nomination for office of secretary of this convention the name of Moise Denery. The secretary is one of the most important officers in this convention. He will be charged with keeping the records of this convention. We need a man for this office of mature judgment and ability, a man who is held in high esteem and respect by the delegates of this convention and the citizens of our state. I believe Moise Denery can fill this need in an orderly manner. Moise Denery is honest, independent, efficient and qualified for this position. It is my pleasure at this time to submit to you the name of Moise Denery as secretary, and I urge you to support him for this very important office. Thank you.

Mr. Leigh Mr. Chairman and fellow delegates, it is a real privilege for me to rise to second the nomination of a man, a warm friend, whom I have known for many years. A man whose ability, whose integrity, whose competence, whose independence, I think, is above question. We have seen Mr. Denery on the floor of this convention and he has had occasion to see to know and, I hope, at least from my point of view, to admire his actions here. Mr. Denery is a competent lawyer, competent businessman, a competent public leader. I proudly second his nomination and ask your support for his candidacy. Thank you very much.

Mr. Cowen Mr. Chairman, fellow delegates, I rise to second the nomination of Moise Denery as secretary of this convention. Mr. Denery, besides being an outstanding attorney in New Orleans, sits on the Editorial Advisory Board of the Times Picayune; he is Chairman of the Louisiana Educational Television Authority. These are among many other activities that he has. I've been at the adjoining desk to Mr. Denery for several days now, and his honesty, as I see it, his sincerity, maturity and intelligence and his dedication to what this convention stands for and is attempting to do impresses me. I feel that his capabilities are full, and they are complete. It is said by the editor of the State's Item that if General Hastings were looking for someone to pick the ideal delegate, they would have to pick Mr. Denery. I am very proud; it is an honor for me to second the nomination of Moise Denery as secretary of this constitutional convention.

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Mr. Stinson Mr. Chairman, fellow members of the 1973 Constitutional Convention, it is with pleasure that I come before you today to place in nomination the name of an outstanding young man. He's known to all of you; he's especially known, liked and has been elected by his constituency here in Baton Rouge. I would like to place in nomination the name of State Representative Louis "Woody" Jenkins. I would like to give some of his accomplishments that have been bestowed upon him in his short twenty-six years. First, he was elected president of his student body at Istrouma High School his senior year—eighteen hundred. He was valedictorian of his five hundred member senior class. He is especially qualified in that he has a Bachelor of Arts degree in Journalism from Louisiana State University. He has a Juris Doctorate Degree in Law from Louisiana State University. Among the other accomplishments, he is a former radio newscaster for WLCS, a former television announcer for WAFB-TV. He is the former editor and publisher of his own North Baton Rouge Journal or weekly journal here in Baton Rouge. He has been honored by the Louisiana Press Association as an outstanding editor and writer. He is the owner of an advertising agency. He is the second youngest member of the Louisiana Legislature, having been elected in 1972 in the first primary over four opponents, receiving sixty-six percent of the vote. One of the most outstanding things, I think, is after serving one session in the Legislature, he then submitted himself to be elected to this honorable group. Those that he has served for one session in the legislature overwhelmingly elected him still as their voice and their speaker. He won in the first primary over several opponents that he had for that. When you've served one session in the legislature, you usually will want to wait maybe three years before you go back to account. His people said, "You represent us well." He is also a member of the Democratic State Central Committee. He was a delegate to the Democratic National Convention this last time. He was chairman on the Commission of Constitutional Revision of the democratic party in Louisiana. He's also on the Board of Directors of the East Baton Rouge Democratic Party. He's served in many other many civic outstanding duties: Chairman of the March of Dimes for East Baton Rouge Parish; he's National Chairman of the American Bar Association of Law Students; he's on the Board of Directors of the North Baton Rouge Lions Club. There are many other accomplishments, but this is not a retirement speech that I'm making. Usually, with those accomplishments it's when someone has reached an ancient age of some of the rest of us and is retiring, not when they are on the brink of what I predict as an outstanding future. Woody Jenkins is offering himself as, what I term as, a thankless job. The secretary is the workhorse of this group. We are going to depend on him and call on him for more than any of the others. He is the behind-the-scenes worker. It's my thought that certainly the secretary of this group which meets and sits in Baton Rouge should be from Baton Rouge. No other elected official is from this area. There are two from New Orleans, already... ..and then there's a lot of people. Besides the honor of serving on this group, I've served in the State Democratic Party, I've served twenty-four years in the legislature, and I do not know of one person in that time that I have met and known that I would recommend above this young man. I offer his name for one that is courageous, energetic, fair and impartial... We owe it to the people here and to this young man, and I urge that you cast your vote for him for this workhorse... for the public, but it will be a most appreciated job...

Due to a malfunction in the taping, a portion of the proceedings were not recorded. The Official Journal on this date reflects that Delegates Roemer and Warren recorded the nomination of Mr. Jenkins as Secretary of the Convention. Mr. Keon moved that nominations cease. Mr. Henry requested the Clerk to call the roll.

[Referred to be ordered. Delegate Deberry-69: Delegate Jenkins-55. Delegate Denney elected Secretary.]

Mr. Henry The Chair recognizes Mr. Jenkins

Mr. Jenkins Mr. Chairman, delegates of the convention, I'd like to move to make the vote unanimous and urge our cooperation with Mr. Denney in every possible way.

Mr. Henry Thank you, Mr. Jenkins.

Without objection, so ordered, and congratulations, Mr. Denney.

The Chair will now accept nominations for treasurer of the convention.

Mr. O'Neill, did you have a nomination?

Nominations For Treasurer

Mr. O'Neill Buddy Roemer quoted from my favorite poet a short while ago. The poem he quoted does mean a lot, and I continue with that poem because it personally means a great deal to me.

"An evening traveller, long I stood,
and looked down one as far as I could."
It's a helpless feeling to stand here and to know that your voice won't be heard, your advice won't be taken; but you stand here anyway. I stand here to nominate a man who first put us together at his home. He and his lovely wife invited us all, entertained us, and I think that he typifies the spirit of this convention. Just one traveller all alone, and I think it's time that we extend our hand down the road. When I nominate Mr. Chatelain as treasurer, I feel like I'm nominating my father for something. He reminds me of my father in a great many respects; and I feel this close to Mr. Chatelain. I ask you for your help; and, though I won't receive it, I ask anyway.

Mr. Conroy It is my really great honor to second the nomination of E. J. Chatelain as Treasurer of this convention. I think we can all take pride in what we have accomplished so far in this convention. I think that the tone of independence was set in the Rules of Procedure, which we adopted. I think that the existence of independence was confirmed by the vote in the last election which you just went through. That tone and mood of independence, I think, was greatly begun and fostered by Mr. E. J. Chatelain early in this procedure when he invited all of the then-elected delegates to this convention to Lafayette to exchange views and to begin the formulation of what has now become this Constitutional Convention. I think we owe him a great deal, a great debt of gratitude for his foresight in having brought us together to begin the discussions which have led to the accomplishments which have been achieved here in this convention in the past few days. It is difficult to recount all of Mr. Chatelain's individual accomplishments. He is an outstanding and successful businessman in Lafayette. He has been president of the Lafayette Kiwanis Club, president of the Lafayette Chamber of Commerce, chairman of the Lafayette Planning and Zoning Commission. He would bring to this convention the knowledge and wisdom and good sound financial judgment that we will need. Many of us have discussed and been upset by the amount of money which may be allowed us and the difficulties which we may encounter. I feel confident that we have Mr. Chatelain as our treasurer that our worries would be much less in that regard. I second the nomination of Mr. Chatelain and urge you to vote for him. Thank you.

Mr. Gauthier Mr. Chairman, members of the convention, it gives me a great deal of pleasure to second the nomination of E. J. Chatelain. He's the type of individual that I think this convention needs. He met with us or called a meeting in Lafayette, which a number of you attended, met with

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us in New Orleans and in Baton Rouge, individuals working toward soundly established goals. A philosophy was built from these needs, that philosophy being to have an independent convention and to diversify the responsibilities to give each delegate a chance to participate in this convention. E. J. symbolizes that independence in the spreading of that responsibility. He is very capable of handling his share, and I do hope you'll give him your consideration. Thank you.

Vice Chairman Roy in the Chair

Mr. Kean Mr. Chairman, members of the convention, although this is the last office that we will elect in a separate election, I think it is, nonetheless, one of the more important officers of this convention. As I envision it, the duties of a treasurer of this organization we not only require a man with experience and background in finance and accounting, but it will require a man who has a feel for public response and who has the ability to gain public support for our efforts. He should have a voice for government and he should have a technical knowledge of the requirements of governmental financing. He should be, above all, a good man and a man of integrity. I believe that my colleague and my personal friend of long standing, Delegate Herman "Monday" Lowe, has these capacities, and I'm privileged to rise to nominate him for the position of Treasurer. I believe that Monday is eminently qualified for this position for many reasons. He's a man of independence, and I know this to be so because I know Monday Lowe. He's a man of qualification. He suggested to the Rules Committee the need for the office of Treasurer in order to promote public trust and confidence in the work of the convention. He's a practicing certified public accountant in the city of Port Allen. He's a senior partner of a firm of certified public accountants with offices in Baton Rouge, Port Allen, and Plaquemine, giving him wide contact with the public of this area. He has been many times recognized by his profession. He is a past president of the Baton Rouge Chapter of Certified Public Accountants and a past member of the Accounting Board of the Society of Louisiana Certified Public Accountants. He has received awards in 1960 and 1970, as the CPA Distinguished Service Award, given by the Louisiana CPA Association. He has had national recognition as a member of the Legislative Action Committee of the American Institute of Certified Public Accountants. In addition to his professional activities in which he has gained the respect of those who work in his chosen field, Monday has given of his time and effort in government on all levels. He's served as a part-time city clerk for the city of Port Allen. He's served as assistant secretary and treasurer of the Police Jury for the parish of West Baton Rouge. He served as a member of the state legislature from 1966 to 1968, and I might mention here that he voluntarily retired from that position, and the reason I know he did is because he hid out for the two weeks prior to the qualifying time so that we couldn't find him to make him run again. He was a member of the Louisiana Constitutional Revision Commission. He's been a special lecturer at Louisiana State University in the accounting department. He's a director of the Bank of Baton Rouge, West Baton Rouge, and he's been active in community affairs through the United Givers, the Boy Scouts, the Girl Scouts, the American Legion, the Knights of Columbus, to mention but a few. He's been active in his school activities. He's past president of the Home and School Association. So you can see that gentlemen of this convention, that we need a strong, qualified, treasurer to insure not only the proper handling of the finances of this convention, but to inspire the confidence of the people. For these reasons and because I believe he's a man of unquestioned integrity, a man willing to give of his time and effort in the interest of good government at all levels, I am privileged to nominate Herman "Monday" Lowe for the position of Treasurer of this convention.

Mr. Homack Mr. Acting Chairman and fellow delegates, it would be repetitious to quote any more of the achievements, the honors of recognition that have been bestowed on Mr. Lowe, but I will only say this: When I came to the legislature, returned in 1964, I found sitting next to me Monday Lowe. For four years I counseled as legislation was presented and debated with Monday Lowe, served on committees with him, without taking anything away from anyone else, I would have to say that there has never been a finer gentleman; in my opinion, there's never been a more capable individual. When Monday Lowe came before the Temporary Rules Committee, we hadn't given a lot of consideration to this office. One of the reasons we hadn't given much consideration was that the other conventions that we had read after and had information on to use as guidelines to study and take that information that was applicable or more applicable to Louisiana and use it, those didn't have it. Monday Lowe convinced that committed beyond any question that it was imperative that we have this office. The more I thought about it, the more I convinced I am that the handling of the money and the handling of the money by one of the recognized certified public accountants of our state who has been honored many times, could do nothing but elevate the actions of this convention in the eyes of the public. Based on the great respect and admiration that I have for Monday Lowe, I hereby give it an endorsement and I duty to second the nomination of Monday Lowe. Thank you.

Mr. Flory Mr. Chairman, delegates to this convention, I proudly rise to second the nomination of Herman "Monday" Lowe. Monday Lowe is a man that I believe possesses unique ability and his tremendous ability to listen, disagree on the merit, and yet his great capacity to never become disagreeable. I know of no one more qualified to attest to his independence for it was on many, many occasions as a member of the legislature that I went to him and he voted contrary to the desires that I had and the people that I represent had at that time. I found him to be a man of public servant basing his decisions upon merit and solely that. The Rock of Gibraltar has been mentioned here this morning, and I guess I could best close by saying to you: Should you share my views and elect this man a Treasurer, who's dedicated to the public fisc of this state, that the Rock of Gibraltar would slide into the Mediterranean before this would bring discredit or do anything that would destroy the faith and trust that you would place in him in this high office.

[Notice to close nominations adopted without objection. Roll Call vote ordered. Delegate Lowe—"I: Delegate Chatelain—49. Delegate Lowe elected Treasurer.]

Mr. Roy The Chair recognizes Delegate Chatelain.

Mr. Chatelain Mr. Chairman, members of the convention, I, too, want to join in wishing Mr. Monday the best of luck, and I move that we elect him by commission. Thank you.

Mr. Roy Without objection, so ordered.
Mr. Lowe. Congratulations.

Personal Privilege

Mr. Homack Mr. Chairman, members of the convention, in reviewing the act that was passed by the legislature, there was no mention of mileage for delegates attending the convention, or subcommittees, or other official business. I would like, at this time, to suggest that each of you keep an accurate account of your mileage in a similar manner that we do in the legislature, and I've explained it to you that when you come to the legislature for a session, you're allowed one round trip per week. If you come down for a Monday and Tuesday meeting,

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you'll get mileage. If you're called back Friday and Saturday, you get additional mileage. But, under no circumstances do you get mileage for two, three or four or five consecutive days. You only get the one trip. I don't know that it will be worth anything. But, it is my plan to proceed in the session of the legislature with concurrent resolution or whatever is necessary to see that the delegates to this convention receive the mileage which, in my opinion, they are due. Take, for example, a trip to New Orleans from the extreme northwestern part of the state, the delegate would have to travel a good many miles by car, catch a plane to New Orleans and catch it back; if he had a two-day meeting, his plane fare is roughly eighty dollars. There's no way for him to break even. He starts out operating at a loss. I think that giving the mileage would be a manner in which it would let every delegate serve with a reasonable degree of equality as far as economics is concerned. I only suggest that you keep this for record because it is my plan to introduce such legislation that will correct this, what I think is an inequity. Thank you.

Chairman Henry in the Chair

Mr. Henry Thank you, Mr. Womack.

If there are no serious objections inasmuch as the next order of business would be the caucuses of the various congressional districts, the Chair is going to suggest that we recess until 3:15. This will give the delegates time to eat and time to caucus. Now, insofar as the caucuses are concerned... well, you can caucus now; I'm just trying to determine where we're going to let you caucus. First District can meet up here in the dark corner on the right, I suppose. The Second District meets in the center, and the Third District, on the left; and the Third and the Fourth and the Fifth across in front down here; Sixth, Seventh can meet over on this side of the hall; and the Eighth over here. Now, you people in the various caucuses need to decide before 3:15 what you're going to do about your representation on the Committee on Committees and the Executive Committee. I would ask that all... would like to announce that all of the elected officers have been requested to assemble right down here. I think the news media want to take your pictures.

Mr. Kean, why do you rise, sir?

Motion

Mr. Kean Mr. Chairman, I think most of the congressional districts have pretty well got their business in order. I'd like to move that we recess for thirty minutes and come back and finish our business so everybody can go home.

Mr. Henry Is there any serious objection to a recess of thirty minutes?

Without objection, we'll stand at ease for thirty minutes.

Thank you, Mr. Kean.

Recess

[Appointments to Executive Committee and Committee on Committees, 1 Journal #8]

Announcements

Mr. Henry Is there any other business with the exception of announcements that should come before the convention at this time? In that event, proceed to announcements.

The Chair would like to announce that the Executive Committee will meet at 10:00 A.M. sharp Tuesday morning. Please be at the Speaker's office, and we will tell you where we are going to meet from there. We will probably meet in one of the committee rooms in the Capitol building unless you determine otherwise. We will begin our deliberations on two mornings of taking care of the business of the Executive Committee. The Committee on Committees will meet at 10:00 A.M. Wednesday morning, the same schedule, to meet at the Speaker's

office for information as to where the committee will actually meet. That committee will probably be in for the balance of next week or until the work is completed.

I would like to announce that he will have each member or delegate provided within the next week or as quickly as we can get the Legislative Council to prepare a set of the rules as amended and adopted by the convention.

I would like to say that insofar as your preference sheets on the committees are concerned, if you prefer a procedural committee over a substantive committee, you should let us know, in the meantime, which is whether a substantive committee or a procedural committee is your first preference. I apologize for not making that announcement sooner.

Are there other announcements?

Then, Mr. Clerk, is the calendar clear?

The Chair now recognizes Mr. Womack for a motion.

Mr. Womack Mr. Chairman, fellow delegates, I now move that the convention recess until 4:00 P.M. Tuesday, the thirtieth day of January. You will be notified where the reconvening after the recess will be.

Mr. Henry The gentleman moves that the convention now recess until 4:00 on January 30.

Point of Information

Mr. Fulco Mr. Chairman, I might be out of order, but I was going to refer back to the Executive Committee's report and ask if it's possible that the committee could meet one hour later and accommodate those who have to come far from North Louisiana and make it a little bit more convenient for us-- that's 11:00.

Mr. Henry Mr. Fulco, that will be fine with the Chair, but I find when we don't start committee meetings until about 11:00, we get here and work for a few minutes and recess for too long for lunch and don't work enough in the afternoon.

Mr. Fulco Well, thank you so much and we'll forget about it; but, I wish we could give that consideration.

Mr. Henry Thank you, Mr. Fulco. We will talk about it at the Executive Committee, Mr. Fulco.

Point of Information

Mr. Dennis Would you suggest the agenda you anticipated at that time, and how long we will be here on the thirtieth of January?

Mr. Henry Mr. Dennis, it's hard to anticipate what the agenda might be at this time. But, inasmuch as that's the day... the last day of the orientation conference which is to be provided by the League of Women Voters, this would afford the convention the opportunity of taking care of any, perhaps necessary, final business prior to July.

Personal Privilege

Mr. Lowe Mr. Chairman and fellow delegates, I just want to say that I know many of you are going home not aware of what the finances of this convention look like. I know that you will be getting questions from your constituents back at home. I want you to know that, as promised, I shall do everything to keep you well informed. I hope that working with the Executive Committee that I will be able to send you... we will be able to send you shortly enough information that will answer all of your questions and all of the questions that your constituents back home have.

[Adjournment at 4:03 p.m. Monday, January 30, 1973.]

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Wednesday, January 31, 1973

EIGHTH AND NINTH DAYS' PROCEEDINGS

No transcript exists of the proceedings of the Eighth and Ninth Days (January 30 and January 31, 1973) of the Convention. Magnetic tape recordings of these days' proceedings were of insufficient quality to permit transcription.

The official proceedings for these two days may be obtained from the Official Journal of the Constitutional Convention of 1973.

10th Days Proceedings—July 5, 1973

Thursday, July 5, 1973

ROLL CALL

[106 delegates present and a quorum.]

PRAYER

Mr. Alexander Most holy and everlasting God, we come at this hour in the day to begin our deliberations again and as we come we pray that Your presence will go with us, guide us and help us. May whatever we do redound to Thine honor and glory. May our problems be solved in a way that will be consistent with Thy teachings. Thy love, Thy humility. Bless us, guide us and keep us both individually and collectively in the name of Jesus, we pray. Amen.

PLEDGE OF ALLEGIANCE

Personal Privilege

Mrs. Brien This is just a little poem we maybe should plant deep in our hearts. Once there was a gardener. He decided that the world would be better if a beautiful garden were planted. A garden everyone would enjoy and share. This man was blessed with a warm, loving heart as well as a brilliant mind. He took a packet of unusual seeds one day, brightly marked on the packets the words faith, truth, honesty, integrity, but, the loveliest seed he planted was marked love. With his people, he chose a fertile plot of ground and, with tender care, prepared the soil for planting. With intense determination they planted the seed and with loving care they tended the garden. Soon with the water of life and the brilliant energy of the sun of belief, the plants came up and the garden grew and grew. The plants became bright in color and the heavenly scent permeated the entire world. Faith, truth, honesty and integrity flourished. More decided gardeners joined the lovely gardener. Seeds were taken to other acres of the nation and the fantastic gardens grew across the face of the land. The most enchanting flower in the garden was love and giving and receiving. The wonderful gardener who is now sharing a beautiful harvest should be you and you and you. Please stand. Let us pray. Dear God, our heavenly Father, please bless all of us with the quality of this gardener so with faith, truth, honesty and integrity will we complete a good constitution for the people of Louisiana. Give the people faith in us and in our work. We ask this in Your most beloved Son, Jesus Christ. Amen.

READING AND ADOPTION OF THE JOURNAL

Vice Chairman Miller in the Chair

PETITIONS, MEMORIALS, AND COMMUNICATIONS

[*Journal 78-79*]

Personal Privilege

Mr. Henry Thank you, Mrs. Miller and fellow delegates to the convention, I'm going to this morning ask for personal privilege or this afternoon which is something that I will not indulge in, I don't believe, too frequently during the efforts of this convention but, I wanted to take the opportunity just for a few minutes this morning to discuss with you some of my thoughts as we begin the second leg of the working of this constitutional convention. Many people have called our efforts here the most important political event which has taken place in Louisiana in the past half century and I think that there are very few people who would disagree with that statement. After we met here in January this past year to begin hammering out the rules wherein we could proceed, we spent the remaining six months of the year dissecting the old constitution and getting ready to prepare parts of a new constitutional document. The period of time which we spent in the last six months I believe has been a period

of education and of research and of incite and of enlightenment for all of us. I think that it is pointed out to each of us the complexity of the problem with which we are faced and at the same time that solutions to complex problems are not always easily arrived at. The volume of work which we have undertaken has been staggering, as well as the hours of work which we have put in in committee work these past six months. To date, we have spent a total of 25,344 man hours--I guess I should say--person hours because there are ladies in the convention, but we spent a great deal of time trying to dissect, trying to pick apart the bones of the old constitution so that we could prepare and present sections and prepare articles for a new document to be submitted to our people. To assist you, and to execute your directives, and your desires, the staff of the convention has worked many long and many hard hours, a total I believe, of 31,628 hours often long into the night and long into the weekend as you yourselves have worked during the past six months. Thus, we have devoted approximately 57,000 working hours towards a new constitution for the people of this great state of ours. The results of our labors I hope are not entirely evidenced by the reams of paper which you have been getting and will be getting which constitutes proposals to the new convention. The real results I hope are much broader and are contained in the increased insight which you and I have gained and thanks to the excellent coverage of our labors by the news media that the people of the state of Louisiana have gained into the present constitution and our ideas of what should perhaps be in a new constitution, our concepts and the way they should be implemented and formulated. Since today our work schedule will no decrease. Likely the opposite is going to occur, but while our work schedule will not decrease, I think our work is going to have take on a new dimension beginning today because while much of the committee work still remains to be done soon our attitude is going to have to shift from that area of specialization and committee work which will be chosen to begin to looking at a constitutional convention. However, narrow our previous study and our previous thinking may have been, we must now and it must--our thinking must begin to now encompass an integrated concept of a unitary body of organic law; however equivocal our positions and our thoughts may have been before we have now got to start deciding and we have got to begin to act. However firm we have been prior today in our convictions we have got to realize that as of today we must begin convincing not ten and not twenty but 132 whatever our thoughts and whatever our actions beginning today we have got to start the direct effort to write a new constitution to propose to the people of this state of ours. While I don't want to sound excessively presumptuous or overly scornful, I would like to give you some of my thoughts and some of my ideas as to what we have got to do if we are to accomplish the effort which we set out to do. I am deeply concerned with the substantive issues that are going to be presented at this convention, but at the same time I am equally concerned with our thoughts and our attitudes during the existence of this convention. I hold firm to the belief that in all matters of human endeavor not only do the ends not justify the means, but moreover the means usually become the ends. So I am convinced that our attitudes, our approaches, our tenor and our mood during the coming six months will in effect surely become the proposed constitution. As I am able to formulate this constitution in an area or with an air of distrust for one another if we formulate it with a narrow self-serving important issues as the most important concern which we have in this convention then surely we are going to frame a narrow self-serving document which is distrustful of government by the people and which will in turn be distrusted and ultimately rejected by the people when it is submitted to them. We have worked so far in a spirit of independence and of freedom that specter of control which you and I feared for so long has not ever materialized during this convention. We have been independent, and

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we have free in our thinking--we have a right to take pride in the freedom of spirit attitude which we have adopted at this convention. I submit to you that no one, no group, no self interest is going to control our efforts. I suppose that I have never been associated with a group of people who were so often and so frequently committing themselves to being above politics and to shunning even the very appearance of any form of compromise. I expect no less of myself--partisan parochialism has no place in this convention. The constitution I believe must be a statement of principle and not a corruption of it. Unfortunately, the reverse of this conviction I don't believe has been sufficiently articulated because while intolerance and arrogance have no place in this constitution a little simple humanity and humility has a great deal of room I believe here. This constitution is not going to be exactly as 132 of us would have it to be anymore than it is going to be exactly like of 3.6 million people in the state of Louisiana would have it to be. Compromise and tolerance of the majority view of others I submit to you is not a sign of weakness or moral bankruptcy. I think it's the critical realization that makes human society functional and I think it's that element that separates the citizen from the hermit. If you think that compromise is a sign of mediocrity, I suggest you remember that that federalism under which we exist in the federal government now was the result of the greatest compromise that existed during that constitutional convention in Philadelphia in 1787. Recall that that was an entirely new form of government then, born out of need and born out of necessity and yet disliked by Mr. Hamilton's who wanted a unitary system of government and by Mr. Randolph's who wanted to maintain the form of confederation then in existence. I'm not much on reading the quotes of other people but if you'll allow me just a little more time, I would like to read you the quote of that 1787 long hair Ben Franklin when he signed the constitution that was adopted at that time. I don't think I do not entirely approve of this constitution at present but sir I'm not sure that I shall never approve of it. For having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. These sentiments, sir, I agree to this constitution with all its faults, if they are such, because I think a general government necessary for us. I doubt, too, whether any other convention we may obtain might be able to make a better constitution; for, when you assemble a number of men, and I suppose women, to have the advantage of their joint wisdom, you inevitably assemble with these people all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies who are waiting with confidence to hear that our councils are confounded. Thus, thank sir, to this constitution because I expect no better and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good."

Our document, if it is going to be worthy at all, I submit to you will not be a cure-all for the ills of the state of Louisiana. If the document is worthy I think it will provide the people of this state with the mechanics if they have the industry and the desire to face up to the ills of society. I recall reading some months ago a report of the committee on the legislative powers and functions of this convention and I was rather amused because they were concerning themselves with the problem of legislative reapportionment. I think, frankly, did reject the proposal that was submitted but they came up with a solution for legislative reapportionment which was a three-phase 1973 solution. What this would have done if it had been adopted, would have provided ten separate constitutional

time limitations on the legislature, the Supreme Court and the attorney general of this state. The legislative committee, I believe, in rejecting 1973 Cadillac, was correct, because our job is to draw a road map for the people of this state and not to draw a constitution. And, while we are formulating the road map for the people of the state of Louisiana, let's realize that it is not just a road map for us, but it is going to be a map, hopefully, for people for years to come. It's going to be carefully scrutinized and effectively expanded by judges and by lawyers and my scholars and by professors and yes, by even politicians and where there are loopholes the loopholes are going to be plugged and where there is indecision, decision will be had and where there is vagueness, there will be as many opinions as there are people who are affected by the vagueness and it will finally turn out that the Supreme Court will have written as much of this document as you and I have written.

Since I've already offended the legislative committee rather than speaking on another committee I'll stay with the same group Senator. Presently they are recommending to this body that the legislature be allowed to meet a number of legislative days and I quote "legislative days" and a longer calendar period than we have heretofore been allowed to meet. My question is this: is a Legislative Day? Is it a day when both Houses of the legislature meet, if we in fact decide again on a bicameral legislature? Is it a day when one house of the legislature is going to meet or is it a day when one committee or some of the committees of the legislature might meet? If you can't find a lawsuit or two in that confusion, I'll suggest to you there is a country lawyer from Jonesboro who'll believe I can.

I've suggested what our attitudes I think and what our approaches should be and that they will shape this constitution and perhaps you are interested and so forth what my attitude is and so far as the roll as chairman of this convention. You may recall, the back of my neck when I was talking about the rules of procedure for the convention I said "go ahead and get it out of your system, because once the rules are adopted they are going to be your rules and we are going to live by these rules." Well, that time has come. The rules have been adopted and while we have successfully managed to keep from being controlled from outside I think the time has come when we are going to have to start controlling ourselves within. We will adhere to the rules. The rules will be enforced and we will move along because we have a deadline that we are going to have to meet. You might recall at the same time that we adopted Mason's Manual of Legislative Procedures to guide us in areas where the rules are silent. In that connection I'd like to cite or state a quotation that is contained in Mason's Manual relative to rules and forms of procedure. "The great purpose of all rules and forms is to serve the will of the assembly rather than to restrain it; to facilitate and not to obstruct the expression of the deliberate sense." I conceive that my responsibility as entrusted by you to facilitate your deliberation of the deliberations of this convention. Equitable and impartial adherence to the rule I believe will insure us that the deliberate sense of this convention will not be obstructed; such is and such will be my goal. In a different line, let me say that I am going to be suggesting from time to time perhaps from day to day work schedules, periods of the government and facilitate approaches which will effect the workings of this convention. I am going to do this after I consult with you, your officers, your chairmen and the clerk of this convention. I'm going to do this so that I'll have the best advice I possibly can to make the recommendations which I think will be necessary to effect the goals of the convention. I further want to tell you that it is my desire to facilitate your individual and your collective views during the workings of the convention. I'll make myself available to you as far as it is humanly possible, to discuss with you and to meet with you relative to matters of your particular concern.

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While I wish to assure you that my personal views in so far as substantive issues during the convention will never wane, my primary concern is going to be to assure on behalf of you, and on behalf of the people of the state of Louisiana that the deliberate sense of this convention will be expressed in a document worthy of the peoples' consideration in 1974. We must now proceed to write a new constitution. There's a great deal of work to do--so let's go to work. Thank you.

Chairman Henry in the Chair

INTRODUCTION OF RESOLUTIONS

[*I Journal 81*]

INTRODUCTION OF PROPOSALS

[*I Journal 81-83*]

[*Rules Suspended to revert to Introduction of Resolutions.*]

INTRODUCTION OF RESOLUTIONS

[*I Journal 81*]

Announcements

[*I Journal 81*]

[*Adjournment to 12:30 p.m., Friday, July 6, 1973.*]

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Friday, July 6, 1973

ROLL CALL

[15 delegates present and a quorum.]

PRAYER

Mrs. Warren Will each and everyone bow your heads and in your own way thank God for sparing us all to come back a second day and thank God for helping all of our people who have had tragedies in our state and across this land and pray for this convention and let us all pray for Father in heaven as we come we humbly beg of you to guide us and to keep us, keep us in unity and harmony as far as possible. Let us all disagree and respect the rights of one to disagree and let us stay in harmony. Bless the leaders, our executive board and all in the name of Jesus we pray. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

PETITIONS, MEMORIALS, AND COMMUNICATIONS

[*J Journal 84-133*]

INTRODUCTION OF RESOLUTIONS

[*J Journal 132*]

REPORTS OF COMMITTEES

[*J Journal 133*]

Mr. Henry In as much as there has been a number of questions asked relative to the procedure of the convention, the proceedings, the processing of the resolutions and bills, I'll ask that our clerk take a few minutes today to explain to you the manner in which we will technically proceed in so far as rules or resolutions and proposals are concerned and so at this time David if you will, go ahead with your remarks to the delegates, please.

Mr. Poynter Mr. Chairman, a number of people had asked me just procedurally how do I go about doing various things and what am I suppose to expect. As the first thing I had mentioned I'll try to keep it brief, but I do want to answer some of the questions at least that you'll apparently been asking the Chairman and me.

On Roll Call, opening quorum call is first to establish a quorum, however, the opening roll call will also indicate those delegates which are present in attendance during the plenary session. As a result, particularly because of the elevation that we are forced to work in here, if you do come a little bit late, when asked for you to check in with the journal clerk sits in my right, just let us know that you are here sometime during the day so you will be recorded and I think I've taken care of a couple of people that the journal [...] today when in fact they were just merely not here for opening roll call and were here before you adjourned yesterday.

As far as the procedure itself, when you are ready to introduce a committee proposal you can give that directly to me or to the committee clerks, the desk clerks, seated to my left—I think it might be appropriate since many of you may not know these people, some of you will know some of them, at least to introduce them to people to you. To my left is the person who will serve in essence as the hopper, the endorsement clerk and assistant clerk Mr. Ed Hardin; to his left is Mr. Gene Limar which we are very fortunate to have with us and these gentlemen will be, if you've got a bill whether its an hour or two before session or during session even if we are not in that order of business you have some proposals you want to introduce if you will bring the sufficient copies which the staff has probably prepared for you -- eight copies to introduce--hand it to those gentlemen and they'll take care of the procedural business and you won't have to worry about that. To my right, Mr. Wayne Hays from Ruston, Louisiana has been journal clerk for,

I don't know what 27 years Wayne, something like that, the House of Representatives will be the journal clerk for the convention. We are very pleased to have Mr. Sam Bonnette to his right who has also worked for the House for many years who will be our calendar clerk and to his right is Mr. Richard Broussard who will be their assistants during the convention.

I guess I should talk a few minutes about what you should expect--we will in a few moments be referring most of those matters introduced yesterday to some other committee. So it's the question emerged in the first committee today--a committee can take no action with respect to any proposal or resolution which has not as yet been referred to it even if you actually prepared that proposal yourself in your committee. It is conceivable, though I would certainly think unlikely, that this convention could vote to send any proposal to any other committee. As you know when you are ready for referrals, the chair will refer it to the appropriate committee of this convention under the rules. If any of you object to that ruling, for any reason you have the right to object and move that that proposal or that resolution be otherwise referred to some other committee. So it's the prerogative of this convention to decide where an instrument introduced in it is going to be referred. Hence it would be extremely inappropriate for any committee to expect that a resolution introduced today because it deals with rules will therefore go to rules and you can take action on it. You've got to wait until you physically have got that instrument in your hand by way of referral. As far as your committee meetings I might remind you that the committee meetings are required to be announced from the chair presently 24 hours ahead of time, together with an agenda to assist particularly the committee chairman. We have had prepared a set of forms [...] as the committee chairman I'll pass them out to make sure they are distributed to you which you can merely fill out Mr. Chairman. The Committee on _____ sends up the following notice that the committee on _____ will meet at a certain time and certain day in the place and please if you will allow me, I'll assign committee rooms and we'll try to utilize the committee rooms, we have available as much as possible in the least expensive to the convention and -- or Ed or some of the other desk members, can indicate to you--will try to keep you all basically meeting consistently after you get going good in the same committee room and respectfully submitted. Additionally, the rules require that this be posted on a bulletin board or some such, in a conspicuous place and we are having that prepared now and if you will just simply fill these out and turn them in at the desk when we come into session each day we'll procedurally take care of the fact that your committees' notices are posted and I'll make the announcement, read your notice that you prepared so that we will comply with the rules with respect to announcing your committee meetings. When you start asking questions that have come up--What is it that you're doing? Of course you still have the right for the first 60 days to formulate proposals or resolutions for introduction as a committee, in other words a committee resolution or proposal. However, I would think probably from now on most of your work will begin to concentrate on the bills that have been previously introduced. For example, the committees' reports today contain their recommendation to you with respect to three resolutions that were introduced yesterday. As a result of this kind of activity, the ball game changes a little bit. First of all, what you will be doing is not adopting something to be formulated in the future, your recommendation. You will move to report that instrument favorably, report it unfavorably, or you may choose, in your own wisdom, to offer amendments to it. In which case, if you subsequently vote to recommend it in essence favorably, you would report it with amendments.

Note that all of your action on anything introduced must be by way of amendment. When an instrument has been introduced and referred to your committee it is not in your hands other than with re-

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spect to a recommendation, you can't say--as a committee well, I don't like this let's change it and start marking up the bill. You do not have that prerogative as a committee. The convention has that prerogative. As a whole you may wish to recommend amendments. In which case, as this one came today, the convention as a whole will vote on whether they will accept those amendments. It's generally a rather proforma kinda process but nonetheless the gentlemen will move the adoption of the proposed committee amendments. It's the prerogative of you as a whole to decide whether it will amended as proposed by a committee.

Your report, as such, will not be adopted. The convention will take some action with respect to it if it's reported unfavorably. Certainly a motion would be on the floor--a typical motion to withdraw that instrument from the files of the convention and the convention in essence taking a disposition reflective of your action. If you report favorably it will be engrossed and then under our special rules referred to Style and Drafting unless it is a resolution in which case it would pass on straight to third reading. I think it's rather essential that you note the difference between the types of things that you will be reporting which are in part vary to a very great extent from what you've been doing heretofore in part. When you have completed it, and instructions have been prepared, your secretary will prepare a committee report on Prepared Forms. Your secretary will prepare for you on behalf of your committee a report which will indicate the instruments and what recommendation that you have taken with respect to them and are limited to the recommendations contained in the rules. You may remember that you have the right, if you wish, to a minority report which is a very brief thing which instead of Committee Resolution No. 4 reported favorably or 6 reported favorably it might be reported favorably with a minority report attached. The minority report might be that recommendation should be reported unfavorably. And so when the gentlemen moves to engross the measure and pass it to its third reading a substitute, if it was insisted on, could lie to withdraw that resolution from the files of the convention, if you choose to utilize that process. Normally the committee reports unless there is suspension of the rules, are to be read by Mr. Stovall's committee report, once for your information. The next day you will take action with respect to it. You will move to engross and pass or what not. I understand Mr. Stovall indicates, since he considers these measures rather important, he is going to ask for a rule suspension momentarily and for you to consider suspending the rules to consider adopting two of these resolutions at least at the present time today but it would take a rule suspension to do that. Normally, they would lie over. Tomorrow you would engross and pass on the next reading and then on the subsequent legislative day, whatever day that might be, they would be on the agenda for third reading and final passage. The only other thing that perhaps you may be interested in is when you are on final passage remember that, no matter how badly you thought the committee acted, any one of you has the right to prepare a floor amendment to that measure doing anything that you want to do to it. Remember that amendments must be in writing. You have your staff at the convention. There are three or four members of the staff to your left behind the petition which will prepare amendments for you. If it is a quick rush basis, Mrs. Duncan and several other members of the staff are located in offices I am sure you are aware of back up the hall in the Treaty Room. Certainly you would want to cooperate with them as much as possible. If you know today that you want to prepare an amendment for something that may not come up in a week, but you know exactly what you want to do, give your staff a break. Go talk to them. Say this is what I want to do and prepare it. Don't forget that the rules, unless you suspend them or change them, are going to require that every delegate has a copy of that, which means that you will have to have the staff make 132 copies of it. Don't worry about passing them out. If you go through the staff, they will

prepare the copies and we'll have the Pages pass them out for you. In terms of time preparation some of you who have been in the legislature formerly are aware that you can prepare the bills in the last second, but don't forget you have got to give that xerox machine, or whatever it is, time to print 132 copies of it, so let that affect the time consideration you give to preparing a floor amendment. On proposals, as distinguished from resolutions, be aware that you will be debating those section by section. When we get perhaps the Bill of Rights Article or the Legislative Article the first thing you will consider is Section 1 and you will go section by section. All the limits on debate and all the requisite parliamentary motions will apply to that section. If someone moves the previous question on the entire subject matter and Section 1 is under discussion in essence what you will be moving is the previous question on Section 1 not on Section 1 through 18. I remember the Bill of Rights Committee telling me how many sections you have. I think right now it is around 16 or 18. All your motions, your limits on debate--fifteen minutes per delegate with the right for the author of it to close on the measure. All of these limitations will apply section by section. Thereafter proposals will again go back to Style and Drafting. They may propose further technical amendments to you for your consideration. Style and Drafting, as you are aware, like any other committee can only propose. No matter how good or bad the ideas, they all may only propose to you by way of amendment, and the convention as a whole must pass it. I think one of the most important things to realize is that the committee has no function other than to initiate legislation but with respect to legislation introduced they may only propose. It will be 132 of you assembled together here that will decide whether you will approve their amendments, whether you will take a favorable action towards their recommendation, but it is the convention that decides and not a committee. I hope that you touch on a few of the things that certainly I want you to know that the gentlemen on this stage, including myself, are here to serve you at any time with answering questions or anything else that you do have or that we can be of any kind of assistance to you with. Unless someone has something else, Mr. Chairman, that you want me to talk about.

Personal Privilege

Mrs. Warren Mr. Stagg has official rules and they are very easy and he has suggested to me that I ask Mr. Poynter to give me a copy so I can put them in a folder. I thought it would be good that every delegate would have a copy where they could turn it and flip to it at their convenience. The rules that I have are wearing out and coming apart. If it is in order I would like to ask, or is it necessary for me to make a motion, that each delegate would receive the official rules that they could put into a folder.

Mr. Henry I think that each delegate has already received the official rules, but we are going to reprint those rules in a form that will be easier to carry around than that, Mrs. Warren. In just a few days we will have the complete set of convention rules so that every delegate will have a better set to carry around. Thank you.

[Rules suspended to consider report from Committee on Rules, Credentials, and Ethics. Committee Resolution 4 adopted without a recorded vote.]

Mr. Poynter Delegate Resolution No. 23 by Mr. O'Neill et al. A resolution amending Rules 3 and 36 of the Standing Rules to provide greater independence of delegate voting. The resolution comes from the Committee on Rules, Credentials and Ethics, reported unfavorably.

Motion

Mr. Henry Mr. Stagg moves that the resolution be withdrawn from the files of the house. Is there objection? Delegate De Blieux.

Substitute Motion

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Mr. De Blieux Mr. Chairman and members of the convention, I would like to make a substitute motion that the resolution be passed to a third reading. This resolution has to do with the voting. The proposal is that the vote will not be disclosed until every member has voted on the matter to be taken up or voted on at that particular time. In other words you will push your button and then when everybody has voted then how the member have voted will be disclosed. I was not present at the Rules Committee, I got there a little bit late and was not present when this matter came up, but I understood there was some objection to it. I just feel like that if we could do this to where everybody will not know how the other people have voted until after the individual delegate has cast his vote, that we will have a little bit better perspective and we will not have sheep voting in this—that is following the leader. There will be an independent vote of every delegate as to how he feels at the moment on the particular question. I would therefore ask that you advance this matter so it can be brought up and argued out tomorrow. In the meantime I'm going to try to see a little bit to you if I can as to the information or how that we can fix the voting board to do this at a minimum of expense. I heard that the objection to it this morning was the cost of expense and time in changing. I don't feel that it's going to cost all that much. I think we can do it very easily and if necessary I believe there is enough of us delegates here that feel the same way I feel about it and if necessary that we might be willing to make a contribution toward that expense to do that. I just feel like we will have a much better constitution, as a result of that effort, rather than just voting like sheep because somebody else had voted that way. We see how the other people voted we want to be with the majority etc. So therefore as a substitute motion, Mr. Chairman, I move that the resolution be advanced for a third reading.

Further Discussion

Mr. O'Neill Mr. Chairman, members of the convention. Delegate Corne, Thistlewaite [Thistlewaite and myself are not here to obstruct the convention in any manner or form. Back when the lids were let out on the voting machines for this constitutional convention, we were unable to put in our words because we really didn't realize how things were being set up and this was to no one's fault. The Executive Committee decided this and although we could have been there we weren't. Because we didn't understand at the time the importance that we felt that this particular machine had and how we could make it more effective for the delegates. There have been several arguments raised, many of which I believe have no substance. People argue that you're having a secret ballot this way. Well, there's no secret ballot. All we want to do is put a curtain over the machine so that the chairmen operate and the votes will be exposed once they have all been put into the machine. The argument of expense -- it won't cost very much to do this. It's just simply a matter of procedure. We should have been aware at the time that they were doing this that we had a chance to change it but we really didn't, and we apologize for that. Let me say this. The editorials in this morning's Morning Advocate points up the difference of not having a voting machine in this manner, and the matter of individual conscience. I think this substitute motion would go a long way in furthering the individual's right to protect his vote and to not to be led. I think that in my opinion it also facilitates the delegates paying attention to what they are doing. Rather than looking up at the machine and seeing how the rest of the delegates have voted, each individual delegate will have to sit down and pay attention to what he is doing. I think that these are the favorable aspects of the motion and any arguments to the contrary are without substance. Thank you.

Further Discussion

Mr. Jenkins Mr. Chairman, members of the convention. Probably a number of people will tell you

that if you vote for this resolution you will be voting to say that we're not independent or that we can't vote for ourselves. I don't think that's true. I want to relate to you some experiences I've had in the legislature to demonstrate why this particular rule is needed--this rule that you will not be able to see any of the votes cast until the voting is completed. Last year in 1972 I was amazed at what I considered the keying off on the voting machine of certain members of the legislature after another member had voted. It seemed to me some members would watch how another member would vote and then vote in accord with the way he voted. I had a lot of suspicions that way and finally one day a vote came up where it pretty well confirmed it. What happened was on this particular proposal before the legislature, all the votes cast were green. Then suddenly one member decided all of a sudden that he had made a mistake and so he switched to red. Suddenly, about ten members switched their lights to red and these were about the ten members on the board. Apparently this person decided then that he had made a mistake so he switched back to green and all ten people switched to green. And then to top it off, he finally realized he was right in the first place and switched so he switched to red and all ten people switched back to red. That might indicate what we're talking about. There was an editorial in the Morning Advocate this morning pertaining to the subject and I want to read an excerpt from it because I think it's important. Here's what the Morning Advocate said about this proposal this morning. The decision is a situation in which the people in fact that the question never should have arisen. The tally should not be recorded until all votes are cast. The results of the reverse procedure were witnessed all too often at the East Baton Rouge Parish City Council meetings here in Baton Rouge and at the Parish School Board meetings before these bodied in voting machines. You could almost track the mental gymnastics of the Councilmen and school board members during the voting process as the bold ones who already had their minds made up said yea or nay and the faltering ones were calculating whether they would wind up on the winning side or not. The end result was, and I'm still quoting it, "the vote as it is reported still gives the feeling of each elected official. More often than not it reflected political ploy. Councilmen would privately admit that they were against this or that project but voted for it because they didn't want to be caught on the losing side. This is bad enough for a local government. But when decisions are made affecting a larger group it becomes intolerable. It would be completely unacceptable in the case of a constitutional convention, which will make decisions that could affect the future of every citizen of Louisiana. Each delegate must be required to vote his conscience without knowing in advance what the end result of the overall voting will be. In this manner will the public get a true performance from the delegates. We should demand of them in drafting a new constitution for the state of Louisiana." Another important reason we need this rule is that from time to time we will be voting on what will be considered routing matters. We will get to talking and we won't be really familiar with the vote that is coming up. So we might look up at the board and if we don't know what we're doing we'll vote all green or we will ask the person sitting next to us, "Is this anything? No, go on and vote for it." and he'll vote for it. Last year in the Louisiana House of Representatives we passed a ten million dollar tax like that--House Bill 616. There was not a nay vote on the board and then suddenly we realized what had occurred and we managed later on during the session to, through parliamentary devices, make sure that it was not an accident because we had not been watching our business as closely as we should. It is human nature sometimes, particularly when proceedings get long and dull, to let your mind wander and not always know what is up for a vote until you've cast your vote. We would not be casting an unknowing vote in that way. Find out more about the vote before we cast. I think that's what would be much more

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Intelligent. This can be done with a minimum of expense by installation of a curtain if an electronic device would be more than we would like to spend. It is important. I think that the decision we make on this will make a difference in some of the votes we cast. I think if we pass this resolution, it will enable us to do many instances, a more intelligent and informed vote. I urge you to give this resolution a favorable report.

Further Discussion

Mr. Alario Mr. Chairman, members of the committee I stand to oppose the motion by Senator De Bieux to bring this matter up for further discussion. Your Executive Committee has looked into this matter at the time they were going to purchase this voting machine. At that time I remember the discussion with the gentlemen who were making proposals, there were some three at the time, and we were trying to write specifications so that we could put this out on bids. We made some mistakes. I have already sat in the House of Representatives and for some reason or other pushed my button the wrong way. In instance, just made a simple mistake and it can happen to you on this same convention floor. If you need to sit down at your desk and look at your light and vote the way you want to. This proposal was referred to your committee. I have already sat down, I am told, by some 11-2 vote. Now if two committees looked at this proposal, have already studied it and decided it is not in the best interest of the committee as a whole, I ask that you would defeat Senator De Bieux's motion.

Further Discussion

Mr. Kilpatrick Mr. Henry, members of the constitutional convention, delegates, I stand to oppose this amendment. We started off with an open concept on this constitutional convention. We had open meetings throughout this great state of Louisiana invited our people here all over this state to come to our meetings to show them we didn't have anything to hide. Here we have a proposal or an amendment here and we are going to hide our vote up here. We are ashamed of the way are going to vote. We have been... it has been indicated here that some of these delegates here would not vote their conviction. We are all here, duly elected as a free and independent body and I don't think there is a man here or a woman here in this convention hall that would vote because somebody else voted a certain way. I haven't seen this happen heretofore, and I don't think that this amendment has the merit that Mr. De Bieux proposes that it should have here. Our theme song down here would be "Who's Behind the Closed Black Curtains" and this thing was proposed and passed. All the delegates are independent. We don't need to hide our vote here, and it doesn't matter how you vote. I just want this body to be free and independent and open and aboveboard. This has been turned down by the committee already by an 11-2 vote which Representative Alario pointed out to you. Now I stand to oppose this amendment and ask you to do likewise. Thank you.

Further Discussion

Mr. Wall I really think this is an issue that doesn't need much to be said about it. I want to agree with one of the proponents of this that the other side has no substance. There are some arguments on both sides when you are dealing with the human element and what the human may do, but I don't think there is any question that this convention will be better off. The decisions we come to will be better if we go ahead and let the board stand with the lights reflecting everyone's vote as it has already been installed. So, I am going to ask you

to reject Senator De Bieux's proposal. Thank you.

Further Discussion

Mr. Burns Mr. Chairman, and fellow delegates, I came here under the assumption that this convention was to modernize our present constitution, our system of government, and not take a backward step. With that thought in mind, I cannot help but think of our earliest law making body of court which was known as the Sanhedrin. Back in old biblical times I think it was composed of 72 members and they had an iron-clad rule that in voting on the enactment of any laws, that they had to start with the youngest member of the body and proceed on to the oldest member on the theory that by so doing, the younger members would not be influenced by the vote of the old veterans with more experienced members. I don't think we want to go back to any such system. I don't think we want to have any reflection on one delegate being influenced by how another delegate has voted. We are mature men and men here. Each have our own individual responsibility. I see no reason from changing the method or mode of voting that the legislature in this state and other states follow. I therefore ask that Senator De Bieux's amendment, proposal be rejected.

Further Discussion

Mr. Fulco Mr. Chairman and fellow delegates, I want to rise to oppose the substitute motion. I have all the respect in the world for the Advocate, the *Morning Advocate*. I think they have a right to express their views just like each and every one of us has. I feel that each individual member of this convention has the right to express his views on any motion that is before this convention. I don't... while I may differ with the individual, I certainly have respect for his rights to his views. I believe, though, that we are making a terrible mistake in particularly setting a tone for this convention at such an early date. I believe by adopting such a substitute motion we would perhaps create in the minds of the people the public an attitude of distress, an attitude of suspicion. I think that we are also creating by this motion or the purpose of this motion, a feeling of distress and disrespect for ourselves. I sincerely hope that as far as the public is concerned that they will realize that today we are demonstrating to them that we are honestly and conscientiously as well as sincerely trying to work to give the people of our state a good constitution. No doubt that is the purpose in the minds of every individual in this assembly today. Now, if we put a curtain over the names on the voting board, on the board, what will naturally be the attitude of a stranger in the state of Louisiana viewing that board? What will the people of Louisiana think? What is wrong with the delegates at this convention? Are they distrustful of each other? Are they suspicious of each other? If anyone wants to follow an example that's already been said by a vote on the board, that's that member's or that delegates' prerogative. If you happen to miss the point in a debate on a certain issue but you have confidence in a member in this convention, you could very easily and rightfully and justifiably so look upon that name and see how that person in whom you have this confidence voted and you will have the satisfaction of feeling that you have voted conscientiously, the way he voted. You saw how he voted so you voted accordingly. Now if you have any other motion and you want to vote for it, you will reason like somebody else voted, that is all your prerogative. Now on the other hand, who are you accountable to. You are not accountable to me. I don't care, but you are accountable to the people in your district. Naturally you are going to be conscientious about your vote. You are going to be sincere. You are going to be in this convention, you think it is in the interest of the people that you represent, and if I see Mr. Smith's name on that board voting yes and I failed to get the point or did not get the full benefit of the debate, I'm going to vote like Mr. Smith voted because I have respect and confidence in him. Therefore I feel

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that it is an advantage to the members here to have the open and lit board upon each issue. I feel that way about it and I hope you respect that fact because I respect your views. Thank you.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in opposition to Mr. De Bliieux's substitute motion to engross or pass the third reading. Let me call to your attention the singular circumstance that is proposed resolution. After the machine is closed it would still allow delegates to change their votes after the machine has been opened to where you could determine how everybody else voted. All you are doing is a delaying process to allow the switching after the ones that have voted and who have not accomplished the purpose of the resolution, and I would ask that you reject Mr. De Bliieux's motion.

Further Discussion

Mr. Womack Mr. Chairman, fellow delegates. I've got a little misgiving about the wording. If you look on line 28, it says after the votes are displayed, the presiding officer shall immediately recognize persons desiring to change or record their votes before announcing the decision. I wonder how many times we are going to count and recount, go back, readjust before we announce. We are going to run a poll, then we are going to look and count and tally up and say well how are we getting along and I don't believe by the time we get to the vote against it, but if they need me, I'll vote for it. If I've ever seen a horse swapping deal when there wasn't any horse to swap, I think that's it. I want to comment on one thing. A few minutes ago a member said that on one particular bill in the legislature, one man changed, ten changed, that one changed back, people changed back, then one changed again, he receded then changed again. I went 15 years without missing a day of the sessions but I guess that was one of the days I missed that I didn't know about. I haven't seen that happen yet. I think sometimes these conditions are magnified. I see nothing wrong with that board. If you are not going to show the board, then let's save the money and have two boards, one for the machine and one to put it up there and get it back. In fact, the delegates on that side can't see anybody's name up there anyhow. I think I can find mine because I'm right down about the bottom, about where I belong. But I just can't imagine the idea of blanketing it out, let everybody vote, then opening it up and see how everybody voted, and then let's go back and go to following whoever our leader is. There's a lot of fields I'm not knowledgeable in and I readily admit it. The field of journalism is one of them. If something up here is affecting the field of journalism, I'm interested in John Thistlewaite's opinion. I'm interested in how he voted, and if that's a vote that I'm not knowledgeable about, knowledgeable about and I have seen occasions when most of the speakers were not too knowledgeable about it and the individual that probably had the broadest knowledge had no comments to make, it would be worth something to me to know how he felt about it and it would be worth something to me in case my mind wasn't made up to see how that individual voted. Some 10 or 12 years ago I was asked about voting for a particular bill 15-20 pages long and I told them I didn't know, let me see the bill. Let me find out a little about it. He handed me the bill, I looked at it and said I'll vote for it. He said now isn't that a [...] of a note. He looked at it one second, it's twenty pages long and you changed your mind. He said that figure up on it did make up my mind, because Ed Lancaster from Madison Parish was the lead author on it. His name never appeared on a bad bill. Not the years I knew him and that's a lot of years. So, it's worth something to me to see how delegates vote on issues that come up. There are going to be many issues here that many of you will have your mind set on. You could go either way. About like one of our school teachers at home, I'll [...] a very good

friend of mine and when they integrated, they came by and asked a little boy about his teachers. He said "well I have one black one, I have one white one and I've got one that can go either way." In this particular case there's going to be a lot of these issues, where you as an individual can go either way because your knowledge is not there. There could be some people in here they could want to follow. I can think of any number of people in here that their position on it would make up my mind because they are knowledgeable in the field, so I'm certainly going to vote against it and urge you to take a second look at it. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman, delegates, I'm a member of the rules committee and at that time, I did not vote. I abstained. Since then, I would like to make one statement which should just about explain how I feel about it. Judge ye not, that ye be not judged for what beggars ye judge, ye shall be judged. I would not like to be judged by what somebody else did on the school board in Baton Rouge which is a great reflection on those people. I don't think any other delegate would like to be judged that way. So for that reason, I am opposed to this amendment.

[Previous Question ordered.]

Closing

Mr. De Bliieux Mr. Chairman, members of the convention, I just want to make a few observations in reply to some of the statements that have been made from the podium here. First thing I would like to say with reference to Delegate Alario's statement about voting in error, if you've made an error, you've got a chance to see it and make a correction. I think that's the way it works in the language that occurs on lines 28 and 29 of the proposed resolution and that I also might say in answer to Mr. Flory's question with reference to changing your vote. That is, this is not a blind vote in the sense of the word. It means you don't know how the other fellow has voted until after the vote has been recorded on the machine, it's not displayed and then if anybody wants to change his vote, he's got a right to do so. You don't have to look to see how somebody else has voted before you cast your vote. In other words, I think it will have the effect of making delegates pay a little more attention to what's going on. That might be good if you want to follow the lead of somebody else to see how he votes. I tell you, insofar as what Mr. Fulco said about wanting to see how Mr. Smith voted before he cast his vote, I don't believe I was sent to this convention to give somebody my proxy by theory, you might say. That is, I had to watch and see how somebody else voted before I could make up my mind how to vote. As far as I am concerned, I believe I've got enough of you already to know that actually I believe I can vote without having to see how somebody else votes on an issue, and it doesn't make any difference whether you've got a hundred and thirty green ones up there and I feel like it's bad, I'm going to put my red one there. But we all have our times in which we are influenced by what goes on around us and sometimes we don't want to be considered as being on the wrong side. Sometimes the issue may be a little bit close. Sometimes we will look at the voting machine and see that there are a few more red ones or a few more green ones and we will vote that way, when actually deep down in our hearts we feel that the opposite viewpoint would be the better position to take. I am going to help but feel like that when it's all over with that if we voted first and then found out how the other fellows voted afterwards that we would have a better constitution when we finished it up. I think we are going to have a good constitution whether you vote openly or whether you vote blindly on the machine. I don't do anything to do any detriment to the basic laws of the state of Louisiana but I do think we could make some improvements

and I would venture to say that if this resolution fails that during the time of this convention and during the time of argument and during the time of debate there is not a single member here that during that particular time would not feel somewhat that he could have carried his point if everybody could have voted without knowing how the other fellow voted first. I just give that to you for what it is. I think that what Mr. Burns said, although he said it in opposition to the resolution, about the way that the Sanhedrin took the goat, that it had good merit to it. They did not want to be too much influenced by what they considered the older members, and there are people that have a tendency to look to see how they voted before we will make up our minds on the issue. It may be good, it may be bad, but I do think we ought to exercise our individual knowledge, our individual considerations, our individual consciences on these matters before casting our vote. Now, I can't help but think that Mr. Fulco's statement with reference to some stranger in here looking up there and not knowing how the people voted, he is going to be able to see it. He can sit out there in that audience and look at that board when the voting machine is opened, he is going to know how every delegate voted on this, so it is not a closed vote. It is just a vote that will be your vote, an independent vote, and not that of your neighbor or some other person which you might see and you want to take his judgment rather than what you know. Furthermore, it will keep somebody from roaming around and then after they see how the vote is going, to cast their vote rather than paying attention to what's going on. I just ask you that I think, without prolonging the issue because I think we are still going to come out all right regardless of how it goes, that we would do better if we could vote first and then find out how our other delegates voted than waiting to see how the delegates voted before we cast our own. That's the way our city council down here votes and they do fairly well. They push their machines and then after everybody has voted, then the vote is reflected upon the voting board. I know it can work, I know it has worked, and that's why I would like to see us consider it. And so I ask you in all good spirit and conscience, let's try it and let's see if we can't make some real progress and I believe those of you here who are opposed to it now, if we would do it, would feel like we have made a step in the right direction and ask you to go along with it. Thank you very much, Mr. Chairman.

[Substitute motion rejected: 35-25. Motion to reconsider failed. Motion to withdraw resolution adopted without objection.]

INTRODUCTION OF PROPOSALS [I Journal 134]

[Rules Suspended to revert to Introduction of Resolutions.]

INTRODUCTION OF RESOLUTIONS [I Journal 135]

RESOLUTIONS ON SECOND READING AND REFERRAL [I Journal 136]

[Rules suspended to Poynter Delegate Introduction No. 4.]

Explanation

Mr. Brown. Mr. Chairman, delegates to the convention, there are six living delegates to the 1921 constitution, six who still alive today and I thought it might be in order for this convention to recognize them, calling on their advice, if they have such advice, and sending the best wishes of this convention to them with the hopes that future (constitutional) conventions might also find a few of us still living and might want to reciprocate by doing the same thing for us. If there are no questions, I would ask for adoption of this resolution.

Questions

Mr. Wall. Senator Brown, I see that one of these delegates name is Dale and if I remember correctly that lovely wife of yours is named Dale. Now, any connection there?

Mr. Brown. I will be glad to explain that Representative Wall. You know, we all make sacrifices to come down to this convention and my wife's first name is Dale and named after her grandfather who happens to be my senior law partner. Now, I'm not home practicing law too much right now and I thought since I couldn't contribute too much to my business that maybe a little best wishes back home would suffice to carry on, to get me through the next six months. So, that's my explanation.

Mr. Wall. Delegate Brown, isn't there a little closer relationship than just senior law partner?

Mr. Brown. Like I say, it is my wife's grandfather, too, one of the six living delegates who are still here. I might also call your attention that former Governor Sam Jones is also one of the six living delegates. There are six who are still living out of, I don't recall how many there were back in that time but that's been some fifty-two years ago. I hope we have more than six of us still living when we bring up another constitutional convention whenever it comes about.

[Resolution adopted without objection.]

PROPOSALS ON SECOND READING AND REFERRAL [I Journal 134-136]

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

[Committee Resolution No. 4 adopted from the calendar.]

Mr. Poynter. Committee Resolution No. 4, by Mr. Stovall; a resolution introduced by Mr. Stovall on behalf of Committee on Rules, Credentials and Ethics; a resolution relative to amending the standing rules of the convention to provide for regulation of lobbying before the constitutional convention. It comes from the committee on rules, credentials and ethics reported with amendments.

Committee Amendments

Mr. Poynter. The amendments read as follows, Delegate DeBlieux, on page 2, line 32, after the word "proposition" and before the word "nor" insert the words "nor any delegate." Yes sir, on page 2, line 32, after the word "proposition" and the semi-colon thereafter, and before the word "nor" insert the words "nor to any delegate". It excludes the delegates from application under the rule.

[Quorum Call: 12 delegates present and a quorum.]

Explanation

Mr. Stovall. The amendment which the rules committee approved and has reported favorably is simply this. The provisions of this rule shall not apply to any person who merely appears before a committee of the convention in support of or in opposition to a proposition nor to any public official acting in his official capacity nor to any delegate. In other words, the original rule which you have does not include the words "nor to any delegate". And the fact that the rules committee inserted these words means that a person can speak with you personally and seek to influence your vote concerning any matter relating to the convention and he is not affected by the rule of this resolution. It simply makes clear that individuals can speak to you as a delegate without coming under this rule which is before us. Senator Rayburn asked me just a moment ago if someone from Boalusa could come and talk to him and whether or not they would have to register and I said under the proposed amendment which has

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been approved, no, absolutely not.

[Committee amendments adopted without objection.]

Explanation

Mr. Stovall Mr. Chairman and members of the convention, first of all, I would like to apologize that the printed resolution was not in your book. It was my understanding that it would be there, but possibly because of printing difficulties it was not included and that is the reason for the delay in its being placed on your desk. This resolution deals with the question of lobbyists registering and was originally presented before the convention at an earlier date. At that time it was felt that the resolution was not in proper form, that it could go again before the rules committee. The resolution was improved upon, was presented to the rules committee, and the resolution which presently is before you is the one which has been discussed rather thoroughly and is now before you for consideration. This lobbying resolution is patterned after the lobbying resolution which governs the House and Senate and we patterned it after that as closely as we could. Let me remind you that most legislative bodies have a rule similar to this provision. If you will turn to page 2, you will get the essence of the resolution which in effect says any person who engages himself for pay or for any consideration to influence matters before this convention, shall register with the clerk, shall file in writing under oath his name and address and the group that he represents. This file will be kept by the secretary of the convention. A list of these persons will be made available to the members of the convention. The persons who are registering as lobbyists will pay a ten dollar fee which shall be paid by the clerk and the costs of publishing the booklet and identification badge. Please note that the resolution does not apply to persons who merely appear before a committee of the convention or before a delegate of this convention or to a public official who is acting in keeping with his official capacity. Nor, does it apply to the newspaper and the media personnel. Please note on page 3 that persons who are registered according to this rule shall be issued an identification badge and shall wear it when engaged in the activity regulated by this rule. There is a mild penalty for persons who violate the rule. A hearing will be held if there is a violation and after a presentation of the facts before the convention and a decision by the committee, persons who violate the rule would then be subject to dismissal or inability to participate in the functions of this convention. In conclusion, let me say that it seems to me that this resolution serves two important purposes: Number one, it gives dignity and recognition to the lobbyists. Representative Womack said a moment ago that he is not an expert in many fields. He needs information from other sources. There will be lobbyists, persons who are specialists in different areas of information, which will be helpful and of value to many of us who are serving on this convention. This is a means of registering these people, of letting all of us know who they are, and if we feel the need of their expert information, we can turn to them for their help and their guidance. This I think is the first and most important purpose. Secondly, it gives to us some protection from abuses which some lobbyists might seek to perpetuate. This simply gives to us information concerning who they are and who they represent. I feel that this very simple resolution will be a service to the lobbyists to be sure, but it will be a protection to those of us who are members of the convention, and I encourage your favorable consideration.

Questions

Mr. Duval Reverend Stovall, so that myself and some of the other delegates can understand the basic intention of the Rules Committee in this proposal

...this resolution, I'd like to ask you a couple of questions. The first question is, on the second page under "C-1" do not you modify the word person as defined in the first page under "B", persons to whom applicable because, and "B", you say it's applicable to anyone who in any manner whatsoever directly or indirectly solicits, collects or receives money or anything of value to be used. I'm talking about lines 28 through 33 defining persons to whom applicable. You say, "to be used to aid in the passage or defeat of any proposition by the convention." Then you modify the definition, the definition of the definition of person under "C-1" because it only applies to persons who are compensated or receive pay. Therefore, under that modification, someone could receive a hundred thousand dollars not for his own use but merely for the use to spend for other reasons other than his own use and they would not have to register because of the modification of "B", of "C-1." Do you understand my question? Do you see a contradiction?

Mr. Stovall No, I don't, Mr. Duval.

Mr. Duval Could you tell me why? Alright. One other question.

If a group of...under this, if a group of, let's say, Jaycees from Terrebonne Parish wanted to come up here and they received a mileage compensation from their club, would that be under this provision? Would they have to register as lobbyists or advocates?

Mr. Stovall Yes.

Mr. Duval Thank you.

Mr. O'Neill Delegate Stovall, this question is more directed towards the chairman and the clerk of our convention in regard to the badge requirement. I'd like to know what kind of badge you could produce or the ten dollar fee and just tell us a little bit about these badges because if it's going to be anything, any major production or anything, I'd like to find out about it because I think it's kind of "Mickey Mouse" in a way. Could one of you give us some information on that?

Mr. Stovall Delegate O'Neill, as soon as the parliamentary procedure will permit, there will be an amendment and I would like for us to consider those amendments at the present time which I think will serve as an answer to the questions which you have raised.

Mr. O'Neill Thank you, Reverend Stovall.

Mr. Brown Reverend, in terms of the violations and the penalties thereto, do you think that we as delegates can list specific penalties, in other words staying away from the convention as a whole? In light of the fact that the bill that authorized this convention stated that all citizens shall have free access to this convention. Can we legislate what we are trying to do in terms of the violations?

Mr. Stovall Yes, I think that this convention would have the right to fulfill the penalty which is presented herein.

Mr. Brown Even though the bill setting this thing up says that you have free access to the convention, any person, any citizen can...

Well, Reverend, I definitely disagree with you. Let me ask you this. On page 3, this is not permissive legislation. This says that the convention shall instruct the Sergeant-of-Arms to deny. The penalties are set out and this convention has no say-so over it whatsoever. Don't you think we might give the convention a little bit more flexibility in giving them the permission to do this rather than ordering the convention to instruct these penalties? Do you think the "shall" should stay in there on page 3, line 32? Or do you think it's necessary that this resolution from this convention to definitely impose these penalties?

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Do you think that's necessary?

Mr. Stovall I think these are very moral penalties, Senator Brown. And I think that in order to have a lobbying resolution which has any meaning it needs to have a penalty and certainly this convention has the power to do what it deems necessary for the orderly procedure of the convention.

Mr. Brown Alright, one more question. On line 35, page 3. "This convention can order that any lobbyists cannot have any rapport or say any word or do anything with any individual delegate." As I read this, what this means on page 3, line 35, this convention could order anyone who is deemed to be a lobbyist, that they can't come talk to me. And as a consequence, I can't talk to them. What I'm saying is, if I am interested in some information, if I want some background information, if this penalty is imposed, I can't go talk to this lobbyist, he can't go talk to me by order of the convention. You think it's right for this convention to order, to put me in the situation that I can't converse with any lobbyist who comes under this provision?

Mr. Stovall Senator Brown, line 35 on page 3 refers to persons who might violate the earlier rules of this provision.

Mr. Brown I would agree with you. But it still lets the convention order that person not to have any liaison with me as an individual delegate, is that correct?

Mr. Stovall If he has acted against the rules of the convention, that would be the intent of this rule.

Mr. Brown Well, would you entertain an amendment to delete the words, "or delegates," so that I would have the right to talk to anybody I wanted to and get any information that I wanted to as a delegate. In other words, would you entertain letting me delete the words, "or delegate."

Mr. Stovall Senator Brown, earlier we added the words delegate to make it crystal clear that any individual can talk with you as an individual delegate without registering as a lobby. The reference to which you are making is on page 3, and that has to do with a lobbyist who has violated the rules of this provision. If you desire to make an amendment, that's your privilege concerning any matter relating to this if you so desire.

Point of Information

Mr. Brown In terms of an amendment, now, we have a rule that says that these amendments have to be given out to everyone. But if I understand it correctly, does that mean that...is the chair going to let us sit here for thirty minutes while I prepare an amendment to delete a word or what's the procedure in terms, I'm asking that an amendment be prepared right now, but I understand that it has to be sent upstairs, be Xeroxed, be...

Mr. Henry Delegate Brown, I think that you will have ample time to have your amendment prepared because we already have at least two sets of amendments and I understand that they might be controversial so I believe that you will have time to have your amendments prepared and circulated to the delegates.

Mr. Brown Thank you.

Questions

Mr. Nunez Reverend Stovall, rather than go to the lengthy procedure of registering them, giving them a badge and etc., I understand the House has a complete list of lobbyists, has a complete brochure on them, portfolio, whatever they do, and etc. Why don't we request the Speaker or the Clerk just to bring that list over here? I think there's a hundred and some odd of them and if anybody wants to

know who's lobbying, I don't think they are going to be any different from those who lobby the legislature and there will probably be a lot less. Why don't we just request, and may I suggest to you, request the Speaker or the Clerk of the convention... the requests that the House furnish their list of lobbyists to the convention. Put it up here on the front so anybody who wants to look at it has the right to come look at it unless maybe you want some of the delegates to register as lobbyists. But I am talking about the regular lobbyists.

Mr. Stovall Senator Nunez, this Constitutional Convention is an independent group and these are rules provisioned to govern our work here together. Now I think that this is an appropriate thing for us to do as a Convention. What you all do in the Senate and in the House of Representatives is your business and...but this is a different set up. I'm certain that any of these will be the same persons, but it simply means that they will register here and provide the necessary information.

Mr. Nunez Reverend, I certainly didn't mean to infer that we adopt House... I don't think the Senate has that, but I just merely suggested since the data is available now, and it's probably sitting over there not being used, that we prevail upon the...the people who have it just to bring it forth and allow us to use it, rather than going through a lengthy procedure of having them pay a registration fee, getting them a badge and all these other things you have in here. Now I think we can do essentially what you want to do without going through the procedures by just prevailing upon existing, as we have in the past in this convention.

Mr. Stovall Thank you, Senator Nunez.

Mr. Roy Delegate Stovall, I'm like Delegate Brown, I'm a little concerned with the fact that it looks like the mandatory word, "shall," used in line 32 of page 3 makes it imperative that the Sergeant at Arms deny the...violate any regulated activities. Lines 27 through 30 seem to imply, though, that this would be only after the committee would make its recommendation with respect to any penalty. Therefore, it seems that it would be in order, or you should maybe allow an amendment to change the word "shall" to "may" of line 32, which would be consistent with what the committee would do. Am I correct in that?

Mr. Stovall Delegate Roy, you may prepare amendment with that effect, you may want to check with Senator Brown concerning it.

Mr. Roy Well suppose, let me ask you this. Suppose the committee does not recommend a penalty to be imposed, yet in lines 31 and 32 you have the mandatory language, "shall," but if you find the person was guilty of violating, that there must be an imposition of a penalty and the two don't seem to jing with me and all I'm trying to do is to make it the sense of this rule that the committee's recommendations be given out or and that would be mandatory. I mean the Sergeant-at-Arms would have no choice once the committee would so move. Isn't that right?

Mr. Stovall I would think so.

Mr. Roy And you still wouldn't allow "may" to be inserted?

Mr. Stovall Yes, I would if you would...you...

Mr. Henry The gentleman has exceeded his time.

Amendments

Mr. Poynter Amendments have been distributed in accordance with the rules of the convention. Amendment No. 1 [By Mr. Stovall] on page 2 amending the original resolution. Amendment No. 1 on page 2, line 26 after the number, quote, "to delete the remainder of line 26 in its entirety and delete

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delete line 27 in its entirety, and beginning of line 28 delete the following, quote, "ing of the booklet and identification badges," end quote. I'm not sure what kind of copy that gentlemen... ladies and gentlemen have in front of you, that copy may have been retyped with committee amendments. It may not be the original in which case the lines would not coincide. Amendment No. 2, on page 3, delete lines 10 through 13 in their entirety.

Explanation

Mr. Stagg If the delegates would please refer to that language beginning at the beginning of section 2 on page 2, on my copy it's lines 26, 27, and 28. It is the purpose of the amendment to eliminate those lines which require the paying of a fee and of the wearing of a badge.

On page 3, lines 10, 11, 12 and 13, require the issuance of an identification badge to be worn at all times when engaged in activities regulated by this rule and it is the purpose of the amendment to do away with the necessity of the paying of the fee but also the necessity of a lobbyist wearing... after we have been here... believe all of us will become swayed to those who are talking to you. If you wonder about someone there will be a book at the desk with the pictures and a resume of who they are and who they represent. I think the wearing of a badge simply by all lobbyists would be a demeaning thing to men who are professionals in the best sense of the word and from whom the members and delegates of this convention can possibly learn a great deal. If the badge provision is not removed, then I have a further suggestion to the delegates and to the Chairman of the convention that the badge be made in the shape of a small cow bell emblazoned "CC/73 Lobbyists," and that the clapper of that bell be made out of fresh garlic so you can see them night or day.

Question

Mr. Leithman Mr. Stagg, I agree with part of your... my original question was this that I thought the amendment was drawn incorrectly and that it removed the registration fee which I think is an excellent idea because we do have to take a bit of additional cost involved with the book and additional help to handle the registration and I certainly don't think any of the lobbyists would object to the ten dollar fee and I don't know Mr. Stovall's, Delegate Stovall's intent, but my question is that did you all the sponsors of the, of this resolution intend to remove the ten dollar fee, in fact?

Mr. Stagg We voted on this same amendment in committee this morning and that amendment failed in committee and the reason for the amendment being on the floor now is that I believe that the payment of the fee and the wearing of the badge can be dispensed with. A three ring notebook cost about one dollar and a half and the resumes can be required to be on a form furnished by the convention, three hole punched and all the lobbyist has got to furnish is a resume and a photograph, and I don't think it would require a ten dollar fee for that.

Further Discussion

Mr. Arnette I would like to speak against the amendment for several reasons. First of all, we met in committee and discussed this particular issue... it was actually suggested by a couple of lobbyists that they do wear badges. One reason was they could get a little free extra advertisement because everybody would know who they were and you would see the name on there and you would see everything about them and it would help them out a little bit. Also, if any lobbyist is above board, he should be proud to say who he represents.

The second thing about wearing a badge and the reason it would be good, is because of the policing efforts. You can always tell who somebody is registered or not by the fact whether they are going to come up to you and talk to you... they do have a

badge on at that particular time. If they don't, you have to assume that they are not registered.

The third thing is, and I think this is the purpose of all lobbyist registration, is that the delegates will know who they are talking to and whom they represent, and I think this is the main thing that any lobbyist registration goes to. If you don't know who you are talking to and who they represent, there is no point in having lobbyists registered at all. So if you are going to knock this out, you might as well vote against the entire lobbyist provision because it is totally meaningless once you knock out any wearing of badges or anything like this sort to identify the people.

There are also several other things that have been talked about being possibly amended, but I'll rest my remarks with those later on. But I definitely think if we are going to have any teeth in this at all, we definitely need to keep the provision about wearing some sort of identification.

Thank you.

Further Discussion

Mrs. Warren I'm rising to speak because I am asking the amendment... If you notice, I have my badge on, a delegate to this convention, and I'm not ashamed of it. I would like to see the lobbyists with badges on, not that I'm afraid of them, and I don't think anybody else in here is afraid of them. But it would be nice to know who you are speaking to without having to ask them, "Who are you?"... because many of them would like to speak to maybe me and they'd like to know who I am when they approach me. I think it is good. I attended the AFL-CIO Convention and I have at my house a badge that they pinned on me saying I was a guest. I saw people that were members of the AFL-CIO Convention and they had their badges on which helped me to identify them. I'm not worrying about what they are going to do to me or what I'm going to do to them. I'm going to say what I'm going to say, and I'm going to make up my mind regardless of what they say if I feel it's good, it's good. If I don't, it's not. So I would like to see a badge and I'd also like to see all the delegates with a badge on so when I approach them, I will be able to call them by their names.

Thank you.

Further Discussion

Mr. Jack Madam Chairman and members of the convention. I'm in favor of this amendment. I've been listening to these talks. The people that oppose this amendment when they talk about lobbyists, they sound like they are talking about people they distrust, people with sinister motives and the like. I cannot say about lobbyists in every state in the Union, but beginning in 1940, my first experience with lobbyist in Louisiana as a member of our legislature has been one of fine cooperation, furnishing information to educating members of the legislature. Let me tell you something. In 1940, there was no Public Affairs Research, there was no Governmental Bureau, there was no Legislative Council and the only way a member of the Louisiana Legislature learned about legislation was what he or she could dig out plus lobbyists. I don't want to say names, but you know the history of this and since have had fine, upright men and women lobbyists and I think to draw a distinction against them by saying they should be labeled is making fourth, fifth class citizens out of them and is ridicule. If they should have the badge on them, why shouldn't the newspaper man, why shouldn't everyone of you, why shouldn't anybody that asks for information and I'm mixed emotions as to whether at this stage, and I'm going to hear more, I'm going to vote for anything in this bill. We haven't had a Constitutional Convention in fifty one years and I want everybody in this state and from out of the state that has property here in Louisiana, or an interest or stock in a company and plenty of working minors have stock in a company and they've got to be represented by someone, whether it's a lobbyist or

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otherwise. And I want everybody to be heard from and I don't know about all these penalties, but I do know that no reflector should be drawn against the lobbyists. We couldn't have operated as well as we did in that legislature from 1940 and prior thereto up till we had a Legislative Council unless we had had lobbyists and always good lobbyists. Now I'm for this amendment and I hope you will be for it and if you... that's a good example of downgrading people that I've heard he already drew a stringer came in here and had listened to the prior talks, he couldn't have helped but feel a resentment of some of you against lobbyists.

I thank you.

Further Discussion

Mr. Derbes Ladies and gentlemen, I rise in support of the original proposal, certainly in support of the tenor of the original proposal and also in support of the amendment. I'd like to call your attention to the fact that unless the amendment carries, that those who, your constituency and my constituency who come here and who merely have their expenses paid, will be required to wear a badge and to pay a ten dollar registration fee. I frankly don't think that's necessary. All I would like to see is disclosure. I think what if this resolution as amended accomplishes disclosure, provides an official record so that we know who we are dealing with when we deal with a lobbyist and for whom that lobbyist is working, I think that that's really all that is necessary.

Finally, I prepared an amendment to the penalties portion of the present resolution which will merely provide that upon majority vote of the Executive Committee, a person who violates these provisions may be denied access, I shouldn't say access, may be denied the opportunity to speak to any of the committees of this convention. That will supplant the present penalty provision. I frankly don't think that you can tell a person that he cannot speak to a delegate of this convention, whether he violates these provisions or not. I think that's an abridgement of the First Amendment of the United States Constitution and I don't think it's enforceable. We have a certain problem with enforcement, we have a certain problem with registration. Of course we're going to affect a certain small number of people that we would prefer not to affect because the only way we can get a representative registration of all persons whom we seek to identify is to pass a fairly broad provision. I think this provision is that type of provision. It merely identifies the agency relationship where somebody is working for someone else for compensation or for something of value in order to influence the product of this convention.

So I commend to your attention the original resolution. I believe that the amendment is well-founded and I support it as my amendment which will somewhat modify or substantially modify the penalty provisions is available for distribution. I think the entire body of the proposal as amended will be very acceptable and that we can all vote for it without fear of adversely affecting any of the little folk back home who merely want to speak to us personally or to our committees and who are not being remunerated in any way. So I thank you very much.

Further Discussion

Mr. Flory Madam Chairman and delegates, I rise in support of the amendment and I'd like to elaborate on my reasons why. This convention has grown to great extent to involve the public of this state in the drafting of a new constitution and the ultimate ratification, thereof. They formed a co-operative committee to go all over this state and to hear the testimony of the citizens of this state in the drafting of the proposed constitution. And here we by resolution, amendment to the rules of the proposal to make it more difficult for them now to come before this convention and be heard when the action is to be finally taken by this convention. I have

no fear whatsoever of the registration. I think it's perhaps wise that you require registration. But I don't think by registration you ought to prohibit the people from testifying or speaking to the delegates of this convention as to what their views are on the various issues to come before the convention.

Senator Rayburn, let me call your attention to one provision I think that you asked a question of someone about, someone from Bogalusa coming to discuss with you something coming before the convention. I suggest to you if their gasoline was paid for, if their meal was paid for, they would have to pay the ten dollars and have to have the badge on before they could testify or before they could speak to you about anything in the convention. Now, it does say that it doesn't cover those people who appear before, merely appear before a committee, but if they speak to you before that committee session starts, or if they speak to you after that committee session ends, then they have to pay the ten dollars and register.

And I suggest to you that the mere wearing of a badge and paying ten dollars is not going to tell us, or influence us, as to what we ought to do in this convention. I have no hesitancy whatsoever if someone wants to speak to me about an issue in this convention, asking them who they are? Who they represent? If I don't know. Then if I have questions as to whether or not they are telling me the truth, I don't have to listen to them if I don't want to, anyway.

Secondly, there is no way you can enforce what's proposed here. None whatsoever. I don't believe that this convention is a legislative body in that they have the right to penalize the citizens of this state when they appear before the convention. And I would ask that you support the amendment and adopt it, and if adopted, then proceed to clean up the rest of the resolution.

I yield any question, Mr. Chairman.

Questions

Mr. Bollinger Delegate Flory, being you left the main topic of the amendment, I want to ask you a question on something you said.

In referring to Senator Rayburn's Bogalusa friends coming up here, in my understanding the amendment which the convention adopted prior to this, added in line 32 on page 2, the words, "no delegates," which would eliminate what you said which would be here. In other words, a person could talk to you or a committee. They could talk to you before or after a committee meeting and not come under this rule. And you said that it wouldn't and maybe I misunderstood what you were saying. Could you clarify this?

Mr. Flory I believe that if he spoke to Senator Rayburn prior to the beginning of the meeting, that he would be covered. I think this exempts the delegates who are lobbyists, perhaps, from registration by the amendment put on in committee. I think that was the purpose of the amendment.

Mr. Bollinger Well, I beg to differ with you. But if that is your opinion, that is fine.

Mr. Flory To carry that a little farther, I don't... if you are going to require the lobbyists to register as I said in committee this morning, I think it might be wise if the delegates themselves, all of us, were required to wear a badge and who we represent. Might not be a bad idea.

Further Discussion

Mr. Roy Madam Chairman and fellow delegates, I don't know about you, but I have yet to be approached by any lobbyists and maybe they figured that they just don't need to for... or I don't understand what they would want. I am opposed. I am for the amendments. I don't believe that we should have to have the League of Women Voters and whatever other parties contact us and maybe take us out to dinner after registering as a lobbyist. After all, if he

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can influence us one way or the other under the technical language of this provision, they would have to.

I am opposed to having lobbyists be as Delegate Jack says, some type of second-class citizen. I think if we are going to do anything, we maybe ought to hood them instead of just making them wear badges something like these peregrine falcons. If you want to get ridiculous about the matter, maybe we could only have them wear their badges in places where if they were going to influence you, it would be under the influence of some alcoholic beverage. But that's not what lobbyists do. Lobbyists serve a very useful purpose. Anybody who is at this convention who is not going to bother to know who the lobbyists are, and whom they represent when it is required that they register, that is if you have to rely on some type of badge being presented to you to know what's going on, I think you are remiss in your duties to the Constitutional Convention as well as to you constituents.

One last thing I want to make obvious is that no lobbyist, if he is worth his salt is going to bother to lie to you. He may lie one time, but that is it because he's got a job to do and the only way he can do it is to be honest and above board. Anyone who would come to me and lead you for any reason, you know would never be able to come back to you. So these fellows are professionals, they have in my opinion, a very high standard and code of ethics, they are very intelligent, most of them, and they try to do a good job.

With all those reasons, I now move the previous question on the amendments.

[Previous Question ordered: 72-43. Amendment adopted: 91-21. Motion to reconsider tabled.]

Point of Order

Mr. Fontenot I don't recall the exact time when the reading of the amendment was made this particular time, but right at the last vote, I would appreciate it, and I don't remember if the rules stated this or not, but at the very last vote, if you read it one more time, I think the rules provide for it, that I have heard the original proposal, then all these amendments and I agree that I don't remember what happened, but I think that the rules require that it be read the last time right before the final tally. Am I correct, Mr. Chairman?

Chairman Henry in the Chair

Mr. Henry I don't recall such a provision as that, Mr. Fontenot, but we will check that and usually as a matter of information to the convention we will do that, but we are trying to learn to preside and we probably made a mistake there, but if it caused any inconvenience, we will try to rectify that in the future. Thank you, sir.

Further Discussion

Mr. Tapper Mr. Chairman, and members of the convention, I don't know what other amendments are coming up, or what they may do, but I do want to go on record now as being opposed to the proposal or to the resolution. I think this is the wrong way in which to start the convention. I believe that there is no way that we can word such a resolution or a proposal, that would not hinder the ability of some portions, some people of this state from coming to this convention and voicing their opinions. If this proposal is designed to in any way either control or regulate the professional lobbyists, I think it is a waste of time. I agree that we need them here, and I do not want to cast any aspersions against any lobbying group in this state. I think that they all have a vital interest in this constitution, and they are going to do the best that they can to portray the image of the people they represent. The people that I am concerned about are the Boy Scout, as some of you know, and the League of Women Voters, other organizations throughout this

state that may not be able to comply, or may not know what they have to do to comply with the rule that is proposed here. It may be that this rule may be lightened up a little and explained a little more with the amendments that are coming hereafter. However, I do not believe that this is the way in this convention. I do not believe that the people expect us to have it here. I believe that the people expect us to vote our own minds after we have heard our constituents. I believe that we should allow our constituents as much freedom here in the halls of this convention for the next six months, that we should allow them to speak in, that no matter what amendments are adopted, I urge you to please reject this resolution, and let's keep this a wide open convention. This is the first one in 52 years. Let us not shut the door to any citizen of this state or any group of citizens. Thank you.

Personal Privilege

Mr. De Blieux Mr. Chairman, and ladies and gentlemen of the convention, I just wanted to ask and beg of you, to very sprightly use the motion for previous question and the motion to table. As all of you know by now, each one of those motions are not subject to debate and automatic cut off anybody else from being heard upon the motion. I know I have seen too many times, not necessarily in this convention, but in other meetings that I have been present, that a person will get up and he will have his say about the motion that is pending on the floor and as soon as he has got through saying his piece, then he immediately asks for the previous question. This is very unfair to the other members. I hope that no delegate will come to the mike and be very repetitious on a subject matter, particularly whenever he feels that his remarks will not be heard and he will not be able to change anybody's mind or opinion upon a matter that may be under discussion. But in all good grace, politeness and courtesy, let's don't try to cut off the other fellow from having his say about it because sometimes we may learn something that may change our opinion on an issue, and I would hope that this would be an open, complete convention to where that we can have a full and open discussion on all matters without trying to cut the other fellow off after we have had our say. For that particular reason, I just ask for fair play on all issues and as long as somebody wants to be heard, let's don't ask for the previous question. Thank you very much.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I am a little concerned about some of the language I read on page 3 of this resolution. Where it says that reports and statements under oath, "All reports and statements required under this rule shall be made under oath before an author authorized by law to administer oaths." I am just wondering if we have some club, some teacher's association, some Lyons Club, coon hunter's association or likewise to appear before us, are we going to have to put each and every one of them under oath before they make any statement or before they address any committee or address this convention. I would like for the author of the resolution to more or less elaborate on this when he does get recognized or when he closes, because I don't believe that you or I want to place everybody under oath and swear everybody in that might want to appear before our committee hearings, or might want to say something to some delegate. Maybe that is the way you want to do it. I see no objection to lobbyists registering. I am glad that we took the fee out and took the badge away, but I do. I am concerned over saying that persons who would like to appear before this convention or before our various committees would have to be placed under oath if they only made a report or made a statement. I don't think that is the proper procedure.

Further Discussion

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Mr. Kilpatrick Mr. Chairman, delegates to the convention, here again we have a resolution that comes before us that limits the environment of people in this convention. Some of my friends that live up there in the northern hills of Union Parish don't read these newspapers like a lot of you have down here. Now we have one little paper up there. It couldn't print all the things that go on up here. You could throw it out and read it from front to back before it hit the ground. Get these people down here that want to talk to us about the Severance Tax, and they want to talk to us about the Timber Tax. It is going to scare a lot of people to death to even come down here and talk to us. First thing you know, you are going to get that delegate in trouble and you are going to get us here and the people who are coming down here to talk to them in trouble. Now this thing is closing the doors in this hall here, to people who want to be heard, and people who need to be heard. It behooves us, as delegates, to listen to everyone who wants to come down here and make a statement to a delegate, to talk with us, to plead with us, to talk about something that is his own personal interest. It doesn't mean that a delegate is going to be able to talk with these people and listen to the views of the people from the deepest part of this state to the northern rolling hills from the west coast to the west part of our state over to the Mississippi River. I don't think this thing is correct, I don't think this resolution has any merit to it. We have gutted the bill, it is a bad, bad amendment on this thing. You all are going to ask somebody from the Jaycees come down here to talk to us, and you are going to put this man in a very embarrassing position. He is going to accept a little gasoline to come down here that is given to him by the Jaycee organization. That man is going to be in trouble when he gets here because he doesn't know to register and half of your delegates that come down here, are not going to go back home and tell these people what is going to happen here on this very resolution here, that we have here in front of us. I told Brother Stovall, I can't understand why we have to attack these good people who are down here who have been here for years, and put them in an embarrassing position to make them register, put them under oath and create a lot of hard problems on these people who need to talk to us. But this is a problem, it is that poor devil that comes down here that doesn't know about these rules and regulations that we are trying to impose upon these people. This is a bad resolution. I ask you to vote against it.

Amendment

Mr. Pointer Amendment No. 1 [by Mr. Nunez], on page 4, line 5, insert the following, "G All lobbyists currently registered with the Clerk of the House, the President of the Senate, the Louisiana Legislature for the year 1973 shall not be required to reregister with the Clerk of the Constitutional Convention; such lobbyists shall be required to pay any fees imposed upon lobbyists under the rules.

Explanation

Mr. Nunez Mr. Chairman and fellow delegates, this simply does what I was explaining to Mr. Stovall before. It allows us to go ahead and utilize the present registration. Why make the current statutes or the current resolution passed by the House of Representatives, provide, that all lobbyists shall register currently every year. They should have a current registration. They shall pay fees. If you are ever going over there, there is a complete statute, a complete book on what they do and how they, who they work for, and etc. So, why should we go through the expense, and it is an expense, by the way, and I will tell you later that the work that we have did as a subcommittee on printing, the printing of this convention is costing considerably. Nobody has looked into how much this would cost the convention, but I am sure it is going to cost a lot; and all I am trying to do with this resolution or this amendment is not to duplicate what you have already done, what the state has already done, and I ask you to adopt it just in case the resolution is

adopted, if you have a lobbyists that is registered with the state, we utilize that material that he has already provided for the state. He is already registered. He is meeting state law, he meeting the requirements, why make him register again. The information is available to us, we just request it from the Chairman. I think it is a sensible thing to do. I don't think we should make 104 men register, or women, or children, or what have you, if, in fact, they already are registered to lobby in this state. I think this convention is part of the state and I just think we can utilize what we presently have, and if you do have an inkling to vote for the amendment, or for the resolution to make lobbyists register, this is just saving us a lot of time and it is saving a lot of money and it is saving lobbyists a lot of time.

Questions

Mr. Derbes Mr. Nunez, as I read the proposal as amended, the only thing that a lobbyist will be required to do is fill out a form. Do you agree?

Mr. Nunez Well that would be a form he wouldn't have to fill out. If you mean the amendments that were passed here where he doesn't have to wear a button or he doesn't have to wear identification or he doesn't pay a fee...

Mr. Derbes Right. Is that your understanding? That all he has to do is fill out a form under the proposal, as amended.

Mr. Nunez I don't know what the form would consist of. The form that they have, that the now have, is quite extensive. It would probably be a lot better to utilize that form and utilize the material that they have there than just... What do you mean fill out a form? His name and address?

Mr. Derbes Well, I assume you have read the proposal, and the proposal merely sets forth, I believe it uses the word, a resume, of his affiliation, of the compensation that he receives, his name and address.

Mr. Nunez Well, what do you consider a resume? The resume they have on them now is quite extensive and if you can utilize something that you already have, why require them to do it again. Why require lobbyists to go through, and why print it all up again if we have it already printed? You can just add additions to what you now have. Just trying to make it where this convention doesn't go into elaborate process of registering 104-105, I think there is in the state registered now, from my information, there are now that many registered and let's say that there are 15-20 that want to register. You would just add to the present situation. I see no reason why we shouldn't adopt something and utilize the present information.

Mr. Derbes I realize that you are trying to make it easier for the state, but I wonder if you are not also trying to make it a little too easy for the lobbyists, and I frankly think that if this constitutional convention is important, that it should be sufficiently important that each of the individual lobbyists will merely fill out a form which will be compiled and made a part of the existing records of this convention. Don't you agree?

Mr. Nunez No I don't, because I don't know what you set up in the form will be a complete resume or a resume. I don't know they are going to have in a resume. I do know what they now have, they are required to register, and my amendment just simply utilizes what you presently have in the form of lobby registration and allows them, allows the convention or allows whoever is going to handle it to go ahead and utilize that lobbyist who is currently registered under state law. See nothing wrong with it, I think it is a good amendment.

Mr. Derbes In case you, to clarify for the moment,

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it simply says, a resume including all details with respect to the names and addresses of the person, group, or persons, or organizations whose interest he represents including the kind of business in which each is engaged. The resume shall be filed with the clerk before engaging in the activities described in this rule. It would seem to me that if, that this convention being the most important political event in the history of this state in the last fifty years, should be sufficiently important that we could ask each individual lobbyist to fill out a form, and I frankly don't understand why you feel differently.

Mr. Nunez As I said before, gentlemen, and ladies of the convention, I believe that the lobbyists that are now registered should be allowed to submit their, or allow the clerk or the chairman to gather those registrations, they are currently registered under state law, under state statute on the provisions of the House and the Senate. Those registrations are valid registrations, they have to register every year. Let me tell you, they are quite extensive. You will probably get a lot more information than you get from this resume. I think they would be good registrations and I don't think you would get so many of them that are registered as lobbyists for the state that would register as lobbyists for the convention. As I have said before, if you are inclined to adopt this whole resolution where lobbyists have to register, I think you would be saving the convention some money and I think you would be speeding up the process where the registrations would probably be readily available to the convention a lot faster than going through the whole procedure of allowing... They even have pictures of them over there, you can see who you are talking to. I think that is a good idea. We might as well go all the way if we are going to allow them to register anyway.

Mr. Shannon Delegate Nunez, under your amendment here, would it not put back the fees upon the lobbyists which we, by prior amendment to this, we have eliminated for registration in the last sentence here?

Mr. Nunez Mr. Shannon, the amendment, as you know the amending procedure is about 45 minutes behind in the actual proceedings. The amendment was being drafted when the fee was still in. The way I read this, "Such lobbyists shall be required to pay any fee opposed upon lobbyists under the rules." Now if the rule doesn't oppose the fee on lobbyists, then they won't they won't be required to pay any. That would be my understanding of it.

Mr. Chairman and gentlemen of the convention, if there are no further questions then I would ask that you adopt this amendment, I think it is a good amendment, I think it is a time saving amendment, and more important, I think it is a money saving amendment. I think it is going to save this convention. I don't know how much it's going to take to compile and print the amount of material that the lobbyist would have. If it is already compiled, if it is already printed, if we already have a brochure on them, why not utilize it. Why not utilize what you presently have? So I ask you to adopt the amendment.

Mr. Casey Mr. Nunez, the question I have is just one of mechanics. Is the... First of all, under the law, the lobbyist information that must be kept by the House and by the Senate, apparently must be maintained in those chambers by the Clerk of the House, and I understand also the Secretary of the Senate rather than the President of the Senate. Under the law, my understanding is that the lobbyist information in the form must be kept in those legislative chambers. My appreciation of the lobbyist registration for this convention, I would think would require that that information be available to the delegates while we are in session, in this chamber. This just happens to be the chamber we are meeting in, instead of a legislative chamber. Do you think that if we adopted your amendment that there-

fore, that information pertaining to lobbyists would then not be available to the delegates because that information should be here where the delegates are meeting.

Mr. Nunez Representative Casey, if I thought that I wouldn't have introduced the resolution, or introduced the amendment. If I thought that very simply by registering with the state, they wouldn't have to register with the convention, my whole purpose of the resolution was to utilize the same information that is presently being utilized by the state, and I think it is public record and it is over there and I think that we can get that record just like we get all the others. I think just a simple request of the Clerk or the Chairman would provide those records for us, and if I felt that by passing this amendment it would deprive the convention, deprive the delegates of those that are preregistered, certainly I wouldn't introduce it.

Mr. Casey But Mr. Nunez, my problem is one of mechanics that the law requires that it be... those records be kept in the custody of the Clerk of the House and the Secretary of the Senate. The mechanics require that they be kept there and I do not believe, or do you agree, that these gentlemen could not release those documents to the custody of the convention and be brought here.

Mr. Nunez Mr. Casey, our appreciation of the problem is somewhat different. Certainly they are to be kept in the House chambers and the Senate chambers for the very reason you just mentioned here, for the House members and the Senate members or anybody else to go view them. They are public records, but there are also copies of those public records that could be kept over here, and that is my only point in the whole thing for the amendment. They must be kept over there because that is where they are being utilized.

I think it is a good amendment and I think it is going to save the convention a lot of time and a lot of expenses, so I ask you to adopt the amendment.

Further Discussion

Mr. Stovall Mr. Chairman, as an individual, I see nothing wrong with Senator Nunez's amendment. I feel we should vote on it, enough of you like it, we'll keep it, if not, we will reject it. The only problem which I see is that there may be some persons who are registered as lobbyists in the House or Senate, who might not choose to be registered as lobbyists here in this convention. But other than that reservation, I certainly have no objections, provided those records there would be made available to us at the convention here.

Questions

Mr. Tapper Reverend Stovall, this is a... you are the sponsor of this resolution, are you not?

Mr. Stovall Mr. Tapper, I am Chairman of the Rules Committee. A resolution on lobbying was presented to this convention, soon after we convened, and it was referred to the Rules Committee and as Chairman of the Rules Committee I am returning this to us for consideration.

Mr. Tapper I understand that, and the reason I wanted to clear it up is before I ask this question. I wanted to make sure you were very familiar with the resolution. Is it not a fact... I think, did you know that there is a consensus of opinion of the delegates here that the best way of referring in the resolution, that the referral is to here in this particular chamber, and here at the convention. But isn't it a fact that this resolution is all inclusive and also includes lobbying back home in our particular districts where there is a meeting, let's say of the League of Women Voters, or the Kiwanis Club, or the Lions Club, or any other club. Isn't it a fact that this also applies at that stage

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of lobbying, not only here in Baton Rouge and in the convention hall. Isn't that a fact?

Mr. Stovall The point of order, Mr. Chairman, the thing that is before us now is Mr. Nunez's amendment and not the resolution, at the moment.

Further Discussion

Mr. Derbes I am reminded of the joke where a fellow said...where a fellow...I am reminded of the story where the fellow was telling a joke to a friend and after a good bit of time he said, well, to make a long story short, and his friend said, well, too late. Well I don't want to take up too much of your time, except I hate to see Mr. Nunez's proposal go up with opposition on discussion. I simply have the following feeling, that this convention is important enough that we should require, if we are going to require any registration, we should require individual lobbyists to fill out one simple form which this convention has promulgated. It is just as simple as that. I don't think we...I think probably as much money will be saved the state had Mr. Nunez's amendment not been proposed as will be saved the state if Mr. Nunez amendment is adopted. It is a simple matter of filling out a few forms, and nothing more. We will have a complete file with individual access by all the delegates. To me it is very simple. I would urge you to defeat the amendment. Had the original proposal not been amended to delete registration fees and delete badges, I think Mr. Nunez's proposal would indeed be well taken, but in fact the original proposal has been amended, and based on the amendment, I see no undue hardship involved in asking each individual lobbyist to fill out a form.

Question

Mr. J. Jackson On your point of concern of Senator Nunez's amendment, what happens in the case of a particular lobbyist is not registered with the House of Representatives and the Senate, do you know would we have access to that information here in the constitution?

Mr. Derbes I can only imagine what Mr. Nunez would say in response, and that is that the provisions would operate with respect to his registration here, but I believe your point is well taken.

[Previous Question ordered.]

Closing

Mr. Nunez Mr. Chairman and gentlemen of the convention, ladies of the convention, certainly it is a...the question that was asked if a lobbyist is not registered, he would be required to register. It just says all lobbyists who are currently registered with the state. I thought I had a good, simple amendment, and let me tell you something about saving, saving money, saving money. I don't know what it is going to cost to compile this. I really don't. I don't think that any of us do. I do know, as the chairman of a Sub-Committee for Printing, that we started looking into the printing of that official journal, it cost the state or it cost this convention considerably, and after considerable negotiations, we got that cost cut down to one-third of its present cost. And if you look at that journal on your table, the official journal of this convention, it is presently being printed at about one-third it would have been printed had we not looked into it. I am not saying it is a lot of money, but there are costs involved, and I am just asking you to take advantage of an existing law that lobbyists shall register with the state. And as I explained to some of the delegates back there, it is quite a comprehensive registration. Much more so than I am sure you are going to ask of them. And if you look at the number of lobbyists registered in this state today, I am sure you will realize that there is not many left to register to this convention, and all you will be doing is transferring

those records, and bringing them over here. And that is all and very simply I was trying to do. I'm not trying to make it easy for lobbyists, I'm not trying to keep lobbyists from registering, I'm not trying to keep lobbyists from paying a \$10 fee, I just saw, Mr. Derbes, an opportunity to try to streamline something and to get it in a form that I think that the convention can live with. And that is what I did, and I hope you go along with it. It is a good amendment. It is a good amendment, we get the books, they are already registered and bring it over here, and tomorrow you can pay a \$10 fee, who is registered and who isn't, if that is what you want to do. I ask you people who are going to vote against the amendment, or vote for it, regardless of which way, to adopt this amendment because it will save you a lot of time, it will save money, and it will streamline the operations of fooling with registered lobbyists that are already registered. I would say they are all registered. I would say all you'd have to do would be to get those records and bring them over here and say these are the registered lobbyists for the convention. And I would say that you would save yourself, myself, the convention some time and some money. That is all I am trying to do, gentlemen and ladies of...delegates, and I wish you would go along with the amendment. There is nothing sinister about it. I don't know if the lobbyists are for it or against it. I'm sure they are for it because they are registered already. Why should they have to register again. Why should you make them go through the same procedure again. Why should you go through the cost of doing it again. Think of this. It is a very simple amendment.

Questions

Mr. Triche Senator, under your amendment, if lobbyists registered with the legislature to represent corporation "A", and he is registered and lobbying for that group, but he gets another client and he comes before the convention to represent company "B", under your resolution he would not...under your amendment, he would not have to reregister and make that disclosure. Would he?

Mr. Nunez All lobbyists currently registered with the Clerk of the House and the President of the Senate shall not be required to reregister with the Clerk of the Constitutional Convention. I would say that yes, if a lobbyist is not registered as a lobbyist, as a lobbyist, that he would not have to register. Now what are you...let me ask you...let me elaborate on that a little bit. Suppose they register as lobbyist "A".

Mr. Triche You want to let me have a little of your closing time, Senator?

Mr. Nunez Yes, I will be glad to, Representative. If under the convention he registers a lobbyist "A" and company "B" comes before the convention to lobby for them, does he have to reregister for company "B"? I think a lobbyist is a lobbyist. I think once he registers, he is registered as a lobbyist. Let me tell you, you are not going to have any difficulty finding out who the lobbyists are around here. When you have something that affects a lobbyist, he is going to tell you. When you are voting against him, he is going to get in touch with you. When he wants to tell you something, he is going to let you know it, and it is going to be very simple. The fact that he is lobbying for an oil company when he should be lobbying for the teachers or he is lobbying for a chemical company when he should be lobbying for the Boy Scouts, I think it would be sort of superfluous. He is lobbying. Now, if you want him to register every category that he lobbys in, maybe we can amend it to that extent. You are not going to do it under this resolution that you adopted, from my understanding. But if he changes jobs or someone comes to him and says he must reregister or he must get another job, well he would have to reregister.

Mr. De Bileux Mr. Nunez, Mr. Triche has got me in

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a dilemma now.

Mr. Henry That wasn't hard.

Mr. De Blieux I agree with you on that. But I am just wondering now the way you all are talking about if he is register for group "A" or registered for group "B", does that mean that whenever you talk to one of these lobbyists you can't discuss anything with him except those groups that he is registered for?

Mr. Nunez Senator, if you trying to prohibit a Lobbyist or prohibit a delegate from listening, I don't quite understand your question. If you want me to prohibit a delegate from listening to a lobbyist, if he wants to talk about, about the, about the cost of rice in the rice fields of south Louisiana, and he just happens to mention that I also have an interest in the oil business, the I don't think... I don't see how you can effectively do that. I just think that once they register, they will be registered as lobbyists. Senator, you have seen the files over there, they are comprehensive and extensive files. I don't think you are going to be able to do any better, and I thought I had a real simple, good amendment that we could adopt and have the lobbyists registered already. So, I don't think some of the problems you are bring up... I think they are real problems, and maybe we ought to go back and change the law. I have thought about it, but I think if... when they register if they have to re-register we will just require them to re-register. All you are doing is getting that information. So, Mr. Chairman, if there are no further questions, I move the adoption of the amendment, please.

[Amendment rejected: 45-69. Motion to reconsider tabled.]

Recess

[Quorum Call: 94 delegates present and a quorum.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Derbes], on page 3, delete lines 31 through 35 both inclusive in their entirety, and on page 4 delete lines 1 through 4 both inclusive in their entirety, and insert in lieu thereof the following: "Upon a majority vote, the Executive Committee shall deny to anyone who violates the provisions of the rule, the privilege of addressing any committee of this convention for a period of time to be established by the Executive Committee."

Explanation

Mr. Derbes Ladies and gentlemen, in order to make the entire proposal more acceptable to this convention, I felt that this amendment would be in order. It is my opinion, as an attorney, that we cannot tell a lobbyist or much less a convicted felon that he cannot speak to us individually. That is a right, I believe, protected under the constitution of the United States and under the constitution of the State of Louisiana. I do believe that we have the right to deny a person the privilege of addressing a committee of this convention, and, therefore, I modify the original proposal to simply state that the entire penalty for violation of these provisions shall be within the discretion of the Executive Committee and in its discretion the Executive Committee upon the finding of a violation, may deny an individual the right to address a committee of this convention for a time period to be established within the discretion of the Executive Committee. This has a great deal of flexibility, a great deal of discretion on the part of your Executive Committee. It is suggestive language rather than mandatory language, and I believe that this amendment will make the ultimate acceptance of the entire proposal more acceptable to the convention. Thank you.

Further Discussion

Mr. Jack Mr. Chairman, I rise to oppose this proposed amendment. I think the members of this convention can speak for themselves. This turns over to the Executive Committee the right to punish any violators and it gives an awful lot of authority. And it says that the Executive Committee can by majority vote make this punishment of depriving a lobbyist, or anyone else that comes under it, set such a period of time as they may think fit. They might make the period of time the whole length of the convention and as I recall to begin with, in Act 2 of 1972 when the legislature set up this convention, it provided that everybody was going to have access to these committee meetings and to talk to people. This thing just gets more confusing and complicated as we add each amendment. I hope you will vote down this floor amendment. The only reason I can be for this bill or proposal that is before us on registration is because I don't think the public would get to read the entire proposal and would figure there should be some regulation. Now I think the regulation is all right now that we have taken out about badges and leave it like it is. I have talked to lots of people on it: members that are delegates as well as others. When we mete out punishment that might deprive a person from appearing before a committee, I as a delegate who was elected by the people, and the same goes for those who are elected by the people, I think we should have a sayso and not just the Executive Committee. I want you to read this amendment closely. It has no limit on the penalty. It is a bad amendment and I hope you will vote against it.

[Previous question ordered. Amendment rejected: 11-70. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Mr. Flory to Committee Resolution No. 4 by Mr. Stovall. Amendment No. 1, on page 1, line 25, after the convention, insert a period and delete the remainder of the line and delete line 26 in its entirety.

Explanation

Mr. Flory Mr. Chairman and delegates, what the amendment does, is on page 1 in the proposed resolution it says in the definition of proposition, it includes in that definition the following "and includes any other matter which possibly may become the subject of action by the convention." I propose to delete that language in that a person coming to the convention visiting, discussing theoretically some issue which possibly may be subject to the action of the convention. I ask you in all good judgment how could that person determine what could become subject to action by this convention. I see that it serves no useful purpose and would ask that you delete that language.

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention, I would like to request that we hear some discussion on this from the committee who heard this and the people who are responsible for drafting this resolution as to why the language was put in "and includes any other matters which may possibly become a subject of action by the convention." It seems to me that if the convention fails to adopt, as well as what the convention adopts, is a consideration for lobbyists, and something that they address themselves to. The lobbyists may be very successful by keeping certain proposals from being drafted and introduced in the convention. Their influence on the convention may be more substantial than that regarding the action of the convention to take some action. So it seems to me that the proposal as written makes sense and it ought to stand that way but I frankly prefer to hear from the people that drafted the resolution and see

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what is that is what they had in mind, because that is what I read into it and I think as originally drafted, Delegate Flory, it ought to stand that way.

[Previous question ordered.]

Closing

Mr. Flory Mr. Chairman, delegates, I just say in conclusion that if you want to require the registration of a person appearing before the convention, or discusses specific subjects, fine; but, to say theoretically that he is discussing something that may become a subject before this convention I think is too broad, I think where you define it as a proposal, resolution, amendments, even nomination of officers and other matters pending or proposed in the convention is broad enough and it should be left at that and not include something could possibly come before this and I would ask for the adoption of the amendments.

[Amendment adopted: 53-52. Motion to reconsider tabled.]

Further Discussion

Mr. Jenkins Mr. Chairman, as I understand it on page 3, in Section F, the provision is still in there saying that for violation of this provision the Sargeant-at-arms may be instructed to prohibit any person from speaking with a delegate for any given period of time. I am going to vote against this entire resolution because I think it is useless, I think it serves no useful purpose at all. We have it in the legislature and it serves no useful purpose there. I don't think I accomplished one single thing there. I don't think it will serve any purpose here or accomplish anything here except to deceive the public to a certain extent into thinking that we are doing something good. If someone attempts to bribe someone, that is a violation of law. If they attempt to unduly influence anyone, that can be penalized by law. But, I'm not for things that are showcased as real accomplishments. The comment I want to make about this Section F is I just want to make it clear that as a delegate I reserve the right to speak to anyone at any time about anything that I choose, and if this convention should at any time say that a person can not speak to me, I will not abide by that. I will speak to anyone about anything at anytime that I choose. Thank you.

Question

Mr. Tapper Woody, in line with your statement and your position, don't you believe that even though this convention would have passed this resolution that any one of us could delegate or any citizen of this state could go into any court and have that court determine that this resolution is inoperative and that anyone can speak to any one of us and any one of us can speak to any citizen of this state. Don't you believe that this is just window dressing and that it will have no effect whatsoever if a citizen or a delegate goes to court and asks the court to allow them to speak to one another.

Mr. Jenkins I hope you are right from a legal standpoint. The danger I see is the fact that it may chill the right of people to speak to us and appear before us. I think legally it probably is enforceable, but it will certainly have that chilling effect and that is where it is dangerous when we want to have an open convention.

Point of Information

Mr. Weiss The delegate who introduced this, Rev. Stovall, said that he thought this would be inoperative. Some of the delegates here presenting their opinion say it would not be. Would Delegate Stovall please elaborate on it and can we get an opinion of some more authoritative nature.

Mr. Henry Delegate Stovall will have the opportunity to close after the previous question is ordered, Dr. Weiss, and at that time I am sure he will accept and answer any questions.

Amendments

Mr. Poynter Amendments proposed by Senator Brown. Amendment No. 1, on page 3, line 32, after the word "convention" delete the remainder of the line and insert in lieu thereof the word "may." Amendment No. 2, on page 3, line 34, after the word "meeting" and before the word "convention", insert the word "or". Amendment No. 3, page 3, line 35, after the word session and before the words "for" delete the comma and delete the words "or delegate". Amendment No. 4, page 4, line 2, after the portion of the word "tor" and before the words "be denied" delete the word "shall" and insert "may". Amendment No. 5, page 4, line 2, after the word "meetings" delete the remainder of the line, at the beginning of line 3, delete the word "delegates" and insert in lieu thereof the following "and sessions".

Explanation

Mr. Brown Does everyone have a copy of the amendment? Have they been passed out? This does two things. First of all, on page 3, it makes the provision of penalties permanent and up to the convention. As it reads now as you will notice on page 3, line 31, the language is that for the first violation of the provisions of this rule, the convention shall instruct the Sargeant-at-arms and goes on to talk about what penalties may be levied. This merely changes the shall to may. It is up to us. It is up to the convention to decide if the violation is so severe that we shall impose some penalties. I would hate for the fact that someone happens to lose their badge one day and gets caught talking to one of us and one of the delegates complains about it, and before you know it the guy is thrown out of the convention for two weeks. I think that we as a convention certainly have some judgment to see that there are no abuses and so the discretionary factor of changing shall to may. Number two, the second thing it does is to delete the provision of the single delegate provision. If we so censure someone in line with what Mr. Jenkins says, it still allows you, as a delegate, to talk to anybody you want to. As the provision reads now, if a particular lobbyist was brought under this provision and penalties imposed, then you and I as delegates wouldn't be allowed to talk to him. He couldn't talk to us. If you had a particular question about something that delegate was interested in, you couldn't talk to him. It simply deletes the single delegate provision and allows you to talk to anybody you want to talk to as a delegate. Two things, permissive legislation allows you as a delegate to talk to anyone you want to. If there are no questions, I ask for adoption of this amendment.

[Previous question ordered.] Amendment adopted without objection.

Further Discussion

Mr. Womack Mr. Chairman and fellow delegates, the only thing in the world this convention can do is to control the internal activities of this convention. On the bottom of page 2 and the top of page 3, they have specifically exempted certain of the news media, the press and the publishers of periodicals. Television is not excluded. I wonder what would happen, and this is just another one of the bad bills that is drawn up, if the television news analyst comes up and in presenting a full day's session in one and one-half minutes, covering the highlights of the day they do it, they do it with a certain group of people thought was a very slanted approach. They are not registered, I would assume the next action would be to remove the cameras from the halls. Maybe not, I don't know. Then in another section here, it indicates that a lobbyist, if he does rea-

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ister, has the right to come before this convention and address it, which he doesn't have...I would think he would have. When I look at an issue of this kind, the first thing I want to know is what good it can do, and the second thing is to look at what harm it can do. If you stay in the political field and you don't look at politics realistically you are kidding yourself. You could carry that statement a good bit farther. You are almost an idiot. I don't know what registration could do towards changing anything in the world that would come before this convention. As for the right now, there is not a lot of opposition to a constitutional convention. Maybe nobody has commented on it any, no opposition has started yet. You can rest assured it is going to be there. I wonder what advantage we would have to come up with a set of rules that could exclude a layman back home from coming down with part of his expenses paid, and not being registered; you say well nobody has been excluded, they could be under this. If they were presenting a side that someone on that committee objected to I think the question would be raised and I think the individual delegate who didn't raise a question would not be representing the particular group that he was supposed to represent properly, if he didn't raise the question. So, if it became my job, as a delegate, to weigh what conceivable good can be accomplished by this and then weigh what conceivable bad could be accomplished by it. The bad angle is that it could be used by a fast talker at the last stages in television programs before the election on the adoption of this proposed constitution and I can tell you now, the only question that I can ask more questions that there is no answer for and can make more statements that you can't cover up, he can make more of them in one ten-minute television program than you can cover up in a month if you had every night, because the further you go the worse you'll get. And, don't kid yourself. I am here because I hope we can put together a movement that we can support and that we can get the public to adopt. I do believe that any document we support will have a certain amount of organized opposition. Beyond any question, it is going to have some organized opposition. There is a good bit of the work of the committees that is going to have organized opposition in the convention, because primarily the committees are on the protective side of the committee that they chose to be on. That is the reason they chose to be there. You would find in education, a vast majority of the educators wanted on the education committee. Same thing in agriculture. Naturally, when you come out with a proposal in the committee, it is primarily going to phase and favor that particular profession. Quite possibly, when the other delegates get through with it, they might not see it quite like the professionals in that field saw it. When you get ready to submit it to the people they are not going to see it quite like this. The individual at home that you are not going to hear about is going to be a whispering campaign and they will ask if you have been down to see the convention and he said why go, I'm not registered. I can't talk before them. Here are the rules that came out in the paper, and don't think they are not going to carry it. Putting this in the rules is just about like the buttons on a little male pig. They are there, but what good are they? You can put this in there. I just can't conceive of a good or anything it is going to contribute. I am not worried about the AFL-CIO, the Louisiana Retailers, they are already registered, they are going to register. They probably would be doing them a favor. They can walk around with their card. They can show where they are. The internal lobbyists who are here, that there is no reason for, well, I think a little more concerned about them. Quite possibly may be found joining some of them. You are not going to get at those. The professionals are here, they are willing to be registered. The only thing I can see that the adoption of this rule can do would be to give the opposition to our final document a little more to talk about. While I am here, I will cover one more thing. When we were here last,

I expressed an intent, I was very sincere in it, that I would put a resolution in the legislature authorizing the delegates to this convention. I still think it should have been done but the powers that be, including a unanimous vote of the Executive Committee when they were in session, they voted unanimously against it. Why, they everyone thought it was in line, nothing wrong with a person being paid, they felt that down the line it could be detrimental towards the final adoption of the work that we do here. I told Chairman Henry when that approach came up that I had no alternative other than to back up because if that is the straw that broke the camel's back, I would go to my grave regretting it and I feel that way about anything else that we do that the weighted side could do far more harm than the good it could do and certainly I see this rule as one of those. I went through a session of the legislature, a thirty day session, the last regular four-year term, of which we spent twenty-seven days adopting the rules for one particular member who didn't return to that house and we got rules adopted to suit him, he never did get to use them. We have been not going to change in a month and still haven't come up with a set of rules. A pretty good story could be written on that. What I am trying to say is that if we have something constructive, I think it would be well to consider it. I think it is well that we discuss these things, but I can see more harm in it than I can good.

Further Discussion

Mr. Roy Fellow Delegates and Chairman, I agree essentially with everything Delegate Jenkins said and with what Delegate Womack said, however, we have finally come to the point where we have got to make a decision on whether lobbyists will be registered. I am not afraid of going forward, we are going to have to go with some type of proposition. In deference to the concern of Woody and Delegate Womack, I really think that under Section E, page 3 of the resolution, there is adequate protection for those people that I am really concerned about, namely, the little citizen who comes down here and decides to talk in the legislature about his travel expenses; the League of Women Voters, the League on the Humanities, and what have you. I think it is implicit that only a delegate, under Section E, may file a formal charge pertaining to some improper conduct on the part of a person. I would think that using our discretion that we would not be worried about those people who come down and don't read newspapers and accidentally or intentionally talk to us about some things that are very close to them personally or professionally. Then the provision provides further, and especially since Delegate Brown's amendments, that the committee will hold a hearing and determine what, if any, penalty will be imposed. Now, I know that we can talk about the fact that we are giving the committee an opportunity or the fact that we have any such proposal with reference to lobbyists may end up where somebody's constitutional rights were being violated, however we have been talking about the lobbyists issue for a long time, the newspapers have picked it up, and I'm afraid that if the public feels that the legislature has deemed it in its wisdom to have a provision pertaining to lobbyists, that we have no alternative. Although, like I say philosophically I don't see the need for it and personally I would never be worried about. Going on with respect to the protection that the rule or the resolution does in fact provide, it says that the committee may make such recommendations as it may deem it to be imposed and then, under F, there is even an additional protective feature to be given to the little person who accidentally or intentionally does something that violates this rule. It says that the convention may on our own decide what we are going to do about it. For those reasons, the reasons that we finally come down to the issue of whether we should have a lobbyist provision or not, we have discussed it, we've got it as fully protective as possible. I urge you to vote for the resolution as a whole. Thank you.

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Further Discussion

Mr. Arnette I definitely agree with the two previous speakers in one particularly thing. That is, I am against this resolution. I'll make it very short and sweet. The reason I am against this resolution is because it no longer does anything. It no longer accomplishes any purpose. It has been amended out of existence to do anything useful whatsoever, and that is why I am against it. I don't think we ought to make the people of Louisiana think that we are actually passing something that is going to regulate lobbying when it doesn't do anything at all in effect. That is why I am against it.

Amendment

Mr. Poynter Mr. Shannon sends up amendments as follows: Amendment No. 1, page 2, line 5, immediately after the word "pay" delete the remainder of the line. Page 2, line 6, at the beginning of the line before the words "for the" strike out the words "any consideration".

Explanation

Mr. Shannon Mr. Chairman, ladies and gentlemen of the convention, I am putting this in for the poor man. I, myself, am puzzled about what "for any consideration" can be construed as. Mr. Rayburn talked at one time before this convention about his coon hunters' club that he was in and they might give him some gasoline to come down here and lobby for the coon hunters. That is my interpretation for other considerations, so I would ask of you in this convention to accept this amendment. All it does is take out the words or for any consideration because that can cover a multitude of sins and it leaves it "for any person who shall engage himself for pay for the purpose of influencing legislation, and I urge your acceptance of this amendment.

Questions

Mr. Derbes Delegate Shannon, I don't disagree with you, I am just curious about the amendment. It says immediately after the word "pay" delete the remainder of the line. Then all you would be deleting would be the words "or for".

Mr. Shannon Correct. Amendment No. 2, on line 6, at the beginning of the line, before the words "for the" strike out the words "any consideration".

Mr. Derbes I see. Thank you.

Mr. Alario Mr. Shannon, I am not in objection to your amendment. I am just wondering if it covers enough. On page 1, it says "persons to whom applicable" and your amendments do not apply to page 1. It says "the provisions of this rule shall apply to any person who by himself or through any agent or employer or other person in any manner whatsoever directly or indirectly solicits, collects or receives money or any other thing of value to be used principally..." I am wondering if your amendments would cover that particular section also.

Mr. Shannon Mr. Alario, I think it would but I am not sure legally.

Mr. Alario Of course, I guess you could come back with an amendment right after this and cover that section also and if your amendment passes, then I think we need to address ourselves to that area.

[Previous Question Answered. Amendment adopted: 85-14. Motion to reconsider tabled. Previous Question Answered on the Resolution. Record votes divided.]

Closing

Mr. Stovall Mr. Chairman, ladies and gentlemen of the convention, I appreciate your patience in dealing with this resolution. I am grateful for your serious consideration. I think that in many

ways you have improved the document. I think that possibly in others you have weakened it, but I feel that this resolution will serve a very useful purpose for the convention and in the state. I think it is clear to us that this resolution does not exclude anyone. Instead, it encourages persons throughout our state to express their views to us and also it lets persons who have expert knowledge of different subjects know that we will be open to them and we show them the courtesy of asking them to register and these names of the ones who register will be distributed to all members of this convention so that all of us will have this information of people who are interested in these different items. I think that Senators Tappes, Kilpatrick, Representatives Jenkins and Womack have not found the lobbying resolution under which they work in the Senate and the House limiting to them, and certainly it is no reason to assume that if we have a lobbying resolution here that it will limit our procedure and what we do. I think this resolution will protect the convention if there should be those who might misuse the lobbying privilege which is extended to them. It is not all that any of us might ask for but I think it will be a witness to our state that we are an open convention, we want to hear from different ones and at the same time we do want to have this form of registration. I encourage your affirmative approval of the resolution.

Questions

Mr. Stovall I am rather inclined to feel that we have discussed it adequately.

Mr. Duval Rev. Stovall, just wanted to point out --ask you a few questions and perhaps clear up something in mind. Alright, we have adopted some amendments here. One amendment says it has to be on a matter pending before the convention, therefore, you can lobby your eyeballs out to get something in that nobody's proposed. Don't you think that's rather inconsistent? That's one question.

Mr. Stovall Mr. Duval, when that amendment was before the convention you should have come at that time and had discussed it at length with whoever presented the amendment.

Mr. Duval I take it your answer is yes.

Mr. Stovall The matter with which we are dealing at this time is not those amendments.

Mr. Duval Yes sir, and finally another question, you say now you have to be paid, therefore, if you are not paid, you can spend millions of dollars around that you're not receiving and still not come under this provision. Is that correct also?

Mr. Stovall Mr. Duval, you are a distinguished attorney from Houma, Louisiana and I'm sure you are very capable of interpreting this matter.

Mr. Duval And finally sir, Don't you think that this convention should adopt things that make sense and are not so--so cluttered with inconsistencies as to set a very dangerous precedent by adopting something that is so non-sensical and full of nonsequiturs--don't you agree.

Mr. Stovall Mr. Duval, have you quit beating your wife?

Mr. Nunez Rev. Stovall, it just occurred to me that there are a number of--of delegates that are now registered as lobbyists. What would be their status under your resolution. They are not delegates, but they are currently lobbyist. They lobby for particular groups of people. What would be their status under this resolution. Would they have to register, or would they just be a delegate and be allowed to lobby for their particular interest of the particular group that they are registered to lobby for now.

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Mr. Stovall Mr. Nunez, you too are a distinguished attorney and I think you could answer your own question. I think the answer is quite obvious that any member of this delegation is at liberty to speak with other delegates about matters of concern to him.

Mr. Nunez Thank you for the distinguishedness, but I'm not a distinguished attorney. I'll take the distinguish but leave the attorney off.

Mr. Henry They didn't make you an attorney one time--that was a Judge they were going to make you, wasn't it?

Mr. Nunez You make me a lot of things, Mr. Speaker. I got something we'll make you in a little while. I got a little present for you. Did you understand my question because there are a number of people here that do lobby--registered lobbyists and they will be delegates--they are delegates as elected delegates maybe some are appointed. I really don't know.

Mr. Stovall I understand your question Sen. Nunez, and I answered in the affirmative that these persons have the right to contact different delegates as they see fit.

[Resolution rejected: 49-68. Motion to reconsider tabled. Rules Suspended to revert to Introduction of Resolutions.]

INTRODUCTION OF RESOLUTIONS

[I Journal 138]

[Motion to suspend rules to consider Delegate Resolution No. 25 rejected: 35-78.]

INTRODUCTION OF PROPOSALS

[I Journal 138]

Announcements

[I Journal 139-140]

Report of the Secretary

[I Journal 139]

[Motion to adjourn to 12:00 o'clock noon, Wednesday, July 11, 1973. Substitute motion to adjourn to 1:00 o'clock p.m., Tuesday, July 10, 1973. Motion adopted: 105-14. Adjournment to 12:00 o'clock noon, Wednesday, July 11, 1973.]

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Wednesday, July 11, 1973

ROLL CALL

[122 delegates present and a quorum.]

PRAYER

Mr. De Blieux Let us bow our heads. Our heavenly Father, we thank Thee for the privilege of gathering here, considering what our state needs are, developing them to our best ability. We ask that Thou wisdom come with us, that we do our jobs in the light that you would have us to do it to the best of our ability, our understanding and with Your help. We ask all of this in Jesus name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS

[I Journal 141]

[Rules suspended to allow consideration of resolutions.]

Explanation

Mr. Stovall Ladies and gentlemen of the convention, the purpose of this resolution is to change the requirement of the permanent rules which were adopted which called for the signatures of the majority of the committee presenting the report, and this resolution simply calls for the names of the majority of the members of the committee in order to present it before the convention. It changes the word signatures to names.

Questions

Mr. Alario Reverend Stovall could you tell me what the necessity for requiring delegates to sign was? As I understand it now our present procedure is that the committee would refer it out favorably or unfavorably. When they refer it out favorably it means there is a majority vote of the delegates. What is the necessity of having people sign it?

Mr. Stovall Mr. Alario, the permanent rules called for signatures and a majority of the rules committee felt that if that requirement was there that it would create difficulty in many cases of getting the majority of the signatures and they felt that this should be entered as a substitute.

Mr. Flory First, I'd like to know if copies of this resolution are available to the delegates, but directly to Reverend Stovall, did I understand him to say this him committee recommended this?

Mr. Stovall Yes, sir.

Mr. Flory At what meeting?

Mr. Stovall At the meeting which was held about two weeks ago at which you were not present, Mr. Flory.

Mr. Flory I never did get a copy of it. I think as a delegate I was supposed to have gotten a copy of what the committee recommendations were. Is that not true, Mr. Stovall?

Mr. Stovall That's true and the reason you did not get a copy was that the staff, in going through the minutes, somehow overlooked this particular resolution, and they did not send out copies of this particular resolution to all members of the Rules Committee. But the rule was properly processed through the committee at its regular meeting.

Mr. Brown Reverend Stovall, do I understand this is an amendment to a previous rule we adopted. Is that correct?

Mr. Stovall It's a change to a previous rule,

Senator Brown.

Mr. Brown So this isn't really an amendment. Has it been passed out to the delegates? I've got my rules but I don't have what you're trying to do here [...].

Mr. Stovall It has not been passed out. Actually I did not know that the Chairman was going to call for a Suspension of the Rules in order for us to deal with this matter today.

Mr. Henry It was my understanding that inasmuch as it was basically technical in nature, that it was the desire of the committee to suspend the rules and that under a Suspension of the Rules you suspend all the rules and there would be no requirement for placing it on your desk. Now if this is going to get to be a controversial issue, perhaps it should be referred back to the committee. But under a Suspension of the Rules, the placing it on your desk, now Mr. Thistlewaite pointing out that he's got a copy of it back there at his desk. But even if you did not have one, if the rules were suspended, then of course that rule would be suspended at the same time.

Mr. Stovall It's a very simple matter and I certainly feel that we could vote on it at the present time. It is simply a technical change. If there is any question about it, I certainly would be happy for it to be referred back to the committee but it seems to me that it's so simple, that it's merely a technical matter and it is something which I would feel that we could vote on at the present time and get out of the way.

[Resolution reread.]

Questions

Mr. Lambert Reverend Stovall, I'd like to ask you if this is not correct, correct me if I'm wrong, that we agreed in this convention that each delegate is to have a copy of whatever is being proposed prior to the time it's proposed? Is this a rule that we're going to follow from now or not?

Mr. Stovall This is a rule which we will follow, Senator Lambert. There was a motion for the Suspension of the Rules in order to deal with this technical amendment. Now if you feel strongly about this I think your motion would be to refer it to the Rules Committee.

Mr. Lambert Well I don't, my point is not whether or not I feel that strongly about it. My point is a precedent that are going to set. We are either going to have a copy on our desk or we're not because this is going to happen continuously and on and on and on and that's the point I'm concerned about. But I think it would be wise if you would not object, I would like to see you withdraw it and refer it back to the committee.

[Motion to refer resolution to committee on Rules, credentials and discipline adopted without objection.]

REPORTS OF COMMITTEES

[I Journal 141]

[Motion to suspend rules to consider Committee Report.]

Point of Information

Miss Zervigon Well may I express a Personal Privilege feeling about this, or at least ask a question about what we are doing, Mr. Chairman?

Mr. Henry Well, let me explain what has taken place—As you know, last week when we adjourned, we had hoped that we would be able to begin our proceedings by considering the legislative articles which the legislative Committee has been dealing with for the last several months. It was the feeling of

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Senator Blair and the members of that committee that they were not sufficiently through with their work. That they had a few more changes that they wanted to make and consequently the feeling of Mr. Stagg and the members of the Executive Committee that perhaps they were in a better position to begin deliberating their work. The purpose of the Suspension of the Rules for considering the report at this time as to allow us to expedite the enrolling of the bill so that we can begin considering, tomorrow, if it is the wish of this body, to deliberate the article on the executive branch. Now if we don't suspend the rules today, then tomorrow we would consider the report, the report would lie over until tomorrow. Tomorrow we would consider the report, then we wouldn't be able to do anything tomorrow because the, unless we suspended the rules tomorrow. We need to adopt the technical or do whatever we are going to do with the technical amendments that were put on or suggested by the committees this morning so that the bill or the resolution can be properly enrolled over the night and placed on your desk so that we can, if you desire, begin deliberating this tomorrow. Now that's the purpose of the Suspension of the Rules.

Miss Zervinn And what would the procedure be tomorrow morning?

Mr. Henry The procedure tomorrow would begin to discuss the article on the executive branch of government.

[Motion to suspend rules adopted: 80-18.]

Point of Information

Mr. Jenkins A point of information, Mr. Chairman. I am a little bit concerned. I spent the whole weekend preparing for the legislative article and now I find out that they have to take it to the Executive Department tomorrow. I'm concerned. How do we know what to depend on when we get these general instructions about what we are going to discuss next?

Mr. Henry Well, Mr. Jenkins, in view of the circumstances I know that you must be frustrated, and I certainly share your frustration at this particular point. I think once we get into the workings of this convention and get through with all of the confusion that we are having to go through insofar as complying with the rules, that we will be able to anticipate what we are going to consider and when we are going to consider it, but we have got to get through with all of this business that we are going through with right now and get down to work and that's the direction that I hope we are beginning to move toward.

[Committee Report read.]

Mr. Henry Mr. Stagg, I think that you would do well to come explain the committee's amendments.

Explanation

Mr. Stagg Mr. Chairman and delegates of the convention, at its meeting this morning, the Committee on the Executive Department considered Committee Proposal No. 4, which you will find in your binder on your desk, and I would sincerely request that each of you now refer to the printed version of the bill CC1054, Committee Proposal No. 4.

All of the amendments that we took up this morning were in the nature of technical amendments. These amendments will be printed into the committee proposal tonight and a clean copy containing these amendments will be at your desk in the morning. We did not, we did not at our meeting today, complete consideration of the last three pages of our report and the Committee on the Executive Department is meeting at 9 o'clock in the morning for the purpose of the last three pages of our report.

Amendment No. 1 on page 1, line 14 in order to be stylistically correct, the word department was changed [...]

Point of Order

Mr. Perez I know that we are going very far afield in these matters when the delegates' rules strictly provide that we are to be provided with a copy of the amendments on our desk before we move. I did not rise earlier, but in my judgment we are beginning to steamroll something which should not be steamrolled. This is a matter which should have our serious deliberation. We came here prepared to go into the legislative matter, now we are being given the matter on the Executive Department, now we are being told that we are going to have an amendment without us even seeing the amendments and we are told they are technical and my point of order is that I call upon the Chairman or the party proposing the amendments to provide us with those amendments before we proceed. To put them on our desk.

Mr. Henry Mr. Perez, the rules provide that in case of floor amendments, the delegates are required to have copies of the floor amendments placed on their desk. The amendments which Mr. Stagg are explaining now are amendments recommended by the committee. There is no rule that those amendments be placed on the desk of the members. The amendments are, they are all and completely technical in nature, and we can go ahead and let them lie over and we can have them printed and we can put them on your desk tomorrow, if that's what the delegates want. It makes no difference to me. It makes no difference to me at all, but I think it's rather foolish for us to come here today and work about five more minutes so that we can come in tomorrow and work about five more minutes and then go home. Now, we are complying with the rules after the rules were suspended to advance the committee report, so that we could consider that. We are complying strictly with the rules at this point, Mr. Perez.

Mr. Perez I ask what rule it is that you refer to that says [...]

Mr. Henry It is the absence of the rule as a matter of fact. There is no rule that committee amendments must be placed on members' desks.

Personal Privilege

Mr. Blair Mr. Chairman, we could have done the same thing, but we chose to wait and get all of our amendments, get them printed and all so everyone would see what we have decided on, and my point is this, I think we would start this convention much, much better if we had these things before us and it would only take one day to do it. We recessed in our committee at the present time to go back and consider other amendments, but when we come with ours on the floor, we want you to see everything that's in it.

Point of Information

Mr. Flory Wouldn't it be advisable, even in the absence of a rule to take the amendments that have been reported by the committee, recess for five minutes to allow for the xeroxing of those amendments so that each delegate could have a copy to follow those amendments along with the printed bill to be sure that they are only technical in nature.

Mr. Henry Mr. Flory, I personally think that your point is well taken. Inasmuch as the members' desk, and of course the bill, the amendments have not been adopted and the bill certainly hasn't been enrolled, so if there is no objection, we will take a 20 minute recess and I will ask the Clerk to xerox these committee amendments so that the members might have them on their desk.

Recess

[Lullam Call: 108 members present and 1498 present.]

Notice

Mr. Stagg Mr. Chairman, inasmuch as the Committee on the Executive Department was not able to get to the provisions in its hearing this morning on the

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subjects of Oual Office Holding, Reorganization and Impachments and, inasmuch as if this bill is on the floor today for amendment it is out of the hands of the committee under the rules and it is on behalf of the Committee on the Executive Department that I ask the convention and I so move that the bill on the Executive Department be recommitted to the Committee for further action.

Mr. Henry Now, in that connection inasmuch as there has been some concern and I think, rightfully so, the fact that many of the delegates spent their time in the last few days studying the article on Legislative Powers and Procedure that perhaps we would do well to take that article up first. Therefore, if this motion passes what will be suggested to you by me, is that the Legislative Committee which plans to meet upon adjournment this afternoon meet this afternoon into the night and tomorrow to bring to us its committee report tomorrow afternoon. That committee at that time will ask you, although you will be supplied with a copy on your desk of their amendments, to suspend the rules in order that we might advance the article and begin considering it on Friday morning. This will give us a full day of committee hearings for all committees tomorrow. It will not cause us to lose any time insofar as the full convention is concerned because we can begin meeting early on Friday morning. And that's the purpose and the intent I think of Mr. Stagg's motion.

[Motion to recommit adopted without objection.]

Point of Information

Mr. Lambert I would like to know and maybe I should know, but I don't what are the rules regulating the dissemination of various materials to the desks of each delegate. I have about four or five things that have been dropped on my desk recently—who authorizes I'd just like to know.

Mr. Henry Senator there's no rule authorizing it nor is there a rule prohibiting it to my knowledge.

Mr. Lambert In other words, anyone can put anything on the floor--

Mr. Henry That might be something worthy of the consideration of the Committee on Rules--

Mr. Lambert It concerns me a little bit because I just would like to know who put it there. You know if--cause I don't know it confuses me somewhat--I'd just like to know if it's going to be passed out maybe--its further

Mr. Henry And apparently xeroxed at the state's cost.

Mr. Lambert Well, that's what I'd like to know. I mean I don't know who handed--

Mr. Henry I have [...] inquiry into the same question about the same matter and going to discuss it with Delegate Stovall the possibility of some action taken along those lines.

Mr. Lambert Thank you.

INTRODUCTION OF PROPOSALS

[1 *J. Journal* 142]

RESOLUTIONS ON SECOND READING AND REFERRAL

[1 *J. Journal*, 142-41]

PROPOSALS ON SECOND READING AND REFERRAL

[1 *J. Journal* 143]

Personal Privilege

Mr. Newton Mr. Chairman, I am very much concerned about these things that are being passed out. If these things are being printed at the constitutional

convention's expense I think we've got about a hundred dollars worth of this stuff passed out already. Considering the printing cost and the time of these girls to do it and come around here and pass it around and I strongly recommend that the Rules Committee get together and put a stop to it.

Mr. Henry Delegate Stovall has just advised me that the Rules Committee is going to take this under consideration immediately.

Personal Privilege

Mr. Rayburn Mr. Chairman, I'd just like to make the point that I did ask the page who she worked for and she said she worked for us and I asked her where this material was printed and she says in our office, so I don't know maybe that's all we've got to do.

Mr. Henry If it was printed, it was printed at the request of some delegate. I agree with you that it is quite expensive and quite unnecessary, but again, there is nothing to prevent it--nothing that approves of it and Mr. Stovall is going to make some recommendation here I think just momentarily.

Motion

Mr. Stovall Members of the convention I make a motion that the staff be enjoined to abstain from printing or distributing this material until the Rules Committee can act on it and give the staff and the convention some guidance concerning the matter.

Questions

Mr. Brown Does this motion mean--Mr. Stovall--Reverend--any material? Like if I've got something that I happen to have printed back home can I have it passed out--cause I want to do so.

Mr. Stovall This would restrict the passing out of material until the Rules Committee can act upon the matter.

Mr. Brown Any material? [...] Rev. why can't you limit this to this material--material printed on the machines here. I think that's the point--everyone is concerned about isn't it?

Mr. Stovall This would exclude materials which tends to propagandize it would not include official documents which need to be distributed to the delegates.

Mr. Brown I was going to say anything--what if I want to send something out here I think you all are going to meet pretty quick but--can't we limit it to what is printed on the machine of the convention.

Mr. Chehardy I want to particularly object to all this material of the Times Picayune being photographed and distributed around.

Mr. O'Neill Mr. Stovall, your motion goes to an excess as usual. I would suggest that perhaps our staff be required simply to put the name of the delegate who asked that such printed material be passed out.

Now I had an editorial passed out the other day which I thought was germane to the discussion, and I'm not ashamed to say that I had it passed out. So, perhaps instructions to the staff that the delegates name be required on all material passed out would be more in keeping with what this convention feels like doing.

Mr. Stovall Mr. O'Neill, the motion is that the staff be restricted on matters of this kind until the Rules Committee can act accordingly.

Point of Information

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Mr. Flory Mr. Chairman, I just rise as a point of information to ask a question to Reverend Stovall in the purpose of his motion. I think he'd intend to prohibit the distribution of this kind of material, but I certainly don't want him to preclude the staff from xeroxing copies of proposals or things that might be proposed by a delegate or something to that effect. I think we could take care of this without all this hullabaloo between now and tomorrow.

Mr. Henry I think your point is well taken and I think we can instruct the xerox people on the manner in which it could be taken care of until such time as the Rules Committee adopted any rule it needed to adopt, but we've got the motion before us, and Senator Rayburn, you are recognized.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I don't know if you know how costly printing is or not. We have been told in the Legislature that a simple resolution, one page long, costs approximately three hundred dollars. Now I certainly want every delegate to have all the material he or she might want printed or xeroxed pertaining to some subject matter that they might be interested in. But I don't think we can afford to let anybody come in here and print anything they want to and have the pages distributed on our desk and have the staff to take the time of producing it for them, and I think the motion is most timely and I think the Rules Committee should adopt some procedure as to how this will be handled in the past because this can be real expensive. And when they go to tallying up how much we cost for being down here, I don't want none of this by my name.

Question

Mr. Burns Mr. Rayburn, under the authority supposedly just because you are a delegate as Mr. O'Neill suggested just now, do you think that carries with it the right for a delegate to bring here and have articles from newspapers reproduced and spread over the desk of the delegates?

Mr. Rayburn Well, Mr. Burns, I'm a member of the old school and I guess it might be right with some of these good government guys but we can't do this in the legislature and get by with it. Now this might be a good government move. I don't know. But it's one I've never enjoyed in twenty-four years in public office.

Further Discussion

Mr. Landrum Mr. Chairman, I fail to see what is so obnoxious about the editorials from throughout the state. I think it should be rather helpful to delegates more than detrimental. Certainly it may be costly. But after all, we are supposed to be doing a job here and all the information we can get our hands on would be helpful. And I certainly welcome these editorials.

Further Discussion

Mr. Fontenot I like editorials, also. But I don't like editorials to be put on our desk at the state's expense. I'm in favor that this motion--I think we ought to get on and let the Rules Committee come up with a suggestion. I therefore move the previous question.

[Previous question ordered: 73-17, Motion adj. ptd.: 105-15.]

Point of Information

Mr. LeBleu Mr. Chairman, I just wondered if procedure that we are following is maybe not going to waste a lot of our time. As I understand it, each delegate would have an opportunity to offer any proposal as a floor amendment. If we take these pro-

posals and refer them to a committee hearing, even if their committee rejects them, that delegate must still have the opportunity to present that proposal as a floor amendment and I just wonder if we are not duplicating some of our efforts and maybe save a little time if we have the Rules Committee consider dispensing of the hearing of these proposals in committee and hear them as a committee as a whole.

Mr. Henry Mr. LeBleu, until such time as we were to change the rules of procedure of the convention we are going to have to proceed in this manner. Of course, any resolution to the contrary would certainly be given due consideration, I'm certain. But we are locked in by the rules to this point.

Announcements [*J* Journal 143-144]

[Adjournment to 4:00 o'clock p.m.,
Thursday, July 12, 1973.]

13th Days Proceedings—July 12, 1973

Thursday, July 12, 1973

ROLL CALL

[113 delegates present and a quorum.]

PRAYER

Mr. Abraham Direct us, oh Lord, in these our doings and may all our works and all our efforts be toward Thine end. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF JOURNAL

REPORTS OF COMMITTEES

[2 Journal 145]

INTRODUCTION OF PROPOSALS

[7 Journal 147]

PROPOSALS ON SECOND READING AND REFERRAL

[7 Journal 147]

Point of Information

Mr. Conroy I have point of information and procedure. In each of the committees, as we consider parts of the constitution, I understand we will do with the proposal tomorrow, we had before us on committees the provisions of the present constitution and ultimately, when we were finished the work of the committee, the committee had not only a proposal but also a schedule of what happened to the present provisions in the constitution. As I gather, tomorrow we will begin final consideration of the Legislative Committee proposal and I wonder whether the delegates will have available to them, this same sort of data and information. Will we be able to see what is in the present constitution and will we be able to see what has happened to those provisions other than what is in the proposal itself?

Mr. Henry I am trying to find out myself whether that information is going to be available.

There have been no plans to my knowledge, Mr. Conroy, to provide that information at this time. I think we could request that the staff provide us with basically the same information that the committees have had in their considerations, if that would...

Mr. Conroy I assume it would take a while for the committees...

Mr. Henry Excuse me, Mr. Poynter says that it was reported in the Journal. That all of that information which was contained in your report, is contained in the Journal which you received. Perhaps that would suffice insofar as the information that you are concerned with.

Mr. Conroy No, that is not the information I am concerned with. The information I am concerned with is, are the actual copies of the present constitution, the material in the present constitution which were considered by the Legislative Powers Committee and whether we would be able to see what changes are being made, how they would work out, and what disposition was made of those sections.

Mr. Henry No provision has been made for supplying that information insofar as each delegate is concerned, Mr. Conroy.

Mr. Conroy Well, I don't recall that any motion was made for the committees, themselves, to be provided with this information, and I would hope that the staff could provide it, because I don't see...

Mr. Henry We will attempt to provide it. I don't know what the mechanics of it are going to be, but we will attempt to have that information on your desk in the morning, Sir.

Mr. Conroy Thank you.

Announcements

[2 Journal 147-148]

[Motion to revert to Introduction of Proposals adopted without objection.]

INTRODUCTION OF PROPOSALS

[7 Journal 147]

[Adjournment to 9:30 a.m., Friday, (1973) July 13, 1973.]

14th Days Proceedings—July 13, 1973

Friday, July 13, 1973

ROLL CALL

[117 delegates present and a quorum.]

PRAYER

Mr. Kilpatrick Our gracious Heavenly Father, we are thankful for this day and the many blessings of life. We are thankful for these people who are assembled here together. Give us the strength, oh Lord, that the things that we do here today may be pleasing unto Thy sight. These things we ask in Christ's name, Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS

[*J Journal 149*]

REPORTS OF COMMITTEES

[*J Journal 149*]

PROPOSALS ON SECOND READING AND REFERRAL

[*J Journal 150*]

Mr. Poynter Delegate proposal No. 7 by Delegate Burns, a proposal making provisions for gambling, features on agricultural products and lotteries and necessary provisions with respect thereto.

Mr. Henry Should be referred to Committee on Revenue, Finance and Taxation. Under the rules.

Is there objection?

You object, Delegate Stovall? And what is your motion, then? Come to the mike, please sir.

Motion

Mr. Stovall It would seem to me, Mr. Chairman, that that should be referred to Education and Welfare.

Mr. Henry Well, certainly you can make that motion if you want to make that motion, but under the rules, now this is to prohibit lottery and it doesn't say what, and I'm sure a fellow could get an education if he bought a lottery ticket and it didn't pay off. But I don't see any way in the world, of course you have the opportunity to make that motion. But I want to clarify the reason that I referred it to the committee.

Why do you rise, Senator Rayburn?

The motion is to refer it to Education.

Point of Information

Mr. Rayburn I understand one committee has already heard this proposal. If they have, I would just suggest that it go back from whence it came.

Mr. Henry Well, I'm not sure, Senator, which committee has heard it and you might elaborate a little if you have because all I'm trying to...

Mr. Rayburn Legislative committee headed by Senator Blair has heard this proposal already.

[*Substitute motion to refer to the Legislative Committee.*]

Further Discussion

Mr. Burns Mr. Chairman, as the introducer of that proposal, I already know it has been through... has been discussed by the Legislative Committee and I certainly object to going back to there. I prefer that it go to the Judiciary Committee, but if it is the ruling of the chair that it goes to the Committee on Revenue and Taxation, that is acceptable to me. But I'd certainly object to it going back to the one that's already discussed it, and I understood that they had a tie vote. That's just a ...

[*Previous Question ordered.*]

[*Substitute motion to refer to the Legislative Committee.*]

REPORTS OF COMMITTEES LYING OVER

[*J Journal 150-15*]

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee proposal No. 3, introduced by Delegate Blair, Chairman on behalf of the Committee on Legislative Powers and Functions and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill. A proposal making provision for the Legislative Branch of government, impeachment and removal of officials and necessary provisions with respect, thereto.

Reading of the Section

Mr. Poynter Section 1. A. The legislative power of the state is vested in a legislature consisting of a Senate and House of Representatives.

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

Explanation

Mr. Fayard Mr. Chairman and fellow delegates, I'd like to take this by section, by subsection, that is.

Section 1. Subsection 4. Legislature power of the state is vested in a legislature consisting of a Senate and a House of Representatives which is substantially the same as the Constitution is today. It vests the legislative power of the state in two bodies one entitled Senate, the other House of Representatives, as distinguished between the form of government of having only one legislative body. And if it is in order, I would like to request that any questions that any delegate may have on this subsection be asked at this time before we get into Subsection B.

Amendment

Mr. Poynter Amendments proposed by Delegate Conroy, Landrum, Newton, Schmitt and Zervigon.

The Committee Proposal No. 3, by Delegate Blair and others amending the reprinted proposal as re-engrossed as follows.

Amendment No. 1 on page 1, line 16, after the word, quote, "Senate", delete the remainder of the line and delete line 17 in its entirety and insert in lieu, thereof, the following, quote, "composed of one Senator elected from each senatorial district and a House of Representatives composed of one representative elected from each representative district."

Explanation

Mr. Conroy The purpose of this amendment is to provide for single-member, Senatorial and House of Representatives districts. Throughout this Constitutional Convention, we will be faced with decisions to make about increasing the functions and powers of the legislature. I think that we start off then in an appropriate point to determine how that legislature is to be elected. I lived in a single member district for a while, and then found that as the population increased we got additional representatives and they were elected parish-wide. I think that at one point Jefferson Parish had four parish-wide elected representatives. I don't believe that you have a direct voice into the legislature if you have to go to four people to represent you. I don't have a voice only if you can go to one person and say you are my representative. And this is what I want, and this is what I believe, and I think that if we are to have a truly responsible legislature, then we should have single-member districts, and assure that we have single-member districts in the constitution so that when we send this constitution to the people and ask them to vote on this constitution, we will at least have assured them that they will have a continuing voice in government through the single-member district.

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Questions

Mr. Abraham Mr. Conroy, I am not in disagreement with what your amendment, but would'n't this be handled better in the article dealing with elections?

Mr. Conroy I think that one will be proposed in the article dealing with elections that would deal with all public bodies. However, I don't want to run the risk of getting to that point and then finding that there is some quarrel as to whether it should apply only to the House of Representatives, only to the Senate, rather than to local governing entities. So that at this point I want to make sure that at least we have the legislature elected by single-member districts.

Mr. De Blieux Mr. Conroy, what I am thinking of is that at the present time, and I might preface my question with this statement so you'd know where I stand, that I was one of those members who supported a single-member district in our legislature before the court decreed us to introduce legislation to that effect. So you know that I am in favor of the single-member district and I would not want to abolish them as they are now constituted.

But, don't you realize that we might come to a situation, maybe some ten or fifteen years from now when it might be desirable to have a multiple district because of the make-up and composition of the vote at that particular time?

Now if we insert this particular provision in the constitution, don't you realize that we would not be able to do that?

Mr. Conroy I think that the single-member district is so important that if you are going to deny people in an area the right to have a single representative that you should submit that to those people. So I would intend not to delegate the authority of the legislators throughout the state to have the right to change the representation from another area of the state. The way this article is written, the legislature would have the right to decide that in one particular area there would be a multi-member district without the vote of the people in that district, without any voice whatsoever from the people in that particular area.

Mr. LeBlau Mr. Conroy, no mention is made as to the number of seats in the House or the number of seats in the Senate which would reflect the number of districts. I just wondered if this was considered in some other section.

Mr. Conroy Yes, it is.

Mr. Roy Mr. Conroy, hasn't the Supreme Court of the United States recently allowed much, much wider latitude in the percentage of vote difference and said that on Senatorial Districts you could go by old, established lines and would your amendment necessarily preclude the legislature from re-establishing Senatorial Districts on more the parish, maybe, boundary line as opposed to single member districts.

Mr. Conroy Mine was to have single-member districts. If a parish is large enough to have several senators or more than one senator, then they can be divided up within that parish. But I don't think that we should look to the Federal Courts, the United States Supreme Court or U.S. District Court for guidance or determination as to how we think that the legislature should be composed. And I think that the single-member district is desirable and I don't think we should wait on the court to decide whether it is or isn't in any particular instance.

Mr. Roy Well, I don't necessarily agree with that, but the question is, isn't it a matter of fact that for years before we did arrange Senatorial Districts on some type of geographical boundary and does your amendment preclude that from occurring, notwithstanding the Supreme Court has lately said it will tol-

erate that.

Mr. Conroy It would not preclude using geographical boundaries. It would preclude electing more than one senator from the same district. Yes, it would preclude that.

Mrs. Taylor Mr. Delegate Conroy, wouldn't you also say that with single member districts, legislators would be more accountable to their constituents based on the fact that in multi-member districts where there are two or three persons representing one geographical area, it's very difficult to tie one individual down to responsibility.

Mr. Conroy Definitely.

Mrs. Taylor Thank you.

Mr. Juneau Mr. Conroy, I agree that the concept in this year, 1973, is a good concept. But aren't you, by your amendment mandating to the people in year 1980 and year 2000 how they should elect their legislator?

Mr. Conroy I am saying, that before you change from single-member districts, you go back to the people and ask them, do they want to change it? That's what I'm saying. If it's sufficiently desirable to change it, you won't have any trouble getting it changed. But I think that it's sufficiently important to have a responsive legislature that you assure the people in the constitution that they have a responsive legislature.

Now...

Mr. Juneau In other words, you would require a Constitutional amendment. That would be your intent?

Mr. Conroy Yes, so that the people would have a chance to decide whether they wanted to be represented in some other fashion. That's absolutely correct.

Mr. Kean Mr. Conroy, I'm a little confused about your reference to the senatorial district and each representative district. Do you intend to offer a further amendment which is going to define those particular districts? Or is it something you leave to the legislature?

Mr. Conroy They are already...the provisions on those are elsewhere in the article as proposed by the Legislative Powers Committee.

Mr. Kean This provision contains the specific delineation of the district.

Mr. Conroy Not a specific...it lets the legislature decide where the districts will be. But this simply requires that each district will have one representative or one senator. But the legislature could draw the lines.

Mr. Kean Under your proposal, the legislature, through the establishment of senatorial districts and representative districts could completely abandon parish lines as they presently do.

Mr. Conroy I don't recall how that part of the proposal by the Legislative Parish [Powers] Committee reads. But that is not before us now. This is just simply a question of whether there will be one representative and one senator from each district.

Mr. Lambert Mr. Conroy, I would like to ask you this. You may have answered it. Maybe I missed it.

Basically, what you are doing here with this amendment is more or less adopting a general concept, am I not correct, of the single-member district planing it in the constitution, you are not fixing the lines as they stand at this time, but you are leaving that authority to future legislatures to set up the single-member district, but you are just proposing the general concept be put

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in the constitution that you have a single-member district. Is that right?

Mr. Conroy That is correct.

Mr. Lambert Thank you.

Further Discussion

Mr. Casey Mr. Chairman and members of the convention, the Committee on the Legislature on many occasions discussed the subject matter of single-member districts. And on about three or four occasions, cast votes on this subject matter. And much discussion was held in committee on single-member districts.

As a member of that committee, individually I opposed the move to require the legislature to serve in single-member districts largely from the viewpoint of maintaining in our constitution for the future, the versatility and flexibility that a real working constitution ought to have. Now many of the arguments for single-member districts are certainly valid. And I would venture a guess at this time that the members of the legislature, individually, had no desire or wish to return to the multi-member districts. I have served myself under both systems. I have served in a two-member district and I am now serving in a single-member district. I had no great difficulty serving in a two-member district. However, my preference, individually at this time, I am very well satisfied. With my district, it's the method of a system that is certainly operating very well.

The main argument against that I wish to advance at this time is the future. I do believe that a good constitution, and one advanced in this argument in the committee meetings on the legislature, and I guess I'm a bug on the subject matter because I have attempted in every section that we are going to consider to as far as possible, require that many things be provided by law rather than here in the convention legislating and detailing and itemizing each and every facet pertaining to the legislature.

And that's my main argument: That for the future, in 1980 or the year 2000, it is possible that in some few circumstances, in some areas of the state, multi-member districts may be desirable for the benefit of the people serving in those areas. You have areas that are split geographically that I could envision may be best served by two people—two representatives or two senators.

So gentlemen, I would urge you to defeat the amendment, to maintain the flexibility that the present provision allows.

Questions

Mr. Derbes I understand your position, but it seems to me that the argument for dual member districts would be primarily in the nature of political compromises to existing public officials rather than to promote disclosure and full accountability to the public. In other words, I can't imagine why, if you somehow determine that any given area requires representation by two rather than one, that you simply don't redraw the district boundaries and have two districts rather than one district.

Mr. Casey Far be it from me to discount the thought that at some time in the future there could be some political compromise, and I would venture to say that before this convention is over, there'll be many political compromises made here before the next six months ends. But that's a part of the democratic process and I have no argument with that, and I think it's a great, wonderful system. And if compromise in the future dictates that possibly in some individual circumstances a two member district may be deemed best, I have no doubt that we offer it for the purpose of political compromise. My purpose is that for the purpose of the best interest of people in a certain area, I would suggest that it should be available, if necessary. So I don't discount your argument, it could happen.

Mr. Derbes My point is that that type of decision to change a single-member district to a multi-member district would invariably be made to protect the vested political interests of people in government rather than to promote the accountability of public officials to the public. That's my point.

Mr. Casey I think you're making an assumption which could or could not be true and you are precluding a situation, the facts and circumstances we have no idea of at this time. There are many situations that will be offered in this constitution which will offer in the future, political compromise by public officials. I don't condone necessarily that thought, but it still could happen. My main point is, let's stay flexible and let's stay versatile and I think this vote on this subject matter is important because I feel very strongly that throughout this constitution, we should offer to the people a real working, flexible, versatile document, and I think this is a good vote to see how the convention is going to go.

Further Discussion

Mr. Landrum Fellow delegates, somehow my name got to be co-author rather than the author. This particular amendment, I put it before the committee twice and now I appear to be wrong. Well I need your help now. I disagree very much with Mr. Casey. Whether for today or years to come, when you force a person to vote for more than one person against their will, then it's wrong. I believe that if an individual wants to vote for me, then he should not have to be compelled to vote for someone else. Dr, we'll turn it around. If someone wants to vote for anybody else then he should not be compelled to vote for me, and that's what happened with this multi concept when you have more than one person. Now I have been a victim of it. I ran for office once and I got in a run-off and in that run-off I was the only black in the run-off with three white opponents. No white opponent wanted to support me, fearing of losing white support. Yet, black people who would vote for me or white people who would vote for me, only that vote didn't count. Now I don't see how we can justify that type of thing. You are forcing people to vote for somebody that they don't really want to vote for. I believe that if we would allow an individual to vote for me or against me, that's that individual prerogative to vote either way he so desires, and that's the way I think we should try to keep it that way, and really this is what I believe is the true errors about why some people have objection about it. It gives people a chance, it gives black a chance to have better representation. It gives females a chance to have better representation. It gives young people a chance to have better representation, and this is what our government is all about. It is that the people would be better represented. For this reason I urge you to support this amendment.

Further Discussion

Mr. De Bieux Mr. Chairman, and ladies and gentlemen of the convention, my statement is identically the same as that made by Delegate Casey. I think that you ought to allow some flexibility. I certainly do not want to change a single-member district at this time. I can't see any need for changing them, I like the way it's set up, but however I don't think we ought to tie this down in the constitution to where if our government is all ever arise we can't do it. I can visualize some situations in which it might be desirable to have one or more multiple districts, and if you put this into the constitution, it would prohibit that from being done without an amendment of the constitution and I certainly think you ought to leave it flexible so that we could change it if the situation would change it. I don't want to change it now, but let's let the Legislature have the prerogative to do it if it becomes necessary to do it in order to get proper representation in Legislature.

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Questions

Mrs. Warren Senator De Blieux, if I'm quoting you, you said situations or more that would arise. Can you see any of those situations arising right now? You say you could see it and I would like for you to explain what you see. If you see now, right now, where we are going to need to go back to the multiple districts then tell us about it. That's all.

Mr. De Blieux One situation where you can have that is an increase in population to a certain extent to where that there would be most difficult to make a division in that district for a single-member district. I can recognize that that might be a possibility, particularly whenever you have got, you might say natural boundaries to an extent that would prohibit you from having a single-member district that would be fairly representative, where that the portion of a district would lie on two sides of a river, or something like that. Where that one side would have a lot more population than that of the other side, I can also realize that it might be a situation which you might want to polarize a particular area so that the people in that particular district would be, have no, you might say, real voice in the elective body after they are elected from that district. I can see those situations which you might want to change it a little bit for that, to give them a little bit more influence in voicing the Legislature. I can visualize several instances which it might be desirable to have a multiple district or two or three, but I certainly am in favor of the single-member districts at this time and I want to keep it that way until the need arises for changing it.

Mr. Alexander Senator De Blieux, is it not a fact that under the basic concept of reapportionment, that if that mythical district to which you refer increases in size, that the reapportionment will be based on the total population of the state, and not that single district. Is that not a fact? And secondly, are you trying to do something that in the event the courts ever say that you can go back to multiple districts they would be in a position to do it? Is that what you're trying to do?

Mr. De Blieux No. No. Not necessarily because I'm definitely, Reverend Alexander, I'm definitely in favor of the single-member districts as presently constituted, and I can't say that I see any need at the present time for changes regardless of what the Supreme Court may say. But, based upon our particular situation here in our state, if we should ever want to create a multi-member district, I think we ought to have the privilege of doing so.

Mr. Alexander Now the first question on reapportionment. Isn't it not a state wide thing and not based on one district? Only the boundaries of that larger district would be retracted and drawn in and it may become two districts or one and one-half or one and one-tenth. Isn't that a fact?

Mr. De Blieux That could be, but when you start changing lines and you are changing voters and so forth, you do upset the political climate to a large extent and I like to be in a position to minimize that as much as we possibly can.

Mr. LeBlieu Senator De Blieux, since the Congress has one House apportioned on population, the other House apportioned on factors other than population, would you give the reason why the court says that the two Houses of the Louisiana Legislature must reapportion on single-member districts rather than pattern after the Federal Congress.

Mr. De Blieux Yes, I think I can Delegate LeBlieu. The, when the states formed the Constitution of the United States, they also put in the provision that each state shall be guaranteed a republican form of government. Now that is not the Republican Party, but the representative form. And as a result

of that provision in, I think it's Article 6 of the Constitution, it means that the state shall have a representative form of government and if they are going to be represented, then it must be equal representation. Otherwise they would be in violation of the 14th Amendment to the Constitution.

Further Discussion

Mr. Newton In view of the number of speakers yet to come, I'll try to be very brief. I have voted consistently for as much flexibility in this constitution as I think we can possibly get, and I think we ought to have a lot of flexibility in the Legislature. I have a proposed amendment to the next section coming up here which would provide maximum flexibility. However, I believe there are many reasons which override the question of flexibility in this question of single-member districts. I just want to point out two of them. Where you have a single-member district, there's no buck passing. That Representative or that Senator represents you, and he can't say well I got to get out of here so and so and so and see how they're going to go and then you never hear from him. You either get an answer or you don't get an answer, and you know how he stands or whether he has a stand or not and you can determine that very quickly. I'd like to make one other point. This is possibly the only place in this constitution that we can do anything to solve one of the horrible problems that we have had in this state, and that is the problem of the amount of campaign spending. Where you are running in a small, compact single-member district it is definitely less expensive and you know what that means, I hope it means better government for the people of the state of Louisiana. Thank you.

Further Discussion

Mr. A. Jackson Mr. Chairman, fellow members of this convention, I rise in support of this amendment and I do so because I believe it is in the interest of the people of this state that we maintain the concept of single-member districts in this constitution. That we place it in the constitution that we will submit to the people of this state. Now I am all for flexibility. I believe in it, I think it is a concept that we ought to remember and one that ought to guide us, but when we talk about the important branch of government that is before us this morning, we are really talking about that branch of government that is an extension of the people. This is the way that people are heard. This is the way that the feelings and the desires and the wills of individuals get to Baton Rouge by way of the members of the Legislature. Now I think that the only justification for government is the fact that it ought to serve people, and it ought to serve people well. I think there is no question that single-member districts enable government to serve people better, and therefore I think that it is important as a concept, to place it in the constitution that we will submit to the individuals of this state. Now I also believe that single-member districts are important because it helps to democratize the legislature, and I think that all we want to remove all of the incumbencies of the past that have failed to enable the Legislature to represent the individuals and to reflect the will of the people back home across this state. I think people are better represented because we have single-member districts. Somebody has suggested that there might be when we were talking about this, that we have multi-member districts. I cannot envision Louisiana taking such a giant step backward, and I believe that the concept of multi-member districts would be a giant step backward, and I would urge the members of this convention to vote against any backward step and to vote to approve this amendment because it democratizes the government of this state and it enables government to serve the people of this state in the fashion that it has not been able to do so. I urge the adoption of this amendment.

Further Discussion

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Mr. McDaniel Fellow delegates, I also rise to support this amendment. As one of the representatives from a dwindling minority in this state, and that's the rural areas, I think here you are looking at a fundamental policy question that we are going to determine early. Are we going to look at this constitution as a protection for the people or the flexibility of the document? Now I wouldn't attempt to debate with a lot of you people with your legal training, but I think that this is a fundamental thing as I see it. I think you are looking here at this thing that's been alluded to of accountability. You take in an area such as mine and the trends and population. This thing of size of area or two or more people from a district. Your size gets to be such a problem. We've seen in the past and what has happened when large rural areas are thrown in with relatively small urban areas. We sometimes see both of our representatives, neighbors within a block, and then vast areas that are left out. I think when you've got one Senator or one Representative, that you can put the finger on him. I think you are more accountable or you can make him more accountable to the people he represents. And this is actually all that I ask. I believe with this provision, we can keep this thing more responsive to the area that the person is representing. I urge approval of this amendment.

Further Discussion

Mr. Juneau Mr. Chairman, and fellow delegates, I will make my remarks very brief. I want to state to you the issue is not whether or not you favor single-member districts. Before the Legislative Committee, as I recall, I think there was a unanimous feeling that we all favored single-member districts. That's not the question. What we are talking about is whether or not the test that you want to put in today is going to be the division of the future. I think this is a good indication of what we are going to encounter for the next six months. Are we going to write a viable, flexible document, or are we going to start getting into locking in specific provisions. It seems to me that it is a little bit hard and presumptive in 1973 to predict what the population and status of this state will be in year 2000. As you know, we are now dealing in the areas of condominiums, apartment complexes, high rise apartments. I guess you could get into the situation where conceivably you could divide an apartment on the sixth floor. Everybody on the sixth floor belongs to district 43, everybody below is 44. The point is it's presumptive, I feel at this time, to project into the future what may be, and I think it's bad and it would be an erroneous argument to say that if we don't like it in year 2000, it can come back for constitutional amendment. The one mandate we have, is to write a document that we don't have to go back every five, six, ten or fifteen years and get an amendment, and for that reason I oppose the amendment as introduced. Thank you.

Further Discussion

Mr. Burson Fellow delegates, I speak in support of the amendment which is offered. The issue is not whether we favor single-member districts. The issue as it is in the whole question of reapportionment, one of equal protection of the laws under the 14th Amendment of the United States Constitution. Single-member districts do a number of things. They greatly reduce the opportunities for gerrymandering in a reapportionment, and if we put this amendment in the constitution, we will constitutionally decrease the opportunities for gerrymandering significantly. This will guarantee that in the future when we reapportion, that those who come from rural or sparsely settled areas, whether the piney woods of north Louisiana or from the prairie area that I represent, we'll know that they will have at least one Senator or at least one Representative to represent them. The sparsely settled rural areas of this state have suffered more than any one else because of reapportionment. Now I agree with reapportion-

ment. I think it is fair and I think it's just, but we've got some large districts such as the one I represent. It's 45 miles from end to the other and if you do not guarantee single-member districts, I can envision, as Mr. McDaniel said, that you would have a large rural area combined with a city area and you might have a district where you had two or three Representatives or Senators all coming from a city, having no connection with the rural area but, being in the Legislature representing that rural area. I submit to you that this would be a denial of equal protection of the laws to the individuals in that rural area. I would also like to echo the sentiments that Mr. Newton had, that single-member districts, more than any other device, reduce the impact of big money on elections. They also reduce interest group influence because what you have, essentially, is a vote of people for a man who is their neighbor, and whom they know, and I urge you to vote in support of this amendment. I think it is a principle that is too important to be left to mere legislation.

Further Discussion

Mrs. Taylor Mr. Chairman, and convention delegates, I certainly rise also in support of this amendment for single-member districts. You know some of the arguments that I have been listening to this morning, are basically some of the arguments that I heard when the Legislature was called upon to reapportion. I think in '70 or '71. We are all aware of what the rural problems are in those areas who elect single-member districts. We know that when we allow multi-member districts that we cannot really tie our representatives down to their responsibilities. I know in the case in the New Orleans area there were about three state Representatives living within a range or maybe three or four blocks. It was very difficult for persons in those areas who elect single-member districts to really tie their representatives down. Some of you have mentioned flexibility of the Legislature, to create single-member districts if it was necessary. Yes, the Legislature did have the flexibility to create single-member districts, but I ask you, did they do it? The answer is no. They came up with a reapportionment plan again with multi-member districts and multi-member districts certainly does not allow minorities to be represented. And when I speak in terms of minorities, I'm not talking only of black residents, but I am talking in terms of farmers, persons who live in rural sections. Because of their population in the rural areas, they ought to have representation in the Legislature as well as those of us who are from the city. I certainly hope that you will listen very clearly to the argument, and will think in terms of moving our state forward through this new constitution by allowing representation of all people in the Legislature. I certainly urge your support in this amendment.

Further Discussion

Mr. Planchard Mr. Chairman, fellow delegates, it seems to me that this is probably one of the most important tasks we will have to determine from here on. I definitely, I can state from the beginning, I am for a single-member district. The reason is, and for it is because I come from an area which before the single-member district idea came along, we had no representation. I come from a rural area and we were overpowered by the urban area. All of the representation came from within one city of our particular parish. This is wrong. You've got to get the people involved in the political process and this is the only way to do this, and that's the very thing. I think that any of you who have noted that in running for the office that you ran for, or whether you were a Representative or a Senator or a delegate to this convention, there were many, many more people who were involved in the political process because they had an opportunity to be elected. Before this, when you did not have the single-member districts, you had to be among the favored few or you had to have unlimited resources before you began to

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run for office. This is too important now, to try to go back to the multi-member district as we had before. This is the opportunity to set it out not only for ourselves, but for the future because I feel that it is better to have it set out as far as being pliable in the constitution, it is just as pliable. There's no problem there. We're talking about anything that has to be changed, we're talking about the change in the next twenty years. Well if we can't set up an amendment process for twenty years from now, we may as well not have an amendment process at all in the constitution. I don't want to labor on this thing too much, but I want to remind you of one thing and I want to leave you with this thought, how many of you as delegates right now would be sitting where you are, if it were not for the single-member districts? And I think that this speaks for itself, and I think that this is cause enough to put it in the constitution and assure everybody of representation all over the state of Louisiana. Thank you very much.

Further Discussion

Mr. Stagg Mr. Chairman, delegates to the convention, I rise in support of the amendment. I believe that some of our constitutional safeguards ought to be locked up and not be flexible. One of the previous speakers stated that we are at a point in this convention this morning, where directions will be established. I agree. The present single-member district system has met with widespread public approval in Louisiana. This is reflected in the increasing public support of the Legislature. In this new constitution we'll have a number of opportunities to strengthen the legislative branch, which we think it badly will need, to be a co-equal branch of state government. A favorable vote on this amendment will serve to buttress public support for a stronger Legislature with powers equal to those possessed by the executive branch. I have the enthusiastic support of the amendment, and I urge you to vote in favor of it.

Further Discussion

Mr. Alario Mr. Chairman, members of the convention, I believe the Constitution should be a good amendment. I think it will set up the precedent in this state to allow a poor man to seek political office, particularly that of the Legislature. I come from a very large parish. We're proud of two single member districts. We elected six Representatives parish wide. During that election, all six were elected by the courthouse gang. All six were elected by the political machine in power at the time. Not one independent had a chance to run in the parish with 350 residents in it because he didn't have the funds to be elected to run a campaign at that magnitude. The west bank of Jefferson, prior to single-member districts, because the east bank over populated us, had the greatest number of registered voters, we never had a Representative. Single-member districts came along, we were entitled to three, shared another with Orleans Parish, shared another with Plaquemine Parish and shared another one with Lafourche Parish. Had we all had to run parish wide, no doubt in my mind, again they would have all come from one side of the river, the heaviest populated area. There are those who tell me in my parish now, that we're actually your side of the river is going to have the greatest number of population, and I don't doubt that, but I don't think it's going to be right either, for us to have them all on that side. At the time we had six Representatives representing our parish. I don't think they even knew where the city of Westwego was. When we'd ask them to help us with a project in our area, we'd ask one of them, he'd say well, I'll look into it and talk with the other six. Now with single-member districts the man that represents that area, and he's got to answer to those people of that area, and to do his job. Can you imagine what it would take in my parish now, to seek office? We have eleven Representatives. How could an independent candidate, how could one not tied into the political machines get elected? I

think this is good to put in the constitution. I think it's going to protect for the future and allow a poor man of modest means to be elected to the office of Representative or Senator.

Further Discussion

Mr. Abraham I am very much in favor of single-member districts and I have heard some of the people who are opposed to this particular amendment, state that they are worried about what may happen in the future or that they wanted this flexibility in here, but they are in favor of single-member districts. Now the reason many people are in favor of single-member districts is because you've had fifty years of multi-member districts. Everybody likes the system as it is now, and I think we ought to give another shot of fifty years of single-member districts. The thing is this, that if the people of this state are in favor of single-member districts now, and if the people of this convention are in favor of single-member districts, when the situation arises in the future, twenty, thirty or forty years from now, where it looks like it's our advantage to go to a different type of district, then I think that this should be brought to the people and let the people vote on this type of thing. Ince this is real important to the people and I am not concerned about locking this thing into the constitution. I think it should be locked in because it's a real good issue with people right now. Thank you.

Questions

Mr. De Blieux Mr. Abraham, if it was thought that a single-member district would be desirable in a certain portion, we may say like Orleans Parish, do you think the people of Shreveport or Alexandria or Baton Rouge would be knowledgeable enough to know whether or not that particular area would be better served by a multi-member district, because we would have to change the constitution to allow that if we just had one multi member district.

Mr. Abraham I would answer that in this way, that you would not leave this up to a local option, that we will not want to get back into the position we are in now where one part of the state is operating under one set of rules and another part under another set of rules. Either it's going to be single-member across the state or it's going to be multi-member across the state.

Mr. De Blieux Well, certainly you wouldn't want all multi-member districts. I can certainly see that that's not desirable, but you might have just one particular area, that it might be better served if you had more than one Representative or more than one Senator from that particular area. But in order to get that one district, under this proposal here that we have before us, we'd have to have an amendment which would have to be voted on by all the people of the state, regardless of where they may reside, and what I'm saying to you is even though that would pertain only to Orleans Parish if it was there where the district wanted to be, where we wanted to create the district. The people of Shreveport or Baton Rouge [...] Now under that situation, don't you understand that wouldn't it be necessary that the people of Orleans Parish vote on it before you could permit that particular district, even though it would only be a local matter.

Mr. Abraham I understand it, but I think that's as it should be. The people of the whole state should vote on it.

Further Discussion

Mr. Fontenot Fellow delegates, at the present time Article 3, Section 5 of our Constitution, which we were elected here to rewrite, provides for multi-parish districts. The only reason we don't have multi-parish districts at the present time, is

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because the United States Supreme Court said it violates the one man one vote requirement of the U.S. Constitution and a protection clause. I'm in favor of this amendment because it sets up a policy decision that the people in this state are going to have to live with from now on. It sets up single-member districts. Without this amendment, it doesn't necessarily require single-member districts. It gives the authority of the legislature if they wanted to try to set up multi-parish districts. I don't want to give the Legislature the power to do this. Now the U.S. Supreme Court, if the Legislature tried to do it, would probably knock it out. But I don't want to see that possibility and I don't want to see more court litigation, so I just as soon vote for the policy that we are going to live with single-member districts. I would appreciate everybody here voting for this amendment. Being from a rural area, we just cannot survive if we go back to the multi-parish district policy, and Mr. Chairman, I'm going to move the previous question unless there is a list of names so long that I might withdraw my motion. But at this time I move the previous question.

[Motion for the Previous Question withdrawn.]

Further Discussion

Mr. Champagne I'll be very brief. It's clear, it's concise, the issue here is the single-member district so strong that it is so demanding that it deserves to be locked into the constitution. I judge that it is that type of issue. I want it in the constitution and I hope you agree to this same philosophy.

Further Discussion

Mr. Chatelain Mr. Chairman, and members of the Committee, I certainly rise in support of the amendment and at this time, without further ado, I move the previous question.

[Previous Question ordered: 97-18.]

Closing

Mr. Conroy We are here to write a constitution for the people of the state of Louisiana. Not a constitution just for the Legislature of the state of Louisiana, for all the people. Many studies have been made about the problem of multi-member and single-member districts and I'm going to quote from one, it was made of Legislatures generally. It says: "The first thing a citizen must know before he can hold his Representative accountable is precisely who his Representative is, and before he can know who Representative is, he has to have one, not two or three, but one. It's the basis of my proposed amendment and I urge you to vote in favor of it."

[Record vote ordered. Amendment reread and adopted: 89-32. Motion to reconsider tabled.]

Amendment

Mr. Poynter The next amendment is sent up Delegate Alexander. The amendment is proposed by Delegate Alexander. Amendment No. 1 on page 1, delete lines 15 through 17, both inclusive in their entirety and insert in lieu thereof the following: "Section 1. The Legislature shall be composed of a single chamber consisting of one member to represent each legislative district".

Explanation

Mr. Alexander Mr. Chairman, delegates, the basic concept discussed here, of course, is the unicameral legislature. This is the first amendment and there will be many additional amendments offered to implement the whole question. Under the provisions

of the unicameral legislature, first each legislature now represents 34,000 plus persons, under this concept the combined membership of both the House and the Senate would be 144 single-member districts, reducing the constituency of each legislator from 34,000 plus to 25,000 plus. What would this do? First, it would make it possible, as has been pointed out in previous arguments here today, for people of little means, for persons who are not able to campaign extensively over wide areas, to run and be elected, because the expense of running for office would be much smaller. In addition, it would guarantee at least permit representation from many groups that are not represented in the legislature now; women, for example, and other groups, labor is another group, possibly religious groups and of course racial and ethnic groups could be represented. May I point out to you, especially those of you from rural areas of the state, that some years ago the state of Louisiana was dominated by rural areas, but the pendulum is swinging back and that condition is reversing itself. Southern, major urban areas of the state of Louisiana where the population will be concentrated, eventually will control the state, and under the dual legislative system that we have now it means that it will be almost impossible for anybody who lives in the rural section of a small parish to be elected to the legislature. I say to you by reducing the constituency of each legislator it would make representation possible to everybody. Then it would bring the legislator and the constituency closer together. It would permit the citizen to have direct access to his legislator. It would prevent buck passing. The member of the House would not be in a position to say go see your Senator and vice-versa. So I appeal to you as delegates who are elected most of you, the overwhelming number of you, from single member districts and I reiterate you would not be here, most of you, because most of you are here as I, I hope and you would not be here if you had had to run from multi-districts. Thank you, Mr. Chairman. I yield for questions.

Questions

Mr. Anzalone Mr. Alexander, how many members do you envision would be involved in this unicameral type legislature?

Mr. Alexander 144

Mr. Anzalone Where are we going to put them?

Mr. Alexander Well, you know there are some problems with everything you do. We didn't know where we were going to put this convention but we are here. Now, it would be an easy matter to extend the walls of the House and convert the Senate chamber to private offices for members of the legislature.

Mr. Anzalone Thank you, Sir.

Mr. De Blieux Rev. Alexander, do you realize how many mistakes the Senate catches that the House makes, that we had to correct their bills when we get them that way?

Mr. Alexander Well, everybody makes mistakes and, of course, I think we have made a mistake for the last fifty years with the bicameral legislature, but I have subsequent amendments and of course the legislature, through statute, could set up a system which I would propose that a bill when passed by the single legislature would lay over for 15 days, during which time committee hearings could be held all over again, everyone who is vigilant could ask questions, make amendments and the bill then would go before the unicameral legislature for the second time to be finally passed.

Further Discussion

Mr. Casey Mr. Chairman and members of the committee, the concept of a unicameral legislature was considered by the Committee on the Legislature and, as I recall, did not receive favorable consideration

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except possibly from one or two delegates, but we did discuss the concept, a memorandum was prepared by our research staff, we did interview witnesses who advanced the theory of a unicameral legislature, thoroughly discussed the subject in our committee, and it was the decision of a large majority of the members of the committee that we adhere to the principle of a bicameral legislature for some very potent reasons. As a member of the legislature, I have had occasion to observe thoroughly the legislative process and I believe the present process and the manner in which we operate at this time, and the time limits under which we operate, and the fact that we are only in session temporarily, and the fact that we have volumes of legislation and during the 1972 session of the legislature we considered approximately 3,000 pieces of legislation during a sixty day period, and apparently we are going to retain the type of limitation that we have, that we will be limited to "x" number of days in session for a certain period of time. For these types of reasons and the limitation of time, it is certainly quite important that we retain the concept of a bicameral legislature if nothing else and for no other reason other than the system of checks and balances that we now have. Under the system of a House and a Senate, as you well know, you have committee meetings in both the House and the Senate to consider the legislation, and the legislation is then considered on the floor of each chamber. Through this process you at least amend extensively, if necessary, those matters that will become law and we hope on many, many occasions, and I would hope on many more occasions that we do, that we would finally kill legislation that could be detrimental to our citizens. The theory of checks and balances is quite important because the process moves so fast and so rapidly that it is difficult for the individual legislator to honestly study and analyze each piece of legislation, so the checks and balances are quite important under the system that we have at this time. The House is the watchdog for the Senate and the Senate is the watchdog for the House, in trying to cure or kill that legislation which rightfully should be amended or killed. I think that the system we have gives for proper and more thorough consideration rather than just one body might do it. There is only one state, as you may or may not know, as far as I know that has the unicameral system, the state of Nebraska. Up to this point, I have heard no one really rave about the system that they have. I would urge that you defeat this amendment.

[Previous Question order'd.]

Closing

Mr. Alexander Mr. Chairman, I will close briefly. I have heard the objections raised by Mr. Casey and actually the objections have all been answered. The system as proposed in the amendment would not affect the checks and balance system as we know it in the state at all, because a bill as passed by the unicameral legislature would lay over for 15 days during which time any discussion, committee meetings, additional hearings, could be held, and I say to you that this is a good system despite the fact that it is untried and I know that man has a tendency to oppose that which he knows very little. I am asking you not to do that in this instance and I am asking you to move this state into the twentieth century and let's go with this amendment. Thank you.

[Amendment revo ved; 7-115. Motion to reconsider tabled.]

Mr. Henry There are amendments to Subsection B, so we would ask you to explain that if you will, Mr. Fayard.

Explanation

Mr. Fayard Subsection B reads--it says the following: "The legislature shall be a continuous body during the term for which its members are elected." I would ask the delegates to refer to the Eleventh Day's Proceedings in the Official Journal of the Convention. On page 5 of those proceedings, you will see comments underneath this subsection. The

term "continuous body" is new, however, it does not mean continuous session. It merely clarifies the fact that the legislators take office and they do remain in office and that the legislature can function throughout the year, from term to term instead of from adjournment sine die to adjournment sine die. It further means that it eliminates the necessity for the creation of, say, interim committees, that is necessary now to meet in between sessions, and further, that the legislature could only meet in actual session as permitted by Section 2 which will follow. As stated before, this does not mean that the legislature will be in continuous session throughout the year. It can adjourn, come back into session, extraordinary session, or what have you. If you will look a little bit ahead into Section 2, this is where we get into the session, both annual and extraordinary. We debated this language at length, there was quite a bit of research on it, and the reason for the language is to make clear that the legislature holds its office and is functioning throughout the year and not just when it is meeting in session. We feel that this clarifies the problems which have arisen in the past and we would ask that you vote in favor of this subsection.

Questions

Mr. Flory Mr. Fayard, you say that you gave a definition of what a continuous body is but isn't that in truth and in fact only some interpretation given to the word continuous. Isn't it possible that there may be other interpretations of what is meant by the term continuous body?

Mr. Fayard Mr. Flory, you are correct. But, you will note that we say continuous body and not continuous session, and I think that the following article will clarify that meaning, the article on sessions.

Mr. Flory Isn't it true though that under the term "continuous body" committees could meet during the year and actually consider for final action bills by that committee?

Mr. Flory Mr. Flory, we interpret it to mean that committees could meet, could hold hearings, under the rules provided by the legislature, but no final action could be taken unless the legislature was in session.

Mr. Flory Assuming though that that is not adopted in that fashion, then what does it mean?

Mr. Fayard What do you refer to in not being adopted in that fashion?

Mr. Flory With the restrictions placed in Section 2.

Mr. Fayard As it is presently proposed, we limit that. My personal opinion and the opinion of the committee, is that committees could not take final action on matters even if Section 2 was amended and not adopted in the present fashion.

Mr. Triche Mr. Fayard, could you explain to us what the purpose of this section is?

Mr. Fayard Mr. Triche, I believe the comment that is written underneath Subsection B explains it better than I could go into it today.

Mr. Triche I wonder if you would read that comment for me, please. I am not privileged to have a copy of it.

Mr. Fayard The comment says, in essence, as follows: "The term 'continuous body' means that the legislature is a viable and ongoing body for the duration of each of the four year terms of its members rather than a year to year body. As you know, the legislature presently acts as a body only when convened in actual session and all orders, resolutions and proceedings cease at the end of the ses-

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sion unless otherwise extended. Under this provision, the legislature would be able to pass resolutions or take action that would extend from session to session throughout the year and not just in session. It is my interpretation of this article it eliminates many problems which may have arisen in the past. I do not have personal experience of this.

Mr. Triche I just wonder if you could give us some examples of some of those problems.

Mr. Fayard The fact that you now have to establish interim committees during a regular session for them to function outside of the session of the legislature. That, I think, is one of the primary problems that we have run into. Under this, the committees could be merely appointed and they could meet to take action.

Mr. Leigh I am not clear as to what this does in addition to what we can do at the present time. Can't committees of the legislature meet at the present time when the legislature is not in session? Don't we have interim committees that meet?

Mr. Fayard We have on our comment that we feel that it would do four very important things which the legislature may or may not do now and which may be subject to controversy or perhaps judicial interpretation. This would provide for the prefiling of bills without any question. It would provide for the formal introduction of bills prior to the convening in regular or extended session of the legislature. It would further provide for the assignment of such bills to the committees without any problems being brought up under our second section that we are going to come up with if the legislature would come into session for five days and then go home for 15 days, during this period of time these bills could be referred to committee without actual legislative action being taken on it. It would further provide for the pre-session committee hearings and the determination of reports.

Mr. Leigh Can't they do that at the present time? Can't these committees meet? You are not proposing that you can prefile a bill in the middle of the--between sessions, when the legislature is not in session, are you?

Mr. Fayard This amendment does not propose that. This amendment gives more flexibility, in my opinion, to the legislature to allow it to determine what rules it would want to operate under without the question of judicial interpretation or someone raising the objection of, say, the legislature is not in session, we cannot do that, we can only function while we are in session.

Mr. O'Neill Mr. Fayard, this can be construed, and correct me if I am wrong, that committee action can be taken on bills throughout the year, correct?

Mr. Fayard Well of course, it could be construed to that effect if the legislature would so provide.

Mr. O'Neill Is it true, Mr. Fayard, that the Legislative Committee rejected a proposal, in line with this, that public hearings be required at all committee sessions?

Mr. Fayard We rejected a proposal to place language requiring public hearings in the constitution. I think, under the present rules that public hearings are required by the legislature.

Mr. O'Neill So, by passing this and not requiring public hearings in the constitution, it is very conceivable that committee action could be taken on bills without a public hearing. Am I correct?

Mr. Fayard Mr. O'Neill, there is quite a bit of language that we cannot include in the constitution to safeguard every article. We would leave this to the discretion of the legislature. By not passing this, it would still be possible for the legislature to act without a public hearing.

Mr. O'Neill Mr. Fayard, would this in effect provide, could it be construed to provide for year round legislature?

Mr. Fayard No. I disagree.

Mr. Weiss Delegate Fayard, if this Section 1B were to pass, would this allow committee meetings to be conducted for extended periods, perhaps unnecessarily? For example, 250 days a year for which time the committee members would receive per diem.

Mr. Fayard It would be possible for committee meetings to be held at the discretion of the legislature and within the rules of the legislature. However, other provisions that we have set forth the salary and what compensation the legislature should receive.

Mr. Stinson Mr. Fayard, it is my understanding that in a session of the legislature, if this is accepted, that the session of 1974 would never end. Suppose that a bill had passed the House, gone to the Senate, and approved by the senate committee and returned to the calendar, at the end of the session no action was taken, but the next year, when you met, the Senate could go ahead and call it up for passage without any committee hearings, without ever returning it to the House and vote and pass it and it would become law?

Mr. Fayard Delegate Stinson, it is not the intention of the committee for this term to mean that, however, this has been brought to our attention and we do have an amendment I think that is in the hopper that will clarify this language. We at no time intended to mean that and that is why we distinguished between the term of continuous session and continuous body.

Mr. Stinson In other words, using the rather rude expression, unless something is done, a bill would be dead at any time after it has been killed in any house, would it?

Mr. Fayard That is not my opinion of the meaning of the term but because of the objections that have been raised, we do have an amendment to try to clarify that for you.

Mr. Jenkins Calvin, I am concerned about whether or not, in fact, not only this provision, but other provisions when read in connection with this one, will, in fact, provide for a continuous session of the legislature. I want to ask you this question, if you will look on page 2 of the proposal, line 10, it provides that the legislature may be convened at other times by the Governor or shall be convened upon the written request of a majority of the elected members of each house. This, of course, being the provision with regard to special sessions. Now, unlike the present law, there is a requirement here that only a majority of the members need to call a special session, whereas the present law provides for two-thirds vote. And also, under the present law, it provides in the case of fiscal or budgetary sessions that there must be a thirty day delay before or after any budgetary session before a special session could be called. My question is, isn't it true that under the totality of these provisions, the legislature, at the end of a regular session, could simply by majority vote, vote to go into a special session for thirty days and at the end of that period vote by majority vote to go into another special session and, in effect, have a continuous meeting of the legislature throughout the year?

Mr. Fayard Woody, I would agree with you that there is a possibility that the legislature, in its wisdom, would so desire a special session that they could meet in special session right now pretty much year round on some item or the other, but the insertion of the words continuous body would not aid, or abet, nor hinder this.

Mr. Jenkins But, you will admit then that read in

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with other provisions of the constitution, that a simple majority of the legislature could keep the legislature in continuous session.

Mr. Fayard I would admit only that there would be a possibility that special sessions could be called but not because of the fact that this term would be read in conjunction with the other sections that we have provided.

Mr. Roy Delegate Fayard, if, as you pointed out, this section apparently is redundant because the legislature may do exactly what this seems to provide for and has caused a lot of trouble, why not just delete the entire matter?

Mr. Fayard Delegate Roy, it is not redundant. It allows the legislature more flexibility in the operation of its committees and carrying on business outside of regular sessions. It may be redundant insofar as extraordinary sessions are concerned but I don't believe that it is...

Mr. Roy Can't they do that right now?

Mr. Fayard Not necessarily. On some items, they can not.

Amendment

Mr. Poynter Amendment proposed by Delegate Flory to Committee Proposal No. 3 by Mr. Blair. Amend the reprinted as engrossed proposal as follows: Amendment No. 1, on page 1, delete lines 18 and 19 in their entirety.

Explanation

Mr. Flory Mr. Chairman and delegates, the amendment purports to take out the entire language as it refers to a continuous body. I offer the amendment in the spirit that I do not want to confuse Judge Tate when this matter reaches the Supreme Court for review. I don't believe that the word "continuous" body could mean very easily that there could be a 365 day session each year. I don't think that is what was intended by the committee. I submit to you that it is ambiguous, that it has no place in the constitution, and would allow for brevity in the constitution by the deletion of these two lines in the proposal, and I ask for the adoption of the amendment.

Further Discussion

Mr. Casey Mr. Chairman and members of the convention, I realize that those who have expressed opposition thus far are certainly sincere in their comments, but I do honestly have a feeling that the objections that might be expressed by many of the members could come from the fact that possibly we really don't thoroughly understand the concept of the wording "continuous session" and I think Rev. Alexander certainly very nicely expressed that thought about being opposed to something because it may be something new or because we don't understand it, when he expressed his comments on the concept of the unicameral legislature, and I have to admit that I am somewhat conventional and traditional and maybe some of my hesitations against thoughts of that type would come from the fact that it is something new or that I did not understand it. But, I think that perhaps some of our objections are there. Here, again, we are trying to give to the legislature of our state, that will serve our people, the method and the tools of maintaining or achieving the versatility and flexibility that our people deserve from our legislature. Now, granted, you as delegates are going to have to place, if you wish, if it is your thought, a certain amount of trust in these bodies. I have heard it said many, many times that the legislature is becoming better all the time and I am the first to admit that on many occasions it does not create the best image of the people that it properly deserves or that it should have. But, I think we are going to have to be trail blazers and

try to give to the tools of our legislative body the ability to properly function. One objection was raised that would this not permit the committees to meet 365 days out of the year and receive per diem. Ladies and gentlemen of the convention, that can be done right now by a simple concurrent resolution establishing our committees and permitting them to function throughout the year, if that is the desire of the legislature. But, you know and I know that the legislature, I hope and I hope you agree, is composed of good citizens, representative citizens, who want to do a good, intelligent job and they are not going to do something like that, we want to give them the authority and the time that you are a continuous body, that once you elect your speaker or your presiding officer in the Senate, that those gentlemen are elected for four years and not just for one year. That those committees, the standing committees of the House and Senate that you establish, are established for four years and not just for one year. That if the legislature, in its wisdom, deems it advisable to hold committee hearings on legislation which may be introduced and considered at future sessions of the legislature, that it may be done during the year in the interest of perfecting legislation and I tried to comment on that before, that the problem we have now is the volume of legislation which is considered in only a sixty-day period that the limitation of time prohibits us from doing a thorough, intelligent job that we should. This would provide the mechanics to our committees to thoroughly study, perfect and submit to sessions of the legislature, good, intelligently, well thought out legislation. Now, for those who fear the thought of a continuous legislative session for 365 days of the year, we look to Section 2, which very clearly, to me and I hope to you, limits the length of the regular session. And I would also refer to you ladies and gentlemen a provision contained on—since I last looked at it, it must have been amended out. There is a provision referring to the method of considering legislation and bill by the legislature which requires that a bill be read three times in each house, that a bill be considered and reported by a committee of the House and be considered and reported by a committee of the Senate. Things will not be railroad because of this modern concept that we are advancing here. We hope to have and maintain and slow up, if possible, the legislative process for considering legislation and making it even better and more thorough and more modern. Gentlemen, I urge you to retain the concept of a continuous body.

Questions

Mr. Conroy Mr. Casey, you are absolutely right that my fear of this is that I do not understand it and I listened to what you just said and I still do not understand what this particular provision would do that the legislature at the present time can not do.

Mr. Casey I would like, first of all, to refer you—and every member did receive a copy of the Official Journal from Friday, July 6, 1973, which on page 5 contains explanatory comments of the words "continuous body" so I would first like to refer you to that. Secondly, and I may be taking advantage of your question in answer to other objections by saying, and this was brought up by I think Mr. Stinson, that his fear is that legislation which is retained in committee at the end of a session, or on the calendar, and then at the next session would automatically pop up and be considered in whatever status it is in at that time, removed from the calendar and immediately acted upon. Mr. Perez has an amendment at the Clerk's desk at this time which I am wholehearted agreement with which solves that problem and would require that from one session to the next legislation must be reintroduced. I know that I'm not giving you a satisfactory answer.

Mr. Conroy I read that section, but my question still is, what does this do that the Legislature

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could not do if you didn't have these two lines

Mr. Casey I think what it does, is merely confirm more so than grant additional powers. It confirms the fact that we hope, as we are acting today, that our Speaker is elected for four years and we hope that standing committees can meet during the off times when the Legislature is not in session and properly make studies and make recommendations and things of that type. We hope that that's legal.

All I am saying is this would confirm in effect what we are attempting to do today--modernizing our Legislature and reforming the method of handling legislation that we have at this time and really giving it the thorough study that it deserves

Mr. Conroy Mr. Casey, just to clear my own mind on something, if the Flory amendment was defeated, and your committee would support then the Perez amendment which would be tied onto line 19 which is what we really want---

Mr. Casey I would hate to say that my committee does because I don't want to speak for my committee, but I have spoken to fifty percent of them and nobody is against it.

I have not spoken to the ten members of my committee so all I can say is that individually, that those that I have spoken to are wholeheartedly in favor of his amendment and I would strongly urge that you adopt his amendment.

Vice-Chairman Miller in the Chair

Further Discussion

Mr. Abraham I am in favor of the language as proposed by the Committee on Legislative Branch. I understand the intent of it, I think it is good. I think it would do a lot towards strengthening the position of the Legislature. Now, prior to this convention, I heard many people talk about--we've got to make a Legislature more responsive. We have got to make them more responsible to the people, we have got to make them assume the duties they are supposed to be doing. We have got to eliminate the restrictions we have placed on the Legislature. All of this type of thing and I think this is a move to do this, if we feel many of the Twenty-One Constitution is too restrictive, then let us get back away from that. Let us give them the authority, the power they need in order to exercise their duties.

Now, Section 2 is going to take care of the manner in which they will hold their regular sessions and if we are worried about them meeting down here all year long with per diem and this type of thing--the proposal on page 3 where the legislature shall be compensated by annual salary is going to take care of that, so I don't think that there is any real fear about them being down here too long.

They, themselves, are going to want to fix their annual session. The people of the state want regular sessions there is no question about that and I think most of the members of the committee want this, so I don't think that the legislature is just going to go hog wild and say we are going to do everything we want to do, but this does give them the flexibility to run their business as it should be.

Now, if we believe, in a representative form of government and I do believe in this, then somewhere down the road we are going to have to trust our elected officials and I see a change in the legislature during the past few years and I think they merit our trust. Now, let us get away from the feeling of the Twenty-One Constitution where we don't trust anybody and do everything we can to tie these peoples' hands.

And I strongly urge the rejection of the amendment and adoption of the language as presented by the Committee on the Legislative Branch.

Further Discussion

Mr. Womack Madam Chairman and fellow delegates, to me this is one of the worst offerings that I have seen.

Under this proposal of continuous committee meetings, any special interest group--let us just take labor on one side and industry on another. With a pro-labor committee, they could harass industry with continuous bills in a committee 365 days in the year.

Or, you can turn it around the other way with a continuous committee--a pro-industry committee could harass labor 365 days in a year. I have heard it said in the past, that the people are lucky they don't get as much government as they pay for anyhow. And probably one of the breaks is--is the advantage of being able to go home. I think as time goes on, the legislature needs to go home--they need a rest, the public needs a rest.

And then let us look back at our ability, those of us that is pushing--the adopting of a constitutional convention. If I was fighting it I think this would be all the fodder I would need.

I can ask more questions about this and what-ifs in one day than anyone of you can answer in a month. And what good is it going to do? Absolutely nothing.

We are going to give them a chance to be here--we're going to give them a chance to have bills--we're going to give them a chance for continuous meetings--we're going to give them a chance for continuous introduction of bills. I just can't see it.

We wind up with 3,000 bills, we push them through. About three-fourths of them is correct in something you're going to do in the past. You may say you need more time you just don't need this in the constitution. So, I urge the defeat of it.

Point of Information

Mr. Jack Madam Chairman, as I understand now we are talking for or against Mr. Flory's amendment. Isn't that correct?

Mrs. Miller That is correct.

Further Discussion

Mr. Jack All right.

I want to state that I am for this amendment. Now, the language we are knocking out here is B.

The legislature shall be a continuous body during the term for which its members are elected.

I talked to about twenty-five people out here and asked them if they knew what that meant. I don't know exactly and none of them. And all of them promised when they ran for this position as a delegate they are going to do their best to come up with a constitution that the laymen and everybody could understand. None of those understand. I do know from listening to the author of this Section B that it will allow, according to him, committee amendments all year around, twelve months a year, but that there will not be any change by the whole legislature unless he says under Section 2 there is a regular or special session. But let me tell you, it is bad enough to be deviled with taxes every year. Under the present constitution, the thirty day session you can't have them, but it is going to be unbearable if all year long--year in and year out continuously you can be deviled and bothered by tax legislation before committees. Now, whether they vote it or don't, they can be meeting and you can't be prepared to oppose bills that are bad for a committee twelve months out of the year.

This is a bad kind of thing and it is--a thing that may go away beyond anything we can think of right now.

Now, a man in favor of this, says trust the legislature. I was in it 24 years ladies and gentlemen and I have always heard that. When I was a member I was afraid of things; I heard one man say before a committee--someone asked him, what do you want this legislature to do for you? He said in all due respect Mr. Chairman, I am not concerned with what they are going to do for me, I am wondering what they are going to do to me. Now that is the thing that happens regularly.

This to me is going to even be going further than Congress in being in some kind of committee meetings all year around. I don't know some people might

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like further per diems. There is all kind of type-things, but Louisiana is not a big enough state yet to have rules, constitution---everything for a legislature to do like the Congress of the United States to be going on, and on. And, incidently, I think Congress of the United States has got too many meetings, itself. So I hope you will vote for Mr. Flory's floor amendment and delete those lines which read "the legislature shall be a continuous body during the time for which its members are elected."

Thank you.

Question

Mr. Womack Mr. Stinson, the question I wanted asked---you realize that when I was speaking as against this proposal being in the constitution I was speaking in support of this amendment.

Mr. Stinson Yes, I did, Mr. Womack and I am hoping all the others did too because I know how persuasive you always are in your arguments. You are for this amendment and against the regular proposals.

Further Discussion

Mr. Stinson Members of the convention, what concerns me--if this amendment is not adopted--is, that we are going to have to then elect and revert to professional legislators.

No businessman, unless he is a foolish businessman, can annually give up his business and come and serve in the legislature. This continuous meetings continuous--if it hadn't been it wouldn't be used. If you are businessman of any type, lawyer, (that's a bad word to use in most cases) no lawyer can give up his legal business and come down here annually, continuously, unless he expects to get something out of being here. It is too great a temptation.

Many of us have single law offices and if we leave our office 365 days a year we are not going to have an office to return to--unless it is just to hang your hat in.

I think that when you are not a professional legislator and you are close to the people. As Mr. Womack's remarks were--"you need to be at home" so you can tell you something about what their wishes are and I still believe in the old adage that "the least government the best governed. We are not supposed to be herded around like sheep, continuously.

The promoter of this original amendment said that the hands of the legislature had been tied because some matters that came up during the time that we were not in session. There have always been plenty of interim committees that consider anything that may come up.

We don't have to be in session to consider those things. I think that it has been very operative in the past and in the future it can be just as well under our present law. And I would like to urge you to let us vote for this amendment and leave it like it is so the people will not be regimented and continuously harassed by what the legislature might do.

Some legislatures are fine, but there have been some legislatures that were not fine and I am sure in the next fifty years we will have some legislatures that will not have the confidence of the people. And if you are in session that long, and you want to be re-elected, the best way not to be is---be in Baton Rouge all the time and someone at home says---well here is Ford Stinson---well he is in Baton Rouge as usual, he stays down there. He moved down there.

So you better vote and let us vote for this amendment and leave it like it is. I think it has worked remarkably well in the past.

Question

Mr. Weiss Delegate Stinson, do you think the people of Louisiana, if Section 1-B were to pass, can afford that type of legislation?

Continuous body.

Mr. Stinson Well Dr. Weiss, I don't know whether

you refer as to the salaries and per diem and mileage or as to whether they can afford to have done to them what might be done, but the answer to both, would be I do not think that they can afford.

Further Discussion

Mr. Triche Madam Chairman and ladies and gentlemen of the convention, I can about sense the mood of this convention and about predict the outcome of the vote on Mr. Flory's amendment. But, I just can't let this pass, without letting you hear from the country precinct, from Plattenville.

Now here we are, at it again, all of the evils of this state has been brought about by that legislature. All of the problems we have--people just sit home and wring their hands and knit their brows and worry about what that horrible legislature is going to do to them. The taxes that we are going to put on Mr. Jack and the per diems we are going to take out of the state coffers the horrible things that we are going to do to this state. Well let me remind you gentlemen, the legislature is the representative of the people of this state and as we are a convention of the people in Baton Rouge assembled, the legislature is a session of the people of this state assembled and the legislature is as responsible as the constitution will allow it to be and it is as loyal and is as faithful and devoted to this state as the people want it to be.

Now, make up your mind. How loyal and devoted and responsible do you want your legislature to be? Now do you want it to be a part-time Saturday night legislature--or do you want it to be dedicated, fulltime professional. You want it to be dedicated to the business back home or do you want it to be dedicated to the government of this state.

I have served in the legislature quite some time and I know a little bit something about passing taxes, Mr. Jack.

If tax proposals passed by the legislature were introduced in pre-session filing months in advance of the legislature and if the Ways and Means Committee and the Finance Committee in the House and the Senate held public hearings on those tax measures weeks in advance of the session, I can guarantee you there would be no taxes passed in this state except as those wanted by the people of this state.

And I think the same thing would be true to every other proposal adopted by the legislature. The point I make--the point I try to make--the problem with our legislature, ladies and gentlemen, is that it does not have enough time. It is not a continuous body. It meets for sixty days every other year, and for the first fifteen days we introduce proposals and the next forty-five days we have got to get them passed. And we handle in that short length of time thousands of bills. That is the trouble, and the same thing with the odd session years where we handle the general appropriation bill. We consider sixty, seventy, eighty schedules--we spend over two billion dollars and we do it in thirty days' deliberation. And in addition to that, we handle hundreds of bills in thirty days. I would suggest to you that is the problem. That is why we have an anti-legislature syndrome in this state.

That is why whenever we consider the legislature meeting people worry about the per diem--poppycock--what man is going to sell this state out for fifty dollars a day. What man or woman among you, raise your hand and none of you here, and I don't believe there are any in the state--would sell this state down for fifty dollars a day per diem. That is foolishness. Let us throw off the legislature syndrome that we have. That the evils in this state are brought about by our legislature. Let us throw off the fear of the legislature and make it the responsible body that represents the people of this state, that is as it should be.

Now continuous body to meet. Not continuous because the constitutional proposals in Article 3 in my judgment set it out very plain and very clearly.

The legislature can enact laws only when it is in session.

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It shall be in session certain prescribed days. Continuous body, to comment, --tells you very clearly does not mean continuous session. So that we cannot enact laws except when we are in session. Continuous body means, however, that when your legislature adjourns sine die at the end of a regular session it is not defunct--it is not dead, dead until the next year. And that is what the law is today.

Continuous body means, that when the legislature adjourns sine die that we still have a legislature that will perform functions outside of the session and will function until the next session. Now what are those functions.

Prescribed rules for itself, to regulate the conduct and activity of its members out of session.

Its committees will have and be able to hold hearings not as directed by officers of the legislature, but as directed by the rules of the various -- two respective bodies of the legislature. Those committees will be able to subpoena regular session and be able to hold hearings, will be able to study proposals, will be able to have the advice and input of competent staff and be able to draft intelligent legislation that can be attested to and examined by the citizens before the next session of the legislature.

In my judgment, it will allow the legislature to get itself ready for the next regular session and will not--and will be able to avoid the logjam of business and bills that we find ourselves confronted with every session.

This is good, gentlemen. I ask you not to be stumped into killing it because you have not considered it enough.

If we want to make our legislature responsible, and if we want it to function as the people of the state, I believe, want it to then we ought to provide it with tools with which to work and I think this is certainly one of those tools.

I hear the complaint all over the state every year. The legislature is controlled by the Governor. We haven't had an independent legislature in years and people think that is evil. If the legislature is controlled by the Governor, gentlemen, and I am not willing to take that indictment but, if it is, it is because your legislature does not have the time to study intensely enough the proposals that it considers. And many, many times, the legislature votes on a proposal with tongue in cheek with the attitude well, if there is a mistake the Governor will catch it and veto it. That is the position you put your legislature in unless you give it the tools to work with. This is one of the tools, it is not going to be abused. No man worth his salt is going to come to Baton Rouge to rape the state for fifty dollars a day only. The committees are not going to search ways and means to oppress the people of this state when the legislature is not in session. Quite the contrary, The committees are going to search ways and means to better govern this state and gentlemen, I implore you--reconsider your decision and vote this amendment down.

Questions

Mr. Stinson Mr. Triche, you understood that the remarks I made and most of the other speakers were not in criticism of the present or past legislatures, but only expressing grave concern over what the future legislature would be if this is enacted. Not the amendment as proposed. (You understood that didn't you).

Mr. Triche No, I didn't, but I stand corrected.

Mr. Stinson We did not in any way criticize you--

Mr. Anzalone Pappy, could you foresee that in this constitutional convention we are going to take up about as many proposals in six months that the legislature has been forced to do year after year in thirty or sixty days.

Mr. Triche I think we are going to take up a great deal less.

The legislature wouldn't have had the time to

depend on Article I--Section A for example that we spent.

This constitutional convention in six months can take up a great deal less business.

Further Discussion

Mr. Roy Madam Chairman and delegates to the convention, I must say that initially I was going to vote for the amendment until Delegate Triche spoke.

I felt all along that the work of the committee should be given first priority in anything that is close in my mind. In the future I will go along with what the committee has done because they have heard most of the testimony and I know how much we went through on my committee and I know what all you other gentlemen and ladies went through.

I came here with the idea after having talked with many people that I would support an independent legislature. That I would do everything in my power to ensure the independence of the legislature because I felt that the executive branch was too powerful. And that if we once had the opportunity to take some of the powers away from the executive branch and parcel it out to the legislature and make a more independent body out of it we would be a lot better and so would our citizens.

And I think Mr. Triche has made me see that. And like I say, I was against it until he spoke. But I am for an independent legislature. And if the hearings become abusive that have been prognosticated to some extent by others here, then you know.... good and well those legislators are going to be on the carpet, they are going to make for themselves and they are going to be voted out and the voters will take whatever action is necessary.

I don't anticipate reasonable men calling committee meetings to harass and intimidate any particular group in our society.

But that is the price we pay. That is the chance we take if we are going to make for an independent legislature. I urge you to vote against the amendment and to vote for the proposition.

Further Discussion

Mr. Perez Mr. Chairman and delegates to this convention, I listened very attentively to Pappy Triche and his remarks were well founded and well taken. The only problem however, is the fact that there are some unanswered questions with respect to the legislature being a continuing body.

One of the problems that bothers me a great deal --- I will have an amendment to take care of in the event that the matter stays on the floor, but there are other problems that bother me particularly with respect to final committee consideration of bills. So that bills might be reported favorably or unfavorably by a particular committee out of the session of the legislature or prior to the beginning of a session. It bothers me very much. I would like very much to see this matter recommitment. I also take the position that in this particular matter, is defeated at this time, that the legislative committee could come back with a proposal at a later time to better define the meaning of a continuing body and therefore, I am constrained to vote against the particular--or rather vote for this amendment and against the proposal as it is now in its present posture.

I would like very much to see a proposal which would give the authority to the legislature to hold hearings year around. To have standing committees, I think it is a good concept, but unfortunately, I do not believe that there are sufficient limitations upon the proposal as it now stands.

Chairman Henry in the Chair

[Previous Question Announced.]

Closing

Mr. Flory Mr. Chairman, delegates to the convention, a great deal has been said at this microphone this morning about having faith in the legislature.

Recess

Mr. Triche elaborated a great deal about that. Mr. Casey didn't speak too directly on the amendment but I, for one, have always had great faith in the legislature. I have said this repeatedly throughout this state. While I might disagree with them over issues, I have never questioned their integrity, their motive and I think what they ultimately attempted to do.

It was mentioned about there ought to be a continuous body. When I asked Mr. Fayard originally in his interpretation of what continuous body meant he said that you could not take committee action on legislation on interim period. Someone then subsequently asked him the same question. He said that you could. I merely use the illustration to point out to you the difference in interpretation of the word 'continuous'.

Now, Mr. Casey elaborated to the point that the logjam created in the legislature by the number of bills that are introduced. I submit to you that in 1968 in the regular session there were a total of 527 bills introduced in the Senate—279 of which were introduced in the first five days.

In the House there 1520 bills, 566 introduced in the first five days and so on--until 1972 402 of the 852 bills in the Senate were introduced in the first five days. And likewise, about a third in the House.

My point in this is, who controls when a bill is introduced? It's the members of the legislature. And if they wait until the last day that's their problem. Not the public's! They control when the bills are introduced within a prescribed period of time in the existing constitution.

Yes, the legislature has plenary powers and the constitution ought to take away from the legislature. That doesn't take away from the integrity of the legislature, it just merely tells the public of this state who the constitution is supposed to guarantee their rights. That they know what is going to happen when the legislature meets and when they are going to meet.

Mr. Triche said if they heard three or four weeks prior to a session to take care. Bear in mind that the legislature controls again when the bills are introduced. You think an author of a tax bill is going to present a bill three weeks prior to the session. I'll let you use your own judgment.

The point was made I think by Mr. Roy, that the number of measures will be considered by this convention in a six month period in contrast to what the legislature does in considering approximately 2000 bills each regular session.

I submit to you that the legislature has proposed in this committee's report is purported to meet every year. How many times is the constitutional convention going to meet? We haven't met for the last fifty-two years so that you can come back next year and change what the legislature does if the public doesn't like what the legislature did the prior year.

There is a proposal in this recommendation for a fulltime annual salary of the legislature. I support that concept. That they ought to be adequately compensated. I am not worried about how many days they draw per diem--not at all. And I too don't believe that a member of the legislature would sell this state down for fifty dollars a day or fifty million dollars a day, Mr. Triche.

So I support the annual salary concept. Let the legislature be in office for four years but let the public know what their responsibilities are as a legislature and what they can consider that they will be in session. If you want it to be a year-around legislature, say so in the proposal. Don't come through the back door and say that they are going to be a continuous body. If you want a 365 a day legislature--say so.

I see no reason for the word 'continuous body' in this proposal. I think it is superfluous and is ambiguous and I ask for the adoption of the amendment.

[Quorum called: 85 delegates present and a quorum.]

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Perez and Mr. Kilpatrick]. On page 1, line 19, delete the period, quote period, and add the following. Quote, comma, provided that bills and resolutions not finally passed by both houses in any session of the legislature shall be automatically withdrawn from its files.

Explanation

Mr. Perez Mr. Chairman and delegates, if you will recall when I rose earlier, one of the problems I had with regard to the subsection of Section B which provided that the legislature be a continuous body, it might be construed that bills of the legislature introduced in one session of the legislature and not finally acted upon might be carried over into the next session of the legislature, and it may, for instance, have been introduced in the House, passed in the House and then gone to the Senate and may have stayed in the Senate Committee and then in the next session of the legislature, it would only be necessary to pick the bill up in the Senate and then proceed with the bill. It is the present procedure, and I think should be maintained, that any bills which are not finally acted on should be killed in that particular session and if the particular member of the legislature wants to reintroduce that bill, of course he can do so in the next session.

I move for favorable passage of the amendment.

Mr. Blair I just...we have no objection to this amendment.

Questions

Mr. Weiss What about questions before committees? Does this include those matters held over from month to month and year to year?

Mr. Perez No, the way the amendment is prepared, it says, "provided that bills and resolutions not finally passed by both houses." That means that if it may be in the committee, it may be before one of the houses, no matter what the posture of the bill is at the time, that at the end of the session if it has not been finally passed by both houses, it should be automatically withdrawn from the files of the legislature.

Mr. Roy Delegate Perez, I'm for your amendment. I just don't like the language very much of "shall be automatically." I was wondering if we could insert, maybe, and I hate to use my terminology because I am using a Latin phrase that has, as you know, a meaning, but "or ipso facto withdrawn from its files." Anything but "shall automatically be..." I just don't like "shall automatically".

Mr. Perez I have no pride of authorship in these words except that I have asked quite a number of delegates, including members of the legislature for better wording, and I couldn't find any and I am not so sure that "ipso facto" is any better than "automatically".

Mr. Roy What about just "in the session of the legislature are withdrawn from its files." Just do away with "shall be automatically" and just "are withdrawn."

Mr. Perez Well, the question was raised that when is it withdrawn from the files, and that's the reason that the word "automatically" was inserted to make it clear that it would happen without any action on anyone's part.

If Style and Drafting eventually comes up with a better word, I'd be glad to accept.

[Record vote ordered. Amendment rejected: 47-73. Motion to reconsider tabled.]

Mr. LeBleu Mr. Perez, maybe the clerk could answer this better. I just think "withdrawn from the files" might pertain to House bills. Is there a term used in the Senate, "suspended indefinitely?" And would this apply in this case?

Mr. Henry They withdraw it from the files of the Senate when they are Senate bills. We withdraw them from the files of the House, then if they are Senate bills, we indefinitely postpone and vice versa, I believe.

Question

Mr. Tate Mr. Perez, as far as the wording goes there probably might be a better word, but you envisage that to be the sort of function that Style and Drafting might perform if it can find a word that would suit the delegates?

Mr. Perez Judge, as long as it does not change the meaning, I am sure that Style and Drafting might polish it up a little.

Mr. Tate Alright. O.K.

[Previous Question ordered. Amendment adopted; 89-0. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendments submitted by Mr. O'Neill to Committee Proposal No. 3 by Delegate Blair Amendment No. 1 goes to the reprinted bill, page 1 at the end of line 19, add the following, quote, "no committee of the legislature may take final action on any bill or resolution except during a session of the legislature," end quote.

Explanation

Mr. O'Neill Mr. Chairman, members of the convention, I apologize for the delay. My amendment was put upstairs during lunch and I apologize for the delay and its not being sent down.

As the amendment reads, "no final committee action can be taken on any bill except during a session of the legislature."

The language we previously adopted about continuous session, continuous sessions, tracts [tracks] the Florida Constitution. Many of you legislators will remember Senator Pettigrew from Florida who spoke at your orientation session. He came and he told us that in Florida, under the language which we have adopted, that a committee can have a bill referred to it at any time during the year. It can take final action on a bill, reported favorably, etc.

Now what this does and what it would do in Florida, and how it works is that the bill is reported into the House or into the Senate and it's not referred back to the committee. It goes straight to the floor.

Now, what this amendment will do and what the effect it is intended to have is, that the committee can take no final action. When it comes back to the floor of the House it must be resubmitted to a committee for final action. This will allow the public, anyone who is interested in the bill, to go to the legislature, and be able to meet with that committee during the session when they know that the legislature is here. Not any time during the year when just any committee is meeting.

I think that this is what most of us would favor-- that no final action can be taken. It is not currently stated in the legislative article as we have it. No final committee action can be taken during the interim between our introductory session and the full session. That's all that it says. So please don't be confused about language that seems to tract [track] us in our own proposal. I think that this measure has what we would want it to do, and I think what you would want it to do, and I move for favorable passage.

Mr. Rayburn Mr. O'Neill, if we have committees of the legislature decide they want to adopt a resolution directed to some state agency, would this amendment prevent them from doing that unless we were in session? I see you make no references to whether it has the effect of law or not. I know of many resolutions that many committees, after making ...having a long deliberation, have adopted and passed on to the various state agencies, their feelings or their findings and what they think. I think the should look into during the time and while the legislature was not in session. Would this amendment prevent that?

Mr. O'Neill No, sir, I do not think that it will, and that is not the intent of it, Senator.

Mr. Rayburn If I read the language right, Mr. O'Neill, I think it will do that. Maybe I am wrong.

Mr. Dennery Mr. O'Neill, you said that it tracts [tracks] the language. Actually, it doesn't. Is there a reason for using "vote" in one place and "final action" in another place?

Mr. O'Neill I'm sorry, Mr. Dennery, I can't hear you.

Mr. Dennery In your amendment, you said that "no committee may take final action." But in the committee report it says "no committee shall take a vote with respect to any bill during the interim period. Is there a reason for the difference?"

Mr. O'Neill No, Mr. Dennery, when I requested the amendment to be drawn, I didn't ask for it to attract [track] any certain particular language and I don't believe that there is supposed to be any difference.

Mr. Dennery Well, is there a distinction in your mind between take action, final action, and the word "vote"?

Mr. O'Neill No, sir. None in my mind. I would suppose that Style and Drafting could take care of an inconsistency such as this.

Mr. Abraham Gary, you made the statement that this would allow a bill to come, say, directly to the floor. Is that true? Because how would it get to the committee to begin with? Because the previous amendment we adopted said that all bills are wiped from the files at the end of the session, then how would this committee get a bill in the interim period that would go directly to the floor?

Mr. O'Neill Mr. Abraham, in Florida where they ...whose language we have tracted [tracked] in a continuous session, a bill may be introduced at any time during any part of the year. Now, the bill come into the legislature and the speaker, not during a session, you know, just whenever it comes in, he refers it to a committee, and, in Florida, the committee takes action on it however it pleases. Now, we could have gone this route that you are asking the question about.

We could have prohibited any bill being introduced in the committee except during the session and, I'm not sure that's what we want to do. What my intention is is that no final action be taken on it.

Mr. Abraham Alright, the other question then. What is wrong with taking final action, if necessary?

Mr. O'Neill Because, Delegate Abraham, if you have an interest in the bill, then nowhere, not in any fashion, are you given an opportunity to know when the bill is coming up into a committee.

Therefore, any public hearing that the committee may have you may not be informed about it. If you are not informed, you cannot appear before the com-

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mittee. If you can appear before the committee, they do not know your views, and if final action is taken by a committee, then it goes straight to the floor moving for favorable passage.

Not unless you can get the legislature to allow you on the floor to address the entire legislature, you have no voice in the process.

Mr. Alario Delegate O'Neill, would you have any objections to inserting in your resolution where you say "any bill or resolution", would you have any objection to inserting in there "having effect of law"? I am concerned that, just as Senator Rayburn is, possibly maybe the, take for example the Legislative Budget Committee may want to direct certain agencies in certain economy moves and according to this as you have it written now, it may not allow us to do just that. I was wondering if you could ask the clerk to just add those words in and the delegates could make notes on the sheets you have here.

Mr. O'Neill If the clerk will allow me to do that, Mr. Alario, I'd be happy to.

Mr. Henry No sir. Now according to the rules, Mr. Alario, and not trying to cause problems, but trying to eliminate future problems which could result during the workings of this convention, amendments cannot be amended. Now, if the gentleman wants to withdraw the amendment, and it's the pleasure of the convention to allow it to withdraw the amendments and then to submit new amendments, that's fine.

But we are not going to get into the process of writing in amendments to amendments here. Just too much confusion.

Now if you want to make such a motion, and I'm certainly not suggesting that you do, Mr. O'Neill, it's your pleasure. But we are not going to amend amendments. Not unless you all change the rules.

Mr. O'Neill Well, Mr. Chairman, then, because I have been informed that I can tract [track] the language in the second section of our proposal and do what I would like for this amendment to do without any question, I ask that I be allowed to withdraw my amendment and resubmit it as with the language suggested by Mr. Alario.

→ [Amendment withdrawn without objection.]

Mr. O'Neill Mr. Chairman, I have been informed by several members of my committee that this language could be very appropriately inserted in a later section of our article.

With leave of the convention, I would ask that I be able to withdraw my amendment...

Mr. Henry They haven't been introduced, Mr. O'Neill. You are in real good shape if you don't want to go with them right now.

Mr. O'Neill Well to expedite matters, Mr. Chairman, I'll do that.

Mr. Henry Mighty fine. Thank you sir.

[Previous Question ordered on the Section.
Action passed: 103-8. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 2. Sessions—Annual and Extraordinary.

Section 2. A. The legislature shall meet in regular annual sessions. Each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed five calendar days. During this period, no committee shall report, and neither house shall adopt any bill or resolution which is intended to have the effect of law.

Not later than the close of the fifth calendar day, the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty-five legislative days

which shall not extend at any year beyond sixty calendar days following the second Monday in May.

During the interim between adjournment and reconvention, committees of the House may meet and hold hearings, they shall take no vote with respect to any bill or resolution referred to them. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the third Monday in May of each year.

Our legislative day is a calendar day on which either house of the legislature is in session.

B. The legislature may be convened at other times by the governor or presiding officer, the written request of a majority of the elected members to each house by the presiding officers of both houses.

The governor, or the presiding officers of both houses, as the case may be, shall issue a proclamation at least five days prior to convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary session, the date on which the legislature is to be convened, and the number of days for which the legislature is convened.

The power to legislate under the penalty of nullity shall be limited to the object specifically enumerated in the proclamation convening the extraordinary session, and the session shall be limited to the number of days named therein, which shall never exceed thirty calendar days.

Point of Information

Mr. Tobias Mr. Chairman, in examining line 32, Mr. Poynter read "fifty-five days" instead of fifty days. I assume it is fifty.

Mr. Henry It is fifty. Yes, sir. You are correct.

Explanation

Mr. Fayard Mr. Chairman, fellow delegates. This section actually sets up the sessions for the legislature in so far as regular, annual sessions are concerned. I will discuss only Subsection A of Section 2. It provides in short that the legislature will meet for a period of fifty-five days. Fifty of these days will be days in which the legislature may take final action on measures which are proposed to become law.

The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for the purpose of organizing, reading bills, introducing bills, referring bills and measures to committees.

Now during this period there will be no action, no final action taken on any matter. This is merely a five-day organizational period. This comes into place particularly every four years in which you have perhaps new legislators elected. It gives them time to meet, organize, perhaps elect officers, establish committees, and refer matters which they have ready for introduction at that time to the committee.

Not later than the close of the fifth calendar day, the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May. Now, during this period, the committees can possibly meet, have public hearings, do research, hear matters of interest concerning the bills that have been introduced.

It also gives the legislature time to get its staff in order and prepare for the actual legislative session.

There is a specific provision which provides that the committees of the houses may meet, and hold hearings, but shall not vote with respect to any bill or resolution referred to them. This is a safeguard in that the committees cannot act finally on the matters referred to them, but to merely investigate and hold hearings.

No new matter intended to have the effect of law is the next provision shall be introduced during the regular session after midnight of the third Monday in May of each year. This is a cut off

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point. We have heard many people speak on the proposition of bills being introduced late and having a logjam at the end of the session. This is an effort to clear that up, to provide that bills will be introduced in time to have an appropriate number of days for the committees to meet and act to hear all public bodies, or a public interests, and all people who might want to speak on these matters.

We further define a legislative day as a calendar day on which either house of the legislature is in session. This definition merely is added to give lead-way to the proposition that the legislature has sixty days within to meet its fifty legislative-day period. In other words, if the legislature so desires, it can adjourn for 2 or 3 days, go home, and listen to the constituents and come back and this will not be counted against the fifty legislative days that they can meet. As we have a problem now in annual sessions, you come into sessions for sixty days and if you recess, well your time limit is still running. And we have heard many delegates, and many representatives, and many people professing that the legislature does not have time under the present provisions in order to take care of the business at hand.

This is a very important section. It further deletes the present system of sessions, and as the way we know it, by providing for general annual sessions without referring to fiscal sessions. I will be happy to answer any questions. I think the section pretty much speaks for itself if you read it closely. I feel, personally, that it is a step in the right direction; it gives the legislature the latitude that it might need. But it also protects the public in that it allows for the legislature to come in, organize, take appropriate action that it may need in order to get its business in order before proceeding directly to considering legislation perhaps that it hasn't had an opportunity to review.

Questions

Mr. Derbes Mr. Fayard, as I understand the proposal, it provides for what I think is something very good, an interim period. But it also permits legislation to be introduced after an interim period. I see that as announcing one premise and then deviating from it. Do you see a contradiction there?

Mr. Fayard Delegate Derbes, the way I see it the figures that have been provided to us shows that the majority of the legislation, I believe I am right is presently introduced in the first five days and there is a cut off in the constitution at this time that extends beyond this. I feel that the matters... there will be a great majority of matters introduced during this five-day period, to the committee felt that it could not absolutely limit introduction to the initial five-day period in the event that say, active committee hearing on some of the bills that have been introduced made the determination that new legislation, new bills, new measures would have to be introduced.

Mr. Derbes But as I understand the provision, the provision is not established in order to be for the convenience of the legislature. The provision is established in order to encourage public input during an interim period.

So, if that's the purpose of the provision, why not make the five-day period applicable to all bills, the interim period applicable to all bills and perhaps extend the interim period by ten days.

How do you respond to that?

Mr. Fayard Well, we had a great deal of research done in this, and it would appear from the results we came up with, that the five-day period would also be used to a great extent for organizational purposes other than introduction of bills.

Now if, if... we came to the determination that if you limit the introduction to the five-day period, then it may take away time for other organizational purposes. Further, I believe the public is more safeguarded by the provision as drafted in that it

would give the public an opportunity to see what legislation would be introduced during that period and give the committees a chance to meet and further allow them an additional week, say, to introduce more bills through their individual legislators.

Amendments

Mr. Poynter Amendments proposed by Delegate Rayburn, Kilpatrick, Casey, Fulco, Ginn, Juneau and many, many others.

Amending the reprinted as engrossed proposal as follows:

Amendment No. 1 on page 1, delete lines 21 through 32 both inclusive in their entirety and insert in lieu thereof the following, quote, "Section 2. A. The legislature shall meet annually in regular session for not more than sixty legislative days which need not be consecutive, but no regular session shall continue beyond eighty calendar days after convening. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the nineteenth calendar day of the session except by a favorable record vote of two-thirds of the elected members of each house. A legislative day is a calendar day on which either or both houses are in session."

Amendment No. 2 on page 2, delete lines one through nine both inclusive in their entirety.

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, this amendment does not make too much change in the present language that is now contained in the committee proposal. It does, however, take out the five-day period where we shall convene for a period not to exceed five days, introduce bills, hold hearings if we so desire, without being able to take any action go home for a certain period and then come back, introduce bills for seven more days and continue our work for a period not to exceed fifty-five days.

These amendments allow the legislature what I think they should be allowed. It provides to meet on the same day and say that we could not meet over sixty days in an eighty day period which means that the legislative... when either body of the legislature in session, that will be a legislative day. But it does prevent us from having Saturdays and Sunday charged against the Legislative day if we are not in session. I have seen in the last session, when the legislature had to meet on a Sunday, and I don't think it's good for this legislature to meet on a Sunday, but because of the time element and because Sunday was a legislative day, we had to meet on Sunday to get our work done. I don't think that's right. These amendments give the right to the legislature to meet sixty days. If we want to convene, call ourselves in session, not necessarily call ourselves in session because we will be in session, introduce bills for fifteen days and go home for ten days, we can do that under the provisions of my amendment.

But I can truthfully tell you since with my experience in the legislature, if we meet five days and we are not allowed to vote, that's going to be five days wasted. When you come back and come back in session, you are going to have to go through the same procedure before you vote on a bill. You are going to have to have probably the same argument because if it's a close vote, one side or the other won't yield, you are going through the same procedure again before you can take a final vote.

And another thing that I see with the present committee proposal is adopted in 1974, the legislature will convene on April 22 and will recess on April 26 and will come back on May 13 which is a sixteen-day waiting period.

In 1975, and I don't know what it will be in 1980, but I did find a '75 calendar, in 1975 the legislature will convene on April 28th, the same month and same day as '74, we will recess five days

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afterward which we will be May 5 and will come back May 12, a nine day lapse. So, in the next two years coming up, we will have a variation between a sixteen-day waiting period and a nine-day waiting period. And if you would apply the same formula to this convention, we were provided to meet from January to January. If you would provide the same percentage formula which I believe five days out of fifty-five days is about nine percent, you would provide the same formula to this proposal as the language it carries at this moment, we would meet over here one-third of our time or almost one month, I mean thirty days. We would meet thirty days and would not be able to vote or would not be able to take action.

I merely mention that to show you where I think this is going to cause a lot of problems. Now I know who wants this. And if your ears haven't been plugged lately, I think you know because it's been well lobbied. But let me say to the lobbyists in this state, that they don't need a cool-off period to lobby, they do pretty good lobbying when you are in session. They have in the past. But I know what they want to do, I know what they'd like to do. They'd like to get us over here and have us in session for five days, hear our arguments, hear how we're feeling, but no record vote. Then they've got a lapse of ten or fifteen days to try to persuade us to change our minds. Oh, it won't hurt you to change your mind. Nobody really knew how you felt to start with. No record of it. I know that's behind it.

And I think that the legislature should have the right if they think we should meet five days or ten days and go home for ten days, that should be left up to the members of that body. And I may never be a member of that body after this term. I don't really know. But I don't think the constitution should say to the person who runs for the office, "you've got to go to Baton Rouge, you've got to meet five days, you can't vote on nothing." Oh, no. You can't take a vote, but you've just got to go over there and be seen. You know how many would be seen? Not enough to see.

Who's going to sit in a committee all day, day in and day out, when they can't vote? Then when we come back, we've got to go over the same procedure again. And I have no quarrel with the waiting period. I think you're going to see that whether you put it in the constitution or not, I think you're going to see it. I think it's a good thing. But I don't think it's good to tell us that we've got to be in session five days, we've got to go home, we've got to come back, we've got seven more days to introduce bills, and then we go to work. I think that that should be left to the members that desire to run for the office and get elected and I ask the adoption of the amendments.

Questions

Mr. Roy Delegate Rayburn, I just have a technical amendment. On your last sentence, would you agree to strike "or both houses" and the word "are and is" and just say "legislative days of the calendar year on which either house is in session" because I think that's exactly what you mean.

Mr. Henry No sir, you can't amend the amendments now.

Mr. Roy I didn't think I could. I certainly have no objection to it.

Mr. Rayburn The purpose of that, Mr. Roy, is this, I think that we are entitled to a little leeway, and I can truthfully tell you that in the session that we just completed, I'm Chairman of the Finance Committee, the House Appropriations, Mr. Munson, did you meet a week or ten days prior to the session?

Mr. Henry They met a week.

Mr. Rayburn Met a week prior to the session, then they held regular committee meetings after the session convened. The Senate got a two million dollar appropriation bill five days before we had to have

it on the Governor's desk. I merely mention that to show you some of the problems we are confronted with, some of the problems we have that if you have never served, you don't know about, and that's the reason that I'm asking you to adopt these amendments. Let us meet sixty days. Let us figure out the way we want to meet. If we want to come in for ten days and introduce bills, this. There is nothing in here within fifteen days or nineteen calendar days which will give us an opportunity not to count Saturday and Sunday against us if we want to go home. After all, some of us have families. You're all business people. You like to be home on the weekend, and I think it's not good for the dignity of this state for us to have to meet on a Sunday, but we've been forced, in the past, to that because of the time element. And I'm merely trying to say that with this amendment, you will let us kindly arrange our working schedule in the manner that we think is best suited for us.

Mr. Flory Mr. Rayburn, you mentioned in your earlier remarks that the five day period would be a time which would be wasted. Do you think it is wasted if you allow the public to know what is being introduced and give them opportunity to find out what's in the legislature?

Mr. Rayburn Mr. Flory, there is nothing in here that says we shall meet five days. There is nothing in here that says we shall hold hearings. It merely says we may meet. A committee may meet, and hold hearings if they so desire. Now you have been around the legislature for a long time, not quite as long as I have, but you have been there a pretty good while, and you've seen day and day when the legislature was not in session, we go to our groups to have committee meetings. You've seen that, Mr. Flory, and you know I'm telling the truth. And that's one reason that I think it would be five days that we couldn't take advantage of, and that's my reason for opposing it.

Mr. Flory If course I can't answer for the diligence of the members of the legislature to when they attend meetings, but my second question to you is that if you have the pre-filing, and I think the committee proposal does require that they meet and have the pre-filing five day period, but allows them to adjourn prior to the expiration of the five days, and then you recess. Don't you think that if you go back and meet with your people and you find out from them what their views are if you have made up your mind and if they can convince you otherwise, don't you think it would be wise to do that?

Mr. Rayburn Mr. Flory, if I'd spend five days over here meeting with someone didn't have to vote. I might not know how he felt. I might not know what would be the final product of that committee. I might tell my people it looks like they're going to kill it and when I come back and take a final vote, they'd find that I'd changed my mind or some of the committee members had changed their mind. There's no way of expressing feelings from people that don't have a chance to vote.

Mr. Flory Isn't it true though, that they would have knowledge of what the contents of the bills are to discuss with you at that time?

Mr. Rayburn My people have that knowledge now. They see it in the paper ever morning what bill was introduced, if there is something they want to know about, they call me and I forward them a copy of the bill as soon as I can get it printed. In this particular procedure, the bill wouldn't even be printed. I couldn't send them a copy.

Mr. Nunez Senator Rayburn, in your proposal, it would seem to me that we are committing ourselves, or the legislature is being committed, to an eighty day proposal. For instance, when I and everybody else who looks forward and says we will be in session for sixty days, what you're doing is changing that sixty day period to, in effect, would be an

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eighty day period. We'd have to commit to eighty days to attain a sixty working day period. Is that correct?

Mr. Rayburn Well it provides for a sixty day session in a given period not to exceed eighty days, which means that Saturday and Sunday wouldn't be counted a Legislative day. However, under this provision if the Legislature desired to meet and go sixty days straight through, they could. If they desired in the odd years to have a thirty day session, they can. If they desire to have a 45 day session, they can. They just cannot exceed a sixty day session in an eighty day period, Senator Nunez, and my purpose for that, the original provision adds up to approximately eighty days, and the reason for that was that I wanted to try to get away from working on weekends if we could, particularly on Sundays.

Mr. Nunez My point is, when you say the Legislature shall meet at 12 o'clock on the fourth Monday in April of each year, and if I'm planning ahead, as a Legislator and also as a businessman and what have you, and trying to design my future time, in effect I don't know what days we will meet, but I will have to say from the fourth Monday in April I have to look forward to eighty days, whether they be consecutive days or otherwise, we'll be working for sixty days but it will be an eighty day period. The point that I am trying to make is that if the problem is in the thirty day session, and I think that's the problem, because having served in the Legislature for the past few years the thirty day fiscal session seems to present a problem. The sixty day annual sessions every even number years doesn't seem to have a problem. Would you be acceptable to a provision that would just put us in sixty annual days, sixty day sessions annually? And spell out that we shall meet the second Monday of May, just like we do now, and the sixth Monday of April, just like we do now in the regular session, so to speak. That way we would put the Legislature in an annual sixty day session without going the eighty days and the other terminology you have in here.

Mr. Rayburn Senator Nunez, if this amendment fails, I certainly would welcome that amendment. I think it is far better than the one we now have before us in the original proposal.

Mr. Abraham Mr. Rayburn, you stated awhile ago that this actually gives you a little bit more flexibility than what the original proposal has, and this is what you feel that the Legislature needs. Would you be in favor of being constitutionally provided with, the flexibility of saying that the Legislature shall meet in annual sessions as provided by law, which allows the Legislature to pass laws then, determining exactly when their regular sessions will be and how they will set them up and give this freedom to the Legislature to do this?

Mr. Rayburn I'm trying to do that. Not quite as fully as you stated, but I'm trying to do that, but I certainly would have no objections to that if this fails.

Mr. Henry Senator, you might wind up your remarks if you have anything else to say.

Mr. Rayburn Mr. Chairman, and members, I hope you will go along and adopt this amendment. I can truthfully tell you that I think it's in the best interest. It will give the Legislature a right to schedule their work and to, I think, better handle their work, and I think this is far better than telling the Legislature, and it's plain in the proposal here, that you shall meet and convene at 12 o'clock noon on the fourth Monday in April of each year, not to exceed five calendar days. I just think that's going a little too far. I think, in my opinion, that's going to be five days that will not be fully utilized by the Legislature, and I ask you to adopt the amendments.

Further Discussion

Mr. Fayard Mr. Chairman, and fellow delegates, I would like to get up here and say that my committee is behind me 100% in the proposal which I have previously explained to you. I was sitting down at my desk just now, I counted on this floor amendment the names of six of my committee members. I don't know what happened last night when I went home to say hello to the people back home, but something happened. So I'm speaking on behalf of myself. I believe that, I have one with me.

I do not have much in opposition to Senator Rayburn's amendment. However, I think that the section as presented to you by the committee is a better provision. We have studied this over a period of approximately three to four months. We started out with the premise of having wide open sessions. The Legislature shall meet in annual sessions as provided by law, and we have come down to a provision which I think, not only protects the public, but gives them in the terms, at least the phrase of one of my committee members, a bargain. It allows the public to be kept informed of exactly what is going on. It allows the public to have an opportunity to appear before committee meetings.

It allows the public to be more informed on bills and measures introduced prior to the actual legislative vote on these measures. It was a provision made about the different time periods as a result of the sort of waiting period or interim period. At least the public would know what these time periods are. It's in the constitution. It's established by the constitution. It's very simple if you look at the chart that was passed out on your desk, and this is to come in. I do not oppose the concept of allowing the Legislature to be very flexible, however, I think the dates and times on which the Legislature meets should be established in the constitution. There may be a difference between nine and fifteen days, but if you allow the amendment to be passed, the Legislature would be possible to come in in one year for one day and then recess for twenty days. The next year it could come in for two days and then recess for four days, or what have you. I don't see how the public could be more informed by allowing the passage of this amendment. I further think that insofar as the lobbyists are concerned, that it doesn't bother me that much. I feel like that most of the legislators are over here for the public and that they do what the public wants, and that they want their public to know what is happening. It seems very odd to me that every four years you have new Legislators coming over. They are allowed to take office one day and then start deliberation on the Appropriations Bill and matters of public interest the next day, and it was the intent of the committee to try to solve this problem. To give the Legislature the opportunity and the time to maybe meet for five days, organize, consider measures, refer them to committee, get freshman Legislators oriented and then come back to hear the matters, say within a week, fifteen days, whatever the law provides. I further think that this is the only possible solution to two problems. One is the fact that you have advocates of open-ended annual sessions without any restrictions, and then you have advocates trying to limit the Legislature to meet say fifteen days a year, thirty days a year or go back to keep the fiscal session. In my personal opinion this proposal, Section 2A, as presently drafted solves these problems, and it does allow the public to know exactly when the Legislature meets and it's a mandate to the Legislature that they must be organized prior to taking final action on any matter. Thank you.

Further Discussion

Mr. O'Neill Mr. Chairman, members of the convention, I rise with Calvin Fayard as a member of the Legislative Committee and I too ask what happened overnight. By a vote of 8 to 1, late yesterday, we adopted the proposal that you have in front of you. I too wonder what happened overnight. Let me say that from the beginning of our committee, the beginning of our hearings, I have been in favor of

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a short session. Various other members of our committee have voted from anywhere from a 45 day annual session to a 120 day session, so I really wonder where most of them do stand. I believe, with Mr. Fayard, that the proposal we worked out does have merit, and even though it does not have exactly what I would like to see, as far as the last 10 days, it as did eight other members of our committee whose names I see on the amendment now before us. In any length of time, the Legislature is going to what they currently do now. In 1971 in the fiscal session, a total of 171 bills were enacted. I'm sorry, a total of 114 bills were enacted. One hundred and thirteen of these bills were enacted during the last two weeks. In the 1972 regular general session, a total of 542 bills were enacted. Yet again, within the last two weeks, 440 of these bills were enacted. The theory that I have explained before my committee since we began in January, is that work expands to fill the time, and any length that we have, the work is going to fill the time right up until the end. We're talking about an eighty day session right now. Sixty of those days in session. That's nearly three months. I really wonder if all of the Legislators would really like to be here that long. It's the middle of spring, things are happening, and I really wonder if they do really want to spend that much time here in Baton Rouge. Mr. Chairman, I am informed by the Clerk that there are ten amendments to this resolution currently pending before us. I would hate for the fate of all these resolutions to hang upon the vote on this one resolution. Keeping that in mind, I hereby move that we resolve into a committee as a whole to hear the rest of the amendments, to hear it discussed and to get all of them before us. I know that Mr. Riecke has amendments, and I know that many other delegates have amendments. Therefore I request that we resolve into the committee as a whole to hear all of these. Thank you.

Questions

Mr. Tapper Mr. O'Neill, would you mind telling us what the purpose of resolving ourselves in the committee as a whole. We are all here now on the floor. What would be the purpose? Do you have witnesses that you want to bring before the committee as a whole, or just what is the purpose?

Mr. O'Neill Mr. Tapper, there are ten amendments pending right now. All of them different than the amendment we have before us. The fate of those ten amendments rests on how this one is voted. I should think that in courtesy to the other delegates who have amendments, in courtesy to me as a delegate, that I would like to hear all of them discussed. The merits of all of them. I've heard all of this testimony on my committee and would like that the whole convention be allowed to have the benefit of this testimony.

Mr. Tapper Now don't you realize, Mr. O'Neill, that even in the committee as a whole we would be progressing in the same manner as we are here on the floor. That there would be no change in the rules of procedure in the committee as a whole except to bring in witnesses to testify

Mr. O'Neill Mr. Tapper, we can take no final action while in the committee as a whole. Am I correct?

Mr. Tapper You are correct.

Mr. O'Neill Well then, we can't take final action on any of these amendments. All we can do is hear them discussed.

Mr. Tapper But wouldn't the better procedure be to ask the Clerk to read all of the amendments before we take final action on the floor rather than going to the committee as a whole? I can't see what your problem is in discussing them on the floor of the convention.

Mr. O'Neill Mr. Tapper, if the Clerk can read them

all that still doesn't allow the authors of these amendments to discuss them with us and present their views.

Point of Order

Mr. Stovall The motion to go into a committee of a whole is not debatable, Mr. Chairman.

Mr. Henry Mr. Stovall, you are exactly right, but I thought that Mr. Tapper had a point of order or of information, which apparently he did. Now the motion as stated is incorrect, I believe, in accordance with the rules, Mr. O'Neill.

Mr. O'Neill Mr. Chairman, I understand that the rules require that we state an allotted amount of time that we recess into the committee as a whole. I would suggest two hours, and ask that all delegates concur.

[Motion to resolve into Committee if the Whole rejected: 30-79.]

Further Discussion

Mr. Derbes What I like about the proposal as originally suggested by the committee is that it is specific and it is reliable. It sets forth in clear and concise terms, a period of introduction and a period of deliberation and a period of input where various members of the state Legislature can hear from their constituents back home. It has been suggested that the original proposal of the committee will redound only to the advantage of lobbyists. I suggest to the contrary. I think that this convention as an indication of what happens to a legislative body, and certainly the House of Representatives and Senate of this state, are well lobbied by the special interest groups. The only people who are not heard as thoroughly as they should be, are those back home. As originally proposed, the committee resolution would permit a period of deliberation and a period of consideration. I suggest to you that the reason, perhaps, why some people oppose it, is because frankly they just don't want to be bothered with the voters back home. They don't want to have to go home after introduction of legislation and listen to yeas and nays and suggestions as to exactly what should occur. I am reminded in the recent session of the Legislature of some, I think, very quickly and unfortunately hastily considered juvenile law proposals which were passed and then vetoed by the Governor. It occurs to me that although certainly measures were needed in that area, if they had been considered more carefully and more thoroughly, if more local input had occurred, perhaps in final form they would have been better pieces of legislation. So I commend to your attention the original proposal of the committee and urge that you reject the amendment. Thank you.

Questions

Mr. Drew Mr. Derbes, on the question of going home and discussing these matters. With fifty days, would you tell us when we are going home and discussing the bills that are introduced between the second Monday and the third Monday of May?

Mr. Derbes I, like you, Mr. Drew, have misgivings about that aspect of the proposal. I assume that the proposal represents a compromise. I can live with the compromise. I would rather see some reliable, specific period of deliberation on some portion of all of the bills introduced in any given session of the Legislature rather than in open, free-for-all type system where the public can only rely upon the will of any particular legislative session. I would rather see something specific that deals with some significant number of bills, rather than nothing at all.

Mr. Drew Under that statement, Mr. Derbes, then should you not be supporting Mr. Rayburn's amendment which would give us the opportunity to do what

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you're talking about.

Mr. Derbes Except that it is not as specific as I think it needs to be.

Further Discussion

Mr. De Blieux Mr. Chairman, and ladies and gentlemen of the convention, I want to say, with reference to the draft of this particular Section A, it's not exactly as I would have drafted, but I can tell you I feel that having been in the Legislature for some time, that it is a vast improvement over what we have now. I particularly like the feature about the introduction of bills. Five days or whatever period of time the Legislature wants to spend for that time, and then going home and looking over the bills, talking to your constituents. Sure, you might be subject to lobbyists, but who are your lobbyists? They are going to be your friends and neighbors back home. They are going to talk to you about those bills, and those are the type of lobbyists I like to listen to. There is only one little correction that I'd like to make on this particular provision which I think would make it a better one. In order to do that, I'm going to have to ask you to reject Senator Rayburn's amendment. As I calculate the days in an sixty day period, you are going to have at least eight Sundays and eight Saturdays. Sometimes you will have as many as nine Sundays and nine Saturdays. I don't like for the Legislature to meet on Saturday and Sunday, if we can possibly avoid it. So I do have an amendment proposed to change the sixty day period to seventy day period, and let the Legislature meet only fifty days during that seventy day period, which will be Saturdays. Sometimes you will have to meet on a Saturday or Sunday if the Legislature does not see fit to do that. Otherwise, I'd say leave the provision of tract 'A' exactly as the committee has drafted and proposed it, except for that slight change. For that particular reason, I'm going to ask you to reject Senator Rayburn's amendment because I think we should be in the Legislature in the light, rather than in the dark as we have been doing over the past fifty years. I'd just like to close with this one statement with reference to answer Senator Rayburn's business about not voting in the five day period. I don't know very many votes we've ever taken that first five days of the session, anyway, so I have passed any legislation that five day session, so I don't think it's going to make that much difference.

Further Discussion

Mr. Casey Mr. Chairman, and members of the convention, I won't take too much time on my remarks and belabor the issue too long. I do urge you to adopt the amendment proposed by Mr. Rayburn. The proposal as it exists, and I'm not referring to the amendment of Mr. Rayburn's, the proposal as it exists really, and I don't intend to make any derogatory remarks at all toward anyone, but as drafted, it really presents, I think, a tremendous amount of difficulties. I think that the real key to the wording which presents some problems, and I think the proposal of Mr. Rayburn really cleans up and makes more perfect the proposal for the purpose of calling the Legislature into regular session. Much has been said about the idea of introducing legislation and going back home for two weeks, and then coming back again and then really a hodgepodge of legislation. To give legislators the opportunity to go home and talk to their constituents and to their people about the legislation that is introduced. Let's face it. Let's not kid ourselves about the method of introducing legislation that the proposal has right now. In the first five days of a legislative session there will be no little legislation introduced, that there will be little for a legislator to go back home and talk to his constituents about. Because, as it is right now, and human nature will dictate, that the large percentage of legislation will be introduced after this fifteen day waiting period, so to speak. And that's what's going to happen, and there will be the usual rush

then, to try to consider the legislation in Committee, to try to consider it on final passage in both Houses. Mr. Rayburn's proposal solves many of our problems, permits the Legislature by its own mechanics, to establish the method of introduction. To have committee hearings without the Legislature being in session. To have committee hearings during this eighty day period to properly clean up and consider legislation. There are many merits to Mr. Rayburn's proposal, and I urge you to adopt his amendment.

Questions

Mr. Stagg Mr. Casey, is it not correct that some of the remarks in the previous speech was about going home one night and coming back and everything was changed. Did you hear that remark made?

Mr. Casey I certainly did, Mr. Stagg.

Mr. Stagg Well, it is not a fact that I appeared before your committee on Tuesday afternoon when the committee was discussing a sixty day session with a 120 day period and that that motion on that afternoon passed 4-2. Is that correct?

Mr. Casey That's absolutely correct, and if you would like, I might elaborate on that. There have been many proposals before our committee. Personally, I'm in favor of letting the Legislature decide how long we're going to be in session, and I so moved during the considerations held by the committee. I was defeated. The sixty legislative days in the 120 days was a compromise, but you are absolutely correct that all of a sudden it wasn't an overnight situation. It was a morning situation where the present proposal was a sudden development and there it was. I was the only one on my committee that voted against it, and I have no complaints. That's the democratic system. Frankly, I'll tell you what happened last night. I don't like the present proposal and neither did Mr. Rayburn, and we worked together on it, talked to people. Got some votes and that's why it's before the convention today. I'll pull no bones about it. That's the democratic process.

Mr. Stagg I share your approval of the Rayburn substitute and I shall support it. I thank you.

Further Discussion

Mr. Riecke Mr. Chairman, ladies and gentlemen. I'm one of those who has an amendment that I've worked pretty hard on and talked to a lot of delegates about, and I've found my amendment quite popular, and I would like the opportunity for you all to hear it. If we pass favorably on this one, you will kill all the other amendments that are coming up. During the early part of this convention we were sent a lot of literature, one of which was notification that about six years ago the Louisiana Law Institute in studying the constitution had recommended at that time that there be a split session of the legislature for the purpose of first introducing bills and then a recess so that the legislators and the people back home could study the bill and vote more intelligently on them. You've heard it said earlier that there were twenty-eight hundred bills—some speaker said three thousand—introduced in the 1972 session of the legislature. Nobody can tell me or you, I'm sure, that every legislator knew what was in those twenty-eight hundred bills, some of them 30 and 40 pages long. In my campaigning for this office, at which I was elected by the people of my district, this issue of the planks in my platform and I found the advocacy of a split session, in that the people back home would know what was going on if this wanted to take the trouble to know what the most popular thing I talked to the people about, that I think I'm probably responsible for my election. I believe that you ought to give those of us who have amendments to follow this one an opportunity to be heard. If you vote favorably on this one you're going to kill them. I think that everybody in your district, each

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one of you and everyone of you, would like to know in advance, thirty days in advance, before the legislature considers these bills that come up. This will give the legislators an opportunity to hold the committee meeting in that period of time. If you've been in the legislature when they have committee meetings and there's some bill that's going to hurt your business or you think is going to hurt your area and you want to testify they'll set a time for the committee meetings. Then you go all the way up there from New Orleans or Shreveport and you find that the committee meeting has been cancelled and you have to go back home. These are the things that we want to try to correct in this constitution. Gentlemen and ladies, please vote against this amendment.

Point of Information

Mr. Abraham Mr. Riecke made the statement that if this amendment passes, it kills all subsequent amendments to this particular section. That's not correct, is it? The other amendments will still be considered and might supersede this one if they're passed. Will it not?

Mr. Henry The other amendments certainly would be considered. If this amendment were adopted and we began considering the other amendments because of the way they were worded and this amendment had been adopted they may have to be redrafted but they would be considered.

Mr. Abraham His amendment could still be considered, would it not?

Mr. Henry Yes sir.

Mr. Riecke May I answer that?

Mr. Henry Points of order I'm supposed to speak to, Mr. Riecke, but in as much as you still have the floor, I will let you proceed.

Mr. Riecke This is in direct opposition to a split session and if you pass this, there's no chance of the other amendments on a split session being even considered. You've passed what they've advocated.

Vice Chairman Miller in the Chair

Further Discussion

Mr. Flory Madam Chairman, delegates to the convention, I rise in opposition to Senator Rayburn's amendment. He mentioned a little lobbying on the committee's proposal. Looks like there was a little bit of the lobbying going on last night and at breakfast this morning from what I am told. And that's good too.

Let me say to you that those of you that can recall the last referendum election the issue of an annual sixty day session was submitted to the people of this state.

And the people of this state decisively rejected the annual sixty day session of the legislature. Now, I submit to you that the work of this convention has to be adopted by the people of this state.

I have for a number of years and the group of people that I represent, have taken the position that if used as intended when it was originally adopted by the people of this state, the fiscal session of the legislature where they would consider only fiscal matters delve into the anticipated revenues, look into the various state agencies of this state and their budget and determine whether or not these funds were being used as the reasons and purposes appropriated. That the state could save untold millions of dollars. I still believe that.

But it appears based upon the actions of the legislature over the past years that they have no intentions of using the fiscal session for that purpose. Under the theory that it takes the fiscal session and the regular session to accomplish the business of this state I am now prepared to in light

of that, support the committee's proposal because I think that proposal does provide adequate safeguards to the public. It does provide for a workable legislative session on an annual basis. However, what is contained in amendment Senator Rayburn has is an eighty day session of the legislature every year. Put it anyway you want to. That is exactly what it means.

It does not provide for a prefilling period and I have heard I would suggest a far majority of the legislature repeatedly over the years say that they needed a prefilling session. They needed a period of time with which they could go home and get the reaction of the voters in their district as well as to interpret what is contained in the legislation that had been introduced.

I admit that it is a possibility that Senator Rayburn's proposal that could be done. But there is no guarantee in that proposal that it will be done.

Let me suggest to you what could very easily happen.

The legislature could be in session three or four days a week. Adjourn and hold committee meetings one or two days a week or a remainder of the week. And you've got eighty session days of the legislature.

The last three regular sessions 600 bills, House and Senate have been introduced in the first five days of the legislature. I suggest to you that is a good case load for the legislature to begin work after they come back during the interim period from the prefilling period and committees proposals and start work on the first day of the session when they come back the second Monday in May.

I believe that what is contained in Senator Rayburn's proposal will not be accepted by the people of this state. Already have spoken against the annual sixty day session without any restrictions whatsoever in the period prescribed in his amendment.

I can't help but believe, that the public of this state is entitled to know on an annual basis what they can expect and I can't help but believe that the legislature itself, should want to have a prefilling period spelled out for the purpose of prefilling. Where no action could be taken until the bills were printed to get some reaction. And let the public find out what is in those bills. Now if the public is not entitled to that, and they are paying the bill, then you tell me what they are entitled to.

I believe that if you reject this amendment that in the further deliberations upon this subject if the committee proposal does not suit your fashion that other proposals will be considered that you might find more possible than what is presented here. Once you adopt this amendment, for all practical purposes, the majority of the delegates to speak. And as a practical matter, how can you get adopted a subsequent proposal that might even be a better proposal.

I ask you to give this consideration, reject this amendment. Let us establish in the constitution a prefilling period with a period of recess for the public's good. Let them find out what has been presented and give them adequate opportunity to come to the legislature and be heard. After all, that is what a democracy is all about, representing the views of the majority.

How can that majority be heard if they don't know what's going on? Under the committee's proposal, I suggest to you that can be done. Now, I have been attending in the committee meeting when they adopted their proposal I heard the chairman of this convention speak in favor of that proposal. And I agree that perhaps it is now time to spell out on an annual basis what should be done with the sessions of the legislature and under what conditions they can meet and should meet. And I ask that you reject the amendment and give favorable consideration to the committee's proposal as it comes up.

Further Discussion

Mr. Juneau Madam Chairman, fellow delegates, some

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reference was made earlier to I think six members of the committee as to what they were last night. Now, I cannot speak for the other five, but I would like to tell you what I did.

I had supper at the Piccadilly. I had a hamburger, turnip greens and custard pie. Thereafter, I went to my apartment and slept. I saw Mr. Casey in the interim period and indicated to me he said "do you think you would favor a proposal wherein we would remove the five year limitation which I, publicly and in committee and in committee voiced objection to. And to extend the period to eighty days. Which I expressed concern over. And I said yes, I think that would probably be a little better than what we have. And he said if such a proposal would be proposed would you join as a co-author and I said I would. If that is the overnight action that they are referring to I admit guilt.

I might tell you that I offered the original provision that would allow for 120 day period. For sixty legislative days.

I have backed off of my provisions to attempt to arrive at what I thought was a realistic, strengthening fact of the legislature. And that's why I think this amendment is good.

I do not plead infallibility and I do plead that I can be educated by other members of this convention. I thought for edification purposes you would like to know that we considered at length most of the proposals that are being suggested as amendments. And while we are talking about lobbyist's provisions overnight may I remind you, that at the committee hearing yesterday, for the first time, to my knowledge an amendment was proposed by Mr. O'Neill. Which in essence would have reinserted into the constitution what we have now in fiscal sessions.

I submit to you, I think he did in good conscience but the same would apply. Where does it come from?

Ladies and gentlemen, what I am attempting to tell you is this. Over the committee proposals the Rayburn amendment does nothing to mean more than remove the five day limitation which I think it is a little presumptive on my part to say in the future that five days will be enough. Additionally, it extends the period from sixty days to eighty days and I favor that.

I think in contrast to some of the statements that have been made that the provision as now written allows for a suspensive period and you can have split sessions. It does that. I think that is a realistic, practical solution to the strengthening of the legislature in this state and for that reason, I favor its adoption. Thank you.

Further Discussion

Mr. Roy Madam Chairman and delegates to the convention, I want to basically reiterate most of what Delegate Flory said and just add a few other little comments.

One, it appears to me that we are getting right back to the same situation of there being a difference in somebody's mind between one, five, ten, twenty days when we have had a committee that has heard probably everybody's argument and what have you.

Then we get to this other argument that is made that for some reason has a veiled statement by some of these legislators don't like working on Saturdays and Sundays.

Well, if we judge the future by the past we find that the legislature passes most of its laws in the last--probably ten days of the session. Therefore, under Senator Rayburn's proposal since there is no specific time that they must meet probably the same thing will happen again. For the first ten, fifteen, twenty days the legislature will dilly-dally and finally it will have to get down to business and people will be meeting on Saturdays and Sundays anyway. That argument doesn't sell as far as I'm concerned. I think the idea that the people are entitled to know when a legislature convenes and about when it shall adjourn. Not to exceed one sixty days is enough. I don't think we have to provide that the people should not be sure whether the legislature will last sixty or eighty days. I think sixty days is enough since we are now having annual regular sessions as opposed to the other session.

I think it is a good idea that any young legislator coming down here has a chance to get his feet wet by providing a grace period during which he may be able to return home if he chooses or he can sit back and listen to the comments that are made either by way of the news media or what have you with respect to as Mr. Flory pointed out to some 800 odd number of bills that have been introduced in the past.

It may be that this provision could be worked out a little better but we still get to the same point of no return. That each of us has some little idea that we would like to get across that may be a little better than what the other guy has and in the end, we're just spending a lot of time.

I believe that the provision that the committee has come up with after hearing all the people is the best thing we can do. I think all the other arguments are specious. I don't think they hold weight about the Saturday and Sunday. I don't think they hold weight about not--you're [your] not being able to get the pulse of the convention of the people because you haven't had a score vote.

I think that the young legislator having a chance to meet his fellow legislators to know how they stand generally is in a better position for final analysis to determine what legislation he will or will not support and then go back--come back here and get busy on it.

I move the adoption of the proposal of the committee and the rejection of the amendment.

Further Discussion

Mr. Womack Madam chairman, fellow delegates, I rise in support of the Rayburn amendment. I have been in the legislature now since Governor Long's days. Two sessions with Governor McKeithen, one with Governor Davis and now well into this session. Having passed two legislatures already which normally is half of the time.

You hear a lot about what has happened the last ten days of the session. Yes, most of the bills are passed the last ten days. After ten days you finally concur in all of the bureau amendments. That's the days that run the massive of suit bills authorizing suits through.

Yes, that is bogged up on the last few days.

That's the days that you catch the concurrence in the amendments from the other houses concur or not concur in the conference committee reports. And to say that is the time you pass most of the legislation is certainly misleading.

There is only two or three issues in this that I want to specifically call your attention to.

Number 1 under the original proposal, the legislature is restricted from acting on any thing the first five days.

Now, all I have heard since this started was we want a free legislature. We want to have the right to serve the people. And now you want to tie them down to [to] the [to] where they can't even vote when they are in session.

It makes a lot of sense.

You are going to say, that for the first five days even though you've got three or four, or five hours that you could be moving legislation you can't vote. Not only you can't vote, you can't introduce the general program--I mean the special appropriation to pay the expenses of the legislature. And certainly if you can't do that you are going to find the employees going a minimum of twenty-five days before they can be paid.

That makes a lot of sense.

With the Rayburn amendment you still are going to meet the same sixty days and you are meeting on the same system of compensation. For legislators you are going to pay the same price for it. The difference is that you are going to meet five days a week to get in the sixty days instead of attempting to meet seven days and nights a week to get in [to] sixty days like we have done in the past.

I have been here and seen oppositionism all high as fifteen and twenty percent. I wonder if you had legislation that had any absolute whatever to it you dare not bring it up. Because of such a short

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house why, because you are attempting to meet seven days a week and you had a number of people that had to go home one or two days to transact their own business. This leaves them the one or two days to go home and transact business. And certainly I wholeheartedly agree that there should be enough days in the week for us to transact business without having to meet on Sunday. This would leave you the Sunday to be retained as it set out in the commandments.

Would like to cover briefly the three or four things again that I think is the difference.

Number 1, you still maintaining the sixty days. You are releasing the hamstrings on the legislature and letting them move as they see fit according to the work load that they have. You will be permitting them to go forward with the special appropriation bill for instance, to pay the expenses of the legislature which means that they will pay their employees on time.

You will permit the members of the legislature.

As I say, you would take the five day restriction off permit the legislature to go about their work then in accordance with their work load. They can meet, assign bills to committees and in a number of instances go ahead with committee hearings.

If you have the fourteen days waiting period. A five day introduction period at which time nothing can be taken up. Then it will require a suspension of every conceivable rule that you have and taking advantage of the House and the Senate taking up the same subject matter on the third day in the House and the first day in the Senate even to get by with twenty-five days.

And if you go the normal routine, you could easily run in the neighborhood of thirty days before you make a payroll to the employees.

Now, if this makes sense, there is something wrong with me.

You say that we want to give a legislature all the freedom and that is all I have heard since I got here. We want a free legislature that they can move independently. Leave them the five days, let them move as they see fit. And then let them move into other work as the work load would project. And let them assign the work load and work it out. And this is simply what the Rayburn amendment does. So I have urged the adoption of it.

[Previous Question ordered.]

Point of Information

Mr. Kean I understand the Chairman to have stated that if the Rayburn amendment passes, that the other amendments that are in the hands of the clerk will be then taken up for consideration.

I rise to ask the question if the Rayburn amendment passes, does that then become the matter on the floor and can that be amended.

Mr. Miller Mr. Clerk will you speak on that please.

Mr. Poynter Yes, Mr. Kean. Certainly, as you stated it is absolutely correct. That amendment would be appropriate in the manner that it has been proposed to delete the previous amendments and insert in lieu thereof the language that they wish to insert. Or in the alternative, amendments could be proposed to the text of the language which would be inserted if the Rayburn amendment is adopted by this convention.

[Record vote ordered.]

Closing

Mr. Rayburn Madam Chairman, fellow delegates, much has been said here about lobbying. I want to take just a moment and tell all of you and ask all of you how many times I lobbied. Yes, I talked to a very

few of you, very few. But I want to ask you how many times you have been lobbied by someone speaking in opposition to this bill.

And let's set the record straight. I oppose this original plan and I am happy some of the committee members have authored my amendments because they think I've got a better plan or not. A lot of other people who discuss this.

They said--Mr. Flory said we would have an eighty day session. Well under his provision you could have an eighty day session if the days of the month fell right.

It is about a seventy-six day session like it is. You are going to meet on the fourth Monday for five days and then you are going home the fourth Monday of April you are going home till the second Monday in May. So it's according to where those Mondays fall. That could a three weeks or more to four weeks lap right there.

So there is no big difference in the days, may be [maybe] one or two not over a half a dozen at the most.

Well I want to say to you Rev. Stovall, if this committee proposal is adopted like it is it would put the legislature in about the same category as you and Rev. Landrum.

If you were holding a revival, you would preach your heart out for five days but nobody could join the church. They had to go back home and think it over three weeks, come back and you had to start preaching all over again.

Now, let me say to you, if you don't think time changes things, why are all these amendments here. All of those that appeared this wonderful committee system that we have and it is going to be awful flexible though. Here's the committee's proposal. Here several of them have had a change of heart. They read off something--the first time I ever heard of we introduced a lot of amendments, but I never had my competition read before but I actually don't mind, but you've done that and that's all right. That's all right, I guess. There are about fourteen others up there changed their minds. So the committee system is so fair--so great and so gracious we wasted a lot of time or this committee did that heard this.

You are seeing democracy in its truest form this moment. You are seeing people have a chance to change proposals. You are seeing committee members changing their minds. I have seen that for thirty-two years at the end of this session. Thirty-two years.

When you spend five days meeting, deliberating and don't take a vote and you go back home what are you going to talk about. You're going to tell your people what you talked about while you were over here. They say well did they do. Oh, he didn't do nothing--just talked.

They just talked, you are going to take three weeks to come back. They are going to start talking again. Oh, that sounds good for somebody who wants a little time that had to see a bill they wanted to kill. That would give them five days to kinda look it over and three weeks to kill it.

Well, you don't think I would drop a bill that I know I'm going to have some problems with in that session the first five days, do you. I've dropped one or two when I first came here, but I learned. I caught on.

Any time you drop one in there you are giving opposition that much more time to shoot at it. You know when they get a chance at mine, the last night the last minute before the deadline for introducing.

There's nothing wrong with this proposal. It is letting the legislature do a little bit of what the people elected them to do. It's no eighty day session. It's tied down in a sixty day session. It does give you eighty days to do your work.

And I don't believe that any legislature should convene on a Sunday. And that was one of my intentions was trying to prevent that from happening in the future.

I think I am entitled to a day or two at home to see the baby's mamma. I hope I am.

This would let us work five days a week, take Saturday and Sunday off. Go home and talk to our people if we so desire. Of course most of them,

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including myself, have usually got somebody who wants to take us on a fishing trip. Or some other kind of little trip. Well, I want to tell it like it is. But I would hate to come over there and meet for five days and discuss bills and go back home and maybe the farm bureau says well what did they do on that House bill so and so—that had so and so to do with—They ain't done nothing. Just talked about it.

In my opinion that would be five days wasted and that's my main opposition to the proposal in its present form.

I hope you will adopt my proposal. I'm not going to tell you it's perfect but I do think it's an improvement.

Chairman Henry in the Chair

[Amendment adopted: 84-34. Motion to reconsider tabled.]

Amendments

Mr. Poynter Mr. Newton has a set of amendments at this time.

Amendment No. 1. On page 1, delete lines 21 through 32 both inclusive in their entirety and on page 2 delete lines 1 through 9 both inclusive in their entirety and insert in lieu thereof the following:

"Section 2[...] aid. The Legislature shall meet annually in regular session convening at 12:00 o'clock noon on the fourth Monday in April for such terms and under such conditions as may be provided by law."

Amendment No. 2. On page 2, delete line 10 in its entirety and insert in lieu thereof the following:

"B. During such times as the Legislature is not convened in regular session, it may be convened by the..."

And Mr. Newton, leave the delegates here at this time need to add an amendment. Now I would simply delete in their entirety Amendments No. 1 and No. 2 proposed by Mr. Rayburn and adopted etc.

Explanation

Mr. Newton This amendment simply allows the legislature to do as it sees fit. I want them to go here to do instead of just part of what they were sent up here to do as Mr. Rayburn said.

It allows the legislature to determine for itself by law, so that the people will have some idea of when the legislature is going to meet and how long it is going to meet.

It sets out the time that the meeting that the legislature will convene in which is the fourth Monday in April. The other amendment is in the nature of a technical amendment to conform the section on extraordinary sessions with the provision of Section 2.

I don't pretend to the eloquence of Mr. Triche but with his permission I would like to adopt his remarks with respect to the responsibility of the legislature that he made earlier this morning.

I think that during the last sixty day session the legislature of the House met fifty-five days during the sixty day session. Probably passed most of the bills in the last few days and I don't know about the rest of you, but I have seen some pretty bad bills that came out of there.

During the thirty day session I understand the House was in session for twenty-eight days.

I think that Mr. Rayburn's amendment is an improvement but I don't think it is enough. I think that this amendment provides sufficient flexibility for the legislature to be able to conduct the business of the state. There are all these amendments wanting different ways of the legislature to meet.

Under my proposal if the legislature so desires it could try some of these, if they work fine, if they don't they have got the right to change it. To get it like it ought to be.

I think there are going to be sufficient pressures on the legislators to keep them from being down here in continuous session. These are responsible people

they are responsible businessmen, they are not interested in squandering the state's money as Mr. Rayburn can attest. They are interested in getting down here and getting their work done and going home.

I think there is going to be sufficient pressure from the different interests of the state to keep the sessions within reasonable bounds. That I personally am not worried about [...] of the privilege or right that they would be given to conduct their business for themselves.

I think that one of the next sections proposed to put the legislature on a salary, so am in complete agreement with this. I think that they are on a salary, they are adequately compensated, let them come down here for however long it takes for them to take care of the state's business. And I think one further thing that allowing them sufficient time to meet to consider the budget, to consider any other matters that they need to consider is going to allow them to at least equalize their strength with that of the Governor. And I urge that you accept the amendment.

Further Discussion

Mr. Abraham Fellow delegates, I voted in favor of the Rayburn amendment because I felt we needed to give the Legislature flexibility in doing their work. I am in favor of the Newton amendment because I think we should go further than what we did in the Rayburn amendment. Now this gives the Legislature by law, and they will have to do this, they will have to fix their sessions in the method in which they are going to operate, they will do it by law, so everyone in this State will still know exactly for how many days they are going to meet, and by what means they are going to go about their business. Now here again, and I do not have the eloquence of Pappy Triche but I wish I did, you heard him speak on the need for making the Legislature more responsible, if we are able, if we are really responsible for conducting our business, then we are going to have to give them a little bit of authority to go with it. Now let me tell you what this will do as I see it, and I think it is sorely needed. This allows the Legislature once every four years, and this is needed to have an organizational session prior to the election the following year after the election in which they can elect their officers, in which they can appoint their committees, now this is simply good business sense so that when they do come back into session then they are ready to go to work. It allows them if they so desire to have a filing period. More importantly, it allows them time in which to conduct hearings, and it allows them time while they are conducting these hearings to take final votes on whether they are going to report the bill favorably or unfavorably or however it may be so that when the Legislature does come back, the people know exactly what's in these bills they know how they are going to be presented. Now of all things we need immediately the Legislature to deliberate and I believe in giving our Legislators some flexibility, some authority, I believe in trusting them. Now the Legislators are not going to leave this as a wide opened deal, you heard enough debate here today that if they do not take heed of what has been said here a lot of them are not going to be in the office the following term. They are going to be in their sessions, up as they should be but it will be fixed by law, it's not going to be changed very easily, but it does allow that if this system does not work in four, five, six or seven years from now it needs to be changed they will change it, they will pass a law changing it and every body is still put on notice as to exactly how they are going to operate. I am not worried about them extending the sessions so long because they are going to be on an annual salary but more importantly whether they are on an annual salary or not every Legislator needs to know when he is going to be in Baton Rouge so that he can arrange his business at home. He can't afford to just leave it up to the will of the rest of the Legislature to say O.K. we will adjourn now we will

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come back in so many days. He needs to know from year to year, and for several years exactly how they are going to meet.

Now what we have done before the original proposal was actually writing statutory material into the Constitution, and I am in favor of taking as much statutory material out of the Constitution as we possibly can, and that is exactly what this particular proposal by Mr. Newton does, this amendment that it says that the Legislature will determine for themselves exactly when they are going to meet and what manner it does fix their starting date. Now if I understand correctly, the Legislature itself, the House had a committee and the Senate had a committee studying its mode of operation both of whom came out with recommendations which in effect said that they did need the flexibility of determining their sessions, it did state that they would like to have an organizational session in order to pick their speakers, or their presiding officers, in order to choose their committees and this should be done without the pressure of trying to get bills introduced or anything else. I would strongly urge that this Convention give the Legislature the authority to run its own affairs if we are going to make them an independent branch of government, if we are going to give them the authority to run we have the check of the Legislative branch against the Executive or the Judicial branch then we are going to have to give them the right to run their business, and as far as I am concerned, the proper manner of doing this is by placing the trust in the Legislature, then if I don't like what my Legislator is doing, then my job is to try to vote him out of office the next time. Thank you.

Vice Chairman Casey in the Chair

Further Discussion

Mr. Denney Follow delegates I rise in support of Mr. Newton's amendment and I echo the remarks made by delegate Abraham. Sitting on the committee on the Executive Department, it was our conclusion that we should give power to the Executive, and I think we should give similar power to the Legislature, if we are going to have an efficient operation in this State, we have to trust our elected officials. It seems to me that the Legislature may be able to get finished its business one year in ten days, the next year in eighty days, but if it is going to take them eighty days to do a good job I would rather have them do a good job in eighty days than a poor job in sixty days or any other limited time, then it seems to me that the Legislature is the best judge of how long it takes to get through its business.

Questions

Mr. Duval Mr. Denney, I certainly agree with you that we need a viable and strong Legislature, but the provision that is proposed by Mr. Newton doesn't allow such... a great deal of uncertainty in that it's possible that we could go back to a thirty day fiscal session or its... that the public would not really know from year to year what the session of the legislature would be. Perhaps you could clear me up on that.

Mr. Denney Well I would envision that the Legislature would adopt a statute which would provide for this, if it chose to amend that statute in later sessions because it found it had made an error it would certainly have the right to do so but it would not require a constitutional amendment. If we found that possibly, maybe the fiscal session is better than two sixty day sessions. Personally I don't think so, but it is conceivable that it is, and I would rather let that in the hands, leave that in the hands of the Legislature than try to amend the Constitution every two years.

Mr. Duval Thank you.

Mr. Anzelone Mr. Denney would you agree that the installation of the sixty day provision in this particular article would definitely be dating this

constitution?

Mr. Denney Yes, I think it would be dating it.

Mr. Anzelone Could you foresee at some time, the future point in time where in sixty days might not be enough time just as thirty days has proved not to be enough time?

Mr. Denney I agree with you, sir. That was my point in supporting the motion.

Further Discussion

Mr. Champagne I am going to make this very short and probably because it would seem at this time that that might well be in a very small minority, but that's not nothing that keeps me from voting my convictions, I want to assure you, and I feel that this provision is as strictly giving no general guidelines to the legislature whatsoever. We sat here, we provided a continued session, we provided more time and I ask you, shall they ever have enough time, and if it is a question of mistrust or dislike or disinterest in these people, but I want to remind all of you, that you and I have been exposed to these people. We find them to be likeable, fine, wonderful people, but ask you, have the people back home, who elected them are they so convinced that we can just turn loose completely at their discretion, and let them do what they so decide in their great wisdom forever, or shall they say, those people who met in Baton Rouge were absolutely wrong in their decision in turning loose completely the legislature with absolutely no guidelines. I am, even though, I be the only delegate, I am opposed to this resolution, I am opposed to this amendment, and I definitely want a roll call vote on this amendment.

Questions

Mr. Jenkins Did you know, Mr. Champagne, that many of us in the legislature feel the same way, and that you are not the only one who feels that way.

Mr. Champagne That's right.

Mr. Jenkins How do you think it would be to have full time people, who are full time politicians running this big government who seldom ever had a chance to go home and be with the people who elected them? Do you think that would make for a representative government?

Mr. Champagne I think it probably, it would contribute to one of the faults that some people attain, is with the Federal Government, that we have people who do nothing but legislate, and that is one of the reasons why we have so much legislation from a Federal level. I don't think that this is the kind of thing that people want, I am told back home we get too much legislation and I think that if, you get people that are sent up here, and spend too much time here, you are going to end up with something very much like our Federal legislation, but you will get it from both sides, from Louisiana and from the United States.

Mr. Abraham Mr. Champagne, don't you think that even under the present system that you could have full time legislators simply through the committee system who would be down here all year long?

Mr. Champagne That's a possibility but it's not a mandate like this might be.

Mr. Abraham Do you have it now? Do you have full time legislators now?

Mr. Champagne We don't probably have it--in fact we do not have it.

Mr. Abraham Du you think there would be any more reason to have it in the future than you would have now under this system here?

Mr. Champagne I certainly think that the possibil-

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ity is there in the minds of the people who are going to vote for this constitution.

Mr. Abraham Would the possibility be any greater then it is now?

Mr. Champagne I would feel that in their mind there is a definite greater possibility. I also feel that this would indeed give...you know how they say, give them enough rope and they will hang themselves...and this might do it.

[Previous Question ordered.]

Closing

Mr. Newton I can see that the most serious objection to this proposal is that the legislature might stay down here all the time. I personally think that these are responsible people. They are businessmen that have businesses to take care of and I think the pressures are going to be sufficient on them to only keep them down here as long as they need to be down here. I think, if we can adopt a provision which will put them on an annual salary, I think that the pressure would be just that much greater for them to tend to their business and get on back home. I urge your favorable support of the amendment. Thank you.

[Record vote ordered. Amendment rejected: 29-86. Motion to reconsider tabled.]

Chairman Henry in the Chair

[Quorum Call: 113 delegates present and a quorum.]

Amendments

Mr. Poynter Again we will need to add a fourth amendment to it.

Amendments proposed by Mr. Riecke.

Committee Proposal No. 3 by Mr. Blair et al.

Amendment No. 1, On page 1 delete lines 21

through 32 both inclusive in their entirety and insert in lieu thereof the following:

"Section 2. A. The legislature shall meet in regular annual sessions. In each year the regular session shall extend for sixty calendar days, the first ten days of which shall be for the purposes of organization and introduction of bills. No bill shall be introduced in either house of the legislature after the tenth calendar day, except by consent of three-fourths of the members elected to each house. On the tenth day of each session the legislature shall recess for a period of thirty calendar days and shall reconvene at noon on the thirty-first day next following the day on which it recessed."

Amendment No. 2, On page 2 delete line 1 and at the beginning of line 2 delete the words, quote Monday in May period, end quote.

Amendment No. 3, On page 2 line 5 immediately after quote, them period, end quote, delete the remainder of the line and delete lines 6 through 9 in their entirety. We need to add now an amendment No. 4 to strike out in their entirety amendments No. 1 and No. 2 proposed by Mr. Rayburn and adopted by the convention on July 13, 1973.

Mr. Henry The gentleman will explain the amendments.

Explanation

Mr. Riecke Mr. Chairman, and gentlemen. I'm not going to take any length of time to explain this. I talked about it before and as you heard the clerk says it has been previously passed out and I think that's almost what happened to it. In view of the fact that there is some forty delegates who told me that they liked the amendment and that they thought it was a good one I'm leaving it on the calendar for you to vote. It--very briefly, it sets up a ten day period for the introduction of legislation, requires the legislature to recess for

thirty days to give them and the people a chance to vote, to study it, it allows committees to meet in the thirty day interim, and it does not permit the introduction of any further legislation, except emergency legislation which requires a three-fourths vote. That's it simply.

Questions

Mr. Abraham Mr. Riecke, the intent of the thirty day recess you say is to allow committees to meet during the period.

Mr. Riecke Yes.

Mr. Abraham But there would be no restriction on them taking final action on a bill?

Mr. Riecke The committee could not take any definite action in that time. They would meet, they could hear people who were interested in the legislation that would be considered, but they could take no definite action during the thirty day period until the legislature gets in regular session.

Mr. Abraham Well, there's nothing here to prevent them from doing this, is there?

Mr. Riecke If there isn't, then they want to make recommendations, they can't pass them anyway until they get to the legislature. I don't think it's important. Maybe you do, but I don't.

Mr. Alario Mr. Riecke, I don't see in any place in your proposal where you say what date the legislature shall meet each year. Could you elaborate a bit on that.

Mr. Riecke No, I left that to the legislature to decide when they wish to convene. It says how many days they shall meet. It shall meet ten days for the introduction of legislation and fifty days thereafter. That's provided, but the date of the meeting would be left to the legislature itself.

Further Discussion

Mr. Sutherland Mr. Chairman and fellow delegates, I want of rise in support of this proposal by Mr. Riecke because I too ran from my district on the basis that the legislature should meet in annual session. But the people were opposed to any extension of the legislative session unless there was some reason that they could see for extending it. I believe that the split session is an answer to this problem. In this case the legislature would be convened for ten days in which to receive bills. You heard Mr. Rayburn say the original proposed was faulty because it met for five days, it introduced bills, they went home and they came back and they had seven more days in which to introduce bills. This is not true under this proposal. All bills will have to be introduced in the ten day period unless they can get emergency approval by the legislature's three quarter vote. I think that if any of you have been before the legislature, you know that the time for hearing bills has been sandwiched in between meetings of the regular session of the legislature. They have met before the session or after the session. I think in this case you would have a period of time in which hearings could be set and that the people could have an opportunity to appear and present their views. I think that this corrects some of the faults that the Rayburn proposal was introduced to correct, and I would urge your support of this proposal--amendment. Thank you.

Questions

Mr. Tapper Mr. Sutherland, this is in connection with the question asked by Mr. Alario. According to the amendment as I read it, I believe it reduces the number of days from sixty to forty that the legislature will actually be in session. Is that your interpretation of the amendment?

Mr. Sutherland From sixty to forty?

Mr. Tapper Yes. In other words you are going to

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meet...the legislature will meet for ten days. Then they will recess for thirty days. That's forty, isn't it? Ten and thirty would be forty.

Mr. Sutherland Right.

Mr. Tapper And then they reconvene, but they shall not meet any more than sixty calendar days. Do you consider the thirty days that they are not meeting as part of the sixty days?

Mr. Sutherland I would not consider it as such.

Mr. Tapper What about the committee meetings? Is there anything in the amendment to provide whether or not the committee shall meet or may meet during this thirty day period?

Mr. Sutherland It is my understanding that if they are not prohibited from meeting, they could meet.

Mr. Tapper Thank you.

Mr. Bergeron Mr. Sutherland, wouldn't this thirty day recess period allow time for the legislators to go to their respective districts to deliberate with their constituents and arrive at their general feelings on some of the bills and proposals which might be brought before the legislature?

Mr. Sutherland I think it would. I think it would also give their constituents a chance to understand what the bills were that were introduced in the session and have an opportunity to contact their legislators, if they so desired.

Mr. Champagne Mr. Sutherland, indeed probably the best part of this proposal, would you suggest, is the fact that they do have thirty days in which to get the feelings of their people. In other words, what I'm sensing here is that we are getting a little picking at this idea but really and truly they are not picking at the idea that the thirty days...you do agree that's the big important part of this thing, allowing the people a chance to have been exposed to the bill, not only the people but the legislators themselves. Is that right?

Mr. Sutherland That's correct.

Mr. Champagne Thank you.

Mr. Roy Delegate Sutherland, I'm a little concerned as to, if this passed, when would the legislature meet for the first time and who would call it into session since there is no convening date?

Mr. Sutherland I would assume that the legislature would have to call itself into session or the governor would call it into session.

Mr. Rayburn Mr. Sutherland, I...am I correct in assuming that if this amendment were adopted that we would still have only sixty calendar days to be in session which means that each Saturday and Sunday would be a legislative day? If I read it correct, it says sixty calendar days. Then Sunday would be classed a legislative day, if we didn't meet we would just lose it.

Mr. Sutherland I would think so, sir?

Further Discussion

Mr. Alexander Mr. Chairman and delegates, this amendment has the effect of curing some of the defects in some of the other previous amendments, some of which have been defeated. The people of the state, as you know, oppose both the open end session and they also oppose the so-called thirty day fiscal session or any kind of fiscal session for that matter. This amendment would correct all of those defects. In addition the amendment increases from five days to ten days the period during which the legislators can introduce bills. Then it allows thirty days to digest those bills, debate them back home, study them, determine opposition or support,

etc. I think this amendment does quite a few things that this convention needs to do and I appeal to you in a sense of fair play that is consistent with what we have been doing and what we have been trying to do in this state and we support this bill. I would ask you that we go back to the principle of Mr. Perez where we voted unanimously to endorse or to pass his amendment. I am asking you to vote one hundred percent for the amendment.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, this is a very serious amendment which could be very detrimental to the legislative process. I wish you would consider this very seriously and give it your full attention. The way that it is worded, and I don't believe that it is intended to be worded the way that it is, is that the legislature would go into session for ten days to introduce bills and refer them to committee, and then stand in recess for a thirty day period. Now what would happen under the way that this is worded is that when the legislature goes back into session, all they can meet is for an additional twenty day period. Can you imagine handling three thousand bills in a twenty day period on the floor of the House and on the floor of the Senate. Talk about mass confusion, and bad legislation getting through and pressure groups working like mad...that's exactly what this would cause, mass confusion. Gentlemen, this is extremely serious. Even now under the present law, we have fifteen days to introduce legislation why shorten it to ten days? We have twenty days to introduce constitutional amendments. The Rayburn amendment as adopted, I submit to you, offers a viable, flexible, versatile method of handling legislation. The legislature itself can afford the split session concept. This is an extremely serious, detrimental amendment and I urge its defeat.

Questions

Mr. Riecke I don't see how you interpret that that way at all. To me it's very clear. It says the regular session shall extend sixty days, ten days of which is for the introduction of bills. Now, how you get ten from sixty to be twenty, I'll never understand. If it is a question of form, it would seem to me you have a provision for that in that whoever makes the bills in their final form...if there's some ambiguity in it that they could change it. But to me this is perfectly clear. This gives you fifty days. I don't want anybody who considers this to feel that that was the intent.

Mr. Henry What was your question, Mr. Riecke?

Mr. Riecke My question is, how did he get twenty days out of ten from sixty?

Mr. Henry How did you get twenty out of sixty, Mr. Casey?

Mr. Riecke You must be using a new math.

Mr. Casey Mr. Riecke and Mr. Chairman, by way of explanation I get it two ways. First of all the breakdown is ten days introduction of bills, thirty days in recess and all it says is that we go back into session. It doesn't say we go back into session for fifty days, but under sentence number two it does say that in each year the regular session shall extend for sixty calendar days. Now what does extend mean. Extend means that from beginning the first day, whenever you go into session, including this recess period until the last day which includes those twenty last days after you've been in recess, the way I read it is from beginning to end it's sixty, consecutive, calendar days. Gentlemen, I would hate for this type of amendment to wind up in the Supreme Court for interpretation. All I am is one little attorney. I'd like to say that I'm a little country boy, a country attorney...that's more effectively. I just happen to practice law in the city. My interpretation is that the Supreme Court would say that the sixty days is sixty, con-

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secutive, calendar days from beginning to end.

Mr. Riecke Well let me ask you this question then. Would you say that a country boy's interpretation over and above the experts on our staff who wrote this up should prevail? The experts on this staff drew this up for me.

Mr. Casey I'll answer that question. We have a very competent staff but the fact remains they can error also. They are not infallible and I disagree with them on some of the other proposals that are before the convention that possibly need correction and cleaning up. They do the finest job that they have within the time limit that they have and that's our job to make sure that we do the best possible job and present the best and most articulate and understandable and precise constitution that we can.

Point of Order

Mr. Riecke My point is, would it be possible to withdraw this and return it to the staff for clarification and resubmitting it later?

Mr. Henry It would be out of order but I don't think anybody else wants to speak... Under those circumstances it would be in order so if you want to so move...

[Amendment withdrawn without objection.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Abraham], on page 1 delete lines 21 through 32 both inclusive in their entirety and on page 2 delete lines 1 through 9 both inclusive in their entirety and insert in lieu thereof the following:

Quote... Section 2 A. The legislature shall meet in regular annual sessions as provided by law.
We need now, of course, to add an amendment No. 2 deleting the Rayburn amendment.

Explanation

Mr. Abraham This amendment is similar to the Newton amendment with one exception, of course, this amendment was in the hopper before we voted on the Newton amendment. In that, whereas the Newton amendment says may be provided by law, which was permissive, this specifies that it shall meet as provided by law. It leaves no question that a law must be passed which specifies exactly when the annual sessions are to be and for how long.

Question

Mr. Denney Mr. Abraham, does your amendment say that it shall meet in regular, annual sessions? The copy I have says regular sessions.

Mr. Abraham Yes, it says regular, annual sessions. What happened was that in drafting the printed proposal, they left out the word annual, and a new one was passed around.

Further Discussion

Mr. LeBlou Mr. Chairman, and ladies and gentlemen of the convention, I voted for Senator Rayburn's amendment. I voted for Mr. Newton's amendment, and I ask you to seriously consider voting for this amendment. What it would do is just allow the legislature to provide all of the things that we've been considering here today. In effect, the House passes its own rules just like this convention passed its rules of procedure. The length of the sessions, if they were enacted by statutes by the legislature, could be changed as needed. Maybe once a year, once every ten years, or maybe never, but it would give the legislature an annual chance to correct any mistakes that it might have made and not have to go back to amend the constitution to do it. And let me give you one example of what I'm refer-

ring to. At the beginning of this term, this new legislative term, it appeared that for the first time in many years there would be an election by the members of the House for a Speaker. In past terms, the procedure has been for the Governor to say who he wanted for Speaker. It was accepted by the members, voted on on the first day of the session of the House just as a formality. But our Speaker this time didn't really understand that procedure and got out and got enough votes where he thought he could be elected, notwithstanding whoever the Governor wanted for Speaker. And I have got to commend him for it. What he did on the first day of the session when we elected the Speaker, he had then to appoint the various committee members. Since this hadn't been done prior to the convening of the session as it had been done in previous years, that took four or five days. It put the session back that many days before a committee could meet and hear bills that were already introduced. I recognized the situation when it came up and asked the Legislative Council to draw up a bill which would correct this situation, but since it was specified in the present constitution, it had to be a constitutional amendment. Then the bill came along which would create a new convention or convention to develop a new constitution, and I just didn't push the bill because there was a problem in considering that bill when the new convention was coming along. But it is an example of some of the things that the legislature could take care of itself on short order, as these things arose. Another instance is the sixty day annual session. We're talking about the sixty day annual session. I think everybody in here is for sixty days, but I believe that the session that I attended, there was a joint resolution introduced to allow for sixty days, that never could get past the House until 1972. When it came up in 1972, nobody opposed it. It flew right on, but it got included with the 52 other constitutional amendments that were all killed, so you can't say that that was bad. It took 70, or two-thirds majority of the legislature to even get it on the ballot, so it was thought a good item by most of the members of the legislature. But the only way you could change it -- by a constitutional amendment. If we would pass Mr. Abraham's amendment, this would give the legislature authority to do it by a simple act of the legislature, and they could correct many of these inequities as they come up. The legislature is really not as bad as many of you picture us. We have to stand for election every four years, and if we don't do it right, let me tell you, they put the boot on us, and I believe that's the right way to do. If I'm not satisfying my people, then I don't need that thirty day time back home to discuss bills. Anytime there is a bill that affects my area, they let me know about it, and I like to hear from them because that's what they send me down here for. So I ask you please consider this thoughtfully and I ask you to try to see it in our eyes, because I believe we want to try to do the right thing by the people of Louisiana.

[Previous question orderd.]

Closing

Mr. Abraham I still say that we need to give the legislature the responsibility, the authority to conduct their affairs as they see fit. And this is the way to do it, this is the representative way to do it. Those of you who think that the people are not in favor of this, and cite the reason that the constitutional amendment was voted down in the past, that amendment failed with the people because they were just tired of voting on amendments and rejected the whole thing without any regard as to whether they were good or bad. You've heard all these various arguments here today. You've heard all the various ideas of how this should be done, and we're going to try to sit up here and in this short period of time decide exactly how this state is going to conduct its business for the next many years. And we're going to sit up here and we're going to tie the hands of the legislature, so to

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speak, into a short eighty day session. We're always looking to the past because we are afraid of what the legislature might do. Well I think it's time we start looking to the future. I think it's time that we start looking at what we want them to do and let's put the tools in their hands with which to do them. And then let's take it from there.

Questions

Mr. Stinson One thing that concerns quite a few of us, and that is that there's no date that it will be held. Now your answer to that was well you guess the Governor would call it.

Mr. Abraham No sir, that was not my answer.

Mr. Stinson Well, could you answer it? When would they meet, please sir?

Mr. Abraham The law would provide the day that they would convene.

Mr. Stinson What law?

Mr. Abraham The law that the legislature would have to pass. This says that the legislature shall meet in regular annual sessions that are provided by law.

Mr. Stinson But if they were not in session, they couldn't pass the law that would say when they would meet, though.

Mr. Abraham Do what now?

Mr. Stinson If they were not in session the first time they passed such a law, well there wouldn't be any law saying when they would meet.

Mr. Abraham Well Mr. Stinson, if this constitution is adopted by the people, there's going to have to be a schedule for it. The constitution is to be effective. There're going to have to be many bills probably that will have to be passed in order to effect some of the provisions of this constitution, and this would have to occur in this instance.

Mr. Stinson And then if they did fix it as you say, it could be changed from year to year as the legislature so wished. Is that correct?

Mr. Abraham It could be changed, but I have no fear of the legislature changing from year to year because I don't think any member of the legislature is going to stand still and have it change from year to year because they need to know exactly when to come down to handle their business.

Mr. Stinson You have a lot of faith in our legislature, don't you. I'm sure they appreciate it.

Mr. Abraham I have a lot of faith in the legislature, and this is what I am asking this convention to do, and this is what I'm asking the people of this state to do, is to have some faith in the legislature. And we've belabored this point long enough, so I won't take up any more time.

[Amendment rejected: 15-96. Motion of recess—11 tabling.]

Amendment

Mr. Poynter The next set of amendments being passed out at this time is offered by Mr. Jenkins. Amendment proposed by Delegates Jenkins, Stinson and Florj to the committee proposal amended and reprinted bill, Page 2 at the end of line 9 insert the following: "During any regular, annual session held in odd numbered years, no measures levying new taxes increasing existing taxes or repealing tax exemptions shall be introduced or enacted."

Explanation

Mr. Jenkins Mr. Chairman, members of the convention, throughout the history of Louisiana, our people have never even once been subjected to the possibility of having their taxes increased in odd numbered years. Until 1954 we had bi-annual sessions, no regular session was held in odd numbered years, and thus their taxes could not be increased. And since 1954 we have had fiscal sessions which were limited to fiscal matters except when a super majority of the legislature decreed otherwise, and even in that instance, no tax increases could be levied. Now I feel sure that it's the sentiment of the convention that we are to have general, annual sessions of the legislature. However, I think that an important political consideration has to be the public displeasure which will undoubtedly result when the people realize that not only will they have annual sessions of the legislature, but that in odd numbered years for the first time they will be subjected to the possibility of having taxes increased. Many people have said that we must trust the legislature, and indeed after having served a little more than a year in our own legislature, I do more than before trust our own legislature because I know the members and I have a idea about how they think. But I think we'll make a grave mistake if we presume that the people trust the politicians. The people do not. In the history of our state, the history of politics in our state is ample justification for their lack of trust for the politicians. And while they might be willing to trust us to have annual sessions of the Legislature, but that they don't think that they will trust us not to raise taxes in odd numbered years when we have that authority. I really believe that allowing the legislature to raise taxes in odd numbered years could be a major factor leading to the defeat of any constitution which we propose. There is really no need in any case to allow taxes to be raised in odd numbered years. Taxes should be raised, levied on a long term basis to provide for long term planning, and every other year should be sufficient for those purposes. Now to include this provision would not, to revert to the old system of having fiscal sessions of the legislature. Not at all, not in no way would it. Under our present law the legislature is restricted to fiscal matters except the raising of a matter the most fiscal of all, levying taxes, is not allowed. There is no way under current law, no matter what super majority might want to raise the tax, the taxes can be raised in fiscal sessions now. And that has created no problem because members do not submit tax bills, and if they do submit one that might be interpreted as a tax measure, it's ruled on by the Speaker or President of the Senate. There is no lengthy debate in almost any case as to whether or not a particular measure is a tax. There may be a handful, but nothing comparable to the extent of debate that centers around whether or not a particular bill is fiscal or non-fiscal. The present constitution, in Section 3 says this: "All regular sessions convening in the odd numbered years shall be restricted to budgetary or fiscal matters, however no measure levying new taxes or increasing existing taxes shall be introduced or enacted." The wording of that provision is retained in this respect. It says: At the end of Sub Section A, "During any regular annual session held in an odd numbered year, no measures levying new taxes, increasing existing taxes, or repealing tax exemptions shall be introduced or enacted." It will create no more problem than that particular line has created in our present constitution, which from a procedural standpoint has been minimum. I think the members and the public are concerned, very concerned about tax rates. I recall one time that I saw a sign that the American people are paying 40% in fact it was 43 of their total per capita income in some form of tax. They have reached confiscatory levels, and I don't think that there is a member of the public who doesn't believe that taxes are too high. And if we include the possibility of giving the legislature two shots at every one that they have now at increasing taxes, I think it's going to jeopardize our entire constitutional proposal. So I ask you to consider this measure seriously, this

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amendment. It will allow the legislature to do anything it wants except increase taxes. It won't cause any more problems. It won't be a fiscal session, and it will be a good safeguard of our own document that we present. It will certainly be a plus factor because when the constituents raise the question, "Well aren't you having special sessions of the legislature every year? Aren't you going to be down there passing taxes, spending more money, passing more and more laws and regulations?" Well you can say they are going to be there trying to do their job, but they can't increase taxes. And I think that will blunt most of the objections and most of the arguments about annual, general sessions. So, for that reason I urge your favorable adoption of this amendment.

Questions

Mr. Derbes Mr. Jenkins, I don't know how you feel about it, but I certainly support the recommendation of the Committee on Finance and Taxation to maintain the two-thirds rule for raising taxes. If that is presented to this plenary session, I will certainly vote for it. I assume you will too. I ask you, isn't that enough?

Mr. Jenkins No, I don't think it is, and the reason I say that is this. There is a psychology about taxation which sometimes exists. I think in a legislative body, and it's like this. In any given session, we don't want to pass too many taxes. We might be willing to pass a few. I know in 1972 we passed taxes totaling about 85 million dollars. It was made up of about eight or ten different measures, most of them not public in nature. But at a certain point, they got to be more and more resistance about discussion of taxation in that session. If we had been allowed to pass taxes this last year, I'm sure a few would have been passed because time would have passed. The fact that we had imposed new taxes on the people would have been forgotten to a great extent, and there would have been less resistance in those odd numbered years to passing new taxes. But in any given session, after a few are passed, there becomes more and more resistance which arises. Now I think too, from the standpoint of the public and popular opinion the two-thirds measure is not enough. We've had discussion at great length prior to this convening of this session regarding a three dollar license plate. The great impact that this has on the minds of people when most of us realize that in terms of taxation this is a small matter, but it is a big matter in many people's minds. And if the three dollar license tag is a big matter, think about matter it will be in their minds where they realize the taxes can be levied on them twice as frequently as before. I think it's a big issue and will become a big issue and I think that it will be an issue that will be played upon by opponents of whatever we come up with in this convention.

Mr. A. Landry Mr. Jenkins, a point of information. Would your amendment prohibit the Governor from calling a special session for the purpose of raising taxes?

Mr. Jenkins No it would not. The current law does not prohibit that. The only thing is, there is a protection insofar as special sessions are concerned because of the fact that the call has to indicate that one of the things would be to raise taxes. And public attention is focused on that, and there is no doubt about what's going on. But this would forbid the automatic, every other year right to increase taxes. And so in emergency situations taxes could be increased. We would still maintain some flexibility, but we would not have the automatic right to.

Further Discussion

Mr. Wall Mr. Speaker, ladies and gentlemen of the convention, from listening to the previous speaker you would think that the annual session in the odd

number years was for one purpose, and that was to raise taxes. That must be all Mr. Jenkins has got on his mind. He's going to raise taxes. Well really this body is not to raise taxes or lower taxes, and I don't think there is any question that the legislature is going to retain the fact that it takes two-thirds vote of the legislature to raise taxes. And it's real difficult, when you talk about a democracy and is a government by crisis. And that's what a democracy is to a large extent, government by crisis. And it takes a crisis in this state to get two-thirds of the legislature to raise taxes. It takes a real financial crisis. So this fact, in this regular session, is not a session to raise taxes but you shouldn't hamstring the legislature to where that they can't do the job that they have the responsibility to do whatever it may happen to be. There's a remedy. There is a remedy and there'll be a remedy in this constitution to take care of legislators that abuse the office or the responsibility. One is defeatism, which many times they do get defeated when they vote for taxes, and they won't be returning. Another, if they get too far out of line, you can actually recall them. Now I point out in this last session, you see we have this energy crisis, this gas crisis. We have the oil and gas companies sending all of our natural resources out of Louisiana, and in 1972 when we raised the Severance Tax and had a percentage clause, then we suspended the percentage clause to take effect in 1974. Well, with the increase in the price of gas and what they're getting for our gas when they're sending it out of this state, we should have put that percentage clause in effect this last session because the foot of the well has raised some money so we could have taken care of the school teachers' implementation of their pay raise, and other needs of this state. But, there was a question of whether that would be raising taxes or not. You are not going to, that session is not a tax session, but you should not hamstring the legislature to where they can't do the foot of the well to be done. There is a remedy to take care of them. So I hope that you will vote this amendment down. Thank you.

Vice Chairman Casey in the Chair

Further Discussion

Mr. Mire Mr. Chairman, fellow delegates, ladies and gentlemen, I rise in opposition to this amendment. I sincerely believe that these sorts of amendments is what sort of creates the distrust in our Legislature. It sort of says that we don't trust them, we're not going to allow them to do a specific thing at a specific time. I feel you should either let them do it or not do it. And I feel that the general public actually doesn't know what limitations are really set up. They really don't read these rules carefully enough and they feel sort of that they can do anything any time, and feel that this is the way it should be left.

Further Discussion

Mr. Smith Mr. Speaker, and members, this is the first time I've been up here since we started the last time. I don't intend to ever get up here unless I have something important to say, not that the others are not important. But I feel like this is a very important issue. I'm for this amendment. The first reason, I was one of the authors of the two-thirds law which I thought was one of the finest laws we've ever had. We all sort of kept that out. We said in an annual session, a fiscal session, you could not pass taxes. Well all we are doing is continuing this if you have another session. I think business and industry and people need a little time every two years, and I think this would do it. It'd give them a little safety so it wouldn't happen that they'd pass taxes every time you turn around. This two-thirds law is a good law. I also think that if we could go ahead and pass this to go along with it, this amendment, to keep them from raising taxes. Of course I say we served in the legislature sixteen years, and four terms. I'm not in it

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any more, I don't intend to run anymore, but I'm down here to make a good constitution. I think this should go in the constitution, so I ask you please go along with this amendment.

Further Discussion

Mr. Jack Mr. Chairman, members of the convention, under the present law, as you know, you cannot introduce measures to levy new taxes or increase existing taxes during the 30 day session. Now that's pretty historical thing because prior to the 30 day session, we didn't have any sessions in the odd years. Now, it seems to me if we change that, we are indicating to the people that we are tax minded. I don't think anybody here wants to infer that they have in the back of their head already, to start pouring it on peoples' sick back when they are ridden with taxes now. Bear in mind that some people didn't know this [...] but I'm not sure you know. During the odd years the Governor can call a special session and he has to do a few instances that I don't worry about that. Under this constitution, you are having provisions that are not hard to do for the legislature to call itself in a special session. What you will be doing by adopting this amendment, you'll be giving some peace of mind to the people of this state. Now I want you to listen a minute because I'm going to give you a few instances that I don't think many of you have heard unless you can go back as far as 1940-1946, and along these. I cannot answer on these things since '64, but having been in the House in 1940-1964, I saw many times these kind of things happen. And I'm not accusing people of it, but people wanted tax dipping outfits for various reasons, and we should pay attentionally, at every session, have to go down to fight off the taxes even if they're not needed. I saw a Representative one time in New Orleans, he had seven different tax bills against the motion picture industry. I saw another Representative where he had his schoolhouse burned and he needed three hundred thousand, and he had twenty something tax bills introduced. I never will forget, Russell Long was helping his uncle Earl, and I tried to get hold of Earl Long and I couldn't. It was a tax on this outdoor signboard, so much a square foot. And Russell Long, that's when I learned he was left handed, seeing him write it, met me that night and figured it out, and it would have cost \$1,000 a year more to pay that tax on the signboard than they'd take in. Now, people shouldn't have to be threatened unless it's necessary about taxes coming up every time they meet. It gives them a good feeling that here is a session like the 30 day session there in the idea where we don't have to worry about taxes. It's good for the nervous system if nothing else. Now, you can laugh about that but let me tell you, people are getting so frazzled and all now and taxed so much, and you've got to enclose I must say, during those odd years if you adopt this, you've still got where the Governor can tax in a special session. You've still got where the legislature will be able to call themselves into session very easily, and there's a need for a tax, the people will really get to where they'll appreciate it and will help the legislature and the Governor. But where they pass something where they can tax you any regular session or odd session going against the present law you are not going to have the confidence of the people. And that everybody taking my microphone has stated they want the people to have confidence in the legislature. And I say this is a good amendment and I hope you'll adopt it.

Question

Mr. J. Jackson Mr. Jack, at the closing of this amendment it says repealing tax exemptions. It includes not only increasing taxes, but it says that the legislature cannot repeal any tax exemptions. Would you comment a little bit more about your feelings on that? I know you can interpret that as meaning a tax increase for the consumer but there are other areas where we do tax and that we have exor-

bitant and unjustified tax exemptions. It seems to me that the legislature would also be denied the fact of repealing any, let's say, undue and unjust tax exemptions that may already exist in odd years.

Mr. Jack Well, about the only thing I can answer to that is of course this isn't my amendment. You should have asked the authors, but Senator Bayburn, you might talk to him, he'd mentioned something about granting a tax exemption like these different, I believe, local clubs when they sell Christmas trees and things like that are being charged by the State Tax Collector a sales tax on it and maybe exempt them in the law. Those things, they just don't happen often would be my only answer. I could give you. But what I'm saying, the overall picture and the thing with me, these things are not special, I'm just putting out what I think and what the people want, and I just think it would be fine for the people to continue to know that the regular session, which has been in the past the 30 day session in the odd year, they are going to be able to sit down and quack and worry and worry about the increased tax, and it will be continued right on in the constitution. That's all I have to say.

Further Discussion

Mr. Flory Mr. Chairman, I rise in support of the amendment. I appreciate the fact that the present constitution, taxes cannot be increased in the fiscal sessions nor can a special session be called 30 days prior to or after the fiscal session for that purpose. I believe that if there is sufficient need for additional revenue it could be easily handled in the even numbered years in the sessions of the legislature. And I don't believe that the people of this state ought to be subjected to 80 days every year, the possibility of increased taxes. As a matter of fact, I think you've just about reached the saturation point now on what the people can pay in the way of taxes in this state. When you go to talking about a session for taxes every year, I submit that that had a great deal to do with the defeat of the annual 60 day session that the people voted on in this state. Because inherent in that proposal was the authority to raise taxes every year. Attention has been called to the repealing of tax exemption. I don't think industry ought to be faced, every year, with legislation introduced to change the constitution of this state to repeal the industrial tax exemptions. I think they're entitled to that year of grace to know how to plan their corporate budgets for expansion, to hire additional workers rather than losing a tax exemption that they might enjoy given them by the vote of the people of this state. I ask you to adopt this amendment. Assure the people of this state you're not going to raise taxes every year, that they'll only be considered on a bi-annual basis. Adopt this and keep faith with the people of this state.

[Previous Question Ordered. Record with order. Amendment rejected: 51-0. Motion to reconsider tabled.]

Chairman Henry in the Chair

Amendments

Mr. Poynter Amendments proposed by Mr. Weiss to the reprinted bill.

These go to the Rayburn amendment and I will try to... you can try to follow along if you still have the copy of the amendment that the convention adopted proposed by Mr. Rayburn.

Amendment No. 1 on page 1, in delegate Amendment No. 1 proposed by Delegate Rayburn and others and adopted by the convention today. Delete lines 3, 4, and 5 of said amendment in their entirety and insert in lieu thereof the following:

Calendar days. The legislature shall con-
Amendment No. 2 on page 1 in delegate Amendment No. 1 proposed by Delegate Rayburn and others adopted by the convention on July 13, 1973. At the end of line 9 delete 9-and at the beginning of line 10 delete '10' and insert in lieu thereof '15'.

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Mr. Chairman, it might be in order—I can try to follow along to read the text of what it would read like.

Mr. Henry If you will, do so.

Mr. Poynter As I appreciate the effect of the amendment— If the amendment were adopted, the Rayburn amendment would read as follows:

"The legislature shall meet annually in regular sessions for not more than sixty calendar days. The legislature shall convene at 12:00 o'clock noon on the fourth Monday in each year.

No new matter intended to have the effect of law shall be introduced to receive by either house of the legislature after midnight of the fifteenth calendar day of the session except by a favorable record vote of two-thirds of the elected members of each house.

A legislative day is a calendar day on which either or both houses are in session.

Amendment No. 2 on page 2 delete lines 1 through 9 both inclusive in their...it retains that amendment.

Explanation

Mr. Weiss Fellow delegates, the thrust of this amendment is a very simple one. I feel strongly about it because I would like you to help me decide how to tell my folks back home as Senator—as Delegate Rayburn would say, how the constitution has allowed our legislature meet from sixty days in a two year period to 160 days.

Now it is true, there are many alterations that one can adjust into legislative days and calendar days and therefore, I think that the amendment explains very specifically that this will be sixty day sessions every year.

As Delegate Rayburn said, this amendment which he proposed which was whipped up over night and very well done, was not perfect, but certainly an improvement and I agree with him. But at the same time I cannot justify in my own mind how we can justify fishing trips or other activities for another lengthy period that the legislature is supposed to be in session.

Now, this main objection which Delegate Rayburn objected to is met with by using his amendment, and I certainly think the split session matter is handled by the legislators and to their advantage as they see fit. On the other hand, I think the people of the state are interested in knowing how long the legislature will meet and not when they are in and out of session at their discretion. As a matter of fact, if they had discretion the amendment does allow or care to use their discretion in taking off Sundays it certainly does allow for that because the regular sessions are to be not more than sixty days and therefore, they may certainly go home on their Sundays if they care to or any other day in the week if they so vote.

Even more important however, I think the proposals so far which indicate that we will have an effective legislature who will be better organized. The committees will meet ahead of time. We will have a much more effective approach and perhaps even more agile and younger minds in the legislature that can handle these bills a little quicker. And I think if we give them more time to deliberate on it it will just be more efficient. As Delegate Rayburn pointed out the bills are introduced at the last minute anyway and the nineteen day period they will be introduced and will be discussed and worked over at that time.

I would suggest for the people of Louisiana to be given a small dose at a time. And to increase these legislative days or calendar days from thirty per year to a most efficient per year is just a little too much I think to swallow all at once.

I suggest we accept this amendment and yield to any questions.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I

just want to clarify a statement that the Dr. made.

Under my amendment, we cannot meet but sixty days in any one year. His amendment says sixty consecutive days, if I read it right.

My amendment would not meet but sixty days in an eighty day period which I was merely trying to give the legislature the weekends off if they so desired.

They can meet thirty days under my amendment. They can meet forty days but they can't meet but sixty days. And it does give them each Saturday and Sunday to have off if they so desire at their discretion. And my amendment had nothing to do with increasing the days to 160.

It tied them down not over sixty days. It don't even say they have to be sixty days. Under this amendment if I understand it correctly Dr., you are saying that the legislature can meet for sixty calendar days period. Which means that if we have got a heavy workload we would have to work on Saturday and Sunday and that's what I was trying to alleviate with my amendments if the workload was so that we didn't have to work on a Saturday and Sunday we wouldn't have to. But if I understand this amendment directly Dr., it says sixty consecutive days or sixty calendar days. Wherein mine says sixty legislative days within a eighty day period. They can't last over eighty days and you can't have over sixty legislative days.

This says sixty if I understand your amendment right, it says it can't be over sixty calendar days. A session can't last over sixty calendar days.

Question

Mr. Weiss No, that's partially correct. You and your amendment have said not more than sixty days.

Mr. Rayburn That is right because we may decide we can do our work in forty-five days and I didn't want us to be tied down for a month. And I am just like you, if we don't need to be here sixty days I think we should have the liberty to quit in forty-five. That's what my amendment does. It says not over sixty days in eighty day period. Yours does spell out sixty calendar days period. And that's why I would oppose it.

Further Discussion

Mr. Duval Mr. Chairman and fellow delegates, it never ceases to amaze me how we can continue to attempt to mitigate the number of legislative days which this legislature when we, in our infinite wisdom are going to spend a year. One solid year talking about many things which the legislature talks about in thirty days. I think Senator Rayburn's amendment is--Senator Rayburn's proposal is a good proposal, it gives flexibility, sixty legislative days if necessary. And I think the coefficient of redundancy on this thing is about four hundred fifty percent and therefore, I move the previous question.

[Previous Question ordered.]

Closing

Mr. Weiss I am sorry that I am not as persuasive as our legislators who have certainly mandated themselves sufficient time. More than sufficient time I think. And the people of Louisiana will indicate this I believe, in the extinction of the days and I would request a record vote so that at least I can be on record as saying that we have not given the legislature more time, but rather the legislators, themselves, have seen fit to extend this. I think the people of Louisiana are satisfied with the good job the legislature has done. I am afraid that these coefficients that we have been referred to is such that the more time one gets, the more time they use. And I think in sixty days particularly, with this new concept of continuous session--continuous body particularly with the committees meeting and preparing themselves more effectively with the progress that is used in steno-

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graphic and typographic and the expertise and assistance that the legislators now have that they can get through their work. We have one hundred to one hundred fifty page document to complete here in about four months. And I think we will be doing one, considerably more work than the legislators have to do with one thousand or two thousand bills, many of which are rejected.

I urge you to accept this amendment for the people of the state of Louisiana and I think that they will appreciate this and in due time, the legislators also will find that they don't need as much time as they have extended to themselves.

[Record vote ordered. Amendment rejected: 20-90. Motion to reconsider tabled. Motion to revert to other orders adopted without objection.]

INTRODUCTION OF RESOLUTIONS [1 Journal 156-157]

PETITIONS, MEMORIALS, AND COMMUNICATIONS [1 Journal 157]

[Motion to adjourn to 9:00 o'clock a.m., Saturday, July 14, 1973. Substitute motion to adjourn to 1:00 o'clock p.m., Wednesday, July 18, 1973. Substitute motion rejected: 27-79. Substitute motion to adjourn to 9:30 o'clock a.m., Saturday, July 14, 1973. Substitute motion adopted: 78-21. Adjournment to 9:30 o'clock a.m., Saturday, July 14, 1973.]

15th Days Proceedings—July 14, 1933

Saturday, July 14, 1933

ROLL CALL

[72 delegates present and a quorum.]

PRAYER

Mr. Weiss Thank you, Mr. Chairman.

Almighty, and Everlasting God and Father whose bounty sustains us, we pray for favor for all Your children. Bless this assembly of devoted individuals who have been assigned the noble task of creating a new constitution for the people of our great State of Louisiana. Unite our hearts in friendship and fellowship and help us by showing how to best serve You is through truth. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

[I Journal 159]

RESOLUTIONS ON SECOND READING AND REFERRAL

[I Journal 159]

REPORTS OF COMMITTEES LYING OVER

[I Journal 159-160]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Unfinished business, Committee Proposal No. 3, introduced by Delegate Blair, Chairman on behalf of the Committee of Legislative Powers and Functions and other delegates composing members of that Committee.

Proposal making provisions for the legislative branch of government, impeachment, and removal from office.

Of course, when we adjourned yesterday, you had adopted Section 1 and were considering Section 2 of that proposal.

Amendments

Mr. Poynter Amendments proposed by Delegates Riecke, Sutherland, Guarisco, Bell and others amending the reprinted bill.

Amendment No. 1 on page 1, delete lines 21 through 32 in their entirety and insert in lieu, thereof, the following

Section 2. A. There shall be regular annual sessions of the legislature. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed fifteen calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the fifteenth calendar day, except by favorable vote of two-thirds of the elected membership. During this period, no committee shall report, and neither House shall adopt any bill or resolution which is intended to have the effect of law.

No later than the close of the fifteenth calendar, the legislature shall adjourn and stand in recess until twelve o'clock noon on the fourth Monday in May at which time it shall reconvene for not to exceed fifty legislative days which shall not extend beyond the thirty-first day of July in any year.

During the interim between adjournment and reconvening, the committees of the House may meet and hold hearings. A legislative day is a calendar day on which either or both Houses are in session.

Amendment No. 2. On page 2, delete lines 1 through 9 both inclusive in their entirety.

We need a further amendment No. 3 to strike out amendments No. 1 and No. 2 proposed by Mr. Rayburn and adopted by this convention on yesterday.

Explanation

Mr. Riecke Mr. Chairman and delegates, I have revised...we have revised this amendment to clarify the time which was questioned in yesterday's meeting.

We still have a very brief amendment and there can be no question as to the time the legislature will be permitted to meet under this provision.

We have also revised it to comply with Senator Rayburn's wishes, although I haven't discussed it with him; but as he expressed yesterday, so that the legislature will not be required to meet on Saturday and Sunday, and we have revised the time limit so that the legislature will not have to reconvene on Friday and then recess until Monday. We have made every effort to conform as much as possible with the amendment which you passed yesterday as introduced by Senator Rayburn and others.

I think several of the members of our group would like to discuss it further, Mr. Chairman, if that's alright.

Further Discussion

Mr. Sutherland Mr. Chairman, fellow delegates, this is a similar proposal to what we had yesterday, but taking into consideration several of the objections which were raised on the floor in the form of questions to this amendment.

It still contains a provision for prefilling bills. It contains a provision for the introduction of bills and the dissemination of the information to the voting public. It provides for a recess of fifteen calendar days. It provides for a recess which could vary from two weeks to three weeks and provides, also, that the committees may hold hearings during this period of time.

Now, Senator Rayburn objected to the original proposal on the basis that they would meet, go home, come back and were able to do everything that they had to do in the seven days after they reconvene. This provides that no bills may be introduced after midnight of the fifteenth calendar day, except on a favorable vote of two-thirds of the elected members of each House.

You also will notice that this provision that the legislative days after the session reconvenes is more or less left to the discretion of the legislature and if they don't need fifty, they are not required to stay in session. It's left to their discretion.

I believe that this amendment does provide a better system than what we have at the present time.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, if I read this amendment right, in the place of our original proposal, this would be fifteen days that the legislature would meet and it says "During this period no committee shall report," nor "neither House shall adopt any bill or resolution which is intended to have the effect of law."

So we couldn't even report a committee hearing, or we couldn't pass a general appropriations bill to pay the cost of the session until we had been there for fifteen days.

And then it further provides for a sixty-five day session if I read it correctly. And I am going to ask you to reject these amendments because in my opinion there is fifteen days that we couldn't take any action; a committee couldn't even report its findings if I read this language right, and I think I do.

Further Discussion

Mr. Roy Mr. Chairman and fellow delegates, I rise in opposition to the amendment, also, for the same reasons as Delegate Rayburn, as well as the fact that there is just no need to keep working this thing over and over. I think the fact that we've got an... I initially voted for the original proposition submitted by the committee.

But the fact that Senator Rayburn got his amendment through, I think most of the people agreed it was proper. I don't think there is any necessity for a fifteen-day grace period in which nothing may be done at this time. And I would ask your vote against the amendment.

[Previous question ordered.]

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Closing

Mr. Riecke Ladies and gentlemen, this is a good amendment. This amendment gives everybody back home an opportunity to see what is being introduced in the legislature, it gives the press and the radio and the T.V. time to study legislation that is introduced so that they can inform the people what is coming up in the House and the Senate. And it prevents what the good Senator Rayburn said yesterday, that he found out that it was not expedient for him to introduce legislation early, because if he had a controversial bill, he waited until the last day and the last minute to introduce it, because if he introduced it early, they would tear it to pieces.

Now this bill provides that you can tear a controversial bill to pieces. This amendment says that anything, in effect it means that anything that is controversial that you, the legislators, and the people back home will know it's controversial and will have an opportunity to inform their senators and representatives how they feel about it.

Now if you feel that's objectionable, vote against this amendment. I don't think it is. It's a good amendment. I'd appreciate your support.

Questions

Mr. Womack Mr. Riecke, do you realize that one of my objections to the proposal offered yesterday was that you couldn't make an appropriation bill to pay the employees of the legislature for some twenty-five, twenty-six or twenty-seven days, and this bill will extend that to between thirty-five and forty days.

Mr. Riecke Well, Senator, I don't believe anybody could introduce anything here in this whole session that didn't have some bug in it that you couldn't overcome. And I think that if you ever come home, you can. This is something for the benefit of all of the people of the state, the millions of people, and I think that there's enough know-how in the legislature, I'm learning it the hard way here this trip, I think there's enough know-how that you people can take care of that situation.

Mr. Triche Mr. Riecke, I generally like the proposal of a split session, and I have been trying to find one I can vote for. That's not my question, that's a statement. But I want to ask you a question about your proposal and see if I understand it correctly.

You talk about, about in the middle of the paragraph, "During this period of time, no committee shall report and neither House shall adopt any bill or resolution which is intended to add the effect of law."

I understand that language to refer to the first fifteen-day period. Which means for the first fifteen days when the legislature is in session, no committee shall report, nor shall either House adopt any bill.

Now, after the first fifteen days, we go into recess. The only limitation on the recess period, I see down at the last sentence of the paragraph, "during the interim," and that refers to the recess period, does it?

"Between adjournment and reconvening, the committees of the Houses may meet and hold hearings."

Now there is no limitation on the committees taking action during the recess period, is there? Or then, as I understand it, the first fifteen days of the session when the legislature will meet, bills would be introduced and only during that period of time except emergencies, on two-third vote.

But during the recess period, bills will be introduced and they can be, then, referred to committee, read by title the first time, lay over, read the second time by title and referred to the committee so that conceivable that in the first fifteen days, all the bills could be introduced, read twice, and report referred to committees. Is that correct? Then during the recess period, the period from two weeks to three weeks, depending on where the calendar falls, during the recess period all of the committees could hold hearings during that period

of time and would during the recess. If the committees wanted to report the bills, couldn't they, to be received back at the session when we come for the fifty day regular, fifty day session after reconvening. Is that correct?

Well, I think you have a very good bill, Mr. Riecke.

Mr. Abraham Mr. Riecke, if I understand this correctly, during the first fifteen-day period where we say that "no committee shall report, neither House shall adopt any bill," all this restriction is doing is from reporting a bill. This does not prevent the committees from meeting during the fifteen-day period, does it not?

Mr. Casey Mr. Riecke, the copy of the floor amendments that I have indicates that during this period no committee shall report. Now, my interpretation of that would indicate that you can hold a hearing but cannot make a decision and report to the floor of the House or the Senate your action on a particular bill, and that's the concern that some of us have. Is that not correct that apparently that a committee cannot report them, under your wording?

Mr. Riecke They can only report it when the session convenes after the interim period.

Mr. Casey So, therefore, theoretically, they could really not take action on any bill during that interim period. Would that not be a waste of time, then?

Mr. Riecke No, I don't think that there is any reason why they can't reach a decision. It gives them that time to have the hearings, it gives people at home an opportunity to meet with those committees when they are not in a hurry. The way it is now, the legislature meets and the committees sometimes meet at the same time as the whole legislature and they are in a hurry to get away. Sometimes, when you want to go to Baton Rouge to testify before a committee, you go up there and you find out that the committee's been postponed...the meeting.

This will give the committee more time to have hearings and consider these bills.

Mr. Landry Mr. Riecke, under this proposed split session, you have any safeguards in this article whereby the legislature could not introduce skeleton bills like they do in California to...and then come back in the month of May and then amend their bills with the real meaning, the real, true meaning of the bill in May instead of the first fifteen days?

You have no safeguard against that, do you?

Mr. Riecke You know that was brought up time and again when we were preparing this bill and I don't know of anything that I or any delegate at this convention could do to eliminate chicanery if somebody wants to do it.

Mr. Landry I realize that, and I was just wondering.

Mr. Riecke I don't think that the...I think that the people we have in the legislature would not do that.

Mr. Landry That's right. I believe they wouldn't, but are you familiar with the California system?...and that's the problem they have in California.

Mr. Riecke I am familiar with the California system.

Mr. Landry And of course we are subject to the same situation if we adopt this.

Mr. Champagne Mr. Riecke, you know I just told you I thought maybe this didn't do what you wanted to do yesterday, and I just...you know I had said that, right?

Well, I've looked at it over, and I just want you to know that I think perhaps it does do that.

I want to ask you a question. For instance, if

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I wanted to introduce a measure which had to do with say, cats, would this enable all people to know that I was going to have a measure that had to do something with cats. Is that right, sir?

Mr. Riecke Why, certainly.

Mr. Champagne And then we all know big cats, little cats, wild cats, tame cats, house cats and alley cats... but if you are interested in cats one way or another, this would give you some indication that cats are going to be mentioned in the legislature. Is that right?

Mr. Riecke Right.

Mr. Champagne Now this would give you an opportunity, and all other people who might or might not be interested in cats, to come to the legislature to hear about or to read in the paper, or to become aware that cats are going to be mentioned in the legislature. Is that right, sir?

Mr. Riecke Yes, sir.

Mr. Champagne Now this does not preclude, as Mr. Landry suggested, that there's going to be a white elephant sneaked in with those cats, of course. Is that right, sir?

Mr. Riecke No.

Mr. Champagne So, in other words, now, but it would enable me as a cat-watcher to wait on the front door and to watch all the cats or the elephants, or the snakes that might come in with the cat bill. Is that not right, sir?

Good.

So in other words, you would say that this possibly, this bill, enables all of the people of Louisiana to have a possible better image of what's going to be introduced and acted upon in the legislature. Is that what you're saying, sir?

Mr. Riecke Yes, sir. That's the purpose of it.

Mr. Champagne So in other words, it has been presented to us that the lobbyist might be better informed. Do you agree with me, sir, that lobbyist are well-informed people who can talk to you for two minutes and know what you did last night? In other words, I'm not talking about them, I'm just saying they are very well informed people and specialists in their field. Do you agree with that, sir?

Mr. Riecke I would assume that.

Mr. Champagne Now, do you also agree that possibly some of us back here are not so capable as these lobbyist are? So this enables the people to have to have the same opportunity that the people here, not speaking badly of them, the lobbyist have. Is that right, sir?

Mr. Riecke Yes, sir.

Mr. Champagne Thank you, sir.

Mr. Triche I'm just going to explain, or ask you if you will agree with me that maybe this proposal is written it doesn't admit of any chicanery. I'm referring to Section C, excuse me, Subsection C of Section 17 which says, "No bill shall be amended in its passage through either House just to make a change not germane to the bill as originally introduced." So that if Mr. Champagne introduced a cat after the recess, I couldn't amend it to make a dog under this proposal as introduced. Isn't that correct?

Mr. Riecke I am glad you called that to my attention.

Mr. Henry Would you yield a question to Mr. Munson?

Mr. Munson Mr. Riecke...

Mr. Riecke I hope we don't wind up with a cat house.

Mr. Munson I don't know whether to ask my question now, or not.

I was going to ask you something along that line. Do you know of any reason why the gentleman from Opelousas neglected to mention Opelousas cats?

Mr. Henry Would you yield a question to Dr. Weiss? And this would have to wind it up 'cause he has exceeded his time.

Mr. Weiss I don't want to get too involved in this cat bill, but I do want to ask a question of Mr. Riecke as to whether he thinks now that the legislature feel that they have sufficient time by his resolution to do the job right. Will the average legislator who is representing our districts back home now spend more time with his bill back home rather than in Baton Rouge doing unnecessary things than in contrast to Senator Rayburn's bill? Do you feel that there will be less calendar days spent in Baton Rouge than there will... or in legislative acts, supposedly, or sessions, continuous sessions, rather than back home where I think the average working man should be to get the feeling of his constituency?

Mr. Riecke If I understand your question correctly, Dr. Weiss, it will make it easier for people interested in the legislation to contact their representatives instead of having to come the way up to Baton Rouge to attend committee meetings.

Mr. Weiss Well, that was the thrust of my amendment yesterday. I am in favor of your bill, sir.

Mr. Riecke Thank you, sir.

Mr. Stinson Mr. Riecke, when Mr. Triche was advising about you couldn't change the cat to a dog, isn't it a fact that he failed to state, though that if you have the vote, you can change a cat to a dog or a rat or anything you want to in the legislative process. If you have the vote you can say this is germane even though it is not.

Mr. Riecke Well, sir, I can't answer that question. I think all the delegates know now that I am a novice and that I make tactical mistakes as you voted me down yesterday, but I am trying to be honest, and I am trying to be sincere, and I am trying to act in the interest of the people I represent. Thank you.

[Parliamentary question ordered. Amendments on agenda: 2-3]. Motion to table re-introduced by Mr. Riecke: 37-66. Motion to reconsider adopted: 11-48.]

Reconsideration
[Unanimous W. yeas]

Further Discussion

Mr. Triche Mr. Chairman, and ladies and gentlemen of the convention, in my humble judgment, this is the best proposal to come before this convention thus far dealing with the legislative sessions. The big complaint from the members of the legislature... from the people involved in state government, and from the citizenry of this state has been that the legislature does not have enough time to consider the proposals. Does not have enough time to deliberate and to act intelligently during the 61 day and 30 day sessions of the legislature. The big complaint from the members of the legislature... without proper deliberation, and the reason for that is the restriction of time on the legislature. It has to act in haste. It has to sometimes make decisions with tongue-in-cheek, and defer to the good judgment of the Governor to exercise wisely and judiciously his veto power. That causes the legislature necessarily to surrender (surrender some of its independence and some of its authority) a representative of the people. I suggest to you that this state would be much better off, its government would be much better off if we had an independent

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legislature that had enough time and the tools and where-with-all [where-withal] to act judiciously and properly and had enough time and availability to discuss and consider all proposals and act intelligently before it acted on any of the proposals. In my judgment, this amendment by Mr. Riecke allows that. The legislature would meet and for fifteen days introduce bills. Bills could only be introduced during that fifteen day preliminary session. The only restriction on the preliminary session is that committees would not be able to report nor the legislature be able to take any action on bills which would have the effect of law. But the legislature could introduce all, would have to introduce all of its bills in the first fifteen day preliminary session. Those bills would be read, printed in the newspaper they would be read again a second time, exposed to the public again and they could be referred to committee within the first fifteen days. The committees could then meet immediately. The legislature would recess after the first fifteen day period, would give the citizenry ample opportunity to become intelligently informed on the proposals that have been introduced. The citizenry ample opportunity to provide whatever input it wished into these legislative proposals. And after the recess the legislature would come back again and then begin to take the matters up on third reading and final passage. I don't think the legislature would be able to complain if we adopt this proposal. I don't think the citizenry would be able to complain if we adopt this proposal that legislative matters were sneaked through without it being informed and without the opportunity to have ample discussion and debate. I heard concern about tax measures, tax measures slipping by in the darkness of night, put over on the people who are not willing to pay taxes and don't want more tax burdens. We had a proposal here yesterday to prohibit the legislature from passing tax measures on odd numbered years, and so forth, and I guess we'll probably have some other proposals which will prohibit the legislature from passing taxes except on every fifth year, or sixth year, or tenth year. I'm worried, and I have sympathy with those proposals, but the worry is, the fear is that the legislature is going to pass tax measures without proper deliberation and pass tax measures promiscuously. And I think this procedure eliminates [eliminates] all of that because any tax measure would have to be introduced in the first preliminary session, the first fifteen days. Those matters would then be ad [...] in the newspaper. The legislature could not act upon that until about at least two weeks later, which gives the citizenry ample opportunity to become informed to contact their legislature, make their wishes known. It would assure us of a complete airing of the problem, and I only point up taxes as an illustration. But all proposals would be subject to the same scrutiny and should be. The legislature has in its hands, the legislature and the Governor of this state, the life, liberty, well-being, health and prosperity of all of the citizens of this state, and we ought to not deal with the health, welfare, prosperity and liberty of our citizens in a slipshod fashion. We ought to not do it in haste. We ought to do it deliberately, and I hear some objection that this hamstringing the legislature. I think, ladies and gentlemen, we ought to hamstringing the legislature. We ought to hamstring it to the extent that we guarantee that matters are not adopted in haste. That matters lay in the legislature at least 25 days or so as this proposal will guarantee before they are finally enacted in the law. We ought to guarantee that there is a time of cooling off, a recess period when the legislature can't move these bills. A recess period when the citizenry would have a right, the opportunity to study these bills and make its wishes known to the legislature. I can see, gentlemen and ladies, that this procedure is going to cure many ills that we suffer from today, and I plead with you to read this proposal and study it and if you can find it to agree with us to help us pass this proposal. Thank you very much.

Questions

Mr. Fulco Delegate Triche, several questions please. How many legislative days are involved in this bill, this amendment?

Mr. Triche Well, as I understand it we meet fifteen days for the first preliminary session. Then we recess and come back on the fourth Monday in May for 60 legislative days, excuse me, 50 legislative days. So that would be a total of 65.

Mr. Fulco All right. How many calendar days are involved?

Mr. Triche I stand corrected, Mr. Fulco. The first 15 day period, fifteen calendar days. So we have first the preliminary session is 15 calendar days, the second session is 50 legislative days.

Mr. Fulco Is that 50?

Mr. Triche Yes sir, 50 legislative days. So we have 15 calendar days to start with, and then 50 legislative days in the second session.

Mr. Fulco Well Pappy, overall, how many calendar days are there in the period.

Mr. Triche Well, the second session which will consist of 50 legislative days [...].

Mr. Fulco Well it's about 100, isn't it?

Mr. Triche Well if you want to answer it, go ahead, answer it.

Well if you are concerned about the span of time, it starts on the fourth Monday of April and lasts no longer than the 31st day of July. So from the fourth of April to the 31st day of July, during that period of time you have 15 calendar days for the first session and 50 legislative days for the second session.

Mr. Fulco Well actually we've got at least 50 legislative days in a possible 100 day calendar day period.

Mr. Triche No sir. No sir. I don't see how you can make 100 out of 15 and 50. The legislature will be in session no more than 15 calendar days, after which time it'll recess. Then it'd reconvene for 50 legislative days. During the recess, however, the committees would be able to meet and hold hearings, but the session would be 15 calendar days initially, then recess and then 50 legislative days.

Mr. Fulco But Pappy, we are going to the last day of July, aren't we?

Mr. Triche Not beyond the 31st of July.

Mr. Fulco Now let me ask you this. Are we paying the legislators per diems for the calendar day period.

Mr. Triche I hope we're going to be paying the legislature an annual salary. I certainly hope so and I'm going to do my best to make it ample so that we can attract you back, Mr. Fulco.

Mr. Stinson Pappy, I've enjoyed listening to you today and yesterday. Now today you said that the legislature should be hamstringed. Yesterday you said that they should not be. Now, is it on Thursday's they should not be and Friday's they should be, or is it the same. I mean Friday and Saturdays, excuse me.

Mr. Triche Now Mr. Stinson, it just depends on who I have breakfast with, and I had breakfast with you this morning and I'm satisfied that since you've changed your position on maybe I ought to change mine. No, seriously Mr. Stinson, you misunderstand me. I'm not talking about hamstringing the legislature in its authority to pass laws and make decisions. I'm not talking about that at all. I'm talking

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about hamstringing the legislature insofar as procedure is concerned, and I think there's a great deal of difference between substantive action of the legislature and procedural action of the legislature. I would suggest to you that the constitution today presently hamstringing the legislature and its procedure and I wouldn't suggest a change in that and I don't think you would either. Bills ought to be read three times. They ought to go to committees. They ought to be reported back. They ought to be voted on by the record vote and so forth. The constitution ought to provide those things, and I'm suggesting to you insofar as procedure is concerned, the constitution ought to again, provide a procedure to require more lengthy debate on all bills before they're finally passed. And I think this will have the affect of doing that.

Mr. Stagg Pappy, is it not true that the months of May, June and July together, in 1974, would total 92 days and that if you backed up to the 4th Monday in April then the time-span would be 101 days, during which 15 calendar days could be spent in legislative session and a total of 50 working days. Therefore, there would be 65 possible legislative enactment days during 101 days. Is that not correct?

Mr. Triche That sounds correct, yes sir.

Mr. Stagg All right sir. There has been a question raised by some delegates that if you could not act on matters having the force of law during those first few days that there'd be some difficulty in paying the staff of the legislature and the difficulty in paying the members. Is it not a fact that the legislature for the previous year could enact an appropriation to cover the opening expenses of the first 30 days of the following year's legislature and cure that problem? Is that not correct?

Mr. Triche Yes sir, I think that problem could be very easily cured in the manner you suggest.

Mr. Roy Mr. Triche, didn't yesterday you say that you were for the independence of the legislature, and you and I talked for it and killed an amendment. And is wrong with Senator Rayburn's proposal? That is, what prevents the legislature, if it chooses, from doing all these good things that you're talking about and why should we insist that they do it a certain way?

Mr. Triche I have no fault with Senator Rayburn's proposal. As a matter of fact, I voted for it yesterday because I think it's immensely better than what we have now. I think the Riecke proposal, in my judgment, Mr. Roy, is better because I think it guarantees to the people of this state that legislation will be considered and not acted upon at haste. It provides at least a two week recess period from the time the bill is introduced until the time it can be finally passed. We can pass a bill in the legislature today and enact it into law in five days. It's introduced on one day and on the fifth day be passed in the Senate and signed by the Governor. I think that's too hastily done.

Mr. Roy All right. What about a situation where you would have an emergency that would exist. Wouldn't this proposal prevent the legislature, once it has convened, from taking up any emergency legislation.

Mr. Triche No sir, because I think there's a two-thirds proposal in here. Bills can be introduced at any time by two-thirds proposal.

Mr. Roy That's not my question. If a bill is introduced, then the legislature then has to go into a fifteen day period during which it is supposed to receive a lot of input from the people if the legislators happen to be at home to receive it. If in that interim an emergency is enacted that the legislature needs to act, needs to enact a law for the Governor's immediate signature, constitutionally you couldn't do it.

Mr. Triche Do I understand you that your fear is that during the 15 day recess something may come up and the legislature may not be able to act?

Mr. Roy It's not may fear, it's a question. If this provision is passed then constitutionally the legislature is mandated that it cannot enact legislation within that 15 day period. May it do so?

Mr. Triche No it may not do so. I can't draw a conclusion from that. I don't get your point.

Mr. Roy Well, do you agree that some situation may develop that we would need a law passed and the Governor's signature on it so that it would become effective immediately.

Mr. Triche Well certainly.

Mr. Roy Is that denied as a result of the passage of this bill?

Mr. Triche Oh yes it is, but there are circumstances that exist today, which the same opportunities are denied. For example, when the legislature meets, it cannot be called into special session regardless of the emergency for a period of 30 days. That's written in the constitution. We've been living with that for 50 years.

Further Discussion

Mr. Champagne Fellow delegates, I'm very happy that the old pro was up here because we have some very good professionals picking at this bill right now, and all I'm going to say is basic and I hope to put it in very simple terms. We have provided in this convention provisions for the legislature, giving them more time, we're providing, a little later on, we're going to pick up, and probably provide an annual salary. We're going to give them all the things that they wanted or that we want for them, rather. Now we are going to provide the possibility of so many benefits, in fact, that I think we're going to have to get some longer or wider voting machines to put the cards in. The voters that are going to be running for the legislature. Now I want to just mention to you right now that we are told and shall be told that that's not a cure all because somewhere in California or some other state it didn't work completely. On simple terms, did you ever go fishing and expect to catch all the fish in the bayou or in the sea? There's not a man or a woman in this room that intended to do that. It has been brought out by one of our delegates who will oppose this measure that absolute justice is unobtainable on this earth. That stuck with me and I think it's very good. Now all that picking and saying you know you didn't cure all, that's just picking. That's what it is.

Now I want to ask you to think about something that the people back home sent us to use the wisdom, the judgment in our minds to do all we could to give them the things they want. We have provided for the legislature many things, and one member in this delegation suggests to me that possibly we were destroying the acceptance of this constitution by providing too much for the legislature. I am in favor of providing them all the time, the money, the access, the studies. We put them in continuous body, we did all these things. Now give the people a break. Give them a chance that you want to provide for them the same things that you provide for their legislature. This is not a question of distrust, dislike, or human personalities or anything in that nature. It's providing, it's not tying [tying] them, it's not shackling their arms, it's only providing guidelines by which we expect our representatives to inform us of what's going on in Baton Rouge.

You hear a lot of excitement about this is going to take all our time and I want to mention this. I've spoken to one of the members of the legislature, a past member of the legislature, and I give him credit for being a very honest man and he went up in my estimation 1,000. He said I don't

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want this kind of thing. In this interval they're going to be lining up in front of my office a mile long to tell me what they want and what they want. And I said listen, why did you run for this office, to do what you want or to do what the people want? And if it takes a circus tent in your front yard to house the people, once you become a legislator and you should at that time say thank the Lord for that constitutional convention. Because I just want to mention one thing to you, think of, and this is no reflection on him I just want to point out something to you, from A to Jefferson there's not a more thought of man in his parish than the assessor. Why do you think that's so? That's because he knows and he has a personal contact with these people and he never forgets it. And those of you who are legislators who want to overlook this, who think perhaps you're just a little bit higher than the people who sent you there, remember that. When did you ever see an assessor defeated in your office, in his office? Was it the last time we had an earthquake in Louisiana? And I'm not speaking against them, I'm for them. They have found something that most of us have not found, the ability to contact the people, to speak their mind and to come up from A to Jefferson to the people want. And my daddy told me long ago, he said son, he said don't ever work at a job that you're not happy. He said, all the money in the world's not worth it. And I just want to tell these legislators who may be bothered with these people, that all the money in the legislature and all we are going to provide here is not for it. You're in the wrong job. This is not speaking badly about the legislature, I really think the world of them. My legislators are some of the best people that I know. And I just want to mention this, though, that when I heard of a bill and read it on my local paper for the first time and I asked them why would you vote for that monster'sity? And this is when we didn't have the single-member districts, he says I'll have to check with so and so because he's the man that tells me about this. And they really didn't know what they had voted for or how they had voted and they said if I did, I certainly made a mistake. This will provide a means when we want to know about the bill the cats, we'll find out about the bill on cats. And I personally think that next to the single-member districts and a few other things, this might be the best thing that has ever come on the scene since the birds and the bees. Thank you.

Questions

Mr. Alario Mr. Champagne, when I took office as State Representative, I took that office on the second Monday in May, 1972. Now under this provision, and I'm also thinking about the provision as we presently adopted under Senator Rayburn's provision, we're saying that the legislature shall meet on the fourth of April. Now do you think you feel that that would cut down my term of office by some two or three weeks?

Mr. Champagne I think the reason was the date was put in the constitution because several people went to Mr. Riecke, I'm told, and said we want to know when we're running for this office, when are we going to start going to the legislature.

Mr. Alario Would it cut down on my term of office, Mr. Champagne?

Mr. Champagne I really haven't figured that out because we've decided you are a continuous body. You're going to be in office all the time when you're elected.

Mr. Alario Well if I'm reelected I probably would, but in the event I decide not to run again, then would you not in effect be cutting down my term of office by possibly three weeks? My point is this, I believe you are doing that, and if you are, aren't you expressly prohibited from doing that in Act 2 which called this convention into session.

Mr. Champagne Mr. Alario, that's a technical question and I informed the public and the delegates here that I'm not a professional. I really can't answer that question.

Mr. Alario Mr. Champagne, then if this does do it, and I'm just discussing it with the staff, did you know that they informed me that they believe this is so, and if it is so, then this provision that Mr. Riecke has here, whether we are for or against it, would not take effect until possibly five years from now; so that this new legislature which would come in after this constitution is passed would not meet in their split session until the following legislature, you see. Cause in effect, if you're cutting down an officeholder's office, or term of office, we expressly prohibited under Act 2 from doing that. So I'm just wondering if possibly they shouldn't withdraw this amendment and doctor it back up to go to the second Monday in May so that we won't cut down on the office, and they might do this immediately if that's their intention.

Mr. Champagne Mr. Alario, I really agree with you, but once in committee, as you know, a number of amendments and the first thing you would, I didn't have any proposal. But I think you intend well, Mr. Alario. If that was to be the problem and it was found by Style and Drafting, perhaps, that could be changed.

Mr. Wall Mr. Champagne, from the statements you have made, I'll have to first acknowledge you as an expert to the next elections and the candidates and how many there's going to be and what's going to happen. I recognize you for the point of this that you are an expert. Now what I want to know is, are you going to be one of those candidates?

Mr. Champagne Mr. Wall, I want to tell you right now, and this can be public, in other words be mentioned to all the public, that the provisions we are providing for this legislature are so great that I can see bankers closing their banks, farmers closing their farms, and everybody running for the legislature.

Mr. Wall That wasn't my question, sir. Were you going to be one of those candidates?

Mr. Champagne Mr. Wall, that's a decision that when the time comes that I shall make and I feel that I'm qualified to do.

Mr. Duval Mr. Champagne, this question was brought up by Delegate Alario. I think the other provisions that will further come down the line where the terms of office will be changed wouldn't this be handled by the schedule so that the people coming in 1976 might hold terms for 3 years and 11 months. Not shortening existing people, but the schedule would provide for the people coming in 1976. Wouldn't that be the intelligent way to handle it, Mr. Champagne?

Mr. Champagne I think that would be a wonderful way to do it.

Mr. Roy Mr. Champagne, I'm kind of like Delegate Wall. Notwithstanding your comments about the professionals, I thought that the Socratic dialogue between you and Mr. Riecke was the most professional thing I've seen here. But in any event, wouldn't the second to last sentence, "During the interim between adjournment and reconvening the committees of Houses may meet and hold hearings". Isn't that provided for at the other period where it says about the fifth sentence, "During this period no committee shall report. Neither House shall adopt any bill or resolution which is intended to have the effect of law". Isn't, doesn't that allow the same thing?

Mr. Champagne It's quite likely that it does. It's possible that it does not. This is a technical question that I, not being an attorney, am not qualified to answer.

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Mr. Roy All right, the other thing is won't you automatically permit these committees, if they do meet, to have some vote even though they may not render a final report or take any type of action.

Mr. Champagne I really don't know, Mr. Roy. Not having ever been in the legislature, and may never be there, I wouldn't know. But I'm sure that someone might be able to enlighten you, other than myself.

Mr. Roy I want to make one comment about that. Why couldn't they vote? What precludes these committees from meeting, from taking a straw vote? Don't you agree that that's the worst form of preconceived notion, so that when you return to vote on the measure you've already made up your mind one way or the other.

Mr. Champagne Mr. Roy, they have those kind of votes every night when the legislature is in session. They meet in rooms and they do this all the time. Didn't you know that? I was told that and I've seen it in action at this convention.

Mr. Roy Well, I don't usually go by what I'm told. I go by what I know. Finally, wouldn't going into the 31st of July enter into a new fiscal period which would present some problem to the legislature and the state?

Mr. Champagne I think that that probably, as mentioned by Mr. Duval could be handled later on. I really don't know, Mr. Roy. But you see, the point is I try to get direct with my questions and answers, and I try, in other words, in simple terms and that's why I mentioned the bill on cats. Because everybody, you know, has seen a cat. And in other words I like to do this thing simple because when I come from they say "you fer it or your against it" in just, you know, plain English. I will not get involved with people who are better qualified at these technicalities than I am.

Mr. Roy Finally, one last question, what prevents the legislature from doing exactly what you're talking about according to its own rules under the Rayburn provision?

Mr. Champagne Nothing at all, sir. I was for the Rayburn provision, or intended to be, if I was not. The only thing is I think Mr. Riecke's provision is far superior since we are providing things for the legislature that were never provided for before and I think we're doing a good job at that. I just want the people to feel that in return, they are getting some guarantees and guidelines set for the people. Now any legislator worth his salt will run under guidelines that are well established by the people or their Representatives, and that's what this convention is all about.

Vice Chairman Miller in the Chair

Mr. Munson Mr. Champagne, I wanted to clear up something that I think I heard you say a moment ago in answer to a question of John Alario when he was discussing the dates that are involved in this amendment. Did I understand you to say that the Committee on Style and Drafting could change these dates if that was a problem?

Mr. Champagne In my ignorance, I probably said that that was a possibility.

Mr. Munson Well, don't you agree with me that they cannot change the substance of the amendment?

Mr. Champagne On second consideration, I would agree with you that they cannot, but I think that this is a very technical matter which I have said that I cannot answer and refuse to answer, but because I simply don't know what I'm talking about. But I will be glad to refer it to other people who may have a solution to it.

Further Discussion

Mr. Jack Madame Chairman, members of the convention, new problems have come out about shortening the terms, but I'll get to that a little later. Now, I'm for Senator Rayburn's version of this matter, and spoke on it yesterday. I want you to listen carefully because I don't think anybody has touched on what I'm going to tell you now. Now, under Mr. Riecke's proposal, you have this situation. You have a split session of the legislature. Under Senator Rayburn's, and I want you to listen because this is important, under Senator Rayburn's proposal, broad where it provides for 50 days maximum during which the House, one or both, cannot be in session more than 60 days. Now, under Senator Rayburn's you have your choice. You can have a split session if the legislature so desires. You can have under Rayburn's what Riecke has, but you cannot have under Mr. Riecke's what Senator Rayburn has. Now I want you to follow that. There have been arguments pro and con, in the House and Senate to my knowledge, since 1940 when I first was there as to whether or not we ought to have split sessions. Now, under Senator Rayburn's, the legislature, if they so desire, could go into that. Next year, if they wanted, under Rayburn's, with 30 day maximum, they could have the sixty actual sessions, if they wanted they could choose the first 15 days just like Riecke's in which to have committee meetings. They could do that. If they wanted then, the following year, revert back and run a regular thing like under Rayburn's like you've considered and then make up their mind which is best. But you can't do that under Mr. Riecke's. Nobody has ever had split sessions, so you don't know how they work. They may be horrible. You may not have anybody introduce any bills if Mr. Riecke's passed till the 15th day. And you would have 14 days going along in which you didn't have a single bill. Now I believe the history shows on pre-filing you do find about 300 bills introduced. How much of that Senate and House bills increase and they do file the first few days, I don't know. But I hate to see a split session put in the constitution and made compulsory and you may make a big, big error. Let me tell you, we cannot afford to make errors, if possible. When you make them in the legislature, you can correct them. If you make them in the House, in the Senate and vice versa, you can correct them in the legislature in both Houses, you can correct them the following year. Now you can say, Mr. Jack, you make them in this constitution you can correct them with a constitutional amendment. Let me tell you, that's the reason we are here now. The people are sick and tired of having a lot of constitutional amendments foisted on them. They want us to figure this thing out and there's been no constitutional convention for 51 years, so you may not can correct an error and do it properly for another 51 years. Now I'm going to go over this cause it's important. Under Senator Rayburn's you can do, in my opinion, everything you can do in Mr. Riecke's. You can send up a trial balloon, the legislature can under Senator Rayburn's do the first 10-15 days of the maximum of 80 and having a split session, and see how it does. And after that's over follow the regular other procedure. Personally, I don't think a split session is going to work, but under Rayburn's I again repeat, and I hope you are listening, it can be done. You can handle it both ways under Senator Rayburn's. Under Mr. Riecke's you can handle it the only one way. So I say, let's don't take the chance on being mistaken in this matter and I say let's follow the Rayburn bill. Thank you.

Further Discussion

Mr. Kilpatrick Madam Chairman, members of the convention. I rise in opposition to this Riecke amendment. I'd like to go back some. Let's study what the Rayburn bill said. The Rayburn bill said that the legislature shall meet annually in regular session for not more than sixty legislative days out of eighty calendar days. What the Riecke proposal does in essence goes back to the original proposal that we had that we defeated with the Rayburn amendment. There's very little difference and it was an overwhelming defeat. We've been here for two days now discussing what we want the legislature to do.

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You have heard better legislators say that they are satisfied with the continuous sessions. We don't want to split this session. Most of us in the legislature do not want to split the sessions. It has been said here that we want to hear from the people back home. Well, that's a bunch of bosh. For the two years that I have been down here as a freshman legislator, I don't hear from a lot of people about bills at home. They come to Baton Rouge to talk to us. You know who you hear from back home? The people who want a job and are hounding you to death from day to day. They're not coming down here and talking to you about something constructive in the legislature. This sounds good to some of the supporters of the Riecke amendment, but this isn't true—putting a great white cloud over an issue that isn't basically true. Most of you are telling the legislature what you want them to do. Let the legislature be independent. Don't hamstring the legislature. Let the legislature come into session, let them pass their rules and regulations that they would like to have to represent most of the people in the state of Louisiana. You're talking about people who have to face the responsibility back home. There was one gentleman here who said that if we did not vote to listen to the people back home we shouldn't be here. Well, let me tell you something, Mr. Champagne, most of the people here who are legislators are conscientious about being legislators and we listen to the people back home. If we didn't want to be conscientious and if we were not conscientious, we wouldn't be here representing the people. I'm down here a fifty dollars a day and my expenses are more than what I'm getting out of this legislature. I have two homes to take care of, one here and one in Baton Rouge with my wife and family here. I have a business going on as most of the legislators do down here. We don't have to be told that we're not here or we shouldn't be here because we don't want to listen to the people. This is not so and I resent this and speaking for myself...I feel like all the other legislators feel the same. When you're talking about the tax assessor being in his office all the time, these tax assessors don't get defeated. Do you know why? They have the pencil. Let's face it. Now leave the legislature alone to make its own decisions. People go in here and leave the legislature independent and let's quit boxing and sparring with these amendments. Yesterday we wanted the Rayburn amendment. Today we want the Riecke amendment. Tomorrow we'll be back with the Rayburn amendment. It was overwhelmingly passed. We have gotten off of a serious, serious subject here today that has to do with one thing and that means that this legislature under the Rayburn amendment as the bill is now proposed to this legislature will meet for sixty days out of a seventy calendar day issue. We don't go home and let a special group of lobbyists or people put us in the pressure cooker and boil us for two weeks under the Rayburn amendment. We come down here and we go to work. Now, another fallacy on the Riecke amendment is this: that you have fifteen days in which the Legislative Council is to prepare all these bills. We had some three thousand bills that were introduced in the first session. This doesn't give adequate time for the Legislative Council to work which they work day and night to get them out. Under the Rayburn proposal that we now have, you have twenty days for the Legislative Council to prepare these bills for the legislators to introduce. I urge you, please leave the legislature independent. Don't tell the legislature what to do. Keep this Rayburn proposal. Thank you.

Questions

Mrs. Warren Mr. Kilpatrick, you said that you didn't want the people from your area to tell you what to do. How can you represent them if you don't know what they want. How can we have government by the people and for the people? You're going to cut out by the people if you don't give them a chance to say anything. I would like to

know why you feel that you have all of the answers and you're just going to come up here and do what you want to do and they don't have any input.

We have our constitutional convention here and we have delegates, grass roots people and everybody coming in saying what they would like to have. So are we supposed to consider them or is this a farce and we're just to make them believe that they've got something to say and they don't, and we're going to sit up here and do like we want to do, in all fairness to all of the people, my belief is that we should give the people a chance to have something to say.

Mr. Kilpatrick I have never said that I didn't want to hear from the people back home. I want to hear from the people back home and I represent the people back home. The question is, when you get back home, the people are not going to talk to you back home on these bills. They are coming down here to Baton Rouge but what you said or intimated is nothing...I've never made that statement and I'll never make it. I represent the people back home and I'm free and independent because of the people back home, one hundred thousand people that I represent. I don't know where you got your accusation that I didn't want to hear the people back home.

Mrs. Warren I think that if you read the record back, you'll find where you said it right here on this rostrum today. That's the reason I came up here, Mr. Kilpatrick.

Mr. Kilpatrick Oh no! You misunderstood that. I represent the people back home.

Mrs. Miller Let's not have any argument at the podium. Let's proceed orderly.

Mr. Kilpatrick Let's set the record straight on that, if it's in there.

[Quorum Call: 106 delegates present and a quorum.]

Further Discussion

Mr. Wall Madam Chairman, delegates to the convention, that is one way to waste money is to have too many record votes or absence of a quorum. Sometimes it's necessary. Sometimes I'm guilty of that. First, I'd like to say this. This amendment, as to what will happen and the difference between it and the amendment we passed yesterday, the legislature can live with it. I don't get worked up one way or the other to that extent, truthfully. What does concern me is that so many people that are sitting out here right now, that are supposed to be down here to write a constitution and instead of that they're all—not all but so many of them—are trying to legislate. They want to bring all the legislative persons to the floor and they want to run for the legislature when they get back home, and if this continues, this type of action, it will now cause—could be one of the things—that could cause the defeat of the work of this convention. The reason we have a constitutional convention is because it's necessary is because so many things are tied down in the constitution where the legislature can't change it when times change and there's a need for a change or people demand a change but the legislature can't change it because it's tied down in the constitution. That's the reason we have this constitutional convention today. Yet, you have some people who want to do all these good government things that will look good, that's really legislation, and they try to tie down in this constitution because it looked good today, they can't see down the road the necessity of a change. They are just running for office today. I repeat that. They're just running for office today, what sounds good back home. They haven't got the courage or the vision to really recognize what their duties as legislators are as a delegate to this constitutional convention. They have got to look down the road for change and what would be good in this constitution

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tion or what would be bad, what would hamstring twenty or thirty years from now. Now, ladies and gentlemen, this is something—the legislature could live with this, but this is such a useless amendment. It's a useless amendment. Why? Five days is too short a time truthfully the original way it was for the introduction of bills. Let me point out to you one reason for that. Now the lawyers could call down the legislative Council and properly get their bills drafted in most instances, but a non-lawyer may not get it drafted until he gets down here or he may not get it drafted correctly because he didn't properly explain it. So he gets down here and it's impossible, a physical impossibility, to have a staff that could draft all the bills that's necessary in five days. Now that doesn't mean that all these bills are good. Many times bills that should not be passed are introduced, but they point out abuses by certain groups or interests in this state that when that abuse is pointed out then corrective measures are taken without necessary legislation. Now, this particular amendment...you're going to bring the procedure out over a necessary process at this particular time. Now you hear what I'm telling you—at this particular time. This should not be in the constitution. The legislature...the constitution should put certain reins on the legislature but that should be limited. There should be that latitude so that if twenty years from now or ten years from now the necessity of the workings of the legislature needs to be changed, the legislature can change it. We are not here to legislate. We are here to write a constitution. If you are going to try to put everything in the constitution that should be legislation, we will not come up with an instrument that will pass the people when we finish it. Ladies and gentlemen, this is not good for the constitutional convention. If one of you happen to be a legislator and you want to put...you need it where the legislature can adjust themselves within certain periods of time. Truthfully, you know if I had my way, and I've been mentioning it a little bit, I really think the legislature should be limited. But I haven't offered that because I haven't had any support yet. But there's a lot of...to the legislative meetings in January. But when sentiment is not with you I don't want to bring it up here and waste the time of these delegates but this is an unnecessary amendment and I hope you will see fit to vote against it.

Chairman Henry in the Chair

Questions

Mr. Duval Delegate Wall, wasn't there a proposal yesterday to allow the legislature to fix its times as provided by law? Wasn't there such a proposal yesterday, sir?

Mr. Wall I believe there was some such proposal.

Mr. Duval Doesn't the Rayburn amendment limit constitutionally the session to sixty days? Doesn't it?

Mr. Wall Not necessarily sixty. Sixty days within a period of time.

Mr. Duval You say you think the legislature should have flexibility, doesn't that also constitutionally fix something that may need to be changed in fifty or sixty years.

Mr. Wall That's right. But this is not an improvement, Mr. Duval. It does put restrictions. If you wanted to have an amendment to let the legislature set their sessions, I would vote for that, Mr. Duval.

Mrs. Warren Mr. Wall, would you consider Mr. Riecke's amendment a legislative bill? When you said we were not up here to legislate, would you say this was a bill or would you say this was an amendment.

Mr. Wall This is a proposed amendment to the constitution. Mrs. Warren. But it is more legislative than it is constitutional.

Mrs. Warren They just mentioned that they have one to allow you to set your own time and it was rejected and I didn't hear you come up here and say anything about it.

Mr. Wall Mrs. Warren, you'll find that I'm not going to come up here and take issue on all matters. There's some things that I feel like that I can feel the sentiment of the delegates and it's not necessary for me to waste the time to come up here and make a talk and give my views. Thank you.

Further Discussion

Mr. Alexander Mr. Chairman and delegates, I have analyzed this amendment, I have listened to the arguments and I have come to a definite conclusion. This conclusion is based on the arguments and on the information that I have drawn from this amendment. The very first good feature of this amendment is the fact that it permits a vigilant citizenry to keep track of what its legislature is doing. It permits the citizen to react. This thirty day period during which time hearings could be had will permit the public, John Doe citizen, the man, not necessarily the professional lobbyists or the big organizations, but the little people who may have problems with legislation to come up here to Baton Rouge and present their case. Then, Mr. Chairman, this amendment would remedy many of the ills of the past. It would remedy the problem pointed out by a previous speaker that the legislature has been forced to meet on Saturdays and on Sundays because the stipulation is here that the legislature would have fifty legislative days to work. Finally, I say to you that this is the most perfect, corrective provision to cure the ills of the past that has been presented to this convention and I say to you that if we are losing time and if we have lost time in the past during the debate of this amendment. We have lost time on something else. It has not been this important. This provision is the most important measure presented to this constitutional convention outside of the unicameral legislative idea. So I appeal to you to vote for this provision, put it into the constitution so that the legislature will be responsive to the people, so that the legislature will be a responsible body meeting in session during times when everybody will know when they are going to meet, when hearings can be held and when committees will be holding these hearings. Mr. Chairman, I thank you. If there are questions, I will answer.

Further Discussion

Mr. Tapper Mr. Chairman and fellow delegates, I rise also in opposition to this amendment. It isn't as bad as it could be but I'd like to preface my remarks with this. We've been beating this dog for a long, long time. Yesterday we finally voted by an overwhelming majority for a proposal for an amendment to the proposal which was Senator Rayburn's amendment. I believe that that was a good amendment. I believe that this is a bad amendment. It could be under this amendment that we could meet—the legislature could meet—from April through July 31st. There has been much talk here about suspects of the legislature. Of course, I'm a member of the body. I hope that talk was not true. However, if that is true throughout this state, which I do not believe, then what you are doing here is authorizing that body which you feel is not trusted by the citizens of this state, to meet for a longer period than sixty days while at the same time, you are not authorizing them to take any action for the first fifteen days. Yes, the amendment says that. The committees can meet. The committees can take action but cannot report. Believe me if you know what the legislative process is, you can fully understand that we can take action in a committee today and we can take action again tomorrow on the same measure by a simple majority vote to reconsider.

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So by saying in this amendment that the committees can take action, we say exactly nothing because no final action will be taken until that bill or resolution is finally reported out of that committee and no longer in the hands of that committee. I'm sure that most of you realize that because you have been sitting in committees since January and you know that the proposals that you have put forth, the amendments that were adopted were re-amended and reamended in your committees just like you mine and you are here, and we have been here since yesterday, reamending those amendments again and again. One thing else I'd like to point out and that is that under this amendment you will have for a period of forty-five days all of the people who work for the legislature working without pay. I'm not speaking of the legislators. They can do it but what about the personnel? There's no provision for the appropriation bill that pays the employees of the legislature, to have any final action on it until the forty-fifth day or the forty-sixth day or maybe the forty-seventh or forty-eighth day in order for it to get through both houses. There are many, many flaws with this amendment but the biggest one is that it will allow the legislature to meet for a period from April through July 31st and I think that you don't want that. Mr. Chairman, as I said in my preface, this dog has been beaten and beaten and beaten and I feel this, everybody here has made up his mind whether he wants a split session or he wants a sixty day within a seventy day session or what he wants. At this time Mr. Chairman, I'd like to move the previous question on the amendment and Section 2 Paragraph A.

Mr. Henry Mr. Tapper, you have sort of come up with a hybrid. You can move the previous question but if you want to move it on the subject matter it is going to have to be the entire subject matter of Section 2, I believe.

Mr. Tapper I would like for the rules to be checked on that, Mr. Chairman. I think I can move the...subject matter that is presently before us is Subparagraph A of Section 2.

Mr. Henry The subject matter that is presently before us is subsection 2 period because under the rules we are to consider these articles section by section. So if it is the entire subject matter then it has got to be as to Section 2. If it is just the previous question, then we have no problem.

Mr. Tapper I move the previous question on the amendment.

[Motion for the Previous Question re-jected: 53-54]

Further Discussion

Mr. Guarisco I rise in support of the Riecke amendment. I coauthored the amendment and I just want to say that Mr. Wall has suggested on a number of occasions that those of us who are delegates to this convention who are not legislators are preparing for the next election. I feel that those persons are really preparing for the next generation. Why I don't know what Mr. Wall is doing. Yesterday Mr. Rayburn got before you and said, "I don't pass the bills or I don't introduce a bill in the beginning or in the middle. I learned that trick. I put it in in the end. I try to slip it in, slide it." Well, all we want to do with this amendment is to put a little love in the grease. That's all. That's all we want to do. This is what the people want. They want a split session; they want to hear about it; they want to have a chance to look at it—they might not have anything to say, just like those of you who are going around the constitutional convention and had twenty-five and thirty people show up—but at least they had the opportunity to do so. I ask that you vote for the Riecke amendment.

Further Discussion

Mr. Lowe Mr. Chairman, delegates to the convention,

I just want to note before I start to make my short talk to you that this is the first time that I speak on this proposal. I really have no serious thoughts about the number of days and I've sat quietly listening to all the proposals. I have some experience in this particular area having been a legislator from '64-'68 that became a little bit disgusted with the system, did not seek reelection and felt that those that had the power—and there are those that can move things a little bit like the other others, that's the system, it will always be the system and I don't quarrel with that. I think that's good. We need people to give us guidance but we also have some very good people that sit back, that can't always let their thoughts and their efforts be felt completely. There were many times when I sat in the legislature that I felt like a vegetable. For that reason I became completely disenchanted with the system that we had, not disinterested in government, but disenchanted with what we had to work with. Now we argued a lobby bill and I couldn't get serious about that particular bill and I did not speak on it. But I think this is part of a lobby bill. I think this is a lobby bill for the people back home. I don't want to get up and talk about the school teachers and the old folks and the people back home because that's not my type of politics. If anyone thinks I'm running for office again, I think we can let the record show that there's about as much chance for me running for office again as there is for an earthquake in Louisiana. Now that doesn't shut the door completely because I think I could do some good, I might sacrifice. I don't believe I can. There are a number of people in my district who can do as much as I can. But I do believe that this is a lobby bill for the people back home. Now that happens when a bill comes before the legislature. Those people that want to move can see that it moves. Another legislator that he may be just as good a bid, if he's not in and he's out, it may be difficult for him to get his bill to move. He may need more time. He may need to gather his forces. He may need to rally the ranks and it's difficult or impossible for him to do it under the system that we now have believe me. I've been through it. I was one of the voters first in the dome stadium. Now I don't want to resurrect something and the way the dome stadium is today, I'm not here discussing, opposing it. It's what we have to work with and we all accept it but I do believe that the proposition that we received on the dome stadium sometimes in the sixties was not as good as it would be led to believe it was by the number of votes that it received in the legislature. I believe that if we had had time to split the session, to go back home, to look at that proposal that was before us we would have had some different thoughts by the time we got back from that split session and started to vote. I think this proposal fits in very well with a salary for legislators. I think legislators should work hard, work long, that's what they're for office for. There are a number of legislators that came before this mike to oppose this bill. I can't argue with them for proposing the bill. Certainly, if a legislator has to operate under this particular bill it's going to cause him some more problems than he has now and I believe the reason why it will cause him some more problems than he has now is because it will pull into our government our constituents back home. We worry about them being complacent—we have an opportunity now to remove some of that complacency and that's why I'm before you because I want some of our constituents involved when we're seeking office—we're a lot more involved with them now, are they or are they not legislators. That has to be and I don't condemn that because when I ran for this office I was a lot more involved with them than I am today and I regret that. I wish we had a system that had me as close to my constituents as I was last year at this time when I was asking them to vote for me and if we can do something that's going to do a better type of representation, well I'm for it one hundred percent. Now the Rayburn amendment yesterday it's been discussed, I think probably it was better than what we had yesterday. This is just so much better than

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the Rayburn amendment. We've heard that we have a proposition that it's going to be unconstitutional from the standpoint that we're going to shorten the office of the people now elected. Well those people that are going to oppose something are always going to whisper that we have a problem and that's why we have our style and drafting committee. We adopt what we have to adopt, we send it to them and we have a process that we've set up to take care of all of these problems. If we have a problem, we have some intelligent delegates on style and drafting that will send it back to us and tell us that we have a problem and that's the way I understand our process. I promised to keep it short. I think you get the gist of what I'm trying to tell you, I tell it to you sincerely from someone that was there that tried the system, found that it didn't work as far as I was concerned and hope that we can get a system that will get our constituents involved and give government to the people and let them help us in this representative democracy.

Further Discussion

Mr. Chatelain Mr. Chairman and fellow delegates, I arise in support of the Riecke amendment and I want you to know this is the third time that I've changed my mind. Not the first or second, it's the third time and I'll tell you another thing, if it comes up, a better amendment comes up, I'm going to be for it. Yesterday morning when we were to work at 9:30 I was for the committee's report, committee proposal number three by the Legislative Powers and Functions Committee. I thought it looked good. It too was for a split session, but after debating around awhile and kicking around the Rayburn theory it sounded better and I voted for Senator Rayburn's amendment. You might notice I sit next to him and I have a lot of respect for Senator Rayburn. I think he's contributed a great deal to Louisiana government but I must say to you that I have to be for the Riecke amendment because I feel, as Sheriff Durso said to me a minute ago, this will slow down the process. It will give the people back home, yes, time to do some lobbying and after all that's the people I want to see do the lobbying is the people back home. These are the people that sent us here. These are the people that pays the bill in the state of Louisiana and I say to you that I am for this Riecke amendment and I will be happy to support it and I hope and urge that you do that. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I spoke to Mr. Riecke concerning his amendment and the one thing in it that I like, it was going to give a chance to the people back home to have a chance to contact their representative before they give any action on it. I can remember on many occasions where I had to make long distance telephone calls at the last minute to representatives from my area to ask them to support a particular bill. I could have so much easier and cheaper done it if they had been home for a period of time where I could have gotten in touch with them. I'm not saying this to be bragging but I do love people. I work with PTA and we do represent people. I work actively with them and I know Mr. Riecke has also. Many times we meet and we decide things that are good for the people. We ask people their opinions before we bring it up to have it voted on, so for this reason and this reason alone I was interested in this amendment. I'm not interested in the mathematics of it. I'm not interested in how the legislators can live with it. I'm interested in if our people will be able to live with it and not just exist. Thank you.

Further Discussion

Reverend Landrum Mr. Chairman, I had asked that my... I raise the right to speak because so many people was echoing my sentiments and as a member of this particular committee, I've heard this

argument time and time again and I've heard some very good arguments about it. I wanted to check with legislators who had some experience in this area and I found that they too are somewhat as, like I am, I found that they are very much divided on the different kinds of sessions. Now the proposal that Mr. Riecke had on yesterday, it wasn't possible for me to go along with that proposal. As he has it this morning, I feel that it is the best proposal that I've heard throughout the committee hearing and throughout this convention. Therefore, I will support that particular proposal and respond to delegate Senator Rayburn, and I like what he said about the revival not being able to take in members. Well, I believe that he would know that even better than I because even most country parishes, country churches, they used to strive on that idea, that if you do not come up to par well then they would not accept you into the church. They would send you back. That's why I think we do need to go back, we need to go back and try to get some input from the people. I have to have somebody else's guidance because I don't know all the answers. I want to have the answers and I want to see what the answers is saying. I want to see what people are saying. I want to hear everything and from that then I'll make my own conclusions from it. Thank you.

Further Discussion

Mr. Burns Mr. Chairman, and fellow delegates, I would not be taking up your time at this last date in this debate or in this discussion because I think that every facet and every angle and every possible question concerning this amendment has been discussed and thoroughly discussed.

My only reason for standing before you is a little personal one. Yesterday morning, in talking with Mr. Riecke he outlined what he had in mind which was later transcribed in his amendment and I told him that sounded like something that I could go along with. Later on in the morning, Delegate Rayburn introduced his resolution--his amendment which to me was exactly what Mr. Riecke and I discussed around the breakfast hour. I was set up for Senator Rayburn's amendment. Then later on Mr. Riecke's amendment was introduced which to me, and I have listened very carefully and very studiously to the argument on both amendments. And as of this time I don't see anything in Mr. Riecke's amendment that cannot be done under Senator Rayburn's amendment. It just spells one or two things out a little more. So I saw no possible reason or justification for me changing my vote.

Now, here is a point where the personal angle comes in. As I have gone through life there have been many instances that have come up where I could see no visible reward at the particular time for trying to be fair or overly fair. In some particular event or some particular happening. But a happy happened when Mr. Riecke's amendment came up to be voted on this morning that ultra fairness, extra fairness came into my mind that Mr. Riecke for some reason might have thought yesterday morning that I had committed myself to him. Which of course, I did by no stretch of the imagination. But in the effort to be ultra fair I didn't vote on the amendment when it came up for a vote. An awful and behold as it is my luck in many, many occasions I believe the vote came out even if I am not mistaken. Whereas, if I hadn't had that inner feeling of fairness I would have voted just as I had in the first instance for Mr. Rayburn's amendment. Which I intend to do when it comes up if we ever get through with these many addresses and these many amendments.

But as far as the two amendments are concerned, I have listened to the folks back home and the citizenry and the constituents. And I am frank to say that I go home after everyone of these sessions and the only time that anybody has ever spoken to me about this convention was to ask me to be sure and keep the three dollar automobile license in the new constitution.

The people are not going to discuss with you when you go home as do the--to which one of these amendments you think was the best. They don't know these

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technical legislative procedures. They are looking to us, to you and to me and to use our judgment up here. And I dare say whether you vote for the Riecke amendment or the Rayburn amendment, your people won't know the difference one way or the other but they are leaving that to your judgment. So I just wanted to get up here fellow delegates and explain my position with reference to this amendment and the fact that as I see it the Rayburn amendment encompasses and takes care of every thing that the Riecke amendment does but it does give a little more elasticity to the legislature when it's in session.

Thank you.

Further Discussion

Mr. Gauthier Mr. Chairman, and delegates. I think by now the preceding speakers have taken all the wind out of my sail but I have a few points I would like to bring to your attention.

We speak of the apathy of the people in the State of Louisiana uninterested in government. Perhaps this is due to the fact that they don't understand government.

I voted for single member districts on that very idea. We have got to create a structure that they can understand. We have been told by other delegates here that we're getting into legislating and yet those same delegates have told us they are for the Rayburn amendment. This amendment only does one other thing. It allows the legislators to go back home and talk with their people on bills. It also makes a lot of sense to the people can understand. They know when the legislature will go into session. They know when they will be home. They know when they have a chance to influx.

I fully believe if we can create a structure in government then we have done our job here and our people will get more involved.

I don't believe that the intention of this body to hamstring the legislature. Instead, I think we want to provide for flexibility when dealing with substantive matters. We are now dealing with structure not substantive matters. To me it's very plain, very simple.

It's been alleged by some delegates that some of the legislators don't want to listen to their people. There are probably a few that don't want to listen. But I firmly believe that the majority of the legislators do want to listen. I firmly believe that we do have some interested citizens too. This amendment would give them a chance to go home and listen.

There were a number of other points but as I said earlier, the wind has been taken of the sail and they were covered. I'd like to point out one other thing. This amendment has been made by a delegate that has perhaps gained a reputation for being one of the most sincere delegates in representing the people back home.

On the other hand, this same amendment is being supported by one of the most capable legislators that we have. Therefore to me, we have the type of situation that we would want to act on immediately. We have both the ends represented. A man wanting to represent the people back home and a legislator with many years of experience saying that it can be done.

I urge your support of this amendment.

Thank you.

Questions

Mr. Bergeron Mr. Gauthier, did you attend the Public Information Committee meeting.

Mr. Gauthier Yes, I did.

Mr. Bergeron Did you find the input from the Citizens helpful to you in your deliberations up here?

Mr. Gauthier I did.

Mr. Bergeron Don't you also feel that this would benefit the representatives in their respec-

tive areas?

Don't you feel that they would have the opportunity for the citizens, the people they represent to honestly state what they would like their representative to do?

Mr. Gauthier I do.

Mr. Bergeron Thank you.

Mr. Toomy Mr. Gauthier, the Public Information Committee was just referred to a meeting on the westbank in Jefferson Parish which included the whole westbank of Jefferson Parish. Was there not only twenty-three people present and five of those were elected officials?

Mr. Gauthier There were. And all twenty-three of them had very good points, Mr. Toomy.

Mr. J. Jackson I agree with what you said about the amendment of Mr. Riecke. The question that hasn't been asked, or maybe it has been asked, is what happens in the case of like...recently in the last session we had some emergency legislation that was introduced. And what happens if emergency legislation is necessary within the fifteen day period. Will the legislature, the House be able to act upon that legislation? Or if you don't know that do you know if there are further amendments that will be proposed to maybe make Mr. Riecke's amendment probably a better amendment?

Mr. Gauthier No, I don't know Mr. Jackson, however I can say this. In listening to Mr. Triche's explanation I understand that there is now a thirty day period where legislation can't be introduced; so perhaps this is an improvement.

Mr. J. Jackson No. My point is that there will possibly be and I don't know we are talking about the future. But I could envision there may be the possibility of emergency legislation for floor control...things like that.

And it just seems to me that this amendment and all I want to know does this amendment provide that either house would be able...that the legislature would be able to act within the first fifteen days. That's my only concern.

Mr. Gauthier With a little aid from another delegate I can now answer that.

If it was an extreme emergency, it does provide that by two-thirds vote you could have some action. By two-thirds vote of the elected members of both houses.

Mr. J. Jackson Thank you.

Further Discussion

Mr. Rayburn Mr. Chairman, and fellow delegates. I rise in opposition to the Riecke amendment. And I want to briefly tell you why.

I am a little at a loss as to know why some of the people who yesterday said eighty days was too long now seem to like 101 days. Because under the Riecke amendments you can have a minimum of 92 days or 94 days and a maximum of 106 days to be in session.

I have no opposition to split sessions and under my proposal the legislature will be able to try split sessions and see if they work. We have been criticized in the past and when I say we, I am referring to members of the legislature for clamoring the ballot with constitutional amendments. And I am trying to prevent that in the future with my amendment.

When I first came to the legislature the constitution provided that we had twenty-one days to introduce bills. Thirty days to introduce constitutional amendments. We felt that that was too long. So we had to offer a constitutional amendment to cut those days to fifteen. Which the people approved. Later we felt that thirty days was too long for constitutional amendments. We had to come back and offer another constitutional amendment and submit it to

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the people to cut that period from thirty days to twenty-one days.

I am merely telling you that to show you some of the things that, because of the present language in the constitution has caused us to have to put some thirty or forty, fifty I believe, two at one time amendments for the people to vote on at one time to change the constitution.

I tried to limit the amount of amendments that could be submitted to the people on many occasions in the legislature, but I failed. Under my proposal the legislature can have a split session, if it so desires. It can meet thirty days, it can meet forty-five days, it can govern its work according to its work load.

Under the Riecke amendment you don't have to meet but one day. It says you shall meet not later or longer than fifteen days which in the legislature sees fit they could come in session the first day and adjourn until the fourteenth day and go home.

Now I think I have tried honestly and sincerely to represent my people. And some times I guess you shouldn't tell the truth. It is my opinion, I did say yesterday that I waited until late to introduce my bills because I figured it was the best way to get them passed. And I figure that that was the best way to represent my people if they had asked me to introduce a bill it was left up to me to try to figure the best way to get it passed. And I did find out basic in my legislative life that the best way was to wait longer. Because if you are standing out there and somebody is shooting at you, if you stand there long enough you are liable to get hit. But if you don't have to stand there two or three days when you can just stand there one or two days, I chose the shorter route.

Now, if you will go back and look at the percentage of the people that votes on a constitutional matter has been submitted to them in the past you are going to see in some cases fifteen percent, in some cases eighteen percent and I see some of the news media here that can bear me out. In most cases about twenty or twenty-five or twenty-one percent down low. I believe one time we had about eight percent of the people that voted.

Now I am trying to represent that other seventy or seventy-five or eighty percent. And I just feel like that the legislature should have the right to handle their work load in the manner they think is best. And certainly they are going to try to serve their people. That's why they are down here. That's why they were elected. And I don't think it's really right and I don't blame anybody that don't agree with me. We are all over here and we have our right to our own opinion and I certainly respect yours and I hope you respect mine.

But I feel like the legislature can operate better if it has an opportunity to come over here and meet, let bills be introduced, have committee hearings, recess if they want to and go home for ten or fifteen days; twelve days which they can do under my amendment. And another thing that worries me about this present amendment. There will be a lapse of forty days. We cannot provide money to pay the staff. A fiscal year begins on July the 1st. Under the Riecke amendment it will go until July the 31st before we adjourn. I don't know we'll have to go back and change that fiscal year or do something where we can make an appropriation for the state agencies. And I just have no big quarrel with Mr. Riecke's amendment but I do think that for the benefit of the legislature that my proposal will let us work better.

And let me say this, I think we are all interested in representing our people. If we're not, we've got no business in the legislature. I know I have tried to represent mine and they have been good to me for which I will forever be grateful. But I can truthfully tell you that sometimes when you say let the people know what's going on, you know where you get your most information from people who have a personal interest in something or may I say a vested interest.

I have always tried to be fair with them and on

the other hand try to look out for those poor little people that couldn't come over here before a committee meeting that wasn't able to come over here and lose a day's work to appear before a committee. I have tried to represent them likewise.

I do believe with my proposal that you will be giving the legislature a little bit of hand to solve their problems in the manner that they think is best. And for some of you yesterday, that said eighty days were too long I just want to say in and lose a day's work to appear before a committee, you are looking from ninety-two to one hundred and one days if the calendar that I looked at is correct.

I hope you reject the amendment.

Questions

Mrs. Warren Mr. Rayburn, I think in speaking here you failed to mention something that is in Mr. Riecke's proposal... amendment that was not in yours. Mr. Riecke limits the time that you could introduce a bill. You also made a statement about you introduced yours at the last minute and I hope you don't take an offense. That's kinda like pulling a rabbit out of a hat at the last minute. I don't feel about that, would you like to have Mr. Riecke's statement incorporated in your amendment so you wouldn't be able to pull that rabbit out at the last minute?

Mr. Rayburn My amendment also limits the time for introducing bills if you will read it. It has a limitation there. It says they shall be introduced not later than nineteen days. And the purpose of the nineteen was to keep us from having to come back on two weekends. A Saturday and a Sunday. Not later than the nineteenth day. This is not later than the fifteenth day. So there is a little difference.

When I am pretty familiar with rabbits I've chopped a few out of logs. I have stood on one end with a stick and let my brother be on the other end and punched him--and let my brother catch him when he ran out. But if you are looking for meat you've got to figure out the best way to get it so I tried to get somebody on both ends of the log.

Mrs. Warren Yeah Mr. Rayburn.

I'd like for you to know that I came from the country and I used to take a clod of dirt and kill a rabbit and we would have him for breakfast in the morning. But I didn't understand your amendment as clear as I do Mr. Riecke's.

Mr. Rayburn Well I regret that very much but it does have a cut off limit on it and it is not later than the nineteenth day and the only reason I added the four extra days because it's two weekends in the first fifteen days and I was hoping that we could maybe not have to work on a Saturday and Sunday.

And that was my purpose for the nineteen.

Mr. Roy Senator this is a friendly question. Don't you think that Delegate Gauthier was wrong when he said that the Riecke amendment by a two-thirds vote could provide for legislation to be enacted when really it only provides that by a two-thirds vote and you could allow or introduction of legislation after the nineteenth?

Mr. Rayburn That's exactly right, Mr. Roy.

Mr. Flory Mr. Rayburn, as I read this and I ask you to question. Isn't it possible under Mr. Riecke's amendment for the legislature to come in session on the fourth Monday in April and adjourn that day until the fourth Monday in May so in effect that you would only have one day in which to introduce bills and thereafter it would require two-thirds vote to introduce a bill?

Mr. Rayburn They could Mr. Flory if a majority of the membership so desired to do that. They could the way I read the language. Yes, sir.

Mr. Champagne The only reason for asking this

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question Senator is because I just want to point out something about the last one.

Could you feature a bunch of Representatives and the Senators meeting and saying that we are not going to do anything, we're just going to go back home?

Mr. Rayburn Mr. Champagne I was in the legislature one time in my political life when we met and recessed an adjourned and did the same day we met. I've only had that experience once but yes, it can happen.
I don't think it will happen but I didn't think it would happen that day but it did.

[Motion for the Previous Question.]

Point of Information

Mr. Womack Mr. Speaker, in case there is some very pertinent facts that still haven't been brought out if you vote the previous question you have cut that information off.
Is that not right?

Mr. Henry That is correct.

[Motion for the Previous Question rejected: 54-55.]

Further Discussion

Mr. Segura The one thing I promised the people back home when I ran for this office and the one thing I have heard you say more than anything else is that we want a short, precise, streamlined constitution. One that can last forever without amendment if possible. We all know that's impossible. But that's what we are trying to do and I feel the more specific we get in the articles we write the more it will need amending in the future. This is the point I want to make. That I think the Riecke amendment, the intent is very good but this amendment is in my opinion much to specific because times will change. As you can see the legislature in the past has met sometimes it has been a thirty day session. Sometimes a sixty day session and I am not familiar with the history of it but I know it hasn't always been as we have proposed it today.

So I know as well as I am standing here that there will come a time when the amount of time they are going to meet is going to be different, required as it is required today. So what I am asking you to do is to let's look at what we came here to do and let's try to do and let's try to streamline this constitution and write it in a way that it will not need amending as often.

I, for one, have faith in the legislators because I have faith in the people. The people who elect them. I have faith in legislators. They are only elected for four years. This constitution is written for much more than four years. Why can't we have faith in them and let them decide if they need to go home for fifteen days if they need to meet for sixty days continuous. I think these specifics can be left up to them because we should have faith in them. Because it is us, the people that's electing them.

Let's not miss the forest for the trees.

Further Discussion

Mr. Drew Mr. Chairman, since part of my few remarks will be on paternity which I think most will be interested in wonder if I might suggest a absence of a quorum.

[Quorum Calls: 97 delegates present and a quorum.]

Further Discussion

Mr. Drew Mr. Chairman, delegates to the convention, I would like to make a few remarks, very short remarks about the legislature and I am one of the oldest new faces that appeared there in

1972. So I am not a veteran of the legislature. But I do know this much about legislators and am speaking from personal knowledge and from what I have seen done in the legislature and out of the legislature in this short fourteen months. There has never been and I don't think there will ever be an attempt for a legislator to isolate himself or herself from their constituents. The procedure which I follow which is followed by most of the House and the majority of the Senate and if you would come into the lounge and see the lines waiting to get on the watts line to talk to our constituents is to discuss with those parties who may possibly even be interested in legislation their feelings on it. Our duty, our obligation because the legislature is a heart beat of government is to vote the will of our constituents and that's what we attempt to do. Now I mentioned that I would talk about paternity a little bit and I do not mean to deflate anybody particularly and certainly not to mean this in a derogatory manner but if you have your chest stuck out because you think you beget this child called split session you had better deflate it. This child was beget by the House Executive Committee months and months ago. And would have been instituted without any doubt prior to this convention even convening had the legislature had the time to permit a split session. And I am sure that it will be done. The consensus of the House and the... I'm sure the consensus in the Senate is the same. That we do need something of split session to have a little more time to consider the bills. To allow our constituents to consider the bills.

Now let's go and see. Now this was [...] by the legislature through its Executive Committee not by this convention. It was submitted to this convention indirectly from the House Executive Committee.

Now, let's put this thing in proper perspective. We have two amendments here that we are discussing, the Rayburn amendment that was adopted the other day and the Riecke amendment and there is very little difference between the two as mentioned when Mr. Warren was questioning Senator Bauman. In one you have fifteen days in which to introduce bills in the Riecke amendment and the Rayburn amendment you have nineteen days to introduce bills. We have a four day difference in that part of it. The difference between the Riecke amendment and the Rayburn amendment which is so vital is that if all bills should be introduced in five days there will be no need for the legislature to sit there for ten more days doing nothing before they went home and instead of having a sixty day session we have then been cut down to fifty-five day sessions with a fifty day session for consideration of bills.

You are not giving the legislature more time to consider bills. You are very possibly cutting down the time that we so badly need in the House. A session had every bill that was introduced gone through both houses and these are rough figures. We would have been permitted twenty minutes per bill to be introduced in the House, considered by committee, considered on the floor, go to the Senate, considered by committee and go to the Senate floor for final passage and come back to the House. Twenty minutes a bill is about the time we were allowed and you are complaining about poor legislation getting through the legislature.

The difference between these bills is this and it is vitally important. You were roost kind yesterday in defeating an amendment that would put limitation on the odd year sessions. If we are going to have annual sessions--let's have annual sessions.

Now let's get down to the difference between these two amendments. The amendment that Mr. Riecke has offered to me and I do not mean this to be derogatory, Mr. Riecke. This is an amendment that would sound good to the people. Sound good to the people. I do not deny that. In fact, it is a part of the con-consideration that has been given to this amendment because then it would be there that we would have to be there fifteen days and take this period in between and come back and consider legislation. The thing that bothers me about the

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Riecke amendment is that you are locking us in. Many have been there for years, many of us have only been there for about fourteen months on this thing. But what we need in this constitution is flexibility. And what we need in the legislature is flexibility so we can utilize our time to the best advantage. And I think that you will show enough confidence in the legislature to permit the legislature. We may make mistakes on how long that period shall be before the initial period and the final period. We may want to change that. But I ask you to look beyond your nose. We are not talking about a session in 1974 we're talking about hopefully sessions in 1980 and 1990 and the year 2000 if we come up with the proper instruments. Do not put unnecessary limitations on the legislature. These are unnecessary limitations. If Mr. Riecke's amendment did not lock us in so bad I could support it and at first glance I was in favor of the amendment and the more I considered the ramifications the more violently I am opposed to this amendment. As I said, we need flexibility for efficiency and there is nothing and I repeat nothing under the Riecke amendment that the House and the Senate cannot do under the Rayburn amendment in a much more efficient fashion.

I sincerely urge you to defeat the Riecke amendment. We have an amendment that was adopted yesterday, it's flexible, is workable and will provide you with the most efficient legislature you have had that you can remember.

I thank you.

Further Discussion

Mr. E. J. Landry Mr. Chairman, members of this delegation, I never in my life have had a most important privilege. This is indeed a privilege on a most important issue. If your memory serves you right, I was the only legislator who testified our Honorable Senator and I have lived long enough to see him have the very privilege that I wanted extended to him. On this day Honorable Senator Rayburn has had the privilege because of a delay that happened by one vote. Great! It has really been great to not only give him the privilege but for you to have the courtesy and patience to give me the privilege and to have given myself the privilege in listening especially to the last speaker.

I am going to oppose my friend Riecke an honorable man, a fine man. I had dinner with him yesterday, I had lunch, I listened and really was convinced that he had something. But after I reviewed very carefully the provisions of the Rayburn amendment and after thinking carefully about the orator who supported Riecke I thought at the time mostly as a sympathy situation. I carefully reviewed and I thought he saw somebody failing and he wanted to give him support and he did and it caught on. And it gained momentum. And people kept talking to me. As I've changed my mind and I could sense that it was really a change of heart.

Ladies and gentlemen of this convention, this Rayburn amendment is a masterpiece. It incorporates everything that this convention needs to do in philosophy. Really and truly, it allows the flexibility that you and I have talked about.

It is worthy by people who know what they are doing. You have assembled on this bill a tremendous amount of experience. These people are professionals and we need professionals in this business.

Now, take my advice. Be guided by these professionals. I have watched this man operate. I know he is sincere. I know he is trying to do the right thing. I ask you to vote down my good friend, Mr. Riecke and vote for a person that I am beginning to really know, Senator Rayburn.

Vice Chairman Casey in the Chair

Further Discussion

Mr. Womack Mr. Acting Chairman, and fellow delegates, the previous speaker consumed a little or my material, namely, Senator Rayburn personally. There is still enough left for more people to

comment on. I guess I would be considered relatively new in legislative circles. I rank I guess probably fifth, sixth or seventh in seniority. Having been elected the fourth time in six years and from a parish that no man in modern history nor many has ever succeeded himself twice in the legislature.

Much has been said up here about the poor people I have... what Senator Rayburn's lead issues come up with the ideas, stop things that should be stopped. Point out things that should be pointed out. Give your respected constituents the time and the opportunity to consider and make wiser decisions to the extent that I think as far as I am concerned is the greatest legislator that has ever served as far as I have been able to research [research]. And for those who may enter into personalities and say that I don't like legislators, I thank God that we have a few of them and Senator Rayburn is one in particular.

I have seen this legislative government of ours get three, four or five or six hundred percent more complicated in the short period of time that I have been here. The complications have just started. Within less than a life span the older ones saw a State Capitol built at a time when the opposition said we couldn't afford it. Number one, because it was going to cost five million dollars and Louisiana would never be able to pay for it; been little change.

We also said that Louisiana would never need the office space afforded in that giant tower. And when it first opened up the elevator stopped at the eighth floor. Today, and only a short period of time more than ninety-five percent of the government in Baton Rouge is housed outside of that giant tower we couldn't afford.

What I am trying to say is that we are going to have some changing times. Our constitution needs to have the maximum amount of flexibility, that is really why we are here. The Rayburn amendment gives that flexibility that feasibility. It gives us two days a week or three days a week if they see fit as time goes on, in their wisdom to recess each week to go home to meet with their constituents. You know how many they are going to meet with and how many they are going to hear from. A very minor portion of special interest people.

Any of all the years I have been here the major contracts we have had been from a particular selfish interest group that wanted a pay raise or something of that kind. Ninety-nine percent of them are home working and they are depending on your wisdom to look after their business.

Mr. Triche said a few minutes ago, and he is a great legislator, he taught me a lot of what little I know. Some of it I am having to relearn... I believe he learned me wrong. Mr. Triche says that we need to slow this process down as Mr. Riecke's amendment will do. We are going to cut the active legislative days from sixty to fifty. I don't agree that slows this process down. That will speed the process up. One of the problems in handling legislation is with all the bills that are introduced, two hours of time is taken up on controversial bills, they are debated over and over. But in slowing up your process for everybody to be heard on the controversial bills you slow up the process on the non-controversial bills. The legislature needs a maximum amount of flexibility in order to make that adjustment. You say you can have all the introduction of bills and then you have the committee hearings. You are going to hamstring the legislature to where they can't take any action. You would introduce them for the fifteen days. You can hold hearings on fifteen or twenty days but you can't vote.

You can come back and reassign and you can hold hearings on 15 or 20 days but you can't vote. You come back and reassign or assign those bills to the committees for hearings and if you think controversial bills are going to move through without it being more controversial after the first series of hearings when you can't vote, you're kidding yourself. Because the powers of opposition and support are going to regroup their forces, you're not going to save time. You're going to take up more time. It's going to be more necessary that you have additional time. This proposal that Mr. Riecke has.

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would start the introduction of legislation which would bring in a new legislature, which would cut the term short of the other members. They said you can provide not to cut the term short. If you don't do that, or if you do it, then in the present four year term which Act 2 says shall be maintained, which the constitution will overrule when we pass it because when you go to court, you're going to find out that the constitution is going to supersede Act 2, and you'll reduce the term of those 12 year Representatives or those 20 year Representatives or those 12 year Representatives or those 20 years of prior service—you have interrupted a retirement system that they joined a long time ago, that they have every right to participate in just as every other state employee has. This is a major factor. There are some legislators it would affect, and they would be affected because the law specifically says they shall have all 12 years with additional years with other creditable service or they shall have 20 full years. And if you cut it a week short, you've interrupted that. I would like to point out to you that for those of you who feel that holding extensive committee hearings for the public to come in, for everybody to come in is going to cure everything, it isn't. I would call to your attention, if you exclude authorizations for suits, I would say that at least 96, 97 or 98% of all of your bills passed by the legislature are amended in some manner after they leave the committee. In many of those instances, with major changes in substance. So the public can only be protected by the legislature as the intent of the form of government and the right that it should be. The Rayburn amendment gives the flexibility to the legislature, which I have heard many of you say the legislature needs the flexibility. In this amendment that's proposed now, we're going to take the flexibility away from the legislature. I have, in the short tenure of time I've been here, seen some emergency when it was imperative that the legislature take very quick action on an emergency basis. To give an example, certain federal funds would be available immediately provided that you could make some changes in your law. I have seen the time when local bills can be certified emergency in order to speed up construction and help construction that would help the suffering people that can't help themselves. The Riecke amendment eliminates the privilege of having this emergency. I feel certain that the closer is going to enlighten me on why it would be a great benefit to the people of the State of Louisiana to tell a legislature that you can meet and can't take action on emergencies. I hope that we can tell me why that cutting the active legislative days from 60 to 50 that you can take action is going to speed up the process. In any manner other than speed up the time that it's going to have to get through with it, you're going to speed that time up ten days. Ladies and gentlemen of the convention, it is my feeling that personalities should not be involved in this and I will try to always refrain from it. It's unfortunate sometimes they get there. It's my feeling that this is probably one of the most serious things that we are going to consider and that the weight of the seriousness of it would lean very heavy toward giving the legislature the maximum amount of quiet thinking room, and get them to come, and their wisdom make those adjustments. This government has become several hundred percent more complicated in the short time I've been here, and I don't think complications have stopped. As time goes on, it's going to get more complicated. And I think the feeling of the public, and I think the feeling of most of you is going to be to try to submit to the people a proposed document that will be as brief as possible, give the greatest amount of flexibility for the operation of government, and give the greatest amount of protection to you as individuals for your life, your property and your freedom. The Rayburn amendment, in my opinion does that, and I have no intention to try supporting at any time proposals that will put drastic limitations on the legislature after we have voted them the authority and the responsibility

and looked upon them and our form of government as the worst form in the world except all of the rest. So with this, I would urge you to defeat this amendment, say yes to the Rayburn amendment, in order to give this flexibility to the legislature to where they will be in a better position to use their wisdom in the years to come. Thank you.

Further Discussion

Mr. Bell Mr. Chairman and fellow delegates, this is the shortest speech you've ever heard from this rostrum today. I'm in full favor of the Riecke amendment. I think it's a good amendment and I'm going to ask you to support it. I've sat down this morning and I've listened to whipping the dogs, riding the horse to death, pulling the rabbits out of the hat and we've gone on down to all the animal family. I think we've heard enough. I think everybody here has made up their minds which way they're going to vote, and I think we're wasting a lot of time unnecessarily. Maybe you let some of our lobbyists here lobby long enough... So if I'm in order Mr. Chairman, I would like to move the previous question.

[Previous Question ordered.]

Closing

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention, the kernel of this nut is the recess period after which bills are introduced. After the first 15 day initial period, the legislature recesses for a period of weeks, then comes back later for a 50 legislative day session. The difference between this proposal and the proposal introduced by the committee was that the committee's proposal called for a split session, allowed introduction of bills after the split session. This amendment does not do that. All bills must be introduced in the first 15 day period. Therefore, when the legislature comes back for the 50 legislative day session after the recess, all of the bills will have been introduced by that time and will have been read by titles. If the legislature desired during the first 15 day period, those bills could have been read a second time and then referred to committee and there could have been some committee hearings. During the recess the bills could have been acted upon in committee. When we come back in the 50 day legislative day session, the bills conceivably would all be ready for final passage and debate and would give us 50 days for debate and deliberation before final passage. I think it's workable. I think it's efficient. It gives the legislature more time to deliberate and it gives the public more time to study the bills and provide us with its input. I think it's a step in the right direction. Everybody has heard all of that. The difference between this proposal and the Rayburn proposal is that this proposal guarantees that bills cannot be acted upon and finally passed until the passage of a recess period. I think it's good. I want to touch briefly upon some of the objections that I have heard. Some delegates say well this is not going to really accomplish what you desire because legislators are going to introduce skeleton bills and introduce bills by title and introduce those bills and after they're printed in the paper and after they've been advanced to second reading and gone to committees, the legislators are going to come back and change those bills. That can't be done. If you read Section 17 Article 6, I think it is, it's on page B, it says that no bills can be amended before final passage by any amendment which does not operate retroactively. We will not be able to introduce a bill fixing the seasons for hunting bullfrogs and then come back after the recess and change it to an increase in Severance Taxes. We won't be able to do that under the constitution and the legislature can't change the constitution. So that, gentlemen, if the legislature wants to increase the tax on natural gas as it did recently, we'd have to introduce that bill in the first 15 days. We wouldn't be able to act on it until after a recess.

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I think that's good. It's good for the people. It's good for the government of this State. There's been another objection about emergency. It's been the objection and some of you are troubled about it, and you say that well, we have a 15 day period in which emergencies in which you're not going to be able to act. The woods are going to be on fire and we're not going to be able to act. The woods are going to be on fire and we're not going to be able to put the fire out. We've got to let it burn for 15 days. I suggest that you look at Section 21 of Article 3. It simply says [...]. There's no contradiction of that anywhere Article 3. That no legislation is effective until 60 days after the session. So you're going to have to let the woods burn for 60 days anyway. So that argument of 15 days in which [...] can act, I don't think is an argument against this amendment. It may be an argument against Article 3 in its entirety, but certainly not against this amendment because this amendment doesn't affect that. Sine die, the legislature can adjourn sine die on the first day. I remember that happening. It happened once, I think, in the history of the State and that was a special session where the governor called a special session to pass certain enumerated legislation and nobody in the legislature wanted to consider it, so after a 15 minute session, it adjourned that special session sine die. I suggest to you that under the Rayburn amendment that the legislature could meet 15 minutes and adjourn sine die every year. And under the Riecke amendment we could do that again. That argument doesn't address itself to the merit or demerit of the Riecke amendment or the Rayburn amendment. It addresses itself to the responsibility of the legislature. Legislature is not going to adjourn sine die after 15 minutes of business. I guarantee you that. Term of office being shortened. Senator Rayburn in his wisdom with his amendment, shortened the term of office that the Riecke amendment shortens the term of office. Both amendments provide that the legislature shall meet on the fourth Monday of April. I suggest to you that both amendments are probably in that regard, in error. But that's why the procedure of this convention set up the Committee on Styling and Drafting. To take care of those discrepancies that I guess we must make because we have to agree that we are not infallible. I wouldn't conceive any of you that the Pope's infallible. How in the world I can convince you that Mr. Riecke's infallible. The Styling and Drafting Committee, ladies and gentlemen, is going to take care of that. This is a good amendment. It will guarantee us a slow, orderly legislative process that will act deliberately on bills before they're passed. I sincerely urge you to...

Chairman Henry in the Chair

Mr. Henry Would you yield to a question of Mr. Munson. Gentleman refuses to yield.

Point of Information

Mr. Roy My Section 21 of the effective date of law says: "However any bill may specify an earlier or later effective date". I wonder if Mr. Triche has the same section or if we have something different because obviously, we have a different interpretation of what Section 21 says.

Point of Information

Mr. Jack I'm looking, please do not interrupt me it's the only way I can handle this thing. Mr. Triche, I'm not asking him a question, he refuses, but a point of order. I'm reading from Section 21, proposal 3. "All laws shall be published as provided by law and shall take effect on the 60th day after final adjournment of the session in which they were enacted. However, any bill may specify an earlier or later effective date." Now Mr. Chairman, what I want to know, if I heard correctly, Mr. Triche said nothing about how any bill may specify an earlier or later effective date. Now, the point of order is this: I'm reading from what I was furnished here as being authentic. Now correct me if

I'm wrong. What I read, isn't that the correct Proposal No. 3, Section 21 that has that last part about any bill may specify an earlier or later effective date.

Mr. Henry That's in the copy that I have, yes sir.

Point of Order

Mr. Burson Mr. Chairman, point of order, are we going to continue the filibuster that we've had all afternoon under the guise of points of order. If so, I'd like to know it now so we can refer to it again in the future.

Mr. Henry Mr. Burson, your point is, perhaps, well taken. I, again, am allowing as much latitude and to be as fair as possible. Of course after I recognize somebody on a point of order, there's not much I can do but let them go ahead and finish. Sometimes I just don't address myself to it if it's improper.

Mr. Riecke has offered up...
Why do you rise, Mr. Tapper?

Point of Information

Mr. Tapper This is a point of information, Mr. Chairman. Is it not a fact that we have not gotten beyond the Section 2, Sub-paragraph A of the Committee Proposal No. 3 submitted by Mr. Blair and his committee?

Mr. Henry That's absolutely correct, sir.

Mr. Tapper Is it not further true that those sections referred to by Mr. Triche have not been considered nor adopted by this convention?

Mr. Henry I think everybody is aware of that sir.

Mr. Tapper Is it not further true then, that we should not even be referring to those at this particular time?

Mr. Henry Well I wouldn't say that, Mr. Tapper, because in view of what the committee has proposed, I certainly would see nothing wrong with making reference to it.

[Amendments adopted: 59-55.]

Amendment

Mr. Poynter The next set of amendments, I ask pages to distribute them for me at this time, set up by Delegate De Blieux to the proposal. Amending the re-printed proposal as follows: Amendment No. 1. At the end of line 15 of the convention floor amendment No. 1 proposed by Mr. Riecke and others and adopted by the convention on July 14, immediately following the words "are not to exceed" strike out the word "and" and insert in lieu thereof, "if you've still got the Riecke amendment that's on line 15 at the end of the line strike out the word 50, insert 45 days."

Explanation

Mr. De Blieux Mr. Chairman, and ladies and gentlemen of the convention, this will shorten the period of deliberation by only 5 days. If you will take your calendar and figure out, you will find that the 50 day period during the time we meet on the fourth Monday of May to the 31st day of July, you will have a period of only 15 days in which will not be Saturdays or Sundays. In any two month period, you are bound to have at least 15 days that will fall on Saturday or Sunday. It can be 17, it can be 18. Since we are going to have 15 days in which to introduce the bills, to refer them to committees, and then sometimes hear those bills during the interim period. I feel like 45 days of deliberation is sufficient time to clear our affairs and before we will take us out of having "meet on a Saturday or Sunday if it is not absolutely"

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necessary. I just ask to give us that right and privilege to where that if the legislature wants to do it, it does not have to meet on a Saturday or Sunday. Now it doesn't keep them from meeting on a Saturday or Sunday, but at least they will not be compelled to under the law, for the deliberation. That's the only change it makes in the Riecke amendment.

Questions

Mr. Drew Mr. De Blieux, am I correct that you are cutting the session down 5 days by this amendment?

Mr. De Blieux It would have that effect, yes. But your 15 days you initially had plus now, of course he's one of the ranking members, you do not have to meet 50 days. It just says it cannot be in excess of 50 days.

Mr. Drew Senator De Blieux, how many days in the 1972 60-day session was the Senate in session?

Mr. De Blieux I don't know, but I feel quite certain they were not in session a total of 55 days.

Mr. Drew Do you know how many days the House was in session during that 60 day period?

Mr. De Blieux I understand it was 50 days.

Mr. Drew 55 I think is correct counting the days of committee hearings.

Mr. De Blieux But during that period of time, Mr. Drew, I might say this, that you had to have all your committee hearings during that period of time and at least you will have a period during the interim between the fourth Monday of April and the fourth Monday of May in which you can have those hearings. I think you will not necessitate at having as many days as you otherwise would.

Further Discussion

Mr. Perez Mr. Chairman, and delegates, I want to inform the delegates to the convention that immediately after this adopted amendment, there will be a proposed amendment offered by me which, instead of 45 days, will have the word 40 and it would cut down the last day on which the session would be held from the 31st to the 21st of July. I do not, at this time wish to speak to that particular motion because I know it's out of order, but I did want to inform the delegates that there would be another proposal to go 40 days thereafter for some of the same reasons expressed by Mr. De Blieux in his amendment.

Further Discussion

Mr. Anzalone Mr. Chairman, ladies and gentlemen of the convention, I am not now, nor do I know whether I will ever want to be nor whether I ever could be a legislator, so I don't speak with the immense amount of experience that some of the people that you have heard this morning have spoken with. But I can envision that in 1921 when the constitution was written, probably 15 days of de-activation was all that a body would need. Maybe around 1940 or 1945, 25 days were needed. 1960 or '65, maybe 30 days were needed. Now we come into 1972 and we are granting now, the legislature in all probability sufficient time to do the work that they have to do over the next few years. But what are we talking about in 1980? Are they going to be able to get by with 55 days? We are tremendously dating this constitution when you limit the amount of time that a legislature can actually meet. I urge the rejection of the amendment, in fact I would like to point out that no one has brought up the fallacy and the wrong in both the Rayburn and the Riecke amendment. That is that it does stand as a limitation on the legislature. If we are going to have a free and independent body to govern this State, you are going to have to give them

enough time to do the job. I could certainly agree with Mr. Riecke where he wants the people to go back home. That's fine. But when they come back, what's going to happen? They're going to be confused again. So I urge you, do not limit your legislature in the time that it will take to adequately govern this State. Thank you.

Question

Mr. J. Jackson Is the amendment adopted by Mr. Riecke talks about bills introduced, but is it not a fact that you have amendments to each one of those bills that can take as much time for consideration as the whole bill? When you go to the matter of further reducing the amount of days that you're possibly imposing a limitation without even taking consideration that you take as much time in arguing amendments and debating amendments as it does for, let's say, one bill that maybe is not amended. Wouldn't you suggest that this further reduces the time in which that the legislature has to provide effective deliberations?

Mr. Anzalone That's very evident by this constitution, convention.

Further Discussion

Mr. Alario Mr. Chairman and fellow delegates, I was opposed, at the time, to the Riecke amendment and voted that way for several reasons. However, now that we have it adopted and we've seen like we've got to work with it and I don't see any reason why we should change it in it's perspective that it may not allow the legislature to do its job. Under the Riecke amendment as it stands now, we have 15 days in which the legislature would meet to introduce bills and during that time could not take any action. The committees could not take any action. Precisely in the legislation, when we are in two or three days our committees are meeting, they are returning bills out to the House floor favorably or unfavorably, taking the necessary action. Now under Riecke's amendment we'd no longer be able to do that. I feel that we may now, in the legislature, need the additional 5 days since the Riecke amendment has passed. We may need the 5 days in order to, once we come back in the session, to then transpose or transpire all the legislation that now has to be voted by the committee. Riecke's amendment provides that the legislature would not meet when it comes back, in excess of 50 days. It doesn't say that it has to meet in the 50 days, so that if the legislature finds that it can handle its business in 40 or 30 or 45 days, then it will do just that. So if you come back now and reduce the 5 days, I'm afraid we may not be able to handle the necessary legislation that's introduced into the House or the Senate.

Further Discussion

Mr. Dennyery Mr. Chairman, similar to Mr. Perez, I want to advise the delegates that I also have an amendment, but it will do the opposite of what Mr. Perez wants. It will provide for a total of 60 legislative days to be divided between the first portion and the last portion.

Further Discussion

Mr. Drew Mr. Chairman, delegates of the convention, while I opposed Mr. Riecke's amendment, at least you were kind enough to give us most of the time that we need to do the job that you have asked us to do in the legislature. I don't believe that I will run into any surprise any greater than I have just run into when Senator De Blieux comes up here and tries to cut that time down to where we have at best, the same time we have now to do the work. We do not have enough time to properly handle legislation, and you better believe me on that fact. What Senator De Blieux has done to the convention, has given us a shovel to do our job and now Senator De Blieux would like to take the handle off of the shovel. I ask that you defeat this. You are going

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back and you may as well cut us back to 30 days each year and then keep complaining that we are not properly handling our legislation. We need more time, not less time, and please defeat this.

[Previous Question ordered.]

Closing

Mr. DeBlieux Mr. Chairman, ladies and gentlemen of the convention, I can't necessarily agree with Delegate Drew that this is going to shorten the period of time, because at the present time we've been trying to get to the legislature for many many years the annual session in which we would have an annual session of 60 days each year. I certainly feel that the annual session is going to allow the averaging out and evening up of the proposals that we'll have before us. This is still going to give us not only just you might say 60 days of deliberation, 15 days to start with and 45 days of actual debate upon the bills, but you will even have the chance of holding committee meetings during the 15 days that the committee meets. The 60 day session of the Riecke amendment... it will give us the right to have the knowledge and consent of our people at home as advantage of a split session. It divides the 60 days into 15 days and 45 days, but during that period of time between the 15 and 45, the provisions provide for the holding of committee meetings. Therefore your legislative time would not be all taken up with committee hearings. You will have longer period of deliberation. You will have a chance to average out your bills. Now if you think that this is not enough time, the only thing is I just want to get us out of having to necessarily meet on Saturdays and Sundays or otherwise if we do not want to. I might also call your attention to this that during this period of time you're going to have the 4th of July each year. I would say that if you want more time, we might extend it to some period of time during August, but really where you close it off on the 31st day of July, you are going to force the legislature to meet on the 4th of July and on some Saturday or Sunday in order to get out your 50 days. If you need that much time and deliberation, I feel like the amendment is a good one. I feel like that it is going to help us, and therefore I ask you to support the amendment.

Question

Mr. J. Jackson Senator, in your closing remarks, you said that during the first 15 days that the Committee could meet and during the interim period of the split session that it still would allow for more deliberation which means that you feel as though that gives ample time for deliberation. But wouldn't you agree that the committees met during the split session that it kind of negates the possibility of individual legislators meeting in their own district attempting to convey or get ideas on the legislation that was introduced so that in effect, that the period after the 15 days and the time they reconvene, that really you will find that most of your legislators will probably be in their districts having public hearings in their district on local matters rather than necessary committee hearings. This means in effect, that you don't have those days that you mentioned in your closing remarks.

Mr. DeBlieux Reverend Jackson, in answer to your question... the constitution provides and permits the holding of committee meetings if the legislature should desire them. It doesn't force them to do, but it is permissive. If they feel like that it is going to take that much time in order to cover the subject matter after the 15 day period of time when the bills are introduced to cover them and get a look at them, it can do it. It doesn't have to, but it is permissive. I think it's good.

[Quorum call: 60 delegates present and a quorum. Amendment withdrawn.]

MR. C. PETERSON, DELEGATE, RISES.]

Amendment

Mr. Poynter Amendment No. 1 [Am. P. 1] (A.S. 10) page 1 in Delegate Amendment No. 1 proposed by Delegate Riecke and others and adopted by the convention on July 14, 1973, at the end of line 15 delete the work "50" and insert in lieu thereof "40"

Amendment No. 2. On page 1 in Delegate Amendment No. 1 proposed by Delegate Riecke and others and adopted by the convention on July 14, 1973, at beginning of line 17 delete the word "31st" and insert in lieu thereof the work "21st"

Explanation

Mr. Perez Mr. Chairman, and delegates, the purpose of this amendment is twofold, and that is to cut down on the number of legislative days after the session comes back in, after the waiting period from 50 days to 40 days, and to also cut down the total length of time in the session. The session may be conducted to the 21st of July instead of the 31st of July. Well this is a practical matter to see what would happen under the proposal which has been adopted. As you know, as we have one here in this session, after bills are introduced, you must have them on first reading, second reading and forth so they are referred to the committee. Then the committee, in turn, holds its hearings. The legislature, of course, follows that same procedure and they utilize, ordinarily, two to three weeks and sometimes four weeks in a 60 day session for most of the bills in the introductory period and in the hearing period. I suggest to you that under the proposal submitted by Mr. Riecke, and adopted, that that first month is really in essence a part of that particular session of the legislature as a practical matter. Because of the fact that the legislators will be able to conduct the normal business which they ordinarily should and would conduct if they were in open session. I've discussed this matter with a number of legislators who have agreed with me. I think there will be others who will disagree with me. But, if you were to take at least 25 of the first 30 days which in essence would be the same as the normal session of the legislature and add that to another 40 legislative days, there is no question in my mind that there is more than ample opportunity for the legislature to conduct its business orderly and properly. The total length of time involved is more than enough. I suggest to you that the people of this State and this country are tired of over-government. The people of this State are tired of laws upon laws upon laws being enacted. I would only hope that the extension or rather the cutting down of the total legislative days would have the effect maybe of the legislature not passing so many laws. I submit to you that this is a good amendment. It's one that will be popular with the people back home. It will be increasing the total legislative days in a two year period from the present 60 plus 30 or 90 days to a period of approximately 90 plus 50 or 150 days. If that basically as a practical matter, we would be doubling the time within which the legislature had to conduct its business. I urge you to support the amendment.

Question

Mr. Drew [...] that DeBlieux wanted the hands. Do you want the whole show? Is that what it is?

Mr. Perez No, sir. I want to give the legislature all of the opportunity they need to enact law but I would like to call your attention to the fact that there are many of us like I, as a local public official, who have to come up at the session of the legislature to do things that will be before that session and that the more time the session of the legislature is, the more the local people like local government officials have to take care of their business back home. I would advise you that the path that we are taking, the people who are

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paid by the oil companies, by organized labor and by all the other paid lobbyists. I spend all the time in the world up here and that proposal as it is now would favor the paid lobbyist but those of us who are unpaid people who have the, who are required to come up here in order to watch the business for our people back home, will be severely hampered by the longer session of the legislature.

Further Discussion

Mr. Stovall Mr. Chairman, members of the convention, our government is based on a separation of powers, however if we proceed to take the power from one branch of our government we change the whole basic system of our government. Then it seems to me that this kind of restrictive amendment which has been presented to us is really an effort to take meaningful power away from a necessary branch of our form of government. And I think that what the people are tired of is not more laws and more government, but rather they are tired of the system that does not permit us to operate in a meaningful way and I think that we should defeat this kind of amendment and all that are similar to it. It seems to me also that it is placing too many restrictions upon ways in which our legislature might need to operate in future years and the constitution that we provide and present to the people of the state should not place undue restrictions and limitations that should prevent the future legislature from responding to changes, to future needs to emerging situations and therefore because of this I urge that you defeat this amendment. And I think something else needs to be said and it's simply this, that this type of amendment is based on fear, it is based on a lack of faith in our democratic processes, I think we should make our decisions on the basis of a faith in our people in the different branches of government and I think that we should pass the kind of constitution that will permit a new future and a new day and a new possibility and I think to do so we must make decisions not on what has happened in the past but rather we should make our decisions on the basis of a future possibility for better government in our State and therefore, I urge the defeat of this amendment.

[Previous Question ordered. Record vote ordered. Division of the Question ordered. Amendment No. 1 reread and rejected: 26-74. Motion to reconsider tabled. Amendment No. 2 reread and rejected: 35-63. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No. 1 [By Mr. Dennerly].
On page 1 in Delegate Amendment No. 1 proposed by Delegate Riecke and adopted by the convention. On line fifteen immediately after the word "exceed" delete the word "fifty" and insert in lieu thereof the word "sixty".
Amendment No. 2.
On page 2 in Delegate Amendment No. 1 proposed by Delegate Riecke and adopted by the convention. Immediately after the word "days" delete the word "which" and insert in lieu thereof the following:
"including those legislative days during the first fifteen calendar day period, but the session".

Explanation

Mr. Dennerly The purpose of this amendment, delegates, is to permit the legislature to have a full sixty legislative days within which to act. The method by which it is done is to provide in the event by which the legislature does not use ten legislative days in the first fifteen calendar days.
Under the Riecke amendment, should the legislature recess the first fifteen calendar days prior to using the full ten calendar days then it will have shortened the session by that number of days, legislative days.

I think we have learned today that when a matter

is properly and thoroughly debated, it takes a long time.

I think we should permit the legislature at least the full sixty legislative days. It will be within the discretion of the legislature as to how those days shall be apportioned between the first fifteen calendar days between [...] and the balance of the session.

It seems to me judging from what has happened today, they will probably need the full sixty legislative days.

I urge you to support these amendments.

Question

Mr. Henry [Mr. Abraham] Mr. Dennerly, I was just trying to calculate the arithmetic on this and assuming that the first fifteen... during the first fifteen days they did not use four or five of the legislative days.

Can we get fifty-five more legislative days in by the 31st of July?

Mr. Dennerly Yes, you can get fifty-five more legislative days.

It is conceivable that the legislature would have to work on Saturdays or Sundays, but it is possible to do this.

[Division of the Question ordered. Previous Question ordered. Amendment No. 1 reread. Record vote ordered. Amendment No. 1 rejected: 28-69. Motion to reconsider tabled. Amendment No. 2 reread. Rules Suspended to allow the withdrawal of Amendment No. 2. Amendment No. 2 withdrawn. Motion to take up other orders of the day rejected: 22-75.]

Amendment

Mr. Poynter Next amendment would be by Mr. Johnny Jackson which does go to the original Riecke Amendment

Amendment No. 1. On page 1 in Delegate Amendment No. 1 proposed by Delegate Riecke and others and adopted by the convention on July 14th, 1973. At the end of line 11 immediately after the word "law" change the period to a semi-colon and add the following:

"at the end of line 11 after the word "law; except bills and resolutions enacted by the favorable vote of two thirds of the elected members of each house of the legislature, after certification by the governor that there is a necessity for the immediate passage thereof".

Explanation

Mr. J. Jackson Mr. Chairman, and members of the convention, the question that I raised when we were discussing the Riecke Amendments was that it did not provide for emergency legislation. What I've attempted to do is to provide for a provision to build in certain safeguards. These safeguards are built into the House by requiring a particular bill or resolution, a two-thirds vote to be discussed on the House floor. This means if a bill is introduced and certified by the governor as being emergency legislation and one-third plus one of the House feels that it is not emergency legislation then the matter cannot be acted upon.

I have another question that was raised to me prior to introduction of this particular amendment. What the governor introduces legislation and certifies it to be an emergency and tries to under the guidelines to run something through during the first fifteen days.

I think that the awareness of the public and the fact that you have got a third of the delegation that can prevent this would stop any governor under the guidelines of emergency legislation attempting to ramrod something through both houses and put his political career at stake. The Riecke Amendment does not provide the legislature to address itself during the first fifteen days to deal with emergency problems that may arise. I'm not

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saying that problems will arise but they may, I hope the delegates to the convention will give favorable adoption to this particular amendment.

Questions

Mr. Burson Mr. Jackson, I've heard a lot this afternoon about emergencies. Do you have any example in mind of what kind of emergency would be of such urgency that the governor and the Executive Department couldn't take up if anything needs to be done?

Mr. J. Jackson I'll give you two examples that I'm familiar with.

One is about the matter of flood insurance. Secondly, I'm most concerned about new revenue sharing in this area because the national government is reverting a lot of programs to this State. You may have local communities which are under irregular charges that may need certain legislation introduced to meet certain deadline.

Under Mr. Riecke's Amendment the legislature is not allowed to be acted upon. Those are two examples that I can think of right now...right at hand but I don't want to rule out permanently the possibility that any emergency may occur, and if it does occur we would then have the vehicle to deal with it in the first fifteen days.

You may have a situation that was brought to my attention by Delegate Leithman when school board borrowing bills are necessary to permit school boards to borrow money to finish a school year. All I'm saying to you Delegate Burson is the possibility does exist as it has exercised in the past and could possibly exist in the future. I think this provision does provide a kind of guarantee.

The fact that it takes two-thirds of the House, which is almost like trying to get a constitutional amendment passed to whatever constitution that we finally adopt, and the fact that it will be necessary to obtain the governor's certification on which means no governor is going to attempt under the guidelines of emergency legislation to ramrod legislation that is not actually emergency during the first fifteen days. I have enough confidence, although I disagree and have disagreed and acted upon, I do see the possibility in the future as in the past that the occasion may present itself under the Riecke Amendment to do not have the provisions to deal with an emergency until after the sixteenth day. I think we have to reconvene first to actually take a vote on it.

Mr. Burson Don't you feel that by requiring this two-thirds vote that you would be introducing into this new scheme that we adopted today an element which is very similar to the two-thirds vote which is required to get legislation declared, fiscal in a fiscal session under the old order.

Mr. J. Jackson At the same time what you...we also had Mr. Burson if you want to hold that rule of thumb true that we had the same kind of regulation for proposing the constitutional amendments. And if somebody wants to increase the vote to more than two-thirds, I have no objection to that.

My basic problem is the fact that I can envision the possibility of emergency legislation being needed and being enacted within the first fifteen days.

If we cannot act upon it then there may exist the possibility, and that's all we're talking about, is the possibility of emergency legislation being needed.

I have faith in the legislature to feel as though one-third who do not feel that emergency legislation is needed can prevent it. That's my response to your question.

Mr. Burson So you don't feel this would be used as a device to circumvent the split session that was adopted by the committee.

Mr. J. Jackson I think if it was used as a device to circumvent the split session the fact that this constitutional convention is saying well you know,

this is what we want, a split session.

I think one-third plus one of the members of the legislature can prevent it.

In addition let me also suggest to you that I didn't comment before while we were talking about the legislature, but I get the impression that people feel as though the people who meet here in Baton Rouge are representing persons elected from either Texas, Mississippi or Alabama and that we do not come from those localities in which we pass laws that affect them. I would like to clear up for the record, even though I disagree personally with some of the legislation that has been introduced, I do not feel as though we ought to totally say that just because we meet in Baton Rouge that we don't represent to some faithful or trustworthy degree the desires, aspirations or concerns of our constituents.

Mr. Sutherland Delegate Jackson, I have just one question from you, point of information, really.

Who takes care of this emergency legislation when the legislature is not in session?

Let's say in this case from July to April.

Mr. J. Jackson The governor can call the special session. The problem there is what if we are in session and emergency legislation is needed?

Then, we can't act upon it. The governor can call a special session of the members of the House. I believe if I'm correct by two-thirds majority to deal with matters of an emergency nature. But what happens if you were in session?

You can't call an emergency session while you are in session so I just want to provide this provision allowing the legislature within the first fifteen days, if it is certified and if two-thirds decide that it is emergency legislation, that we can act upon it. If there are no more questions, Mr. Chairman, I move for favorable adoption.

[Previous question ordered. Amendment rejected: 34-61. Motion to reconsider tabled.]

Motion

Mr. Burson I move to suspend the rules to permit the adoption of Section 2A without including Section 2B. Move to permit the question to be called on 2A without calling it on 2B.

[Motion to suspend the rules rejected: 26-67. Motion to recess rejected: 28-64. Motion to take up other orders rejected: 28-62.]

Amendments

Mr. Poynter The next set of amendments is sent up by Delegate Gravel to Committee Proposal No. 3.

Amendment No. 1, delete amendment No. 1 proposed by Delegate Riecke and others and adopted by the convention on July 14, 1973.

Amendment No. 2, on page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following: "Section 2 (A) The legislature shall convene each year in regular session at 12 o'clock noon on the first Monday in April for not to exceed 10 calendar days."

Point of Order

Mr. Burson This is a reconsideration of the Riecke amendment in the guise [quize] of an amendment to it. I object on those grounds. I ask for a ruling on the point of order.

Mr. Henry You would be out of order and I'll tell you why. Because we don't have any rule to the convention that says that you can't consider the same amendment over and over and over again, Mr. Burson, and it is different even if we had such a rule because the wording is different to some extent. Therefore you would be out of order.

Amendment continued

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Mr. Poynter "The legislature shall convene each year in regular session at 12 o'clock noon on the first Monday in April for not to exceed 10 calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the tenth calendar day except by a favorable vote of two-thirds of the elected members of each House. During this period, no committee shall report and neither House shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the tenth calendar day the legislature shall adjourn and stand in recess until 12 o'clock noon on the fourth Monday in April at which time it shall reconvene for not to exceed 50 legislative days which shall not extend beyond the 30th day of June in any year. During the interim between adjournment and reconvening, the committees of the House may meet and hold hearings. A legislative day is a calendar day on which either House is in session."

Explanation

Mr. Gravel Mr. Chairman and ladies and gentlemen of the convention all this amendment does is to change the effect of the Riecke amendment in two respects. First it reduces the number of calendar days within which measures may be introduced from 15 days to 10. Secondly, it moves up the period during which the legislature would hold its sessions so that the legislature will have completed its work by the last day of the current fiscal year in which it's meeting. Now that's all that it does, that's all that it's intended to do. I think that a great deal could be said and I'm not going to say it, about trying to fashion a legislative session within a time-span that would conclude on the last day of the current fiscal year in which the legislature was meeting. I move the adoption of the amendment.

[Previous Question ordered. Amendment rejected: 41-42. Motion to table reconsideration rejected: 42-45. Motion to reconsider adopted: 50-40.]

Reconsideration

Further Discussion

Mr. Jenkins Mr. Chairman, delegates of the convention, the only reason I wanted to reconsider it was the fact that on comparing the Riecke proposal with Delegate Gravel's proposal, it just seems to me that they are essentially very much the same.

The two distinctions that I can find in particular are, one, that only ten days would be allowed in Delegate Gravel's proposal for introduction of legislation, where it would be fifteen in the case of Mr. Riecke. And it seems like fifteen is just a waste of time under the Riecke proposal ten days is enough to get these things introduced.

And then the other thing is, and the most important thing from my standpoint is just the standpoint of convenience. I think that we're simply taking a written proposal and in point of time moving all the dates back not quite a month.

This would mean, I think, that we would be meeting instead of one month in the spring and two in the summer, we would be meeting for two in the spring and one in the summer. This would leave our summer months freer. I think there are many advantages to that.

So that's the reason that I think this would be an improvement over the Riecke proposal without doing damage to it or violence to it in any real way.

Further Discussion

Mr. Ruemer Fellow delegates, I am opposed to the amendments as stated here for one reason.

The amendment does two things. It addresses itself to the length of time permissible to enter bills and it then addresses itself to ending prior to the fiscal ending of our year.

I am in complete agreement with concluding [including] the legislative session with fiscal

ending. I think that's necessary. I am not in agreement, however, with limiting the period for the production of bills.

Under the Riecke amendment that we have already passed here, we have the right as a legislature to have fifteen days for the introduction of bills.

The legislature does not have to take all those fifteen days. It might be that ten is not enough, perhaps it will be. But fifteen gives them the flexibility to take all fifteen days if they so need.

I suggested to Mr. Gravel that there were two issues here, important to all of us. And this question should have been decided, I think, one issue at a time.

However, the amendments as introduced, that is both issues at once, I have to vote against it even though I am in sympathy with ending at the fiscal year. I am not in sympathy with limiting the legislature to ten days for the introduction of bills. I think it is an important distinction. I am sorry the amendments are introduced in this manner.

[Motion to take up other orders rejected: 48-50.]

Further Discussion

Mr. Triche Mr. Chairman, ladies and gentlemen of the convention, I don't want to be contentious about this issue, but I'd like to have some more discussion on it, and I'd like to ask Mr. Gravel, why, first of all when we considered the Riecke amendment, and when we considered Senator Rayburn's amendment, I think the point was raised that worried all of us, and that point was that in convening the legislature in April, the fourth Monday in April, it was shortening the term of the meetings of the legislature in prohibition of Act 2 which called this session.

And we decided well, that's not really defective because we will be sending this proposal to the committee on styling and drafting, and they will straighten it out, and they will move it back so that the session will convene after the term of the members of the legislature which would be the first Monday in May, I think. And we thought that that's the way it would be, and I think that's the way it is going to have to be.

It seems to me what Mr. Gravel's amendment is doing is sometimes in the furtherment, in other words instead of having to move it back one month, they will have to move it back two months. I can't understand it.

In addition to that, I would like to hear some discussion about why restricted introduction of bills to fifteen days to ten days after we debated this thing for about four hours and finally made a decision in a closely debated and a closely divided session, closely divided by the floor.

Just off-hand, gentlemen, I just would ask that the authors come back and give us some explanation as to why. I haven't heard any explanation, why. I just can't understand why the convention would turn itself around in a few minutes without any reasonable explanation.

First of all, we decided that fifteen days is what we needed to introduce bills. Secondly, we decided that the fourth Monday in April was probably too early and in violation of the Act which called the convention, would have to be put back by the Styling and Drafting Committee.

It seems to me if we move it up further, we are still going to have that problem and make the Styling and Drafting Committee's work even more difficult.

For that reason, unless we have some further discussion, I just ask you to vote this one down.

Further Discussion

Mr. Riecke Ladies and gentlemen, if we vote favorably on this amendment, as it seems to me, we are going to set a dangerous precedent. There are a lot of people who left here since the Riecke amendment was passed, and if we oppose this amendment,

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every time there is a close vote on some subject and a few people leave, we are going to have to vote on it all over again after we have discussed it for four or five hours on its merits. And I don't think we ought to start this kind of thing because we will be voting on things on close vote over and over again. And I urge defeat of this amendment.

Vice Chairman Roy in the Chair

Further Discussion

Mr. Burson You know, I'm not a legislator, but I did go to school to Georgetown for a year and I used to go sit and watch in the Senate. And I remember Senator Sam Ervin who is now Chairman of the Watergate Committee one time asking one of his opponents on the floor, that as a Southern Legislator, he couldn't understand what the difference was between the debate in depth that his opponent was conducting, and the filibuster that he was usually accused of conducting. And it is very plain to me, that an attempt is being made here to talk the amendment which was talked about for four hours and adopted to death. And I urge you to consider this, whether you agree with the provision that I took on the amendment or not. If we are going to do this with every subsection that we have got to consider, we'd better go back to the legislature and ask them to extend our time for the convention for another year, because we are going to need at least that much. And it seems to me that when a question is decided as many times as this one has been today, that that is enough.

Questions

Mr. Tapper It kind of confuses me a little because you are raising the same argument that I did when the Riecke amendment was proposed. And I said that "this dog has been beaten to death." Were you here when I raised that argument?

Mr. Burson Yes, sir.

Mr. Tapper And didn't you rise in support of the Riecke amendment to outdo what we took all day yesterday to do with the Rayburn amendment?

Mr. Burson No, sir. I did not. I did not speak to the point. I voted.

Mr. Tapper But you did vote for the Riecke amendment.

Mr. Burson Yes, sir, I did.

Mr. Tapper So you are asking us not to do what you did this morning with the Riecke amendment? Isn't that correct?

Mr. Burson No, sir. I'm saying that we can vote as many times as we want to, but we have debated this thing until we are blue in the face.

Point of Order

Mr. Stovall The point of order is that it is the amendment that is before us; not parliamentary procedure. I would think that the speaker should stick to the substance of the amendment that is before us.

Motion

Mr. Burson I thought I was. I move the previous question on the amendment.

[Motion for the Previous Question
rejected: 36-57. Motion to take
up other orders adopted: 55-42.]

Chairman Henry in the Chair

INTRODUCTION OF RESOLUTIONS

[Journal 164]

Announcements [Journal 164]

[Motion to adjourn to 1:00 PM on Wednesday, July 18, 1973. Motion to adjourn to 1:00 PM on Tuesday, July 17, 1973. Motion to adjourn to 1:00 PM on Wednesday, July 18, 1973.]

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Wednesday, July 18, 1973

ROLL CALL

[114 delegates present and a quorum.]

PRAYER

Father Zimmerman Heavenly Father, we pray that You would send the power of Your Spirit upon this gathering so that any need that has to be filled will be filled by Your power. We ask especially for the gift of wisdom and understanding, both of which, oh Lord, are in dire need. We give thanks to You for all that You have done for us, and we ask that You continue to enlighten us. And we thank You. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF PROPOSALS

[I Journal 165]

[Rules Suspended to advance to Resolutions on Third Reading and Final Passage.]

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

Reading of the Resolution

Mr. Poynter Committee Resolution No. 5, introduced by Delegate Stovall, Chairman on behalf of the Committee on Rules, Credentials and Ethics and other delegates and members of that committee.

A resolution amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

Explanation

Mr. Stovall Delegates, the purpose of this resolution is to correct the reading of the original rules which implied that there would be three different readings on three different days. And if you turn to the back of the page on lines 6 and 7, you see the significant change. It simply says "the three required readings shall occur on three different days."

And that is the correction which was made and there is one other correction found on the first page on line 31. "Reference to Committee on Style and Drafting," and then you notice on the back page on line 3 referral to Committee on Style and Drafting. The Committee on Style and Drafting and others have recommended that the first reference to Committee on Style and Drafting be omitted.

These are merely procedural changes and I encourage your acceptance of them.

Questions

Mr. DeBlieux Reverend Stovall, as I recall during our first discussion and formulation of rules, one of the reasons why we wanted the convention to take, you might say, a final approval of the style and drafting, is because during that time we might discover some errors in the proposals that need to be corrected. And as you well know, that the... under the rules, the Committee on Style and Drafting has the right to ask for reconsideration of proposals that have been considered for this particular reason.

I am just wondering how we are going to take care of that if we eliminate the time it goes to the Committee on Style and Drafting and have only the final approved... that is that we eliminate one of those steps. When would they tell us what errors we have made so that we might be able to correct them in the final approval?

Mr. Tobias It was my feeling that this provision that they amended out of the rule, Rule 44, we... at least I considered it unnecessary because the Committee on Style and Drafting would get the pro-

posal after the final passage on the third reading, and we figured it was just a vain and useless thing. At least I believe it to be a vain and useless thing to have us go over the proposal after the second reading make our corrections, and then have the proposal come to the floor and have it amended almost out of existence and then we have to go through it all over again.

And so, accordingly, I felt that we should only have to do this one time after the third reading and final passage and then we would make our corrections at that point. It's just an effort to save the staff time, the Committee on Style and Drafting time, and that's about it.

Mr. DeBlieux That's exactly my point. Now let me see if I reason this right. The Style and Drafting does not get the proposal until after it's been finally passed. And then we send it to them for their approval.

Now, if they find some errors in this, that would take floor amendments to correct, then we have to correct them on the floor. And then after we make those corrections, then it should... so that they can incorporate those corrections and put it into final form, looks like to me it ought to go back to them again.

Now if you are going to eliminate one of these times, you are not going to be able to do that as I see it. Maybe I am wrong. I don't know. Maybe it can be handled. But I thought there was good reason for having it like we originally adopted it to start with.

I just want to see if you can clarify that information for me. Maybe Justice Tate can do that.

Mr. Tobias Basically, what we were trying to do is eliminate two steps and cut it down to just one step.

After the proposal is passed on final... after third reading, it is supposed to come to Style and Drafting. Under the rules that we presently have, prior to this amendment that we are offering... or this resolution, it was supposed to go to Style and Drafting after the committee reported for us to make our stylistic changes.

Well, we are just saying there is no use making these stylistic changes until after it's been finally passed and we know where all of the amendments that have been made and when they have been made. We want to know that in advance.

And once that's done, then we will come back to the floor with our recommendation and seek approval of our amendments at that time. That is the way that the rules envision it. I cannot explain it any more simply.

Point of Information

Mr. Asseff Inasmuch as I am a member of the Committee on Style and Drafting, I will appreciate it if you would tell me at what meeting of the Committee such a decision was made.

Mr. Henry Wait a minute, Mr. Tobias. It is my appreciation that this is a resolution to change the rules of the convention, Dr. Asseff.

Mr. Asseff Yes, sir, but I thought Mr. Tobias was speaking on behalf of the Committee on Style and Drafting.

Mr. Henry I believe he said that insofar as he personally was concerned, Dr. Asseff. I don't believe he was speaking in behalf of the Committee on Style and Drafting.

Mr. Asseff Well, then, I object, Mr. Chairman, since I feel it should be considered by the Committee on Style and Drafting before it is considered by this convention. Thank you.

Question

Mr. DeBlieux Wouldn't it be better to eliminate "F" in the rules rather than "J" because the reason that I asked that question, and the reason I'd like

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to have it explained to me, is because it seems to me that we will not have anybody to catch the mistakes that may be made in the enrollment of these bills or anything else. And if you do that, we will have to make those changes and corrections upon the floor after the Style and Drafting Committee has made those changes and we have submitted and corrected them by floor amendment.

And I just wondered if, because we don't have the two Houses to catch the errors from one to the other...

And I just wondered if it wouldn't be better that we eliminate the references Committee on Style and Drafting in "F" rather than "J".

Mr. Tate To repeat a little bit and particularly to try to answer Senator De Bieux and Dr. Asseff, we realize when a Legislative proposal is coming to the floor, that under the rules under 44-F the Committee on Style and Drafting would have to go through it in detail, add commas, capitals, semi-colons, and so on, and prepare a bunch of stylistic amendments which would be considered before second and third reading at the same time as the controversial substantial.

We also realize at that point, that all that labor might go for nothing because as events have turned out, the floor in fact has taken different amendments and different wording than what came from the committee. So, in answer to Dr. Asseff, incidentally, I made a quick check of the members, and I have recalled talking to Dr. Asseff saying that this proposal had gone to Reverend Stovall's committee...I will answer the question as soon as I can furnish my explanation...and told the Rules Committee we had no objection to the change so far as I could find.

Now, for Senator De Bieux, what happens between second and third reading, I mean between third reading and final passage, I think it's No. 15 on the calendar, I'm not...Forty-four, the other one you are talking about. What will happen then? When it passes the floor totally, Style and Drafting with the assistance of the staff, will go through the final proposal adopted by the convention and then come with a series of technical amendments which, hopefully, will be uncontroversial and will be just limited to those technical amendments that we can consider just once on the basis of the final wording adopted by the amendment.

I will yield to all the questions that were there. I don't...

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I have no objection to the proposal by Justice Tate, and I will vote for it.

I simply suggest that in the future, that if a matter so vital concerns the Committee on Style and Drafting, that there should be a standing order that committee in order that all of the members will be familiar. I am taken by surprise.

However, Justice Tate is correct, and I will vote for the resolution. Thank you.

Amendment

Mr. Poynter These are amendments which you can tell by the subject matter since they have just been distributed, are on the same subject, but go to the title, I appreciate it to correct the title to reflect the committee amendment.

These are sent up by Mr. Tobias.
Amendment No. 1 on page 1, line 9 which is in the title.

After the word quote, "to delete the remainder of the line, delete line 10 in its entirety and insert in lieu, thereof, the following:

Quote, "delete the requirement with respect to reference to the Committee on Style and Drafting prior to third reading and to clarify the requirement with respect to the readings on three different days."

Explanation

Mr. Tobias This is just a technical amendment to amend the title of the Committee Resolution. That's all it is.

Further Discussion

Mrs. Zervigon Mr. Chairman, I have no intention to object to the intention of the amendment as I understand it. I just am not sure that it says what Mr. Tobias means it to say because it ends up reading, "Rules amending Rule No. 44 of the standing rules of the constitutional convention to clarify the requirement with respect to delete the requirement with respect to reference..."

Is that what it says as amended if we have the amendment in it?

It seems to me if that's what it says, it isn't exactly what Mr. Tobias intends and perhaps we should either adopt it as the Rules Committee presented it to us, or have another floor amendment prepared.

Mr. Henry Mrs. Zervigon, I'm advised that technically and procedurally speaking, that the amendment is properly drawn to make the body or the title of the resolution conform to the body of the resolution.

[Amendment reread.]

Point of Information

Mr. De Bieux As I understood the resolution proposed, that it proposed to eliminate line "J". Now unless I have the wrong line on this, if the floor amendment says

"the reference to the Committee on Style and Drafting prior to third reading."

If that is true, then this amendment does not conform to the resolution which is up before us now. I would like to get that because once they are sent up to the third reading...

Mr. Henry Senator, what Mr. Poynter just pointed out was that the amendment pertains to the engrossed resolution which would make it read differently from the resolution as I understand it that you have at your desk. But it does conform completely to the engrossed resolution, it does make sense.

And you don't have a copy of the engrossed resolution there.

Explain why they don't have copies of the engrossed resolution, please sir.

Mr. Poynter The practice at least so far, when a resolution is engrossed, or for that matter a proposal passed to its third reading, the only time that we have been reprinting...going to the cost of this convention of reprinting those and placing them in your binders, is with respect to proposals.

So for example, you do have a reprinted and yellow copy of the proposal which is placed in the legislative article and also will soon receive one, if it is not already in your books, with respect to the executive article which I believe Mr. Stagg is, Committee Proposal No. 4.

We have not, as a practice automatically reprinted the resolutions. You do have the resolution as originally introduced in your bill binder to date without further orders of this convention, we have not reprinted it. However, engrossed copies of it are available in several places. Certainly here at the desk, with the staff, with the Legislative Council and they have been distributed at other places for the purpose of technically drafting amendments.

With respect to resolutions as distinguished from proposals, we have not to this date gone to the expense of reprinting those in the form to place in your binders. Of course, you are aware it is rather expensive to reprint each of these items.

Point of Information

Mr. Fontenot As the engrossed resolution would read, I don't have a copy in front of me, that is why I am asking, line 31 would not be present in

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the engrossed resolution?

Mr. Henry That's right. That's correct. We've got to get a copy of the printed resolution. Wait just a minute, sir.

Mr. Poynter That's correct, Mr. Fontenot. That is with respect to the printed bill, that the line that has been previously deleted by committee amendment, proposed committee amendment which was adopted by this convention on July 14. It would have the effect of striking line No. 31 on Page 1 of the printed bill or the printed resolution which required reference to the Committee on Style and Drafting immediately before the measure was engrossed and passed to its third reading.

The amendment before you right now is an amendment explained by Mr. Tobias as a technical amendment which would go in to the title exactly, with respect to the printed copy, it would delete the remainder of your line 8 for the word "to" and delete all of line 9 and substitute the language that you see in front of you which would make the title of the resolution conform to the change proposed by the committee and subsequently adopted by this convention on July 14.

Mr. Fontenot O.K., sir. As we read the amendment, it fits in if you look at this blue page and just read the blue page and leave out line 31. Right?

Mr. Poynter Yes, that is correct.

[Previous Question ordered. Amendment adopted without objection. Previous question ordered on the Resolution. Resolution adopted without objection.]

Reading of the Resolution

Mr. Poynter The next resolution and order of business is Committee Resolution No. 7, introduced by Delegate Stovall, also Chairman, on behalf of the Committee on Rules, Credentials and Ethics.

A resolution relative to amending the standing rules of the constitutional convention to provide for submission of minority proposals.

Has previously been reported with amendments which were adopted by the convention on July 14, 1973.

Explanation

Mr. Stovall Delegates of the convention, this resolution was approved by a majority of the Rules Committee to clarify the point that a minority of any Substantive Committee has the right to present a minority report. And that simply is what it does, not withstanding any rule previously adopted by this convention.

One or more members of the committee may introduce a proposal representing the views of the minority. And I think that we need not bog down in technicalities or what have you. I think that it's simply a vote on whether or not you want a minority of the committee to have the right in very clear-cut language to present a minority report.

Questions

Mr. Newton Mr. Stovall, was consideration given to requiring a certain percentage of delegates to present a minority proposal; and if so, why was that not included in this amendment?

Mr. Stovall Delegate Newton, consideration was given to a certain percentage of the committee being required in order to present the report. The Rules Committee as a whole rejected any percentage requirements.

Mr. Newton Is there any particular reason for this, please sir?

Mr. Stovall The reason the majority of the committee rejected it is that they desire this convention to be totally and completely open and democratic and to see that every delegate has the opportunity to present whatever he might like to the entire convention.

This was the rationale behind their decision.

Mr. Perez Reverend, does this mean that every proposal which is introduced then will of right come to the floor and be debated on the floor just as the committee proposals are debated without any further action?

Mr. Stovall I would not think so, Mr. Chairman, or Mr. Perez.

Mr. Perez Well, I am trying to find out what you mean by a minority report coming to the floor. The question is does it, as a matter of right appear or come before this full convention for the detailed consideration just as the committee reports and any other matters reported out favorably by the committee.

Mr. Stovall I just answered you, Mr. Perez. I don't think so.

Mr. Perez Well, tell me then what does it mean? I'm trying to find out what this minority report business means if it doesn't mean that it comes before the convention just as a committee report favorably reported.

Mr. Stovall Mr. Perez, the purpose of the majority of the Rules Committee who supported this had as their intent that a minority of the committee would have the opportunity to make a report to the convention.

Mr. Perez Where do we go from there, reverend, is what I'm trying to find out. Does that mean that the matter then comes on the floor just as a proposal favorably reported by the committee would come on the floor?

Mr. Stovall I would assume that something that would be contradictory to a minority report had been previously adopted, that the minority report would not be considered.

If there are members of the Rules Committee who supported this and who wanted to make a different kind of response to Mr. Perez's question, you are invited to do so.

Mr. Perez What is the purpose of a minority report? May I suggest, Mr. Stovall, that this should be returned back to the committee for a clarification?

[Motion to re-commit the Resolution to the Committee on Rules and Procedures adopted without objection. Motion to vote on the entire order of business adopted without objection.]

Personal Privilege

Mr. Mire Mr. Chairman, fellow delegates, ladies and gentlemen. After considerable thought about the statement to this body last week by the freshman Senator from Ruston, Senator Kilpatrick, I feel that I would be remiss in my responsibility as President of the Louisiana Assessors Association, and in behalf of the Assessors of the State, if I did not take exceptions to this statement.

You will recall his statement as to why assessors are seldom defeated. He said that it was because the assessor put the pen in to the people. It is my opinion that if this were true, that assessors would probably never be returned to office after their first term.

I submit to you that the assessor values property and not personalities. Senator Kilpatrick's statement is an insult to the intelligence of today's electorate who is far too wise to allow such an unjust practice to exist anywhere in this State.

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I feel that statements such as this have a way of spilling over on all public officials and breed the distrust most of our citizens have for its officials. Further, irresponsible statements with no basis of fact certainly contribute to the much used misnomer, "dirty politicians."

I have found that when you trust, you usually can be trusted. Our job here certainly is so important that we should all be above dirty personal vendettas, innuendoes, accusations, insinuations and such, and I feel we can and must about the business of putting together a constitution on the highest plane possible, and only in this way will the public know that we have accepted our responsibilities seriously, conscientiously, and with a sincere desire to offer to them an acceptable document. Thank you very much.

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3.

A proposal making provisions for the legislative branch of government, impeachment and removal of officers... officials and necessary provision with respect thereto.

And of course the status of Committee Proposal No. 3 to date is that this convention has adopted Section 1, presently still has under consideration Section 2, and in particular we have been dealing with Paragraph A, thereof.

Immediately prior to adjournment on Saturday, Delegate Gravel offered up amendments which were defeated by a narrow margin. A motion was made to reconsider and table the same. The convention refused to table the amendment, voted to reconsider the amendments.

Therefore pending at this time, the reconsideration of amendments proposed by Delegate Gravel to Section 2A of the article dealing with the legislative department.

Motion

Mr. Duval Mr. Chairman, for whatever it's worth, and if I am in order, I move to reconsider the Riecke amendment and lay it on the table.

Mr. Henry Your motion would be in order at this time because they were not reconsidered.

[Motion to reconsider tabled.]

Point of Information

Mr. Riecke What does it mean?

Mr. Henry That means that the amendments that you sponsored were adopted or better locked in this way than they were the way they were left, Mr. Riecke.

It means it's going to take a two-thirds vote if somebody decides well, we will just undo Mr. Riecke's amendments this afternoon, so we'll move to reconsider and just undo them. It is procedure that's sound, Mr. Riecke.

Mr. Riecke O.K. I'm a babe in the woods and I just want information.

Mr. Henry Mighty fine.

Mr. Gravel, we were taking up your amendments. Do you have some words of wisdom to impart?

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, as I understand the procedure at the present time, it would be appropriate to take up the proposed amendment that I had introduced at our last session, part of the amendment being to delete the amendments that Mr. Riecke had previously proposed and which were adopted by this convention. Before I withdraw those amendments... that proposal which I am about to do, I would like to state to the convention that those of us who sponsored

the proposal that I had introduced at the last session have discussed with the authors of the Riecke amendment the possibility of working out some language that would accommodate the concept of the split sessions of the legislature and some of the proposed changes that I had advocated.

We have reached such an agreement. The reason I am about to withdraw the amendment that I had proposed is because of an understanding that I have with Mr. Riecke, Mr. Sutherland, Mr. Guarissis and Mr. Bel that they will introduce another amendment, also sponsored by Mr. Triche, Mr. Roy, Mr. Newton, Mr. Jenkins and myself which will in effect leave the concept of Mr. Riecke's amendment solely in effect as part of the proposed new constitution.

Therefore, and subject to...

Mr. Henry I have heard of an unholy alliance in my life, but this has got to be it...

Go ahead, Mr. Gravel.

All you need is Roemer and Chehardy on it to really wind it up.

Mr. Gravel Well, both of those gentlemen have indicated they are going to support the Riecke amendment which will shortly be introduced. And Mr. Chairman, and ladies and gentlemen of the convention, for the very brief reasons that I have already enunciated, I withdraw the proposed Gravel amendment...

[Amendment withdrawn.]

Amendments

Mr. Poynter Amendment No. 1 [bu Mr. Riecke, et al.]. Delete Amendment No. 1 proposed by Delegate Riecke and adopted by the convention on July 14, 1973.

Amendment No. 2. On page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following, "Section 2A: The legislature shall convene each year in regular session at 12 noon on the first Monday in April for not to exceed 12 calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the 12th calendar day except by a favorable record vote of two-thirds of the elected members of each House. During this period no committee shall report and neither House shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the 12th calendar day, the legislature shall adjourn and stand in recess until 12 o'clock noon on the fourth Monday in April at which time it shall reconvene for not to exceed 50 legislative days which shall not extend beyond the 30th day of June in any year. During the interim between adjournment and reconvening, the committees of the Houses may meet and hold hearings. A legislative day is a calendar day on which either House is in session."

Amendment No. 3. Page 2, delete lines 1 through 9, both inclusive, in their entirety.

Explanation

Mr. Riecke Ladies and gentlemen, this amendment is substantially the same as my original amendment with two exceptions. It was pointed out to me this morning that in my original amendment we provided for the legislature to meet the first Monday in May and recess the 30 or the 31st day in July. And it was pointed out to me that if we moved the session of the legislature up 30 days making them meet on the first Monday of April and recessing on the 30th day in June, that this will be substantially the same time to meet but it will move the session of the legislature up into the same fiscal session of the State. This will enable the legislature or the treasurer to pay the people rather than wait another year to get paid. Not being familiar with that part of the fiscal year, I decide that in my original time, I followed the original committee recommendation. But it made common sense to me that if you meet about the same time and move it up so that it will fit into the State's fiscal

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session so these employees can get paid. Well it makes no substantial change in the content of my resolution. Now the second change was a compromise. My original proposal was that the legislature would meet 15 days solely for the consideration of bills after which they could not introduce any more bills without two-thirds vote of both Houses. It was suggested that we change it from 15 days to 12 days for the introduction of bills. I didn't think that that made that much difference, that three days. Frankly, I'm learning a lot on how to get stuff through, and for that 3 days, I lost a lot of opposition. I hope that everybody will go along with it. This is a good amendment. Thank you.

Questions

Mr. Avant Mr. Riecke, I just want to know if there would be any objection if it was offered at the proper time, I understand that this would not be the proper time to offer this as an amendment to this, but if there would be any objection to adding to the next to the last sentence in this proposal at the end of the word "hearings," the words "but may not act on any matter referred to it" to make it clear that during this interim period that even though the committees may meet and hold hearings, that they may not take any action as a committee to report a bill. Would there be objection to that?

Mr. Riecke I can't answer that. There are a lot of people on this thing now and I would really not be fair to them if I said that without consulting with them. You can do that anyway whether there is any objection or not.

Mr. Avant Oh I understand that, but before I vote on this particular proposition I would like to know what the consensus is, if I can find it out, with respect to this further refining and limiting of it.

Mr. Riecke Well the thrust of this whole thing is for split sessions and any minor detail that the delegates feel is necessary I'm sure would be all right. But we don't want to lose the split session. The people want this and I think the delegates want it and certainly I want it. I see no objection. As a matter of fact you can introduce that if you wish. I'm very anxious to have this behind us so that we can get on with the rest of the work we have before us.

Mr. Abraham Mr. Riecke, you made the statement that this proposal is essentially the same as your original proposal. But if I've done my arithmetic correctly, where your proposal said that they would meet on the fourth Monday in April and after the calendar day period and the period of recess, they would come back on the fourth Monday in May. That's a time-span of 28 calendar days which would have allowed approximately two weeks for committee hearings or what ever may be done in that interim period. But in this new proposal going from the first Monday in April to the fourth Monday in April is a time-span of only 21 days. If you're going to use up 12 of those calendar days for your filing, then you have essentially cut, in fact you have drastically cut the time for committee hearings and so forth. Is there is quite a substantive change in what you are proposing now and what your original proposal was. Is it not? You're going to lose 7 days of committee hearings, are you not?

Mr. Riecke Committee hearings in the interim?

Mr. Abraham Yes.

Mr. Riecke If you've figured it out that way, I haven't taken the calendar and figured it out. There's nothing that stops the committees from meeting after the legislature is in session.

Mr. Abraham I appreciate that, but under your now proposal there is a 9 day period from the 11 days that they've had until they come in again.

Under the other proposal there were 17 days so you've cut your time by 50%.

Mr. Riecke No, you've cut them by 3 days, didn't you?

Mr. Abraham Four days. You've cut them down from 13 days down to 9 days. So you've cut 4 days off that time, have you not?

Mr. Riecke That's right.

Point of Information

Mr. Toomy On a procedural matter. Is it my understanding that the Riecke proposal is now on the table and would require a two-thirds vote to take it off the table?

Mr. Henry To reconsider the vote on the Riecke amendments as proposed would take a two-thirds vote to undo it. These are different amendments, Mr. Toomy. These are entirely different amendments.

Mr. Toomy So this amendment could be accepted by a majority vote without taking the Riecke amendment off the...

Mr. Henry Yes, the motion to reconsider and lay on the table went to the original Riecke amendments Mr. Toomy. These being a different set of amendments, that motion would not be applicable.

Questions

Mr. Shannon Mr. Riecke, I am concerned, I voted for your amendment in the beginning, but I have talked at length with people and I'm concerned now about the committee meetings in the interim between adjournment and reconvening. As I gather this now they can hold hearings but they can't report to anybody until they come back into session.

Mr. Riecke That's correct.

Mr. Shannon Under this, can they take action and get ready for reporting? Can they take final action after hearings and be ready to report, favorable or unfavorable, whichever the case might be?

Mr. Riecke I don't think they can.

Mr. Shannon Well why would you want committee hearings if you can't take any action?

Mr. Riecke They can take action the first day of the session if they want and report...

Mr. Shannon Go through all this procedure again?

Mr. Riecke No, all they have to do is to vote on it. They wouldn't have to have any additional hearings.

Mr. Shannon All right. One other thing. Are these people on the committee going to be paid during this time?

Mr. Riecke Yes.

Mr. Shannon Do you take care of that here?

Mr. Riecke No, you don't take care of that here.

Mr. Shannon Do you not define a legislative day as a calendar day in which either House is in session?

Mr. Riecke Well I assume that if the committeemen are being paid when they hold committee meeting now, that they will be paid if they hold it then.

Mr. Shannon But did you know we do not have interim times now. We hold the hearings while the legislature is in session.

Mr. Riecke Well do you think that this would

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preclude their being paid? This amendment would preclude their being paid when they're having committee meetings.

Mr. Shannon I see where it makes no provisions for them to be paid.

Mr. Riecke Do you believe that they would not be paid and that they could not be paid?

Mr. Shannon I do believe that they could not be paid. Yes.

Mr. Riecke It was never intended that way. Mr. Shannon.

Mr. Shannon Well do you believe that a committee would function without any pay?

Mr. Riecke I would. I don't know, I can't speak for the committees.

Mr. Shannon Well have you ever been around the legislature when committee meetings have been called on the weekend where they couldn't get a quorum to those committee meetings?

Mr. Riecke No sir. Are they paid when they meet on the weekend?

Mr. Shannon Yes, you're paid every day during the session as it is now because it's continuous.

Mr. Riecke Well, if it's continuous then wouldn't they be paid if they meet in the interim?

Mr. Shannon Well that's what I'm asking you--to explain to me your amendment. I do not know.

Mr. Riecke I would assume that if the delegates approve the continuous session that they would be paid in the interim.

Mr. Shannon Well this is not a continuous session. This is a split session.

Mr. Riecke That's a technicality that I can't answer now. If you feel that this would preclude payment of the legislators while they're having committee meetings and if you feel that this should be made crystal clear, then introduce an amendment to this after it passes.

Mr. Chatelain Mr. Riecke, I understand that your proposal, your change in your amendment, that you would meet on the first Monday in April of each year. Is that correct?

Mr. Riecke That's correct.

Mr. Chatelain And you would go for 12 days, then you'd come back in session on the fourth Monday.

Mr. Riecke Yes.

Mr. Chatelain Delegate Abraham brought out a situation where you reduced the time from 15 to 9 days. Is it not correct sir, that in 1974, for instance, this is based on 1973, but in 1974 the exact opposite would be true. That you would come in on the first Monday in April and on fourth Monday would give you a total of 16 days. Is that not correct, sir?

Mr. Riecke Not according to my check with the staff and the calendars. It would be 9 days right on.

Mr. Chatelain No sir, according to the calendar of '74 sir, the interim between the 12 day period and the fourth Monday would be a period of 16 days, according to the calendar I now hold. So you would be increasing your time, actually. So it would go according to the year. It would fluctuate from a total of 9 days to a total of 16 days.

Mr. Riecke It would fluctuate, yes. But 9 days would be the least amount of time in the interim.

Mr. Guarisco Addressing myself to the time interval insofar as the committees may meet during the recess. Is it not the intention to, this recess is really intended to allow the public to find out what's in the hopper? Isn't that right Mr. Riecke?

Mr. Riecke That's correct.

Mr. Guarisco The right to the committees to meet is merely a permissive thing. Isn't that correct?

Mr. Riecke Yes.

Mr. Nunez Mr. Riecke, there's been several mentions at the microphone by the proponents and the authors of this is what the people want. That the split session is the thing. I know this has been hashed over and over and over again. But I just believe and I want to ask you, those 12 days that you are advocating that the legislature be allowed to introduce bills only. Did you ever stop, you and the advocates of this and the authors think, just what the legislature will do during that 12 days besides introduce bills? We will spend 12 days just purely introducing bills up here. Is that the intent of this? Is that the intent of your amendment?

Mr. Riecke Well, the intent of the amendment is to allow only 12 days for the introduction of bills. What the legislature does in the interim I should think, would be up to the legislature to decide. The legislature ought to be able to find something else to do besides receive bills in 12 days.

Mr. Nunez That's your contention that the legislature ought to be able to find something else to do in those 12 days besides introduce bills. I would say well probably they could find a lot of things to do. I don't know whether they'd be in line with legislative business, but they'll find a lot of things to do.

Number two, you've got an interim period between the time we introduce the bills and the bills are pre-filed or introduced that they can be heard but not voted on. The legislature as a body goes home and comes back within a certain "X" number of days and then they start hearing the legislation as such, and then will be allowed to vote on. You have a period of time until that time until the 30th day of June.

My question to you is that I would like to know what the problem that presented itself in the past, to my knowledge and I think to a lot of legislators knowledge, has not been the 60 day session as such. If you check with the Speaker and check with the Clerk and check with the official journal, the House and the Senate has met on an average of around 50-52 days. I believe, and I think a lot of people that have been around here a long time, believe that that is sufficient time. The big contention, I think with the people of this State and with the legislature and with many other people, is not... I'm going to ask a question Mr. Riecke. Has not been the 60 day session...

Mr. Riecke Are you asking me a question or are you making a talk against it?

Mr. Nunez Well I'm going to make a talk against it first, but I want to ask you a question now, if you don't mind.

Has not been the 60 day session. But we're attacking the 60 day session. My question is why would you not object to a straight, just like we now have, a straight 60 day session rather than try to piecemeal this thing and divide it into split day sessions which is not workable and I think if you adopt it and put it in the legislators hands, you're going to find it's not workable? But everybody seems to be insisting, including the authors of this, that we go ahead with a split session. Let legislators stay up here for 12 days and do nothing but introduce bills. Is that the intention of what you're trying to introduce?

Mr. Riecke No.

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Mr. Nunez It isn't?

Mr. Riecke No.

Mr. Nunez Well I can't read then.

Further Discussion

Mr. Newton I think we've had about all the discussion on this thing. We discussed it several days last week, and I therefore move the previous question.

[Motion for the Previous Question rejected: 32-74.]

Further Discussion

Mr. Jack Mr. Chairman, and delegates, I rise to oppose this floor amendment. Now, it's been my experience when an amendment is amended and they keep on, there's something wrong with it. And there's something very wrong with the Riecke, Sutherland, Guarisco, Bel, Triche, Gravel, Roy, Newton, et al. etc. amendment. Here, according to my reading of this new amendment, you'd start out the first Monday in April. I want you to listen to this now. Then you'd have the days for introducing the bills and coming in to meet them with committees, and then when you recess after the 12th day, granting if you can meet with committees then, you would have a total of 21 days from the time you started... I want you to quit talking out there, right over there and listen, please sir. Mr. Speaker... please have order in it. I want to say something here that hasn't been said.

Mr. Henry Well now, Mr. Jack... That's just like a lot of things. I can maybe get their attention for you, but I can't make them listen, Mr. Jack. You're going to have to do that yourself.

Mr. Jack I'm not going to take a club and hit somebody, but I ask you to give me your attention. Now there is a period of 21 days. If, during that entire time let's just say they were, in the 12 days, there were 2,800 bills introduced like someone said was in the two Houses the last few years. Now, what are you going to do? That is ridiculous. Would you attempt to consider 2,800 bills during that time? Under these rules, this amendment, granting that you could consider them in committee the first 12 days, granting that you could consider them after the first 12 days and up to the fourth day in April making a total of 21, you couldn't vote on them. Now let me tell you. How could you, after considering 2,800 bills in committees if you possibly could, how would you remember all the testimony and things? Suppose we had this silly rule enforced right here. It would come out that everything that had been said on this convention floor since July 5, we wouldn't have been able to have voted on anything and we would be voting on it at the end of 21 days from July 5. I would have had to be called on, say tomorrow, to vote on everything that's been said here since last Thursday. It's hard enough to try to keep up with the difference between these different amendments, Senator Rayburn's, the two Riecke amendments and the Gravel amendment. Now I want to point that out to you. That it's to me, like trying a case and pulling out, say with the jury because you all act as the jury. Now can you imagine trying a case in court to a 12 man jury or any other number and saying you wait 21 days before you start making up your mind whether you're going to vote for the Plaintiff or the Defendant and any issues that that judge may charge you with. Now that just doesn't make good sense. Now another reason they claim for split sessions, my friends, to go home to discuss the matters with the constituents. Let me tell you, when people elect you they want broad things discussed. They come to you and tell you. If people didn't rely on you using certain judgment and on the broad things then you would see a lot of people here. I don't see anybody in this audience today or any other day except

wives and friends of people down here and their children and the employees. If you think that the people all-fired, want to discuss everything with you, let's just look at the meetings that we've had around at different cities. I know that every place I know of wasn't real well attended. The Composite Committee had a meeting a while back and our Chairman couldn't be there and I took his place. It was in Shreveport in a little annex of our civic center. There was 125 people at Shreveport and Bossier City. Over at Minden, a little town, there were 8. But Minden, for it's population, with 8 people there had a better attendance than Shreveport and Bossier who had 125. So there's no justification for split sessions on this old worn-out thing of saying you're going home to discuss it with people like they're going to have that auditorium full for you. What I'd like to see back here, and I hope he'll do it, is for Senator Rayburn to get his resolution back here, if necessary under the rules to change it up; give or take a day. I think that's the one. This Riecke amendment was discovered wasn't proper, again being changed. I say let's kill this amendment. And another thing I'm going to suggest is people give people a chance to talk. I haven't moved the previous question. I don't ever remember doing that in the 24 years I was in the House of Representatives. As long as anybody wants to speak, I'm paid \$50 a day to be here and I'd be here whether I was paid or not. I'm not going to move the previous question on anybody. I'll work day and night. Every one of the 132 delegates has got just as much right to be heard as you Mr., or you Mrs., or Mr. or Ms. or whatever you want to call it, as that man, woman or who that moves the previous question. I thank you and vote against it.

Questions

Mr. Gravel You will agree, will you not, that this resolution, except for the date and the time spans is identical, however, with the resolution that was adopted by this convention, proposed by Mr. Riecke? Isn't that correct?

Mr. Jack It was a close vote, and I don't think this resolution, Mr. Gravel, is any good and you didn't think Mr. Riecke's was good or you wouldn't have had an amendment that nearly passed before we adjourned. To me, I'm answering your question. You asked it, so don't interrupt, let me answer. In plain words, I think as I called them in the House, these bad bills I called them snake bills.

Mr. Gravel That's not my question, Mr. Jack.

Mr. Jack You let me finish. The way you do with a snake, you don't let him get in your bedroom, you kill him before he gets on the porch. A snake amendment is the same thing. I think you all got a snake amendment here. You all are combining, you're trying to recreate Mr. Riecke's amendment. I think it's still bad, but all due respect to you, I think yours is equally bad.

Mr. Gravel But Mr. Jack, my question to you which you tried, apparently, to avoid and please listen to me now, my question to you is that the point that you are making could have been made to the Riecke amendment that has already been adopted by this convention. Isn't that correct, sir?

Mr. Jack I talked against it. I don't believe in split sessions. You haven't listened to me. I've been wasting my time on you.

Mr. Gravel You've answered my question. Thank you very much.

Mr. LeBlou Mr. Jack, I believe this amendment states that the session would open on the first Monday in April wouldn't necessarily end not later than the 30th day of June. Now as I understand this language, what it would do would leave the legislative session for a period of say up to 90 days rather than the 60 days.

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Mr. Jack That is correct. It just costs the taxpayers more money. That's one of the many things. And they're going to get paid during that first 21 days where there is no money to be done. They'll work it out. They call it per diem. They call it expense money. It don't come under salary, and they can vote expense money.

Further Discussion

Mr. Abraham Fellow delegates, I think the issue here is whether or not we want the legislators to have time after bills have been filed, in which to do any committee work or back home work, or anything else that they may want to do before they come back and deliberate. Now both of these amendments provide that during the interim period, during the recess period, that committees could hold meetings. There are no restrictions which would not allow them to take final action on a bill. The only restrictions are that during the initial period in which the legislature is in session, they can't take any final votes. They can still have committee meetings but they cannot take a final vote. But in both cases, they can take a final vote on the day after the recess is over. Now whether you are meeting 12 calendar days or 15 calendar days they can take a final vote on the 13th day or on the 16th day. The real difference in the two amendments is the length of time of the recess.

Now under the old Riecke amendment the recess period would be for a total of 19 days which would include three weekends and 5 weekdays. Now if we go back on April having 4 Mondays in it, it April has 5 Mondays, the recess period would total 21 days. Under this new amendment, the maximum period that you could have during the recess would be 9 days which would include 2 weekends and 5 weekdays, whether April has 4 Mondays or has 5 Mondays. So I think that the issue to be settled here is going to be whether or not we want a longer recess period or a short one. My personal feelings are that it's good to have a long recess period. For two reasons, first of all it gives the person who is back home a chance to do some reading on the bill that he's got at hand. I think he needs to take the time to read these bills. If they're all in front of him, he's going to need 2-3 weeks to read them all and understand them. It gives the committees plenty of time to meet at their discretion, and they are allowed to take final action on any bill. If they are doing the job that they should do they should have them all out of hand and ready for report as soon as the legislature reconvenes. I am opposed to this new Riecke amendment because 9 days is just not enough time. That's two weekends and one week. If the committee wants to hold hearings during that period, they've got one week in which to hold hearings. Again I repeat that the issue is how much time do we want these people to have? I don't think the issue anymore is whether we should have split sessions or not. I think the issue is going to be stage now. I would strongly urge that we defeat this new amendment. I think that what we did last week is good. I think we need this recess time, as a cooling off period or whatever you want to call it. But I think it is needed for these legislators to be able to study their bills and to be able to vote intelligently on them when they come back into session. I have heard many legislators say that their system now doesn't give you enough time to do anything. You don't have time to review the bills or anything like that. I do not understand the legislators who have voiced this comment who would oppose the bill as we adopted, or rather the amendment as we adopted last week. I think that they're talking in both circles. I have a mouth. On the one hand they are saying we don't have enough time and on the other hand they are voting against taking the time to do it. So I am opposed to this new amendment. I think we should retain the old Riecke amendment.

Question

Mr. Chatelain Mr. Abraham, Delegate Abraham, we discussed this a minute ago. In 1974, the interim

would be 10 days instead of 9 days. It would give you more time to cool off. Another thought in the new amendment that was offered by Mr. Riecke this morning was that it would be going along with the State's fiscal year. We would have the business of the legislature finished before the end of the fiscal year which would be, I can see, a certain advantage to the State of Louisiana there. I know you oppose this new amendment of Riecke's, but in the spirit of compromise which we're going to have to do a great deal of during the convention, I find that... I'm asking this question now. Don't you think that in the last paragraph of the new Riecke amendment which says during the interim between adjournment and reconvening the committees of the Houses may meet and hold hearings, don't you think this would suffice, sir?

Mr. Abraham No sir, because you do not have enough time in which to meet and hold hearings. You've only got 5 weekdays to do it and that's all you've got under this new amendment. I would like to make another point, Mr. Chatelain, that there is nothing magic about having to get this session over with by the end of the fiscal year. I think what I would like to see is that there be a certain amount of time that the legislators take off after the general election and before the first session of the legislature in which to prepare themselves for this legislature. By moving it up to the first Monday in April you've only got about two weeks to get ready for the session.

Further Discussion

Mr. Alario Mr. Chairman, members of the convention, I stand to oppose the new Riecke amendments. I can't understand from one day to the next... looks like the decisions of this convention just flip flop. I think if a lot of time had been spent on some threads on our shoes, we would have already screwed ourselves to the ground. I can't understand the necessity in the new Riecke amendments which says that the legislature should end its business by June 30th. I think the present set up and as the first Riecke amendment proposed, you allow the legislature to meet at the end of the fiscal year and a month in the beginning of the new fiscal year. We're always going to be faced with the problem of trying to find additional revenues and of meeting the necessity of those expenditures of the year. If you make the legislature end at the end of the fiscal year without having all the information before them to make that decision, I think you're going to be hampering that decision. You're going to be looking for additional revenues, I don't know how you're going to be able to do it, before the fiscal year is ended anyhow. There is much concern with the split session decision that you would go home to be able to talk to your people about the bills that were introduced. Now under the original Riecke amendment, the first of the proposed legislature would meet in the months of June and July. The working people I represent, the district that I represent, a large shipyard, industrial area, the vast majority of the people I represent take their vacations in June and July. When they are concerned about a particular issue, they come up to the legislature when they take their vacations. They can't afford to take a day off cause they're paid by the hour. He's paid for every day's work that he puts in. When he takes a day off, he loses that pay. Under this new amendment you may force him to take that day off without taking it during his vacation time. I've had one of the staff do a little research for me as to how this new amendment would interfere with the Easter holidays during which the legislature would meet. The information they give me is that the last day for introduction of bills would be on Good Friday in the years of '74, '76, '79 and '81. The session would begin on the Monday after Easter Sunday in 1980 and '83. Easter would not interfere with the session at all in only two years, '75 and '78. The Easter holidays during which the legislature would meet, the information they give me is that the last day for introduction of bills would be on Good Friday in the years of '77 and '82. In eight out of ten years you're forcing the Easter holidays to be interfered with

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the legislature, a problem that we do not presently have to address ourselves to. You heard the argument by Delegate Abraham who stated that you're going to cut the committees work down by some 8 or 9 days. Again, if you're going to stick by wanting to go home to talk to constituents in your district, then you're going to want some weekends off in that time to discuss with them just what their point of view is on particular issues. I can't see people in my district Monday through Friday during normal working hours. When he gets off from work, generally and it's from the shipyards or from any other place, he would like to get home from six to seven or eight o'clock. He's got to take a bath and eat his lunch and visit with his family. Generally by that time, he's put in a good day's work and he doesn't want to have to fool with any of this. I can see him better on the weekend, on Saturday and Sunday, when he is at his leisure, when he's not losing any time or any pay. If you cut down the committees' meetings to 8 or 9 days and the committees decide to go home on weekends, you're in effect, are cutting it down to only 5 working days. I submit this is not the correct thing and this is not what we're looking to do. I'd ask that you defeat this Riecke amendment.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, every argument just about that has been made with respect to this amendment was made on the original amendment that was proposed by Mr. Riecke with one or two exceptions. And the principle contentions that I think have been advanced are those that result from views that do not result from a fair rating of either the original proposal by Mr. Riecke or this one. Some people are concerned about the fact that there might be some encroachment of legislative time on the Saturday or Sunday periods which they would like to rest and not work in the legislature. There is nothing in the original Riecke Amendment nor in this amendment. The wording in that regard is identical that says that you have to work on any Saturday or on any Sunday. The only provision in here is that there shall be not more than fifty legislative days in which the legislature will conduct its business after the initial adjournment. This amendment also provides that bills can be introduced in the first twelve days. The legislature may adopt rules saying that they will only meet for ten days for that purpose within the purview and scope of this amendment. Now, the purpose of this whole concept is to provide split sessions. To provide a period of time within which the legislators can introduce their bills and explain those bills...and that's [...] seldom done now to other members of the legislature. The legislators are going to be informed initially and after they have received this information then they are going to be given an adequate time and opportunity to come and to discuss with their constituents the scope of the proposed legislation.

Split session is the concept that we're voting on. All of the rest of these arguments are just efforts to try to defeat this proposal, this kind of an amendment, to get back to a continuous session amendment that I am confident would be offered in the event this proposed amendment is not passed here. So I strongly urge that those of you who aren't supporting this principle not be misled by arguments that don't address themselves to the principle or true concept of the Riecke Amendment and that is that we have split sessions within a fiscal year. Now can anybody fail to see that it is important for the legislature if it can possibly do so complete all of its affairs within the fiscal year so that the business of government and the other business throughout the State can be accommodated to the fiscal year concept.

I think this is a good amendment. I think it is going to help streamline the legislative effort and I urge that you support it.

Questions

Mr. Abraham Camille, I take it then you are in favor of the split session, is that right?

Mr. Gravel Absolutely.

Mr. Abraham So the only real thing that we are talking about here is the length of time that we have for the recess period, is that correct?

Mr. Gravel Well, the recess period...

Mr. Abraham The only difference between the two proposals is to how much time we have between the recess period, that's the basic difference isn't it?

Mr. Gravel No. The principle reason why I proposed an amendment to start with was in order to terminate the legislative session during the then current fiscal year. I think that's tremendously important. In other words, to terminate the session not later than June the 30th of each calendar year. That's one very important point. The other one that you bring up is a question...does relate to the question of time between the period within which bills are introduced in not more than twelve calendar days.

Neither Mr. Riecke originally, nor do I suggest, that it is necessary that the initial session last the full twelve days, but that's the maximum number of days that it could last.

Mr. Abraham I see. Well, I just wanted to...the only real difference that you say is not when the thing ends but also in one proposal you have fifteen days not to exceed fifteen days the other you have not to exceed twelve days.

Mr. Gravel That's correct.

Mr. Abraham And then by the arithmetic of the calendar under one proposal you can have a certain number of days of recess which would be nine days under the new amendment or nineteen or twenty-one days under the old amendment.

Mr. Gravel That's correct. As I calculate this the maximum number of working legislative days that would be involved subject to determination and scheduling by the legislature itself would be sixty-two. That's the maximum number of legislative days that could be involved during a span of time encompassing...as I calculate it, approximately eighty-four or eight-five days on the average.

Mr. Fulco Delegate Gravel, your amendment still provides restrictions on the legislature, isn't that right?

Mr. Gravel Well, my amendment does not in any way prohibit nor did Mr. Riecke's Amendment prohibit committees from meeting from the very first day that the legislature goes into session throughout the entire span of time that the legislature would be in session. The original amendment that Mr. Riecke had...and I track his language, does contain a sentence saying that during the interim between the adjournment and reconvening that the committees of the houses may meet and hold hearings. I haven't violated that language or changed the to any extent in this amendment. Now I understand that there are probably going to be amendments whether this amendment passes or not to delete that provision from the proposed constitution.

Mr. Fulco Mr. Gravel, wouldn't it be more advisable if we're trying to remove from the constitution a lot of details wouldn't it be more advisable to leave the details up to the legislature insofar as determining the operation of their business within the limited period of calendar days in your amendment?

Mr. Gravel That would be advisable but I don't consider anything in Mr. Riecke's original Amendment or in this one that is not substantive except

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possibly the second to last sentence.

Mr. Fulco Well how about...

Mr. Gravel The rest of it I think is substantive and should be in the constitution and I think it's sacramental.

Mr. Fulco Mr. Gravel, do you think we ought to put a limit on the number of days in which bills may be introduced?
Wouldn't that be restrictive?

Mr. Gravel Well, we have a limit only to the extent that in the event that they are not introduced... the bills are not introduced within the first twelve days they could be introduced thereafter by a two-thirds vote of the legislature. I think that's a very good provision and one that should be in the constitution.

Mr. Fulco Well, if we could have less restrictions in the constitution then the legislature itself could operate its business according to the situation that occurs at that particular time. In other words, I would hope... and hope you would sort of change your amendment to allow the legislature more flexibility to run the business because they are the ones that are going to have to be down here operating this legislative session. And I think if we restrict them on the introduction of bills or the time that they may recess and the time they may reconvene and the number of legislative days that they will have... I believe we are placing too much restriction on the legislature and making it less flexible which I would think that the constitution... we want to provide for in this constitution, don't you agree?

Mr. Gravel Mr. Fulco, we could provide in this constitution that the legislature shall meet whenever it sees fit to provide a provision could be inserted in the constitution. I think it would be contrary to the wishes of most of the people in this State if that kind of flexibility were permitted in the constitution. I honestly believe that the people want the legislature to meet under such circumstances that there will be an initial period for the introduction of bills and a certain time within which those bills can be considered both by the public and by the legislators before action is really effectively taken on legislation.

Mr. Fulco I have no more questions. Thank you.

Mr. LeBlay Mr. Gravel, I missed the reason that you stated for not having the sessions go beyond June the 30th.

Mr. Gravel No. I believe that the legislature should conclude its business by no later than the last day of the fiscal year in which the legislature meets because practically all of the legislation that has to do with fiscal matters generally will relate to the fiscal year that is to come. One of the objections that I had and probably the only objection that I had to Mr. Riecke's Amendment was that his amendment permitted the legislature to meet up until July 31st and my believe would be that most of the business of the legislature most of the heavy responsible business of the legislature would be conducted in a new fiscal year under the language of his original amendment. Now I felt that that was not a good provision there and principally for that reason I proposed the amendment which I subsequently withdrew.

I think it just makes good sense for the legislature to meet and conclude its business in the current fiscal year because in the main it's legislating for the ensuing fiscal year.

Further Discussion

Mr. Nunez Mr. Chairman, ladies and gentlemen of the convention, this amendment would appear to have the general support of the people of this State according to the authors. And Mr. Gravel, I'll try

to address myself to your remarks as to the conflict between a split session and a regular session which would mean a continuous session. Because it has always been my contention that the problem with the legislature was not the fact that we had sixty day regular sessions every second year but the problem presented itself that we met in a thirty day restricted session every second year... or the odd numbered year. And we were limited to what we could do in that restricted session. So, now all of a sudden that restricted session is not the problem any more, it's the regular session that's stronger. And you look and see... and I know the authors of this have every good intention that the people back home on a split session to look at legislation. Well, let me say this, I think if you adopt the split session which we already have and we're weakening a little more with this amendment we're weakening the legislature, we're weakening one branch of government that is already too weak, the legislative branch. I think we traditionally have three branches of government in this State, the Judicial, the Legislative and the Executive. And certainly, I think we have known for years how strong the Executive is. And I think what this split session does... it not only makes the Executive just a little stronger the legislature is getting a little stronger.

Because if you look at this twelve days I don't see one lobbyist that is against it and I am even maybe convinced the AFL-CIO might be for this too. It gives those people twelve days, not the people back home because why have they elected a legislator or a Representative to come up here? I think legislators basically are going to represent his or her people. And if they don't represent them they won't be back. But I think if you do this you are giving the executive branch of government an edge over the legislature and I would submit to you Mr. Gravel's interest up here is simply that. Because he now represents the administration and I'm not talking about the present one, I'm talking about the administration. If you were to take and give the legislative branch more strength I think you should not adopt this amendment. I think it's a bad amendment. I think when you take the legislative branch of government and tell them they are going to meet up here for twelve days and put all their bills on the line and then give everybody a check home and the people back home will remember they are represented by the legislator, they are not represented by the lobbyists, or they are not represented by the Executive Department. But don't ever believe that the Executive Department doesn't play a big part in legislation, they play a very vital part in legislation... a part so much that I think a great majority of our legislative bills are passed... are passed depending upon what the Executive wants or doesn't want. And what you are doing you are weakening the legislature by allowing them to say you have twelve days only to introduce your bills and then you go home and you allow everyone who want to see what you have done and the people to check home and you, are not going to get involved until they become aware of the fact that something affects them. And how do they become aware of this fact? They become aware of it by several instances. No. 1 by special interest groups such as school teachers, such as elected officials or etc., police jurors when it affects them, property tax and by their legislators. We've hit them today, that I think this bill is actually passed out of committee and is put on the floor for debate and if the news media carried it to those people they become quite excited when the bill affects them. It [] taxes and mainly it's things that would affect their pocketbook. Mainly it's property taxes or increased taxation. So I'd like to say to you here today, that I think this whole concept of split session is a bad concept. It's a bad concept if you sincerely want to strengthen the legislature procedure. It's a bad concept if you sincerely want to make your legislature stronger because you're not making it stronger and in return you are not making the people back home stronger.

I believe if we attack the problem from the concept that the problem is in a thirty day limited session. The problem is in a thirty day session

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where you can only take fiscal matters. And the problem is putting in a fiscal session hundreds and hundreds of bills that are non-fiscal and that is your problem. Your problem isn't in the regular sixty day session, it never has been and it never will be. And I'm not saying down the line another ten years or twenty years from now we might not give more bills than we can handle but right now we can handle them and in the past we have been able to handle them. I think if you check with the Clerk with the Speaker, or the President of the Senate who will find that bills have been introduced and have been handled quite easily in a sixty day session. And that the House or the Senate has worked an average of fifty-two days which gives them eight days and mainly on Sundays they can take off. Personally, I like Senator Rayburn's Amendment but I like better the straight sixty day session that will have a clean and concise constitution. The Legislature shall have annual sixty day sessions within that period to work their legislative procedure and process. I just can't see how this sixty day concept, the split session concept has developed. I can understand some of the people who are so adamantly for it. Mr. Gravel certainly is the chief lobbyist for the administration. He handles all the legislation, makes sure what passes, what's good or what's bad should pass or should not pass. And I can understand him being on this amendment. I can understand a lot of the lobbyists being for this amendment because it gives them twelve days to see every piece of legislation that the legislature has and it gives them an additional ten or ten or fifteen or five days to work it over and get their people to go for it. You know the people I heard from this session, not the rank and file citizen who is not in contact with the legislature, but a bill that affected the liquor industry. A bill that put a price fix on liquor. I heard from everyone of my citizens who worked for those liquor people. I heard from the rank and file citizen and that's what this is. And that's all you are going to hear from as a legislator. You'll hear from the teachers and they have a right to be heard and you'll hear from every time you affect the truck lobbyist when we took the double bottom truck and wanted to put them on the highway. The truck lobbyist had every time in the House called me in. Not the citizen who was going to get affected by it and I think it was a bad piece of legislation to put double-bottom trucks on this highway. I thought it was a bad piece of legislation to allow one or two or several individuals to stop free enterprise in the liquor industry. But I heard from the people who were being affected by that industry and they said your Senator is up there voting against you, your job. I was voting for free enterprise. And that's who you hear from ladies and gentlemen. You don't hear from that little person who don't get to, maybe he reads it in the paper if you get the newspaper or you'll hear it from the radio or on the television or you'll hear it from the press. And you hear from are special interest people. And you give up twelve days and you say we can't introduce anything after twelve days and that's what we are going to hear from during that period. We're going to hear from those people who are affected. Now maybe that's the way it should be. Maybe that's the way it should be. Maybe the lobbyists should run this state. Maybe the special interests should run this state but I tell you one thing, I think we've got a good procedure with the elected officials going and year legislative process and your democratic process. I believe you had better look at a little harder than what you are doing, I think it's worth the while. I think they worked well and I think the legislator who have done a good job have some back fire and fire again. Legislators like Senator Rayburn and a lot of people here who took their time out to run for this convention. To run for it. And they are here representing those people.

I hope I don't put aspersions on the people who submitted this. I think they are acting in good faith I think they believe that the people should have some say. But I tell you my ten years experience tell me it isn't going to help the people back home and I try to elaborate on who I think it would

help. And I am quite convinced and quite positive if I stand before you that that's who it would help. If you want to strengthen the legislative process. If you want to strengthen your legislature put a basically sixty day session and let them do their business. They will be in contact with their people. They know what the people want, that's what they are elected for. That's what they're up here for. And if you pass single member districts which I think is good because it gives each legislator a certain district to be responsible to. And I think basically that's the premise under which we're operating. And I would seriously hope you consider defeating this amendment and then passing a straight sixty day session bill. I think the problem lies in a restricted thirty day session bill and not in the unrestricted sixty day session bill.

And I never have heard, never have I heard one person tell me... I'll tell you what I've heard. Now you want to hear what I've heard. I voted against sixty day sessions because I didn't think that we needed them at the time. And the people thought that too, because they voted against them. You know we put a sixty day session to the people and they defeated them. You are putting practically a sixty day session to the people. I don't think they are going to like it. I really don't think they are going to appreciate it.

I hope you defeat this amendment. I think the concept of a split session is a bad, bad amendment. I think just a continuous session is better than a split session. Because it doesn't give certain elements of our society an advantage over the people. And let me say the part I've heard. If you disagree with that you disagree with the premise that we're up here representing our people and you disagree with the premise that you're up here representing the people that sent you here. I think that if we defeat it and we come back with a straight sixty day session I think you are streamlining the constitution. And on what the people would want to you pure if you want to keep the constitution pure and keep it simple. I think if you put in there a provision that the legislature shall meet in annual sixty day sessions and sixty days only I think you're keeping a pure and simple constitution. And I think you are keeping it in the line and the state we had when the people would want and not the special interest. Not other governmental agencies and not the lobbyists.

So I would appeal to you to defeat this amendment and to come back and to vote for a regular sixty day session.

Questions

Mr. Guarisco: Mr. Nunez, I think I understand now that you are definitely against the concept of a split session of the legislature, is that correct?

Mr. Nunez: I believe so, yes sir.

Mr. Guarisco: May I ask if you were a member of the Legislature that created Act 10. That created this convention?

Were you a member of the legislature at that time?

Mr. Nunez: Yes, I was.

Mr. Guarisco: Did you vote to have this constitutional convention?

Mr. Nunez: Yes, I did.

Mr. Guarisco: Would you deny that the constitutional convention recognizes the concept of split sessions by holding hearings and hearing but the people and then coming back to vote on these proposals at this time? Isn't that correct?

Mr. Nunez: I recognize that the convention had several hearings throughout the state. I don't know what the participation was in those hearings and I would assume that they are going to be of benefit and value to this convention. Yes.

And I also recognize the fact that the convention

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meets once every fifty years and the legislature meets every year. And I am trying to strengthen the legislative process by giving them a session of sixty days. Let me tell you, the people when they become affected by legislation will come before committees. You're not abolishing the committee procedure and you're not abolishing the legislative process by which the public is invited to appear before committees. I don't think we're doing that at all. I think what you're doing when you say twelve days to introduce bills and go back home, you're not affecting the people no advantage at all. If you assume that, I think your assumption would be wrong.

Mr. Guarisco Do you agree with Delegate Triche's ... when he said that you probably in any session you probably considered more bills than we'll probably consider in the convention at any one time?

Mr. Nunez I don't particularly agree with that because Delegate Triche and ... every legislator knows that when you say you got two thousand bills you got a thousand introduced in the House and a thousand introduced in the Senate of exactly the same matter and then you have a limitation over one hundred percent limitation but then somebody picks it up and wants their name in the paper as the lead author and they introduce the same bill so you might have four and five bills of the same nature and the same content in the Senate and the House and then the Senate will pass it and a House member decides he wants to pass it and he'll pass it and then they fight over who's going to be the pride of having the authorship of that bill. And that's why you've got two and three thousand bills. Not because there is no rash of legislation needed to be passed by this State. Now, if they want to tell you the truth, that's the fact.

Mr. Guarisco Do you think that the legislature should do any less than the convention in passing legislation that may affect the people as much as this convention.

Mr. Nunez Well, I think that you corollary between the legislature and the convention is just not quite what I would consider adopting a constitution and passing annual legislation that you can repeal at the next session on special sessions. I can't buy that concept at all. No, sir.

Mr. Roy Didn't you and I go down in flames arguing the same stuff you've argued about denying the flexibility of the legislature when Mr. Riecke beat us initially on this same matter? Isn't that a fact?

Mr. Nunez I don't know who you call us. I see your name on this proposal and this is almost the same proposal as Mr. Riecke first introduced and defeated the proposal that Senator Rayburn had. Yes, sir.

Mr. Roy Didn't you and I argue for Rayburn's Amendment and against Riecke's initial Amendment. And didn't we get beat for the same arguments you presently laughed into for ten or fifteen minutes?

Mr. Nunez Mr. Roy, this is the first time I've been up here on this or any amendment on the legislature but I think legislators ought to take some initiative because they are the ones who are doing the job in the legislature and I think I would be neglecting my duty if I didn't express my opinion. I haven't been up here before on this proposal or Senator Rayburn's proposal. No, sir.

Mr. Roy I agree

Mr. Nunez You agree with me.

Mr. Roy No, I agree with what you just said, that you ought to take us with what you still agree with.

Now let me ask you one last question. Don't you think that irrespective of the political philosophy that we have whether we should man-

date the legislature into special sessions or not, which is what we are essentially doing now? Don't you really believe that if we have to live with either this amendment to Riecke's bill or the original one, that this is a better drafted bill.

Mr. Nunez Well I don't think either of them are better... better in comparatively speaking... I think that the convention just like they reconsidered Senator Rayburn's proposal and passed Senator Riecke's proposal if they hear fair arguments and good arguments from people who are actually doing the work would possibly reconsider Mr. Riecke's proposal here. Beat this one and pass one that I think the legislature can live with for the next fifty or hundred years. I don't think they can live with this one and I think if we pass it or keep the one Mr. Riecke now has that you, this convention, the people of this State will live to regret it.

Further Discussion

Mr. Champagne Ladies and gentlemen, delegates all. I am going to keep this very brief. I think we have had too much rhetoric, too much discussion as some people might refer to in some instances and I don't say that, "not all" regarding the issue but it occurs very simple to me that there are only one or two people who actually admit that they are against the split session. I submit to you that the important question here is, do you consider it important enough to you and the people you represent to have it put into the constitution that is all we say. We have sat here, we've talked about long sessions, more pay, more time and all we ask you is to put into the constitution a statement that... we the people back home have a chance to express our view to our legislators, do we consider it of significant importance enough to put it into this constitution. That is the question and either you vote yes or no for that's the way we arrive. All of these other things are simply picking at something which the people themselves do not agree with. And they have a right to do it. But if I would be in order, Mr. Chairman, something which I hope I will probably never do again, I would like to have the previous question.

[Motion for the Previous Question.
Lost 10-9. 7:40.]

Further Discussion

Mr. Stagg Mr. Chairman, and fellow delegates, I rise to oppose the Gravel or the Riecke substitute new amendment and I hope not to unnecessarily take up your time because I like the old Riecke Amendment that we labored so hard on last Saturday morning. If we continuously bring up matters that have been resolved by the convention we'll be here quite a long time. I heard these arguments on last week. I came to Baton Rouge to speak to the Legislative Committee which by the way, in six months they're studying these matters and when they were going to have a sixty day session within a one hundred twenty day period I thought that was great. In the Gravel or the new Riecke Proposal as the way I suppose it ought to be the accident of the calendar will give you less than fifty legislative days from the fourth Monday in May until the end of June. Mr. Gravel laid great store by his arguments that the legislature ought not to run over the end of the fiscal year. And I for searching my mind can see no real good, valid reason why that makes a whole whale of a lot of difference. The point I would like to make and then take my seat is that I hope that there are a number of delegates in the room who have listened to the debate on Friday on the Rayburn Amendment, on Saturday on the first Riecke Amendment and here into the middle of the afternoon on the second Riecke Amendment will all if a sudden realize that maybe we are being stalled in place by repetitive amendments on the same subject matter. If this is true then delegates in the room who have listened to I have heard of bills being talked to death, I've never really seen it happen until now. I urge you to defeat the second Riecke Amendment.

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and leave the original Riecke Amendment in line where it is, so that the legislature can meet one in fiscal session, not meet on weekends as the original Riecke language permitted. The new Riecke language will in some years cause the legislature to stay in session on five weekends if the calendar happens to fall with a Monday being on the seventh day of the month or the sixth and it will happen that way.

We urge that the legislatures be offered time off for weekend visits home. I urge you to defeat the new Riecke Amendment and leave the old Riecke Amendment exactly as we adopted it on Saturday morning.

Further Discussion

Mr. Burson Fellow delegates, I speak in favor of the proposed amendment because I think it is a compromise not on principle but on details which are susceptible of compromise. I was for the Rayburn Proposal because to me it established that this convention wanted to get rid of the abomination of the fiscal session and provide for annual sessions of the legislature. I was for the original Riecke Amendment because it was the principle of the proposal which I think is good. I am for this amendment because I think it is a further crystallization of the idea and I do not interpret it as Mr. Staggs apparently did just a minute ago as a delaying tactic. There have been some disadvantages raised. The question of interim committee payments. Payments to committee members has been raised. It is my understanding that we are going to consider later on under this legislative article, annual legislative salaries. Which, if we adopt that concept of course, will obviate any concern in this area at all. We have already adopted language which made the legislature a continuing body and therefore authorized to have standing committees which will obviate the necessity of the future interim committee and per diem payments for members thereof. I do not deem this to be a problem.

The advantages of the split session idea as submitted under this Riecke Amendment are, as I see it. It slows the legislative process down more than anything else. To give time for proper attention to the seriousness of the changes. I am sure you know very often it is more important what you don't submit in the way of a bill than what you do submit. Because when you submit a bill by definition you are changing the law. And one of the great advantages of a system of law at all as opposed to an autocracy where there is no law, is you allow people some measure of predictability for their conduct. They know what the criminal law is. So they know that if they do X that Y will result. In the Soviet Union you don't know what is going to result. You stick your hand in a buzz saw you may get a bouquet of flowers one time the next time you get your arm cut off. And it is important therefore, to the average citizen, that the street electric if he never gets a bill that a lot of time be given before a proposed change of the law gets into the legislative process. And I don't think this has been emphasized enough in the course of our debate until now. Insofar as an objection that has been raised earlier about the introduction of twenty-eight hundred bills in twelve days, I would hope that we would get a bill introduced under the bills in the twelve days because I personally think that that's too many. But if we do, I submit to you that at least in the remaining fifty days the legislators will have a better chance to do their voting because they will have had a period of time in which to consider at least to read over the substance of these bills that are introduced under the original twelve days or whatever short of period the legislature decides is appropriate.

Now there has been a lot of stress placed on the fact that the people don't go to meetings. That apparently the people don't care. I submit to you that that is wrong. I am not a member of the legislature but I have been for some years a member of an elected body. A parish school board during a very turbulent time and I can tell you from experience that the people do care when there are

important things going on and they know about, believe me they let you know. I have seen times when I got as many as twenty-five and thirty phone calls a night from constituents who cared a great deal about what was going on in their public school system. The reason why legislators have not received perhaps a commensurate amount of contact from their constituents is simply because their constituents haven't known what was going on and that is the idea of the split session, that they would know what is going on. Because most of the constituents are what you are too busy working and earning a living to go to meetings but they do read the newspaper, they do watch television and if all of the bills have got to be in on those first twelve days at least by subject matter they will be able to sit down and read the subject matter titled in the newspaper. If they see something that interests them they've got a period of time or be it nine, ten or however many days to pick up the telephone and call their legislator and inquire about it and express their opinion.

I think the split session concept is a good I think it's one the people want. Certainly the people in my district want. My legislator from my district who is a man of great ability and honor for whom I have the highest respect talked to me about this over the weekend, he is for it, he thinks it is a good idea. I noticed on my television set that Senator Moulton from Lafayette who has been in the Senate I believe for three or four terms now at least three that I know of endorsed the concept of the split session. Now certainly there are a lot of legislators here who disagree with him but it was interesting to me that there are legislators who are delegates to this convention that voted in favor of the original Riecke Amendment.

I would conclude by pointing out to you that it seems to me that the proponents of the original Rayburn Amendment have perhaps made overly much about the differences between it and the amendment that is presently before you. Let me suggest to you, the important thing that we are considering here is the length of the legislative session in calendar days and in legislative days. Under the original Rayburn Amendment there would be ten calendar days. Under the amendment that is presently proposed as a compromise you would have a maximum possible of ninety calendar days and that is if Monday fell on the first day of April as I read it. And you would have a minimum of eighty-three calendar days if the Monday happen to fall on the seventh day of April. So what we're talking about is the potential difference of ten days or as low as three days from the original Rayburn Amendment. Not in my view a justifiable reason for defeating the concept of a split session. All right, how about working days, which is the other important thing. The original Rayburn Amendment proposed sixty legislative days. This amendment would propose sixty-two legislative days. I would like to see a number in which there could be a vote on legislation. Twelve of which would be restricted to introduction of bills. I do not see where the difference in two legislative days again is worth this, defeating a good concept.

Now finally the third important consideration would be the time for introduction of the bill under the Rayburn Amendment the time for introduction of bills was nineteen calendar days. After that you would have to have a two-thirds vote of the legislature. Under the Riecke Amendment that is being proposed right now on the floor, it's twelve calendar days. After that you would require a two-thirds vote for introduction of a bill. That is the difference of seven days. That is the significant difference in the two proposals. It provides for seven less days coupled from nineteen to twelve in which bills can be introduced. I'm for that for the reason I have already stated. I think we've probably got too many bills now and I think if you're going to propose a change in the civil or criminal law of this State you should have it thought out carefully enough that you're ready to do the first day you get here. The only other significant difference is that interim period of time and that is good for

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the people of this State. I urge you to support the amendment on the floor at the present time.

Questions

Mr. Alexander Mr. Burson, we've heard some discussion to the effect that there has been two resolutions by Mr. Riecke but I find three different resolutions. Isn't it a fact that the very first, now permit me to ask all of my questions and then I'll be through and you may answer. Number one: Isn't it a fact that under the present resolution the waiting period would have been thirty days? Now, isn't it also a fact that the hue and cry from some of the delegates was that what will we be doing for thirty days? Isn't it also a fact that in the second resolution that thirty was reduced to fifteen days and now under the provision of this resolution that period has been reduced to ten days? Now I submit to you, Mr. Burson, isn't it a fact that if the legislature and if this provision were in effect in 1973, that is this year, the legislature would have met on the second of April which would have been the first Monday? And isn't it a fact that for ten days bills could have been introduced? But isn't it also a fact that the legislature could say after the first day, that we are not going to accept any more bills but we're going to begin hearings or simultaneously we will conduct hearings? Isn't that a fact? There is nothing to prevent them from doing that. Is that not a fact Mr. Burson?

Mr. Burson Yes Sir, it certainly is as far as I understand the language of the amendment.

Mr. Alexander Finally, isn't it a fact that no matter what the legislature does it could meet no longer, that is the whole legislative process could spread over no longer than ninety days?

Mr. Burson Yes Sir, as I understand it.

Further Discussion

Mr. Casey Mr. Chairman, delegates to the convention, at this point I really feel like apologizing, for even talking because there has been so much rhetoric on this side of the year, but in the interest of adding my two cents, I would like to add my two cents and I would just initially like to say in answer to Mac Abraham that possibly some of us do speak out of both sides of our mouth. Mac, as you may or may not know, I'm very very much for the legislature making this determination to subject matter to what we're discussing right now, deciding how many days we're going to meet, whether we're going to have a split session, how long it would take to introduce bills, but that measure was defeated and I realize you were one of the proponents of this measure. This mass of detail really doesn't belong in the constitution to start with. This is not the place for this type of detail in our constitution to set forever or for five years, but how measures in the legislature are going to be handled, but the fact remains we have to make a decision on whether we want this amendment or whether we want the other amendment which is in existence at this time and that's all I'm addressing my remarks to. One point was brought up by Mr. Shannon that he was hesitant to this type of measure there. In session, this particularly to Mr. Shannon about the legislators' compensation. We set our own compensation right now. I don't think that's a problem in either this measure or the measure which is in existence at this time. Let the legislature decide what compensation it's going to have and how it's going to pay its legislators whether there are split sessions, but of session. Some people have said this is what the people want. You don't know what thirty three thousand people in your area really want. You do know this, that they want honest, intelligent, efficient government and that's all we can offer to them and we have to offer to them the best possible plan for processing legislation. I would highly recommend that you go with the Riecke amendment. There are a lot of reasons that we can argue for or against and this has not been brought out, and let's discuss

more emotional points. I know we're trying to advance some points that maybe have some common sense. But think about a few emotional points. First of all, some of the accountants would be against the amendment because it interferes with the tax season. Some of the people that have big families and like to take family vacations would like to end the legislative sessions on June 30th so if you are going to advance reasons you may as well advance emotional reasons which sometimes may be as logical as some of the other legal reasons we have had. There has been some concern about the interim time between the time of the introduction of bills and when you go back into session. But let's face it. It sounds like good government. It sounds like good government. I'll say that again and I would prefer for the legislature to make this determination but if you are going to stick it in the constitution and if you're going to embed nine days or fifteen days into the constitution I just have a feeling that some of the comments made by Mr. Nunez and others that this is really going to be a lobbyist field day and that's all that interim period may be. We're not sure and that's my only reason for saying we should not put it in the constitution but as I see it that's not the only thing it could be doing for lobbyists. The people will not necessarily benefit by this interim period of time that we're talking about. But all I'm going to suggest to you now is, take off the old and put on the new. Put on the new Riecke amendment. It's a little bit better than the old Riecke amendment is right now. I highly urge you to adopt this amendment.

Further Discussion

Mr. Newton First of all, I voted for the Rayburn amendment. I thought it was good, it allowed us some flexibility. I proposed one of my own which would have allowed the legislature to do what I wanted to do and some of you may wonder what I'm doing on this amendment. Well, two things. It seemed to me that there was a consensus in the convention that there should be a split session. Now, if we're going to have split sessions, we've got a good Riecke amendment and a bad Riecke amendment. The first one is what we had in the legislature and I voted out but Mr. Casey and Mr. Gravel think this new amendment is a good one. It keeps us from going, the legislature from going into a new fiscal year and I think this is very important. Also, there is no reason in here why the committees can't meet from the very first day the legislature goes in session so I don't think that's a valid argument. It's just a question of it being a good amendment or bad amendment. I think the present amendment is good and I urge its approval.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I did not feel I could sit idly by without saying a few words about what's happened to this august body in the last few days. You would think that Saturday we had a pretty little Persian cat. Today, it's changed considerably. Let me briefly tell you all this amendment, the only change it makes. It reduces from fifteen days to twelve days and it does change the time and date the legislature shall convene. That's all it does. Well if it's been dressed up, it didn't take much to dress it. But you know how it got dressed up. It got mixed up in the political arena. A little getting together done. Three days isn't going to help or hurt anyone too much is it. That's all it does, reduce from fifteen to twelve. As far as when the legislature can do it by executive order, you can do it by resolution or many other ways. It's not in the constitution, not to my knowledge. It can be changed to fit the work load or at the pleasure of the legislature. Now I just hate to see the day come in this State when you run for office, you get elected to that office, and then you've been criticized in the past for clamoring the ballots for constitutional amendments and here we start again. I want to say I'm for split sessions. I would like to try them. My amendment provides that they can

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be tried if the legislature wanted to try them. It didn't give the legislature a mandate because those members of the legislature will run for that office. I believe if the people had demanded a split session they would have given you a split session but in any event, it didn't work. I don't think we should go back to the people with the proposition to change it. I don't know whether it will work or not. I know one thing, if you're coming over here for twelve days and hear bills and have your good people there before the committee meetings, I hope it comes out better than it would have if it had been before some of these other people because by the time we get through with it, and we're not through with it yet, it would be a complete new different shetland pony. Regardless of what has been said in committee, look what we're doing ourselves in the legislature will be people just like us. We're having our committee meetings, we're hearing proposals, but when we go to voting on them it might be a complete different proposal. Now let me say this. I've seen the time when I got a little flexible, when my people are looking at me and they call a vote on the question. I used to be in the legislature when we could vote in executive session. We kind of camouflaged the issue, pledged when you got in executive session to tell how you would. Keep your people wondering. We abolished that. We tried to streamline ourselves to the fact that our people would know and now even though we might meet in executive session in the legislature we've got to vote in open session. Now if you're holding a committee hearing, and your people, which we all seem to be so interested in, those poor people back home, I don't know how many of them have appeared before your committees. I can count them on my hand other than special interest, that has appeared before my committee, and I think a committee member will verify that. But you're going to say to them that they can come over here, they can hear you but you haven't got to vote until they go home. And if they get out of your way, they could have a little hearing on some people's vote. If you're looking at some of your good supporters and your voter is sitting there before you vote you might vote a little different than if you've had a lapse of two weeks to go home and forget about them. And that's what you're doing when you're saying have committee meetings and you can't vote until the last day of action. That's giving you a little cool off period. Giving somebody a little period to work on you, try to get you to change your mind if you ask the wrong question or made the wrong statement in that committee meeting. And I don't feel it, maybe you do. I'm going to say vote your conscience, I'm going to vote mine but I don't feel like it is fair to the legislature to say to them you've got to come here twelve days, ten days or six days and introduce bills but you can take no action on them, you can take no votes on them. You know what's going to happen. Then let's wait and see. If that does come to be you're going to see legislators come over here the first day or maybe wait until the last day to introduce their bills and you won't see them during that twelve day period. What business will they have here? They can't vote on nothing. They don't know if the bill they hear or look at in that committee is going to be the bill when it gets on the floor or not. Just like you don't know what we're finally going to wind up here today. This thing has changed, changed and rechanged since we started and probably might change someone. I don't know. It's pretty well lobbied. There's been a great call for three days. A great revival, a great get together for three days. The only difference, they did reduce it down to about a ninety day session. I had one eighty days about a year ago, it was pretty long. I did that just for weeks. Now I'm staying in the legislature and this passed, I've got ninety days that I can't plan anything else because we might decide to hold committee meetings or we might decide to do something else so I just say to you that I think we're getting a little long strings to write in the constitution what a public official has got to do if he gets elected and runs for that office. I feel like it would be saying to you Mr. Champagne that you're going to open up a big depart

ment store. You've got to display it and look at it for fifteen days before you could do any business. Just got to keep it there, put it on display, let everybody come see it, talk about it and then make suggestions of what they wanted to change and go home and take a two or three weeks rest before they could come back and change anything. Maybe that's what you want to do. I don't believe you really do. I know if you had served in the legislature you could see some of the reasons it would not work and I'm a strong believer that a public office is a public trust and you can say all you want about let the people be heard. Let the people speak, but if you're a good public official you're going to let them speak to you or you're going to speak to them. That's the way I conduct my business. If a bill is introduced that I know is going to hurt a segment of the people I represent I get on the telephone and I tell them about it. I don't necessarily agree with them all the time but I try to keep them advised of what is going on and that's what any good public official should do. But I do think that if you're going to the time and trouble of having committee hearings in a short given period of sixty days or sixty two at the most that you should be allowed to take some action. Maybe you disagree with me. It's all right to have twelve days to introduce the bills, and it's all right to have a little lay-over there, but still and all I think, in my opinion, that would be twelve days that would not be fully utilized like I think it should be. It's going to cost around eighty thousand dollars just to get the bill introduced, judge the bills introduced, if everybody stays the twelve days. And they are going to get paid whether they stay or not. That has a little bearing on it.

So this thing is far more far-reaching than I think most of you have realized. That is the sentiment within the legislature. You could either introduce your bills the first day or the twelfth day. And if you waited until the last day to introduce them, you certainly couldn't have a committee hearing on them. They'll have to be assigned to a committee and then if that committee cannot vote or cannot take action, you are going to have trouble getting a quorum, in my opinion.

I've seen the time in the legislature when it adjourned both Houses, and you've run out of time and you'd call a committee meeting on a Saturday, wouldn't have a quorum. People have been away from home for five days, they are wanting to get back. They had a few little things they had to tend to.

But my basic opposition is to this particular amendment, I don't want to hamstring the legislature. If the people of this state want split sessions, I think you will see split sessions if you give them the opportunity. If you don't see it, they are certainly not representing their people and I ask you to reject the amendment.

[Previous Question Withdrawn.]

Closing

Mr. Riecke Ladies and gentlemen, we worked Friday on this concept of a split session and we were so tied up with technicalities that I asked that my amendment be withdrawn so that I could try to overcome some of the obvious objections.

We worked hours and hours and hours Friday, and the delegates here were so conscientious that you passed up your lunch time. You didn't even stop for lunch in order to listen to the arguments in favor and against. And after spending all this time and listening to all the arguments, many of which you have heard again today against the split session, you voted for a split session and for my amendment.

Then another amendment was submitted to amend my amendment. And anybody that says that there has been conniving or pressure or anything like that on me to go along with this revised thing is not telling the truth. It amazes me. It really amazes me to hear people say up here at the microphone that this is something that the special interest, private interest want

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Don't you know that the lobbyist, ladies and gentlemen, whether you have one day or five days to consider legislation, don't you know that they know what that legislation is? And the very purpose of this split session is to give the people back home a chance to know what bills are introduced, the press has a chance to analyze it and let the people know what they are all about. The lobbyists already know. Say that if the Senator said that if the lobbyist, if the people want to know what it's all about and if their interest is affected, that they come up to the hearings and tell the legislator.

Well how many people do you know and I know in your district and my district, have the time to come to Baton Rouge and testify before a committee? The lobbyists do. And the people back home want to know what is going on. Now, if this delay, this short delay in introducing bills and in passing them is bad, then I submit to you that our Executive Committee, when we adjourned in January to July 5, that our Executive Committee had the time and effort in going to the people and telling them what was being proposed and asking for input, that's a new word I like. We had... delegates had neighborhood meetings to ask the people what they thought about some of the things that were being proposed in committee. We had committee hearings for months. Somebody said that legislator couldn't remember weeks after somebody told him that. Well, don't you remember what your committee discussions were and we had the people come before us in our committees. Did you forget that? I don't believe you did.

Both the Riecke amendments are good. I am sorry that some people who were for the first one are against the second one, but the prime consideration of these amendments are a split session to give the people home a chance to find out what bills are going to be introduced and to give the press and the television and the radio an opportunity to analyze them and tell the people what it is all about.

I hope that you will vote for this amendment, ladies and gentlemen. Thank you.

Question

Mr. Alario Mr. Riecke, you made a real good argument for split sessions. Now supposing I vote against this proposal, you have now. Won't I still have a split session under your first proposal?

Mr. Riecke Yes.

[Mr. Alario vote ordered. Jurum Calls:
128 delegates present and a quorum.
Amendments rejected: 155-61. Motion
to reconsider tab. ind.]

Recess

[Jurum Calls: 104 delegates present
and a quorum.]

Amendments

Mr. Poynter These are amendments proposed by Mr. Nunez.

Committee Proposal No. 3

Amendment No. 1 on page 1, delete lines 21 through 32 both inclusive in their entirety and insert in lieu thereof the following quote:

Section 2. A. The legislature shall meet annually in regular session for sixty days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either House of the legislature after midnight of the ninth day of the calendar day of the session except by a favorable record vote of two-thirds of the elected members of each House.

Amendment No. 2, page 2, delete lines 1 through 9 both inclusive in their entirety.

Amendment No. 3 needs to be added to the copy which would delete the previous Riecke amendments.

Explanation

Mr. Nunez Ladies and gentlemen of the convention, what this amendment does would give the legislature... all the legislature to meet... shall meet in annual sixty day sessions... no sixty out of seventy, no thirty day fiscal sessions. Just a plain, regular sixty day session annually like we now meet in the regular session in the even numbered years.

It would also allow us to consider any matter that comes before the legislature like you now can consider in the regular even numbered year session. I think it's a good amendment. I think procedure wise it is what the legislature can operate under, and I believe we would be strengthening the legislative process from a standpoint of allowing the legislature to consider any matter, any matter that it wants to bring before it during this period. It would not be limited to the fiscal matters, or would not be limited to the non-taxing matters or anything of that sort. It would be just the... let me say this, I think it would also, for the people who want to make a pure and simple constitution, it would be in line with what you now have that would make just a simple, sixty day annual session out of the... what you now have.

I don't know what more could be said about this. I think everything that could be said has been said. I don't want to go into the procedures that you have adopted amendments under the split session. I think enough has been said about that. I think some things maybe that haven't been said that as far as quorum to the legislature on committees, it's sometimes difficult to get quorums if the allow twelve or fifteen days for introduction of bills only, and a person has no introduction of bills, I see no reason why he would stay up here.

And if you don't have a quorum, I'd think you are not going to be able to introduce your bills and that's what you have now, that's what you now have. So what I have done is to put a split session in to put a simple phrase into the present... into the new constitution that the legislature should have annual, sixty day sessions.

Questions

Mr. Champagne I think I read this right. What you are saying is, you are not saying no more than sixty days, you actually say sixty days. Is that right?

Mr. Nunez Mr. Champagne, that is what the present constitution says under the sixty day session and the reason for doing this is the fact that the thirty day session... we get down to the simple matter of the problem. And the problem has not been the sixty day session. The sixty day session has worked out quite well and the legislature has worked practically sixty days and the records will reflect the workings of the legislature in this time either the House or Senate has been in for a total of practically fifty-two to sixty days.

Now, in keeping with the idea to keep it simple

... I'll answer any questions...

Mr. Roemer Sammy, you don't differentiate here between Sunday and any other day, do you?

Mr. Nunez No... sixty days is sixty consecutive days.

Mr. Roemer So the Sundays count against you.

Mr. Nunez Yes, sir, exactly right. And there are many times that the legislature works on Sunday. I have never had a Fourth of July off since I have been up here.

Mr. Champagne I am reading in this book they provided for me and it says... that's the question. The question I have says, "and shall be limited to sixty days"

Now, as I understand it, that doesn't say sixty days

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Mr. Nunez Mr. Champagne, I don't have it in front of me, but it was supposed to be drafted up exactly like it was. "The legislature shall meet in annual sixty day sessions."

Mr. Champagne Well, that was my question. The way you drafted it is not the way it is. It says it's limited to sixty days. It doesn't say you shall meet for sixty days. That was why I...

Mr. Nunez Well, I think maybe we should put "shall meet for sixty days" if it doesn't now because we have been meeting...the sixty day sessions have proved to be the effective sessions for the legislature. They are proven to be workable sessions and they are proven that the legislature can do their business within a sixty day period.

And if you want to say it isn't there, now, I haven't checked the exact wording of it, but my intent was to make it exactly the same way as it is now and to make it an annual sixty day session.

Now the sixty day session is the session that does the job now. The thirty day session does not. If you want to ramble around and put sixty out of seventy, or sixty out of eighty, I think that's where we have been before.

Mr. Jenkins A couple of questions, Senator Nunez. First of all, under some legislation passed during the last session of the legislature, isn't it true that the committees of the legislature will be able to meet year round and won't be limited as in prior years to just a sixty or thirty day session?

Mr. Nunez That's my understanding of the last session we allowed these...made all committees, standing committees be allowed to meet year round during the entire year. Right.

Mr. Jenkins Well, in that connection then, doesn't the need for the split session somewhat be lessened because of that procedure? In other words, because of the procedure that we now have in the legislature with regard to year round committee meetings, there is not as much of a need to have a split session of the legislature. Isn't that correct?

Mr. Nunez It's by that and many other reasons I don't think there is a need for a split session of the legislature.

Mr. Jenkins One other question that I have, you mention that the sixty day sessions in even numbered years have worked well. Did you hear any complaints last year that the legislative session was not long enough, the sixty day session was not long enough, that we couldn't handle our business?

Mr. Nunez Representative Jenkins, I have never heard a complaint, and I know for a fact that the regular, even numbered year sixty day sessions have always excessive time...have always been enough time, and I found them always to have worked well. On the committee meetings, they have enough time to do their business, and even with the so-called load of bills that we have had, it's been enough time. Yes, I think the sixty days have been ample time for the legislature to perform their business up here in Baton Rouge.

Mr. Jenkins So then if we had annual sixty day sessions, but limited to sixty days, shouldn't that be more than enough time to handle all of the business?

Mr. Nunez I would agree with you. Yes, sir.

Mr. Jenkins With regard to the terminology about being limited to sixty days, isn't it implicit in this proposal that we are not going to probably meet every day during a sixty-day session? But we are going to meet just certain days during that session just as always in the past?

Mr. Nunez You are right.

Mr. Duval Delegate Nunez, as I understood some of

your earlier remarks, you said that the split session concept never gave the lobbyists a chance to talk and you never really heard from the people anyhow. Don't you think the reason you never heard from the people is that there was never an interim period for them to find out what the heck was going on?

Mr. Nunez No, Mr. Duval, if I said I never heard from the people...I certainly had a chance to talk and I think any legislator worth his salt up here wants to stay up here he better do what the people want and I think the majority of them do. I didn't say that the reason why the split session...there were many reasons why a split session, in my opinion, won't work and we've elaborated on them and I'll go into it again, if you want me to.

Mrs. Warren Senator Nunez, would you say that a person doesn't know doesn't hurt him?

Mr. Nunez That what a person doesn't know doesn't hurt him? Well, that's an old saying but I don't particularly agree with it. I like to know what hurts me, and I think the majority of the people do also.

Mrs. Warren Well, in light of that I'm wondering, are you against the Riecke amendment because it has a split session to allow people to really know what's going on so that they can find out and they won't be hurt so bad if they can say something about it.

Mr. Nunez Mrs. Warren, if I believed and if I felt that the split session that Mr. Riecke proposed would allow the average citizen of this state to know what is going on, I assure you that I would be up here speaking for it.

Mrs. Warren Mr. Nunez, I really don't see how you could say that people don't want to know because you're coming from one district and you're not thinking about people coming from other districts that would like to know...would just like to have a chance to know what is going on.

Mr. Nunez Would you repeat that? I come from a district that the people don't want to know, is that.

Mrs. Warren I said that you come from one particular district and you might know what the people there want but you're not in a position to know what all of the other people in other districts would like, so I do know that they would like to know what is going on and they would like to have that opportunity.

Mr. Nunez I think we're getting to the point where we're saying that either you're for the people knowing or you're against the people knowing. I've contended all the time that I think that in the regular legislative process that the people who want to be informed will be informed. The legislator that has a job to do and if he has legislation affecting his people within a 60-day period, I think that they will know. But as far as the district that I come from, I think that if you want to expand a little bit on my senatorial district I represent, I think it's pretty cross-section of this state. It's three different parishes and it goes. It has 90 or about 105,000 people, so I would say that it is pretty indicative of what each and every one of you represent out there.

Mrs. Warren I'm going to ask you one more question. Don't you think that people are really more interested in what you do than what you say?

Mr. Nunez They're really more interested in what I do than what I say? Yes, they're interested in what I do after I do it a lot of times. They'll indicate to me a lot of times whether they approve or not approve when I come up for reelection every four years, and that's the procedure, the democratic process under which we work, Mrs. Warren. The legislators up here are not representing areas now. They're representing people and I think the new

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Supreme Court ruling on the federal reapportionment has made this more so than ever before. I don't represent land area. I represent X number of people. They are either going to be informed or like my performance. If they don't like it...and let me just remark about the legislature. The legislature has the highest turnover of anybody, any elected official in this State, or any group of elected officials, I'll think you find the turnover in the legislature. Since I've been up here it's higher than 50%. When I came it was something like 60%, and I think the last time it was a little more than 60%. I think you do believe that the people aren't informed. I think they are well informed. I think their information indicates to me that when they want to change, they change. I think it's the way it should be. I see no real hang up on the people being informed and not being informed with the split session. I don't believe, and I reiterate again, that the fact that you say legislators introduce their bills in 12 days and go home, that you are informing the people. I can't see how they can be informed if you tell me that the press is going to analyze the bills and put a critique in the newspaper on every bill we have...They come in and pick up what we do and what we say. They pick up debate and they report it as we debate it. I can't see any real incentive for the news media to get there and start going over each bill before it's debated. Many of them have no essence at all. Some of the most innocuous pieces of legislation, Mrs. Warren, will become the most important. It doesn't come out most of the time until it's really debated. I can't see where these 12 days that we introduce all of our bills and we give to the professionals by the way, and I want to reiterate that also. That's who is going to become involved in this process more now than ever before. The professionals, the people that have the interest. The people who are not representing the citizens back home like the legislators are. I think we've got to give a little more incentive for the news media regardless if you like them or not do represent their constituents. If they don't represent their constituents, the process normally eliminates them. I think if you look at the statistics I just gave you that 60% of them are defeated annually or every four years, you'll realize that what I'm saying is a fact. I can't make it any more simple than that.

Mr. Avant Mr. Nunez, I just want to find out what you intend by this amendment because...I want to make sure that I understand your intentions by this amendment because I'm concerned about one particular point. The present constitution says that the legislature shall convene the second Monday in May and shall be limited to 60 days. This provision says they shall meet annually for 60 days. Then there is an earlier provision in this section that says that the legislature shall be a continuous body during the term for which its members are elected. Do you intend that this 60 days shall be 60 consecutive days or do you intend that the legislature could elect and meet for 12 days and then 48 days but at any time between the first Monday in April on through the 31st of December so long as they met 60 days? I want to be sure that I understand what you mean, sir. Do you mean 60 consecutive days?

Mr. Nunez Mr. Avant, I think that the meaning is just relatively simple and it's clear to me and I think if you check with the present constitution it would be clear to you. The legislature shall meet annually in regular sessions for 60 days. The legislature shall convene at 12 o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either House of the legislature after midnight of the nineteenth calendar day of the session. I expanded on that nineteenth day because 15, some people thought, was not enough and we put the 19 there. Except by a favorable vote of two-thirds the elected members of each House. My intention is that the legislature shall now meet like they'd now meet in regular 60 day sessions for a continuous session of 60 days and regardless

if that day falls on a Sunday, a Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, fourth of July or what have you, shall count as a legislative day. Sixty consecutive days, yes sir.

Mr. Willis Mr. Nunez, as I read your proposal, Mr. Avant preempted part of my question, but I don't see any prohibition against the legislature meeting every Monday after it convenes at 12 o'clock noon on the fourth day of April which would make for 52 days and then meet a couple or three Tuesdays and still comply with this constitutional provision, if it were adopted. Isn't that correct?

Mr. Nunez If you reinterpret it that way, Mr. Willis, I certainly don't. My intention is, and if we have to amend it I'll be glad to do that, if this is what the convention prefers to go with. I think it's a good...I think that the 60 day session simply kept like I have it here, regardless if you put continuous days...and if you notice the present...this language almost tracks the present constitution. There is no provision in there that we meet in regular session in 60 days and that's it. I think it would be presumptuous on our part to think that if we put that the legislature shall meet in regular session for 60 days that we are going to meet every second Monday and do our business, you know...

Mr. Willis Well isn't the presumption that you make, a little bit vicious, with the provision that has been adopted as Section 18 to the effect that it is a continuous body, assuming a continuous body could be interpreted as continuous session.

Mr. Nunez That's certainly not my intention to make the legislature a continuous body to meet 60 days throughout one calendar year. No it is not. My intention up here is to give you a simple amendment that you can say that the legislature shall meet 60 days in any year for each year, you know, and that's as simple as I can put it and if you want it amended, I'll be perfectly willing to accept it.

Mr. Willis Well I'm not indicating approval or disapproval. My only suggestion is that its simplicity destroys its being plain and particular.

Mr. Stinson Mr. Nunez, getting back on the split session that you were discussing, I think you partially answered, but it hasn't been clear to me as how the people back home are going to be able to get information as to 3,000 bills that would be introduced in that 12 days. Is it going to be a digest by the Legislative Council sent out to all the voters, or put in the papers or what?

Mr. Nunez You're asking me probably a good question—How would the people, according to the questions that has been asked, that everybody wants to inform the people during those 12 days of a mass of 2,000 or 3,000 bills? That's been a mystery to me and I was trying to analyze that and tell you that someone said that the news media will inform them. Well I think the news media does an excellent job of informing the public about legislation while it's being debated, during debate, and on the vote, and in committee hearings. But unless it's an extremely rare situation will they have a bill that they take extreme interest in and give you a lot of coverage on a bill prepared in advance or a pre-filed bill. I think what a lot of people want to do, you can do now, that's to have a pre-file session. I think there is quite a bit of difference in a pre-file session where we can pre-file a lot of bills than in a 12 day limited session that we go home and we can't do anything on those bills. Mr. Chairman, may I, at the will of this committee, it seems to be that questions raised about the 60 consecutive days. It's my intention. .

Mr. Henry Did you want to withdraw them so you can clear them up?

Mr. Nunez Yes sir. Could I withdraw it and have the opportunity to bring it right back so we can

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just vote on it...

[Amendment withdrawn.]

Point of Order

Mr. Keane As I understand the parliamentary situation we have on the floor, as I appreciate it, the Riecke Amendment No. 1 was adopted and it was moved to reconsider and lay on the table so that it would be necessary for any amendment by Senator Nunez to provide for the deletion of that particular amendment which this does not do.

Mr. Henry You are correct. The original of these did not have that until the Clerk provided for that on the original up here, for the deletion. Since it was not put on when we got it up here, Mr. Keane, you don't have it on your copy. But to conform with the proposal as it now exists, you are absolutely correct. Insofar as the records of the convention, we've taken care of it up here. I appreciate you pointing that out.

Point of Order

Mr. Keane Point of order, Mr. Chairman. Will Senator Nunez now have another 15 minutes with these new amendments?

Mr. Henry Yes sir.

Mr. Nunez All I want to do is put that wording in there, Mr. Keane, that some members have objected to and allow the convention to vote on it. I don't want to take up 15 minutes or 10 minutes or 5 minutes. Just let us put that provision in there that they shall meet for no more than 60 consecutive calendar days and let the convention vote on it. If this is what they want I...

Mr. Henry Do we have them, Mr. Clerk?

Mr. Poynter Yes, I have the copy of it. Unless the delegate wants to insist that it be retyped the amendment would simply read: Section 2, the legislature shall meet annually in regular sessions for not more than 60 consecutive calendar days.

Mr. Henry Now you understand that what we've done, or what they've done is taken the amendment that we have up here and inserted this in there. Now if you don't mind inserting that, then we won't redraw these and we won't re-excer them unless there is objection.

Mr. Clerk, read it again so that everybody will make certain what we are talking about.

[Amendment re-submitted with clerical error.]

Question

Mr. Gravel Senator Nunez, since apparently an amendment is going to be accepted by you without objection, would you have any objection to adding the words at the State Capitol. The legislature shall meet annually at the State Capitol in regular session. I don't believe anywhere in the article is there any designation as to where the legislature shall meet.

Mr. Nunez Mr. Gravel, I don't know of any place the legislature has met in regular session besides the State Capitol. I don't think it's necessary to put it in there.

Point of Information

Mr. LeBlau Mr. Chairman, I was going to direct my question to you. As I understand it, it's going to take two-thirds to reconsider Mr. Riecke's amendment.

Mr. Henry To reconsider the vote by which his amendment passed? Well it would take two-thirds to call from the table the motion to reconsider, yes

sir.

Mr. LeBlau All right. If Senator Nunez's amendment also contains the provision that... for reconsideration of Mr. Riecke's amendment as I understand it only takes a simple majority to pass an amendment, but two-thirds on the reconsideration. Wouldn't that have to be two separate amendments, or would it be divided on... or just what would the procedure be?

Mr. Henry Of course these amendments are susceptible to division. Someone could request a division of the question, but you're talking about two separate issues. One, you're talking about the Riecke amendment, Mr. LeBlau. We are operating just like we do in the House of Representatives. The Riecke amendments were offered, the Riecke amendments were adopted, the motion was made to reconsider the vote by which they were adopted and lay the motion on the table and the motion carried. Consequently, to undo all of that insofar as the mechanics of that you've got to call it from the table with a two-thirds vote. But just as you can do it in the House of Representatives, Senator Nunez has come up with an entirely different amendment which we have not yet voted on. While it would affect the Riecke amendment, does not do detriment to it insofar as the prior amendment, the Riecke amendment which we have adopted. If that's confusing enough...

Further Discussion

Mr. Roemer Fellow delegates, you see the problem with this amendment is that it's no good. Those of us who live in north Louisiana don't know a whole lot, but we know what backdoor is. There's a front-door and there's a backdoor. Backdoor, right here. Backdoor all the way. We've been here for three days, we heard everybody four times, and now we're going to backdoor it one more time again. Now for the record I want to set my position clear. I voted for "Sixty" Rayburn's amendment. I thought it was the best one we had because it did the very things that Senator Nunez wants to do, yet gave the legislature time and the people the right for consultation. This does not do that. I'll tell you why. It says 60 consecutive days. Now where's the problem, every 7 days there's a Sunday, where I'm from every 7 days there's a Saturday. You watch us work on Saturday and Sunday and see the quality of our work. It'll be very, very poor. You watch that legislature on Saturday and Sunday and see the quality of their work, after working Monday through Friday very, very poor. You take 2 days out of 7, that's 30% of their time, our time, the people's time. It's poor work. That's what this amendment does. It doesn't protect anybody except those of the legislature who don't want to work 60 days. Cause I guarantee you they won't work on Saturday and Sunday. I don't care what the needs are back home. Their needs will come first. I think that it's right. I hope that we can come up with something we can all live with, a compromise that does justice, not just to our time, but to the people—rich and poor, all of them. This does not do that. This is the very kind of thing that happened in 1921. Read it. That's why we're here. This is 1973, scratch it out, 1921. We don't need this, well-intentioned though it may be, this vote right at the heart of the democratic process. Two days out of seven, they either won't meet or if they do, it won't be worth a thing. I think that's too high a price to pay for clarity, thirty percent of our time. I hope we vote it down.

Further Discussion

Mr. Weiss Fellow delegates, I hate to belabor the issue but I think this is a good amendment and I hope you'll vote in favor of it. I'd like to give you the reasons why. It's very simple if you listen a moment with me. First of all, one of the delegates has said that the vote here are so close that everyone is dissatisfied. Well, this unfortunately is the process of compromise and all of us are meeting it now. I think we all better learn how to compro

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wise early. This is a compromise issue and I think it's a good compromise. First of all, look at this. Sixty days per year is a twenty-five percent increase over our present fifty-two year period. Actually since '54 they've had ninety days in a two year period. Now you have one hundred and twenty days. You have a twenty-five percent increase and these men have enough time as you and I to go home on Saturday and Sunday and they care for them they care to. But there's a twenty-five percent increase. Now how much more time are we going to give the legislature. So we have given them what they asked. With Senator Rayburn's decision whether this be a split session, it seems to be a very important issue at this time. As far as I'm concerned this is a legislative issue and I'll leave it to the legislature. If the people back home want it split, they'll see that it's so as Senator Rayburn pointed out, Delegate Rayburn and we'll have a split session. If not, we'll have it run the other way, 19 days for introduction of bills and then vote on it. What I'm most concerned about is an issue that has not been discussed and which I tried to express when I brought you on to amend Delegate Rayburn's motion. That is the caliber of the legislator which has not been discussed here thus far. We have talked about the people back home, we've talked about a 5% turnout for elections, and the folks back home let us down sometimes. Now I hope that we, the delegates, will not let the folks back home, and I hope the legislators will not let the folks back home, down. Representative Triche, Senator Rayburn are the caliber of men who are doing their job here working hard. You can see how they can sway and persuade people. I'm not here and I'm not trained for that purpose. But I think if you will just reason this out, you will see that this is a compromise and it's the best compromise that has been put before this assembly thus far. Now the caliber of the legislator depends upon the amount of time a man spends down here. That was my original point. Sixty days gives a man a time to know when he is going to be here and when he's not going to be here. Sixty days is 60 calendar days. It's 120 months less, in between, 3 months, 4 months have already had a calendar body meeting. So let's limit the legislature to a 60 day session with quality legislators. That's the pitch that I would like to make in favor of this amendment. I hope you will vote it favorably.

Further Discussion

Mrs. Warren: Mr. Chairman, and delegates, I'm not going to take much of your time. I'm just going to make it real simple. This is not a compromise. This is a steal. It's going to steal the privilege of people back home from having the opportunity to review the bills and put some input into the legislature. I'm going to ask you to vote against it.

[Previous question withdrawn.]

Closing

Mr. Nunez: Mr. Chairman, gentlemen of the convention, Ladies of the convention, I'll just be brief in my closing remarks. I think you've heard all the arguments. I personally believe that this is probably as good a compromise as you're ever going to arrive at. We started out with 120 days we went to 90 days we went to 70 days and now we're down to a basic 60 day session. A 60 day session that has proven to work. A 60 day session that you know your legislature can do the job in. A 60 day session that the legislature has proven that they can function in, and they can operate under the basic this State can operate for the next 30 or 40 or 50 years. And Mr. Roemer, I think that you're wrong in saying this is 1921 caliber material. In 1921 they didn't have the 30 days, that was an amendment, and it was amended in 1971 or 1970 when we submitted the proposal to the people to increase the days. By the way, they turned it down, I'll repeat that to you again. They did turn it down. I think the climate is better and I think this con-

vention has made that climate better. I think you'd be doing the people a favor, of this State if you gave them the opportunity to vote on 60 day annual sessions. Sixty day annual sessions is what has been recommended by legislative committees that's been studying it. They've tried to do it several times. Tried to do it in legislature and then finally were successful in submitting it to the people. And let me remind you, when the amendment was defeated, so was 53 other amendments defeated. So was 40 some odd amendments the year before that defeated, and we was 20 some odd amendments the year before that defeated. So I can't say they defeated 60 day sessions because they didn't want it. They defeated it because of the political climate at that time. I think if the time had been today, and knowing the conditions under which the legislature labors under in the 30 day session, I believe that the people would allow them to work for 60 days. I think the people are satisfied or would be satisfied with a 60 day session. You talk to them. Sure some of them want split sessions, they want a lot of different things. In 30 days you take the 10 day limitation period, I think it's good to extend that a little more. It does give a few more days to introduce bills and it gives the legislature and it gives the staff, nobody has ever considered that staff, the Legislative Council who drafts those bills and the staff that has to enroll those bills and get them back to the legislature and the folks they should be. That's why I increased the days from 120 to 90, and that was recommended by the people who do the work. The people who do the actual mechanical work of a legislative session. Gentlemen and ladies of the convention, I think this is a good amendment. I think it is a compromise. Don't ever think it isn't a compromise, it's a real compromise. As far as working on Saturday and Sunday, I think that a lot of good people work on Saturday and Sunday. They get paid overtime for it, but the legislature doesn't, but a lot of good people work on Saturday and Sunday. A lot of labor unions work on Saturday and Sunday and get overtime. Mr. Roemer, a lot of dairy farmers, I'm from a farming and agricultural area, and when you're a dairy farmer, I mean ready, I mean work on a Saturday and Sunday. And I think the milk you produce is excellent. I've drank it since I was a kid and I know you milk those cows on a Saturday and a Sunday. So I would ask you to go along with the provision. Saturday and Sunday is not bad. You can do as good a day's work on a Saturday and a Sunday as you can do on a Monday, Tuesday and Wednesday. I've found legislative functions very well on Saturdays and Sundays. I've found it to function very well on the fourth of July. You put a time limitation on the legislature and they're going to provide you with good legislation. They're going to provide you with the time, with the element and they're going to come up with the legislation in the time you provide. There are several states in this union that work on unlimited sessions and I want to tell you in my dealings with them, in my travels throughout and talking to them, it doesn't work. It doesn't work, you need a time limit. It makes you function better. A 60 day period has proven that it will give you, your legislative body, enough time to do the job that they should be doing. Without further ado, I think we've talked about it enough for 3 or 4 days, I would ask you to approve this amendment and I think you've done the people of this state a favor and you've made this convention look like it's going in the right direction. Thank you very much.

Question

Mr. Toça: Mr. Nunez, did you know that all the good legislation that we've passed for Bossier City in the last session was passed on a Sunday?

Mr. Nunez: Well those are good folks in Bossier City and they deserve good legislation and if it's going to be passed on a Sunday, or a Monday, or a Tuesday, we'll do it for them.

[Previous question withdrawn.]
Amendment 54-62. Mr. Nunez has the floor.

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Order tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. De Blieux]. On Page 1, Delegate Amendment No. 1, proposed by Delegate Riecke and others and adopted by the convention on July 14, 1973, on line 17 before the words "in any year period", delete the words "31st day of July" and insert in lieu thereof the following words, "5th day of August".

Explanation

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, this is a very simple amendment. I think that Delegate Roemer explained it very well a few minutes ago when he stated that you would not do your best work on Saturday and Sunday. I also want to call your attention that in any period in which the legislature will meet, there is also a fourth of July. It's very simple mathematics. If you will take your calendar or anything and figure up if the fourth Monday of May happens to fall on the 28th day of May, you only have 4 more days during the month of May. You've got 30 days during the month of June, and 31 days during the month of July, giving you a total of 65 days. During that period of time, you are going to have at least 8 Saturdays and 8 Sundays and the fourth of July which will give you 15 days. During that period of time, sometime during the years you are going to have at least 9 Saturdays and 9 Sundays and the fourth of July making a total of 19 days. With this addition of five days it would relieve the legislature of the absolute necessity of meeting on the fourth of July and on Saturdays and Sundays. It does not say you have to meet on those days, it just says that you do not have to meet those days. I ask you for adoption of the amendment which will help to make the Riecke amendment a much, much better provision.

Questions

Mr. Jenkins Senator De Blieux, under the proposal then, if your amendment passed, we would be meeting from April, all during May, all during June, all during July, and on into August. Now you know most of us didn't run to be in session parts of 5 months a year. Don't you think that we deserve a little time to deal with our own personal business and affairs rather than stringing this out over parts of 5 months?

Mr. De Blieux Mr. Jenkins, this is not going to add any days to the legislative session. It just adds a 5 day period, only 5 days, in which you can meet your limitation of 50 days if it's absolutely necessary. It's not going to string out your time any more, it just gives you the right and privilege of not having to meet on Saturday or Sunday. I would prefer not to have to legislate on those days, if possible. That's the only thing it does.

Mr. Flory Senator, isn't it true though that you mentioned the fact that you're not increasing the legislative days but what you're actually doing is increasing 5 more committee work days?

Mr. De Blieux No, it will not do that, Mr. Flory, because you only have 50 days during that period of time. This does not lengthen the interval between the time that the legislature is in recess to the time it goes back. You're not doing that whatsoever.

Mr. LeBleu Senator De Blieux, isn't it a fact that the reason the legislature has met on Sundays a number of times in the past, is to allow the legislators to introduce their bills on that last day if it happens to be on a Sunday? Hasn't the legislature stayed in session up until midnight on that last day? Wouldn't it preclude the legislature from meeting on Sunday in that way?

Mr. De Blieux This would not affect the provision

of when you can introduce bills whatsoever because they must be introduced during that first 15 day period, Mr. LeBleu. So it will not affect that whatsoever. It has nothing to do with that.

Mr. Burns Senator, I've been sitting up here about four days now listening to the people back home, I mean referring to the people back home. Do you find that the people back home are in favor of shorter legislative sessions rather than longer ones?

Mr. De Blieux Well, I haven't had any expression of a shorter period of time, but this is not going to lengthen the session any. It's going to eliminate the necessity of the legislature meeting on a Saturday or Sunday.

Mr. Burns In other words, yours provides for a total of how many days?

Mr. De Blieux The total that is in the provision right now is the total of 65 days. You count the original 15, plus the 50 days. It does not change that whatsoever.

Mr. Burns Your amendment adds 5 days to the Riecke amendment.

Mr. De Blieux To the time in which that the legislature can get in its 50 days. That's all it does. It doesn't do anything else. Doesn't add any more legislative days.

Point of Information

Mr. Avant My question is for the chair, not for Senator De Blieux. My question is one of parliamentary procedure. My question is, how many votes would it take to adopt an amendment to Mr. Riecke's amendment?

Mr. Henry It would take a majority of those voting, Sir.

[Previous Question ordered. Amendment rejected: 30-102. Motion to reconsider tabled.]

INTRODUCTION OF RESOLUTIONS [Journal 168]

Report of the Secretary
[Journal 168-169]

Announcements [Journal 69]

[Adjournment to 11:00 A.M. on
Thursday, July 19, 1973.]

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Thursday, July 19, 1973

ROLL CALL

[117 delegates present and a quorum.]

PRAYER

Mr. Zimmerman Lord, we pray that You would make us instruments of Your peace. Where there is mediocrity, let us bring creativity; where there has been confusion, let us bring clarity; where there has been division, let there be unity. Let us be mindful of what we have come to do, to serve rather than to rule, to set free rather than to bind. And finally, Lord, heal the wounds that have been inflicted upon us by our own mistrust of one another. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

REPORTS OF COMMITTEES

[I Journal 170-171]

INTRODUCTION OF PROPOSALS

[I Journal 171]

[Motion to revert to Introduction of Resolutions adopted without objection.]

INTRODUCTION OF RESOLUTIONS

[I Journal 171]

RESOLUTIONS ON SECOND READING AND REFERRAL

[I Journal 171]

PROPOSALS ON SECOND READING AND REFERRAL

[I Journal 171]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3, introduced by Delegate Blair, Chairman on behalf of the committee on Legislative Powers and Functions.

A proposal making provisions for the legislative branch of government, impeachment and removal of officials and necessary provisions with respect to.

The status this juncture is that the convention has adopted Section 1, presently has under consideration Section 2 of the Article.

Amendments

Mr. Poynter Amendments proposed by Delegates Rayburn, Casey, Womack and Fayard

Amending the report on the bill.
Amendment No. 1, strike out Amendment No. 1 proposed by Mr. Riecke and others and adopted by the Convention on July 14

Amendment No. 2, on page 1, delete lines 21 through 32 and insert in lieu thereof the following, Quote:

"Section 2A. The legislature shall meet annually in regular session in the State Capitol during a period of 85 calendar days, for not more than 60 legislative days. A legislative day is a calendar day on which either House is in session. No such session shall continue beyond the eighty-fifth calendar day after convening. The legislature shall convene at twelve o'clock noon on the third Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either House of the legislature after midnight of the fifteenth calendar day except by a favorable vote of two-thirds of the elected members of each House...that's favorable record vote of two-thirds of the elected members of each House."

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, much has been said in the last several days about this particular issue. Many ideas have been brought

forth. I really believe we have here a workable amendment. I believe you have one that you can support. I certainly hope so. It does make a little change from our regular amendment. It provides that the legislature shall convene the third Monday in April in place of the fourth, and that's to give us more time in the present fiscal year and it does increase the eighty days to eighty-five days. And the purpose of that increased five days is to make sure that if a legislature desires to have a split session, there will be ample time to have it without having to work on Sundays.

I think you are familiar with the amendment. I think everything has been said that could be said about it. I'll be happy to answer any questions if anyone has one, and I hope that you will go along and support it.

Questions

Mr. Abraham Mr. Rayburn, this does allow the legislature flexibility which I am in favor of. Now I'd like to ask you, in your personal opinion, do you think that the legislature, after all this discussion, will, under this provision, try a split session?

Mr. Rayburn Mr. Abraham, I certainly think they will and I will make a pledge to this body now... I will... I can only speak for myself. I'm one member of that body, but I certainly will support it and let me say this, Mr. Abraham. The reason that I want this amendment adopted so bad is under today's constitution, we are locked in. We've got a provision that was put in there back in 1955 that was workable at that time and was wonderful at that time. It says we can't go beyond thirty days.

Our appropriations in this State and our expenditures have over doubled since that time. Now we are locked in with a thirty-day and can't do anything about it. This amendment would leave us the flexibility of having a forty day session, fifty day session, fifty-five day session or even a thirty day if we so desired, that's all we'd need to take care of our work load. But it does peg it down. It cannot go beyond a sixty-day period.

Mr. Abraham And you will support these...

Mr. Rayburn I certainly will.

Mr. Fulco Mr. Rayburn, would you have any objection to the machine, voting machine being opened and allowing everyone who would like to to become co-authors of this amendment if we had the Chairman's permission to do so?

Mr. Rayburn I certainly have no objection, and I would be happy to see as many as so desire join us.

Point of Information

Mr. Fulco Mr. Chairman, is it possible that we might open the machine now for those who might want to become co-authors of this amendment?

Mr. Henry Well, it's highly irregular. If there are no objections from... Do you object, Mrs. Warren?
Mrs. Warren would object, so I would suggest that perhaps we not do that

Mr. Fulco Well, thank you.

Questions

Mr. Burns Senator Rayburn, as you stated, we have been at this thing for four days and now it looks like we might be getting near the end, but before we do, I've had so many dates and so many times for introduction in the lengthy sessions, I just want to ask you this final question.

As I understand your amendment, they meet in regular session for a period of eighty-five days... that's the total it could last

Mr. Rayburn No sir... yes, sir, Mr. Burns, it could not last for over eighty-five calendar days, but the

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session itself cannot last over sixty legislative days in the eighty-five day period.

Mr. Burns That's my next question. In other words you meet in legislative session for not more than sixty days within an eighty-five day period.

Mr. Rayburn That's correct, Mr. Burns.

Mr. Burns And within that sixty days the bills would have to be introduced within the first fifteen days.

Mr. Rayburn That is correct.

Mr. Burns And I understand that you pledge your word that you would work towards seeing that they had a split session.

Mr. Rayburn I certainly will because I want to try it. I really do, and I feel...I hope that it will be successful and I think it will.

Mrs. Warren Mr. Chairman, and delegates, I think from the beginning I wanted to ask this question. I was a little bit confused by Senator Rayburn's statement when he said the legislature was "locked in." I don't want them to be "locked in" but I was wondering if his amendment would keep the people locked out? That they wouldn't have the time that they would care...you know that they have the bills available for people to see.

So if they are going to be available, that you can get them before they act on them, I have no objection, and that is the reason I didn't want these people to say that they didn't want to put their name on the amendment before I knew what it was all about. Thank you.

Mr. Rayburn Thank you very much.

Mr. Derbes Senator Rayburn, is it not true under your proposal that certainly during the first fifteen days of any legislative session, the legislature could convene and in the regular course of business summarily pass a piece of legislation without providing the people an interim period for disclosure and suggestion?

Mr. Rayburn That could happen, yes, sir. On the other hand, if we decide to have a split session and we want to set the first twelve days to introduce bills, or the first ten days, we could do that, also. It does leave a little flexibility.

Mr. Chatelain Senator, you know that I was one of those who changed my mind, I think three times Thursday or Friday, and you are working pretty hard on me to have changed it for the fourth time.

Mr. Rayburn I don't see where one more change would hurt you.

Mr. Chatelain I would like to ask you this question, sir. I did a lot of homework last night and talked to a lot of people, and I have my mind about made up. But here is the question I want to know, sir.

I see you have three distinguished delegates who are co-authoring this with you. Would they have the same view that you might have so far as trying a split session? This is my problem.

Mr. Rayburn I have talked to Mr. Casey, I am sure he shares my same views. I'm sure Mr. Womack shares my same views. They are the only two names I see on the amendment I have, and I am sure they share my views.

Mr. Chatelain Then one more time for the record, that you will try, in your behalf you will try a split session.

Mr. Rayburn I certainly will.

Mr. Chatelain Thank you, sir.

Mr. Womack Mr. Rayburn, I think you realize that in this case you can and have spoken for me. I'm willing and ready and want to try it, because if anything will improve the system we have, I want it.

Mr. Casey Mr. Rayburn, I understand you have expressed the opinion that your co-authors who are legislators would support, vote for, and produce legislation to try the split session method. Do you know that I would support that move?

Mr. Rayburn Thank you very much.

Mr. D'Gerolamo Mr. Chairman, Mr...Senator Rayburn, do you know, as a member of the legislature, I will also support the split session, and I am also speaking for Representative Toca, Representative Alario, Representative Johnny Jackson, Representative Taylor, and Representative Alfonso Jackson. We all support your...

Mr. Henry We've got a Priest over here that can answer your question, if you all want to, but we would go ahead and take care of the business of the business that we have before us.

Mr. D'Gerolamo Welcome to the fold, welcome to the fold.

Mr. Flory Senator Rayburn, in view of the fact that all these members of the legislature are so eager to support the split session, I wonder why you didn't write it in your amendment?

Mr. Rayburn Because, Mr. Flory, the reason I didn't write it in my amendment because we are now struggling with a thirty-day session that was written in the amendment in 1955, I believe, which has caused us a tremendous amount of problems within the last few years since our work load has got so heavy, and it's too heavy for a thirty day session, and we are locked in. That's the reason I didn't do it, Mr. Flory, because of the fact that I felt like we should have a little latitude. We should try it without being locked in...be twenty years, thirty years, forty years or longer.

If there are no further questions, I move the adoption of the amendment, Mr. Chairman.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention. Instead of four days we have worked on this one section, we are going into the sixth day, and I think we have heard many good ideas and many good amendments, but do you think as I think that probably we should bring this on to a head?

To give you a good example, my good friend, Bob Ainsworth, who I had the utmost respect for, he was the one who was the author of the thirty-day fiscal session. That was obsolete in ten years, and thank you, it looks like we are going to get rid of this thirty-day session.

You have been patient, and I think we should move on. Give the legislature some way to move and not lock us in. There is only one state now to my knowledge, that is Tennessee. California tried it back in 1953 and they have removed it. Several of them have it in the statutes.

Give us that latitude in which to work that has the locked in split session and we will appreciate it.

Further Discussion

Mr. Jack Mr. Chairman and delegates, I'll be brief. I wasn't going to mention the name, but since the last speaker did, I want to mention it. Bob Ainsworth is a very good friend of mine and was down there. I did not see that thirty-day session as being feasible. I told him...

Then they had Cap Harham, who was a very close friend of mine. He was in the Senate. I came over and they both said, "Well, wellborn, if it doesn't

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work, we'll get a constitutional amendment and do away with it. Well, you see, you have never done away with it. Now on this amendment of Senator Rayburn's which I have been through and talked on and been for all the way, it gives you a chance under this provision which will be in the constitution of trying a split session. And I want them to try it and decide. Now you are tired of four days of listening to arguments.

From 1940 to 1964 in that House, I heard people all the time talking about whether or not they ought to have a split session. That argument has been going on for thirty-three years to my knowledge and this is the way to put a stop to it. Now I am not in the legislature, but if anybody will remind me and ask me, at my own expense I will be glad to come down to the committee and speak in favor of any provision necessary in the next session to set up the machinery to try out a split session.

I don't think you are going to like a split session. I told you the reason. But I would like to see it tried, but not put in the constitution like these other Riecke amendments would.

So here you have it in plain language in this amendment, the Rayburn amendment, where you can try out that split session and you have enough people already been telling you they'd come down there to committee and help you get through the necessary mechanics so you could have one and try it.

Now why put it in this constitution like the Riecke amendment? The reason we are in session down here as a constitutional convention is because people are sick and tired of voting on constitutional amendments. So don't think you are going to put something in this constitution and submit a batch of amendments to people to take it out. You better take whatever time is necessary and try to get this document as near to where it will be left alone for a good long length of time. And that's what the Rayburn amendment will do. So you can operate under either one of these.

So I say, let's adopt this, and get on with other work. Thank you.

Further Discussion

Mr. Tate Mr. Chairman and brother delegates, we have been discussing this question for the last three or four days. I think you have had excellent discussion, excellent debate, and in short, I move the previous question.

[Previous question ordered. Record vote ordered. Amendments adopted. 80-5. Motion to reconsider tabled.]

Amendment

Mr. Boynter Amendment No. 1 [By Mr. Finary, et al.] on page 2 at the end of line 9 insert the following, quote,

"During any regular session held in an odd numbered year, no measure levying new taxes or increasing existing taxes shall be introduced or enacted. Page 2 at the end of line 9."

Point of Order

Mr. Schmitt I believe that we have voted on this already and placed it on the table. Won't it take a two-thirds vote in order to get it removed?

Mr. Henry It is a different amendment. It's an entirely different amendment, sir, and so it would be considered to take a majority of those present and voting to adopt such an amendment.

Explanation

Mr. Stinson Mr. Chairman, and delegates of the convention. This is to a certain degree similar, but it is entirely different from the one that was voted down by a close vote several days ago...last week.

The one...to discuss it first, I'd like to point out the difference. The one that was voted down

and that was primarily the objection from a number of people was that this repeated that this...that this odd session that there could be no repeal of tax exemptions from industry. So in view of that, this new amendment deletes that from the former amendments and it only says that "at no annual session held in the odd numbered years could measures be introduced...measures leveling new taxes or increasing taxes at such an odd year session."

As was pointed out by much debate and a number of speeches at the last voting, the people in Louisiana have since the enactment of the fiscal session, have then felt secure in that an increase in taxes would only be every other year or the even years...the possibility. They did not feel it necessary to worry about increased taxation or to come down and lobby against it or work against it on the odd numbered years. So we would like to continue that security in the taxpayers of the state and say that only taxes can be considered and introduced and passed at the even numbered years of our regular session.

This would mean that taxes...at least be a holiday on taxes every other year, the odd numbered years. Those of use that have worked for this amendment and are supporting it feel that it will help the final passage of this constitution submitted to the people if this is included. And we would like to urge that this security and feeling of stability in our tax payers be continued and guaranteed to them and only have tax measures introduced on the even numbered years of our regular session.

Of course, this would have no prohibition against a special session at any time the legislature or the governor could call an extraordinary session under our constitution.

I personally believe that in the future, that any taxpaying governors will call an extraordinary session where it will not bog down and interfere with our normal legislative matters on our annual sessions.

So I would like to urge that you insert this provision in the constitution to give the people a feeling of security and also help in the support of this constitution when it is submitted to the people for a state-wide vote.

If there are any questions, I would be happy to answer them.

Questions

Mr. Tobias Mr. Stinson, you stated that this particular amendment would prohibit introduction of taxes in odd numbered years...proposals. You also stated that this would not prohibit special sessions of the legislature from considering tax matters in odd numbered years.

Well, my question is this. In what...why would you want to do this, because it would just add to the load of the convention. It would cost a lot more money when it can just be handled in an ordinary session. It is a false prohibition since the legislature could adjourn and come right back after a delay and consider it. So you are just churning your wheels.

Mr. Stinson Mr. Tobias, if you had been a member of the legislature, you would realize that in sixty days, or if you have them, or whatever we vote, you really have too many problems and measures in each to really consider taxes. By this, we are really actually helping the legislators because if the tax burden that we have now is to be increased, I feel that it should be at an extraordinary session for that purpose where the people will all be knowing of it and can come down not for sixty days but for maybe ten or fifteen or whatever number of days the session is called for.

Mr. Tobias Are you aware that a special session could cost upwards of seven hundred and fifty thousand dollars? Around seven hundred and fifty thousand dollars?

Mr. Stinson Well, Mr. Tobias, for twenty-four years in the legislature I worried about the cost of government and I voted against it usually in the

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minority, and no one ever complained about it or suffered from it. So I've about reached, in my old age, the fact that people like to spend money to have legislative sessions.

Mr. Tobias Are you aware that in 1965 there was an extraordinary session of the legislature... that's an odd numbered year and they did consider tax matters?

Mr. Stinson Yes, sir. I was in attendance at that session.

Mr. Kelly Mr. Stinson, would you not agree that the Rayburn amendment which was just passed gives general sessions each year, which is directly adverse to what we have had in the past such as fiscal and non-fiscal legislative sessions. Would you agree with that?

Mr. Stinson Yes, sir.

Mr. Kelly Alright, sir, now by this amendment in effect, what we are doing is going right back to the old system? Is that correct?

Mr. Stinson No, sir.

Mr. Kelly In other words, you are saying that... see if my interpretation of your amendment is correct, that in odd numbered years, you can have no tax matters or increases in existing taxes, which really we are getting back to a determination of a fiscal matter. Is that correct?

Mr. Stinson Well, there never has been a definite interpretation of what a fiscal matter is.

Mr. Kelly Alright, sir. Has there been a determination of what a tax is?

Mr. Stinson Yes, sir.

Mr. Kelly What is a tax?

Mr. Stinson A tax is something that is put on people that usually don't want to pay it, but they have to go along because it is imposed on them.

Mr. Kelly Thank you.

Further Discussion

Mr. Stinson With the gentleman being facetious on that, really I don't think that there has been any problem legislatively as to what a tax is.

Now the reason that we have the provision to increase existing taxes there has been some question as to whether an increase is a tax or not... a new tax. So for that reason it is included, and ladies and gentlemen, I say I would like to urge you to go along with this. We are not limiting the annual, regular session in the odd years, except with one provision, and that is that they will not consider tax measures at that time. I don't think that there is any emergency that we should have to consider them every year. You know we often hear the argument that taxes have not been increased since... they usually use the date as 1948 when Governor Long put so many taxes on. Well, if you think there is also a reason why you don't have to increase taxes to take care of the cost of living because when you have a tax, sales tax, for example, people buy a lot more now than they did in '48. They buy a lot more gasoline tax. Their salaries have gone up, income tax is more. Everything as the economy changes, the tax base the income from it increases proportionately. So, just the fact that the cost of things go up you don't have to run and put a new tax on. And I think that has been demonstrated by our present Revenue Department. They are going out and collecting taxes that have not been. The burden has been in the past on a lot of people who have paid their taxes conscientiously and favorites and crooks have not paid them. I think we should clean up and get the taxes and hold down on the taxes the best we can.

If I am a crook and not going to pay taxes, I'm going to be a bigger crook and not pay big and little taxes. So let's all be honest and give the people a feeling of security and vote this amendment, it will not in any way tie the hands of the administration, whoever it may be, nor the legislature.

If it is important enough, I think in spite of some mention of the cost, I still think it will be important enough for a special session... extraordinary session instead of this annual session.

Ladies and gentlemen I'd like to...

Questions

Mr. O'Neill Mr. Stinson, if this amendment were defeated, is it not true that this would be the first time in the history of our state that the people of Louisiana passed income taxes being levied on them every year instead of every other year?

Mr. Stinson Since the...listen, wait a minute...

Mr. O'Neill Would you not agree, also, Mr. Stinson, that by being able to place taxes on the people of the state only every other year and only in special sessions, extraordinary sessions, that a focus would be put upon the legislature so that the people would be watching for new taxes in these odd numbered years instead of just recurring new taxes every year?

Mr. Stinson I think they would not have to worry each year on it, yes sir. In other words, if an extraordinary session is called, the governor's call is put in the paper, if the legislature calls themselves under our new provision they advertise what it's going to be. They have to advertise what tax is going on at that time, so the people would know in advance. And like it is now if we are in a regular session and have two thousand or three thousand bills, it's in there with that many. It's going to be confusing, and with the big fight for taxes, it's going to really interfere with the normal passage of bills in the regular session.

Mr. O'Neill I know you have explained it already, Mr. Stinson, but I just like to be perfectly clear on it, this in no way would limit the legislature to what is now commonly known as a thirty-day fiscal session. Correct?

Mr. Stinson There would not be the limitation that is now on the fiscal session. No, sir.

As far as that is concerned, apparently it is out the window when the people adopt this constitution.

If there are no further questions, I close, Mr. Speaker, and I'd like to urge and ask that you please favorably consider this measure.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the amendment. It will further tie the hands of the legislature. We've had about three or four major tax years since 1948, and I think if you look back one of the years was brought out in 1965 and I think we had some tax adjustments in 1971. I think if you look back you will find that quite a few of them were done in the odd years. So this, I think is a little window dressing, but don't tie the legislature's hands. If we had some adjustments to make, we could make it without having to come into a seven hundred fifty thousand or more or less special session.

The people, also, would, I think, know more in advance because in an extraordinary session you are only given a five day notice at the present time.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, I want to apologize that this measure comes before you again because it is essentially the same as the one we considered before. But before the amendment failed to get a change of three votes would have altered the outcome and five dele-

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gates had come to me and told me that the reason they voted against it was because it had prohibited repeals of exemptions in odd numbered years. And we thought we should try it with that provision in there because it does seem so important. At present there are two limitations that exist in regular annual sessions in odd numbered years. They are separate and distinct. One is, non-fiscal matters may not be considered without a super majority vote in the legislature, that's the first one. And that is the one that we would like to have. That makes it a fiscal session. The second prohibition though is against raising taxes which admittedly is a fiscal matter. In a fiscal session there is one fiscal thing you can't do at all and that's raise taxes. The reason it has never caused a procedural problem is because legislators have known that a super majority vote would not allow them to introduce a tax measure so there was no use even trying to introduce it and get it passed. They knew that if they passed it and it were considered a tax by the courts then it would be declared invalid. So this is not bringing back fiscal sessions at all. In no way is this bringing back fiscal sessions. This is a limitation that has been in our law before and has not caused problems before from a procedural standpoint.

The language with regard to forbidding the levying of new taxes or rather increasing existing taxes is just like in the present constitution as in this amendment. That's been said that the legislature needs more flexibility and that is no doubt true but it is our job to give some protection to the people while the legislature exercises that flexibility. I think the people want and need some protection and this is one sort of protection that they need.

Now the people are not worried about some little tax adjustments that might be made. The adjustments are not what they are concerned about. They are concerned about tax increases and levying new taxes. And this is what this particular provision would prohibit in regular annual sessions during odd numbered years.

Now some think that if we don't adopt this amendment it won't imperil the new constitution. I dispute that. And I call your attention to proposition number B that was on the ballot in November, 1972 with regard to allowing sixty day annual sessions. Now that provision failed at that time you remember. You said the only reason it failed was because all the amendments failed or most of them failed. (All the amendments failed or most of them failed.) All the amendments did not fail, five passed out of thirty. Now that's the interesting thing to me is this. This particular proposal not only failed, and I think one factor was the fact that people didn't want any tax increases. But it failed rather badly. It was eighth on the list of amendments but it was twenty-second in terms of the percentage of the vote that it got. Twenty-one other proposals got a higher percentage of the vote than it did even though it was eighth. It was a rather unpopular proposal. Sixty-three percent of the people voted against it.

Now I am sure that a large portion of that sixty-three percent certainly knew what they were voting against, it was a conscious vote. They did not want to send their representatives to regular sessions in odd numbered years. That will certainly be true if we include that same provision that was in that amendment in our new constitution. It's going to give a certain percentage of the people a good reason to vote against the constitution. And it's a reason that we shouldn't have to give them. ... I do this during regular sessions in odd numbered years. Budgets are planned well in advance. Taxes if they need to be increased can be increased in even numbered years. So we're not going to do any violence to the legislative system. We're not going to take away any significant flexibility. But we are going to give the people a good protection, a popular protection. A protection that I think you agree you have to vote on right now that would undoubtedly vote overwhelmingly in favor of it. So I urge you to go along with this amendment.

Further Discussion

Mr. DeBlieux Mr. Chairman, and ladies of the convention, I don't want to labor this. I don't because I think it's a dead issue to start with. But I would just like to lay one or two things out before you.

The proponents of this resolution I have always referred were those that were in favor of giving the legislature the prerogative rather than the governor to do the legislation in taxes. If you pass this amendment it would absolutely put the taxing power you might say, in the hands of the governor at his pleasure to do with as he sees fit because he can call a special session of the legislature anytime he sees fit and limit it to the tax issue.

I think that is one of the reasons why governors in the past have always rather had the biannual sessions of the legislature rather than the annual sessions. It was true that fiscal sessions did take a part of this power away from the governor insofar as other matters are concerned... fiscal matters but it still left it in the hands of the governor with reference to taxes.

Now if you want to build a powerful, executive over there to the legislature just adopt this amendment. If you want to leave it to the discretion of the true representatives of the people who are the representatives in the legislature, then you will vote against this amendment. And I ask you to vote against it because it is absolutely a step in the wrong direction.

Further Discussion

Mr. Smith Mr. Chairman, fellow delegates, I only want to get up here when I think that there is something important and I do think this amendment is important. And I want to join in with Mr. Stinson asking you to support it.

They talk about tying the hands of the legislature. Well sometimes I think you need to tie their hands. I was author of the two-thirds amendment. I like to keep on talking about it. I think it's a good law. That tied the hands of the legislature. But I think every other industry, business and people ought to know that there are not going to have any taxes at least that particular session they can work on other things. Now, they want to eliminate the fiscal session which I think is good. I was one of the co-authors of the fiscal session but I think it failed its purpose. It didn't do what it was supposed to do and now I voted the Rayburn Amendment awhile ago. But I think this is a good law and it will help pass this constitution.

And I feel like every two years we can vote taxes if we need it. If the governor thinks we need a special session we can call that. But I think this is a fine amendment and I think the people back home if you are talking about the people back home are not happy every two years. For those who do. So I ask you to join with us and vote for this amendment.

Further Discussion

Mr. J. Jackson Mr. Chairman, and fellow delegates, I am in support of this amendment. What this amendment does, is basically offers... and as someone would say... it is some peace of mind to constituency. I think that we have accomplished in terms of the latitude that the legislature needs. We have accomplished that by the adoption of Senator Rayburn's Amendment.

My concern is that you may have situations whereby it has happened, that a tax measure could be introduced that maybe not affects everybody but affects particular a certain segment. To give you an example, you have a lot of boards who could come very annually talking about increasing the license certification fees for a particular occupation. This provides some protection in the light that that can only happen every two years. For those persons who are concerned about local government and the fact that the legislature imposing financial burdens

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on that. Then it would appear that this amendment would provide a time span whereby local government would know that this could not happen within a period of two years. I think that if in fact that there is need on the part of the legislature, the part of the state to increase its taxes then we do have alternate measures by which we can do it.

We can do it in even years or we can do it by special session. I think for those proponents of split sessions... what this does... in fact that the legislature does not come... adopt a split session concept. What this basically does is to provide the public with the kinds of import particularly on a very vital issue like tax measures because it would necessarily have to mean the calling of a special session or in fact, the public preparing itself to deal with the legislature in the even years. And for those reasons I would ask delegates here to give some favorable adoption of this amendment. Particularly in the fact that it does no more than provide the people of the state of Louisiana with some peace of mind and with some measuring stick as to when and where and how they can expect tax increases.

Let me say that I oppose this measure firstly because it did not provide... the fact that it did provide that we could not appeal certain tax exemptions. That has satisfied my basic arguments with it and I would suggest to you that this is a good amendment and I would ask your favorable consideration of it.

Further Discussion

Mr. Jack Mr. Chairman, and members, I'll be brief. I spoke on the amendment last week and then we took out the exemptions. I am for this amendment.

All in the history of Louisiana in the odd numbered years you could not levy on a tax on the people unless it was by a special session. Special sessions for taxes for very difficult. So I don't believe you will be able if we pass this amendment in the odd years to put a tax on the people.

There is enough stress and strain on people now in the whole world and it would make the people better off, more secure to know that at the annual session, under the present constitution they would not be able to put a tax on them at that session in odd years. There is a very little chance of being able to do it in the special session. Now the reason I haven't offered an amendment to include special sessions is because you have always got to have an escape hatch if you can. If we had to because of an emergency of some kind have a tax in the odd years then the procedure would be a special session. So you are protected.

I don't see how anybody should object to this amendment. If the people, and they have shown it... don't like to pay taxes. A lot of them don't even if it's necessary. Most people are good citizens and do when it's necessary. But if you have got to tax them for tax purposes in the odd years... the even years. Let them at least go to bed... like the Lord made night and day so you can get some rest from the twenty-four operation hours in a day and a night. And I say let's give the people some peace of mind. If you are in the legislature it's not going to hurt you not to be able to put a tax on you to put a tax on the people. I can't understand why anybody would be against this amendment. And I hope you will pass it.

Further Discussion

Mr. Stovall Mr. Chairman, ladies and gentlemen of the convention, let me respond to ourselves that we are presently dealing with the session on the Legislative Committee. This is not the report of the Revenue and Taxation Committee. That will come later. We are presently trying to make basic decisions concerning the future of the Louisiana Legislature. And it seems to me that we have been governed by two basic principles. One is the separation of powers... that there should be a strong legislature. And the other is that we should not restrict them but instead we should give to them

the ability to respond to the needs of the future as it comes to us.

Now it seems to me that this amendment is another attempt to put the legislature in some kind of frame work that will prevent them from responding to the needs that might occur in the state. It really makes unnecessary the provision which we just passed.

Mr. Jack a few moments ago said he recognized that the thirty day fiscal session was irrelevant. This again is an attempt to limit and confuse. It hampers work that will prevent them from responding to the needs, on suspicion, on cynicism. I feel that we need to have faith in the ability of our legislature to respond to the needs of the people and I encourage you to defeat this amendment in order that the future legislatures of our state might be able to respond to the needs of the people on a given occasion. Thank you.

Questions

Mr. Toomy Reverend Stovall, wouldn't the adoption of this amendment only give a reprieve of eighty-five days during the odd numbered years to the poor people, the rich people, the industry and everybody else to the state of taxes only for that eighty-five day period and only that period during the year?

Mr. Stovall Yes, Mr. Toomy. There could still be special sessions of the legislature which would increase taxes. This type of restriction is completely unnecessary for that very obvious reason and if there must be special sessions of the legislature to accomplish this purpose it increases the cost of operation of the state.

Mr. Bollinger Reverend Stovall, do you find it happening often in the past since this provision is in the present constitution, do you find it regularly that the governor or the legislature calls themselves or the governor calls the legislature into special session for the purpose of passing taxes? Is it a regular occurrence?

Mr. Stovall This has been done quite often in the past.
Yes, Mr. Bollinger.

Mr. Bollinger It has been done quite often for the purpose of taxation?

Mr. Stovall As I recall, it has. Yes.

Mr. Bollinger Thank you.

Mrs. Warren Reverend Stovall, you mentioned Revenue and Taxation covering this issue. Will the Revenue and Taxation have anything to do or say about what the legislature is going to do in considering taxes in one year or the other?

Mr. Stovall Mrs. Warren, I'm not sure what the Revenue and Taxation Committee is going to do. I know that from listening to Mr. Stinson that I simply gather that's what he's talking about here is Revenue and Taxation. And I think he really should take this to that committee, so that we are dealing with here today, is the powers of the legislature. And I'm simply saying that this takes away their flexibility, their ability to respond to changing situations and needs which might arise.

Mrs. Warren Yes, Mr. Stovall you said that it was Revenue and Taxation and then you say you don't know what they are going to do. I still ask the question, will they be deciding... whoever told you about it did they say who would be deciding when they were going to discuss the years that we were going to have taxes discussed or not?

Mr. Stovall I don't know Mrs. Warren.

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Mrs. Warren Thank you.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in support of the amendment. I do so for a number of reasons. This convention by a substantial majority just a few moments ago increased the time that the legislature can meet from less than nine weeks in the even numbered years when they can increase taxes to a regular twenty-four week period in two years and they can raise taxes within any of those twenty four weeks. Now I suggest to you if you read the morning paper. With the announcement of phase four and in the same announcement the indication that food prices and other prices are going to rise substantially in the immediate future. That the mood of the people of this state and across this nation are at the point that they are paying all that they can afford to pay and even more. That the burden has become too great for them to bear. Now I admit it takes revenues to run state government. And I'm not suggesting that we cut state services, but I do suggest to you that the average citizen of this state has to set their economy based upon the tax load taken by this state and by the federal government. And I think that they are entitled to know at least some in advance as to how they can set their personal economy. And I don't think that they ought to be subjected every year to the possibility of increased taxes.

It has been mentioned that the governor or the legislature could call themselves into special session in the odd numbered years for the purpose of considering increase in taxes. That's true. And I think that is the way it ought to be in the cases of emergency. But I submit to you that there are very rare instances when the governor of a state or when the legislature itself will call itself into a special session for the purposes of levying new or increased taxes. They just don't do it unless there exists a dire emergency. And if they do, then of course the attention of the entire electorate of this state is focused on the legislature for that one special purpose of increasing taxes which is put in a call when they call that a special session. And nothing else can be considered except what is in that call. So then the attention of the people of their...with the legislature and if they have objection of course that attention is focused on the legislature and they have the right of course to let their legislators know how they feel. So I suggest to you that in order to carry on the affairs of the state in an orderly, proper fashion, that every biannually is adequate in order to increase taxes if that becomes necessary. But I don't think we ought to subject the taxpayers of this state to wake up every morning of every year knowing not what their taxes are going to be the next coming months. I ask that you give strong consideration to the adoption of this amendment.

Further Discussion

Mrs. Warren Mr. Chairman, fellow delegates, I rise to support this amendment. I think it is good. I have been sitting here for days and most I have heard in debate is let's give the legislators more flexibility. I have heard a few people say...let's give the people a chance. I think we have just passed an amendment. I was kind of in limbo, I didn't know really which way to go and I am being truthful with you. I was tied between two opinions. A story came to my mind that I mentioned in the off-set of this convention about the rattlesnake and the bull.

I am going to tell it to you now.

I want to tell you this little story now. We have been talking about the farm and the vineyard and so forth and so on...but this is a story of the fields also.

The bull lives in the forest and so does the rattlesnake.

One day, a big fire broke out in the forest and of course the rattlesnake crawled on his belly and he couldn't get out like the bull so he crawled up to the bull and he said "Mr. bull, let me crawl out

on your back, he say...oh, no Mr. rattlesnake if I do you are going to bite me...he begged and he begged with the bull and finally the bull gave in and he told the rattlesnake to crawl up on his back and he carried him out. When he got out of the fire the rattlesnake rattled to get ready to bite the bull. The bull said to him, Mr. rattlesnake you said you weren't going to bite. He said I was in the fire then.

I said that to say this, all of us seem to be in a little bit of fire now and we are going to say a lot of things probably to try and get out of it. But I do think in consideration of the people that they could sleep better at night if they knew when you were going discuss tax issues. For that reason I think that we should give them this opportunity to know what is going to happen to them. What their future is going to be like. You can vote a tax on them and they don't know anything about it and then it's gone.

I heard some people in my community say the reason they voted against a lot of amendments and I want to tell you this...Because they thought it was taxes...they had voted once on taxes and they didn't know what they were voting on so they decided after they found out they had voted on taxes they wouldn't vote for nothing.

So let's make it kinda clear for them so that they will know that we are not trying to put taxes on them and let's support this amendment.

Thank you.

Further Discussion

Mr. Bollinger Mr. Chairman, fellow delegates, I have been informed that in the last twenty years there have been four special sessions called for the purpose of taxation. This in my opinion is not regular. This...it could be construed may be emergencies and if so, they are fine. However, I think the people need the protection of this provision. Many people think that this is a move by the good government people.

What the [...] is wrong with good government? No one can question the policy of good government. It has been stated over and over again that the nineteen twenty one constitution is much too long.

I'm not here for the sake of shortening the constitution. I'm here for the sake of writing a new one. One that protects the people if that is what it takes. And no matter how long it's going to have to be to protect the people that's the length it should be.

I ask your support of this amendment.

[Previous Question Ordered.]

Closing

Mr. Stinson Members of the convention, I would like to hurriedly point up about two matters. Now brother Stovall said that we should leave it up to the Revenue and Taxation Committee. I don't consider this as an infringement because this is in the legislative article of the present constitution and the legislative bodies should naturally follow what is in the present article No. 3 of our constitution. So it is not an infringement on that honorable committee.

Next, there is according to the department of administration and the governor there is no need of taxes at the present time.

If the present need develops within the next year the next session is an even numbered year and taxes can be voted at that time. We will not in any way be tying down the present administration. This is certainly not an anti-administration measure against any administration. This is an amendment for the people.

Mr. Warren, I did appreciate your story, and Senator De Blieux we have been friends since we were in law school. Don't get on our back here.

Thank you.

I would appreciate your vote on this and the people will thank you and know that you are helping them.

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Questions

Mr. De Blieux Mr. Stinson, if you are trying to limit the time when the legislature could pass taxes wouldn't it make a lot more sense if you had an amendment that stated that taxes could be passed only during the regular session during even years?

Mr. Stinson Well, it's just a matter of words. We would have the same meaning, I believe Mr. De Blieux. Would you vote for it if it was worded that way?

Mr. De Blieux Another question. Yes.

Isn't it a fact that if you don't do that you absolutely leave it to the governor at the time that he wanted to call a session of the legislature for the passing of taxes?

Mr. Stinson He would have the right under this, Mr. De Blieux.

We are not trying to tie the hands of any governor or any legislature under the... I believe it is going to be passed by a majority of the legislature can call that. We are not in any way trying to tie the hands.

[Record vote ordered. Amendment passed: 66-50. Motion to reconsider tabled. Section B of paragraph 2 reread.]

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, this particular part of Section 2 the B part we had a unanimous vote. I am committed in this matter with two members being absent. Your main change at the present time in the constitution calls for a two-thirds vote for the legislature to call itself in session. This comes with a majority of the members of each house by the presiding officer of both houses. One other little change... we tied it I think a little tighter than what the objects are. We use object... or objects instead of subject matter and we think that we have tightened that a little better... we still have... we have worked with the Executive Committee. We have given you five days time for the legislators to have before they come into the session. That's your main differences.

I ask for the approval, Mr. Chairman.

Vice Chairman Miller in the Chair

Amendments

Mr. Poynter Amendments proposed by Delegate Juneau to the Committee propose as follows:
Amendment No. 1. On page 2, line 11 strike out the word "request" and insert in lieu thereof the word "petition".

Amendment No. 2. On page 2, line 13 immediately after the words and punctuation "houses", and before the words "the governor" on line 13, insert the following: "such petition shall be in such form as shall be provided by law or the rules of the two houses".

Explanation

Mr. Juneau I am advised that the amendment in question is being taken out. I might add that this is not a substantive amendment it is more in the nature of a clarification. As you will note as we came out of committee we used the word written request. It was the thinking of most of us that this was a rather loose language and would be something that would be subject to interpretation. In order to tighten that language what we did was to insert in lieu thereof the word petition. And say that the petition would be provided for by statute.

For example, if one hundred and five members of the legislature wrote into the Speaker of the House of Representatives indicating that they wanted one particular subject taken up. Even though it might

be one hundred and thirty-two different subjects under the language as we now have it. It is conceivable then that it would be left to the speaker as to which items he would take up for the proclamation call. I don't think that the speaker would want that prerogative and we wouldn't want to give it to him. The thrust of it is, that the legislature itself by a mechanical and meticulous statute could provide for the mechanics by which this petition would be circulated.

It was the thinking that that kind of language does not belong in the constitution but this amendment would allow for that latitude.

I would move for the favorable adoption of the amendment.

Questions

Mr. Flory Mr. Juneau, my question is, your reasoning behind the line for the rules of the two houses that would make such provision when in all possibility and probability it could be that the rules of the two houses would be different.

Mr. Juneau Well, the thrust of the thing behind the provision as written that it was of necessity. I think Mr. Flory would require a joint rule between the two houses.

Sir, I didn't understand your question.

Mr. Flory I realize that what your intentions are that they be the same or be a joint rule and I don't know of any joint rules that they now have or could have. Because each house governs its own rule. My only question to you is, I think it should be provided for in the law and not left to discretion of rules whereby they can both have different sets of rules on how to provide it rather than a uniform system whereby if you provided it in the law. Wouldn't that be more appropriate than allowing it either in the law or in the rules.

Mr. Juneau I don't have any particular quarrel with that, Mr. Flory and I agree with you the intent... as I indicated is to keep uniformity. The reason why I put the rules because I just thought that would give some latitude. If the delegates think that would not achieve that purpose I would have no objection to leaving the provision as provided by law. Which would put it in the statute.

With the leave of the convention, we would like to have leave to withdraw the amendment. Refile the amendment with the deletion after the word law... insert therein a period and delete the words "or the rules of the two houses".

So if there would be any question with regard to the uniformity I think that would take care of it and it would be handled by statute alone.

[Amendment withdrawn.]

Amendment

Mr. Poynter If there is no objection, we won't go through the process of re-xeroxing. The amendment would read:
On page 2, line 13, right before the sentence that begins "the governor" insert the sentence... "such petition shall be in such forms as shall be provided by law".

[Previous Question ordered. Amendment reread and adopted without objection.]

Mrs. Miller Are there further amendments on that, Mr. Clerk?

Mr. Blair I believe we had a question, Mrs. Acting Chairman, Mr. Anzalone

Mrs. Miller Mr. Anzalone had a question of you, Mr. Blair.

Questions

Mr. Anzalone Mr. Blair and the Executive Department Committee, we took under consideration the call of

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a special session by the governor. One of the contested issues in the discussion of this committee was the issuance of a proclamation by the governor for a period of not less than five days before the legislature actually met. And, then came up the question of changing the subject matter of the proclamation before the legislature actually went into session. Is it the intent of the article as written by the legislative committee to allow the governor to change the subject matter of the proclamation after the five day period?

Mr. Blair It stands corrected but it is the intention of our committee that he would have to name the subject matter within the call of the five days, and there would not be a change.

Mr. Anzalone He would not be able to change the subject matter after, or prior to, a five days, within five days, you would have to get that much notice.

Mr. Blair Correct.

Amendment

Mr. Poynter Amendments offered by Mr. Jenkins. Amendment No. 1 - On page 2, line 13, immediately after the period and before the word "the" insert the following: "however, any proposal to call or convene a special session of the legislature within thirty days prior to the convening of any regular, annual session or within thirty days after the adjournment sine die of any session, shall require the consent of three-fourths of the elected members of each House."

Mr. Jenkins, with your leave and that of the convention, I think the amendment technically now, since the previous amendment, on page 2, line 13, immediately after the period, before the word "the" and after the language inserted by the Juneau amendment, insert the following.

Explanation

Mr. Jenkins Mr. Chairman, delegates to the convention, because of a number of different factors that have convened under the provisions that we have adopted, sort of a hiccup in the proposal that we have that would allow year round meetings of the legislature on a continuous basis, and this amendment is an attempt to cure that defect. We have now the proposals in the first session dealing with the fact that the legislature shall be a continuous body. Then in Sub-section B of Section 2 we have the provision that a mere majority of the elected members rather than two-thirds can call a special session. And then we have the omission of the provision in our current law providing that a special session cannot be called within thirty days before or after sessions, at least in odd numbered years now, so that you can see that it would be possible if merely a majority of the legislature wanted to continue in session or the governor wanted to continue in session year round, indefinitely, it would be possible. There is nothing in the law whatsoever that would prevent that so the purpose of this particular provision is this, it is to say that, that thirty days before any session, or thirty days after any session, you can't call a special session. That is the only thing that it does, and I think that this will give us some protection so that we don't have continuous sessions. I don't think that's our intent at all, so I move it's adoption.

Further Discussion

Mr. Blair Madam Chairman, ladies and gentlemen of the convention, we object to this, in the present constitution it is the odd years that cause this at the present time, but in your even years, our sixty day sessions, we have nothing to prohibit us from calling a special session. We would like for it to go as we had it because we think that it would give us a little more latitude to work with. We ask you to vote these down if you will.

Questions

Mr. Avant Mr. Blair, I notice in the present constitution, the provisions for the legislature to call itself into a special session requires a two-thirds vote of the legislature.

Mr. Blair That is correct.

Mr. Avant The committee has changed that now to provide a machinery whereby the legislature may convene itself in a special session by a simple majority petition?

Mr. Blair That is correct.

Mr. Avant And I would ask you, Sir, would you briefly explain the reason to me for that proposed change.

Mr. Blair We felt that the committee...one of the main things we would like to have three strong bodies, your Executive body, your Legislative body and your Judicial body, and this was just a means of giving the legislature a little more strength, Sir. That was the feeling of the committee.

Mr. Avant But the...in connection with Mr. Jenkins amendment, the provisions that you cited that there was no limitations on the special session following a regular session has to be construed in the light of the two-thirds vote, does it not, Sir?

Mr. Blair That's true.

Mr. Avant That's required?

Mr. Blair As I understand it here, if I understand his amendment correctly, he has put in the restrictions on both of our annual sessions now where we did not have the restrictions in our sixty day session as we are working now.

Mr. Avant Thank you, Mr. Blair.

Further Discussion

Mr. Roy Madam Chairman, ladies and gentlemen of the convention, I believe we are going to get on that merry-go-round that I have been on somewhat with Woody with the Bill of Rights, where we come in we say that we are for an independent legislature. We fight for four or five days on that exact point. We finally passed Senator Rayburn's Amendment which I thought was good, we turn right around and get eased into that situation where we say, well now, even though we require two-thirds vote to raise taxes, you legislators, we are not going to let you take anything up of a tax nature without requiring a two-thirds vote. We just passed this other amendment that was successfully proposed by Woody and Mr. Flory, et al. Now we come back here and as Senator Blair pointed out not only do you increase from two-thirds to three-fourths the ability to call a special session, but he has even worded this amendment to where it is done in a regular session year, not an odd numbered year where you can't take up taxes, as we've just done. The other thing is that we are going back in the same route that I think is contrary, at least of what I believe I thought was the issue in our state government, the lack of independence on the part of the legislature because of the Executive branch being so much more powerful. We are now asked to say that if you need to take up a tax matter in a special session, even in an even numbered year, you must require three-fourths vote of the legislature. I am opposed to it, if we have the skill and I know it will obtain the two-thirds vote to raise taxes, I am opposed to that as a matter of philosophy because I believe in the majority rule, but I know that the people who generally benefit from taxes are those who really need it are going to be up in arms if they hear that we have taken out the two-thirds vote for the assessment of a tax. So I am going to stick with that. I can't tell you that right now that is how I feel. But we are going further now. We say

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now that we want a three-fourths vote to call a special session to consider a tax when the legislature itself, at any time, ought to be able to convene itself on a simple majority vote. We are still going to have the two-thirds vote to consider the tax or to assess it. I just see that we are going against what we said we had believed in and what we said and what we have in fact done in the last few days. We are once again making the legislature the whipping boy, the whipping boy of state government. The people disagreed with anything. We are always jump on the legislature and say they are raising your taxes. I am opposed to this amendment. I think it is a sneaky amendment because I think it requires a three-fourths vote at all times, but I am opposed to it even as it stands if you would take out the regular sessions three-fourths requirements. I think the legislature ought to be able to call itself into special session on a simple majority vote if you have any heat you want to put on them about a matter that's coming up, go ahead and put it on them. If they convene all year round and try to get around being a continuous body then you vote them out, but I think the amendment is bad. I am against it.

Chairman Henry in the Chair

[Previous Question ordered.]

Closing

Mr. Jenkins Mr. Chairman, delegates to the convention, I know that it was unintentional but delegate Roy misrepresented what this amendment does. It does not require a three-fourths vote to call a special session, that's not what this does at all. Under the proposal proposed by the legislative committee and this does not change it, it is simply, a majority could call an even numbered session. The only thing this deals with is within thirty days before or thirty days after any regular or special session it would take a three-fourths vote of the membership in order to come back in session or stay in session. Now that's exactly the way it is now in odd numbered years, it's not changed any. Now Senator Blair said but in even numbered years, that's not the case, well that's true there's no limitation in even numbered years on staying in continuous session but in even numbered years now, it takes a two-thirds vote to go into special session. Where as under the proposal proposed by the Legislative Committee it is merely a majority to come into a special session, or stay in one, so what this is attempting to do is not to limit the ability to call special sessions at all. It will still be by a majority vote at any time for taxes or anything else, but, within thirty days before or after any other session you could not call without three-fourths of the members, and if you have an emergency or something you say, I believe back in the Davis administration you had cases of the legislature staying in continuous session and this is not a healthy situation when that occurs, when a simple majority can do that because there is always bills pending, there is always something that somebody would like to pass if he could just stay over another week or three days, and there needs to be some cutoff date, so that's all this attempts to do. I urge the adoption. Also, one other point I want to make is that it's been said that this makes the governor, that this amendment makes the governor stronger, that's not true. Without this amendment, the governor is stronger than he is under the present constitution, because without this amendment under the proposal by the legislative committee, the governor can call a special session immediately at the adjournment of any regular session even in odd numbered years, and that would not be true under this amendment, it will still take a three-fourths vote as now in odd numbered years. So, I urge the adoption of this amendment.

Questions

Mr. Blair Woody, in essence wouldn't you be restricting the legislature for almost five months,

didn't we agree on 85 days, then you would have thirty days prior to this regular session and thirty days afterwards so you're tying the hands of the legislature with a three-fourths vote for almost five months, isn't that true, if your amendment passes?

Mr. Jenkins No, that's not correct at all. It would be for thirty days before and thirty days after, that's two months, not five months, and that would mean that you couldn't get any more bills in early and you couldn't stay later. You would have to finish, unless three-fourths of the members think that it's important enough to stay. That's the way the present law is in odd numbered years.

Mr. Blair In your odd years, your amendment just a few minutes ago limited to where we could not have the taxes argued, wouldn't you be in the odd years limited to some five months?

Mr. Jenkins No, you would be in session for three months or almost three months under Rayburn's proposal then the rest of the year except for a two month period you could have special sessions at any time and you could even during those two months, if you have three-fourths of the members agreeing to it. Just like the present law.

Mr. Roy Woody, do I understand that what you're saying is that if the legislature is in session and there is need to continue on, on something that is of real significance, you would have a three-fourths vote to go beyond the sine die. Is that right?

Mr. Jenkins That's right. That's so we won't have continuous sessions of the legislature...

Mr. Roy I understand.

Mr. Jenkins I don't think this body is for that.

Mr. Roy All right.

Mr. Jenkins Well you see we might as well not have limitations at all built into the session length if a simple majority of the legislature can keep things going, because a simple majority is what it would take anyway to keep going if we had unlimited sessions.

Mr. Roy All right, but then what could happen, is that you couldn't get the three-fourths vote to keep it going, but one month later fifty percent plus one could come back and call the special session and you'd have all the trouble and all the expense of going back into special session on something that could have been finished in maybe two or three days with an extension of the current regular session. Isn't that correct?

Mr. Jenkins Well I don't know what expense, great expense, additional that you are talking about, about coming back rather than staying. What would be the additional expense?

Mr. Roy But isn't that how it works? Say if you wait thirty days it only takes fifty percent plus one to call the special session that would maybe last another month, that you could have covered everything when it was hot and ready to be handled with just a majority vote saying let's go one or two extra weeks. Isn't that in essence what would happen?

Mr. Jenkins That's right, it would take a majority vote later. So let me emphasize once again because this is the key point. We've spent all this time discussing session lengths, how many days a year we should meet, if we had put no limitations at all on the constitution, the session length would have been determined by simple majority vote. Majority wanted to stay, you'd stay, if they didn't, they wouldn't. But in fact, unless we adopt an amendment like this or some other restriction, that's all it would be anyway, because a special session can be called right at the end of the regular session for

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an unlimited period of time. So in order to validate what we have already done, in order to make sure we have what we've already done, we have to have a limitation of this nature. Otherwise, a simple majority can keep it going indefinitely year round.

Mr. Roemer Woody, what's the law now in the regular session years, and in the thirty day session years now, in regards to special sessions?

Mr. Jenkins All right, the law right now is, during odd numbered years, just what we're saying here. No special session can be called within thirty days before or after without three-fourths of the membership agreeing. Now, in both odd numbered and even numbered years, you can have special sessions called by a three-fourths vote, so in even numbered years... I am sorry, by a two-thirds vote... so even in even numbered years now within thirty days before or after it takes a two-thirds vote to call a special session. So it's really keeping things essentially like they are and making sure that we don't have continuous sessions unless, I argue...

Mr. Roemer What about outside that thirty days prior to and immediately after the session? What's the law now?

Mr. Jenkins The law is two-thirds.

Mr. Roemer The law is two-thirds now. Now as I understand the committee recommendation, or at least the recommendation as it stands prior to your amendment, that's reduced to a simple majority?

Mr. Jenkins That's correct.

Mr. Roemer So at anytime, is it your understanding that under the committee's proposal, the legislature can vote itself into special session with fifty percent plus one, at any time?

Mr. Jenkins That's correct. Even at the end of their regular session they can just keep going and at the end of that special session they can keep going so that they go year round.

Mr. Roemer But what I don't understand is why doesn't your amendment address itself not only to the thirty days immediately prior to and immediately following the session, but all the rest of the time that we're standing naked.

Mr. Jenkins Well now, it does from this standpoint, Buddy, it says before and after. It says before any regular session or after any session. You can't have a special session within thirty days without a three-fourths vote. So at the end of any special session unless you have three-fourths of the members agreeing, you can't meet for another thirty days, so it does pertain to year round, although the main thrust, of course, would be during a regular session. I think that the thing to really consider is the whole impact of what we passed, unless we want a continuous, year round session, we have to have this.

[Record vote ordered. Amendment rejected: 32-83. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Delegate Jenkins, being passed out now, to Committee Proposal No. 3 by Mr. Blair et al, amending the reprinted as engrossed proposal

Amendment No. 1 on page 2, line 12, immediately before the words "of the" delete the words "a majority" and insert in lieu thereof the words "two-thirds."

Explanation

Mr. Jenkins Mr. Chairman and delegates to the

convention, I would not have offered this amendment had the other one passed because I would have liked to have seen the majority in there with that other limitation. But since it didn't, I just feel compelled to offer it. Now we should consider what we've done before, say you could have sixty calendar days, sixty legislative days a meeting within eighty-five calendar days. The rest of what we say is that by a simple majority a special session can then be called. That means when the majority of the members want to stay in session at the end of that eighty-five days they can, and they can stay in without limitation as to duration. They can stay in thirty days, of course, at the end of the thirty days they call another thirty day session, that's a limitation if any. Now what this amendment simply does then is to call a special session, will take a two-thirds vote of the members in order to call a special session. So that means you, under this, you will have some restrictions on having year round sessions. You could have year round unlimited session but it would take two-thirds of the members agreeing thereto. There needs to be some limitation on this otherwise the four, or five consecutive days that we've spent discussing this whole matter is absolutely meaningless, absolutely meaningless, unless we adopt some limitation of this nature, because the simple majority can decide to stay in session just as they would if we had no limitation at all on legislative sessions, so for that reason, I urge the adoption of this amendment. It simply changed majority to two-thirds.

Questions

Mr. Avant I think that you and I have the same understanding of the situation as it now exists, but I want to make sure that we do. Do you agree that the situation as it now exists, without the adoption of this amendment or some other amendment, is simply this; that the legislature by a simple majority vote can keep itself in perpetual session, 365 days a year, every year?

Mr. Jenkins There is no doubt about that. There can be no other interpretation of the proposal other than that and there would have been no point in putting this provision in there. We might as well have said that the legislature shall meet annually as provided by law. It is the same thing unless we have some limitation on it. Because that is all it would have taken, would have been a vote to keep the session going under such provision.

Mr. Toomy The amendment that we adopted previously that in odd numbered years, no new measures in regard to new taxes or increasing taxes will be introduced or enacted. Wouldn't the way the committee proposal is written presently, allow the majority vote to bring the legislature into special session, allow for the introduction or enactment of these special taxes during this session that there was so much fear about previously?

Mr. Jenkins You are absolutely right. You see, what would happen, we would have a sixty day session in odd numbered years, we cannot increase taxes. But right at the end of that, if the majority wanted to stay in session, they could call a special session, and in a period of five or six days, they could pass taxes in that special session, right at the end of an odd numbered year session. So without this, we defeat the real purpose of that other amendment. You are absolutely right.

Mr. Roy Wouldn't it still require a two-thirds vote to assess those taxes?

Mr. Jenkins Well yes, it sure would. If we keep that same provision, I assume we will.

Mr. Roy Are you really concerned that the legislature will in some way attempt to keep itself in perpetual session for more money or anything like that? Is that a concern?

Mr. Jenkins It is not so much for more money, but here is the thing, Chris, if you look at other states

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where they have had unlimited sessions, then look at how long they meet. They meet most of the year. They meet 120 or more days a year, because work expands to fill the time available. We always have bills laying over. We always have bill that haven't come up yet, they haven't had committee meetings, because they were low on the priority of the various legislators. They want those bills, sure, but they don't want to hear them. They have no other legislation. All it would take would be 53 members in the House and 20 in the Senate to say, oh well, we've still got a few little bills we want to consider, so they just keep going and keep going and keep going until they do that. It would cost the taxpayers of this state a lot in additional legislation regulation interference with their private lives as well as the cost of such sessions.

Mr. Roy You keep raising other states and I wonder if you have ever addressed yourself to the question of whether their staying in session for longer periods of time has been beneficial or not. Are you able to answer us that? Because that is the issue to me, is it beneficial for the state, and if it is then what's the gripe?

Mr. Jenkins Well, that would have to be a subjective question and answer in both cases. There is no way I can answer that, Chris, but I know this, that it will certainly tend to attract a different, and I don't think a better, sort of person to serve in the legislature. It will attract people who will make their living from being in politics, who will be in Baton Rouge maybe more than they would be at home, who would lose contact with their people. This is what happens in Washington and that is why I think the Congress has so far drifted from the people in many instances because they are not sitting with the people, they are there in Washington in that insulated environment, and I feel that we might have a situation like that. It is certainly not inconceivable.

Mr. Roy Well, if that is the issue then, by a few more votes, if we assume that that is what legislators may be interested in, additional per diems or additional salary, then what is the difference between fifty percent plus one and two-thirds. Really, if you are going ascribe to the legislature the notion that these folks are going to be trying to make a living out of it instead of doing what's best for the people.

Mr. Jenkins That wasn't the only basis upon which this proposal was set forward so I am not going to be tied to that. But I don't know what future legislators will be like or what they will do. I certainly think and hope that they will be good men and do by their best, but I think the intention of this convention is to limit sessions to sixty day, legislative days or calendar days or something. I think that is the intent of this convention unless there are extraordinary circumstances, and, unwittingly I think, the proposal of the committee is such that we have not really limited them to that at this point. That is why we need some limitation to make sure that the majority can't keep it going from day to day, year in and year out.

Mr. Derbes As I understand the further provisions of Section B, any special session of the legislature called by a majority of the delegates would have to declare the purpose and purposes of the special session, would have to provide the specific number of days for which the special session is called, and in the event the special session exceeded the number of days or exceeded the purposes for which it was called, any legislation passed therein would be null. Isn't that correct?

Mr. Jenkins That is correct, but at the end of that thirty days all they have to do is call another special session and there is not limit to the number of itemized proposals or limitations that could be included. I think in our last special session we had something like 25 or 28, you could have a hundred, you could have any number, and I am sure what

would happen you could just have each different bill listed as one of the subject matters to be continued. But notice that there is no limitation in here to tacking on another thirty days to any special session that is called. You just keep on with your thirty days on top of thirty days under the way this thing is set up right now.

Mr. Derbes That is correct, but you seem to convey the impression that the legislature can just casually do this on a continuing basis and I merely want to clarify what I believe the intent of Section B is and that is to specify the number of days for which an additional special session will be called and to set forth the purposes of that special session. So we agree on that.

Mr. Jenkins We agree. That is no practical limitation though is what I am saying.

Mr. Derbes Well I believe that it is a practical limitation, although I...but I am only questioning you and I won't take the convention's time. Thank you.

Mr. Duval Mr. Jenkins, your amendment that passed in reference to the odd number years, it didn't pass by a two-thirds vote. Don't you think it should have had a two-thirds vote to pass?

Mr. Jenkins No, I don't. I don't see any relevance between calling a special session and passing something in here.

Further Discussion

Mr. Burson I speak in favor of this amendment for one simple reason. It is a matter of principle. If you wanted to establish an all powerful government, then all you would need to do really is to set yourself up a king. If you wanted to establish an all powerful legislature, then all you would have to do is say that the legislature can meet whenever they want to. Now, we haven't done that. In fact, this convention overwhelmingly rejected a measure which would have done that in effect. We have in our constitution at the present time a scheme which permits the legislature to meet for ninety days in a two year period of time. The constitution calls for a special session by the legislators and has the three-quarters proposal within thirty days which Mr. Jenkins has proposed and was rejected. Now, we have already gone for 120 days which adds 25 percent to the time that the legislature will meet. We have removed the fiscal session limitation and the limitation regarding the taxes is not the same thing by any manner of means. Now we are being asked to remove an additional limitation and permit by simply fifty percent plus one call a special session any time that majority of the legislature wants it. I submit to you ladies and gentlemen we should not forget while we are here with grandiose schemes of government, that the same people who have lived under the constitution that I set up the other scheme for the last fifty-odd years are the same people that elected us to come here to represent them. I submit to you the people of the state of Louisiana are not noted for their love for radical changes in government. I think giving the 25 percent more legislature already suits a step forward in increasing the power of the legislature and it may be a little more than they want to permit. The possibility which is clearly evident here as far as I am concerned of having continuous legislative sessions, because you have already adopted language which says that the legislature is a continuing body. You are going to be asked to adopt language here a little bit further which sets out a whole number of things that the legislative committees can do, including reporting bills out. Now, somewhere along the line I think before we leap from the restrictions inherent in the system that we've worked under, some of which I disagree with, such as the fiscal session, into something that would very much resemble what I can see, a Congress of the state of Louisiana, I think we had better stop and remember that when we

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get finished with our schemes here a majority of the people of the state of Louisiana have to approve this. I submit to you that I don't believe that they are going to be quite as concerned with words like flexibility and so on as they will be over what can be done to us, and I don't think it is a question of distrust of the legislature. I think our people have a healthy cynicism about government in general, not just legislative government, executive government, judicial government or any other kind of government that interferes with their day to day lives and operations. If we are going to increase their dose of medicine, let's not give them more than they can stand here at one sitting. I ask you to support this amendment. It keeps the law like it is and while we are changing a lot of things, let's not change everything.

Questions

Mr. Toomy Delegate Burson, without the adoption of this amendment would not it provide for the same amendment which you referred to earlier which read, the legislature shall meet in regular annual sessions as provided by law?

Mr. Burson As far as I can see, it would make that a clear possibility.

Mr. Toomy And you understand that amendment was defeated 15 to 96 in this convention.

Mr. Burson Yes sir.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, we oppose this amendment. It just comes down simply to this, do you want a strong independent legislature or do you want a real super strong governor, or what not. Let's suppose the legislature wanted to call itself in session in an extraordinary session, the governor, with his two-thirds vote, could stop it with a mere fourteen men in the Senate, and do you think that's fair? Give us some room, give the governor his powers, but don't keep tying our hands, let us have some room to work. I urge you to defeat this amendment.

Questions

Mr. Flory Senator Blair, you said I think twice now, that your committee was for a strong three branches of government, the legislative, executive and judiciary. Are you suggesting that we have three strong arms of government and a weak public?

Mr. Blair No I'm not, Mr. Flory, and you know I don't mean that, but at the same time why keep the legislature weak and give the governor power out of 144 members to let him control whether or not you can have a special session with fourteen men. I don't think that's right. And if you vote for this, you are giving the governor that much power.

Mr. Roy Senator Blair, I am going to do like Justice Tate who says this is a friendly question when he questions you from the bench, but isn't it a fact that in 1921 when Mr. Burson was referring to the constitution of the state of Louisiana that we presently have that the budget was about 2.1 million dollars, and didn't you just this past session go into a 2.1 billion dollar budget?

Mr. Blair That is true.

Mr. Roy And all we have done is give you 25 percent more time within which to deal with something of that magnitude when you are dealing with about a thousand percent more money, I think. Is that about right?

Mr. Blair I would think you are right, Mr. Roy, yes.

Mr. Roy Wouldn't you think that the fact that the people of this state...do you agree with Mr. Burson

that the people of Louisiana are never for any change and that this would be a radical change just to give 25 percent more days of legislating?

Mr. Blair Mr. Roy, I would have to disagree with the fact that you are doing that. I definitely would, I would have to disagree with that.

Mr. Fulco Don't you agree that in reference to Delegate Flory's question about the weak public, that by making...defeating this amendment and having an equally powerful legislature that the legislative body is a true representative of the people and not necessarily a weak people?

Mr. Blair I don't believe we have any weak people, our voters or legislature either one.

Mr. Fulco But the legislative body represents the people, isn't that right?

Mr. Blair That's correct and this body is closer to the people than anyone. I am not worried about the present governor or the next governor or the next, but what about way down the line, maybe you had an extreme emergency and you couldn't come in session because he had to control it over a minority of fourteen people out of one hundred and forty-four.

Further Discussion

Mr. Fontenot Fellow delegates, I rise in opposition to this amendment and I'll take a little bit of your time to give you my idea of what, of a little bit of philosophy right here. If we change this statement from a majority to a two-thirds vote, I think somehow we are losing sight of the democratic processes. I was taught the democratic process was that the majority would rule. I think this is creating a bad precedent by creating a super majority. Whenever somebody gets up here and says right now I trust the legislature but in a couple of years maybe the legislature can be made up of people that are not responsive to the people or don't agree with the people, such statements as this I think you are losing sight of your democratic and the makeup of your government. The people back home, like take your representative district control, I want a representative and a senator to represent...these people are the spokesmen for this group of people, so when you are talking about the legislature, actually you are talking about the people. When you say I don't trust the legislature, you are saying I don't trust the people, because the legislature is the people. So why should you create a super majority. You are creating a bad precedent every-time somebody gets up here and his word says a majority, they are going to try to substitute two-thirds for it. I don't think it is right. I think the majority ought to control and I think that if a majority of the legislature thinks they ought to go into a regular or extend special session, I think a majority ought to control. Now, concerning...you might say that well why do you need a two-thirds vote for taxing purposes. I see an inconsistency there, but I can argue that for taxing purposes maybe you need a little extra protection, but I don't feel like you ought to create a super majority for everything that the legislature does, and for the reason I don't want to start creating a bad precedent right here today that will carry on into the deliberations of this convention from now on until January. For this reason I am going to oppose this amendment and I think we ought to let the legislature decide by a simple majority. And, when I say let the legislature, I'm meaning let the people decide, because the people are the ones who choose these legislators and the legislature has to answer to the people.

Questions

Mr. Toomy Mr. Fontenot, you mention how much you trust the legislators, but I do not, but I want to know would you clarify to what extent you do. Do you think that we should have a majority vote on tax

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increases new taxes?

Mr. Fontenot This is just what I just tried to say. I can justify two-thirds vote for tax increases because taxing provisions are something that are so dear to the hearts of the people in the state that I think maybe a little added protection, in that particular case, is needed. It's almost arbitrary, but I think politically speaking you... it has to be done; whereas I can't justify it for calling a session or any other purpose that the legislature is trying to... any other job the legislature is trying to do.

Mr. Toomy Well, are those not the same legislators that you are talking about that you trust on one issue and you don't trust on another issue?

Mr. Fontenot That's right, they are, but I'm saying that the taxing issue is a lot dearer to the people's heart than all these other issues whereas I feel like the protection of the two-thirds vote on the taxing issues is just absolutely needed. It is inconsistent, I agree with that, but I think the inconsistency is because we have to protect our people on taxing provisions. That's the only justification I have for it.

If I'm in order Mr. Chairman, I move the previous question.

[Previous Question ordered.]

Closing

Mr. Jenkins Mr. Chairman, delegates, of course the only thing this does is to change the words "a majority" to "two-thirds". But the impact of it is to protect everything that we've been here debating and discussing for the last four or five convention days. Frankly, I didn't come prepared to debate the merits or demerits of a year-round legislature, because I thought the delegates here were already convinced that a year-round session was not in the best interests of the people of this state. Suffice it to say, that the people would not tolerate year-round sessions of the legislature, and I really don't think by our past votes that we want year-round sessions, either. But the mechanism exists right here unless we adopt this amendment. In essence, year-round sessions of the legislature. We've already said it will be a continuous body, and now we say by a simple majority it can have a special session. Not after a thirty day delay after a regular, but right at the end of a regular session, including those in odd numbered years that are supposed to forbid taxes. And at the end of the special session the majority can simply call another special session for thirty days. The legislature, under this, can stay in session for as long as it wants to. Many people have said that we need to increase the power of the legislature, and there is no one more concerned than I am about the disparity in power, particularly between the executive and legislative branches. I fear that when we attempt to level-out the power among the various branches, though, that we might succeed in doing something quite different. And that's tremendously increasing the overall power of government. If we don't... if we keep the level of power of the governor the same, and the judiciary the same and we simply tremendously increase the power of the legislative branch, the overall effect is going to be to tremendously increase the overall power of government. Let's increase the power of the legislature, at the same time decreasing the power, maybe, of the executive branch. But we need some limitations. We have trust in the legislature, but not complete, total trust, to the extent that we're willing to abdicate our responsibility, and let them meet year-round. I don't think we feel that way. Let's simply provide that, as we have in the past, a special session can be called by a two-thirds vote of the membership not by a mere majority. I'd hate to see us have a situation like we had during the period of sixty to sixty-four when we had a special session meeting on segregation matters for, I think, about sixty days continuously in special session. Of course two

thirds agreed then, but it's harder to get two-thirds than a majority. Let's make sure that it's something that a substantial number of the legislature really wants and will agree to, so that we won't have year-round sessions. So I urge your adoption of this amendment.

Questions

Mr. Casey Mr. Jenkins, I can certainly understand some of the arguments that you are setting forth, but would not, under your proposal if adopted, then permit the governor to have more control over the legislature to make the legislature a less independent body and thereby permit the governor, who may have some control, for instance in the Senate, by obtaining the consent of ten senators under your proposal rather than fourteen senators under the proposal as it exists to prohibit the calling of a special session of the legislature by itself. So therefore, would not the governor have more control under your proposal?

Mr. Jenkins I don't think your figures are correct at all. It simply keeps the system the same. It keeps a two-thirds vote required. It would take fourteen to prevent it, just as now. There's there's no question of ten being involved, I don't think.

Mr. Casey You're correct. My figures are wrong, but would not it take fewer senators to prevent a calling of a special session under your proposal than under the proposal as it exists right now? Is that not correct?

Mr. Jenkins That's correct, Tom, and let me say this: I know that you and many others would like to see year-round sessions of the legislature, because you've advocated in committee and on the floor, and I certainly respect your right to do this, but what I'm saying is I don't want this to get in the back door. I think that we've already pretty well agreed that we don't want year-round sessions of the legislature and yet if we don't adopt such a mechanism we can have the possibility, indeed perhaps the probability that they will occur.

Mr. Casey Well, first of all, if you'll yield to another question with the permission of the chair is it not correct, Mr. Jenkins, that I have not advocated year-round sessions of the legislature... that I have merely advocated the possibility, initially, that if the legislature were permitted by law to establish legislative sessions... that they would set up the mechanics in the period of time. That is not me advocating year-round sessions, first of all. Is that not correct that I have merely advocated a different method...

Mr. Jenkins I think you're right. I'm sorry. I didn't mean to misrepresent your position. But I do think that the debate has come around to that point, whether or not we want the possibility of year-round sessions. We'd appreciate your favorable vote on this amendment.

[Amendment rejected: 37-15. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment Number 1 [By Mr. Abraham]. On page 2, line 16, after the word and period "session," delete the remainder of the line, or the sentence, it says Amendment Number 2. On page 2, delete all of lines 17 through 24 in their entirety and insert in lieu thereof, the following: "The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene and the number of days for which the legislature is convened. The subject matter of the session may be amended by proclamation to the legislature until 48 hours prior to the hour in which the legislature convenes. The power to legislate under the penalty of nullity shall be limited to the subject specifically enumerated in the latest proclamation convening such extraordinary session."

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The session shall be limited to the time named therein, and shall not exceed thirty days. The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe.

Explanation

Mr. Abraham This amendment is brought up now on behalf of the Committee on the Executive Branch, and the reason I bring it up now is in order to bring this thing before the convention in the executive branch article, we have a provision for extraordinary session which allows the governor to call the legislature into extraordinary session. And we track it along the same lines of the existing constitution and the language is essentially the same as that proposed by the Committee on Legislative Branch with one exception. In the course of our discussions, it was brought out that many times a legislator or someone will have a subject that he would like brought up in a special session. And he will not ask for a special session himself. Once the special session is called, he would like to have the opportunity of submitting his subject matter. So, what this does, it's the same as essentially, as the one presented by the legislative article, except that it gives them a three day period in which the subject matter can be amended. That anyone wishing to have something added to it has within 48 hours of the time the legislature convenes to get his subject matter included...and that is the basic difference here, and, of course, the last paragraph and...what we've done here is repeated the exact language in the executive article that allows the governor to convene the legislature in extraordinary session without prior notice in public emergencies and so forth. Now, the reason we bring this up now is so that we can probably settle the issue now, rather than having to consider it now and then have the same thing come up in the executive article later.

Questions

Mr. Juneau Instead of having five days as is this provision originally enacted, in essence, you have provided that within two days a matter may be put on the agenda and brought to a special session. Therefore, limiting the time period that the public would know of a specific object until the limited time of two days before the session. Isn't that possible?

Mr. Abraham That's correct. It takes five days to call the session but the subject matter can be amended during a three day period and you cannot amend it after the 48 hours prior to the session.

Mr. Juneau Well then, in essence we might as well not have the five day provision, we might as well put it all down to two days, according to that amendment.

Mr. Abraham No it's still...you still have to have five days notice to call the thing. A couple of legislators said that we would like to have something considered, and we didn't feel that we should call a special session for it, but as long as the special session is going to be called, we'd like an opportunity to get our subject matter in.

Mr. Juneau Well, wasn't the object of having a time delay so that the people wouldn't get caught short on public notice and what we've done is reduce that notice time to two days according to that...

Mr. Abraham You've reduced it to two days, that's correct.

Mr. Fontenot If I understood you correctly, you said that some of this language was traced from the present constitution, is that right?

Mr. Abraham Yes, it sort of tracks the present constitution.

Mr. Fontenot OK, my question is concerning the second paragraph. Is this the exact wording of the present constitution?

Mr. Abraham No, are you talking about the same, where the governor may convene in times...

Mr. Fontenot Right.

Mr. Abraham Yes, this is something new. This is new.

Mr. Fontenot Could you give me some idea what is your definition of a public emergency.

Mr. Abraham Well, we've given examples, such attacks by the enemy, by epidemics, or public catastrophes.

Mr. Fontenot Would a public catastrophe in your words be like a hurricane or a tornado...

Mr. Abraham Hurricane, flood or something like that.

Mr. Fontenot How about a riot?

Mr. Abraham I don't think a riot is a public catastrophe, John.

Mr. Flory Mr. Abraham, my question relates to the first line in your amendment where you mention the proclamation. Let's assume for the sake of discussion that a majority of the legislators see fit to call themselves into special session. And the Speaker of the House and the President Pro Tempore of the Senate issue the call. Could you tell me what goes in the proclamation?

Mr. Abraham Normally what would go in the proclamation will be the specific subject to be considered, the date and time the legislature convenes and the number of days for which the legislature is convened.

Mr. Flory All right, then.

Mr. Abraham We spell that out.

Mr. Flory All right, let's assume then there is a hundred and forty-four members of the legislature who all vote for a special session provided each issue that they are concerned with is included in the call. Are you saying, then, that there is no limit to what could be put in the call?

Mr. Abraham Mr. Flory, there is no limit, right here, because if a majority wants to call a special session you could have the same thing...that a person says I will not agree to a special session unless I can get my subject matter into the call. This was brought up in previous discussion where you might have a hundred and thirty-two different things that wanted to...

Mr. Flory I'm just trying to understand the mechanics from those issuing the proclamation as to who makes the determination as to what goes in the call and what's included in the call. How does...

Mr. Abraham I would answer that by asking you a question...now.

Mr. Flory Well, it isn't in there, and would have thought that your amendment was attempting to clarify that.

Mr. Abraham Well, it was brought out in discussing this here, Mr. Flory, that there would have to be rules set up as to how the mechanics of these calls would be handled. I think Mr. Juneau brought that out. And I would assume that you would have to do the same thing under either case.

Mr. Anzalone Mr. Abraham, the second paragraph dealing with the governor may convene the legislature in extraordinary session without prior notice

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or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe; does not this take the words public emergencies and define them specifically to say that only an epidemic, attack by the enemy, or public catastrophe could be the reason for a call?

Mr. Abraham Yes, this is specific. This is... these are not examples. It says public emergencies caused by. So that limits it to these things.

Mr. Anzalone So it would prevent someone saying that something that was not a public emergency, not associated with these three things to be a reason for a call of the legislature.

Mr. Abraham That's correct.

Mr. Burson Mr. Abraham, I notice what I believe to be a difference and I wonder if you agree with me. The committee proposal says on line 24 that the special session shall never exceed thirty calendar days, whereas your proposal in the last line of the first paragraph says shall not exceed thirty days. Wouldn't that be different? In other words, it implies to me that maybe you could have a thirty legislative day session. It just doesn't say.

Mr. Abraham I don't know of any other way of measuring a day than by the calendar.

Mr. Burson Well, we have, of course...

Mr. Abraham A day is a twenty-four hour period, Jack.

Mr. Burson We have, of course, dealt with through-out discussion of legislative days on one hand and calendar days on the other. Isn't what you meant thirty calendar days, that's my question.

Mr. Abraham Well, that's correct, but in considering our article, we were never in the process of talking about legislative days. We were talking about calendar days.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention. We would like to divide the question. We have no objections to the last paragraph, but if you will notice he picks up language into... down to the first sentence and he should've inserted the subject matter of the session may be amended down to the end of that sentence. Then he picks up our same language again with the exception of calendar days. We'd much rather, since it's been brought out, the fact that we've been talking about legislative days and calendar days. So, I understand there's an amendment being prepared to take care of the last paragraph so to clear this I'd like to see, I'd urge you to defeat this one and come up with the other amendment, which we wouldn't have any objection to.

[Previous Question ordered.]

Closing

Mr. Abraham No, I simply wanted to bring out the reason that this thing up now was not necessarily so... it's simply to bring the issue to you that we do have two proposals, and in order to save arguing over this thing twice, if this one passes then there's no point in us, in our legislative article, we are arguing the same issue again. So that's the only reason that this is brought up now.

[Amendment rejected: 11-92. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendments proposed by Mr. Denney. Amendment Number 1, on page 2 between lines 24 and 25 insert the following: "the governor may convene the legislature in extraordinary session without

prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe."

Explanation

Mr. Denney This is the same as the last paragraph in the previous amendment in which you rejected and which could not be divided. The question on it could not be divided. Senator Blair says that the legislative committee has no objection to this. As I understand it, it was omitted because in the original section, in the original draft the legislative department there was no requirement of a five day notice. Therefore, this would have been unnecessary. When the five day notice was inserted and placed in their report, they overlooked the emergency situation and the purpose of this is merely to take care of emergencies as they are taken care of in the present constitution.

[Amendment adopted: 89-7. Motion to reconsider tabled. Previous Question ordered on the Section. Section passed: 92-8. Motion to reconsider tabled.]

Recess

[Quorum Call: 95 members present and a quorum.]

Reading of the Section

Mr. Poynter Section 3, size. Section 3, the number of members of the legislature shall be provided by law but the number of senate members shall not exceed 41 and the number of house members shall not exceed 111.

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, we just added a few more down the way. We might not know what would happen twenty years or more. So, we gave a little more latitude going from 39 to 41 that could be in the senate and going from 105 to 111 in the house. Now, there's two sides to this, of course. Our committee was a unanimous vote for this particular section, with two members being absent. But on the other side, of course, someone brought up there's a lot of argument back and forth, that might cause arguments in later years, especially in urban areas, or how you would go on from your 39, for instance your senate, on to your 41. But our reason behind it was to give us a little more latitude in the legislature when we do appointment.

Questions

Mr. Toomy Senator Blair, I appreciate your comments on why you increased the numbers because the comments of your committee don't express any reasoning at all. Why did you pick these particular numbers if you wanted to have leeway?

Mr. Blair I think it would be in proportion as for as the senate increase and the house increase because of the numbers now being 105 and we've tried to keep it at an uneven number, of course, avoiding ties and things of that type. But along the line that we have at the present time. Just a little more latitude for the legislature to work under on appointment when it came up.

Mr. Toomy Well, if this constitution is going to last for many years, which I hope it does, why didn't you increase it even greater than it is to allow for flexibility. Why these particular numbers. Why increase the senate by 2 and the house by 6.

Mr. Blair Well, particularly, one of the things in the house I understand the house could handle 111 members, and if you increased it more you would probably have to knock out a side. There were some people that thought that maybe we should reduce both houses, but our general agreement, after we studied

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it and listened to the different testimony and all. we came out with this number.

Mr. Toomy Were these numbers chosen basically on the physical plan of the legislature, the house and the senate, as it is right now.

Mr. Blair Partially so, yes.

Mr. Toomy Thank you.

Mr. Chatelain Delegate Blair, have you given any thought to a problem of reapportionment, sir?

Mr. Blair That's where you may have a problem, but we are now apportioned on a population basis. Just giving an example, suppose that the legislature wanted to increase, then the way I'd see it you would just lower, fix your population with that particular number that you'd have, whether it would be 39 or 49 or 41 or either your 105 or 111.

Mr. Chatelain Well, I could anticipate being adopted in 1974 or maybe 75 or the 76...want to increase the number of legislators that would create a boundary problem and cause a lot of furor, wouldn't it sir?

Mr. Blair I could see possibilities, yes.

Mr. Chatelain Thank you.

Mr. Bollinger Senator Blair, could you explain to the convention what was the purpose of limiting the legislature at all in the number of legislators? I was just curious and possibly some other people are curious.

Mr. Blair I think if you had left it wide open that you would have had a lot of confusion. In fact, I've heard some complaint, and I wouldn't be surprised if you don't have an amendment here, to peg it back to the 39 or 105. We felt that we had to hit on a number. For clarification and so there'd be no confusion and things of that nature.

Mr. Weiss Delegate Blair, did your committee take into consideration the report on the state of the state of Louisiana in which we find that the population growth has actually declined considerably in the four year and below age group, some 17%, and therefore in the years to come, although we've had a 1% increase each year in the past ten years, we may find that there's a decline in the population and therefore less people in the state. Did you all consider that in this figure?

Mr. Blair Yes, we surely did, and it's kind of like giving someone a salary. You can give them the salary, but boy if you start to cut it, you're in trouble. We figured that we would definitely be in trouble if we cut the size of either house. And we again were hoping that we would come through with an article that would help pass the whole article as we will have it finished in January.

Mr. Weiss Even though, to have the same number apportionment at this time there may be actually be less members of the legislature in the house to meet this number today in years ahead in view of the zero and below population growth that we're faced with in the future.

Mr. Blair Well, I look forward to Louisiana growing, Dr. Weiss, and I hope that doesn't create a real problem.

Mr. Velazquez Senator Blair, since we do have single member districts now, wouldn't you say that in the case of reapportionment, this increase that you've put in would take what help those areas which were underrepresented before and might lose out in reapportionment to continue to have representation?

Mr. Blair I think on this single member district, Mr. Velazquez that we would still have to go on a

population basis, that is, if we keep it as we have now. It could be taken care of on a population or fluctuation or reaching that number dividing into it. I don't think you'd have a real problem, there.

Mr. Velazquez Then doesn't this increase in number take care of the situation where there is an increase in population or a decrease in population?

Mr. Blair Yes, if you had 39 now divided into the population comes out what some 92,000 people that we represent in the senate, and what 34,000 in the house. So if you had the population, we kept it on the same number, and the population increased then you would have an increased amount of people that you would have to represent. Vice-versa with a decrease, if you had a decrease in population.

Mr. Velazquez Fine, thank you.

Amendments

Mr. Poynter Amendment Number 1 [By Mr. Alario and Mr. Toomy]: on page 2 line 28, immediately after the words "iced" and before the words "and the" delete the word "forty-one" and insert in lieu thereof "thirty-nine". Amendment Number 2: page 2, line 29 immediately after the word "hundred" and before the period delete the words "and eleven" and insert in lieu thereof the word "five".

Explanation

Mr. Alario Mr. Chairman, fellow delegates, this amendment seeks to limit the number of members in the house and the senate to exactly the number they presently have, 105 in the house and 39 in the senate. The committee's proposal and their argument was that it would allow some flexibility and that's some latitude in later years when they reapportion. I suggest to you that that latitude and that flexibility is going to end the very first time the legislature has to reapportion itself because immediately I can foresee, since they had the right to go up to 41 members in the senate and 111 in the house that's exactly what they're going to do and that's going to lock in at that amount of members. I think all that you're doing here is simply increasing the number of members in the house and the senate. Without any real argument as to why you should do that. I don't think we ought to increase the number of members. I don't think you ought to increase the costs of government to the taxing people of this state. It is my belief and under figures that I have worked out tentatively, that you're going to increase by these number of members in the house and the senate the cost, at a minimum cost to the state and the taxpayers, some \$152,800. I get that by computing 8 new members at an approximate salary of, figuring there committee meetings and benefits that he may be entitled to. And I'm also considering the proposal that the committee has of annual salaries but it might increase this figure, of some \$10,000 a member at 8 members, some \$80,000, and not counting the costs to the state for each member to have bills printed and introduced and the work of the legislative council, the other fringe benefits that he may be entitled to. And I'm also computing that each legislator has the right to hire a legislative assistant at some \$400 a month; he's allowed a \$50 a month office expense and a \$100 a month for rent. This may increase in the future, I would think, as the cost of these things go up. I think this \$152,000 cost to the state and the taxpayers is not justified. I don't think it's necessary and I ask that you will vote for this amendment.

Question

Mr. Anzalone Mr. Alario, considering the problems that the legislature had in 1970 in reapportioning itself, and the result of having it done by a master, do you not feel that what you are doing here is creating that same problem in 1980?

Mr. Alario Mr. Anzalone, the legislature in 1970,

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I think, addressed itself to more gerrymandering and was concerned with trying to put multimember districts in certain areas. Under the proposal that this convention has adopted, the legislature would be required to go under single member districts and to reapportion accordingly. I think you're going to stop a lot of that business they had in 1970 with that proposal. I don't see the same problem arising in 1980.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention. Senator Blair has already indicated that this proposition passed unanimously by the committee. I think it would be appropriate to comment on some of the questions and some of the argument brought out here. First of all, Mr. Bollinger, I think you asked the question about why should we have a limit at all in the constitution. In the New England states such as New Hampshire and Massachusetts, their house of representatives comprises as many as three or four hundred house members and they are severely criticized for that large number because the most effective body by all statistics pointed out, I have the ideal situation is in the area that we are dealing with at this time. And the reason, Mr. Joe Toomy asked the question, why do we have these particular numbers that we are dealing here with now? Well, Senator Blair has already indicated that the Clerk of the House and the Secretary of the Senate appeared before our committee. We discussed this matter; they indicated that the physical facilities could only comfortably handle 2 more senators, from 39 to 41 and 6 more house members from 105 up to 111. The real reason that the committee adopted this proposal as is, was merely for flexibility. Mr. Alario is absolutely correct that there is no real argument, or there's nothing sacred about the numbers and 111. Nor is there anything sacred about the numbers 39 and 105. If you really, really want to streamline things, Mr. Alario, maybe the ideal situation might be to have only 30 senators and 90 members of the house. Why stick with 105 members in the house and 39 members in the senate? And if you're going to argue... I'll yield, but when I'm finished... and if you're going to bring up the cost argument, that's the best argument that you can give them. Let's reduce it, down to 30 senators and 90 house members or 25 senators and 80 house members. You can pick any figure that you want to. So I really don't consider those to be really the potent arguments behind this. I think this really goes to the heart of the entire concept of a constitution. Are you going to be flexible and viable and versatile and offer to the legislature and to the people the most workable constitution that we can come up with. And I feel that you will not have a problem on reapportionment in the immediate future of adding additional spaces in either the house or the senate, although I'm the first to admit, that politically, it should happen, but I don't think that would be a major catastrophe because it's not a drastic change, increasing the senate from 39 to 41 and 105 to 111 with a population growth you're not going to water down or diminish your representation. Each member of the house represents approximately 33,000 people. Each member of the senate, approximately 93 to 95,000 people. With the increase in population, the time that we get to the next period of reapportionment, even if you did increase the membership to the maximum, you would still have approximately the same percentage of representation in population. I don't think that this is a big thing to argue about. I don't think that we should really be laboring the point too much longer. Either you're in favor of the concept of flexibility or you're against it or you're going to lock us in again on another particular proposal. I think that's the whole issue that we're really deciding here and I will yield.

Questions

Mr. Alario Delegate Casey, are you aware that in the amendment that I have and the proposal that the committee has submitted that in both instances, we

say, that it shall not exceed thirty-nine Senate members and shall not exceed one hundred and five, which means to me... does it mean to you... that then the legislature could reduce itself if it so chose and allow for that flexibility?

Mr. Casey But my answer to that, Mr. Alario, if you are really concerned about the cost factor and really want to save the people of the State of Louisiana money, why not just say in the constitution, "shall not exceed thirty Senators and shall not exceed ninety members of the House of Representatives"?

Mr. Fayard Delegate Casey, as our committee studied this proposition, did we not consider that as presently constituted, you have approximately three representatives for each Senator?

Mr. Casey That's correct.

Mr. Fayard As the proposal is presently presented to the convention, the increase is approximately by the same ratio. Is that not correct?

Mr. Casey It is proportionate. That's correct.

Mr. Nunez Representative Casey, why do we have to increase at all? Why can't we just leave it thirty-nine and one hundred and five? You're dealing in the area of increasing the numbers in the legislature when we can just pick up additional people like we did this past time. I wouldn't mind going to one hundred and fifty if we have to and you go to 40,000 and keep the numbers the same.

Mr. Casey As I said, there's no sacred number. We could say thirty and ninety. Mr. Alario would like to say thirty-nine and one hundred and five. All we are trying to provide is the flexibility. The legislature doesn't have to go up to forty-one Senators and one hundred and eleven House members. They can in the future after the next reapportionment plan reduce the number to whatever number might be appropriate and the dictates of efficient government might require.

Mr. Nunez But the flexibility is also there now. Just increase your district to include more people, if the population growth of the state dictates as such and a ten year count comes out and you have to pick up four or five thousand people, just like we did this time. Why can't we do it rather than increase the number of the legislature. I think that was his point.

Mr. Casey My answer to that is, the flexibility is only one way that you can alter this. It provides for no flexibility upward and that's all we're offering. If you like the proposal as it is, vote against the amendment of Mr. Alario. If you do not want to provide the flexibility, the slight margin that we are allowing, the vote for the amendment. It's a very simple proposition as far as I'm concerned.

Mr. Nunez You say it's a simple proposition, but when you start dividing the districts as opposed to a thirty-nine into forty-one and as opposed to one hundred and five, what are you going to hundred and what? One hundred and eleven? It's additional districts that you have to create.

Mr. Casey That's correct

Mr. Nunez You have to recreate the lines whereby if you stuck with the same numbers, you'd have to move the boundaries to include new people that have moved into the area or just shift the boundaries. I think you are creating a problem when you take on additional numbers as to the same numbers and taking on additional people. I think you do create a problem.

Mr. Casey Mr. Nunez, I would have to leave that to the infinite wisdom of the legislature to determine whether they are merely going to strictly re-

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apportion by geographical bounds and keep the numbers rather than increase the numbers. So I'll rely on their infinite wisdom.

Dr. Weiss Delegate Casey, the Louisiana Office of State Planning clearly indicates in projecting to the future that we will not have an increase in population growth. Is the only reason that your committee recommended this is because they have more facilities in the Senate and the House? Is that the purpose?

Mr. Casey Initially I think the committee has well-indicated that we would prefer to offer in the constitution a flexible, workable constitution rather than locking too much in and itemizing too many things. This is one of the areas where we attempted to allow some small, minute margin of flexibility. I don't think it's a great margin of flexibility at all. As I mentioned, the only reason why we arrived at these high figures, and I don't personally consider them high, is the limitation of the physical facilities. I think we are saddled, we are locked with the State Capitol that we have at this time. I don't anticipate any real change in the chambers as they exist today.

Mr. Alexander Mr. Casey, is it not a fact that the basic concept of reapportionment is that it divides the population by the number of seats? In this instance 105 by 3,600,000, 39 by 3,600,000?

Mr. Casey That's correct.

Mr. Alexander All this provision would do is increase that number, 42 to 3,600,000 or 4,000,000 as it may be subsequently. Isn't that right?

Mr. Casey That's all. It's a very simple mathematical proposition.

Mr. Alexander Then the boundaries would move automatically according to where the people live. It would not affect the boundaries so far as keeping them in place or moving them. They would move with the population. Isn't that right?

Mr. Casey That, of course, is part of the process of reapportionment to determine those boundaries.

Mr. Alexander Right. Thank you.

Further Discussion

Mr. J. Jackson Mr. Chairman, members of the convention, I rise in opposition to Delegate Alario's amendment which in fact just says that we are going to limit the present seats that exist in the House and the Senate as it is today. The question of cost is brought up as to whether it is going to cost the people of the state additional amounts of money for representation. I grant that we ought to control cost in government. But, how can you measure the cost of the people being represented? Can you measure an additional four hundred dollars in cost as to, for instance, representing an additional 35,000 people? I don't think that the argument of cost is as sound as it is being proposed. Another point is that, and I'm not a statistician, but I take opposition to the projections as indicated by a speaker relative to the State Planning Commission indicating that we possibly wouldn't have a population increase. As we move into the area of better labor management, and we are going to have more people moving into our state. I think that if you just suggest that in a period of ten years, if we just had three hundred thousand people, which means that we would fit the requirements of the State Planning Commission. Reapportionment is based on a multitude of factors, not necessarily on the amount of seats that exist in the House or in the Senate. As I reflect and did some research, since 1921 this is about the proportionate increase that the House has had. I think in 1970 we increased it from maybe 100 and gave five more seats, but urban areas, I think New Orleans got a couple, or Jefferson got a couple or Caddo Parish got a couple. I think as Mr. Casey

has said it's just a proposition to offer some flexibility to the legislature. If you freeze it at present, then in effect what we are basically doing, is saying that (1) that our population won't increase and I disagree with it and (2) that cost will be so great as opposed to the adequate representation of a person and (3) that all we have to do is increase the population per representative district or senatorial district. I think that Mr. Casey has expounded on that by saying that that's only one avenue. This allows two. I'm not too sure that the present figures of the committee is the maximum figure but I'm suggesting that does provide some kind of latitude, some kinds of flexibility. Now if you want total flexibility, then I guess we would say we will provide by law. Then for those persons who are sincerely concerned about cost, you may have a problem because we may rise as high as one hundred and sixty-five or a hundred and seventy-five. Based on the arguments pro and con for this kind of proposition, I think that what the committee has offered so far seems to rationally approach the kinds of growth that's needed in our state legislature. For those reasons I would ask that you oppose Representative Alario's amendment which limits the legislature to the very fixed number. I will end my remarks by saying, I'm proud of what we have, however, and I agree with you Dr. Abraham, that we ought to determine representation of our population based on seats. Because I think the question we would ask is, well, what if in the past we had larger seats. I think we're renovating the Capitol right now at a great expense to the state, so I don't think that argument holds but it does give me pride if you look at some legislature across the country that this at least approaches the medium in terms of medium for representation of the people of our state. For those reasons I ask you to oppose Representative Alario's amendments.

Further Discussion

Mr. Landrum Mr. Chairman, fellow delegates. Certainly what has been said by Mr. Casey should really sum up what should be the feeling of most of us here today. This is the one area where the committee really was unanimous in their feeling. If you notice what the committee proposed, it did not really ask that you change anything as far as the number, the present number...but at least it gives you the latitude to change if a change is necessary. What we have now, we started in 1921, I believe, with 101 and in the Senate thirty-nine as it is today. Now, I really wish that it was changed to an even larger number than forty-one, so that the people could get better representation. I've heard you talk so much about what the people are not interested in. The people don't really get a chance to see you too often. Only when election time comes around, and when there are so many of them that you are not able to see them even at that time. It is necessary for the legislature to be able to increase its size if it becomes necessary. If they deem it that their wisdom to increase its size, then I believe that they should have that type of latitude. Mr. Alario's amendment will only make matters stay as they are now, and I don't believe in staying where we are now. I believe we should move forward. We've been where we are now for too long.

Further Discussion

Mr. Ginn Mr. Chairman, delegates, I, too, was a member of the legislative committee, and originally, I supported the concept of perhaps increasing the number of senators and representatives to allow for the future, but since then I've had second thoughts, more, rise in support of Mr. Alario's amendment. I'd like to tell you why. The 1921 constitution allowed for 39 senators and it has remained 39; it allowed for 100 representatives, in 1921. In 1954 we increased the number of representatives to 101 giving that representative, I believe, to Jefferson Parish, and in 1960 we increased the number four more, representatives. We added one to Caddo, one to East Baton Rouge Parish, and two to Jefferson Parish. Gentlemen, I have a fear that the country people

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are losing representation. I understand that the population is growing in the metropolitan areas, but I am rising in support of Mr. Alarino's amendment.

[Previous Question ordered. Amendments adopted: 53-52. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Tobias], on page 2, line 27 immediately after the word "law", change the comma to a period and delete the remainder of the line and delete lines 28 and 29 in their entirety.

Explanation

Mr. Tobias Briefly, all this amendment does is leave the number of legislators in the legislature to be absolutely flexible. The present restrictions, or the restrictions that this convention just voted, to me seem unreasonable. We've provided protection to the people with single member districts. Federal requirements require that we have an apportioned legislature on the basis of population. By adopting this amendment we will allow absolute flexibility as times change. If the population decreased, perhaps the legislature would want to decrease the number of members in each house. This is to be left to them. There's a practical restriction too. The number of seats in the present Capitol is limited. There are very few that they could add but someday we may have a new State Capitol Building and we may want to expand the number of Representatives and Senators in the legislature. I would urge the adoption.

Questions

Mr. Velazquez Mr. Tobias, if we have a choice between justice for all the people of Louisiana and a wall, which one do you think ought to go?

Mr. Tobias I would hope justice for all the people in Louisiana.

Mr. Velazquez I think you mis-heard me, brother.

Mr. Tobias I couldn't hear you. I'm sorry.

Mr. Velazquez I said if you have a choice between justice for all the people in Louisiana or a wall in the state legislature, which one has to go?

Mr. Tobias The wall has to go.

Mr. Velazquez Don't you feel that by allowing the state legislature to decide itself by law which size the legislature should be we protect some of the rural districts which are losing population to urban areas? To keep the representation that they need, to give the people of their district the services that those people need

Mr. Tobias I would certainly hope so.

Mr. Velazquez Wouldn't you say that, in many ways, our rural people need protection as much as our urban people do?

Mr. Tobias I would hope so

Mr. Velazquez Would you say that this last thing that we worked on, that managed to get by one vote, in many ways cheats our rural people who live in an area of declining population but not declining needs?

Mr. Tobias I would agree

Mr. Velazquez Thank you, Mr. Tobias.

Mr. Burns Mr. Tobias, do I understand from your amendment that if the legislature should meet and decide to increase their number to 150 members or

EBB members that they could do that?

Mr. Tobias That's correct, sir.

Mr. Burns Don't you think perhaps that the citizens of the state, or a majority of them, think we have too many at the present time?

Mr. Tobias My feeling is that most legislators presently in the legislature would not vote to dilute their voting strength in the legislature. You've got practical limitations on it.

Mr. Burns My question was based on the general line of questions and arguments that I have been listening to where so much is based on assumption and anticipatory, something that might happen way in the future. It's getting away from realism and my question was more or less based along that line, not that I think it's ever going to happen.

Mrs. Warren Mr. Tobias, are you saying give the Legislature the opportunity of doing anything they would like to do? Because that is what it sounds like to me, the same as what Mr. Velazquez just got through saying. You're putting a wall around them. Let's tear it down a little bit. I am really wondering if you really want to...it's just like giving a person a blank check and you write in what you want. Now is this what you're saying?

Mr. Tobias I would answer you this way. Can you imagine the legislature trying to get rid of one of their members. For example, if they decided that they didn't like one particular member, if we were to reduce the number of Senators to 38, that district would have to be reapportioned among other districts. So it provides protection in that light. It provides protection from what you say. The practicalities of it is that the legislature is just not going to change it for a long time to come, in my opinion.

Mrs. Warren I still don't understand you when you say, "try to get rid of one" and I don't know for what reason they would want to get rid of one. If it is necessary to get rid of one, then I think they should be gotten rid of. If not, I don't think they should.

Mr. Tobias They probably wouldn't. This just allows maximum flexibility.

Mrs. Warren If you ask me a question, if it keeps going like it is now, I could just imagine they'll get anything or do anything.

Mr. Shannon I believe that we have gone through the animal kingdom and we got through the reptile kingdom and I think we've gone the gamut on everything. I move the question on the entire subject matter of Section 3.

[Previous Question ordered on the entire subject matter. Amendment 133-109: 13-79 Motion to reconsider tabled. Quorum—11; 112 delegates present; 112-11. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 4: Qualifications, Residence Requirements, Term, Vacancies and Salary

Section 4 (A): Every elector, who at the time of the general election shall have reached the age of 18 years shall be eligible to membership in the House of Representatives. Every elector who at the time of the general election shall have reached the age of 21 years shall be eligible for membership in the Senate

B. No person shall be eligible for membership in the legislature unless at the time of the general election he shall have been a resident of the State for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding his election.

However, at the next regular election for members

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of the legislature following the reapportionment of the legislature, a person may qualify for election to either House of the legislature from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election.

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

C. The members of the legislature shall be elected for a term of four years each.

D. When a vacancy occurs in either House of the legislature, the remainder of the term shall be filled only by election as provided by law.

E. The members of the legislature shall be compensated by an annual salary which shall be fixed by a majority vote of the elected members of each house of the legislature. The amount fixed may be changed only by two-thirds of the elected members of each House of the legislature to be effective at a term other than that for the members presently serving.

Explanation

Mr. Juneau Mr. Chairman and fellow delegates, I think what I'd like to do is an explanation is tell you some of the changes with regards to the present constitution.

Number 1, with regard to the House of Representatives as pertains to the age, there is no change. We have provided the age shall be eighteen. The present constitution says that a qualified elector shall be served in the House of Representatives. So in that respect there is no change.

With regard to the Senate, there is a change. In the present constitution, it requires that a member of the Senate be at twenty-five. That has been changed in the committee to age twenty-one.

Now if you will, I will move to Section B of Section 4. In that regard, there are several changes I'd like to call to your attention. With regard to the requirement that he be a resident of the State of Louisiana, the present constitution says that he must be a resident of the State of Louisiana...

Mr. Henry Mr. Juneau, do you mind if we go ahead with A first because that is the way we have been proceeding, if you don't mind.

Amendment

Mr. Poynter Amendment No 1 [by Mrs. Taylor], on page 3, line 4, immediately after the words, quote, "age of," and before the word, quote, "years," delete the words, quote, "twenty one," and insert in lieu thereof the word, quote, "eighteen."

Explanation

Mrs. Taylor Mr. Chairman and fellow delegates, I think the amendment really explains itself. All that the amendment does is lower the age from the recommended age of twenty one to eighteen for qualifications in the Senate.

By law, eighteen years olds are eligible to vote, and I would think that if eighteen year olds are mature enough to serve in the House of Representatives, then they are mature enough to also serve in the Senate.

Also, they have reached the age of majority and are fully responsible for their acts. And I would say that under democratic principles, the people should be allowed to elect their leaders without age restrictions. It is basically undemocratic to put limits on the representation the people can choose. I ask a favorable vote on this amendment.

Further Discussion

Mr. Tobias I was appointed to this convention to represent youth. I can honestly say that youth has not contacted me. They have been very quiet. But

I am of the firm opinion that if a person is old enough to vote, he really ought to be allowed to run for the legislature.

As a practical matter, a person eighteen years of age is not going to run. This just allows that individual... we would be saying to the young people of this state, if you can vote, you can have the power to run. You can run and you can be elected. You may not be elected, but you have that right. And I urge the adoption, and I agree with all of the reasons stated by Mrs. Taylor.

Questions

Mr. Bollinger Delegate Tobias, in your opinion, or from the arguments you are presenting in favor of the proposed amendment, wouldn't you consider a better provision to be simply state the elector can run since it might be in twenty or thirty years the U. S. Constitution might provide for an elector say of seventeen or sixteen and this same argument would prevail.

Mr. Tobias As I understand, Mr. Landry has an amendment which he will offer up after this one which will provide exactly that and I think that... as practical as we would agree with both amendments... I think that Mr. Landry's amendment will offer more flexibility for the future should the voting age ever be reduced to age 16 then I would believe that those people should be allowed to vote.

But I would urge the adoption of this amendment at this time. And when Mr. Landry comes back with his amendment, I would also urge the adoption of that amendment.

Mr. Burns Mr. Tobias, I understood you to make the statement that you thought that if a person was old enough to vote they were qualified to run for office. Is that correct?

Mr. Tobias That is correct.

Mr. Burns Do you think this would apply, since then, to the office of governor?

Mr. Tobias Yes, sir.

Mr. Burns Do you think that the rights of a voter supersedes the importance to the State of Louisiana, for instance, as to getting an experienced person to head up the government of the state?

Mr. Tobias The point is that as a practical matter, the people of this state probably will not elect an eighteen year old to be their governor. I just say if you are going to... why have a distinction of say age eighteen. Perhaps we ought to put a limit on the age of governor, or perhaps on the Senate to lower to age fifty-five. That would sure make a few people happy here.

Mr. Burns Don't... do we not have age qualifications of limitations with reference to United States Senators?

Mr. Tobias Right. The Constitution was drafted back in the 1700's.

Further Discussion

Mr. Chehardy Mr. Speaker, ladies and gentlemen, Mrs. Taylor's amendment in my mind is a must if we are to proceed logically in what we are doing. I have an amendment proposed which does substantially the same thing, except it takes away a little more verbiage. But this is such an important amendment, I am more concerned with seeing us take the proper action at this time than to delay. And I believe that the greatest contradiction that I've seen to date in our convention is one sentence stating that the age of eighteen qualifies you to be a member of the House, and in the very next breath, but to be a member of the Senate, you must be twenty-one. Now even if we should propose a difference in age for any office, in those bodies both of which consider our laws and the passage of our laws, I believe

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it is absolutely ridiculous to require or to state in effect that there is some difference in the abilities, or difference in the abilities required of the member of the House and a member of the Senate.

However, foremost I am in favor of eighteen year olds enjoying in every case the privilege of adulthood no matter what the public office is. If he stands out enough to be elected to any office that is his right, that is his privilege, and that is what we should not do anything to hinder. But just on the simple basis that we have a provision being offered which discriminates between members of the Senate and the House, not that I see any basis in the discrimination. I cannot understand how it has even reached the floor distinguishing what we expect of a member of the House and a member of the Senate, and just on the importance of the whole issue I am myself inclining Mrs. Taylor's amendment and I hope it receives a favorable vote.

Further Discussion

Mr. Abraham I simply want to relate an experience I had with the Student Constitutional Convention that was here last year.

In... I worked with one of the committees and later on I ran across three of the little girls, little high school girls and I asked them what they did and how they came out and they told me, they said, "Man, you guys sure were liberal. You all lowered the age by which a governor could hold office to twenty five." I may said, "I see, all these elected offices up to thirty years of age."

Further Discussion

Mr. Velazquez I feel that one of the things that we really need is involvement in government, and that we owe it to ourselves to involve all the segments of our population including our younger people in the Democratic process. Either they are going to become involved in the Democratic process, or they are going to try to find some other method which might not be as good for the country as Democracy itself.

I think that since both houses in the Louisiana Legislature, the House of Representatives and the Senate, are apportioned on the basis of population, we shouldn't tell the people you can elect anybody except someone eighteen. Most eighteen-year-olds now know a lot more than we did when we were eighteen. We have at least one eighteen-year-old serving in this convention and I think it's unfair to discriminate in this manner. I myself have an amendment prepared to lower the age to eighteen, but I am supporting this amendment because I feel that it is so important a thing that it must be handled as soon as possible to give everybody justice.

Further Discussion

Mrs. Warren Mr. Chairman, delegates, I'm rising in support of Mrs. Taylor's amendment. I think that eighteen-year-olds are qualified, if they are qualified at eighteen years old to vote and they can go to war, and be responsible at eighteen. If they can stand trial as an adult at eighteen and they know their actions at eighteen I think they are qualified to run for public office and I am going to thank you very much if you vote for Mrs. Taylor's amendment.

Further Discussion

Mr. Juneau Mr. Chairman, I know that most of the previous speakers have spoken in support of the amendment. I want to speak and rise in opposition to the amendment for the reasons which I will outline.

Number one, it has been asserted that this is a discriminatory type age with regard to the Senate and House of Representatives. If we would adopt that argument or follow it to it's logical course, I think we would then conclude that the Senate ought to have 105 members and the House ought to have 105 members. I submit to you that historically in this

country, in this Democracy we live in, that it is the accepted fact not only by the elders of this country but also by the young, that there is a sound, stable reason for providing an age difference. We have lowered that age difference to twenty-one. I think it has historically been that the House of Representatives is deemed to be that body which is the closest to the people because it is small in the legislative districts.

By the same token, the Senate is an area which encompasses a larger area, and for that reason it was thought historically that more maturity, or a little bit more experience would not be a bad factor.

I submit to you and take with heed to this extent, that this student constitutional convention didn't think what you are thinking. They thought that all electors ought to be age 30. I think that that is a significant fact to me. I submit to you that the people of this state have got to consider this a significant provision. They are looking to see what kind of age factors we establish and they are going to remember history. And in that regard, I would rise in opposition to the amendment.

Further Discussion

Mr. Guarisco I rise in opposition to the amendment for several reasons. One, I think a person should have a little age on him before he runs for public office even though he can vote.

Socrates said in his Republic, that a person should go to school for the first twenty years of his life. For the next twenty years he should work in his chosen profession, and then for ten more years he should return to the university and then and only then, should he run for public office. I wouldn't want to carry it that far or most of us wouldn't be here.

In 1787, the framers of the Constitution of the United States set the average age was thirty-four, adopted three areas of age; thirty-five for President, thirty for Senator and twenty-five for United States Representative, twenty-five. And I think that we can do no less than that. I think that... I know some fifty-year old children. But by and large and generally speaking a person does acquire some experience and some maturity by having a little age on him. And I think that we should not go all out and be that liberal and allow people eighteen years old to hold these offices.

Questions

Mr. Reeves Mr. Guarisco, I am just wondering, I'd like an answer to this question, just yes or no. I understand from the Big Book that there was a man who taught in the Temple at only twelve.

Mr. Guarisco You will have to ask Reverend Stovall about that. I am not familiar with the Bible.

Mr. Duval Just to clear up the records of this convention because it is all being transcribed, I'm sure Mr. Guarisco wanted to clear up something, and Plato wrote the Republic and not Socrates. And I just wanted to get that straight.

Mr. Guarisco That's right, that's right.

Mr. Duval He wasn't fifty when he wrote it either.

Mr. Guarisco He drank poison before that, I guess

Further Discussion

Mr. Hayes I rise in support of the amendment. If my history serves me correctly, the Senate was simply a compromise. And I don't understand why the old age because they represent land and not people. It's the House of Representatives that represent the people. Now the age has been lowered to eighteen. The Senate almost got abolished with an amendment here the other day which meant that they are apparently not needed. They wanted to make just one House. If you had one House, it would have to be the House of Representatives.

So, if we are going to lower the age to eighteen

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for voting purposes, I think that it should not be any higher for the House or Senate. So I am in support of one age for the House and one for the Senate because there is really no need for the Senate except for a compromise. I don't really know why we have a State Senate in the first place.

Further Discussion

Mr. Burns Mr. Chairman, and gentlemen of the House, I see no reason why the age limit should be twenty-one in the Senate and eighteen in the House. They have just as important legislation originating in the House of Representatives as there is in the Senate. But my main reason for getting up here is because of my question of Mr. Tobias might have led to the impression that I was against this particular amendment.

I see a vast difference between the age limit that should apply to a Governor, for instance, and should apply to members of the legislature. And I think in this day and time when we are recognizing youth in all the different phases of our government and our economy. That we are not talking only about eighteen years of age. We are talking about people nineteen years of age and twenty years of age that may just lack a day or two or a week or two of being twenty-one years of age.

But those, because of the age limit are not qualified to run. And this last but not least, and I have not interest in this phase of it. But if I was an office holder and I intended to run for office again, I would think long and hard before I ever voted against this amendment.

Further Discussion

Mr. Derbes Mr. Chairman, I support the Taylor amendment and I move the previous question.

[Motion for the Previous Question rejected: 30-71.]

Further Discussion

Mr. Fontenot Thank you very much, fellow delegates. I appreciate you giving me a little last opportunity to say something.

Mr. Tobias said he represented youth. Well, I am even younger than him and I also rise in support of the amendment. I don't know exactly how much to say it, but I can't see discriminating against the person who wants to run for Senator. Why should you let an eighteen-year-old run for Representative and not let him run for Senator? Now remember what I am saying. Letting him run, that doesn't mean that he is going to win.

Right now, an individual who is eighty-five years old and senile and in the hospital bed can run for office. A twenty-year-old qualified individual cannot run for office if you reject this amendment. Run for Senator, excuse me, if you reject this amendment. Not only... I think it's discriminating against a qualified eighteen or nineteen or twenty year old to run for office. You are discriminating against him to run for Senator. And I agree, sometimes you have to discriminate, but I don't think in this particular instance you should discriminate against a man running for Senator and not running for Representative. I feel we have many candidates who have been running for Senator who are not qualified to run, yet the law says they can run. But you are going to keep a qualified twenty-year old from running for office. I don't think we ought to do it in the constitution. I think if you are eligible to vote, you ought to run for Senator or Representative.

I appreciate you giving me these last couple of comments. I wish you would approve the amendment.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I just want to say I have served in both bodies of the legislature, and I was fortunate when I first ran for public office as being the youngest Police Juror in the State of Louisiana. Certainly I think

that there is room for youth in this State. And if they are qualified to run for House of Representatives at eighteen years of age, I am of the opinion that they should run for Senate at eighteen years of age. They are voting on identically the same bills, they have to make identically the same decisions and even though I am a member of the Senate and have been for many years, if they had had a provision when I first ran for office, I couldn't have run for the legislature and that's why I ran for the Police Jury, because I could.

Back in the days I had to run, you had to have property. Well, I qualified and didn't have none. But I didn't find it out until after I had qualified. I happened to have a good friend that, of course he decided to let me, and I decided to bid to him all in the same deal. But I got on record as being that little property owner. I was afraid somebody was going to question me and disqualify me.

But let me just say this. The youth of this state today knows more than I knew when I was thirty years old. My children do, and I don't think they are any smart children. But they know more than I know when I was twenty-eight or thirty, and I think your children are in the same category. They have come a long ways and if you are going to let them run for the House, I suggest you let them run for the Senate. Fact of the business, I believe I would vote to let them run for anything.

[Previous Question ordered. Record vote ordered. Amendment adopted: 90-20. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No 1 [By Mr. A. Landry], on page 2, delete line 32 in its entirety.

Amendment No. 2, on page 3 delete lines 1 through 5, both inclusive in their entirety and insert in lieu thereof the following: quote, "Section 4A, every elector shall be eligible to membership in the House of Representatives or the Senate."

Explanation

Mr. A. Landry Mr. Chairman, delegates to this convention, you will notice my amendment is very brief. The reason for it is this, that as amended by Mrs. Taylor, if you read the amendment and read the proposal as amendment, you will find that every elector who at the time of the general election shall have reached the age of eighteen years are creating a question because of the fact that we have primary elections and second primary elections before we have general elections. And there could possibly be a situation where a person would reach the age of eighteen between the second primary and the general election and could not qualify to be a candidate. And cannot qualify by either of the committees that have charge of qualification, then you might be depriving him of his constitutional rights to be a candidate.

And I believe that an elector as was well-said awhile ago, that a person who has reached the age of majority, who has registered under the laws of the State of Louisiana, and I like the rest, cannot see the discrimination between a Representative or a Senator, and I urge you to adopt my amendments.

Questions

Mr. Bollinger Delegate Landry, I question your thoughts on the constitutional legality of the elector having reached the age eighteen between the second and general primary and the general election. It says every elector who at the time of the general election I think there is no question in there what it means. If he will reach the age of eighteen at the time of the general election he can qualify and can be elected.

Well, how is he going to qualify when all of the executive committees have closed. Who are you going to qualify with?

Mr. A. Landry I'll answer that question by

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asking you a question.

Mr. Bollinger He can qualify even though he is seventeen.

Mr. A. Landry Right he can qualify at seventeen, he cannot be elected.

Mr. Bollinger And how is he going to qualify if he is not an elector. He has to be eighteen to be registered to vote. He is not an elector until he has registered...

Mr. Roy Isn't it a fact now that a seventeen year old may register ahead of time so that if on the day of election, he is eighteen, he may vote?

Mr. A. Landry That is correct Mr. Roy, providing he has reached the age of eighteen during the time that the books of the registration have closed, is my understanding of it.

He cannot register, for instance, let's take in 1971... In November you had a primary election. In December you had a second primary. Then, on February 1st you had a general election. And therefore, a young man who had reached the age of let's say, eighteen, in January of 1972, say December 31st or January 31st, I don't think he could have qualified in time to be a candidate for the general election.

Mr. Roy That's the only thing... I'm in favor of what you are trying to do. I am wondering, though, if there might not be a hiatus that a person would be able to qualify merely because he has pre-registered, but not be eighteen at the time of the date that he is in fact elected.

Mr. A. Landry I think, Mr. Roy, that the election laws of the state would provide. I can't see any reason to have this in the constitution to say that he must reach the age before the general election. I think it would be much better to provide in our election laws to help this young man or young lady to qualify.

Mr. Derbes Mr. Landry, I am in complete agreement with the purpose of your amendment, but it seems to me, it raises in my mind a couple of questions.

It seems to me it is... not indeed as liberal in its provisions as the original proposal by the Committee, which is to say, your amendment says, "Every elector shall be eligible to membership in the House of Representatives or the Senate."

Now suppose the Committee on the Bill of Rights produces a provision which says, "An elector is a person who is eighteen years of age and a resident of this state."

Alright, now, suppose on the date of qualifying, the person is not an elector, but the exception is not provided in your amendment. It would seem to me that he could not be permitted to qualify.

Mr. A. Landry Mr. Derbes, wouldn't that be also true under the original bill that if he is not an elector, how can he qualify?

Mr. Derbes Well, no, by that I mean...

Mr. A. Landry You have to reach the age of eighteen to be an elector.

Mr. Derbes It's a tricky situation here, but suppose a person is short of his eighteenth birthday, but he will be eighteen on the date of the general election. Then according to the original committee proposal, he would be eligible to qualify. Without further clarification, according to your proposal, it would seem to me that there would be some doubt as to whether or not he could qualify.

Mr. A. Landry I don't think so. I think if you look at it, it addresses itself to the legislature who will pass or enact our legislation. Our election laws. I don't think that has anything to do with it because our election laws may prohibit this young man... under what you are saying, from qualifying, then you'd have a question between the

Supreme Court and whether or not his constitutional rights have been deprived, because he was eighteen at the time of the election.

Mr. Derbes It would seem to me, Mr. Landry, that by simple clarification of your amendment, we would remove the doubt and make it crystal clear and alleviate any problems. It would seem to be all we need to say is every person who is an elector at the time of the general election shall be eligible to membership in the House of Representatives or the Senate.

Mr. A. Landry Well, I think we are trying to put something in the constitution that the election laws of the state have already taken care of. I don't think it's necessary.

Mr. De Blieux Mr. Landry, I'd just like to get this point over. At the present time, we have primary elections and general elections. Isn't that right?

Mr. A. Landry That is correct, sir.

Mr. De Blieux Now under the provisions as we presently have it in the constitution, if a person only has to be eighteen at the time of the general election, wouldn't it be possible that a person would be a candidate for office before he is even eligible to run in the primary?

Mr. A. Landry I don't think so under the laws of the State of Louisiana.

Mr. De Blieux He would have to be an elector in order to qualify in the primary election?

Mr. A. Landry That's my...

Mr. De Blieux Even though that you have a provision in the constitution that says that he is eligible if he is eighteen at the time of the general election.

Mr. A. Landry That is correct, sir.

Mr. De Blieux Now, if by the adoption of your amendment it would make it crystal clear, he had to be an elector during the primary state as well as the general election state...

Mr. A. Landry At the deadline for qualifying set by the Louisiana Legislature, yes...

Mr. De Blieux In order to qualify for the election. In other words, if we leave that provision like it is now, wouldn't we be in trouble trying to administer it mechanically?

Mr. A. Landry We'd wind up in court, sir.

Mr. Gravel Mr. Landry, what... there is something that concerns me about your proposal. As a matter of fact, if we adopted your proposal in lieu of the one that we have now as a consequence of Mrs. Taylor's amendment, your proposal would permit somebody who was not eligible to serve, to actually run and be elected.

Mr. A. Landry I don't get your question because I said every elector. I understand what an elector means, maybe I am wrong, but my understanding of an elector is a person who has met the residence requirements of the State of Louisiana, who has reached the age of eighteen, or age of majority, whichever the age of majority is, and has also registered and qualified as a voter.

Mr. De Blieux What I am saying is this. Isn't the effect of your amendment to provide that a person can only become a member of the House of Representatives or the Senate when he is an elector.

Now what I am saying is this, this would permit somebody, let's say that is seventeen years of age to run for office under the amendment as proposed by Mrs. Taylor a person would have to be eighteen

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at the time of his election. This would permit somebody seventeen to run for office and that person could be elected but would not be eligible to serve until he was eighteen which might be several months past the time that the legislative session began.

Mr. A. Landry You are talking about under the Taylor amendment.

Mr. De Blieux No the Taylor amendment provides that the person must be eighteen years of age at the time he is elected.

Mr. A. Landry That is correct. That's what -- Mine says you have to be an elector. And in order to qualify in any election.

Mr. De Blieux That's not what it says...

Mr. A. Landry So you have to be eighteen.

Mr. De Blieux No sir, that's what bothers me. Isn't it a fact that your provision, Mr. Landry, really addresses itself to eligibility for membership and has nothing to do with the age of the person who is qualifying to run for the office.

Mr. A. Landry That's correct, but the Louisiana laws are set out by the legislature as how and who are electors, and how they qualify. And I could tell you this that, if you remember the 1921 constitution, it didn't say you had to be a certain age. It says you have to be an elector and we were lucky in the State of Louisiana when the Constitution of the United States was amended reducing the age to eighteen that our constitution at least complied with that and we were able to elect eighteen-year olds if the people wanted it. And that's all it said in 1921 constitution.

And you go back to the 1852 constitution, it had no provision except being an elector.

Mr. De Blieux But all I am saying is that this provision standing by itself. Mr. Landry, deleting the provision that the committee proposed, as amended by Mrs. Taylor, does permit someone who is not an elector to run for the office, and does only permit that person, if elected, to serve in the legislature when that person becomes an elector.

Mr. A. Landry I don't think so because of the fact that you have laws in the State of Louisiana tells you when you can qualify, and in order to qualify, as I recall, you have to be a qualified elector. And you are not an elector until you have registered to vote.

Vice Chairman Alexander in the Chair

Mr. Anzalone Mr. Ambrose, are you aware that by placing the word elector in your provision that should the voting age be reduced sometime in the future that you are automatically going to lower the age of a member of the House of Representatives or the Senate.

Mr. A. Landry That is correct. I also understand the fact that in twenty-five or thirty years from now if the United States Constitution increases the age of eligibility, then it also takes care of that. It gives you the flexibility.

Mr. Nunez Mr. Landry, my concern was identical to what Mr. Gravel's concern was. It seems to me you are making membership of the House and Senate based on being an elector and no qualifications at all except in the statutes that is so big, based on being able to run.

Another thing is we have liberalized it to the point where an eighteen year old can run for the House or the Senate and it seems to me that you are making it if he can take office on May 1, and that's about where we have it, I'm going to get to my question in just a minute, and he just turned seventeen that he can run in August qualify and run, and if he turns eighteen on May 1 he is eligible to serve.

Is that correct?

Mr. A. Landry I don't think so. I think if you read the bill, the proposal as it is now written, that if a person is seventeen and reaches the age of eighteen before the general election, then he is eligible to run for the office of Representative or Senator.

My amendment says he has to be an elector and you cannot violate the United States Constitution at the present time that says eighteen which the State of Louisiana has adopted.

Mr. Nunez But your qualifications for membership...

Mr. A. Landry You have to be an elector at the time you qualify, yes sir.

Mr. Nunez I understand. But your qualifications for membership is an elector. He can run at seventeen. I'm just trying to save us four months of maturity and let him get a little older. Let him be eighteen. I think we have liberalized it quite considerably when we went down to eighteen on everything. You want to make it actually seventeen, and according to Mr. Gravel's theory, he can run at sixteen and wait until he is eighteen to serve.

I would interpret it... I am not quite sure that Mr. Gravel's interpretation is correct, but I am almost sure that what I am saying, that he can run in August at seventeen, just turned seventeen by the way, and he doesn't turn eighteen until May 1. Which means that if we go into session May 1, he is eligible to become a member if he was elected, he is eighteen years old on May 1, which means he just turned seventeen and he is running for office, and I think you are going just a little too far.

Mr. A. Landry I think you will find that the way the proposal is now written that you can do exactly what you say.

Under my proposal, you have to be an elector and therefore you would have to be eighteen.

Mrs. Warren A child five years old and going to be six in November can enter school. Mr. Derbes asked you about an exception. Wouldn't it be in order to have that exception put into your amendment?

Mr. A. Landry No, I don't think so.

Mr. Roy Mr. Landry, we both feel the same way, but I think Mr. Gravel is right and so is Senator Nunez.

I am wondering if you will accept this. Every elector who at the time of election shall have reached the age of eighteen years shall be eligible to membership in the House of Representatives or the Senate.

Mr. A. Landry Mr. Roy, let me say this. I don't mind any amendments. However, how familiar are you with the election laws of this state whereby you have to qualify to run for office? You cannot qualify to run for office unless you are an elector. And, therefore, you cannot run at seventeen when the law says you have to be eighteen to register to vote.

Mr. Roy But the constitution, according to you is going to say that you are elector if you pre-register at seventeen.

Mr. A. Landry No, I did not say that. You had better read it again. All I said is that an elector shall be eligible for the House of Representatives or the Senate. Now, what is an elector? An elector is a person who has reached the age of eighteen, who has met the residency requirements, and has also registered to vote.

Mr. Burson Mr. Landry, isn't it true that under Article 3, Section 9 of the present State Constitution the language reads, "Every elector under this constitution shall be eligible to a seat in the House of Representatives."

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Mr. A. Landry You are correct, Mr. Burson.

Mr. Burson And wouldn't your language substantially repeat the same provision except it also makes his eligible for a seat in the Senate?

Mr. A. Landry That is correct, sir.

Mr. Burson And the interpretation of the election laws that you are giving us is after serving...how many years...

Mr. A. Landry Twenty-one years...

Mr. Burson And these twenty-one years have all been under Article 3, Section 9 of the present constitution?

Mr. A. Landry That is correct, sir.

Mr. Winchester Eighteen is the age that a person can become an elector?

Mr. A. Landry That is correct, sir.

Mr. Winchester If it was twenty-one he could become a member of the House or Senate, then at eighteen, he could run for office...he could run for office any time that he was eighteen...between eighteen and twenty-one. But he could not take office until he was twenty-one if that was the requirement.

Doesn't that answer your question? Doesn't that explain it a little more clearly.

Mr. A. Landry In other words, we have already reduced it to the age of eighteen under the present Louisiana constitution by adopting the amendment to the Federal Constitution. A person who is an elector at age eighteen could now run for the House of Representatives or for the present constitution. All we are doing is changing it to provide that he could also be a Senator, not only a Representative. It is the same language that was used not only in 1921 constitution, but way back in 1852, they did not use age. They used...said an elector.

Mr. Winchester This does not change the requirements that a man to qualify for office has to be an elector does it?

Mr. A. Landry Then the state sets what an elector is.

Further Discussion

Mr. De Blieux Mr. Acting Chairman and ladies and gentlemen of the convention. This is a good amendment. Let me just ask you this. What is an elector?

An elector is a registered voter. It doesn't make any difference whether that voter is twenty years of age, eighteen years of age, forty-five years of age, if he is not registered, if he is not a voter. Now, it doesn't make any difference when he becomes eighteen years of age because he can't register to vote he's not an elector. This particular provision clarifies what we have already done by the previous amendment.

Now this business about a person becoming eighteen years of age some two, three or four months later on hasn't got anything to do with this because it doesn't say they are eighteen at the time he is going to take office, or eighteen at the time of the general election. It says an elector. It means he must be a registered voter. And I think this is a good amendment and it clarifies the law, makes no...absolutely makes it distinct that there is no question about when he will be eligible to run for the office, of the House of Representatives or the Senate. And I ask you to vote for it for clarification purposes.

Questions

Mr. Nunez Senator, after rereading what the present constitution says, and rereading what the

amendment, the draft of the proposal is, and rereading Mr. Ambrose...Mr. Landry's amendment here, I am reconsidering what I said before because very possibly he is right and we should adopt it because what we have in there now is that he can be an elector at the time of the general election which means he can qualify at seventeen. Is that correct? What we just adopted. Unless we adopt this, he can, in fact, qualify at seventeen years old in August if he is going to be eighteen at the time of the general election.

Mr. De Blieux That's right. You are telling him he can do something which he cannot actually do because there is no way for him to get into the primary.

Mr. Nunez But if we adopt this, by the definition of an elector on the statute which means you have to be a registered voter to qualify, then we are truly making it eighteen years old to qualify, not when you take office. And I think that's where I ...

Mr. De Blieux That's right, that's right. You are saying that as long as he is eighteen, at the time he qualified and a registered voter, he can run for this office. That's all you need.

Further Discussion

Mr. Perez Mr. Chairman and delegates, I would hope that you would understand the present posture in which we now find ourselves. The amendment which was previously adopted and the provision recommended by the committee which provides that every elector, who at the time of his election has reached the age of eighteen years shall be eligible to membership in the House of Representatives, puts us in this posture.

Under our election laws, a person may not qualify...or rather may not register either until that person is eighteen years old, or unless that person will be eighteen years old before the next succeeding election. So we are now talking about, with respect to this section, the general election which is many months before the first primary. So what we have now provided in the amendment which is now adopted so far by the body, is that a person would be able to qualify as a candidate for a Democratic primary and yet not be registered as a democrat. So that what it would do would be to open wide the requirements that a person has to be...or rather it would do away with the requirement that a person has to be a member of the party before that person could qualify for office. And he also must be an elector.

So I say that in the present posture of what we have now adopted, we have created a real nightmare. Now I do not believe that the amendment offered by Mr. Landry completely clarifies the situation. It should provide that every person before he can qualify must qualify as a candidate, must be an elector and in that case, I believe we will have solved the problem. But in the present light, neither one of these provisions is workable, but the second provision by Mr. Landry is certainly more workable than the first provision which we now have.

So I would urge that we adopt the proposal by Mr. Landry and possibly we can come back and amend it to help straighten it out to require that the person be registered prior to the time that that person qualified to run.

Further Discussion

Mr. Roy Mr. Chairman, and fellow delegates, I don't want to get into a legal discussion of whether the views of some of us are correct or not with respect to what Mr. Landry's proposal does. I agree essentially with what he is trying to say, and I just wanted to say that I'm opposed to it and I ask if you would accept something else because I have a proposal coming up which I think clearly states the limitations which may be imposed and also eliminates the words "general election". We're presupposing that the legislature is going to continue with our

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democratic primaries, and it may be that in the future, we have open primaries which would, of course, do away with general elections. So, if it makes any difference, my provision that I'm going to propose subsequent to this is that every elector who at the time of election shall have reached the age of 18 years shall be eligible to membership of the House of Representatives or the Senate. Meaning that you may qualify, a person 17 years of age, will be able to qualify to run for the position if, at the date of the election he is 18 years of age. Secondly, in doing away with the notion of a general election because we may not have general elections. I just wanted to say that. Thank you.

[Previous Question ordered.]

Closing

Mr. A. Landry Thank you, Mr. Chairman. The only thing that I can say is that in my 21 years experience as an elected official of my parish, I urge you to adopt this amendment so that we will not have the elections in the courts. Keep it out of the courts if we can. Thank you.

[Record vote ordered. Amendment adopted: 82-25. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Roy]. Delete Amendment No. 1 proposed by Delegate Taylor and adopted by the convention on July 19, 1973. Mr. Roy would need to amend that now to delete the last amendment as well.

Amendment No. 2. On page 2, delete lines 32 in its entirety and on page 3, delete lines 1 through 5 both inclusive in their entirety and insert in lieu thereof the following: "Section 4A. Every elector who at the time of election shall have reached the age of 18 years shall be eligible to membership in the House of Representatives or the Senate."

Explanation

Mr. Roy Well, I've raised the issue that I think is a valid one with the distinction between what Mr. Landry has proposed and what we have adopted. Mine changes two things. It definitely states that at the time of the election, you must be 18 years of age. You cannot be elected prior to that time, and besides that, it obviates the chance of talking about dealing with general elections and gives the legislature the chance to go into open primaries without any problem. That's all I have to say. Apparently everybody has got his mind made up. I don't know what good questions will do, so let's just...I'd just as soon vote on it. If you think I'm wrong, vote against it.

Chairman Henry in the Chair

Further Discussion

Mr. Perez I only wanted to comment that this puts us right back into the same quagmire we just got out of a few minutes ago. I want to call that to your attention to be sure that you don't misunderstand what you would be doing. You would again be putting yourself in a position where a person could run in a democratic primary without him even being registered as a democrat and of course without him even being registered at all because under our law he could not be registered. Thank you.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I want to make it absolutely clear as to the point that I tried to develop in my questions to Mr. Landry. Mr. Landry's proposal that has just been overwhelmingly adopted has to do with the qualifications for membership in the House or in the Senate. It's totally and completely disas-

sociated from any age requirement with respect to the qualifications of a candidate who seeks either one of the offices of Senator or Representative. Let me tell you why I think that the Roy amendment should be adopted and why it should supersede what you've just done. I don't know how many of you are old enough to recall, but this is what I'm trying to avoid, and this is what Mr. Roy is trying to avoid. Many years ago I think the candidates name was Rush Holt. A man ran for the United States Senate, Holt ran for the United States Senate, from West Virginia. He was, I think he was 23 years of age. He got elected, but he could not serve in the United States Senate until he got to be 30 years of age. Now just so you'll know what you've done, that's precisely what the situation can be if the constitution does contain the provision that you've adopted that Mr. Landry sponsored. Now the distinction between his proposal and the proposal of Mr. Roy, is that Mr. Roy's proposal requires that at the time of the election the candidate would be an elector or 18 years of age. Now that's the only difference. You are going to admit of the possibility insofar as this particular language is concerned, if you don't undo what you just did of someone being elected to office that can't hold the office.

Questions

Mr. A. Landry You tell me how a person is going to qualify under the Louisiana law if he is not 18 and is not registered to vote?

Mr. Gravel You're presupposing that, Mr. Landry, and that I think is your problem and mine too, is that the provisions of the present Louisiana law are going to always remain in effect. I'll agree with you that if there are statutes that are supplementary to this, that it's possible to protect the result of what you've done. But it's going to take statutory provisions to do that.

Mr. A. Landry All right, what election are you talking about? The primary election, the general election, or what election, the second primary election?

Mr. Gravel The election, of course, has always been considered in Louisiana to be that particular time when the actual election takes place, which would be in my judgment, the general election. That's what the court ...

Mr. A. Landry My final question. Can the legislature of the state of Louisiana in an act of law state to the effect that an elector shall be younger than the age set by the United States Constitution?

Mr. Gravel For Louisiana purposes I think they could. One thing that you've done here too, Mr. Landry, just so there won't be any question about it, is you have eliminated the provision that was sponsored by Mrs. Taylor fixing the age of the elector at 18. You're leaving open now the question of the age of the elector that was foreclosed I thought by the adoption of the Taylor amendment. If you don't adopt the Roy amendment you have completely deleted from the law what you just overwhelmingly adopted when it was proposed by Mrs. Taylor.

Mr. Silverberg Delegate Gravel, isn't it true that the example you just used, I think it was the West Virginia situation where a Senator was elected who was 29 years old, I believe we had the same thing happen in Louisiana when Russell Long was elected. But weren't in each case, isn't each of these two men an elector at the time?

Mr. Gravel They were an elector, that's correct, but they were not eligible to serve in the United States Senate until they got to be 30 years of age.

Mr. Silverberg Well aren't you using an extreme example and isn't there a great deal of redundancy in this new amendment?

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Mr. Gravel No sir, Mr. Silverberg. I don't think so. I think the Roy proposal does exactly what this convention voted should be done with respect to the age of electors. You've now eliminated that by the adoption of Mr. Landry's amendment. There's nothing in Mr. Landry's proposal that says anything at all about the age of the electors or the age of the eligibility of those who are going to serve in the House or the Senate. You're going to have to do that somewhere else. All that the Roy amendment does, ladies and gentlemen of the convention, is to say that for a person to be eligible for membership in the House of Senate, is that he has to have been, be 18 years of age at the time of his election. That's something certain and definite. The Landry proposal that you've just adopted is not.

Mr. Nunez The present constitution says that every elector under this constitution shall be eligible to a seat in the House of Representatives. Now what's so different than that and Mr. Landry's amendment? The statutes that 18 years old is a qualified elector and we're doing the same thing with this amendment. That's one question. Now the other question is how would a candidate qualify as a democrat or republican or what, if he's not a qualified elector? He won't be if he doesn't become 18 until the general election or whatever election he's talking about. If he qualifies in August, what does he qualify as? He can change his party affiliations after he wins the democratic... theoretically speaking he can do that. After he wins one primary, he can change to the other. I don't see any point in it, but he can do it.

Mr. Gravel Senator Nunez, I will admit that there can be other things done to cure the defects that I have pointed out. I'll admit that, but all that the provision does that was adopted, the one that was sponsored by Mr. Landry, does is to say that a person has to be an elector in order to be eligible for membership in the House or Senate. It doesn't have anything to do with the amendment. It's the fact that a person should be an elector at the time of this election, which I think should be in the constitution.

Mr. Nunez Well, what I pointed out to you, it isn't in the present constitution and we establish in the statutes that a qualified elector shall be 18 years old. It's there now and are you supposing that we're going to change that and make that 21? Is that what you...

Mr. Gravel I don't know. As it presently stands, we do not have any age provision with respect to electors in the constitution. After we adopted Mrs. Taylor's amendment, I thought at least with respect to the House and to the Senate, we did have a provision that persons 18 years of age were electors at the time of their election would be eligible for membership.

Mr. Guarisco Mr. Gravel, maybe you can clear this up for me. You use the Holt example. Now under Mr. Landry's amendment, in what instance would a person be elected and be too young to serve?

Mr. Gravel Unless there is something else done either in this constitution or by the legislature a person could run for the office of State Senator, for example, when he is say 17 years of age. Could be elected...

Mr. Guarisco How could he run at 17? Mr. Gravel, I don't understand.

Mr. Gravel Because all this provision has to do, all this provision addresses itself to is to the age of membership in the House. I'm not disagreeing that you can't otherwise put something in the constitution to cure what I consider to be the defect. I just think you're going to have to. Somewhere we're going to have to establish the age of an elector, either in the statute or in the constitution.

Mr. Guarisco Well isn't that something for another

committee or another proposal somewhere else?

Mr. Gravel Well, maybe so. I'm not all that hung up on it. I think it's a defect in what we're doing. I don't think we're doing it properly, and I think it's better to provide in this article that at the age of 18, at the time of his election, that a person then will be qualified to serve in the legislature.

Mr. Burns Mr. Gravel, Mr. Ambrose Landry has argued very forcefully about being an electorate. Under this present amendment of Mr. Roy's, it says it shall have reached the age of 18 years, who at the time of the election have reached the age of 18 years shall be eligible and so forth. Suppose a person who became 18 years of age 10 months before the election and he registered and qualified. Under this amendment he would be eligible...

Mr. Gravel There'd be no problem at all.

Mr. Burns I can't see any problem in that. And if he didn't come within that age limit to where he could register and become a qualified voter, then he wouldn't be eligible to run for the office. But you've got a 12 month period in there. Besides that, the registration rolls close 30 days before an election so that adds another month on to it by which time he could qualify and become qualified.

Mr. Gravel Mr. Burns, I think the whole problem is this. I'm looking at it from the point of view of qualifications of members of the House and of the Senate. I think others are looking at it from the point of view of whether or not people are or not registered to vote. We're putting an article in the constitution which I think requires further clarification and further implementation. I think the Roy amendment is a self executing provision that should be in the constitution. That's all I think.

Mr. Rayburn Mr. Gravel, I'm a little confused and maybe you can enlighten me a little. Under Mr. Landry's amendment that we just adopted which I supported, I would like to ask you this question. The language of that amendment says every elector shall be eligible to membership in the House of Representatives or the Senate. Every elector. Assuming that, I'll use myself as an example, assuming I'm going to be 18 years old the first day of January, under this provision would I be able to qualify and run in the first primary in December under our present election laws? I would be 18 before I took membership in either body. I could register between primaries because I would become 18 and they open the books between primaries. I could become 18 in January while the books were being registered and I would be an elector before I received membership in either body.

Mr. Gravel That's entirely possible Senator.

Mr. Rayburn Is that possible under this present amendment that we just adopted?

Mr. Gravel Yes that is possible.

Mr. Rayburn Well that's what I'm trying to get clear in my mind because I'm rather confused.

Mr. Gravel But it's also possible, unless there are other constitutional or statutory provisions to supplement what Mr. Landry has proposed and what has been passed. It's also possible that somebody could run for office and not be an elector and not be able to start serving even if he was elected until after the legislature had gone into session. Now, all I'm saying is that if we maintain and keep the language that Mr. Landry has sponsored, that we've got more to do either in this constitution or by legislative action. That's all I'm saying. And I cite the example of the Rush Holt situation that we, I think, are all pretty much familiar with. Mr. Landry's proposal only addresses itself to a qualification for membership which doesn't mean he's not to start serving at any particular time.

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Mr. Rayburn Well let me ask you this, Mr. Gravel. Under Mr. Roy's amendment where he says in Section 4A, every elector who at the time of election shall have reached the age of 18 years shall be eligible for membership in the House or Senate. Now, when would you consider a candidate to be elected? After the general election?

Mr. Gravel That would be the election. That's the only election...

Mr. Rayburn That's right. You'd be a nominee prior to the general election.

Mr. Gravel That's correct. The courts have consistently held that, that a primary is not the election. There are some cases that deal precisely with this kind of a problem growing out of resolutions...

Further Discussion

Mr. A. Landry Mr. Chairman and members of the convention, I rise in opposition to Mr. Roy's amendment for the simple reason that for 53 years our present constitution states that every elector under this constitution shall be eligible to a seat in the House of Representatives. The legislature has provided the laws to permit or to set out the qualifications for an elector. Under Mr. Roy's proposal, there is a question as to when a person becomes an elector. Under my original amendment a person has to be an elector, he has to be qualified in order to qualify to be a candidate; therefore mine is clear and precise and I hope that you will vote against the Roy amendment.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, I ask you to vote against the Roy amendment because in all due respect to both Mr. Roy and Mr. Landry, I'm not satisfied that the matter is clear. I have an amendment which I have prepared and will offer which I think will make it clear. That will make the section read simply, every elector shall be eligible to qualify for nomination for an election to membership in either House of the Legislature. That makes it clear that you have to be an elector before you can qualify. I think that that is good because this idea of qualifying and seeking election in anticipation of being an elector either at the time of the general election or either at the time you take office, is fraught with problems. One problem I can see, you can't register until you become 18, but perhaps you can qualify. If you don't have to register as a voter, you don't have to declare your party affiliation, you don't have to declare whether you're an independent or anything other than that you want the office and you're going to be 18 either at the time of the election or at the time you will take office. For those reasons, I ask you to vote against Mr. Roy's amendment in all due respect to Mr. Roy, and vote for this amendment which I will offer later. It will simply make it clear by saying every elector shall be eligible to qualify for nomination for an election to membership in either House of the legislature. I think that that will make it clear that before you can qualify for the office, you have to be an elector. That means you have to be at least 18 years of age, you have to be registered and you have to meet the qualifications of an elector.

Questions

Mr. LeBlou Mr. Avant, is there any instance in which a 17 year old can register to vote before his 18th birthday except before the time of the 30 day period time the registration books close and say the first primary? Is there any other time that he can preregister providing he would be 18 at the time...

Mr. Avant Mr. LeBlou, I have to answer to you sir, that I just don't know I really don't. I understand that there is a provision for preregistration in anticipation of being 18 at the time of an elec-

tion. But what the technicalities of that are, I frankly don't know.

Mr. Roy But Mr. Avant, the question is if the legislature chose to say that a person who preregisters at the age of 16 or 17 is an elector. If the legislature defined elector as a preregistered individual, then under your view and Mr. Landry's amendment, he could run and serve in the House of Representatives if he were only 17, or the Senate. Isn't that right?

Mr. Avant If they so defined it and if they have the power to so define it when we finish...under the constitution, if it's adopted.

Mr. Roy Wasn't it your view that Mrs. Taylor's proposal and the sense of this whole convention was that inasmuch as 18 year olds have been given the right to vote and what have you and they fight for this country, that we wanted them to be able to serve in the House of Representatives or the Senate? Isn't that the view?

Mr. Avant It is my intention, Mr. Roy, that a person who is 18 years of age and otherwise qualified can be either a Senator or a Representative. But now we're refining it down into an area of extreme technicality about what you're going to do with the fellow who is going to be 18 at the time he takes office or when the general election is held, but he's not 18 at the time he has to qualify for the first primary. I think we ought to make that clear. I don't think we ought to leave it up in the air where we're going to have a lawsuit to figure it out. I'll yield to any questions, otherwise I have nothing to say.

Mr. A. Landry Mr. Avant, isn't it correct that under the present constitution every elector under this constitution shall be eligible to a seat in the House of Representatives. Isn't it true that we are here giving the legislature a lot of power? Isn't it true that in 53 years, up until last year in 1972 until the constitution of the United States was amended to 18 years old, was the only time that the Louisiana legislature reduced the qualifications of an elector from 21 to 18? Is that correct?

Mr. Avant I think it's correct. If you say it's correct, sir, I assume it's correct. I do not know.

Mr. A. Landry Do you feel that the legislature, by just saying an elector, would go ahead and who represent their people. If they're going to reduce the age to 16 and say he's a qualified elector then it's up to them, and then that individual should also be qualified to be a candidate for Representative or Senator? Is that correct?

Mr. Avant The purpose of my amendment, Mr. Landry, is to simply make it clear that you have to be an elector and eligible to vote before you can qualify.

Mr. A. Landry I was not really asking a question about your amendment because it's not before us. Isn't it true that Mr. Roy's amendment sets it at 18 so if the Louisiana legislature wants to reduce the age of an elector from 18 to 17 that it would be locked in at 18 and that 17 would not be eligible and would not be an elector under the present constitution as Mr. Roy so advocates. That if they reduce the age to 17 then the constitution would be locked in under 18. Am I right?

Mr. Avant Yes, that's right.

Mr. A. Landry So it wouldn't be very good would it?

Mr. Henry Why do you rise Mr. Denberry?

Motion

Mr. Denberry I rise, Mr. Chairman, to move that we adjourn until 9:30 in the morning. I think we are all fuzzy on this. Mr. Avant has not another

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amendment. I think we can approach this matter much better with a fresher mind.

[Motion to adjourn to 9:30 o'clock a.m.,
Friday, July 20, 1973 adopted: 71-24.
Adjournment to 9:30 o'clock a.m., Friday,
July 20, 1973.]

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Friday, July 20, 1973

ROLL CALL

[68 delegates present and a quorum.]

PRAYER

Mr. Taylor May we bow our heads.
Heavenly Father, we ask thy blessings upon the delegates this morning. We ask that thou be with us at the time of decision making. We ask that you grant us the wisdom, the knowledge, the open mindedness, the fairness, to truly represent all people of this state. We ask these blessings in thy name.
Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

Personal Privilege

Mr. Asseff Mr. Chairman, delegates. Since I did not take my fair share in the prior debate, I will do it today. And I want to make it clear to the members, I will not ask again to speak on this subject under personal privilege. I am doing it once and which you may ignore. I am aware of the fact that I could not win a popularity contest in the convention, but too often my intent is misunderstood. I hope you will take what I say in the spirit in which it is intended. The desire for a good constitution that the people will approve.

Were I not gravely concerned about our procedure and our public image and sincerely want a good constitution, I would say nothing, and let the opponents profit by the mistakes we make. As they will do in the ratification act.

Do remember the fight does not end here, it will be fought before the people of Louisiana who will seek a judgment of us. Unless we present a reasonably united front, we might as well forget a new constitution. The issues alone will split us wide open. If there also is a split on other matters regardless of the result, there is no hope. There have been personality clashes. The minority, those who disagree with the majority, in many cases feel they did not have a fair chance and were ignored. And others fell left out.

As we well know, a person will fight you harder by wounding his pride, not giving him a fair chance and for personality clashes than he will of the issues.

It is possible to accomplish reconciliation on the issues but almost impossible on other grounds. I am not here to impress anyone, though that is being said, and certainly, I have no reason to do so. When I entered politics in 1952 by becoming Director of the Legislative Council I was selected by Circuit Judge, Robert Ainsworth of New Orleans. My education and background were thrown in my face. And here I have faced the same thing. It seems strange that my district which is poor, and has many illiterates does not hold it against me. But the educated members of this convention do. I shall vote my convictions and not on the issues unless I am convinced that the people want a particular thing and will reject the constitution if it is not included. That is what my people want me to do whether I get along with a person or whether it's good politics are immaterial to me. Over and over I have heard here, you must vote a particular way, it is good politics and have spent over thirty years in the theory and practice of politics and I think I know the game, since I won without knocking on the door.

I voted against reducing the age to the Senator to eighteen. I would vote against reducing the voting age to eighteen. I voted against single member districts and I will vote against equal rights amendment, if any. In voting against single member districts I voted against my best interest personally. For it is virtually impossible to beat me in that district.

All I ask is my right to vote on the issues as I think best. I am not voting against anyone as we

of you seem to think. Vote as you please and I never will criticize you. I shall account for my votes at the proper time and the proper place to the voters of my district. And if I ever seek office again I will run on the issues above stated and on my vote.

I am in complete agreement with the Chairman that we must work as we must compromise. But to date, I have seen little of either though therein lies the hope for a new constitution.

The people are not enthusiastic about a new constitution. Most, haven't the faintest idea what it's all about. And many do not care. Our public image is at a low ebb. And many think we are wasting the state's money by the way we meet. Most think no good will come of it all. That spells trouble. For in recent years in Louisiana when the voters do not understand or do not care, they vote no. At the moment we are doing what the legislature does, we are moving slowly, working our meetings into our business or professional schedules and making the writing of the constitution a part-time job.

If we continue this way, we are going to have the same last minute rush with chaos and few knowing what is going on. Absenteeism will be high for many of us will be unable to work the long hours and the six days a week required.

I have listened to you without talking. Ignore everything I say but don't say you weren't told. We must discuss the matter and plan and stay here and work at least four days a week. If we do we can finish and go a good job. If we don't, I predict we will not meet the deadline, the last few weeks will be a nightmare. Provisions will be passed or defeated without thorough debate. Many mistakes will be made and the voters will reject the constitution.

It is difficult for me to understand how anyone can say we cannot think. We can, and we must. Certainly, we can't play it by ear. Have we forgotten by December 20th everyone will want to go home for the Christmas holidays. Then we have the Thanksgiving holidays. Style and Drafting will meet at least a month to review the completed document and present it to you for your consideration. And don't forget the football season begins in September and how many of you are going to come to a convention against the football game. Not many.

I urge the following...let us vote on the issues and only on the issues and not feel that it is a personal vote for or against it. Two, let us avoid personality clashes. We don't have to like each other but at least keep an outward appearance. Three, above all let us work four or five days a week until we see how we progress. If it is good then we can always reduce it. In doing this we will do a better job, will move faster, we will impress the public that we are serious, working hard and not wasting their money. And so improve our image.

It is argued that if we meet on Saturday we will not get a full house. I wonder how many of you think we are going to get a full house when we start meeting six days a week, fourteen hours a day. You'll be lucky if you get sixty percent. Let us use all our efforts to do what is best for the people of Louisiana. Let us put aside our personal differences and avoid personality clashes. If we disagree, let them be honest disagreements. But let us plan and set up definite schedules then we will all know what to expect.

The faith of a new constitution and good government in Louisiana may all hang in the balance. I would hate to see you stay here six months and get it rejected. But at the present moment, I predict it would be.

In conclusion, I want to say this Mr. Chairman, as you know the United Givers always say...ask have you given your fair share...I must concede that I have given my fair share in the discussion. I will not again repeat it, if you wish to ignore it, do so. But when the nightmare comes this is one delegate who will not be present.

Thank you Mr. Chairman, I appreciate your permitting me to speak and for at least some of the delegates listening.

[Motion to establish the constitution's work schedule, to begin on Wednesdays and extend through Fridays and to include Saturdays, if necessary. Substitute motion to establish a work schedule to begin on Mondays and extend through Saturdays. Previous question ordered in the substitute motion: 57-51. Substitute motion rejected: 23-99. Previous question ordered on the original motion: 58-51. Original motion adopted: 90-24. Motion to reconsider tabled. Motion to work a 9:00 a.m. to 5:00 p.m. daily schedule and also nights, Wednesdays through Fridays. Substitute motion to proceed to the regular order of Business adopted: 89-104.]

REPORTS OF COMMITTEES
[7 Journal 178-179]

[Rules Suspended to allow Committee Proposal No. 4 to be reengrossed and passed to third reading.]

RESOLUTIONS ON SECOND READING AND REFERRAL
[7 Journal 179]

PROPOSALS ON SECOND READING AND REFERRAL
[7 Journal 179]

REPORTS OF COMMITTEES LYING OVER
[7 Journal 179-180]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal 3, introduced by Delegate Blair, Chairman on behalf of the Committee on Legislative Powers.

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

The status today is that Sections 1 through 3 as amended have been adopted by the convention to date, and at the present time the convention has before it Section 4, and in particular, we adjourned yesterday with a pending amendment to Section 4, Paragraph A thereof, proposed by Delegate Roy.

[Amendment pending on Section 4 withdrawn.]

Amendments

Mr. Poynter At this time we have amendments offered up by Mr. Roy, Mrs. Taylor, Landry and many other delegates have their name attached as coauthors.

Amendment No. 1, delete Amendment No. 1 proposed by Delegate Taylor and adopted by the convention on July 19, 1973.

Amendment No. 2, on page 2, delete line 32 in its entirety and on page 3 delete lines 1 through 5, both inclusive in their entirety and insert in lieu thereof the following: "Section 4 A. Every person who is an elector and has reached the age of eighteen years at the time of qualifications for the office shall be eligible for membership in the legislature."

Amendment No. 3, delete Amendment No. 1 proposed by Delegate Landry and adopted by the convention on July 19, 1973.

Explanation

Mr. Roy Mr. Chairman and ladies and gentlemen of the convention, this essentially is a compromise between blacks, cajuns, red necks, Republicans, patricians, city dwellers, youths, liberals, conservatives and moderates. What it says is, it locks into the constitution the notion that you must be at least eighteen years of age to serve as a member of either House. It also... and with that in mind that only the people be able to change the qualifications for that position. It also locks into the constitution the idea that you must be

eighteen at the time of qualification rather than, as yesterday's proposal provided, eighteen at the time that you would be elected. That's a compromise because it's going to require the voters, of course, to set a specific date for qualifying so that all people will be treated equally—that is you won't have an independent able to come in and register at a later date than the democratic primary or the republican primary, something that Mr. Perez raised. That's all it does. There is a technical amendment in that qualification, the word "and" be left off of it and it just be qualification. I would like for you to make that amendment or the Style and Drafting Committee could if it did choose to do so at a later date. It's strictly a technical amendment. All of the authors are the people who initiated this whole concept of locking into the constitution a minimum age requirement, Mrs. Taylor, Mr. Landry, myself, Mr. Denney, etc.

[Amendments adopted without debate.]

Explanation

Mr. Juneau Mr. Chairman, fellow delegates, now that we're through with the uncontroversial parts of this provision, I'd like to go on to Section 8. I thought it would be appropriate to indicate to you what the changes are with the present constitution with regard to the draft you now have before you. Number 1, the residency requirement for someone running for the legislature has been changed from a period of five years to one year, secondly, and an important change, is that the requirement that is in the present constitution for residence within the district for the period of one year has been changed to the word "domicile". Now, let me just offer this explanation in that regard. It is our appreciation that the word "domicile" is in fact a more restrictive word than the word "residence". By the same token, you can have but one domicile but you can have more than one residence. To be a domiciliary of an area, that means that that is the area where you intend to be your permanent home. The thought being behind the committee with regard to inserting the word "domicile", we thought that there ought to be one place where your residence is, where you intend to permanently live, the place wherein you can run for office. We further thought that this would give some continuity, some stability, to the area from which you run. It would require that you live and intend to permanently live... your intent at that time is to live in that particular area for one year before you run. We also have a provision in there with regard to a situation which may arise after reapportionment. It provides that after reapportionment if someone is in the legislature, that for that period and that period alone, that next four year term, that he would be able to run from any district which is created in whole or in part from the district from which he originally came. That takes care of the situation which conceivably arise with reapportionment. With regard to the vacancy, if someone changes his domicile, the seat of that member in the legislature is vacated. Now some question has arisen as to what happens in the situation, I'll give you an example that's closest to me would be, for example in Lafayette. If you lived in District 43 and you moved because of the legislative district that blocks away and you were then in a new district, would that vacate your seat? Under this provision, if you intend to change your permanent domicile and that's where you intended to move to, yes, that would vacate your seat. The position was this: that if you did not provide such a provision, then what you could have would possibly be just the same as what you have now, as I said, you can have more than one residence. So the issue is dramatized when you are moving from across the street, but it is much more acute when you are moving from one parish to another or moving from north to south Louisiana. The thrust of these provisions are to require that someone spend time and have a permanent attachment to that particular area from which he is running. We further submit that in this regard that the reason for

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having the domicile provision with regard to vacancy and with regard to an area, that if that's the area you want to represent, that's the area you ought to live in. I submit that that's a reasonable logical concept. I would move for the favorable adoption, Mr. Chairman.

Questions

Mr. Denberry Mr. Juneau, I have several questions. You say the general election in line 7. In view of the amendment to Section A, do you think that that should now be changed to, at the time of his qualification?

Mr. Juneau I wouldn't see any particular objection. Of course when we wrote the article, as you realize, it was written in context with the previous article. I think that would be consistent, Mr. Denberry.

Mr. Denberry Mr. Juneau, in line 8, at the end of the line, you have the word "actually domiciled" but later in the same paragraph you don't use the word "actually". Is there a distinction between the two? Because when you use the word in one place and don't modify the same word in the same manner, it's conceivable that there would be reason for that.

Mr. Juneau We didn't put that connotation on it, Mr. Denberry. The concept of the word "domicile" was the word we were trying to lock in. I personally don't see that problem but if there was a problem, I wouldn't have any particular objection, and I don't think the committee would either, to the elimination of the word "actually", if that's deemed to be a problem.

Mr. Denberry I also would like to know, Mr. Juneau, on line 10, the phrase "immediately preceding his election or qualification" that were also changed, does that apply to the two years residency in the state, as well as the one year residency or domicile within the legislative district, or does it only apply to the one year domicile in the legislative district?

Mr. Juneau You're saying whether the words "immediately preceding his election" apply to the two and one year provisions...

Mr. Denberry Correct. Or just to the one year provision. It wasn't clear to me and I just wanted to know exactly what you meant.

Mr. Juneau My understanding of the provision is that it applies to the domiciliary provision with regard to one year, Mr. Denberry.

Mr. Denberry It does not apply to the two...

Mr. Juneau That's right.

Mr. Denberry And finally, this is more stylistic than anything, I notice you use the word reapportionment in 4B but when you look down in Section 5, you talk only about apportionment. Is there any reason for that distinction or was that just stylistic?

Mr. Juneau No, but the point was raised earlier. I thought that after this thing was drafted that this particular language would appear probably throughout several sections of the constitution. I thought that that was a matter that would properly address itself to Style and Drafting.

Mr. Denberry Style and Drafting. Thank you.

Mrs. Warren Mr. Juneau, did I understand you to say that you felt that a person should live in the district in which he is running?

Mr. Juneau That's correct, yes.

Mrs. Warren Beginning at B and going down to the period on line 10, then when you leave there, going

down to 10, it reads, "no person shall be eligible to membership in the legislature unless at the time of the general election he has been a resident of the state for two years and actually domiciled within a legislative district from which he seeks election for one year immediately preceding this election." Then on line 11 you start with an exception. I'm wondering if that exception there is to favor people or incumbents... incumbent elected officials. May I make that plain?

Mr. Juneau No, it was not thought to favor any incumbent. We did think that it was grossly unfair from the standpoint that if an individual is an elected official, was elected by people within a particular district, and that district theoretically, if reapportioned, would be split in half, then we thought that the people in that district for that term and that term alone should at least have the decision whether that individual should continue to represent them in that election. The reason was because he would have been domiciled in at least a portion of that district at the time that he was in office.

Mrs. Warren Why would you assume that he would want it or she would want it, whichever the case would be? The one running for office if he didn't any longer live in the district?

Mr. Juneau At the time he was serving in office, Mrs. Warren, he was in fact a member of at least a portion of that district.

Mrs. Warren I follow you. But why not if he was in a portion... why shouldn't he run from the one he is in? Not be able to run from any of it. Why shouldn't he run from where he is.

Mr. Juneau Mrs. Warren, again I can only tell you that the thrust of the thing was that we were trying to get for, not an extended period of time, but a period of four years for the people in that area to make that determination. The person submitting himself to office is not making the determination. It will be made by the people within at least a portion of that district would have the right to say well for this four year period we can retain that individual in office.

Mrs. Warren I still don't get it. I really don't.

Mr. Burns Mr. Juneau, did your committee consider that the same importance should be given to the residency requirement in the district from which the candidate runs as it should have for being a resident of the state for two years? In other words, it seems like to me it's just as important to the voters that a candidate should reside within the district from which he runs as it is that he should be a resident of the state for two years. I just cite this example. Suppose a person from a parish bordering the Arkansas line moves down to St. Tammany Parish, my parish which is in the extreme southeast corner of the state, and after he's lived there a year, he can't possibly know the people of that parish and the conditions that exist in the parish, but yet by some fluke some political alignment, he might be elected. So therefore, I ask you do you not think it's just as important that both of them should be two years?

Mr. Juneau Let me answer it this way. Under the hypothetical situation that you posed, Mr. Burns, Number one, he couldn't run as the legislator because, as I understand your hypothet, he would have only been in the state one year. He's knocked out by the two-year provision under the state requirement anyway; that's number one. Number two there is under the present law and has always been, a loner period of time to which you must be a resident of the state as opposed to a resident of the particular district in which you run. The theory was this that we do have a transient society and we do very frequently have people moving within a locality. Covington could move to Bogalusa and vice versa. It was

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thought that a one year period within the confines of the state of Louisiana was sufficient time for the people to know an individual and to give him sufficient time to know the problems of that area. We didn't want to restrict...we thought that the two year requirement for a state requirement would require someone to be familiar with the problems of this state, yet a lesser time requirement would be necessary on a local level within a district.

Mr. Burns I understand that, but it still doesn't change my mind.

Mr. Derbes Mr. Juneau, isn't it correct that under this proposal a person who would be elected from a reapportioned district might indeed not actually take up residence in that district until the election following the election in which he was elected? In other words, that the district may have an absentee representative for a period of four years, but nevertheless a duly elected absentee representative.

Mr. Juneau So far, you are talking about where he may live...would not be in that reapportioned district necessarily?

Mr. Derbes Correct.

Mr. Juneau All right. The only answer that I can give to you in that regard, Mr. Derbes, is that that is correct, but because of the nature of this language, he would be in an area that was created from a portion of that prior district, so we're not talking about the situation where someone moves from Lafayette to New Orleans or Shreveport to Baton Rouge. That's not the kind of problem we have.

Mr. Derbes Oh, I understand that.

Mr. Juneau But to answer your question, the answer is yes.

Mr. Derbes Did you consider in your committee's deliberation the possibility of merely waiving a district domicile requirement for such a candidate but requiring him to move into the district before he ran? Do you understand what I am saying? Rather than move into the district after he ran and won.

Mr. Juneau We considered that and we just didn't think that that was a practical or feasible requirement to put into the constitution.

Mr. Derbes Could you say why?

Mr. Juneau Well, the thrust of the thing is we're saying for a period of four years that the people in that particular area or adjoining areas could make that determination as to whether or not they wanted to keep that representative and they would know where he lived. We didn't think it was a mandate, Mr. Derbes, to tell someone during that four years under those peculiar circumstances you've got to move your house...sell your house and move four blocks away. I personally think that that would be an unreasonable demand.

Mr. Derbes Thank you.

Mr. Anzalone Pat, your last sentence beginning on line 20—any declaration of a retention of domicile to the contrary notwithstanding—don't you think that rather than allowing a person to have two residences, that this is actually going to inhibit him from having same?

Mr. Juneau I don't view it like that, Joe; I don't think anything inhibits an individual from having three, four, six, eight, ten or fifteen residences.

Mr. Anzalone But, if he does have three, four, eight, ten or sixteen, he's got to have one of them as his domicile, and one of the most legally binding methods of doing it, as you are aware of, is to establish be a declaration of domicile, but you are preventing him from doing that by this article.

My question is that if I have three residences how am I going to establish which is my domicile?

Mr. Juneau Well, as you are well aware, Joe, under the present law you can have but one domicile; there can not be but one domicile. The thrust of this is that an individual cannot on his own move that domicile...any declaration of retention of domicile to the contrary...we don't want to give him that latitude. We want that to be the determination. We don't give him the latitude to say I'm going to move that domicile just to fit the needs of whatever district I want to move into.

Amendment

Mr. Poynter Amendment Number One [by Mr. Casey]: Goes to the reprinted bill. On page 3, after the partial word "tion" at the beginning of line 18, strike out the period and before the word "the" insert the following: "and if he was a resident of this state for at least two years immediately preceding his election."

Explanation

Mr. Casey Mr. Chairman and Delegates, the proposed amendment which I'm submitting at this time is strictly a technical amendment to make that portion of this section relating to the election following reapportionment to require that a person not only be domiciled for one year, but also that in this case he must also be a resident of the state for at least two years immediately preceding his election, just as it is required for any other election prior to reapportionment where there must be a two year resident and also domiciled for one year. Strictly technical and I would urge your adoption.

[Amendment adopted without objection.]

Amendments

Mr. Poynter Amendments sent up by Delegate Abraham. Amendment Number One: On page 3, line 10, at the beginning of the line after the word "election" insert a period and delete the remainder of the line. Amendment Number Two: On page 3 delete lines 11 through 17 both inclusive in their entirety. Amendment Number Three: On page 3, line 18 at the beginning of the line before the word "the" delete the word "tion" and delete the period.

Explanation

Mr. Abraham What this amendment does, is eliminate the one year-residency requirement within a district. It also eliminates the choice that a person has of running in either district due to a reapportionment, through a change of the district lines. Now, what I am concerned about, if a person has established residency in this state for two years, he may live in an area, a town, say he lives in Baton Rouge. This man may move across the street, but because the district lines are what they are he would be in another district. Now, here is a man who has lived in the town all of his life. He's known in this town. And simply because he's moved into another district, he's going to have to wait another year before he can run for office. This also means that the incumbent legislator, who lives in the city of Baton Rouge, might move to another district and he would not be able to run again. He'd have to lay out four years because he'd have to establish residency requirements one year in that district. Now, when you have reapportionment and you redraw the lines there is going to be some confusion. There are going to be some incumbents who would have to make a choice as to where to run. There may be many people who are not incumbents, who are not running for the legislature, but what you're going to do there is penalize that person. You won't penalize him but you're going to give him the choice to where he can run in another district. So, on the one hand, we're placing a one year restriction on a person. He's got to live in an area for a year, but on the other hand, we're saying you can

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run in either district if you like, due to reapportionment and we're not being consistent. Now, I'm not worrying about the person who moves from Baton Rouge to New Orleans who wants to run and has only lived there two or three months, because he's not going to be well enough known, and I don't think he would get elected. But I am concerned about the person who simply moves across town and then is not eligible to run for office. I am concerned about confusing the issue, because you can't have a lot of absentee representatives, whenever reapportionment occurs in this district, in which they do not reside. You can have a lot of absentee representatives whenever reapportionment occurs who can run in a district in which they do not reside. I therefore urge your adoption of this amendment.

Mr. Poynter Mr. Abraham, with your leave, sir, I think now it would be necessary for a technical amendment to delete the Casey amendment which goes into the language that you wanted deleted.

Further Discussion

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the convention, I think that Mr. Abraham has good intentions on this resolution, but I don't think that it will improve the provision as presently drawn and amended. In fact the business, I think it will do a lot of damage to it and I would like to oppose it for that particular reason. Let me tell you what happened in the last election. I know one case where a man moved from one district to a block. He was forced to move because of the fact that the interstate took his house and he had to find another place. He moved so that he might remain in the same district, moved about a block away from where he previously lived. Because of the reapportionment in the redistricting of his district, he was outside of the district and could not run for the office. I know a man here in Baton Rouge who had some candidates who had qualified for office because at the particular time they were eligible to run for the office and after the redistricting the candidates were not in the district as they had originally qualified for and therefore could not run. I certainly feel that the provision as presently enforced, is a good provision and I don't think you should deprive a man from running for office just because he has been redistricted so long as he was in the original portion of the district. It doesn't make any difference whether he is already a legislator or whether or not he is a candidate. He might have moved into the area with the idea that he is going to run for office at the next election. If the election should fall immediately after the reapportionment of the legislature, you would make him ineligible to run even though he has gone in and he has been campaigning for the office, you might say, for a couple of years. I know this is particularly true of some of the young people. They look forward to serving in the legislature and start campaigning in the area in which they are and they start campaigning. Then if you reapportion the district which they are in, they are automatically out. Under this particular provision just so long as he was a resident and domiciled within the area before the reapportionment, he is still eligible to run in that particular area in which that he might be. He can transfer his residence into the area which he wants to represent. I think it's good in order that you can get a better legislature. It's democratic and we ought not try to keep people from running for office, we ought to make it available to as many people as possible, cause then you have a better selection.

Let me make this last statement, Mr. Chairman. I want to say this. I have seen areas in which the candidates were very few because of the fact that there was some restriction on the candidates being able to run and as a result of that, the people suffered for representation. Not only for the legislature, but for other offices as well. I think we ought to encourage as many people as possible to run for office. Let the best man win, if he can. Now I'll be glad to answer questions.

Questions

Mr. J. Jackson Senator, just a while ago I believe Mr. Derbes posed the point that you could have someone in absentia representing another district. Now you talk about the democratic process, do you think that to some degree is some violation of the democratic process?

Mr. De Blieux As I see this, Mr. Jackson, there's no way that that can happen. He's got to actually be domiciled in let's say legislative district "A", but he qualifies for "B" and let's say he wins the election in "B". He can stay in "A" for one full term. That's my appreciation of the kind of example.

Mr. J. Jackson I take issue with you, Senator, because as the committee proposal is presently written and as reiterated by Mr. Juneau, it says that you can have a situation whereby a man can qualify being domiciled in let's say legislative district "A", but he qualifies for "B" and let's say he wins the election in "B". He can stay in "A" for one full term. That's my appreciation of the kind of example.

Mr. De Blieux I don't believe that is correct, Mr. Jackson, because of this. Let's suppose this. Let's take an area. Since I'm right here in East Baton Rouge Parish we'll say the East Baton Rouge Parish representative district. You have a person who resides in the northern part of the parish and that's where he wants to run from. Then you redistrict him and it so happens that the area that you place him in makes that particular area, makes him outside of the particular area in which the district is concerned. If you do that, you can allow him under this provision to move into the area which he wants to represent because he was a part of it before the election, before the redistricting. Therefore he would be eligible. He's still known within the area, that's where he campaigned, that's where he was to represent and the opportunity to take the chances whether or not they want him or somebody else. If you don't have this particular provision, you will eliminate that person who has possibly been campaigning for the office for a long time from being eligible to run. You're not going to have a person in absentia. He's got to be a resident of the area he represents. He must be a domiciled in the area. You're not going to allow him to change his domicile so that he might run.

Mr. J. Jackson Yes, Senator, I guess my only caution to you is whereas you point out the faults of the new amendment, I want to suggest to you that the present amendment as being proposed by the committee has faults, I think that exceed very greatly because. I still maintain the position that one, you are providing an optional choice for candidates for a district, and secondly, you are saying that when he qualifies just because he's a part of his old district, that he's eligible to run in some cases from two to four depending on how they cut the district. Not only that, but more so, you can represent another district up to four years without even staying in that district. I think if you would read the committee's provisions, it allows for that to happen. That the provision as offered by I believe Delegate...

Mr. De Blieux I'd just like to say this. If you knock out this provision, you will allow the gerrymandering of candidates, particularly potential candidates, out of a qualification to run for the office. That's what you'll do. You can eliminate candidates by redistricting regardless of the qualifications if you knock out this particular provision. I don't think it's good to do that. I ask that you reject the amendment. Mr. Chairman, ladies and gentlemen of the convention. I think it's a bad proposal.

Mrs. Warren Senator De Blieux, I'm under the impression, and if I'm wrong correct me, that you are in favor of a person being able to run in a district that he does not live in, under special provisions.

Mr. De Blieux No, Mrs. Warren, he must move his

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domicile into that. He has the time to do that, but he has to live within the area. If he previously lived within the district which has been divided, or if he previously lived within the district that has been divided he can change from one portion of the previous district into another portion to run for the office. That's all that this provides for. Mr. Abraham's amendment will knock out that provision and I say that if you knock out that provision, it is possible to gerrymander out of districts potential candidates so as to favor somebody else. I don't think we want to do that.

Mrs. Warren Mr. De Blieux, you mentioned in one of your statements that a person might move within a district hoping to run for office. I'm wondering if the legislature, the representation that we are going to get...

[Quorum Call: 107 delegates present and a quorum.]

Mrs. Warren Senator De Blieux, I'm wondering if this amendment that you are speaking in favor of would not be in favor of individual legislators of being in the interest of the people. You mentioned that a person was well known in that area. There are some people living in parishes that are well known all over it, so he has his choice to run from any district that he would like to run from because he is well known.

Mr. De Blieux Mrs. Warren, I think it's the other way because regardless of how well known a candidate may be, if the people don't want him to represent them, they are not going to vote for him. But what I'm trying to do is preserve to the right of the people of a district to have the representative of their choice. This was you all together do that. The only way they can be deprived of a choice to run under the provision is by the committee's proposal is that he does not offer himself for election. After he has offered himself for election, it's up to the voters to decide whether or not they want him or not. I don't think that we ought to be able to gerrymander him out of a district in favor of another candidate if we should adopt Mr. Abraham's provision. That's exactly what it would provide for. I don't believe that we ought to be able to do that.

Mrs. Warren Mr. De Blieux, do you think reapportionment is to gerrymander people out of positions?

Mr. De Blieux Sometimes it could be. I've seen the legislature do exactly that. Of course the proposal was thrown out, but I've seen them make proposals in order for the benefit of individuals rather than for the benefit of the people. That's what I'm talking about. It can happen.

Mrs. Warren Well you say the legislature is the people, so I mean this doesn't put very much confidence in the legislature from this point. Wouldn't you think so?

Mr. De Blieux Sometimes some of us, even here, sometimes we forget about the people we represent. I hope that we don't do that, but unfortunately we are all human beings in that regard and we have our imperfections. I just want to guard against those imperfections taking over as much as possible.

Mr. LeBlieu Senator De Blieux, I've read a lot of what we're talking about of representative in absentia. If you took a theoretical House district which was composed of 5 precincts, between now and the next census one of those precincts filled up with people to the required number for one representative. At the next reapportionment, the other four precincts would be in different districts. Therefore any person who lived within the 5 original precincts, not only the incumbent but any person who lived within, any candidate or any person who wanted to be a candidate, who lived within the 5 original precincts would be allowed to run in either of those 5 plus any of the new districts that would be created of

which he was a part. Therefore he could take his choice maybe out of 4 or 5 seats. I think you also stated this, within one year after his election and no matter from which district he was elected, he would have to move within that district and be a resident. Is that correct?

Mr. De Blieux That's not my understanding of the provision, Mr. LeBlieu. That is true that he could run, but he must first move into the area and establish his domicile. He does not have to live within the newly created area a year before he is eligible to run. He only has to have been a resident of the area from which the district was composed originally, in order to qualify for the election. You don't let him get elected then decide to move. He's got to move and create his domicile before. That's the way I understand the provision because it says he must be domiciled within the new district.

Further Discussion

Mrs. Taylor Mr. Chairman and fellow delegates, I rise in support of Mr. Abraham's amendment. You know, it's about time we stop making special provisions for special people. It seems to me somewhere the committee thoughts were thinking in terms of protecting incumbents. I guess you find it strange that I would be here speaking out against this committee proposal being an incumbent. But I certainly have the belief that every individual should be treated equally whether he be an incumbent or not. I do not believe in giving special privileges to incumbents if, because of reapportionment, a portion of their district becomes a new district. I feel that every person should qualify from the district where he lives. No special people. It's as simple as that and I urge you to pay close attention and support the amendment that's been proposed by Mr. Abraham.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to this amendment and primarily to Amendment No. 1 which deletes and this pertains to all elections, the one year requirement.

If you will read this section you will see that Amendment No. 1 deleting "for one year immediately preceding his election, applies to all elections for the legislature." It does not only apply to the elections following reapportionment. If this Amendment No. 1 is deleted from the committee proposal, you are going to encourage and make it possible to have hedge hopping at any time you see fit. That proposal that is being deleted applies to all elections for membership in the legislature. For that reason I oppose it. On the second amendment which deletes lines 11 through 17, and while under the rules I am not at liberty to discuss an amendment which has already been filed and I thought possibly might come up prior to these amendments, I do have an amendment which will clarify this, lines 11 through 17 and I think make it much more workable and in accord with the will of the people. That amendment will be offered if these amendments are defeated or it will still be offered. But I sincerely urge you to defeat, in the event there is a division of the question, Amendment No. 1. If you do not defeat Amendment No. 1, it would mean that you could move from district to district to district within the metropolitan areas or in the rural areas and run from any district that you saw fit. That's what you would do by deleting that one year residency or domicile requirement. I don't think that's what the people of this state want. I think that they want a representative who has lived in the district long enough in he familiar with the problems and the people of that district. I ask that you defeat this amendment and permit me to offer an amendment which I think will straighten it out, as I do disagree with the provisions of lines 11 through 17. That part of this section would permit an incumbent or a non-incumbent in many instances, to have his choice of running in three different dis-

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tricts and not live in two of those districts but he could still run in them. However, he would have to move within the next four years into that district if he ran for reelection. It could very easily mean that a district was represented by a non-resident for a period of four years. I urge your defeat of the amendment. I'll yield, Mr. Chairman.

Questions

Mr. O'Neill Mr. Drew, do I understand that your amendment will not raise the requirements at all, only clarify?

Mr. Drew It will do nothing to lines 6 through 10 as written in the committee proposal, Mr. O'Neill.

Mr. O'Neill Okay good. Thank you.

Mr. Drew I urge your rejection of the amendments.

Further Discussion

Mr. Juneau Mr. Chairman, I'll make my remarks very brief. There are, of course, two separate issues and we can discuss this in context. I want to reiterate what Mr. Drew did and I think it's very, very important you consider this point. If you would adopt the Abraham amendment you are then saying that an individual does not have to live in a particular legislative district for any time, period of time, before he runs for office. I can assure you that I don't think the people of this state support that concept. For that reason and that reason alone at this juncture, I would strenuously oppose the adoption of the Abraham amendment.

Further Discussion

Mr. Fontenot I rise in opposition to this amendment and I'll make my remarks very brief. I'll take an example, perhaps we could understand it a little bit better. It's kind of complicated. Suppose somebody who are politically against each other, like I'm going to use the example Mr. De Blieux and Mr. Lawrence Chehardy who tend to be political opposites. Suppose one of them wants to move and run against the other man in his district. If you do away with this one year requirement Mr. De Blieux could move into Mr. Chehardy's district and run against him if Mr. Chehardy was running for the legislature or vice versa. Mr. Chehardy could move into Mr. De Blieux's district and run for the Senate if he moved the day before the qualifications. All he has to do is be domiciled the day before the qualifications. There is no one year requirement to be domiciled before he can qualify. So technically you're opening the door to some political figure moving into any district he wanted and I think it's a bad provision. I think we ought to vote it down. If we vote it down, maybe Mr. Drew would have an opportunity to propose his amendment. Therefore I move the previous question.

[Motion for the Previous Question rejected: 52-45.]

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates I have no intent of prolonging this discussion, but inasmuch as I did express my views in questioning one of the speakers just now, I would like to rise in opposition to Amendment No. 1. It seems like it's always my luck, the few times that I get up here, that about the previous speakers speak on the same point and in the same view that I entertain. I would just add my voice to the three previous speakers in opposition to this Amendment No. 1. I haven't been impressed by the argument that's said in behalf of this amendment of Mr. Abraham's where they concentrate all of their arguments on the convenience of the candidates. I think that this convention has talked so much about the people, that in considering this amendment we ought to think about the people of these districts rather than of the convenience and

the facility of making it so easy for candidates to hop from one district to another at their convenience. I think the people are entitled to have a candidate or a representative who has been in their district or their parish long enough to acquaint himself with the economy of the parish and with the people and their customs and habits to where the people will be served. I ask for defeat of this Amendment No. 1 and Amendment No. 2 and 3.

[Previous Question ordered.]

Closing

Mr. Abraham Mr. Chairman, there seems to be quite a bit of controversy on my amendment as it stands on the whole question. If I'm in order at this time, I would move for a division of the question between Amendment No. 1 and Amendment No. 2 and 3.

[Division of the Question ordered. Amendment No. 1 reread and rejected: 3-104. Motion to reconsider tabled. Amendments No. 2, 3, and 4 reread and rejected: 29-82. Motion to reconsider tabled.]

Amendments

Mr. Poynter Mr. Drew sends up the next set of amendments.

Amendment No. 1. On page 3, delete lines 11 through 17 both inclusive in their entirety and insert in lieu thereof the following: "However, following reapportionment at the next regular election for members of the legislature, a candidate shall run from the district in which he is domiciled."

Amendment No. 2. Page 3, line 18, at the beginning of the line delete the word "tion" and delete the period.

Explanation

Mr. Drew Mr. Chairman, members of the convention, as lines 11 through 17 are written, and I will give you one example and it could apply to any metropolitan area or rural area. Let me take Mr. Fowler's district as an example. Mr. Fowler represents DeSoto Parish, Red River Parish, and Sabine Parish. That is the present district from which he was elected. If the committee proposal, and I understand what they were trying to do, but if the committee proposal on lines 11 through 17 remains in this proposal, it would mean that Mr. Fowler, in the event of reapportionment DeSoto was put in district 11, Red River in district 12, Sabine in district 13 with Mr. Fowler living in Coushatta which would be district 12, would be eligible to run in any one of the three districts that he may choose. That would give an incumbent, in particular an incumbent, a right to pick out the district in which he had the greatest strength and run from that district whether he was a resident or domicile thereof or not. That is the purpose of this amendment. Let me add this. This amendment has no effect whatsoever, but goes hand in hand with the amendment that was offered by Mr. Casey, and does not have to be deleted. If you will read Amendment No. 1, we are deleting lines 11 through 17 as Mr. Abraham's applied or had in his amendment. This may be surplus, I really don't think it is though. What it would do, and I will go back to Mr. Fowler's district, that should those three parishes be put in three separate districts, Mr. Fowler would have to run from the district in which he is domiciled and that would be the only district he could run in. Not select any one of three districts in which he had the greatest strength. Of course, under the committee proposal if he did run out of the one year residency, all change his domicile to another district in which he was running or elected from, he would not be eligible for reelection. This provision applies only to the elections after reapportionment. My main objection, although there was a division of the question, my main objection to Mr. Abraham's was that he was taking out the one year residency, all elections and that would certainly encourage hedge hopping and running in any district that you would have seen fit to run in. It would have been a question of whether

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we wanted Teddy Kennedy to come to Louisiana and run for Senate. I mean that would have been a good analogy to the situation. I think that under this amendment that is being offered here, you are going to have a Representative living in the district with the people that he represents and I think that is what the people desire. I move for the adoption of the amendment.

Questions

Mr. Denney Mr. Drew, only one question. Is there a reason for saying at the next regular election? Suppose the incumbent should die after apportionment and a new member of the legislature would have to be elected. Under your amendment as it is now written, he could then select his district.

Mr. Drew I think that any election after the first election after reapportionment would follow the general rules in the first part of the proposal, Mr. Denney.

Mr. Denney In other words, the word "regular" is inserted there for a specific purpose.

Mr. Drew It would be, in other words, it's the next regular election following reapportionment.

Mr. Denney I don't know that I made my point clear. Suppose there were a special election to fill a vacancy.

Mr. Drew After reapportionment?

Mr. Denney Yes.

Mr. Drew I think that would be the next regular election.

Mr. Denney You mean a special election would be a regular election, then?

Mr. Drew It would be the first regular election after reapportionment, yes sir.

Mr. Denney Thank you, sir.

Mr. Asseff Mr. Drew, though this does not alter your comment, isn't it true that Representative Fowler represents half of DeSoto, and I the other half? He represents 4 wards, it doesn't alter but I would like it clear for the record, that I represent half of DeSoto and he the other half.

Mr. Drew At the same time, Dr. Asseff, he could still run in DeSoto because a portion of his district is there.

Mr. Asseff That's correct. I said that.

Mr. Fontenot Mr. Drew, did I understand you to say that you were not doing away with the Casey amendment?

Mr. Drew No sir. I think it's probably surplus, but it does not have to be deleted.

Mr. Fontenot I can't understand how we're not because I thought the Casey amendment was an addition to the...

Mr. Drew All the Casey amendment did was restate the two year state residency requirement.

Mr. Fontenot Okay, let me ask you further. Your provision, as I interpret it, is an exception to the general election rules. It's an exception because it's a special rule for reapportionment elections. Is that correct?

Mr. Drew It's not the exception in the effect that the committee proposal is, Mr. Fontenot. There is some question and I'm sorry that I haven't been able to work it out on the thing. But apparently the reason I say that this may not absolutely be neces-

sary because if a party is required to run in the parish in which they are domiciled, it more or less follows the general rules of all elections for the legislature.

Mr. Fontenot wouldn't it be possible for an out of state person or a person from New Orleans to move into your district after reapportionment, under your provision, and run against your member of the legislature? The only requirement is that he move there and actually be domiciled.

Mr. Drew That could very possibly be done, Mr. Fontenot. That's the question that I say that I don't know exactly the answer to and I hope maybe that there would be other amendments that would clarify that point. But as this now reads, in other words I think that the first part of lines 1 through 9 would very probably apply.

Mr. Fontenot I tend to disagree. It would seem like, don't you agree, that the first 5 lines of the general rule and then you however creates an exception. Isn't that correct? It creates an exception for elections after reapportionment.

Mr. Drew To some extent yes sir.

Mr. Fontenot And whenever you create an exception the previous sentences do not apply. Is that correct?

Mr. Drew That could possibly be the correct interpretation, yes sir.

Mr. Fontenot So as I understand it, if you agree with me, a person from say moving out of state could move into a legislative district and all he would have to do is actually move in and be domiciled and he could run after a reapportionment.

Mr. Drew Not from out of state, Mr. Fontenot.

Mr. Fontenot Why not?

Mr. Drew Because Mr. Casey's amendment requires two years state residency. Following this amendment Mr. Casey's reinstates the two year state residency provision.

Mr. Henry Before we go any further, if you don't mind, on the merits of this I think we've got a little technical problem, Mr. Drew, insofar as the Casey amendment is concerned. It appears to me while you are deleting lines 11 through 17, the Casey amendment took up on line 18 and you've got "and if he was a resident of the state for at least 2 years immediately preceding his election" just dangling there. Is that right, Mr. Clerk?

Mr. Poynter It would rather and the instructions certainly would be rather confused. If it's your intention, Mr. Drew, to keep the Casey language, I think perhaps a better way if we just added the Casey language at the end of the language inserted in your Amendment No. 1 and then add Amendment No. 3 striking his.

Mr. Drew Or delete the period after domiciled [...] Well if it is in order I would like to make that amendment.

Mr. Henry Well let's withdraw these and then....

Mr. Poynter If we come in, the problem would be at the "and" at the beginning. I don't think it would need to be there and make your language read "however, following reapportionment, at the next regular election for members of the legislature a candidate shall run from the district in which he is domiciled if he was a resident" picking up with the Casey language, but dropping the "and", if he was a resident of the state for at least two years immediately preceding his election." Then add an Amendment No. 3 to take off Mr. Casey's amendment.

[Amendment withdrawn.]

Amendments

Mr. Poynter The language would read Amendment No. 1 [by Mr. Drew], page 3, delete lines 11 through 17 and insert the following: "However, following reapportionment at the next regular election for members of the legislature a candidate shall run from the district in which he is domiciled." Then pick up the Casey language which you have in front of you dropping the 'and' "if he was a resident of the state for at least two years immediately preceding his election."

Amendment No. 2 stays the same.

Add an Amendment No. 3 striking out the floor amendment proposed by Mr. Casey and adopted by the convention today.

Questions

Mr. LeBleu Mr. Drew, Mr. Fontenot spoke and raised another question. I think what he was questioning you about is didn't you intend to require one years residence even after reapportionment? I think this could be added to your amendment while you are fooling with it, if you intended to do that.

Mr. Drew Conway, that's the question that I say that I'm not satisfied with this amendment as it's drawn because that is a hiatus at the present time. I think possibly an amendment will come along on that basis.

Mr. LeBleu The other question that I had, without your amendment to the committee proposal and when you refer to Representative Barber's district, mention was made of the incumbent but wouldn't the committee proposal allow any resident of either of those three parishes to run in either of three separate districts under your proposed reapportionment.

Mr. Drew I think the committee proposal would definitely allow anyone to be limited to incumbents and this is limited to incumbents.
If there are no further questions...

Mr. Anzalone Mr. Harmon, what you are actually doing with this... with your amendment, is removing the option of the elected representative to run in either district that he may be reapportioned out of.

Mr. Drew I am trying to prevent a district from having a representative that is a non-resident for a period of four years and that can be done under the committee proposal.

Mr. Anzalone I hate to say do you know or... but would you agree that probably a better amendment would be to allow him the option to run in either district but force him to move into that district within a certain time, a short period of time.

Mr. Drew Actually, Joe, the way this amendment is written, he could do it, and that is the reason I think it will probably be criticized by additional amendments as to whether the convention would require the one year domicile or not.

Mr. Anzalone Well, of course what I am saying is that as a practical matter, if I am an elected representative and going to run from another district and they don't want me, well I am not going to want to move there.

Mr. Warren I think that Mr. Drew has just about clarified what I wanted to ask because I had an amendment and if his was going to do the same thing that mine was going to do, I was wanting to save some time, so I am wondering if it is in order for me to let him see it, Mr. Chairman?

Mr. Henry Well, when he gets through speaking, it would be appropriate for you all to try to work out that, yes, ma'am, Mrs. Warren.

Mr. Juneau Mr. Drew, the one concern that I have is I appreciate the provision as you now have it

drafted. An individual after reapportionment could merely move and establish a domicile within a period of two months. You don't have the one year restrictive period and immediately run for office as long as he would have lived in another part of the state for two years. Is that right?

Mr. Drew I'm afraid that could be done.

Mr. Juneau I don't have too much objection to what you're trying to do, but I don't like that provision and I think that's contrary to the initial portion which requires that a person live at least one year in the area from which he is running.

Mr. Rachal Yes, my question was the same as Mr. Juneau's, actually, but what disturbs me now is the way that you answered it when you said, "I'm afraid that is so," and I wondered if you are beginning to think that possibly we should have that one year requirement as is required in line ten.

Mr. Drew Well, Mr. Rachal, the one reason that I didn't put it in there because you have this possibility that did happen that a district... representative district line was a certain street and the incumbent representative lived on the street... on the side of the street that went into a new district. Now I don't know whether the convention would want to permit him to change his domicile across the street and run in his old district or not. And that is... and that did happen. Of course, it is not limited to incumbents, I mean it's anyone after reapportionment could possibly move into a district. That is a possibility as this proposal is written.

Mr. Rachal Yes, well your amendment then would mean that after reapportionment, it's open shop, so to speak, that anybody could move and run provided he has been in the state for two years.

Mr. Drew Except he would have to be domiciled in his district. He could not run from a district in which he did not live, or was not domiciled.

Mr. Rachal No, I mean he could immediately move in the new district and run without having to satisfy any residency requirements in that district.

Mr. Drew As I said, Mr. Rachal, I think that possibly needs some clarification.

If there are no further questions I move...

Mr. Avant Mr. Drew, I am just concerned about one thing and I want to make sure I understand it.

As I understand the committee proposal in its entirety, not just this particular language, it contemplates first that the reapportionment will be conducted by the legislature. That is not done then, under certain circumstances it may be done by the Supreme Court which I would take would mean a majority, or four justices of the Supreme Court would be the minimum.

And of course there is still always the final alternative that what happened when the legislature was last reapportioned could conceivably occur again. That still remains the possibility.

But however it is done, it is possible that whoever does it, if they were so constituted and inclined that I think that possibly more consideration should be given because under mine, under this amendment as written with Mr. Casey's incorporated into it, I believe that incumbent could then move into his old district and run as well as anyone else.

If there are no further questions, I move that this...

Mr. Flory Mr. Drew in pursuing that same hypothetical case, if the line was drawn and it was done

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by either the Federal Court or the State Court and they handed down the decision at five o'clock this afternoon and they said you have seventy-two hours with which to qualify, how could a man then change his domicile under those conditions in order to run from the district in which he would have normally run from without the reapportionment.

Mr. Drew I was trying to remember, Mr. Flory, as to the effect of a declaration. I mean how soon a declaration of a change of homestead is effective. Off hand, I don't recall.

Further Discussion

Mr. Fontenot Fellow delegates, I appreciate Mr. Drew, I appreciate the problem he is trying to alleviate, but I am afraid he is creating a bigger problem than he is trying to do away with.

By his amendment, as I stated previously, a member, a public figure could move to another district and run against another public figure if he so wished and I am against this. I think the amendment will create this possibility. Therefore I am against it. I think we ought to come up with another amendment to clarify exactly what Mr. Drew wants.

But I am afraid if you vote for this amendment you are going to be creating a bigger problem than you are trying to solve. Therefore, I move that we reject this amendment and I move the previous question.

[Motion for the Previous Question rejected: 33-68.]

Personal Privilege

Mr. Blair If we are going to have to come back and vote on each one, will you give me just enough time? I'm getting a little old and I'm running, but will you give just a little more time? I really wanted to vote on that last one. I didn't quite get there.

Mr. Henry Well, Senator, if it looks like you are going to vote right, yes sir, we'll let you get back there.

Further Discussion

Mr. Rachal Mr. Chairman and fellow delegates, this amendment by Mr. Drew bothers me. It really is following to a great extent the recommendation by the committee which also bothers me.

It is difficult for me to see why a newly reapportioned district should be made open prey for anyone in the state who wants to run in that particular district, and to me that's what this amendment will permit.

I'm a little bit further concerned because it seems to me that we are more concerned about protecting an incumbent than we are about the principles of reapportionment. Reapportionment as I understand it is done to give the people in the district better representation. It doesn't necessarily mean that a person who has run has to be in another, which is not outside of that district, needs to be given any special privileges in order to run in that district because by the same token, an individual in the newly created district may have an opportunity he did not have before. He should not be disadvantaged by running against a professional. And it probably will offer an opportunity for someone who would otherwise not run have a chance to run and represent the people in his particular district. I don't know that the legislators will gerrymander someone as somebody's arguments have said, out of position. If it is he is a part of that gerrymandering and maybe it is not popular enough in the legislature.

But it bothers me to think that we seem to be giving more concern to an incumbent to protect his right to remain in the legislature, than we are about giving opportunity to those who may not be in that legislature.

So I urge you to defeat this amendment so that we might delete lines 11 through 18 and better serve the interests of all the people within that newly created district.

[Previous Question ordered. Amendments rejected: 46-63. Motion to reconsider tabled.]

Recess

[Quorum Call: 94 delegates present and a quorum.]

Amendment

Mr. Poynter Amendment proposed by Mr. [J.] Jackson as follows:

Amendment No. 1 on page 3 delete lines 11 through 18 both inclusive in their entirety, and on line 18 delete the portion of the word "tion" and insert in lieu thereof the following, quote, "however, at the first general election for members of the legislature following the reapportionment of the legislature, any person may qualify for election to either House of the legislature from the district in which such person is then domiciled, if he was domiciled in the prior district for at least one year immediately preceding his qualifications.

Explanation

Mr. J. Jackson Presently the concern about the committee amendments is that it has an arcan effect. In fact, the committee proposal as presented allows someone to swing from one district to another district and at the same time allows him for a period of time up to four years to represent that district in absentia. The arguments that I've heard against it is that you may if you say that just provided by law or just that he must meet a one year residency requirement so that this person may not be someone. My amendment allows that a person after reapportionment that a person can qualify for a new legislative district with the requirement that... My amendment tends to address itself to the problem saying that 1. a person must be domiciled in a new legislative district and that the one year requirement will apply to him... My amendment tends to address itself to the problem saying that 1. a person must be domiciled in a new legislative district and that the one year requirement is in the prior district. What this does in effect, allows someone who feels as though he's been gerrymandered out of a district to set up a domicile at qualification time and at the same time it waives the one year requirement for the new district that at the same time maintains some degree of residential requirement in the fact that he must have resided in the old district.

Questions

Mr. Alexander: Mr. Jackson, is it the intent of this amendment to apply to all elections, primaries, etc.

Mr. J. Jackson No. It says Rev. Alexander that at the first general election for members of the legislature following reapportionment so it wouldn't apply to all elections because of the possibility you may have two elections and maybe up to four primaries during the course of ten years.

Mr. Alexander I'm trying to determine what you're trying to remedy here.

Mr. J. Jackson What I'm trying to remedy in effect Reverend, and I'll try to explain it again is the fact that the basic concern by the committee proposal is that someone could run in the district and he doesn't have to be domiciled. I'm saying in my proposal that he must be domiciled. The second problem with the committee proposal is that there has been some concern on the part of delegates that how can you have a one year residential requirement for a new district, particularly, let's say, if you move something like one month before the election and third thing that I'm doing is, I basically feel that you have a principle whereby someone must stay in the district they represent and what I'm attempting to do is fill that requirement, at the same time saying he must have at least one year in

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the old district in which he moved.

Mr. Alexander Of course my concern Mr. Jackson here is with the word general.

Mr. J. Jackson I have no problems Reverend if you feel as though that is going to eliminate him from the primaries but it's my appreciation that if a man qualifies, then further down in the paragraph it says that he must qualify in the district which he's then domiciled.

Mr. Alexander Let me see if I can make myself a little clearer. It appears to me that your language would refer to the general election only but there could be some other qualifications for primary elections and that would make the kind of difference that I don't think would be consistent with your whole intent. I think your interest is to connect ...

Mr. J. Jackson Reverend if you look at the language that says any person may qualify for election to either house of the legislature from the district in which such person is then domiciled. So in other words if he decides that because his district has been reappointed, before he qualifies then he moves into that district which means if there is a primary that exists and is run in that district then he is eligible to run in that primary. I think the meat of the substance is because we may at some point decide to go to open primaries, is to say that, not to take out the fact that he couldn't be elected at the general election.

Mr. Alexander Don't you think it would be safer to say the first election, instead of general election, because then you confine it to the general election after the primaries.

Mr. Alexander I have no major objections to that.

Point of Information

Mr. Alexander O.K. You may have to withdraw it to include that language because I think technically, it may not work because of the word "general election." Am I right Mr. Chairman? Mr. Chairman we're raising a technical question here about the wording. The word general election would confine this provision if adopted to general elections and would eliminate primary elections. Isn't that correct?

Mr. Henry I think what you're doing is calling on me to make a judgement which more properly we should address to Justice Tate because this is where it would end it. I don't mean that literally but it's a decision or judgment which I don't think I, properly speaking have the authority or right to make. If there is some confusion insofar as the amendment is concerned and clear verbiage could be used and certainly should be used but I don't believe it's at the discretion of the chair to make such a determination as to whether something is legally correct or incorrect.

Mr. Alexander I see. I will yield to Justice Tate.

Mr. Henry No sir. Justice Tate isn't working on the bench today so he won't get to answer that either.

Questions

Mr. Kelly Mr. Jackson, I think I realize what you're trying to accomplish but there's one thing in your amendment that disturbs me and that is the latter part of the third line and then the last two lines. If he was domiciled in the prior district for at least one year immediately preceding his qualification. Am I to understand that what you're trying to accomplish in this amendment is that in order for a man to seek a place in the legislature, he must be domiciled in the new district at the time of the time of the election

Mr. J. Jackson Right. At the time of qualifying for the election.

Mr. Kelly What does the statement of being domiciled in the prior district have to do with the concept that you're trying to advocate here?

Mr. J. Jackson The concept is that the problem with the new district is that there has been some arguments fostered that some people will not have the residential requirement of one year for a new district, a new legislative district, particularly if he moved a month or anything less than twelve months before the election. What I attempted to do is set in a residency requirement, a one year residency requirement, to refer where you have to be a part of some district prior to the creation of the new district, so in essence prior refers to any other district created prior to the creation to the new district.

Mr. Kelly Could not this be accomplished by the first part of your amendment which simply says "delete lines 11 through 17 and tion of line 18". Would not this accomplish the same purpose?

Mr. J. Jackson No, I think we just rejected an amendment to that extent because that amendment did not address itself to the argument about disenfranchising some people who did not meet the domicile requirements, particularly if they happened to be gerrymandered and they did not move within the fifty days say they moved within a fifty day period. It didn't provide for those kind of situations where someone could be gerrymandered out of their district. I think that was the thrust of Mr. Drew's amendment.

Mr. Juneau Johnny, I understand what you're trying to do but I think this is a bad amendment. As I read this amendment, under the reapportionment year, if the individual was domiciled in his prior district for a period of one year, in this amendment he could run in any district in the State of Louisiana after reapportionment. That's what it says to me. Is that correct?

Mr. J. Jackson Mr. Chairman, I think that the basic argument that I did not move from my district... Let's say I move in another district. That's not a part of my old district. Should I then be denied the right of running? Let's say I move from North Baton Rouge to South Baton Rouge, in the course of moving I'm not an incumbent but just a candidate. Should I still be denied the right of running in that office so you have that kind of problem when you don't at least see some kind of... if you try to word it as I understand you would like for me to word it. One way of solving it is just eliminate our one year residency requirement but the problem is you've got to establish some basis of requirement and what I've attempted to do is not to limit them to this particular district because a man may want to run somewhere and my position is that if he moves uptown and he sets that up as his domicile then he ought not be disenfranchised from running. I don't think we can do anything to prevent a person from moving where he chooses to move. I would hope that we wouldn't but at the same time I think that we ought to provide some protection that if somebody is going to play tarzan that where they land is where they are going to represent.

Mr. DeBlieux Mr. Jackson, let me see if you and I understand each other. The first sentence of section B requires that a candidate must be a resident of the State for two years and domiciled within the district from which he runs for one year. Is that correct?

Mr. J. Jackson Right

Mr. DeBlieux Your amendment is supposed to make an exception to that. Just how do you change those particular words of qualifications by your amendment?

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Mr. J. Jackson Based on the arguments we have heard this morning, the only exception is to the extent that one, let's say if a person is gerrymandered out of his particular district, it's possible and it's conceivable that under the first section, the first lines you just referred to, he could not be eligible to run because he would one, not have one year residency requirement in the new legislative district. I think that's the argument we heard this morning. So what I'm saying is that he can run in any district he wants to run providing that he moves and that he has a residency requirement in some prior district before.

Mr. De Blieux In other words, if I understand your amendment correctly, if he resided in the parish of East Baton Rouge naturally he would be in a representative district. Suppose he resided here ten years and decided he wanted to move down in Orleans parish and run from one of those districts down there, he could do that...

Mr. J. Jackson Provided he meets the requirements of domiciliary...

Mr. De Blieux Your requirements says he must reside within that district for one year. Now wouldn't he meet those qualifications of the first sentence because he only has to be domiciled in a district for one year before he can run. Isn't that true?

Mr. J. Jackson Let's use your same example. What if he stayed in the State for ten years and moved to New Orleans ten months later before the final reapportionment was... before the election was to be held. Then according to what you say, on this first amendment, on the arguments I heard this morning, he would be disenfranchised because he has the two year requirements but he does not have the one year requirement.

Mr. De Blieux That's right but you can still require them to have one year requirement.

Mr. J. Jackson That's a matter of him having one year requirement in some prior district, Senator De Blieux, and...

Mr. De Blieux In other words, you want to remove the restriction on how long he has to reside in the new district before he can run.

Mr. J. Jackson Right. But all I'm saying is before he can run in that new district he must be domiciled in it and as I appreciate it there is some judicial distinctions between residence and domicile and that in order to... the courts have interpreted domicile to be more permanent and you just can't automatically say one day before qualification that this is my domicile. I think if someone contested it as Mr. Drew mentioned, that possibly what you would have is the court interpretation of the word domicile so I try to word it this way as to allow for those of us who feel that he ought to come from the district he represents and to allow that persons who want to run would not be disenfranchised.

Mr. De Blieux Now let me see if I understand you correctly. So long as he was domiciled in some other district for one year he can move into any district he wants to and run upon, you might say, a moments notice.

Mr. J. Jackson No.

Mr. De Blieux Well, that's the way I read you.

Mr. J. Jackson In order for him to qualify, he must be then domiciled in the new legislative district.

Mr. De Blieux How long does it take to establish a domicile? Can't you do that upon an affidavit?

Mr. J. Jackson No. And as I appreciate it, and maybe Mr. Drew might want to comment, I think it's a greater period than you can just arbitrarily come

up and say I want to just move over there and so this is my domicile. I've heard anywhere from six months to a year but as I understand it the biggest... the courts have interpreted...

Mr. Henry Mr. Jackson, you've exceeded your time so please wind up your remarks.

Further Discussion

Mr. J. Jackson Fellow delegates, the major objections to committee proposals is that in effect it does allow someone to play tarzan and represents a district for four years without living there. The second objection is that it provides the kinds of options without the necessary requirements and what I have attempted to do is to allow someone to run wherever he wants to run provided that he meets three requirements. One, that he meets the two year State requirement. Two, that at the time of qualification for any new legislative district he must then prove domicile in a new legislative district and that three, to meet the problems of the one year requirement is to provide him that he at least have one year requirement in some other district. Now, as a matter of fact you could possibly take off the last one year requirement because if he has been in the State for two years then he normally fits that because he lived in some district but this is an attempt to get around the concept that someone play tarzan without living and representing a district without living there. It attempts to address itself to those, particularly disenfranchising someone who just happens to be gerrymandered out of a district.

Further Discussion

Mr. Anzalone Ladies and Gentlemen of the convention, delegate Jackson has a proposal wherein a representative of the people should live and reside with his people which is good. But what Representative Jackson is attempting to do he is not doing with his amendment for these reasons. He is saying that you have to be domiciled in the new district at the time you qualify to run. There can be and will be possibilities where this would force an incumbent representative to move away from the district that he now represents into a new district which is diametrically opposed to what Representative Jackson is saying, coupled with the fact that if you leave in a residency or domiciliary requirement of one year you are going to have to second guess the final judgment of the Supreme Court as to where you are going to have to be living at the time you run for office. If we could be sure that the Supreme Court or the legislature was going to reapportion itself in excess of one year prior to the date of qualification this would have some merit but there is no assurance that this is going to happen. These are the basic reasons that I urge your rejection of the amendment.

Questions

Mr. Kelly Joe, do you not agree that in order for Mr. Jackson to accomplish the purpose which I think he is trying to accomplish, all he needs to do is delete lines 11 through 17 and "tion" on 18.

Mr. Anzalone No. Because what you're doing if you do that, you are going to eliminate the possibility of someone who is in a gerrymandered or reapportioned district to make his choice of which district he is going to have to live in prior to one year before qualification and there is no assurance of the fact that the Supreme Court or the legislature is going to finally decide on the reapportionment in excess of one year before qualification.

Mr. J. Jackson Isn't it a fact Mr. Anzalone that the two prior proposals did indicate just deleting lines 11 through 17?

Mr. Anzalone I don't remember.

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Mr. J. Jackson Yes. Mr. Drew's and Dr Abraham's. This provided that you must have two years State requirement, one year residency in a legislative district.

Mr. Anzalone Right.

Mr. J. Jackson And, in fact, this convention defeated both of those propositions on the basis that one, for the case you mentioned, you could disenfranchise somebody and that two, there is a possibility someone would not meet the residency requirement in the new district.

Mr. Anzalone Mr. Jackson you bring up a very good point. Let me answer you this way. If you're going to force somebody to live in a representative district one year before they qualify, do you have any assurance that after the census is taken in 1980 that the reapportionment is going to be final more than one year before the date of qualification. What you're forcing somebody to do is second guess the final judgment of the Supreme Court.

Mr. J. Jackson Do you also firmly believe that if someone is going to represent a certain district that the least requirement that he ought to live there at the time he runs for that particular district. That's the least requirement.

Mr. Anzalone Of course you know I've got an amendment and I say this. If you're elected for a term of four years to represent the people of the seventeenth ward of Orleans parish that you should live there for four years. Now if in the ensuing four years you're going to represent the people of half of the seventeenth ward and part of the eighteenth ward, then I think most certainly you should live there. But I don't think it is reasonable when abandoning those people that you now represent for the sake of saying we're going to live with the people we may represent in the future.

Mr. J. Jackson Would you also be in favor of an amendment to allow voters to register in any district wherever their representative is some voters who may live in whole or part of some old district to register in the new legislative district if they have been gerrymandered out.

Mr. Anzalone If they live there that's fine.

Mr. J. Jackson They don't live there at present but they could vote there with the possibility of moving there before the next general election.

Mr. Anzalone The only way we in the country would agree to something like that if is you let us vote in two places.

Mr. J. Jackson Yes, but do you know that is the provision of the committees' proposal right now.

Further Discussion

Mr. Tapper Mr. Chairman and members of the convention, I think very brief. I have to oppose Mr. Jackson's amendment. I think I know what he is trying to do and I am not against what he is trying to do, but I don't think he is doing what he wants to do here. I believe this amendment will do basically what the Abraham amendment would have done and that would be to allow anyone to move into any district right before qualification, register, qualify to run, and run. I don't think this is what we want to do and I don't think it is what the people in the state want to do. I believe that any person who wants to run for office from a particular district should be living in that district for a particular time. Here the committee has come up with a proposal that one year is that time and as far as domicile, we are just playing with something here that is very abstract because the Supreme Court has already ruled that you can establish domicile in thirty days. Yet our state courts have been battling with it for years and years and years as to what the interpreta-

tion of domicile is. I don't think Mr. Jackson is doing what he would like to do, I believe that this amendment would do would allow me to move right before qualification time, to move to Baton Rouge if I so chose, and run here for the legislature. Now, I don't think that this is the way it should be done. I urge the defeat of the amendment.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, each morning when we come in to assemble, after we say our prayer, we say we pledge the allegiance to the flag of the United States of America and for the Republic for which it stands, one nation under God, indivisible with liberty and justice for all. I would like for you to underscore liberty and justice for all. I am going to oppose Mr. Jackson's amendment for the same reason I opposed the others. When you begin to make exceptions, you are going to have to make exceptions all the way down the line. I don't feel that a person should be able to go in the legislature to represent someone when he doesn't live there. I can't represent you for four years and he can't run any more, then there is no accountability there. I can't oppose you because you are not going to be able to run any more so I am just going to have to take whatever you dish out. I've heard some of the legislators say "Put trust in the legislators." Then, today, I hear some of those same legislators say "I can't trust the legislators because they might gerrymander me out of my district." What are we going to do? Are we going to gerrymander our constitution to provide for special persons to have the privilege of running for office? Are we going to have a constitution for the people and by the people? If so, let us give every citizen the same opportunity. If an incumbent can run in a district and he doesn't live in it, then give the other person the same opportunity to run from a district. But I do believe that anybody can be better represented if he represents the district from which he comes from. In the first place, if he wants to do good and this is his idea, if he is in my district and he is going to represent me, I am sorry to be personal about it, then he is going to do what is good for me and him. But, if he lives in another district, he is going to be divided between two opinions: whether I should represent the district which I am living in, or shall I represent the district that I just moved out of. For that reason, I am going to ask you to deal with your conscience and defeat this amendment and let's make it all for the people and by the people. Thank you.

Mr. Henry The gentleman I believe wants to withdraw the amendments at this time, Mr. Tapper, so will that...Are you going to withdraw them now?

Mr. J. Jackson Mr. Chairman and members of the convention, the motive for withdrawing it is because it is a technical amendment, not as a matter of fact that I want to favor some incumbents. I just want to make this point perfectly clear, that we voted on two occasions to what Mrs. Warren and some members feel particularly, that we ought to have domicile in the district and they ought to have domicile in the district from which they are going to represent, but we have defeated that and unless we can come up with something that provides for one domicile and at the same time assuring that no one is disenfranchised whether he be incumbent or candidate, then I think we are going to be in a box. I am withdrawing my amendment to maybe more properly word it and will submit it at a later time.

[Amendment withdrawn.]

Point of Information

Mr. Fulco Mr. Chairman, as a point of information, is there some way that we can organize or get a committee who can check these amendments out and discover whether or not there may be a hiatus or whether there may be any other needed corrections

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so we can save some time. We have lost over an hour and a half or two hours today. Is there some way we can have a committee to which we delegates can appear before in reference to any amendment that we plan to introduce?

Mr. Henry Mr. Fulco, there is no provision for such a committee at this time and I would imagine that the delegates to this convention would feel that they were severely hampered and I would agree with them, if there was any move which would attempt to prevent any member at any time from introducing an amendment which he felt was germane and appropriate and I think we would save a lot of time doing less talking and more reading on these amendments then we could speed up the process, Sir.

Mr. Fulco Mr. Chairman, I don't want to see them deprived of introducing amendments, certainly not.

Mr. Henry I know of no way we could accomplish that. You have been in the legislature, Mr. Fulco, a lot longer than I have. We have the same problem there. It is a part of the problem insofar as a legislative process is concerned and we just are going to have to live with it. That is why we are going to have to work long and hard and talk as little as possible.

Mr. Fulco That is why I just thought maybe it might not be a bad idea, just to help all of us delegates.

Mr. Henry Mr. Fulco, I will be happy to appoint you as a committee of one, and I am not being facetious, if you can come up with a rational idea that the delegates will accept, I will be in favor of it, but I have given it some thought and the clerk has, but I don't know of any process right now. I will be glad to give it some thought, Mr. Fulco.

Mr. Fulco I will appreciate it if you will. I think it will save the convention a lot of lost important time.

Mr. Henry I think your point is well taken, Sir.

Amendments

Mr. Poynter Amendment No. 1 [By Mr. Lennox], on page 3, line 8, at the end of the line after the word "and" delete the word "actually."

Amendment No. 2, page 3, line 9, at the beginning of the line, before the words "the legislature", delete the words "domiciled within."

Amendment No. 3, page 3, line 16, immediately after the word "person" and before the comma, delete the word "domiciled" and insert the word "resided."
Amendment No. 4, page 3, line 16, delete the words "was domiciled" and insert in lieu thereof "had resided."

Amendment No. 5, page 3, line 18, end of the line, delete the words "domicile" and insert in lieu thereof the word "residence".

Amendment No. 6, page 3, line 20, at the end of the line, after the words "retention of" delete "domicile" and insert in lieu thereof "residence".

Explanation

Mr. Lennox Mr. Chairman, fellow delegates, when this matter was brought to my attention first, it appeared to me that these amendments were technical in nature, but in all candor I must say that I understand that the words domicile and/or resided was apparently debated at some length with the committee. In any event, I bring this to your attention. It is my understanding, and incidentally the entire subject matter of amendments one through six have the end result of replacing the word "domicile" with the words "residence" or "resided". The present law requires that a candidate be a citizen of Louisiana for five years and an actual resident of his district for two years immediately preceding his election. The proposal of the committee would require that he be a resident of the state for two

years and be "actually domiciled" within his legislative district for one year immediately preceding his election. The present law has been interpreted by Louisiana courts to require that a candidate have a bona fide residence in the district he represents, but to allow him other residences outside his district as well. The courts have never really given a precise definition to the term "actual residence" as related to legislators' qualifications but have indicated that it is primarily a matter of intention illustrated usually by the legislator's conduct and the circumstances of his life. The courts have declared that he must spend more than one or two nights a week in a district to qualify as a candidate from that district. The actual effect of the altered wording in the proposed article cannot be determined without judicial interpretation. Some indication of possible effects can be obtained from previous judicial interpretations of the term "domicile." It is more of a legal term than residence. A person can have several residences but he can claim only one of them as a domicile. The civil code defines domicile as a place one has "as his principal domestic establishment," in which he makes his habitual residence. The code further provides, and jurisprudence seems to support, that if a person resides about equally in several places, he may declare his intention to have one of them as his legal domicile. However unless he resides at each equally, his domicile is necessarily where he spends the most time. Again, courts have never established a precise formula for making this distinction but have rules that where a person spends two-thirds of his time at one residence and one-third at another, his domicile is legally the former. The probable effect of this word change is that a candidate with multiple residences would be required to spend at least one-half of his time at the residence within his district as well as to declare it to be his legal domicile according to provisions in the Civil Code. I ask your adoption of the amendment.

Vice Chairman Miller in the Chair

Questions

Mr. Derbes Mr. Lennox, I am impressed with the candor in which you explained your amendment. What you have done, in effect, and I would like to be specific on this, you have made the requirements for candidacy less restrictive than the committee proposal.

Mr. Lennox I think that is correct as a matter of fact, Mr. Derbes.

Mr. Derbes May I ask you sir, on a philosophical matter what interests will be served by permitting a person to choose the district from which he runs? In other words, to give him multiple choices for any given election.

Mr. Lennox I think the only interest to be served is to avoid future litigation involving candidates elected to office where some of the requirements of his district. Where he, in fact, has two or three or four residences.

Mr. Derbes But isn't it a fact, Mr. Lennox, that also the requirement of residence could become a matter of litigation? That is, a person may have two suits in a closet in his office on Baronne and Gravier, and a couch on which he could spend the night, and he may have a home in another district.

Mr. Lennox Mr. Derbes, it is my understanding and I don't know this first hand, that there has been some jurisprudence on that subject matter.

Mr. Derbes But in any case the requirement of domicile as it relates throughout the Louisiana Civil Code, although it has been a matter for judicial interpretation, has always been resolved in one way or another by the courts. Isn't that a fact, also?

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Mr. Lennox I would assume that that's the case, yes sir.

Mr. Derbes So all that your amendment seeks to do, the principal purpose of your amendment is to avoid litigation, is that it?

Mr. Lennox I think so, primarily.

Mr. LeBreton Mr. Lennox, if I understood you correctly, and I was trying to listen, you said that it would be necessary for the candidate to live at his domicile at least fifty percent of the time. Is that correct? Did I hear you, sir?

Mr. Lennox This is the consensus of attorneys who are members of the legislature, that when this matter is litigated that the courts would say that if you had two or three residences that you could only declare your domicile as being the one at which you spent half your time or more.

Mr. LeBreton The reason I ask that question, the thought occurs to me, in view of other problems we've had along these lines in previous years, how do you tell, or who says what is fifty percent of the time? Do you take twenty-four hours a day, twelve hours a day, do you take seven days a week and three and a half days a month, and fifteen days? I think this is a rather ambiguous deal that would just bring us back into court. This is my question. How do you decide what fifty percent of the time is?

Mr. Lennox I would assume that that would be done by affidavit of the candidate, but I am at a loss to give you an intelligent answer to your question.

Mr. LeBreton Thank you.

Mr. Juneau Mr. Lennox, you did say that if we would adopt the concept of going from domicile to residency, you admit that that is a much more liberal or broader base than it gives somebody to run from.

Mr. Lennox Please don't use the word liberal, but I think it is broader, yes.

Mr. Juneau Well, it is liberal in this sense. Second question, if we had an individual who spent fifty percent of his time on one street in one district and spent fifty percent of his time in another district, you mean to tell me we haven't created more litigation than by saying we have a domicile?

Mr. Lennox Again, I don't feel that I am competent to answer that but I would like to answer by stating to you that if there was a legislator who maintained a residence in a district but also had a summer home at Grand Isle, for example, where he moved his family for the spring and summer months, that there could be some litigation as to whether or not his primary residence was in fact his domicile, and I think there is some concern on the part of incumbent legislators that this might be the case.

Mr. Juneau Let me ask you this question. As I understand your remarks, you admit that there can be but one domicile, is that correct...

Mr. Lennox Correct.

Mr. Juneau ...but there can be more than one residence.

Mr. Lennox There can and is in fact, in many cases, more than one residence.

Mr. Juneau Then wouldn't it logically follow that the most likely litigation would occur over whether there is a residence or a domicile if legally you can only have one domicile?

Mr. Lennox Again, I don't feel competent to give you an intelligent answer.

Mr. Anzalone Mr. Lennox, do I understand your proposal to mean that if I have three houses in three parishes across the state of Louisiana that I could qualify as a representative in either one of those three places?

Mr. Lennox No, I think that you could qualify in the one where you maintain your residence...

Mr. Anzalone I've got three of them.

Mr. Lennox You've got to declare which one of them it is.

Mr. Anzalone Well, we've gone back to domicile then.

Mr. Lennox Well, to some extent you are.

Mrs. Warren Mr. Lennox, do you mean to say to this delegation that if a person is able to afford three residences in three different parishes, he will have a multiple choice, and if he is poor enough not to be able to afford but one, he can't have but one choice?

Mr. Lennox That is a three part question. Let me answer in three parts. First, I own only one residence that's my domicile. Secondly, I am a candidate only for early retirement and nothing else, so this does not affect me in any way. What I am saying to you that if there is a situation where a legislator has more than one residence, that this would avoid litigation resulting from persons who would claim that the domicile other than that he selected was in fact his domicile.

Mrs. Warren Well, it still would disenfranchise a poor person that wasn't able to afford three domiciles, or residences.

Mr. Lennox I really don't believe that to be the case, but certainly you are entitled to your opinion.

Mrs. Warren I am not trying to get my opinion. I am trying to get your opinion since you brought it. Now, my opinion, if you want my opinion, if I'm too poor to afford three, then I am going to have to have a choice of one, and if you are able to afford three, I'm not saying that you are going to run because you said you wasn't but if you can afford three then you can have a choice of three.

Mr. Lennox And I can only afford one as well.

Mrs. Warren I didn't say that. I am just using an example because you did it. If you can afford three, you have a choice of running from three, either three that you want to. But if I can't afford but one, I can only run from one.

Mr. Lennox I think that is a logical conclusion. I ask your adoption of the amendment.

Mr. LeBleu Mr. Lennox, is there any way that you can see any parallel between where the votes and his domicile or are you that acquainted with the law. I just wonder if that might be some way to determine his domicile.

Mr. Lennox I don't think there is any question but what the place at which an individual votes is in fact his legal domicile. There is no question there. There are some legislators apparently who fear that there is going to be litigation resulting from this new proposed language which comes as a result of their ownership and use of facilities for a residence other than their domicile at which they are registered to vote.

[Quorum Call: 92 delegates present and a quorum.]

Further Discussion

Mr. Casey Madam Chairman and Delegates, as a mem-

ber of the Legislative Committee I think it is incumbent on me to at least explain the action of the committee and the reason why the word domicile was adopted in preference to the word residence. The concept was advanced, and incidentally was adopted with only one dissenting vote, with the thought in mind that we would hope to avoid abuses by candidates for the legislature who attempt, or who rather actually reside or are legally domiciled in one area of a district or city or parish, or who rather and through other means establish a residence in another legislative district. For instance, a person may have his home, have a homestead exemption, rear his children, and actually live in a home in one area of a city or a parish, and then have a business, let's say a barroom, in another area, a different legislative district, and have a cot in the second floor and he might sleep on that cot once a week or twice a week, register to vote in that area where he has his business, and then run for election in that area; in an area where in fact he does not actually live with his family and is not actually domiciled. We have attempted to do this to prevent just that thing, a person living with his family in one area could theoretically have many, many residences, five or six, and therefore have the option, through these means, and I feel they could be devious means, to establish other residences merely for the purpose of running in a certain legislative district. That was the whole thinking behind this. I must grant that Mr. Lennox has made some good points, that possibly we may have litigation over the interpretation of the word domicile, but the truth is that we definitely have had and may in the future have additional litigation over the word residence. The entire subject matter and the entire document that we adopt will instigate litigation. I think we must face that fact of life. I also feel, and I speak only for myself, that there was a concern, I know advanced by Mr. Lennox, that the court may go into the question of how long you are going to spend in any particular area. Are you going to live fifty percent of the time here and twenty-five percent of the time in another place, and twenty-five percent of the time in another place. I submit to you that if a person is going to run for an office and represent a certain area of the state and be familiar with the thinking of the people and their problems that they should well spend in excess of fifty percent of their time in a certain area. And, I would hope that that area would be their domicile. I would submit to you also that the word domicile has been greatly, and on many occasions interpreted, particularly in the area of divorce laws, they have talked about the subject matter of domicile for purpose of jurisdiction for bringing suit for divorce and separation, and the courts have expounded on this greatly. The word domicile is really where a person intends to have his main home, to rear his children, to register to vote, where he goes to church, where he associates with many of his friends and neighbors and things of that type, where his children may go to school. Various criteria such as that are things that the court looks at and not just how much time you might happen to spend in a particular residence, if you have more than one residence. So, there can be many criteria for the interpretation of the word domicile. I submit to you gentlemen and ladies that this is more restrictive, it ties down the qualifications somewhat more than it is under existing law. Domicile is more demanding. You must make that determination yourself, to determine where you are going to make your principal home, raise your children, have your bank account, send your children to school, and go to church. Rather than give an individual the option to establish many residences and run possibly from many districts. I would urge rejection of the amendment.

Further Discussion

Mr. Derbes Ladies and gentlemen, I merely want to echo Mr. Casey's sentiments and say to you that on the first hand I believe that Mr. Lennox position with regard to the fostering of litigation is not

well founded. The courts have repeatedly, in my opinion, interpreted the qualification or the requirement of domicile. It is not a burdensome, difficult, impossible qualification to administer. Philosophically, I think it is consonant with the position that this convention has taken on other issues. It requires that a person have his principal domestic establishment and intend to permanently reside in the area that he seeks to represent. That to me is clearly preferable, the difficulties in administering the word domicile, I believe, are not overwhelming, in fact are quite simple. It is merely a fact question. So, I concur in Mr. Casey's remarks and I urge you to defeat the Lennox amendment. Thank you.

[Previous Question ordered.]

Closing

Mr. Lennox Madam Chairman, fellow delegates, I submit to you that there are many elected public officials in the state of Louisiana, other than legislators, who must face this problem in the courts if this proposal is adopted in its present form. I ask your adoption of the amendments.

[Amendment rejected: 20-79. Motion to reconsider tabled.]

Amendments

Mr. Poynter Mr. Denney sends up amendments at this time.

Amendment No. 1, page 3, line 7, after the words "the time of" and before the words "he shall", delete the words "the general election" and insert in lieu thereof the words "qualification for the office."

Amendment No. 2, on page 3, at the end of line 10, after the words "preceding his" delete the words "election" and insert in lieu thereof the words "qualification for office."

Explanation

Mr. Denney The purpose of these amendments is merely to conform with the language which we previously adopted when we changed from election to qualification for the office. I suppose you would call it a technical change although it does make a material difference in the time. I think it is much more accurate and much more clear to state at qualification for the office. Senator Blair authorizes me to say that his committee has no objection to this.

Mr. Poynter Madam Chairman, we have discovered a slight error that affects Mr. Denney's amendment. We discovered it with respect to that particular line in the second amendment, is in error in the reprinted bill. It reads "for one year immediately preceding his election." That language was contained as the bill was originally introduced but was amended in committee in conformity with where it appears in line 7 to read "for one year immediately preceding the general election" in the actual reengrossed bill. The printed bill is in error so if it is acceptable to Mr. Denney and to the convention, I would suggest that a way out of the impasse to accomplish his purpose is to vote first on Amendment No. 1 by itself where you will reflect your intent. If you do that one, we will come back with the second amendment which will go not to the reprinted as engrossed, but the actual reengrossed bill to make the same change in the same appropriate language in the actual reengrossed bill. Is that all right with you, Mr. Denney? Actually, the question before you is just the Amendment No. 1, realizing that if you adopt it you will need a second amendment drawn to the reengrossed bill.

Questions

Mr. Schmitt Does this mean that in a situation where you have qualification for the office six

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months in advance of the time of the general election, that that person would have to be domiciled there for eighteen months prior to that time in order for him, in other words eighteen months prior to the time of the general election in order for him to run?

Mr. Denny It could have that effect.

Further Discussion

Mr. Conroy It seems to me that the wording of the proposal as it presently exists is good enough. It requires a year's domicile. This effectively increases the period that a person must be domiciled within the district prior to the time of the election. It deals with a one year period and a two year period for qualification and simply backs up the time from the general election to the date the person qualifies for office. It does not say he must merely be an elector at that time, it says he must be an elector for at least a year prior to the time he qualifies to run, so all it effectively does is increase the period of time that a person must be domiciled in the district and in the state and I think the year and two year requirements are long enough.

[Previous Question ordered. Amendment No. 1 adopted: 66-26. Motion to reconsider tabled.]

Amendment

Mr. Poynter This now becomes a technical matter. Amendment No. 1, by Mr. Denny, on page 1, line 11, this goes to the actual reengrossed bill, not to the reprinted as reengrossed, page 1, line 11, immediately after the word "proceeding" strike out "the general election" and insert in lieu thereof "qualification for office." Now your copy has not the "general election" but "his election" which the committee has changed. This will be a technical amendment just to complete what Mr. Denny had begun with the first amendment.

[Amendment adopted without objection.]

Amendment

Mr. Poynter The next set of amendments is offered by Delegate Warren.

Amendment No. 1, on page 3, delete lines 11 through 17 both inclusive in their entirety, and at the beginning of line 18 delete the word "tion".

Explanation

Mrs. Warren Madam Chairman and fellow delegates, it is very easy for me to explain this amendment. It only does one thing, it says that you do not live in a district in order to represent it. Mr. Lennox just got through saying that a person... or he said in essence that a person that was able to have three residences would have a multiple choice. If you don't have the money to afford but one, you have one choice. Are we going to give legislators the opportunity of having a choice and give non-legislators a different choice?

I have no objection to legislators, I think they are good. I don't say that all the legislature is bad. I don't say the legislature is all good. I'll compare it kind of like this, you can have a barrel of apples and you can have two or three rotten apples in there or one rotten apple and it is going to cut smell all the rest of those apples. At this time I think that we should give liberty and justice for all and not make our flag that we get up and pledge allegiance to our force. Let's give everybody the same opportunity and let's not make exceptions. Because when you start making exceptions somebody is going to get it and you will like that also say this, be mindful how we think of vested interest because sometime our vested interest might turn on us. So let's be fair and let's give everybody a fair chance. Evidently, when you see some-

thing like this coming up and people are looking to have a chance to do as they please, there has got to be a dead cat on the line somewhere.

Questions

Mr. LeBlau Will you point out the language that says a legislator can run in three districts if he wants to and no one else can? Will you point that out, please?

Mrs. Warren I think if you will follow me back and if I am not wrong I'll have the Clerk to read it back to you. I said that Mr. Lennox in his address to this convention said, if you have three residents or you are domiciled in three residents you have a choice to run from either. When I got up this morning and I spoke, I said that this seem to be gerrymander and this was not my words but it is in effect the same thing, gerrymander in this convention to suit special people which were incumbent legislators.

Point of Information

Mr. Leigh I would like to ask, does Mrs. Warren's amendment include, and perhaps this should be directed to Mr. Poynter. Does this include the deletion of the so-called Casey Amendment also?

Mr. Poynter The effect inevitably would have to be or it would leave that portion dangling. I would recommend, Mrs. Warren, if convention has no objection that it would be preferable to add to the amendment an Amendment No. 2 which would strike out that amendment proposed by Mr. Casey and adopted.

Mrs. Warren I was going to say that before I left this microphone and I thank Mr. David Poynter for saying it for me.

Questions

Mr. Weiss Do you realize that the amendment you proposed is identical to the one which was rejected eighty some-odd to twenty some-odd of Mr. Abraham's Amendments 2 and 3 of his. It is identical. Your amendment is identical to his.

Mrs. Warren I am not really concerned about what was rejected since I have been in this convention I have seen so much turn over till I thought I would just put my own up here and say what I have to say. So, and I want to say this, if you don't like it, you have the right to vote against it. But I am asking you in fairness to all people that you would support it.

Any other questions?

Thank you.

Further Discussion

Mr. De Blieux Lady Chairman, and ladies and gentlemen of the convention, this provision was inserted by the committee in my opinion to prevent the gerrymandering and the favoring of incumbent legislators. It is my opinion that if you take this provision out of this particular section when reapportionment time comes around and the legislature gets ready to reapportion its districts you can bet your bottom dollar that it will be redistricted to favor incumbent legislators. If you leave this in the act... in the constitution, you will cut out the chance of a legislator fixing himself up to where he excludes his chief opponents. It is just as simple and plain as that. Now if you want to permit gerrymandering, adopt Mrs. Warren's Amendment. If you want to make it fair and square to everybody where everybody will have an equal chance, I ask you to reject her amendment.

Questions

Mr. Blair Senator De Blieux, just suppose a case that we change this particular district you add a thousand more voters. Now who are we giving the advantage by keeping it like we are? We're giving a thousand more people an advantage to run than one incumbent, are we not?

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Mr. De Blieux That is correct. You are absolutely correct.

Mr. Anzalone Senator De Blieux, you keep referring to incumbents being affected by this provision but is it not true that it also affects a citizen as well?

Mr. De Blieux That is true, I agree with you. But I say if you take it out you are favoring incumbent legislators.

Mr. Anzalone If you take out lines 11 through 17?

Mr. De Blieux You are favoring incumbent legislators. If you leave it in you are protecting the citizens so that they can have whoever they want to represent and won't be forced to take somebody they might not want.

Further Discussion

Mr. Juneau Madam Chairman, and fellow delegates, I think we got off on the wrong foot somehow on this particular provision. It developed, at least remarks have been made that this is a legislator proposal. That is quite to the contrary. I think if someone believes that, they have misunderstood what we have done in the committee. We specifically discussed this particular aspect of that provision. What you would be doing if you delete this language, you are asking for gerrymander.

Let me give you an example. If a member of the legislature, the governor of this state has a particular legislator or he knows of someone in an area who is going to run, and he wants to knock him out of the race, the easy way to do it is get him by deleting this language. If you have this language in, you have in essence passed an anti-gerrymandering bill or at least made that possible. I would like to also close by telling you this. That the whole context of this article was to give people within a locale the ability to choose their own local representative. This clause is activated only and only when you come into a reapportionment situation. That is the only time it arises. And if you don't pass such a provision, you are going to be asking for trouble as you will know in reapportionment gerrymandering is a topic of conversation. And if you don't pass this proposal you are going to be activating that kind of problem.

That's all.

Questions

Mrs. Zervigon Mr. Juneau, if I had planned to run for the legislature and my main base of support was in a particularly active P.T.A. and the line was drawn in such a way that it would separate me from that P.T.A. under the provision of the committee wouldn't I have the right to move across the street so that I could stay with my main base of support whether or not there was an incumbent legislator in that district?

Mr. Juneau That is absolutely correct.

Mrs. Zervigon So that it would give the citizens the right to stay with any support that they had developed in order to run against an incumbent or for the legislature in the same way that it would legislators, is that correct?

Mr. Juneau I might answer the question this way, Mrs. Zervigon. I view this as an anti-incumbent type of provision.

Mrs. Zervigon Thank you.

Mr. Kelly Mr. Juneau, would not the proposal of the committee in fact allow a little more as we commonly refer to it as forum shopping than would Mrs. Warren's proposal?

In other words, as I understand the committee's proposal, any person who has lived in any portion of a district which later that portion of a district is divided into say three different districts, could

run in either of those three districts, is that correct, under the committee proposal?

Mr. Juneau That is right, Mr. Kelly, as long as the district he runs in was a portion of the district in which he formerly lived. That is absolutely correct.

Mr. Kelly And I do understand this to mean the language in the committee proposal. It does say person, it doesn't incumbent.

Mr. Juneau It is meant to be person exactly what it says. That's right.

Further Discussion

Mr. Drew Madam Chairman, and members of the convention, I rise in support of Mrs. Warren's Amendment. The amendment that I offered earlier today which was defeated, was an attempt to compromise because I heard so much discussion about gerrymandering out and gerrymandering in. And as I told you from this podium it was not well drawn, it was not a finished product.

I think this, I think that if the present proposal stands and you permit anyone and I like to stress that there has been a great deal of misunderstanding that this was limited to incumbents. It is anyone to choose anywhere from two to three or possibly four districts in which they may run would be a very totally unrepresentative legislature. I think that this amendment puts our elections on an equal basis year and year out and I see no reason for making any exceptions because of reapportionment which will only occur every ten or eleven years. And I urge your support of Mrs. Warren's Amendment. I think it is good, I think it would resolve this question with all that we need in the constitution.

Now the question has been raised that if we delete these, then the legislature could provide as they saw fit. The legislature cannot provide for that which is already provided for in the constitution. And the initial part of this section is very specific in determining and sets forth the qualifications in the way of running for the House and the Senate. I think that the legislature could make any changes whatsoever in a constitutional provision. I think this puts all elections on the same basis. It's good and I urge your support.

[Previous Question ordered.]

Closing

Mrs. Warren Madam Chairman, and fellow delegates, I am not going to labor the time. I am going to tell you something, a personal experience that I had once.

Some years ago, I took out an insurance policy. The policy sounded real good after the agency talked about it and I glanced over it and read the big print. But the thing that I didn't read was the small print. I can be thankful to Almighty God that my health has been pretty good and I am not one that rides on insurance. After I had been in this insurance for about fifteen years, I got a letter saying my policy was cancelled. I went back, I got the policy and I read it and I started reading all the fine print. In this policy I found that this insurance company had the right to cancel this policy whenever they got ready. The thing that I am trying to do is close up the loopholes so it won't be any way out that the people will not be fairly represented and that incumbents will have the same opportunity as anybody else.

I did not intend to open a keg of worms when I mentioned incumbents but it is hard for me to write a speech. I have tried it and when I do it I find myself getting away from it because I usually speak as the spirit dictates. So for that reason I am not always saying the thing that is popular that I might get me a vote, but I am going to ask you in all fairness to everybody, to show to all the people of the state of Louisiana that you care and vote and give them a fair chance.

Thank you very much.

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[Amendments reread. Record vote ordered.
Amendments rejected: 34-73. Motion to
reconsider tabled.]

Amendment

Mr. Poynter Mr. Anzalone sends up the following amendments.

Amendment No. 1. On page 3, line 18 immediately after the portion of the word "tion" and this needs a little technical correction after the language... added by Mr. Casey's amendment. Delete the remainder of the line and delete lines 18, 20, and 21 in their entirety and insert in lieu thereof the following: "the seat of any member who changes his domicile from the legislative district he represents or if elected after reapportionment whose domicile is not within the district he represents at the time he is sworn into office shall be vacated there by any declaration of a retention of domicile to the contrary notwithstanding."

Explanation

Mr. Anzalone Ladies and gentlemen of the convention, the original proposal by the legislative committee has led approximately a three-year hiatus when a legislator who is representing a new district must move into that district. On the other end you have had proposals by Mr. Drew, by Mr. Jackson that require a person who is seeking office with a further amendment by Mr. Denney that he be in the area which he is to represent at least one year prior to the date of qualification. I think that in the minimal amount... I should say the great amount of trouble that we have had with reapportionment in the past it doesn't seem likely that the legislature or the courts or the United States Supreme Court is going to get the job of reapportionment done in record time. This is going to put you in a position such as this. If you are representing a district which is going to be cut into three pieces and if you had the opportunity as an incumbent or as a citizen to choose the area from which you would like to run, you must make this choice within one year prior to qualification. The problem with this is, is that you are not going to be sure as to when reapportionment is going to be final. You are placing yourself in a position of making a judgment when you actually don't have any idea where the district lines are going to be drawn. What my amendment does, simply is this. It gives you the opportunity if the year has passed to run for, seek reelection to any district within the district you previously resided with one stipulation. At the time that you are sworn into office you must be a domiciliary of the district from which you were elected. This keeps you in the district that you were before. You are representing those people and living with them. It puts you in the new district at the time that you are sworn into office to represent the people that you are now going to represent and live with, and it removes the hiatus of a year and it doesn't get you caught in the log jam of reapportionment. I ask for your favorable vote.

Questions

Mr. A. Jackson Mr. Anzalone, would you admit that besides winning an election the basic premise we've been arguing about is the fact of qualifying for election as it relates to domicile? So in effect that he can still do what the committee is doing in terms of playing Tarzan and having his choice of qualifying up from two to four districts let's say. He still has the right to qualify without meeting any kind of domicile requirement.

Mr. Anzalone He has the right to qualify in any district encompassing the district in which he resided in before. It doesn't allow him as your provision did to say for instance live in a district in the north end of Tangipahoa Parish and move all the way over to Lake Charles and run. We are localizing it within the particular district and it only pertains to reapportionment.

Mr. A. Jackson Well, would you admit that some of the proposals that were introduced in addition to mine indicated very strongly that maybe the principle we were talking about was representation but particularly at the point of qualifying. Cause that seems to be the issue.

Mr. Anzalone Well, Representative Jackson what you are saying is true. The only reason that I disagreed with your provision was because you forced a man to move out of a district that he was now representing and forced him to go into a district that he could possibly represent in the future which is diametrically opposed to your proposition of living where you are represented.

Mr. Avant Mr. Anzalone, isn't it a fact that your amendment will prohibit either an incumbent or a would be candidate from being gerrymandered into an area where he couldn't possibly win and yet at the same time, satisfy the other requirements that before he actually represents an area, that is, he sits in the legislature and votes, he must live and be domiciled in that area. That's what your amendment does, doesn't it?

Mr. Anzalone That's exactly what it does.

Mr. Avant Thank you.

Further Discussion

Mr. Conroy We have spent a great deal of time on this general problem but this is a good amendment. It deserves your consideration. It deserves your support. The last sentence of paragraph B presently requires that if a person moves out of the district that he represents he vacates that seat. This proposal, this amendment carries that same concept further and says that if a man is caught up in the problems of reapportionment that he can still have his choice to run but if he is going to serve that district, which he is serving that district he must move and be domiciled within the district. I think that it is consistent under the philosophy of the last sentence of this paragraph and I urge your support of this amendment.

Further Discussion

Mr. Roy Madam Chairman, and ladies and gentlemen of the convention. I rise in opposition to this particular amendment. I will tell you why. I have heard all day long the issue as to the candidate seeking to run in a certain area and I haven't heard anyone address himself to the issue as to whether the people in that area in which he is allowed to run under the present provision choose to elect him. To me that is the issue. If I like the people in district A let's call it district A and draw a little rectangular on a blank piece of paper. This is a cajun district. I live there in the north part of it. It is one hundred square miles in size. The legislature reapportions it so that my area is then gerrymandered into a larger area where there are other people who don't particularly like cajuns, and it is four hundred square miles in size.

Under the proposal of the committee. And this new area is called B. So I am not living in district B. But I previously lived in district A.

Under the proposal that the committee has come up with, I may choose to run in district A and be elected. And it is up to the people of district A the homogeneous district that I was a part of to decide whether they will elect me or not. Once in their wisdom, if they are, they choose to elect me then I should have the right to serve them. And I should not under this amendment of Mr. Anzalone be forced to sell my home in district B before I am sworn in to start serving the people of district A. There is no connection between forcing me to sell my property in B before I am sworn in. Under the committee proposal if I choose to serve district A, then if I choose to seek reelection one year before that time I am forced to sell out in new district B and move to A and that is as it should be. I should ultimately have to go live in A. But

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I shouldn't have to go live in A under some type of gun to my head that by the time I am sworn in some three months from the date that I am elected I should have disposed of my entire property in district B.

Now that is the danger here. It serves no useful purpose. It only puts a great burden on a person who has been elected by the people of A because he is one of them to dispose of his entire live property acquisition in B at maybe a great loss. How it affects his representing A I do not know. It has nothing to do with it, but if you pass this amendment that is what you do. You strangle a guy who has been elected by the people who believe in him and you force him at the risk of some pecuniary loss to get rid of his holdings in B before he can serve. And you do one other thing, because if he can't serve you see... if he can't sell that is and be out of that area and have acquired a new place in district A, you nullify the people's choice in district A. You are saying, that notwithstanding you cajun people in district A wanted elect me to serve you, you have nullified that by some process that does not address itself to whether I will effectively serve them or not. For those reasons, I am against it.

Questions

Mr. Conroy Mr. Roy, isn't the whole question here a matter of timing?

Mr. Roy No, it is not?

It is a matter of whether people in district A and the democratic process have a right to elect me and whether you are going to force me to dispose of my property holdings in B before I am sworn in. It is not a matter of time.

Mr. Conroy You do have to make the move before you run again, right?

Mr. Roy Correct.

Mr. Conroy And nothing in this says you have to dispose of anything, does it?

Mr. Roy It says that I have got to move there.

Mr. Conroy Got to have a domicile in the place where you are going to serve, where you are going to serve those people, you have to be domiciled.

Mr. Roy That is right. But that also means that I have to be rich enough, Mr. Conroy, which I may not be, to be able to acquire another home... another place in district A to live and I may have to move my children out of B and go to district A and start having them educated there before I even start serving.

Mr. Abraham Chris, I fail to understand and you might explain to me the difference between denying the people their choice of a person to represent them under the provision here whereas they do not have the opportunity to decide who they want to vote for. And the position that we took on line 10 in which we said that this person must live in a district before people can vote for them. Aren't we denying the people of their choice there by requiring a new man who moves into a district. The people may want him but we are saying that he is going to have to live there one year before he can be elected. Even though all of the people in that district may want him.

Mr. Roy No, you are not because you see what we are talking about here is reapportionment or after reapportionment and that is where this thing addresses itself and the fact of the matter is that the person who has been reapportioned out of an area should not be discriminated against in running in the area he previously lived in.

Mr. Abraham Yes but we weren't talking about the reapportionment or the person who is running. We

are talking about denial of the people's right to vote for whom they wanted. In one instance we are denying them the right to vote for a man who moves in an area because he has not lived there for one year. On the other hand, now you are saying we are denying them the right to vote for this man who happened to live in an area and who now resides out of the area due to reapportionment. Regardless of what the reason may be as to why he is not in the area, we are still denying the people the right to vote in either case.

Mr. Roy Yes, that is one thing. But let me answer you further. The theory of causing the residents to be there, for a person living there, is that theoretically he knows the area and that is why you wouldn't want a stranger moving into an area and we haven't provided for that. Although I wouldn't be opposed to it. But the issues that in the instant case after reapportionment you are taking a person who lived and served in an area maybe twenty-five years and he is denied the chance of really running and being elected by that area unless he chooses to sell his ownings before the time that he is sworn in. There is a great difference in the two.

Chairman Henry in the Chair

Mr. Velazquez Mr. Roy, I don't see anywhere here where it requires you to sell your property. It just requires you to change your domicile. I mean I would think you wouldn't want to rent your property and collect your depreciation. Make it both ways then.

Mr. Roy Well, I am assuming that most people maybe living in an area like a hypothet I gave might have owned a home and that is their domicile. Now he has got to change his domicile which means he will have to arrange to go and move elsewhere and rent a home or I might be sold it. And I just don't believe you should impose that condition on him cause my idea is, as a Jacksonian Democrat if the people in A choose to elect that person it is their choice and not ours to put incumbencies on him to where he may not choose to run at all.

Mr. Velazquez Are you telling me that you believe that you can be good enough to represent the people but too good to live next door to them?

Mr. Roy No, not at all. I say that you do have to move there ultimately but you should not be forced to move at an arbitrary date, i.e., before you are sworn in. It has nothing to do with living them and representing them properly.

Mr. Velazquez Well isn't any time that you have to move and you are going to eventually have to move... isn't any time that is picked arbitrary?

Mr. Roy It is to some extent. And if I had my choice, I may not choose that, but at least there is some reasonable basis for setting it be at a later date. But Mr. Anzalone's amendment makes it so that he must move before he is even sworn in or otherwise you nullify what the people of that district have chosen. And I am against that.

Mr. Velazquez Don't you think that Mr. Anzalone is very reasonable in this thing and that he could have set the time even earlier and gotten support but instead he is willing to give you a couple of months to get your affairs in order. He is just asking you to move your main place of residence... your domicile he is not telling you to sell your property or divorce your wife or shoot your kids. He is just telling you to change your domicile to represent the people who have elected you.

Mr. Roy Not only do I think he is not reasonable, I don't think if he were reasonable it has any basis for the position he has raised. To make it that you have to sell out or move within a two months period

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Mr. Bergeron Mr. Roy, doesn't Mr. Anzalone's amendment in fact stop a legislator from being gerrymandered or reapportioned out of his district? It gives him the opportunity...

Mr. Roy No. You mean an incumbent representative from being reapportioned out of his district.

Mr. Bergeron An incumbent representative or anyone who seeks office.

Mr. Roy No, it doesn't stop that from occurring.

Mr. Bergeron It gives that gentleman the opportunity to stay in the particular district from which he has been in for many years.

Mr. Roy Provided that that district is not changed. But if that district is changed he has then got to change into that district and if he doesn't then he can't stay there. If he is reelected to that district then within a year of the time that he seeks reelection after reapportionment he must move there.

Mr. Bergeron This three month period allows the gentleman the opportunity I feel to run in a particular district where he has set up his domicile, where he has lived. I would just like to express my opinion on it.

Mr. Roy Well, look, I don't differ. Let me say this, I want to make my point clear. If you choose in your wisdom to do it like Mr. Anzalone wants that is this convention's business. All I am saying that I am opposed to it because I think it is an arbitrary cutoff date for forcing a person who has been elected by people of a certain district to move there and it just...there is no need for it in my opinion. But I just wanted to make the problem clear and that is why I am against it.

Mrs. Warren Mr. Roy, do you believe the concept or the intent of reapportionment is good?

Mr. Roy Do I believe in what...reapportionment.

Mrs. Warren Do you think it is good?

Mr. Roy Yes.

Mrs. Warren Do you believe any solution that we could come up with would be perfect?

Mr. Roy No.

Mrs. Warren Thank you.

Further Discussion

Mr. V. Jackson Mr. Chairman, delegates of the convention... Although I recognize that Mr. Anzalone's amendment is not perfect, it is far better than the amendment that is being proposed by the committee. It does not totally meet my objections, but I'm very fearful that if this amendment is killed, then we're...as I understand it...we'll probably have to vote upon the committee's amendment and ultimately what happens is that, as I understand it from the Clerk, there are no amendments coming after. For those reasons, I would ask that you adopt Mr. Anzalone's amendments, that if we need to, at a further time, provide for some minute technical changes then we can do it. I would like to suggest that it is much better in my estimation than the committee proposal.

Further Discussion

Mr. Fontenot Mr. Chairman, I think I sit the furthest away from this stand, up here. It takes me about four and a half minutes to get up here, so all I have time left to do is move the previous question.

[Previous Question ordered. Amendment adopted: 76-28. Motion to reconsider.]

tabled.]

Mr. Poynter The next set of amendments that I have goes to "C".

Explanation

Mr. Juneau Mr. Chairman, we've come to paragraph "C" which is the next non-controversial subject, and that provision provides that the members of the legislature shall be elected for terms of four years. I move for favorable adoption.

Amendment

Mr. Poynter Delegate Abraham has an amendment being distributed. Amendment No. 1, on page 3, line 23, after the period add the following: "the term of office of each legislator shall begin at 10 A.M. on the second Monday in March next following the election."

Explanation

Mr. Abraham The only purpose of this amendment is to fix the time of taking of office. In the executive branch article we have fixed the time for the governor to take office at 12 noon on the second Monday in March, and this simply parallels that you will take office at 10 A.M. on the second Monday in March. That's all it does.

Questions

Mr. O'Neill Mr. Abraham, is this amendment really necessary insofar as the legislators shall convene at 12 P.M. on, whenever we have it. It seems kind of superfluous.

Mr. Abraham Well, I think it's good to have it, because this allows them actually to take office before the legislature convenes. Under the rules where it is a continuous body, if they wanted them to come down and meet as a committee of the whole or however they wanted to do it in order to effect their organization once every four years, this allows them to do so. It means they're officially in office and then they can draft bills or do whatever they want to do in preparation for the legislative session.

Mr. O'Neill Thank you.

Mr. Guarisco Mr. Abraham, are you familiar with the rule that you serve until your successor is elected and qualified.

Mr. Abraham Yes.

Mr. Guarisco Why do you need what you have there?

Mr. Abraham Do what now?

Mr. Guarisco Why do you put what you have there?

Mr. Abraham Because this fixes the time that the person actually takes office, and your successor takes office on this particular day. Otherwise there is nothing in the constitution that says when the person takes office.

Mr. Denney Mr. Abraham, under your amendment, this will permit the new legislators to prefile bills, is that correct?

Mr. Abraham That's correct.

Mr. Denney It will permit in the event the governor should call a special session to have the newly elected legislators called into special session, is that correct?

Mr. Abraham That's correct.

Mr. Denney Thank you.

[Previous Question ordered. Amendment rejected: 37-63. Motion to reconsider tabled.]

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Mr. Henry Explain "D" then please, sir.

Explanation

Mr. Juneau Mr. Chairman, now that the train is rolling, we move to Section D, which provides that if a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election as provided by law. In essence, what we've done, Mr. Chairman and fellow delegates, what we have done is inserted into the constitution on this particular provision the word "only" which makes it absolutely clear that the vacancy, in the event there is a vacancy, can be filled only by election, and that the mechanics of said election can be provided for by statute. In effect, of course, would eliminate the necessity for a detailed election provision in the provision. We move for its favorable adoption.

Mr. Henry Are there any amendments on this [sub-section], Mr. Clerk?

Is there any further discussion on [sub-section] Section D?

Proceed to [sub-section] Section E, Mr. Juneau.

Mr. Juneau I'm afraid the train is going to stop, Mr. Chairman.

Mr. Henry Please quit calling it a train.

Explanation

Mr. Juneau Fellow delegates, Section E, of course, is a substantial change. It provides in essence that the members of the legislature shall be compensated by an annual salary, which of course, will be fixed by a majority of the elected members of both houses. It can be changed but only by a two-thirds vote of the elected members of each house, which is, of course, is more than just a simple majority. But, to be effective it's a term other than the one's who presently enact that law. The thought of the committee with this regard was, of course, the controversy involved whether or not you wanted the concept of an annual salary or a continuation of the program which we now have with regard to per diem. It was the thought of the committee that a more independent legislature in the effort to hasten the deliberations of a legislative body... that it would be more consistent with an annual salary. We think it's consistent with the more modern state legislatures which have enacted such provision, and for that reason the annual salary was asserted therein. I move for its adoption, Mr. Chairman.

Questions

Mr. Burns Why the difference in the voting of the fixing of a salary requires only a majority vote but to change a salary requires a two-thirds vote? Why not have two-thirds to fix the salary?

Mr. Juneau Well, the initial thought was this, Mr. Burns. I personally adhere to the concept of a majority vote, generally speaking. We thought that that would be a physical manner which would be appropriate to be susceptible to a majority vote by the same token. It would preclude after it was initially established the cutting off the possibility of a particular group of legislators or particular body increasing their own salary. Merely a matter of concept.

Mr. Toomy Pat, at what time do you... would this provide for the annual salary to be implemented. Would you provide for that in the schedule or something.

Mr. Juneau We plan to put that in the schedule, yes sir. The thought would be the legislature which would come in after the institution of this particular constitution.

Mr. Toomy Is that what's recommended by the committee to be put in the schedule?

Mr. Juneau Yes, sir, that's correct.

Mr. Avant Mr. Juneau, would you just explain why, if the legislature cannot raise its own salary under this provision during a... the time for which they are elected, it would take two-thirds to raise it at some future time?

Mr. Juneau Well,...

Mr. Avant Rather than a simple majority.

Mr. Juneau The thought was, Mr. Avant, that we didn't think that it would be appropriate... our consensus was that the public would feel that the legislators, number one, first of all, should not be in a position to raise their own salary, that speaks for itself. Again, I submit that the distinction between two-thirds and a majority as to raising their own salary is purely a matter of concept. I personally and I think that the committee as a whole felt that if it was of that magnitude to raise the salary, which would be something the people would be very interested in, it would mandate more than just a simple majority. That much of a consensus to pass it. It's purely a matter of concept. It's a very difficult matter to say that if you've done it by a majority why not do it by a majority subsequently. I just think that the whole concept of this constitution... the people would more or less demand a two-thirds vote in that regard. That's the best answer that I can give you in that connection.

Mr. Bollinger Delegate Juneau, do you think it necessary that the fixing of the salary of the legislature should be provided for in the constitution? My question is directed to mean couldn't it be done in the schedule that the legislature would fix their salary and the constitution provide for the changing of that salary?

Mr. Juneau We debated that issue at length, Mr. Bollinger. It was the thought of the committee, and I concur 100% that unless you mandate to the legislature that they shall fix an annual salary, I would say that the chances are 80 to 20 against them coming up and fixing an annual salary.

Mr. Bollinger Wouldn't the terminology, "the members of the legislature shall be compensated by an annual salary" mandate them to fix an annual salary for themselves?

Mr. Juneau Well, of course, that's how I read the provision, Mr. Bollinger. The legislature shall be compensated by an annual salary.

Mr. Bollinger I'm just talking about deleting the words "shall be fixed by majority vote". Couldn't the schedule say that the legislature shall fix a salary and the constitution only provide for the changing of that salary? This is only a one time provision in the constitution and will never be needed again on the salary issue. It's just adding terminology which is not necessary.

Mr. Juneau My answer to that is, I think it's mandatory, if I understand your question correctly, that we've got to put in the language "annual salary" or it won't be done.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Foyard]: On page 3 delete lines 27 through 32 both inclusive in their entirety and on page 4 delete line 1 in its entirety and insert in lieu thereof the following: "Each member of the legislature shall be paid an annual salary which shall be fixed... now your copy has got the word initially, but Mr. Foyard has taken that word and the commas before and after it out which shall be fixed by a favorable vote of a majority of the members elected to each house. Thereafter, the salary may be changed by a favorable vote of two-thirds of the members elected to each house, the change to be effective only at the beginning of the next succeeding term for which members of the legislature are elected."

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Explanation

Mr. Fayard Mr. Chairman, I appreciate your pronunciation of my name. I think that I will at least acquire temporary residence in the city of Amite or Independence after watching Mr. Anzalone perform earlier. I hope that I meet with the same success. This amendment makes no substantial change in the committee proposal. It was brought to my attention by several members of the committee and also by several delegates that the wording of subsection E as proposed by the committee was somewhat awkward. I'm in hopes that this amendment will clear up several areas which may have led to objections, if not cleared up. Number one, this amendment conforms in the latter sentence with the language that we have later in our proposal with regard to Section 7, Salaries to public officers and change. I think that the terminology is better. This amendment further makes it clear that the legislature will be able to fix the annual salary and thereafter only change it by a vote of two-thirds of the members elected to each house. It was brought to my attention that under the wording of the committee proposal in subsection E that an interpretation would have been possible to the effect that the legislature at each term could have changed or fixed its salary. In other words, this four years fix it and then a new legislature in the next four years come back and fix it again by a majority vote. I would be happy to answer any questions regarding my amendment. Actually, it's the same substantial proposition that is originally submitted by the committee. I personally favor this concept. I think that there is no reason for camouflaging a salary paid legislators in terms other than a salary. I personally feel that members of the legislature work very hard. I think that they should be paid an annual salary comparable to the work that they put forth.

And I further feel that this concept of being paid an annual salary is supported by most students of government and I'm not only saying that this is a good government move, I'm saying that it lends support to the legislature. It encourages them and mandates them to fix their salary which I think that they deserve. It further establishes a precedent to the public to know before running for an office as to how much he's going to get paid for seeking that office. I can anticipate some arguments and some questions about the fact well, does this cut out the expense allowances? This does not. I would submit to you that this provision allows any reasonable expenses to be paid; mileage, for hotels, for meals, or whatever the legislature in its wisdom desires. But it does require the members to be paid on an annual salary which shall be fixed. I will yield to a question now.

Questions

Mr. Leigh Mr. Fayard, does your amendment contemplate that the Senate can fix the salary for its members different from what the House fixes for its members.

Mr. Fayard No sir. My amendment contemplates...

Mr. Leigh Isn't it subject to that interpretation where you say it's fixed by each house, or the members of each body.

Mr. Fayard No sir, I don't think so. I think that it's... it says that each member of the legislature shall be paid an annual salary which shall be fixed by a favorable vote of a majority of the members elected to each house. This is language which we have used throughout our proposal and it's merely used to conform with other provisions of the proposal.

Mr. Riecke Mr. Fayard, I'm certainly in favor of the legislature... legislators getting increases when the time is right and getting everything that they should have, but I'm just wondering... don't you think that if they're taken off of a per diem and put on an annual salary that it would encourage absences from the legislature? The legislator knows that if he's going to get an annual salary, he

doesn't have to show up at all.

Mr. Fayard No sir, Mr. Riecke because the legislature at this time gets a certain amount of money whether he shows up or not. I think that this would encourage more responsible, at least more responsible action in the legislature. It would further encourage more people to participate in the seeking of office to the legislature.

Further Discussion

Mr. Bollinger I have no major objections to the gist of Mr. Fayard's amendment. However, I still feel that there is dead language in here which is not necessary to the constitution. We could provide simply in the schedule that the legislature shall fix the salary and the constitution could provide that the legislature shall be paid an annual salary which may be changed only by a two-thirds vote and then concur with the rest of his language. I just feel that this is adding language that will never again be used, once the legislature sets the first salary which will come hopefully after the adoption of this constitution. So, I think that this could be cleaned up considerably for the constitution and I would like to see Mr. Fayard possibly redraft it to delete it. Thank you.

Questions

Mr. Velazquez Mr. Bollinger, wouldn't it be a lot easier if the convention itself just went ahead and fixed an initial salary and give the legislature the authority to expand it from then on by a two-thirds vote?

Mr. Bollinger I didn't understand your question. Could you repeat it?

Mr. Velazquez Wouldn't it be easier, since a lot of your problem seems to be in the fixed salary portion of this thing, for the convention itself to merely go ahead and set up initial fixed salaries and give the legislature the authority to expand that by a two-thirds vote which would not be for them but for the next succeeding legislature? And solve the problem that way.

Mr. Bollinger You would suggest this be in the constitution. Is that your question?

Mr. Velazquez It would seem to be a way to break through the problem.

Mr. Bollinger No, I don't. I think the language is totally erroneous to the constitution. That's my objection. Not to further specify that we... the constitution will set the first salary. This is not at all my intention.

Mr. Velazquez Then what is your intention, to remove the thing completely?

Mr. Bollinger To remove the portion which is germane to the legislature fixing the first salary by a majority vote. The schedule could provide that the legislature shall fix the first salary, or the salary for the 1976 members and then the constitution shall provide that it will be an annual salary and how it will be changed. But once it's fixed, this portion of the constitution will never again be needed.

Mr. Velazquez The question is, are you really saving any words by making a difference from the thing that's presently on the floor?

Mr. Bollinger Yes, I think you're saving words.

Mr. Velazquez I don't think that you're saving more than one or two.

Mr. Roemer Why is it two-thirds vote in here?

Mr. Bollinger I'm not arguing that point, Buddy,

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at this time. I'm just talking about this particular provision in the amendment, about fixing the salary. As far as the two-thirds vote, I'm not arguing pro or con to that effect.

Mr. Roemer You don't have a position on it?

Mr. Bollinger Not at this time.

Mr. Roemer Your amendment doesn't deal with it, does it?

Mr. Bollinger It does not.

Further Discussion

Mr. Burson Ladies and gentlemen, I just want to point out to you that the Fayard amendment does more than just change the wording of this section. The way I read it, it changes the substance, because the section as drafted by the committee says "members of the legislature shall be compensated by an annual salary", the clear indication of those words being that the only compensation will be an annual salary whereas the Fayard amendment simply says "each member of the legislature shall be paid an annual salary". I think you're talking about two different things. Whichever way you want to vote on it is all right with me, but I simply wanted to point that out.

Further Discussion

Mr. Roemer Fellow delegates, I tried to ask a question a while ago and it seemed to be to the wrong person. I didn't have time, unfortunately, under these new streamlined rules we have to ask the author of the amendment what the amendment means. And I refer specifically to the two-thirds vote provision. Now I would like to hear someone who either authored or is in sympathy with this amendment discuss the two-thirds rule. As it's written now, it takes a majority to set the initial salary and a two-thirds to raise or change it subsequent to that. Now, if it's a good idea to have two-thirds change it, why isn't it a good idea to have two-thirds set it initially? That's my point. We seem to be inconsistent on the point. It ought to be a majority both ways. If we trust them to set it initially, why can't we trust them to change it when the times dictate that it needs to be changed? If we can't trust them to change it over time, why should we trust them to set it initially? Now, I'm not hung-up over the point, I just want to know the logic here. It escapes me.

Further Discussion

Mr. Stagg Mr. Chairman and fellow delegates, the proposal before the house on the payment of an annual salary to the legislature, I believe, is a good one, and I support it. The language proposed by Mr. Fayard, while it is productive of some questions in some minds, says that the legislature, each member, shall be paid an annual salary. In answer to Mr. Burson, I would say, that it would be equally equitable for the members of the legislature to be paid mileage so that those legislators who live in the area of Vivian in my parish would end up with the same take-home pay as the delegate who lives in East Baton Rouge Parish. It doesn't escape me that that disparity affects the delegates to this convention. To change the salary from that initially set, I believe ought to be done by two-thirds vote simply so that a majority of the legislature at any given time might not unreasonably raise their own salaries. It appears to me that as a Republican watcher of the legislature, I will be quite interested in those legislators who shirk their duty because they're not receiving a per diem to come to Baton Rouge for the legislative committee hearings. They are the prime targets for the opponent of an incumbent legislator who takes the salary and then does not perform. I'm not too worried about it. I think that we can nail those guys who take our money and don't produce results. The annual salary is a good thing. The

Fayard amendment is a good amendment, and I do support it.

Questions

Mr. Roemer Delegate Stagg, as I understood your remarks, you pointed out that you did not want the legislature to, by a simple majority, put in an inappropriate sum for their annual salary at some future date. Is that correct?

Mr. Stagg Yes sir, that is correct.

Mr. Roemer Do you have that same concern on the initial setting of the salary itself?

Mr. Stagg No sir, I don't.

Mr. Roemer How do you differentiate the two?

Mr. Stagg I think when they start off on this move after this convention has finished its work and after the constitution has been adopted that legislature on the initial fixing of the salary will be doing so in the glaring broad light of everybody's interest in what they do, and they are not going to unseasonably mess up their legislative record in the first setting of the salary to turn the public against them permanently. You will remember that the Congress in the last few years was paid \$33,000. Five or six or seven years ago they raised their salary to \$42,500 and people are still talking about it and are still concerned about and though the time has maybe now come for them to again consider to raise their pay they are afraid to do it because of the public reaction.

Mr. Roemer Well, Mr. Stagg, would you agree that the temptation of money is great anytime.

Mr. Stagg All the time.

Mr. Roemer Both initially and at some later date, I might add, in my opinion. Can't you see the danger in having a simple majority set an absurdly high level of salary initially and then have it frozen in because it took two-thirds to change it.

Mr. Stagg Mr. Roemer, our remedy is always at the ballot box. Those men who fix their salary unseasonably high will have a short session in the legislature, i.e., only four years.

Mr. Roemer Well, then, if we follow that logic to its natural conclusion, which we seem not to be doing, then we ought to let a majority do it all the time and vote them out of office every four years.

Mr. Burns Mr. Stagg, I'm asking this because I actually don't know. Under this proposed amendment fixing a salary for the legislature, does that take the place of the per diem or is this in addition to the present per diem of \$50 a day and mileage.

Mr. Stagg The per diem would no longer be paid and the salary would be its replacement.

Mr. Burns Is that...do you think that that is spelled out with sufficient particularity in the present amendment. Nothing is said about it.

Mr. Stagg There are four amendments on the desk, Mr. Burns, and if you'll read them you'll find that two of them will make that clear.

Mr. Burns Yes, I saw one by Mr. Burson, but I'm talking about the present amendment...committee proposal.

Mr. Stagg Mr. Burns, I'm in favor of the concept of the salary, the Fayard vehicle to put it on the floor before us is a more perfect vehicle than that which we originally met.

Mr. Burns I'm in favor of the concept too, of the salary, but I just wanted to know if we're going to

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get the double shot out of it.

Mr. Stagg We'd better not.

Mr. Willis Mr. Stagg, Mr. Fayard told us that this provision would allow for the payment of per diem but that would possibly allow the legislature to give itself an allowance for hotels and meals... and meals. Now, that's what the per diem is for isn't it?

Mr. Stagg Yes, sir.

Mr. Willis Now, a rose by any other name smells just as sweet. So, that whether you call it per diem or a subsistence and allowances they can still get the per diem by another name or catch word, isn't that correct?

Mr. Stagg Burt, I think that the legislature ought to be paid a salary and to make...

Mr. Willis That's not my question. My question is isn't that correct?

Mr. Stagg But can I not answer it in my own fashion?

Mr. Willis Yes, you may, but as you and I, in our profession, you answer yes and no and then you can explain. Let your time go out.

Further Discussion

Mrs. Warren Mr. Chairman, fellow delegates, since I was not able to ask my question at the mike some time ago, I'm taking this privilege. I don't see how I could vote intelligently on a matter I have not had the privilege of sitting in on a legislative committee. I don't know really what it's all about. The other day one of the delegates said that the legislators get \$500 a month, that doesn't sound big, but if they get \$500 a month that's an annual salary, I don't care how you spell it. You might use a technical word and say well it's not in the constitution saying "annual salary". Then, he also mentioned the expense account, the travel expense and so forth and the per diem a day while they were meeting. I'm just wondering, I heard one person say that money was tempting, in some instances we can trust the legislator and some instances the legislators can trust themselves and some instances they can't. But when it comes to money, I imagine they can all trust each other because they're all interested in the same thing. Another thing that I was thinking about was that a yearly salary is good providing we can trust that the legislators will not do what I have in mind, and I'm going to tell it to you in a little story. I can remember, and this is true, it's a true story, a first cousin of mine which was similar like an aunt. She was working for a family. They put out the groceries to be cooked. The amount they put out was just enough to serve their families. For the first couple of days she went without eating. So, the next couple of days she got smart like Senator Rayburn. She decided she would cook, she would eat and then she would serve. Then whatever was left, they would eat it. So I would like to know more about this before I could vote intelligently. So I don't have any way of asking any questions since we don't have that privilege any more. This matter might be settled before next week. So I really don't know how to vote on it, so I'm going to oppose it.

Further Discussion

Mr. Jack Mr. Chairman and delegates, I started to say I'll be brief, you've got to now, thank goodness. I merely want to point out this, that this language states you'll fix the salary. There is nothing in there that provides that you no longer have a per diem. Per diem, in 1940, was \$10 expenses. It was later raised to \$25 per diem expenses. Presently, \$50 per diem expenses. The law provides the per diem is not subject to state income tax because it's

expenses. Under this, you do what you want and you are, but I want to call it to your attention. The legislature, under this, can fix a salary, annual salary, and unless they repeal the per diem they would still be entitled to the per diem just the same as they would be entitled to the \$500 a month expense money which is \$6,000 a year. The per diem under our present 60 day session is \$3,000. So you would have in a 60 day session the \$500 a month totaling \$6,000 plus \$3,000 which is \$9,000 a year. Then if you fix the annual salary at \$1,000 a month which is \$12,000, a legislator would draw \$12,000 plus \$9,000 which is \$21,000 a year plus whatever the amount was for his secretary and for stationary or rent of office space. I call that to your attention because that's what you're going to do in spite of what Mr. Stagg says. I served there 24 years beginning in 1949, ending just before the '64 session and always that per diem was listed, not his salary, but expense money. You can say, and you may be right, that if the legislature does and you pass this he fixes an annual salary, they will repeal the per diem. If you trust them to do it forget what I'm saying. If there's my doubt in my mind somebody better offer an amendment or if they don't, I'm going to vote against it. I don't think it's proper and I think a reasonable salary would be \$12,000 a year for a State Representative plus only mileage. I think they ought to get the mileage. I don't think if you set an annual salary they should get any \$500 a month expense money and in session any \$50 a day. Thank you.

Question

Mr. Willis Mr. Jack, don't you think that the original proposal by the committee which in pertinent part reads "shall be compensated by an annual salary" when it [..] if there is my doubt in my mind "annual salary" under the Fayard amendment, that the committee proposal would prohibit the payment of per diem, hotels and meals, office space, office staff, office expenses and travel expenses.

Mr. Jack It would not at all anymore than when I was given an allowance as a kid by my parents if I could get something out of my Aunt Susie, I got that also. That's the answer.

Further Discussion

Mr. Weiss Fellow delegates, as I appreciate the problem, we have to decide whether the legislature should receive an annual salary or whether they go on the basis of what has happened in the past years of per diem and expense allowances. The Fayard amendment I must oppose as I read it, and I certainly think the committee members who must have spent a lot of time considering this have the most desirable type of amendment. I do have some questions, but I envision that these questions could be answered by our legislators here present. For example the compensated annual salary is a fixed amount. However that fixed amount may not necessarily be the same for each legislator. For example, those in different sections of the state may be compensated differently for the distance they may have to travel than those that are residing in Baton Rouge or nearby. Perhaps the legislature which has requested so much more power, will be able to resolve that within their own domain. I question the present legislators whether they would do that and I think they may. The second point is those who fail to attend sessions. I hope that they would penalize themselves for those that are having a problem that they must attend before they are penalized in some way for their annual salary. Now this resolves itself to allowing the legislature to make these decisions based upon the suggestion of the committee under Section "E". I do believe that that may or may not occur. If the legislators feel otherwise, I wish they would comment on questions of floor amendments that they are proposing and amendments that are coming up will be an attempt to present this on a per diem basis such as the Fayard amendment and I think we should defeat all of these

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amendments and go with the committee's proposal. I hope that the legislature in its wisdom and through the men who serve us will see that they have a good attendance by penalizing those who do not attend and provide for their fellow delegates who are out of certain areas and have to spend more money. That they too be allowed a larger annual salary.

Further Discussion

Mr. Champagne I too might have had this by questions but we didn't have enough time. I simply want to make the statement that the Fayard amendment positively does not take care of the fact of per diem in my estimation. It simply, and the first one is not complete enough. I submitted without the amendments that are coming, I would have to vote against all of these. I want to leave one thought in your mind. Many years ago when we had a reconnaissance squadron and there was one plane up observing and the other one flew wing man, the wing man's purpose was to take care of the boy up front. I heard the expression once by the pilots to his wing man. He said, "You know Joe, I trust you with my life but with my girlfriends and my bourbon I positively do not." There's a little similarity here with the legislature and some of our minds. I just want to put that thought to you. Thank you.

Further Discussion

Mr. Duval I thought at this time, fellow delegates, that I would like to if you haven't read the present constitutional provision which provides: "The members of the legislature shall receive a compensation of \$10 per day during their attendance on that body and 10 cents per mile going to and returning from the seat of government not to exceed three round trips." Now that's what's in the present constitution. Obviously it's been interpreted to me, not less than. In drafting this provision I would suggest that we avoid any specific amounts and further, that if we want to fix an annual salary the way that the amendments now read there's nothing to prevent per diem or any other thing. It really destroys me the whole effect of the article. I would ask you to vote against the amendment as it presently reads.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I just want to take a few moments to kind of enlighten some of you that might feel that the members of the legislature are making a tremendous amount of money. I think I'm one of the top paid members. My salary last year counting per diem and all was \$15,000. There is one thing I'm going to ask you to think about when you're talking about per diem and expenses. I'm on the Bond and Building Commission because I'm Chairman of the Finance Committee. I'm on the Board of Liquidation because I'm Chairman of the Finance Committee. Likewise as the Chairman of the Appropriation Committee in the House. I'm a member of the Budget Committee. I just want you to think of this. When you say an annual salary period, Mr. Champagne, you're saying to a man like me that I've got to come to Baton Rouge probably, I've got to come twice a month for the Bond and Building, we usually meet once or maybe twice a month for the Board of Liquidation, the Budget Committee meets twice a month, so I've got to come to Baton Rouge if I'm going to be a good legislator and I've got to attend those meetings for the same salary that a member who is not a member of that body will receive. I just wanted to bring that out.

Questions

Mr. Weiss Delegate Rayburn, my question as I mentioned before is do you think your fellow legislators would consider this and therefore make allowances within the legislature for this problem?

Mr. Rayburn Well Doctor, the way I see it, you're going to have to have some latitude if you're going to really tend to the various committees that legislators have to serve on. I think if they've got

added expenses, for instance I'll use my good friend Senator DeBlieux, is it right for him to make the same salary that I make and I've got to come 105 miles to get here? I've got to stay in a hotel here and he stays at home?

Mr. Weiss Obviously not, but do you think it's up to the constitutional body here assembled to make that decision or should we leave it to the legislature?

Mr. Rayburn I think it should be left to the legislature and let them be responsible to the people. Now you ask me what I think, and that's what I think.

Mr. Weiss Therefore the amendment by the committee is more desirable than...

Mr. Rayburn I also think this. I think this body should give some consideration, I'm sure you are going to pass the amendment where it says that we can't raise our salary, which is alright with me without a two-thirds vote. I think you should consider other elected officials too because they are elected officials just as I am.

Mr. Weiss That proposal is in the making.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, let me make my position clear. I'm not talking about against members of the legislature getting the proper compensation for their efforts. I know that the duties and obligations and what they are called on to do has increased tremendously over the years just like every other phase of business has. What I am concerned about under the present wording of this amendment that has been reported by the committee is it leaves as far as the voting public is concerned. That's the point I'm trying to stress. We may understand the legislators and have complete trust and confidence in them and so may the public, but I think the public when they go to vote on this constitution, are entitled to a little more definite information. Not just the amendment that the legislature can fix its own salary. I think they're entitled to know what else is included. Not any specific amounts, and I'm not talking against any other expenses that they will be subjected to in carrying out their duties. All I would like to urge that somebody come up with an amendment that we not be called on to vote on this amendment in its present form. We can do it in this convention, but I don't know how the public is going to look on it when they're called on to vote with no more definite details than we have in this amendment.

[Previous Question ordered.]

Closing

Mr. Fayard Mr. Chairman and fellow delegates, let me make my position very clear on this amendment. I served on the Legislative Powers and Functions Committee. Sub-section "E" is my proposal. We discussed this throughout our meetings and it was brought to our attention that the salary for legislators did not belong in the constitution. I studied that over in my mind for many weeks and on the last day of our committee meeting, I drafted Sub-section "E". I didn't draft it in a closed room, I didn't draft it behind doors, I drafted while I was sitting there at the desk and I submitted it. The question now is what do you want to debate on? Sub-section "E" as drafted or my amendment. I merely submit to you that my amendment is in better language and better form than I had hurriedly drafted Sub-section "E" on the final day of our committee session. We have had questions. Why the two-thirds vote? I submit to you that the two-thirds vote was put in here because in Sub-section 11 we have two-thirds vote. You can eliminate the two-thirds provision about the change. That does not bother me. I'll leave that decision up to you, but what I would like for you to do is to pass this amendment now, get the concept on the floor, and if

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you want to further amend it to prohibit per diem, to prohibit gasoline expenses, to prohibit secretarial expenses that's fine, I do not favor that. I favor letting the legislature make up their own minds. My position is merely that a salary should be called a salary. As you may or may not know as Senator Rayburn pointed out, they get paid a salary right now. You can call it what you want. The average legislator receives \$9,000 a year whether he goes to a committee meeting or whether he goes to a session or not if he gets a leave of absence. I submit to you that everybody gets a leave of absence and gets his \$9,000 a year. It's called a per diem if you want to call it that. He still gets paid a salary. I see nothing wrong with it. As a matter of fact, I think it should be a minimum of \$12,000 a year. I had originally proposed that but figures do not belong in the constitution. I would further say that the legislature in its wisdom is not going to set a salary at \$1,000 a month and then come back and tack on per diem. They may allot expenses or they may provide for a salary for a committee chairman or they may provide different measures for compensating members who attend committee meetings and have to come from Shreveport and New Orleans and Alexandria or what have you. The proposition before us is merely whether you would want to mandate the legislature to pay themselves an annual salary. We've heard arguments that it's not necessary, that there is no need to have a salary because they're going to do what they want to do. I say that if the constitution provides it, the legislature will definitely fix a salary which everyone will know the exact amount that legislators are expected to receive and deserve to receive and make. I believe that when they run for election that this will not hamper the incumbents and that this will open other people who want to run for the office, give them at least the knowledge as to what they can expect to make. I would further submit that under Sub-section "E" as the committee reported it out, it does not prevent other allowances. It does not even prevent per diem. It merely says the legislature shall be compensated by an annual salary. That is not a restriction. It can be interpreted back and forth and I would further say that it would be hard to restrict a meaning of that in the constitution unless you come back and specifically say that the salary shall be in lieu of all other compensation and in lieu of all per diem. If you want to do that, that's fine. I would say that the amendment which I have proposed is a better vehicle from which to start to further amend if you so agree with me on the concept that legislators should be paid an annual salary and that the public and the people and the legislators individually should know and have an idea and know definitely what they're going to receive.

[Amendment rejected: 44-56. Motion to reconsider tabled.]

Recess

[Quorum Call: 82 delegates present and a quorum.]

Personal Privilege

Mr. Haynes Mr. Chairman and fellow delegates, I rise to speak on personal privilege. As you observed in the news media of our capitol city on Tuesday morning July 19, there was reporting of the senseless killing of one, Milton X. Scott, of our city. In view of the fact that this indicates the reckless disregard that we have for human lives and for the sanctity and safety of the family in our homes. I found in this delegation a segment that is concerned about this kind of behavior. A group of our delegates feel that this is worse than any Watergate that enshrouds our nation today and that no longer can we tolerate in our capitol city this kind of disregard for the family and for the home. In view of this, Mr. Chairman, some of these delegates wish to form a committee and get leave from this constitutional convention and go down to the FBI and for

this poor family here in Baton Rouge, seek some semblance of justice. See that our nation and our city would thoroughly investigate the circumstances surrounding this reckless disregard for human life, and that the perpetrators of this injustice would be brought to court and that this family would be protected. Mr. Chairman, I have risen and ask your permission to address this delegation to us that those sympathetic delegates would be permitted to have leave to go down to the FBI office in the Post Office Building of our city to ask that the investigation be made, that the perpetrators of this crime would be brought to justice. I think you would recognize that the more recent news media has revealed that the wrong person, in his own home looking after his two little children and his young wife was killed. That the man for whom they were seeking was in San Quentin prison. This is not a black or white issue. This is an issue that involves the sanctity and safety of every home in this nation. We would ask your indulgence at this time that those delegates sympathetic to this cause would meet in the lobby of this hotel and thereafter we would go down to the FBI and ask that justice be brought to bear here in our capitol city, here in our nation which all of us are concerned about. Mr. Chairman, I want to thank you very much for the opportunity.

Personal Privilege

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, Mr. Wellborn Jack made a statement a few minutes ago upon the argument of the Foyard amendment that the per diem that legislators receive is not income. I just want to make my record clear on this. It may not be income to some people, but I have placed it on my tax return as income and you can go and check my tax returns at the Clerk of Court's office here in East Baton Rouge Parish. I am not going to get myself into a position to where I can be accused by the Federal government or Mr. Joe Train or anybody else for not reporting income that I have received. I think that that's something is a chance we are taking. I just want to make it perfectly clear if you want to take that risk, that's all right, but I'm not in that category.

Amendment

Mr. Poynter The next set of amendments is sent up by Mr. Asseff.

Amendment No. 1, on page 3 strike out lines 27 through 32 in their entirety and on page 4 strike out line 1 in its entirety.

Explanation

Mr. Asseff Mr. Chairman, delegates, it seems to me most unwise to set a special provision for the members of the legislature and to direct that they be paid a set salary. Salaries are provided for in Section 11 of the proposed constitution. I think it will create nothing but trouble for this convention if we set the legislature aside for a salary whereas we provide otherwise for other public officials. If we delete the provision under the concept we will follow with respect to the constitution, the legislature will be free to set a salary or not as it thinks best. When we reach Section 11, I will offer an amendment at that time to be certain that the legislature may set a salary for all public officials, including members of the legislature. For the moment I am moving that the entire "E" be stricken.

Further Discussion

Mr. Jack Mr. Chairman, and members, I'm speaking in favor of this amendment. Now it's my opinion, and I've talked with numerous people and they all agree, there's no necessity for the constitution to authorize the legislature to fix the salaries. They have that right. Now historically the reason the legislature in Louisiana never had a salary was because way back the amount of work didn't warrant

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it. So you had a per diem expense. I don't know what it was before 1940, somebody said it was \$5. I don't know. But in 1940 when I went there it was \$10 a day and you met 60 days every other year in the even years. Now that was for expenses. It was later raised to \$25 per diem for expenses. Later to \$50. Now after that we got \$250. Now when I was talking a few minutes ago, somebody said it was not subject to state income tax because as I recall, a ruling of the tax collectors. Someone said I was in error. If I'm in error I stand corrected. It still has nothing to do with what we're talking about because that per diem that you get today of \$50 is expense. It's not a salary. That \$500 a month is not a salary, it's not caused it. The whole thing here is this is a matter that concerns itself with the legislature. We don't have anything in the constitution that says what the salary of a judge or that they get a salary. The legislature's got a right to fix their own. If we're going to try to come up with a semblance of a constitution that eliminates things that are necessary, here's quite a number of lines to take out. Just delete the whole section here then they can equitably fix a proper salary, and I think they ought to have one. I think the chairman ought to be paid more than the other people. I think a person serving on that Budget Committee for 30 days or whatever it is, he ought to get more than a man that does it. Take for instance a judge, that ought to be proper. Some of you think under this bill it eliminates per diem, since it is some doubt on things. In justice to the hard workers in the legislature, if for no other reason, let them work out their problem. Since they don't need authority from the constitution to do it, why in the world do we have this section in here? So I say this is a good amendment, eliminate the thing and let's get along with it.

[Quorum Call: 93 delegates present and a quorum.]

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, I'm in favor of the Asseff amendment for this reason. In the first place I didn't even think this article should have been in the constitution but when I was up here before, I didn't want to go as far as to say that. By deleting it, I said I don't think it ever should have been in there, it's going to a large measure, in my opinion, take away the concern that I had with reference to presenting this to the voters in the form that it was. I think if under Section 11 of the general law the legislature has the right to fix its salary, that's up to them. Many speakers have said if they overdo it or take advantage of it why they and they alone are the one that's going to have to pay the price. So I urge the support of Dr. Asseff's amendment.

Further Discussion

Mr. Champagne I simply want to say that I'm in favor of this motion. I want to put whatever inequities or blames that might occur where they belong. To say in the constitution that we have something which appears that it's a check and it is no check, I simply want to leave the fact to the public. I want the public to know that the legislature alone decides this and if they decided wrong, then kick them out of office when they so do. I'm in favor of this motion.

[Previous Question ordered.]

Closing

Mr. Asseff Mr. Chairman, delegates, I wish to say only two things. First, the amendment meets with the approval of the chairman of the Committee on Legislative Powers and two, it will not prevent the legislature from setting a salary. Thank you.

[Amendment adopted; #2-15. Motion to reconsider tabled. Previous Question

ordered on the Section: 72-22. Section passed; 98-2. Motion to reconsider tabled.]

Personal Privilege

Mr. Juneau I'm getting a lesson today, gentlemen, in legislative process. I guess we all are in some respects.

I want to clarify one thing because it is going to come up again. I don't know if you got the impression I did in the slight span of time of five or six seconds. I think Mr. Fayard would share my thoughts in this regard, that the Legislative Committee consensus seems to be that we favored the deletion of that amendment. I don't know if I understood you correct, Dr. Asseff. That is totally and completely incorrect. I don't know if you said that exactly. But if that's the implications, that is not true.

Personal Privilege

Mr. Asseff Well, I said I'm not sure if the implication... I just wanted to clarify that. It is not correct.

Personal Privilege

Mr. Blair Mr. Chairman, ladies and gentlemen of the committee, I think I can explain that. I think I can clear it, and I think I can clear it from the beginning.

When we started the Legislative Power and Functions Committee, it was the general agreement that I got the... had the agreement that I would only break ties or fill quorum and I thought we could act and carry on our work much better in that manner. On the day that we decided this particular issue, the vote was 5 to 4, five in favor and four against. If I had not kept my consistency at the time, I could have killed it there. But I preferred to stay consistent and I did so. When Mr. Asseff, or Dr. Asseff, asked me how I did, "Personally, I would like to see this pass." As an individual, I did not quote for the whole committee. So I hope that clears it, Mr. Juneau.

Reading of the Section

Mr. Poynter Section 5. Legislative apportionment, judicial review, apportionment by the Supreme Court. Section 5A. Not later than the end of the first year following the year in which the population of this state is reported to the President of the United States for each decennial federal census, the legislature shall apportion the representation in each House on the basis of the total state population as shown by the census.

Within ten days after the legislature adopts an apportionment plan, the presiding officers of the two Houses shall submit the plan to the Supreme Court for review.

B. If the legislature fails to apportion itself, the Supreme Court upon petition therefore by the attorney general within ten days after the close of the year above specified, shall apportion each House as provided in paragraph A of this Section.

C. The procedure for review and petition shall be provided by law.

Explanation

Mr. O'Neill Ladies and gentlemen of the convention. The article on reapportionment was perhaps the longest discussion that our committee held during our deliberations. We went from one extreme that the legislature shall apportion itself, period, to the extreme of adopting the language in the Florida Constitution which set out approximately three pages of material on apportionment.

We took the Florida plan, capsuled it down, and we came out with this. Now let me explain why we came out with this. It was felt by myself, and I think fairly said by other members of the committee, that we would like to keep apportionment out of the federal courts. Therefore, we have provided that it

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shall go directly to the Supreme Court if the legislature fails to apportion itself. Now you ask, will this keep it out of federal court? Well, I think that that answer has to be determined by each one of us.

Personally, I am not so sure that it will. If an individual files suit, I feel that it would go directly into federal court. Therefore, it would not go, it would be in federal court and we had not anticipated that.

The Supreme Court, if they had to pass upon apportionment, would probably go the route of getting a special person to gather information and what have you and then would draw up the apportionment plan. I do not think, and I may be wrong, that they would appoint a special master. I think that instead they would have someone to gather information on apportionment and would be guided by that information.

The present constitution states that the legislature shall apportion itself after each decennial census. Well, we know the story behind that, and we also know that until the federal courts did it last year, the legislature was not able to do it, and I doubt that even though the legislature will perhaps draw reapportionment plans that we can't keep it out of federal court, anyway.

But by this, and several members of the committee join with me, we felt that we were placing kind of a stick over the legislature in making them reapportion, and I feel that this is the thrust of this article.

There have been questions about whether or not the legislature can make the attorney general apply to the Supreme Court for reapportionment. I think that this article may be vague on that and I also personally feel that any elector or anybody ought to be able to petition the Supreme Court. But these are matters that can be amended out.

I say to you that we have provided a stick over the legislature so that they shall reapportion and that I think it wise that we leave this stick in there and make sure that we keep it out of federal court if at all possible.

I hope I can answer your questions, and I hope I can reflect somewhat what the members of the committee thought while drafting this proposal.

I move for its favorable adoption.

Questions

Mr. Denny Mr. O'Neill, I assume that you mean that the legislature shall apportion as equally as practicable?

Mr. O'Neill Yes, sir. Let me say this, Mr. Denny, I think that under the previous section that we have adopted, that they have no choice but to apportion on one man, one vote principle. I checked that out earlier, by the way, and I think that was the opinion of most everyone. They have no choice but to apportion that way...single member districts.

Mr. Lambert Mr. O'Neill, on line 12 you refer to submission of the plan to the Supreme Court for review. What I am concerned about is this. Would the State Supreme Court, I would assume under this provision they would...they could in effect take the entire plan and just throw it out and redraw the lines. Is that the way you interpret this particular provision?

Or, could it be interpreted that they would leave whatever the legislature does as is? To what extent does this review power go? That's my question.

Mr. O'Neill I would assume, Senator Lambert, that the entire plan would be able to review the plan, and until a suit is filed, probably wouldn't be able to do much changing in it.

Mr. Lambert Well, you are assuming.

Mr. O'Neill Yes, sir, I am.

Mr. Lanier Mr. O'Neill, I am noticing the sentence which commences on line 9 and terminates on line 12, appears to indicate that the review, whatever

that is, by the Supreme Court is automatic whether or not the plan is acceptable to all parties concerned or not. Is this correct? And if it is correct, why did you think it was necessary to have an automatic review when the reapportionment plan was not contested.

Mr. O'Neill Mr. Lanier, and if I misrepresent the feelings of the committee, I hope the members will tell me, we planned this so that if in case it did not go to the Supreme Court...I'm sorry, the federal court would have taken this into consideration when passing upon it perhaps in a suit. The Supreme Court would have reviewed the plan and would have passed upon it and that it would have had some effect in some way when it got into federal court. I think that's the intent of this section and that's why it was put in there.

Mr. Lanier Mr. Chairman, I'd like to ask a point of order. I have submitted some amendments on this proposal. At what point in time would those be considered?

Mr. O'Neill When you quit asking questions.

Amendment

Mr. Poynter The first set to be passed out right now is sent up by Delegate Denny.

Amendment No. 1 on page 4, line B, immediately after the word, quote, house, and before the word, quote, on, insert the words, quote as equally as practicable, end quote. Equally as practicable.

Explanation

Mr. Denny The purpose of my amendment...the purpose of this amendment is to assure that the one man one vote rule is followed. I am not so certain as Mr. O'Neill indicated that the single member district would require an equal apportionment.

Apportionment as defined in the dictionary does not necessarily require equality. As a matter of fact, I think the last decision of the Supreme Court defining this word or discussing this word used the language just and equitable, but did not indicate as equally as practicable. And the purpose of my resolution is merely...of my amendment, rather, is merely to put into the constitution very clearly that any apportionment by the legislature shall divide the total number of citizens in the state by the total number of legislative districts in the House and in the Senate and come out as equally as practicable for each district in numbers of representatives.

Motion

Mr. Fontenot Mr. Chairman, I just saw you yawning upstairs and I am in the same position physically and mentally. Therefore, I move we adjourn until 9:30 tomorrow morning.

Mr. Henry Mr. Fontenot, for goodness sakes now. Someone jumped up and moved to adjourn yesterday afternoon, and we are fixing to round this thing out in a minute. But there are duties at the desk that we have to go through with, and all these just out of the blue adjournment motions cause all kinds of confusion.

Mr. Fontenot Excuse me, Mr. Chairman. I move we revert to the regular order of business.

[Motion to revert to other orders rejected: 6-81.]

Further Discussion

Mr. Blair I would at least like to see the amendment. I have not had the amendment given to me yet and I thought we were going to get these amendments down here first.

[Previous question ordered. Amendment adopted: 83-10. Motion to reconsider

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tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. J. Jackson], page 4, line 11.

After the words, quote, plan to the, delete the word, quote, Supreme, delete line 12 in its entirety and insert in lieu thereof the words, quote, Louisiana Supreme Court for review.

Explanation

Mr. LeBreton Mr. Chairman and delegates, on the premise that Johnny won't have any objection to me handling his amendments, the only thing this does is add the word, Louisiana, in front of the Supreme Court. It now stands to Supreme Court for review. This would make it read Louisiana Supreme Court for review. I don't think that's very controversial and on that basis why I ask for a favorable report on this amendment.

Questions

Mr. Tate Mr. LeBreton, I would assume that on the style and drafting, when we get to it, we will try to talk of the, say, the Supreme Court, in the same terms throughout. And for instance in the judiciary, we are just saying supreme court and saying Louisiana State Supreme Court. I would just think this is sort of a style and drafting amendment that really we might...it is not well considered.

Mr. LeBreton Well, why don't you let it pass, Judge, and then just style it and dress it when you get it in committee.

Mr. Tate Well, that's why I didn't want to be forced in the position later to look like we are taking out something that the delegates in their wisdom had thought was a good change.

Mr. LeBreton On the other hand, if I don't pass this, Johnny may never speak to me again.

Mr. O'Neill I think the Lord is telling us something.

Mr. LeBreton, let me ask you, and I know you are not a lawyer, but you are on our committee and I don't know if you were there to remember it. Do you think we could petition the United States Supreme Court to pass upon our apportionment plan?

Mr. LeBreton We could ask them.

Questions

Mr. Newton Mr. LeBreton, I have three separate amendments with the name J. Jackson at the top. Which one are we voting on, please?

Mr. LeBreton The one that says, on page 4, line 11, after the word, quote, plan to the, unquote delete the word supreme, and delete line 12 in its entirety and insert in lieu thereof, the words, quote, "Louisiana Supreme Court for review," unquote

Mr. Newton Thank you, sir.

Further Discussion

Mr. O'Neill Mr. Chairman and members of the convention, we discussed this matter in the committee meeting and if Mr. LeBreton was not there, I apologize for that. Let me say that in speaking in the Louisiana Constitution, we cannot be speaking of any other supreme court besides the Louisiana Supreme Court and that this amendment seems to be superfluous.

[Previous Question ordered. Amendment rejected: 28-61. Motion to reconsider tabled. Motion to revert to Introduction of Resolutions.]

INTRODUCTION OF RESOLUTIONS

[Journal 184-185]

INTRODUCTION OF PROPOSALS

[Journal 185]

Mr. Poynter Committee Proposal No. 17, introduced by Delegate Perez, chairman on behalf of the Committee on Local and Parochial Government, Delegates Burson, Cannon and others.

A proposal making general provisions for local and parochial government, levee districts and ports, with the financing thereof and necessary provisions with respect to.

Incidentally, Perez might want me to comment, this is very similar to the committee's first proposal but has been reworked, Mr. Perez, and so forth, you might want to explain that so the delegates would know which one to read.

Mr. Henry If you will, Mr. Perez.

Mr. Perez It was the consensus of the Local and Parochial Government Committee that instead of submitting technical amendments because of the fact that there was a lot of regrouping of sections but very little or no change in the substance, that we should introduce a new proposal.

So I would ask the delegates if they would give their attention to the new proposal which has been introduced and the proposal which was previously introduced by the committee will probably be voted out without action.

ANNOUNCEMENTS

[Journal 185-186]

[Motion to adjourn to 9:30 'clock a.m., Wednesday, July 25, 1973. Substitute motion to adjourn to 9:30 'clock a.m., Saturday, July 21, 1973. Motion adopted: 48-42. Adjournment to 9:30 'clock a.m., Wednesday, July 25, 1973.]

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Wednesday, July 25, 1973

ROLL CALL

[91 delegates present and a quorum.]

PRAYER

Mr. A. Jackson Let us pray. Dear God, as we come to this place to make great decisions for Louisianians, we ask that You would invoke Your blessings upon this body in order that the decisions we make for generations yet unborn will be fair and just and will rebound to the benefit of all citizens of this great state. We ask that You give us the creative power not to be mindful of what the present mood is so much as we would project and realize that there are things yet to come that we must plan and consider as we write a set of laws for these people that are here and will come. These blessings we ask in Your name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

PETITIONS, MEMORIALS, AND COMMUNICATIONS

[*r Journal 187*]

REPORTS OF COMMITTEES

[*r Journal 187-188*]

RESOLUTIONS ON SECOND READING AND REFERRAL

[*r Journal 188*]

PROPOSALS ON SECOND READING AND REFERRAL

[*r Journal 188*]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3 by Delegate Blair, chairman on behalf of the Committee on Legislative Powers and Functions.

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

The status at this time is that the convention has adopted to date the first four sections of the proposed article dealing with the legislative branch. It is presently considering Section 5 dealing with legislative apportionment, judicial review, apportionment by the Supreme Court. To date, on Friday, one amendment proposed by Mr. Denney which will be noted in your Journal on the second to last page, I believe, was adopted, and one proposed by Mr. Johnny Jackson was rejected on Friday. That is the status of Section 5 at this time.

Personal Privilege

Mr. Tate Sister and brother delegates, at this time, with regard to the section under discussion, one of the delegates yesterday asked me to check with the Chief Justice with regard to any views he might have on the function of the Supreme Court under the proposal to apportion the legislature upon petition of the attorney general, elector, or whoever, if the legislature fails to do so. I feel obliged to communicate to you the views I expressed because some of the delegates asked for the views of the Supreme Court. This does not necessarily represent the views of all of the Supreme Court, it just represents the views of the Chief Justice. Here is what he says. "Dear Judge Tate, I have been advised that the Constitutional Convention is considering a proposal whereby the legislature will reapportion itself periodically, but if it fails to do so that the State Supreme Court will have the duty to reapportion on the petition of the attorney general. I am opposed to such a provision for at least two reasons. One, it violates, at least in spirit, the separation of powers between the legislative and judicial branches. Two, it places upon this court the administrative or political

duty of reapportionment in a proceeding outside the form of a law suit between competing parties. I trust that you will give this matter earnest consideration and, if you think it advisable, you may acquaint the members of the convention with my views on the matter.

Mr. Speaker, I would like to do whatever I need to do to file this with the records of the convention.

Mr. Henry I think that if you would present that with the clerk and then we will take it up... we just need to read it in Motion Hour No. 4. I believe, Petitions, Memorials and Communications, and we will file that appropriately.

Thank you Justice Tate.

Amendments

Mr. Poynter The next set of amendments was sent up by Delegate Lanier with many names on it, Keen, Duval, O'Gerolamo, Landry, Silverberg, et al.

Amendment No. 1, on page 4, line 9, after the word and punctuation "census," delete the remainder of line 9 and delete lines 10 through 12, both inclusive in their entirety.

Amendment No. 2, on page 4, line 18, after the words "procedure for" and before the word "petition" delete the words "review and".

Amendment No. 3, on page 4, at the end of line 13, delete the words "the supreme" and at the beginning of line 14 delete "court," and insert in lieu thereof the following: "the Louisiana Supreme Court."

I am a few people still looking for this. This was offered up by Mr. Lanier, it has many other handwritten names on it: Keen, Duval, O'Gerolamo, et al. Are there a good number of you who have misplaced the copy? I'll have a few more run and if you see the pages walking around, if you don't have a copy of it, then raise your hand.

Explanation

Mr. Duval Fellow delegates, the purpose of this amendment is basically to delete the provision that the Supreme Court of Louisiana automatically reviews the plan within ten days after its adoption. There are very many arguments against them automatically doing this because, one has been read to you in a letter, it certainly abrogates the separation of powers theory. If the Supreme Court, without any justifiable controversy, comes in and immediately reviews the plan, and the word review, in my mind, allows them to amend, alter and in any way change the plan. I think that actually you are going to have the Supreme Court reapportioning the legislature rather than the legislature itself under this provision. This is what this amendment attempts to do is to take out the automatic review of the Supreme Court. You would normally have a review by the courts in the event any citizen of Louisiana petitioned the courts to review the reapportionment plan. I do not think it is necessary to have an automatic review and therefore I urge the adoption of the amendment.

[Previous Question ordered. Amendments adopted: 75-6. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. J. Jackson] on page 4, delete lines 13 and 14 in their entirety and insert in lieu thereof the following: "8. If the legislature fails to apportion itself the Louisiana Supreme Court, upon petition thereof by the attorney general or a qualified elector with- in,".

Point of Information

Mr. J. Jackson Mr. Chairman, in light of the previous amendment that was just adopted, I would assume that my amendment would possibly be out of order so I just wish to withdraw it at this time.

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Mr. Henry Mr. Poynter, would it, in light of the Duval amendment, be out of kilter there?

Mr. Poynter As I appreciate it, Mr. Chairman, it wouldn't be. Mr. Duval's amendment, straighten me out if I am incorrect, Mr. Duval, affected particularly lines 9 through 12 and took out the right of review. This deals, Mr. Jackson, with Section B, not with review, but just the failure of the legislature to apportion. Mr. Duval's amendment did not affect that particular area so, as I understand it, it would certainly be in order.

Explanation

Mr. [J.] Jackson Mr. Chairman, delegates of the convention, in light of the interoperation by the clerk, Mr. Poynter, what this amendment basically does is add the right of a qualified elector, it makes it very clear within the constitution that if the legislature fails to apportion itself that not only does the attorney general have the right to file a petition but a qualified elector also. That is the basis and the thrust of this particular amendment.

Questions

Mr. Derbes Mr. Jackson, don't you find a little peculiar that the Committee on Legislative Powers and Functions say fit to set forth in their proposal a method for reapportioning and that provision for reapportioning has been completely gutted from that proposal without any discussion whatsoever.

Mr. [J.] Jackson That's an observation, Mr. Derbes, that some would share, I don't know how totally true, but the emphasis of my amendment basically is to provide another vehicle whereby a qualified elector of the state of Louisiana could also file a petition. I wouldn't want it to be construed that it could only be...that a petition could only be filed by the attorney general. If there is not further question or discussion, Mr. Chairman, I move adoption.

Mr. Gravel Mr. Jackson, I appreciate the spirit, I think, and purpose of your amendment, but aren't you afraid that by adopting your amendment that we would perhaps restrict those persons, or the class of persons who would be eligible to institute a reapportionment suit? If the constitution provides that only an elector or the attorney general can institute a petition for review, would that not preclude a citizen and taxpayer who presently has the right to petition for reapportionment from being able to do so?

Mr. J. Jackson Mr. Gravel, I have no problems if you want to further amend this to provide for a particular class, but as I read the amendment as proposed by the committee it only restricted itself, it only clarified and stated that the attorney general. I have attempted to go a step further by saying the qualified elector. If you have an amendment that you feel would be all inclusive that would not only include qualified electors but would possibly include persons who may not be qualified electors but may have a particular interest in filing a suit, I would have no objection, but at present I am submitting this because I think that one of the basis for anyone filing a suit challenging the reapportionment of the representation, it would seem to be that one of the automatic criteria ought to be that he ought to be a qualified elector. A qualified elector, it would seem to me, could very well file that suit in the name of particular class of individual.

Mr. Gravel I do have an amendment. All I am saying is don't you feel that your proposed amendment will really restrict the right of persons who are not electors to institute a suit for reapportionment when they should have the right to do so? I am talking about citizens and taxpayers who are not electors. My only problem is whether or not you don't think that what you are trying to do is

probably not being accomplished by your amendment. It is too restrictive, don't you agree?

Mr. J. Jackson It may be, Mr. Gravel, but most of the apportionment suits that I've been acquainted with have in all cases persons who lived in a particular geographical area who represented a certain class and particularly carried the criteria of being a qualified voter, but I have no major objections; I would ask the convention to adopt it so that we do have an expansion of the present committee proposal and you could very well fellow later with an amendment that you may feel will be all inclusive. I am not too sure if by opening the door, not wanting to be restrictive, I might just have such language in there that it would not accommodate even the class of persons that you are probably interested in.

Mr. Roy Mr. Jackson, I am a little worried about this entire section. The way I read it is that it mandates the Supreme Court to do something that it may not want to do. That is, even assuming that you would have a census taken and no reapportionment done by the legislature because the census would not have changed. Nevertheless, the Supreme Court, on line 15 with the word "shall," would be mandated to do it and I am just wondering if it shouldn't be optional. That is if the Supreme Court, if it is not necessary, we ought to have the word "may," because we may be making them do something they have to do when there is no need to do it.

Mr. J. Jackson My only response to that, Mr. Roy, is that normally it has been a historical fact that the federal courts have had to decide what the reapportionment lines are going to look like. I believe if you provide the options, too many options involved in reapportionment, what you have is people just shifting the buck and nobody taking the responsibility of his right of charges. I have attempted to do is to say that if the legislature fails to fulfill its responsibility then upon petition of the attorney general or a qualified elector, then the Supreme Court. If we make it optional I just wonder what if the Supreme Court decides not to become involved in the reapportionment then what you have is what people are very much against, what you have is that...

In closing, just let me say that I offer this amendment as to one, to provide alternatives, not allowing only the attorney general but a qualified elector and, two, is to make sure that someone, and on the state level that we are attempting to take care of our business before it necessitates someone outside of the state taking care of our business. I would hope that members of this convention would adopt this proposal as written and if there were other amendments then what we could possibly do is amend them to meet with every other objection that some of the delegates have mentioned. I wanted to just use that, I think there is a responsibility of the legislature to apportion itself and if it doesn't, I think that someone else on the state level must take that responsibility before we push it on to the federal government.

Further Discussion

Mr. Conroy I wish to speak in favor of Delegate Jackson's proposed amendment. I think it fills a hole that has to be filled in the proposal as it came from the committee. The committee proposal does not really make it anybody's obligation to seek reapportionment if the legislature fails to do so. Unfortunately in this state the legislature has had some difficulty in reapportioning itself and the result has been that the matter has been pushed into the federal court. Hopefully with this provision, with the insertion that Mr. Jackson suggests with any interested citizen being able to petition our Supreme Court in the event the legislature fails to reapportion itself, perhaps we can keep the thing at least within Louisiana bodies' jurisdiction to determine what the makeup of the Louisiana legislature should be instead of pushing it into the federal court. I urge your support of

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this amendment.

[Previous Question ordered. Amendment rejected: 40-41. Motion to reconsider tabled.]

Point of Information

Mr. Kean In light of the letter that has been read to us from the Chief Justice about his concern with this provision, I raise the question of whether or not we could defer action on this particular section to have some further committee or other consideration of it, in light of the Chief Justice's comments, and then proceed with the other sections of the article.

Mr. Henry I think, Mr. Kean, if the convention delegates are of a mind to do so we could pass over this section pending the necessary information that the convention feels it should get, or the time it should spend on this section, but of course that action would have to be taken by the full convention, sir.

Motion

Mr. Kean If it is in order, Mr. Chairman, I move that we defer action and pass over this section for the time being in order to give us time to study and consider the comments of the Chief Justice with respect to it and that we proceed with the next section.

Mr. Henry Mr. Kean, just in my own mind, because I imagine there would be some questions asked, would you specify any period of time, or do you want to make that indefinite?

Mr. Kean I would say until this afternoon at least, Mr. Chairman.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, the only reason why I am objecting to Mr. Kean's suggestion or motion to defer is because I have pending, that I would like to submit to the convention for consideration, a further amendment which will delete Sections B and C for reasons which I believe are legally valid and I do think we should give consideration as to whether or not we want to totally and completely eliminate from the constitution the provisions in B and C and particularly because of the action just taken by the convention and the adoption of the Lanier amendment. I think it is important that we give consideration to that concept. That is the reason I oppose.

Questions

Mr. Avant Mr. Gravel, is it not a fact that prior to the entry of the federal courts into the reapportionment situation in the one man, one vote decision, the original decision, that a suit was brought in this state which went to the Louisiana Supreme Court under the Constitution of 1921, when the legislature had failed to reapportion itself and the Supreme Court refused to consider that suit, said it was a political question and they couldn't get into that. Is that not a fact?

Mr. Gravel That was an early decision of the Louisiana Supreme Court and one which, I am sure any lawyer would agree, would not now be followed in view of the constitutional provisions that the courts have now held apply to the concept of reapportionment. That is correct, there was an early case to that effect and I don't think it will ever come about under any circumstances similarly.

Mr. Avant Is it not a fact that that was the primary reason behind the entry of the federal courts into the reapportionment situation at all? That it was not only in this state but in many other states the state Supreme Court had refused to implement their own constitutional provision calling

for reapportionment of the legislature by itself?

Mr. Gravel I don't know about any other states on that particular issue, Mr. Avant. I personally am confident that the Supreme Court of Louisiana as presently constituted would address itself to a valid reapportionment case if such a case came before that court.

Mr. Lanier Mr. Gravel, isn't it true that under the present voting rights law that reapportionment plans must be submitted to the U.S. Attorney in Washington, unless the matter is in federal court?

Mr. Gravel That is the present law but I don't believe that under the terms of the statute itself that that will be the law in 1980. I think the present voting rights act is due to expire unless it is extended, I believe in 1975, the federal voting rights act.

Mr. Lanier And, really since any citizen has the right to go to federal court to bring his grievance concerning reapportionment directly to the federal court, wouldn't it be your opinion that these provisions that we are trying to put into our constitution to avoid federal court action are really whittling in the wind?

Mr. Gravel I don't think that that result will come about. I think that with respect to the question of reapportionment that either the state or the federal court can and would exercise jurisdiction in a proper case.

Mr. Anzalone Mr. Gravel, did I understand you to say that the present 1964 Civil Rights Act is going to run out in 1975?

Mr. Gravel It is my understanding that it was extended at one time, I believe in 1971...Mr. Lanier corrects me. It is 1974. Unless it is extended again by the Congress it would not be in effect after 1974.

Mr. Anzalone Well now, if the state of Louisiana were to set up some type of a valid, court approved, or court originated, or giving the courts of this state some type of original jurisdiction in the reapportionment, don't you think it would more unlikely that they would extend it rather than to extend it automatically?

Mr. Gravel I don't think that would have any bearing at all on the question of reapportionment as such because I believe that reapportionment constitutes both a federal and a state equal protection question.

Mr. Anzalone I understand that. Now, Mr. Gravel, one more question. If we had in the state of Louisiana a definite procedure set up within the state courts for reapportionment, isn't it a little bit more likely that the federal court system would stay out of it until at least the state's court had a chance to review it?

Mr. Gravel I think the federal court would stay out of any reapportionment suit instituted in the state court under the doctrine of abstention whether there is anything in the constitution or not. I don't think that has anything to do with it.

Further Discussion

Mr. LeBlue Mr. Chairman and fellow delegates, I just had a couple of remarks that I thought maybe you might be interested in and may help clarify some of this. I have been involved in the last three elections in three different representative districts. In each one, I was on the short end of the stick, but all the efforts that were made by the legislature the last time to reapportion itself, were restricted by the fact that the committee could

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not recommend districts that crossed parish boundaries. In some instances, you had to have multiple member districts. After the court gave the case to the reapportionment master, he was allowed to do anything that he pleased as far as a single member district was concerned, even cut across ward lines. In fact, in my district I have eight voting precincts in South Lake Charles which comprised 27,000 people out of the 35,000 in my whole district. So I think that was the whole case. If the next reapportionment, since we have single member districts, the legislature will be allowed to cut across ward lines, then there is going to be no serious problem at all. I think the whole thing why the legislature could not come up with an acceptable reapportionment plan last time was the fact that they could not cut across parish lines because of our present constitution.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I have no objection to a delay suggested by Mr. Keen if all of the proposals made at this convention at this time. It is my opinion that in view of the fact that Justice Sanders does not want jurisdiction of apportionment and I doubt very seriously it will do any good anyhow, for that reason I have proposed an alternative plan of a state legislative apportionment board which you may not wish. Now, if the court is willing to accept jurisdiction, then I will withdraw my amendments, but I doubt seriously that it will. But, in view of that and the desire of some of the members to study Justice Sanders' letter, and I would like to read it too, I would suggest that all of the amendments be read to the convention and then we delay action along with Mr. Kean's suggestion until this afternoon.

Mr. Keen Mr. Chairman, I understand that there are amendments which will take into consideration the comments made by Justice Sanders that were to be offered, or have been offered, which I did not have at the time I made my motion. For that reason, I withdraw the motion.

[Motion to defer action withdrawn.]

Amendment

Mr. Poynter Amendment proposed by Delegate Avant, as follows, a single amendment.

Amendment No. 1. On page 3, delete lines 13 through 17 both inclusive in their entirety and insert in lieu thereof the following: "B. If the legislature fails to apportion itself as required in paragraph A of this section, the Supreme Court, upon petition by any elector shall apportion each House as provided in paragraph A of this section."

Explanation

Mr. Avant Mr. Chairman and fellow delegates, point number one. As I interpret the letter from Judge Sanders as read by Judge Tate, his objection is not to the provision that we have here where there is an actual controversy and an actual suit filed over a reapportionment plan. But his objection was to the preceding section which has been amended which would inject the Supreme Court into the review of a reapportionment plan in the absence of an actual case or controversy. Now that was my understanding of the objection. If I am wrong, I stand to be corrected.

Question

Mr. Tate Mr. Avant, that was one of the objections. The other objection was, I don't know how I'm going to make this in the form of a question, but it was to the fact that the "B" provision required the Supreme Court itself to apportion instead of to review someone else's apportionment plans.

Mr. Avant Now, getting to Mr. Gravel's remarks as to a citizen as opposed to an elector, there is one, in my mind, valid reason why it should be limited

to an elector and that is the simple fact that legally a corporation is a citizen, but a corporation cannot be an elector. Speaking in my own personal views and maybe not the views of a majority of your gentlemen and ladies, I do not relish the idea of a corporation which cannot vote being entitled to contest a reapportionment plan. The main difference between this amendment and Mr. Jackson's amendment, and this is the most serious thing that occurred to me, was this removes the 10 day limitation that is contained in Section B, as drafted by the committee. The section says that within 10 days after the year above specified. Now as I read Section A, the legislature has until the 31st of December in the year following that in which the census is reported to the President in which to adopt a reapportionment plan. If they finally adopt a plan in the last day of that year then the elector would have only 10 days after the close of that year within which to file this petition. So the net effect of the amendment which I have prepared and which I offer is to permit any elector to contest a reapportionment plan adopted by the legislature and to remove the time limitation within which he must do so. It leaves the review by the Supreme Court in the event there is an actual contest, an actual case or controversy and it says, and I understand there is an objection to this based upon Justice Tate's question, but that if the legislature has not reapportioned itself in accordance with these provisions of Section B, that it is not that jurisdiction, but if they haven't done it in accordance with the provisions of Section A which is, as I interpret that would be in accordance with population and accordance with the one man one vote jurisprudence of the United States Supreme Court which I understand is incorporated in this. Then any elector at any time and not just within a limited time period would have the right to go by petition to the Supreme Court to seek a review of that reapportionment plan and if the Supreme Court found that it was not in accordance with this constitution, then the Supreme Court would render a judgment ordering the legislature to be reapportioned in accordance with this provision. Now that's the net effect of my amendment. I've stated the reasons why I drew it as I drew it.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, I would like to just advance one objection that I personally have, and I'm not speaking for the legislative committee, I'm speaking only for myself as an individual delegate. Personally, the very thing that Mr. Avant pointed out that he is deleting is the very thing I think should, you should consider as meritorious in the reapportionment plan. The fact that from January 1 to January 10 the responsibility is placed on one individual person, the Attorney General, that there must be a petition filed with the Supreme Court to require reapportionment if the legislature does not itself reapportion itself. Under Mr. Avant's plan if an elector does not, on his own, take the prerogative to file the necessary proceeding theoretically, and of course realistically is purely theoretical, if one is deemed appropriate two years before anyone would advance the thought that a petition should be filed with the Supreme Court and therefore delay reapportionment any longer. I don't think, personally, that the provision as drafted and I'm referring to Subparagraph 1, prohibits the idea of an elector bringing a suit to reapportion at any time, if one is deemed appropriate. All we're arguing here is a 10 day period where the Attorney General is required to bring this proceeding. I personally think as an individual that this remedy is an addition to the rights that any elector has to bring whatever proceedings are necessary either in state or in federal court. I would urge you to defeat the amendment and retain Paragraph B.

Questions

Mr. Conroy Mr. Casey, one thing that particularly worried me about the proposal from the Legislative

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Committee was whether or not it intended to make it mandatory for the Attorney General to file this petition. It does not so state. It simply says that the Supreme Court shall reapportion itself upon petition by the Attorney General, but it doesn't say that the Attorney General has the duty. Was it the intention of the Legislative Committee that the Attorney General would have the mandatory duty to file this petition within that time?

Mr. Casey My interpretation as one individual is that the Attorney General has no choice but to file this petition. I would think that an elector would have some sort of remedy whether it be mandamus or a similar type of remedy or it doesn't say a remedy on his own on the part of an individual elector, but I would think the remedy would be a mandamus proceeding to require the Attorney General to comply.

Mr. Conroy I would agree with you if it made it a mandatory duty of the Attorney General, but I don't find that language in it and it's for that reason that I have supported these various other proposals, to make sure there was a mandamus.

Mr. Flory Mr. Casey, as I read Subsection B the Attorney General is not mandated to petition the Supreme Court. I ask you the question if the 10 days passes, the Attorney General has not petitioned the Supreme Court and if you try to mandamus at that time and the 10 days would have already been prescribed, then you're right back where you started with and no action has been taken. How do you account for that?

Mr. Casey I don't agree with you there, Mr. Flory. The 10 day period is merely a mechanical time limit that is established for whatever procedure is necessary for the Attorney General to take to instigate the necessary proceedings. That's all. If this provision is not complied with under law, my humble opinion is that any citizen or any citizen whether he be an elector or not could bring whatever legal proceedings are necessary to force the Attorney General and to force the Supreme Court of Louisiana to, do its duty whatever its duty might be, that being petitioned for reapportionment and the final judgment of apportionment if its necessary.

Mr. Flory Mr. Casey, if you read carefully Subsection B, haven't you precluded a citizen from filing the petition by naming specifically only the Attorney General who is allowed to petition the Supreme Court.

The only thing that you have excluded is the thought that within this 10 day period, within this 10 day period the Attorney General is the proper person to file the petition. During this 10 day period. If he does not within that 10 day period, then any citizen has the right, I would think, under law, to bring some sort of proceeding to either force the Supreme Court and force the Attorney General to do their duty.

Mr. Avant You say you so think but you agree that the Supreme Court may not so think. Is that correct, Mr. Casey?

Mr. Casey Well the Supreme Court and I have disagreed on other occasions, not face to face, but sometimes I certainly don't agree with their rulings. If we delete this provision we don't know, we're not sure what the Supreme Court is going to think.

[Quorum Call: 84 delegates present and a quorum.]

Further Discussion

Mr. Derbes Fellow delegates, I'd merely like to bring to your attention the fact that there is a floor amendment proposed by me which is behind the amendments currently under consideration, which will require automatic review by the Louisiana Supreme Court which will provide for the express of that forum of adversary interests, the interests of any

citizen and which will require the Supreme Court to render an opinion within a relatively brief period of time, 30 days. It's an automatic review provision. It does not require independent action. It does not require the filing of a lawsuit. You know frequently when lawsuits are filed on reapportionment topics, people become relatively unpopular doing so and some people are afraid to do it. Frequently, at least in my opinion, private citizens don't take the necessary initiative. So I think to require an individual elector or an individual citizen to file a lawsuit in order to contest a reapportionment plan, is perhaps a little burdensome. If there is an automatic review provision where nobody has to become the "bad guy," so to speak, it seems to me that that's very effective and accomplishes our purpose. This amendment will be distributed to you shortly and therefore I urge you to reject the Avant amendment. Thank you.

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention, I think it's a historical fact and a fact of life and a reality that the legislature cannot reapportion itself. The legislature will not reapportion itself on the basis of population. Why? Because to reapportion itself on the basis of population requires a judicial decision and the legislature does not, cannot, and will not make judicial decisions. That's the nature of the beast. The legislature is a political body and it makes political decisions. I don't think it should be faulted for doing that and it should be required to do otherwise something that it just cannot and will not do. I think the proposal that the legislature be required to reapportion itself on the basis of population every 10 years is adequate and fine and ought to be done and it ought to be in the constitution. I find no fault with that. I think we should face the reality, however, and require some procedure for the courts to solve the problem that we know the legislature will not solve. I'd suggest to you that the proposal by Mr. Avant is adequate. It solves the problem. It provides that in the event the legislature fails to reapportion itself in accordance with the provisions of the constitution then the court shall do it. The opinion of the Justice of the Supreme Court to the contrary, notwithstanding, we ought to do this and we ought to provide some procedure for review by the Supreme Court and we ought to require that they do it. To repeat, the simple historical fact is that the legislature is not going to do it. I find fault with the language of the proposal as originally written. There's some respectable division of opinion as to what that means. Competent lawyers as Mr. Casey and Mr. Avant differ and I think if we leave the language in the posture that it presently is written we may end up with some results that we do not intend, simply because the language is confusing. I don't think there's a thing confusing about Mr. Avant's language in his amendment that provides that if the legislature fails to reapportion itself in accordance with the provisions and accordance with provisions of Section A requiring reapportionment on the basis of population. The Supreme Court on petition of any elector shall perform the task. It's short, it's simple, it's direct, it's to the point and it will accomplish the purpose. Thank you.

[Previous Question ordered. Amendment adopted: 47-37. Motion to reconsider tabled.]

Amendment

Mr. Poynter Lengthy amendments.

Amendment No. 1. On page 4, strike out lines 2 through 19 in their entirety, it would delete the entire section, and insert in lieu thereof the following: "Section 5. Legislative Apportionment Board. Section 5A. Not later than the end of the first year following the year in which the population of this state is reported to the President of the United States for each decennial federal census,

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the legislature shall apportion the representation in each House on the basis of total state population as shown by the federal census. No special census of the state or any part thereof may be used. The legislature shall submit any apportionment plan adopted by it to the State Apportionment Board hereinafter created for review and approval.

B. In the event that the legislature fails to apportion itself as provided in Paragraph 1 of this section, the State Legislative Apportionment Board automatically shall apportion each House.

C. The State Legislative Apportionment Board shall consist of 7 members to be appointed as follows: one member to be appointed by the Presidents of Tulane University of Louisiana and Loyola University of the South, acting jointly. One member to be appointed by the Presidents of Dillard University and Xavier University of Louisiana, acting jointly. One member to be appointed by the Presidents of Centenary College and Louisiana College, acting jointly. One member appointed by a majority of the elected members of the House of Representatives. One member appointed by a majority of the elected members of the Senate. One member appointed by the entire membership of the Louisiana Supreme Court and the Secretary of State, ex officio.

Explanation

Mr. Assaff Mr. Chairman, the amendment does two things— One, it prohibits a special census of the state or any part thereof. As you well know, when the federal courts reapportioned using a special master, the special master made a special census of certain areas of this state and not of other areas. In other words, he used the federal census at some times, and a special census at others. This precludes that. The second part of the amendment is a special board to do the reapportionment. So far as I am concerned, we are trying to give jurisdiction to the Supreme Court of Louisiana in the hope that if we do it, the federal courts will accept it because the Supreme Court of Louisiana did it. The court will appoint a special master just as well as the federal courts. I doubt very seriously that the federal courts would accept any decision made by the state courts of Louisiana. It is my opinion that a special board is likely to do a better job and the federal courts, more likely to accept it. It is going to end up in the federal courts anyhow. I doubt that the legislature will do it in acceptable form. I do not mean any criticism of any member of the legislature. I did watch under four governors and I drafted many proposals for them, and never once did they draft an acceptable proposal. Every time a member came to me to draft a reapportionment proposal he would say this: I want my district this way, then you go ahead and draft the rest. It will go the federal courts anyhow and I feel that if a special board is appointed then the federal courts would be more likely to accept the decision. I would prefer that the legislature do it because it is a political problem, I simply doubt that it will do it. And if the state court which does not apparently want jurisdiction considers it, I doubt very seriously that Judge West will accept it. I will yield to questions, Mr. Chairman.

[Previous Question ordered. Amendment rejected: 14-68. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1. On page 4, line 9 after the period delete the remainder of the line and delete lines 10 through 19 in their entirety.

Mr. Gravel, as a matter of clarity, perhaps should delete the previous amendments which have been adopted with respect to lines 13 through 17 offered by Mr. Avant.

Explanation

Mr. Gravel I think it might be appropriate also to... That's all right. I don't know whether that would have to be an amendment to take care of the

Lanier amendment, although the purpose of my amendment is the same as Mr. Lanier's amendment in part. I any event, let me go ahead and state what I've proposed to do by this amendment.

The purpose of this amendment, Mr. Chairman, ladies and gentlemen of the convention, is to delete from Section 5, all provisions that have to do with review by the Supreme Court or with any other action that might be taken by the Attorney General. The reason for that is because in my judgment we're putting something into the constitution that is not required that absolutely accomplishes nothing. There's absolutely no question but that the Supreme Court of Louisiana would have jurisdiction to consider any case that might come before it in the event that the remedy is not responded to as an obligation as set forth in Section 5A. The additional language in here, in my judgment, is surplusage, it's not needed, it's clutter insofar as the constitution is concerned and serves no useful purpose whatsoever. I submit to you that we ought to leave out from this particular provision of the constitution, any reference whatsoever which might have the result of limiting the expanded rights which we're giving. As of right now, if the legislature does not respond to its equal protection obligation under this provision or under the provision of the Constitution of the United States then the Supreme Court of Louisiana would have jurisdiction at the instance of any aggrieved taxpayer, any aggrieved citizen, any elector, any corporation or anybody else who was adversely affected as a consequence of malapportionment, and the court would have to take and would take jurisdiction and would resolve the matter. We've got an entirely different situation now from the situation that existed prior to the last reapportionment decided in the federal court. This convention has modified the rights which are provided in a single-member district concept. I have confidence in the fact that the legislature will respond to the obligation imposed upon it to reapportion after the next federal census. We don't have the problems, I don't think at all, that we had in years gone by when we were talking about reapportionment and how it affected persons in multi-member districts. I submit to you earnestly as one who has made a very careful study of the question of reapportionment, and probably I have been involved in more reapportionment cases than any other attorney in the state of Louisiana. I submit to you that this language is unnecessary. I move the adoption of the amendment and the deletion of the unnecessary language in Sections 8 and C.

Questions

Mr. Duval Mr. Gravel, it's obviously a concern of some of the delegates here that unless some state remedy is placed in the constitution, the federal courts might immediately take cognizance of a reapportionment suit and perhaps, especially after the Voting Rights Act expires, if there is a specific state remedy, federal courts would not take jurisdiction until exhaustion of the state remedy. I'd like to hear what you have to say about that.

Mr. Gravel Well I don't think there's any question, Mr. Duval, but if we're going to have an equal protection clause in the new constitution of Louisiana. If we do, that's the basis for Louisiana courts to exercise jurisdiction and I'm confident that they will. If the state courts do not accept jurisdiction, which to me is unchangeable, then of course the remedy of aggrieved plaintiffs would be to go to the federal court and invoke the equal protection clause of the 14th Amendment.

Mr. Duval In other words you're saying that it is a state remedy whether it's in the constitution or not. The courts will take jurisdiction, you think.

Mr. Gravel Well there's no question in my mind but that this constitution is going to provide for equal protection of the citizens of Louisiana, and when it does, that's the basis of jurisdiction for the state courts to consider any case where the equal protection concept flows from the reapportionment

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process.

Mr. Derbes Mr. Gravel, as I interpret your proposition, original jurisdiction for any reapportionment question would lie in the district court.

Mr. Gravel It would unless there is...and it should, in my judgment, in order to develop a record without any question. But unless there is some other provision in the Judiciary article, I would certainly assume so, but I would certainly hope so because that's the only place you can develop the record.

Mr. Derbes So as you see it, I think we ought to get this out in the open and let the delegates decide on it.

Mr. Gravel I think that's a very good point because reapportionment...

Mr. Henry Well now gentlemen, you've exceeded your time now.

Mr. Gravel Well I'm trying to answer the question, Mr. Chairman.

Mr. Henry I understand, but we've got the 5 minute rule and we just exceeded it.

Further Discussion

Mr. Lanier Mr. Chairman, fellow delegates, I rise in support of Delegate Gravel's proposal and I completely agree with him that what this proposal says in Paragraph B, will actually not accomplish very much. I concur in his view that under existing law, there is adequate remedy in the courts to redress this type of a matter in our state courts. Under the present law all reapportionment plans must be submitted to the federal Attorney General. Now this law will expire in November of 1974. However, if it is reenacted by Congress, certainly this procedure will not avoid federal intervention. Now one thing we should keep in mind when we are deliberating the legislative, executive and judicial articles is the principle of division of powers. The three branches of government. This is presently in our constitution and it is being proposed by the Bill of Rights Committee in Articles 5, Section 1. We have three branches of government acting independently with delicately balanced powers so that they can work to bring government to our state. What is being proposed in Paragraph B is an extraordinary remedy to breach the wall between the legislative branches and the judicial branch. I believe that there is adequate remedy in our law and we do not need to have such an extraordinary remedy put into our constitution. If the Louisiana Legislature does not properly reapportion itself, a citizen can go into a Louisiana court to seek redress. The Louisiana Supreme Court does not wish to have original jurisdiction according to the chief justice. Further, and this is an interesting point, the Louisiana Supreme Court is not set up to receive evidence concerning this type of a thing. They would have to either appoint a special master or remand to a district court to take evidence if evidence is required. So why do we need to create this extraordinary remedy of a straight shot by any citizen or the Attorney General to the Louisiana Supreme Court. There are other remedies. I believe that this is window-dressing, this is whistling in the wind, and I do not believe that it will accomplish the result that is intended. I believe that if we precede through the ordinary processes of a court case, that adequate remedies are available. And for this reason I support the Gravel amendment.

Questions

Mr. Denney Unless the district court declares the apportionment unconstitutional, is it not conceivable that the Supreme Court would not hear the question at all?

Mr. Lanier That is very conceivable. If in their judgment they found that the ruling of the trial court was accurate, there would be no need for them to do so.

Mr. Denney In other words, there is no guarantee that the Supreme Court of Louisiana will pass upon

the question of reapportionment.

Mr. Lanier That is correct. There is a guarantee that a court will pass upon it and a court of appeal will pass upon it. There is no guarantee that the Louisiana Supreme Court will pass upon it under our existing law, as I understand it.

Mr. Denney And you would be satisfied with either a district court or a court of appeal ruling on it.

Mr. Lanier Yes. And if a citizen was aggrieved by that, he could jump into federal court under his federal right anyway.

Mr. Denney Thank you, sir.

Mr. Chatelain Mr. Lanier, I tend to agree with you. I think the Gravel amendment will take care of a lot of ills. But in your comments you said that under existing laws that we had adequate protection. How about the drafting of the new constitution? Will we still have that same protection?

Mr. Lanier I assume we will. I can't conceive of us not providing for this under equal protection.

Mr. Chatelain Well I join with you. I support this proposal.

Mr. Roy Mr. Lanier, doesn't Mr. Avant's amendment that we just passed mandate the Supreme Court as the court of original jurisdiction in these cases?

Mr. Lanier Yes.

Mr. Roy And that would eliminate the opportunity for a voter, any voter, under the Gravel amendment to go before a district court and put on whatever evidence is necessary? Isn't that true?

Mr. Lanier I don't know that it eliminates it, but I think it creates a difficult problem because the Supreme Court is not geared to take evidence. It is an appellate, review court.

Mr. Roy That's right.

Mr. Lanier With this thing as it's presently drawn, you're creating a situation where, if evidence is needed, how would you go about presenting that evidence?

Mr. Roy One last question. Hasn't the U.S. Supreme Court recently ruled that there is a greater deviation allowed between single-member districts of the 1.6 or 2 percent that it had once bound us by and the present Supreme Court has now allowed as much deviation as about 15 percent?

Mr. Lanier It's my understanding of that opinion, and as I recall the deviation is higher than 15 percent, and they drew a distinction between the deviation allowed in federal Congressional districts and the deviation allowed in state districts. This was the majority opinion.

Mr. Roy Wouldn't it be necessary in really getting an effective decision as to whether the legislature did what was right or not, that all of this evidence be presented to a court of original jurisdiction that has the wherewithal, the court reporters, the stenographers, the machinery to take in evidence from experts and all and make a record and review it rather than just have a Supreme Court try to guess at what should be done?

Mr. Lanier To me that's a much more orderly procedure for handling something as sensitive as this. Thank you, Mr. Chairman.

Further Discussion

Mr. Avant Mr. Chairman, and fellow delegates, if you adopt the Gravel amendment you're doing exactly what was done in 1921 and I say this, that any lawyer who sat down in 1921 the day after that consti-

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tution became effective and read it, could have made the same argument that Mr. Gravel makes. That we would have had a judicial review and the courts would have straightened it out if the legislature didn't. But we all know that the courts would straighten it out. They said it was a political issue. Now as far as the Supreme Court not being able to take evidence, there's nothing to that argument. They take evidence all the time, they have original jurisdiction of disbarment proceedings which requires the taking of evidence and they have a procedure for taking evidence. Now, the issue is simply this: Is it or do you believe it's high time that Louisianians started handling the affairs of Louisiana in accordance with law. I prefer that our legislature be one, reappointed by legislators elected by the citizens of Louisiana. That if they do not do that, that then it be reviewed by judges elected by the citizens of Louisiana, and that our legislature not be reappointed by a single man elected by no one, through a master who is not a lawyer or a judge elected or appointed, and then reviewed by a bunch of non-elected judges from states other than Louisiana. To me, that's the issue, and I say that if you vote for the Gravel amendment, you are again advocating to somebody else the single man or appointing him to be the state of Louisiana and that is the manner in which the people of this state will be able to express themselves through their elected representatives. And that to me, ladies and gentlemen, is something that is sacred to the people of this state, and that we should not advocate our responsibility and that we should provide a very definite and a very clear procedure whereby the delicate issue will be handled by Louisianians. That to me is the issue and I rise and I ask you to vote against Mr. Gravel's amendment because if you vote for it, we are exactly where we were in 1921. And I say this in all due respects to the present Supreme Court. But I don't know who is going to be on the Supreme Court in 1980 or 1990 or 2000, and you don't either. And you don't know whether or not they're going to follow the jurisprudence that was established under the 1921 constitution or not. So I say, and I urge you and implore you, spell it out. It's your responsibility. Discharge that responsibility. Say that to the court. In this constitution, make no loopholes for anyone to get out of their responsibility and again allow the legislature of this state to be apportioned by a single man, not a lawyer to my knowledge, certainly not a judge elected or appointed by anyone.

Questions

Mr. Roy I say I hate to keep getting up but I think it is important and we had a philosophical difference. Isn't it a fact that when the Supreme Court takes original jurisdiction in disbarment proceedings that the evidence is gathered by someone else other than the Supreme Court, by the judicial administrator or a committee appointed to gather it?

Mr. Avant That is correct?

Mr. Roy All right. Well then that is not the Supreme Court gathering the evidence isn't that true?

That is not the Supreme Court sitting as a District Judge would who would have everybody before taking in what evidence is permissible or not, you are now allowing a non-judicial person, somebody appointed by the Louisiana Supreme Court to take the evidence that you just griped about would be taken by a master, isn't that true?

Mr. Avant That is right. But that is the Louisiana Supreme Court, every member of which has been elected by a segment of the citizens of this state.

Mr. Roy So is a District Judge whose review would be... whose findings of fact would be reviewed by the Supreme Court of Louisiana.

Mr. Avant Mr. Roy, I don't argue with you, if you

want to put it in the District courts, that is all right. I wouldn't object to that. If you want it to start in the district courts and go through the long procedures, my only objection is that would be that it is a matter that perhaps should be expedited. But it could be expedited.

My point, my objection is I want the Louisiana Legislature and the Louisiana Courts to tend to the business of Louisiana and not somebody else.

Mr. Roy I agree with you, and that is why Section 3 of the Bill of Rights, the right to individual dignity, the proposed stuff... reads no person shall be denied the equal protection of the laws nor shall any law discriminate against the person in the exercise of his rights on account of birth, etc., race, creed and all that.

Now, do you think this convention will not pass an equal protection clause of this nature, granting to our citizens...

Mr. Henry Wait just a minute, he has exceeded his time, I am sorry.

Further Discussion

Mr. Newton Mr. Chairman, ladies and gentlemen of the convention, I rise in support of the Gravel amendment. First thing I would like to point out is this is not 1921. Since 1921 the Supreme Court of the United States has acted and I believe that the Supreme Court of the state of Louisiana will act.

I would like to point out that the 1921 Constitution of the state of Louisiana does not contain an equal protection clause. And I think that in itself, was a sufficient reason for the Louisiana Supreme Court to decline to take action with respect to legislative reapportionment. I believe that we are going to have an equal protection clause in this constitution and I think that is a sufficient reason that the Supreme Court of the state of Louisiana and all of the courts of Louisiana would exercise jurisdiction.

With all due respect to Mr. Avant, I would like to point out and I don't claim to be a great constitutional lawyer, but his amendment restricts the filing of a suit to an elector. And I think that in itself is an unconstitutional provision in that it violates the equal protection clause of the United States Constitution which says that no state shall deny the equal protection of the law to any person. And I understand Mr. Avant's problems with corporations but I do believe that this may very well be an unconstitutional provision and I certainly wouldn't want to come out of here with an unconstitutional constitution. There is one other point I would like to make. That the Supreme Court does not want original jurisdiction for the simple reason that they are not set up to take evidence. If you allow the matter to go through the normal court proceeding where the case originates in the district court you are in an adversary procedure where the contending sides can present their evidence that is most favorable to them and then the judge can make a decision on that evidence that he sits there and he hears.

I think in answer to Mr. Denney's question. The question is whether or not the Supreme Court would review it? If the case were from the district court and the district court concluded that the legislative reapportionment plan was constitutional, and then the Court of Appeals decided that the legislative plan was constitutional and an application for writs was made to the Supreme Court, The Supreme Court would in effect review it, they might conclude that it was a constitutional plan and refuse writs, but that doesn't seem to me to be before the Supreme Court and they would be looking at it. And again, I would like to say this is not 1971, this is 1973 and I urge your support of the Gravel amendment.

Questions

Mr. Denney Is it your understanding that all members of the Supreme Court would review this writ?

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Mr. Newton It is my understanding Mr. Denberry, that all members of the Supreme Court would not be required to look at it. I do not exactly sure what the percentages are, but I do believe that on questions as important as this, I believe they would look at it.

Mr. Denberry Even in view of the letter we received from the Chief Justice?

Mr. Newton I believe so.

Mr. Denberry Thank you.

Mr. Planchard Mr. Newton, is it your impression that if we pass the amendment by Mr. Gravel that the legislature will still have the authority and the right to pass or provide for any procedure for the review and the petition?

Mr. Newton Yes, that would be my opinion.

Mr. Planchard All right. Thank you.

Mr. Lanier Isn't it your understanding of the Louisiana Supreme Court rules and this is with reference to the questions asked by Mr. Denberry, that two judges of the court specifically review all applications for supervisory writs?

Mr. Newton Walter, I really am not sure about that.

It is my feeling and just through the actions that I have observed of the court over the years, that on questions of significant public importance as this would be, they would look at this question.

Mr. Lanier And further after the two judges reviewed these writs in detail, do they not present their conclusions to the whole panel of the court in conference before they make their determination as to what action to take on the writs?

Mr. Newton I think that is the procedure, yes.

Further Discussion

Mr. Conroy I oppose Mr. Gravel's proposed amendment. This is a very difficult process, and I think that what we have to remember as we get to these various amendments is that we cannot compare the amendment with what we think is perfect. We can only compare the proposed amendment with what the section will read if the amendment is not adopted. Those are our choices right now. Our choice is a better of two choices not the best possible. There are still other amendments which I think some of which may do the job better. But I think our present choice, and my objective in this difficult area is to try to insure that the problem of reapportionment if the legislature cannot cope with it, will be reviewed by a Louisiana entity or body rather than directly by the federal courts as has been done in the past. I am concerned about the Gravel amendment that it would throw us right back to where we were in 1970 when the federal courts did the job that the legislature did not do. There was not a Louisiana court proceeding, it went right into federal court. I think that is our decision, that is our choice as to which course better insures that the matter will be reviewed by a Louisiana entity before it is subject to federal court jurisdiction.

Further Discussion

Mr. Tate Mr. Chairman, fellow delegates, I rise neither to oppose nor to support the Gravel amendment. I am here more or less to express the situation within relation to the letter I read this morning. Our court is divided and the views expressed by the Chief Justice of the letter did not necessarily represent my own.

I am here more or less to answer any technical questions that have arisen and to outline very briefly what I think the considerations are.

Under the Gravel amendment, there will be no

provision for judicial review except as provided by law and in the judiciary article. Normally that would mean, of course, a one judge district court could formulate a reapportionment plan which would be passed on by the Court of Appeal and then the Supreme Court would review it by writs. However, the legislature under almost any circumstance would have the leeway to provide for instance, that the venue shall be in East Baton Rouge and that the initial trial court shall be three judges and so on. So some of the considerations that we are talking about are technically troublesome but could be changed very easily by a legislative act. The Gravel amendment in other words would permit the district court to first receive the reapportionment suit or failure to reapportion suit and would provide unless we have something else in the constitution for the Court of Appeals to hear the full appeal on the facts and for the Supreme Court to pass...either grant a writ or deny a writ based essentially upon whether the... (I'll answer questions, I don't know how my time is going)...deny or grant a writ based essentially upon whether there was an error of law. In the proposal before us would spell out in detail that the Attorney General or an elector should bring a suit in the Supreme Court. Some of the technical problems I don't think are insuperable because C would provide that the legislature shall provide the procedure and in that respect the legislature could provide for the fact findings say by three judge technical court and so on. Now with regard to the ultimate issue, if the policy issue members of my court are divided on whether we want to get into the thicket of politics, we're not politicians, of course...gentlemen, ladies...thank you...but if the convention in its wisdom should place the responsibility I am sure a number of the court would shrink. Now, (a question back there)

Questions

Mr. Denberry Judge Tate, if the legislature failed to act, is it conceivable that a right of appeal would then lie to the Supreme Court from a district court ruling of other apportionment?

In other words an original apportionment by the district court.

Mr. Tate It is conceivable that if you have a provision in here instead of the B...the legislature shall provide for the judicial review you could do so. Or you could in a judiciary article add a special exception if we keep the present scheme all civil cases with certain limited categories go directly to the Court of Appeals.

Mr. Denberry Well, my question was, does the judiciary committee propose to make such an amendment which would give a right of appeal in all apportionment cases to the Supreme Court?

Mr. Tate Mr. Denberry, I suppose it could. But the general approach has been the general rules and allows, for instance, civil service, public utility commissions and it would be reapportionment to fall under and accept as otherwise provided by this constitution. And just provide the general jurisdiction shall be in all civil cases, the Court of Appeals.

Mr. Denberry Thank you.

Mr. Tate Does that answer the question?

Mr. Denberry It answers it, doesn't necessarily satisfy me.

Mr. Tate No.

Mr. Triche, do you have a question?

Mr. Triche Judge, do you know of any state decisions now which have addressed themselves to the problem of reapportionment.

Mr. Tate For some reason they don't come to the state court.

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Mr. Gravel Justice Tate, is there a specific provision in the present Louisiana constitution that guarantees equal protection to all citizens of the state?

Mr. Tate No, there is not, Mr. Gravel.

Mr. Gravel Would you think that would be the reason?

Mr. Tate I just don't know.

I suppose you can enforce a federal constitutional right in a state court, you can try it anyway.

Mr. Gravel But you do agree that there is at the present no equal protection right in the Louisiana constitution.

Mr. Tate And I would suppose Mr. Gravel, you are right.

That is why probably they start off in the federal courts.

Mr. Gravel Are you familiar Justice Tate with the proposed provisions in the Bill of Rights section of the proposed new constitution that do guarantee equal protection to all citizens. And would you further agree that the concept of reapportionment is an equal protection...

Mr. Henry Don't lead the witness, Mr. Gravel.

Mr. Gravel I think the expert can take care of himself, Mr. Chairman. You can always lead an expert witness Mr. Chairman, in case you didn't know that.

Mr. Henry You haven't qualified him yet.

Mr. Gravel I think he has qualified himself, sir.

Mr. Tate I am not an expert on reapportionment.

Mr. Weiss Judge Tate, wouldn't you say that a politician is an elected official?

Mr. Tate I have known a great many good politicians who aren't elected.

Mr. Weiss My question really is, aren't you a politician then, you are an elected person?

Mr. Tate A point of personal privilege. I think politician means a student of the art of government and I am proud to be a politician and I am a professional politician cause I earn my living that way.

Further Discussion

Mr. Triche Mr. Speaker and ladies and gentlemen of the convention, I hate to belabor to this point but I think it is of a great deal of importance and something that troubles my mind a bit.

Sometimes I think we listen but we just don't hear. The Associate Justice of the Supreme Court, Justice Tate, just read a letter to us from the Supreme Court. The letter didn't say that the Supreme Court is not going to handle any reapportionment matters no, it didn't say that. "But it used such terms as "separation of powers." That means to me that the court doesn't want to get involved in legislative matters. It used such terms as "political questions" and that means to me that the court doesn't want to concern itself with the political problem of reapportionment. I think we listened, I wonder what we heard? What I heard was the same ring of the decisions of prior years that reapportionment is a political problem, it is not a judicial question. This court will not entertain the question, will not review the reapportionment because it is a political decision to be made by political parties, it is not a judicial problem, not a justiciable issue and that it violated the separation of powers for a court to instruct the legislature on what it should do. Now that is what I heard. What did you hear? What was the purpose of this

letter. I am not being critical of the court, far be it from me. I have too much regard and too much respect for our Supreme Court and the judiciary of this state. But I think we must recognize the inertia that exists. We must recognize the hesitancy on the part of a court to tell a legislature what it should do. And if you don't spell it out in the constitution, and if you don't tell the court very plainly that the people of this state want reapportionment and that if because the nature of the problem is too difficult, the legislature will not do it, the people of the state will tell the Supreme Court to do it, I don't believe the Supreme Court is going to do it. If you don't agree with me there, at least you have to admit that getting the Supreme Court to review reapportionment and to order reapportionment is going to be a problem. I have a great deal of respect for the ability of Delegate Lanier, and Delegate Roy and DeLoach. So far as their ability to read and interpret laws and to tell us what the courts would do. They seem to think that is going to be not too difficult a problem to get the highest court of the land in this state to take on and tackle the problem of reapportionment. I don't agree with them. In the history of this state up until 1973 not until the year 1973, not one decision of the court to this state ordering reapportionment. And to my knowledge we have always had a reapportionment article in the constitution requiring reapportionment. And our courts have never faced that issue. Now we have all kinds of excuses why the court has not faced that issue. Someone suggests because constitution never had an equal protection clause we always had a reapportionment clause, if we put an equal protection clause in this constitution, I promise you that is no guarantee that the courts are going to say because the constitution now provides equal protection that means one man, one vote and we are going to require the legislature to reapportionment. I promise you that that decision is not guaranteed to you because, just let me illustrate. We have a due process clause and there is a due process clause in the federal constitution and Justice Tate can point to you many, many decisions where this court, the courts of this state have said due process in the state constitution is not the same as due process in the federal constitution. In the past judicial decisions interpreted in the same language and same principles in both constitutions that have reached different results. So you have no guarantee, that simply because this constitution...new constitution of 1973 will have an equal protection clause that the state courts are going to tackle the problem of reapportionment. The Avant amendment guarantees to the people of this state that if the legislature does not reapportion, the Supreme Court will have to take a petition on reapportionment by any citizen and reapportion. Now the Gravel amendment does not guarantee you that. Gentlemen we have had too many problems in the past with reapportionment to gamble with this issue. I think the people of this state are mature enough to recognize that they are best governed by a equitably reapportioned legislature. I think they want this constitution to contain a provision that the legislature shall reapportion itself on the basis of population every ten years. To guarantee that to them, we must guarantee the people of this state that if the legislature does not act there will be judicial recognition of that problem and it will be solved by the court. The Avant amendment guarantees you that. The Gravel amendment, I am sorry to say, gambles with the problem and we should not gamble with this sacred right of the people to be governed in proportion to the population.

Thank you

[Proceeding suspended.]

Closing

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, Mr. Triche's argument completely misses the point. There is no position that can be taken as a consequence of the proposed amendment that I asked you to adopt that in any way suggests

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that the courts of Louisiana will not have the authority to review whatever action is taken by the legislature or if the legislature does not act, then to take whatever action is necessary upon the instance of a party who has a right to bring a suit. All I am saying is this, is that we should leave out of the constitution any restricted provisions that will make it harder to put into effect that equal protection clause of the Louisiana constitution and to provide for a fair and just reapportionment of the legislature. Anything that you do less than that is going to redound to our disadvantage. We don't have the equal protection clause in the Louisiana constitution and that has been the source of the trouble. We are going to have it in this new constitution or believe me, it will not pass the scrutiny that will attend the constitution by the people of the state of Louisiana. And I submit to you that the modern concept would be to require the legislature to reapportion itself and if the legislature doesn't do it, then under the inherent law of the state of Louisiana under the constitution, the courts of this state shall have a right to review that failure of the legislature and to make a determination based upon the equal protection concept. If we persist in putting into the constitution extraneous, irrelevant, vague, obscure and general materials such as this, we are going to hamper the cause that all of us at least say we espouse. And I submit to you ladies and gentlemen of the constitutional convention that it is important to leave, if we are going to do anything at all about the appellate jurisdiction, or the original jurisdiction of the authority of the court with respect to reapportionment that that be done in the judiciary article and not here.

And I urgently appeal to each and everyone of you to delete this language from the constitution... from the proposed constitution and adopt a meaningful provision that will not have the restraint that this language will permit to exist if it is continued in effect.

Questions

Mr. De Blieux Mr. Gravel if your amendment passes, it would have repealed the amendment we adopted by Mr. Avant, is that correct?

Mr. Gravel Yes.

Mr. De Blieux Well now how could Mr. Avant's amendment keep us from getting real reapportionment?

Mr. Gravel Well, the Avant amendment only goes in part to the problem and as I understand this amendment it just gave the right of... additionally the right of an elector to institute a suit. I don't think Mr. Avant's amendment is necessary. I think that any person who has been aggrieved whether he is an elector or not, any citizen, any taxpayer, any elector or anybody who has been aggrieved as a consequence of malapportionment should have the right to go to the court under the equal protection clause of the new Louisiana Constitution and get relief and I think he will be able to do so if you eliminate this language. Now if you don't and leave the Avant amendment and leave this language in there then the right of the people has been restricted and delimited.

Mr. De Blieux Now the... any elector is any voter, why should anybody other than a voter be entitled to this right?

Mr. Gravel Any citizen and taxpayer whether he is a voter or not, might well be adversely affected by a malapportioned legislature. There are some places Senator De Blieux where people can't register to vote and many of those people are disadvantaged.

Mr. De Blieux You know any place in the state of Louisiana where they want to register and they can't register?

Mr. Gravel I know many places in the state of Louisiana where it is very, very difficult, if not

impossible, for some of the black citizens of this state to register right now.

Mr. De Blieux Do you know that a petition was presented to Judge Holcombe when he was judge asking for reapportionment and he wrote on the bottom of the petition... denied, ridiculous, without even allowing him to serve the papers.

Mr. Gravel I didn't know that but it is certainly unfortunate that a judge would put that at the bottom...

Mr. De Blieux Now couldn't we find ourselves right back...

Mr. Henry Senator De Blieux, the gentleman has exceeded his time. I am sorry.

[Record vote ordered. Amendments rejected: 41-57. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Delegate Derbes, amendment is as follows: Amendment No. 1. On page 4 delete lines 13 through 17 both inclusive in their entirety and insert in lieu thereof the following: "B. The Supreme Court shall review the apportionment plan and in accordance with its rules shall permit adversary interests to present their views and within thirty days from the filing of the review shall enter its judgment. A judgment of the Supreme Court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the Supreme Court determine that the apportionment made by the legislature is invalid, the court shall not later than sixty days after receiving the plan file with the Secretary of State an order making such apportionment."

And Mr. Derbes would like an amendment to delete the Avant amendment to that paragraph B.

Motion

Mr. Derbes Mr. Chairmen, members of the convention, there is a substantial defect in this amendment. There is no provision regarding the determination of the court to a final decision in the absence of legislative action and therefore I will withdraw it and redraw it with leave of the chair.

[Motion to withdraw amendment adopted without objection.]

Amendments

Mr. Poynter By Senator De Blieux, Amendment No. 1. On page 4 delete lines 18 and 19 in their entirety including Amendment No. 2 proposed by Delegate Lanier and others and adopted by the convention on July 25.

Amendment No. 2. Page 4, line 18 add the following: "C. The procedure for review and petition shall be provided by law."

Explanation

Mr. De Blieux Mr. Chairman, and ladies and gentlemen of the convention, when the Lanier amendment was adopted it struck out the words on line 18 the words "for review". There has been some question and criticism about how we could get a petition to the Supreme Court, the procedure and so forth for that. I certainly think that the legislature ought to be in a position to provide that and to provide for an orderly and expeditious review of any reapportionment plan as passed by them. Or upon the failure of the legislature to reapportion itself. And this is just merely a provision to allow the legislature to provide for the expeditious procedure for initiating a review or a petition for reapportionment and I ask for adoption of the amendment. In other words it leaves it as it came from committee.

[Previous question or letter.]

Mr. Poynter Mr. De Blieux did you intend? This would delete one amendment of Mr. Lanier's but did you intend to delete the other amendments and leave the language contained in lines 9 through 12?

You said that it was your intent to leave it as the committee had proposed it and your amendment would still have the effect of leaving in the Lanier amendment which struck the last sentence in Paragraph A which begins on line 9 and...

Mr. De Blieux No... Mr. Chairman, this will not affect any of the Lanier amendment except that on line 18 where that out of line the words "for review" was taken out and I certainly think that the legislature ought to provide for some orderly review of the proposals as submitted to it. And that is all this does. It just provides for the legislature setting up an orderly review. That is the only portion of this section that it affects.

[Amendments adopted: 53-24. Motion to reconsider tabled.]

Motion

Mr. Newton I have talked to quite a few of the lawyers and most of them seem to agree that the Avant amendment proposes unconstitutional questions and I therefore move to recommit [recommit] this article to the committee on the legislative for further study..

Mr. Henry To recommit the entire... you can't recommit a section, the whole article would have to go.

You can move to recommit the entire proposal if you want to. You can move to pass it over then rather than recommit it?

Mr. Newton It seems as a matter of parliamentary procedure I should move to pass over the final consideration of this section. And I so move.

Mr. Henry Gentleman has moved that we pass over final consideration of Section 5.

[Substitute Motion for Previous Question on the entire subject matter. Previous question ordered on substitute motion: 46-45.]

Closing

Mr. Newton I hate to keep coming back up here on this but I am most concerned about the constitutionality of this article as it now stands and I would like to at least have the opinion of some research done by the staff on the question of this constitutionality and allow us time to think about it and if it turns out to be unconstitutional or the staff considers it to be then we can possibly make some amendments in it that would satisfy a majority of the members of this convention and I urge you to pass over final consideration of Section 5 now, let's get some research done on it by the staff and then come back to it.

Questions

Mr. Weiss Delegate Newton, isn't it the purpose of Style and Drafting when they review this... to decide on such matters?

Mr. Newton I don't believe so.

No, sir, I don't. If I did I would not make this motion.

Mr. Weiss If it is unconstitutional they would certainly report it back to this body so are we listening to a small group or are we listening to our researchers and Style and Drafting Committee?

Mr. Newton I think they are two separate questions and I don't think it is up to the Committee on Style and Drafting to change the substance of these pro-

Motion

Point of Order

Mr. Avant Would we not have the right if the staff were to tell us that one word in this section had to be changed to remove a possible constitutional question to wit the word "elector" must be changed to "citizen" or "person." Don't we have a right... can't we vote on this again, can't we make that amendment again without just [...] the whole subject matter at this time?

Mr. Henry Well, it is my appreciation... I am sure it is going to be extremely interesting to see what happens when it does come time to see what happens, Mr. Avant. But it is my appreciation that once we adopt this proposal it will go to Style and Drafting and then will be resubmitted to us from that committee to either accept or reject the proposals or the amendments that they would make to the proposal. Now I think I have answered your question, I may not have, but I think I have, have I not. Or do you know?

In other words, I think you are right.

Mr. Avant You answered it.

Point of Information

Mr. Jack What is the situation regarding say two motions from now if we haven't finished the whole thing by then. Which I doubt we will. Could we resurrect something that we have already passed. Is there anyway of doing it? It would seem there would be some way if two-thirds or something.

Mr. Henry Then we will adopt... we've adopted it Section 6 and Section 7 and reconsider the vote and lay the motion on the table.

Then we get in to October and we find out that we've done something terribly wrong, we can come back with a two-thirds vote of this body and call from the table the motion to reconsider and go through the procedural mechanics of undoing what we have already done, yes, sir.

Mr. Jack That's what I thought, and I wanted to be assured so everybody else will be reassured.

[Section 6 read and approved. Section 7 voted after objection. Section 8 adopted. 20-20. Section 9 adopted by unanimous consent and a quorum. Section 10 adopted. 20-20. Motion to suspend rules tabled.]

Reading of the Section

Mr. Poynter "Section 6, Judging, Qualifications in Election, Procedural Rules, Discipline, Officers and Clerks. Each House will be the judge of the qualifications and election of its own members, determine the rules of its procedure, and may punish its members for disorderly conduct or contempt and, with the concurrence of two-thirds of its elected members, may expel a member. Expulsion shall create a vacancy in the office.

B. Each House shall have the power to compel the attendance and testimony of witnesses and the production of books and papers before such House as a whole, before any committee thereof, or before joint committees of the Houses; it shall have the power to punish for contempt those in willful disobedience of its orders.

C. Each House shall choose its own officers, including permanent, presiding officer selected from its membership. He shall be designated in the Senate as the President of the Senate and in the House as the Speaker of the House of Representatives. The clerical officers of the two Houses shall be the Clerk of the House of Representatives, and the Secretary of the Senate, each of whom shall have the power to administer oaths.

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen,

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this revises the present provisions providing for the House to judge qualifications, elections and returns of its own members by deleting the word "returns". It clarifies the powers to expel by stating that expulsion creates a vacancy. It retains provisions relating to compelling attendance and production of all types of papers and documents, and it authorizes the legislature to punish for contempt those who disobey its orders.

Removes Lieutenant Governor as presiding officer of the Senate and provides that each House is to choose its officers from its members.

Probably the biggest change was a unanimous vote of the committee, probably the biggest change is the removing of the Lieutenant Governor as the presiding officer in the Senate. And the committee felt, and I believe the Executive Committee felt, that if we are going to strengthen the legislature, then we should let the Senate, as the House now is privileged to do, elect its own officers.

And Mr. Chairman, unless you have amendments, I move for adoption of this section.

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Avant] on page 4, line 25, of the same amendment, immediately after the word, "contempt" insert a period and delete the remainder of the line and delete line 26 and 27 in its entirety.

Explanation

Mr. Guarisco The amendment is to delete, "with the concurrence of two-thirds of its elected members may expel a member. Expulsion shall create a vacancy in the office", and I rise in support of the deletion of that section for the simple reason that I think that the people who elected a delegate or a representative or a legislator as it may be, are the persons who should expel him from office, either by the next election or by a recall election or some answer by the people, not the legislature from which he serves with his peers.

Or if we allow this, I think that we are going to have a constitutional crisis and that the judiciary is going to be ruling on what the legislature may or may not do with its members. I think that you are responsible to the people who elected you and not to your co-legislators.

For that reason, I feel that we should delete that section.

Further Discussion

Mr. Casey Mr. Chairman and members of the convention, I rise to oppose the amendment advanced to delete that part of the paragraph which permits legislators in each House, whether it be the Senate or the House of Representatives, to expel their own members. I would like to point out to you that the language of Section 6, even after that language is deleted, will have language to this effect that each House shall have the sole of the qualification and election of its own members in addition to determining its rules of procedure. Unless you leave the language, in beginning on line 25, "with the concurrence of two-thirds of its elected members may expel a member", unless you leave that language in, the first two lines, lines 22 and 23 have absolutely no meaning whatsoever.

Now you do have in a later section, also, a procedure established for impeachment of public officers or public officials which is analogous but somewhat different to the method by which members of each House can expel their own members if they determine that they have cause to expel them. All this does, is give to the legislature, and this is a right, it is a right which now exists under the present constitution, there is no change whatsoever. It is a right, in addition to the procedure for impeachment, that permits a House, whether it be the House of Representatives or the Senate, may for the reasons that it deems appropriate, to expel one of its own members...a person, for instance, who may not be for some reason deserving of a seat in either

the House or of the Senate. He may be guilty of gross misconduct, may be not performing his functions properly, may be guilty of malfeasance or nonfeasance. You may have a member of the House or of the Senate which is elected but doesn't even attend the meetings of the legislature. In those types of situation, if a member of the House did not bother to carry out his duties or attend the meetings of the House of Representatives or the meetings of the Senate, that particular body may then expel its own members. Gentlemen, I urge you to retain that language. The proposal as we are submitting it to you presents no change in the present status or present constitution whatsoever, and I think gives to the legislature a right which it should rightfully have, and that of determining the qualification and election of its own members.

Questions

Mr. Avant Mr. Casey, over on page 11, Section 24, which says "All state and district officers whether elected or appointed shall be liable to impeachment for felonies, incompetency, corruption, extortion, oppression in office, gross misconduct or habitual drunkenness." Under that section, would not a legislator who was guilty of any of those particular charges be subject to removal by the impeachment process?

Mr. Casey Any member of the legislature would certainly be susceptible to removal under those provisions. But the question I submit to you, are there other violations which a legislator could commit, that he possibly should be expelled for by his own House, whether he be a member of the House or the Senate. And that's all we are doing. We are retaining that right.

Mr. Avant Now, under the section under discussion, if this amendment is adopted, will remain the judge of the qualification and election of the members of each House even if the amendment is adopted that is before the convention at this time. Is that not correct?

Mr. Casey Well, I would submit to you that each House shall be the judge if you are indicating by your question that the House or the Senate could refuse to seat someone, I would say that possibly they may still have the right to refuse to seat. But when you determine, when you go into the qualification of its own members, there is no specification that the...judging the qualification of its own members is at the time of swearing in two years after election, three years after election?

And so I submit to you, that's surplus wording if you are going to leave that wording in and then delete...

[Previous question order.]

Closing

Mr. Guarisco The issue boils down to simply this. Suppose that two-thirds of this delegation decides that someone here is unpopular so we vote to send him home...simple as that. I don't think...I think the people sent him here. I think the people should take him back, or take him away, or recall him, but not his co-legislators.

[Amendment returned to members to reconsider tables.]

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Casey] on page 4, line 24
After the comma, insert the following: "excuse me, following the word "procedure," and before the word "and," insert the following
"Not inconsistent with the provisions of this constitution," page 4, line 24.

Explanation

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Mr. Casey Mr. Chairman and delegates, the request amendment is strictly technical to indicate that in each House determining the rules of its procedure that those rules will not be inconsistent with the provisions of this constitution and that's all that this amendment does.

Questions

Mr. Burns Mr. Casey, I'll take advantage of asking you the question now that I wanted to ask you before when your time ran out.

In expulsion of a member of the legislature under the provisions of the section that we are now on, is it...do you contemplate any method of hearings, or just expel a member arbitrarily without giving him a chance to defend himself.

Mr. Casey Well, first of all under the rules of procedure of both Houses, it is required and possibly later on in...I'm not sure what section but under a section referring to passage...a final passage of bills, there's general requirement that any proposal whether it's resolution, joint resolution, concurrent resolution, bill of any kind must be referred to a committee and there would be a requirement that a hearing...a public hearing, be offered...the opportunity be there on any matter that is submitted to the legislature.

Mr. Denney Do you believe that this...I notice you said that you were...apparently were requested to introduce this amendment. Is there a reason for it? If the rules of the House and Senate are inconsistent with the constitution, wouldn't either a member of the House and the Senate or a citizen have the same right without this clause as he would with it?

Mr. Casey Mr. Denney, I can appreciate your question. However, I can appreciate the concern of those that felt maybe this should be cleared up because of the fact that under this particular paragraph or provision, the legislature is given the right to determine its own rules of procedure and it was feared that they would have some unlimited or unrestricted powers and rights which might be in conflict to other provisions of the constitution and in interpretation by a court at a later date, possibly may give the legislature more power than what we intend in the constitution.

That's about as best an explanation I can give you. I don't have any strong feelings, very honestly, on this. Possibly there would be no problem whatsoever. The only intention here is just strictly clarification.

Mr. Denney Thank you, sir.

[Previous question ordered. Amendment adopted. 76-3. Motion to reconsider tabled.]

Mr. Henry Read B, then, and let the gentleman explain B.
You've read it, let the...Senator, you going to handle it? Explain Section B, please. If it one more time, please, sir.

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen of the Convention, B, we retain provisions relating to the compelling attendance and procedure of all types of papers and do not authorize the legislature to punish for contempt those who disobey the orders...its orders.

It's just about the same as we have at the present time.

Amendment

Mr. Poynter Amendments posed by Mr. Tobias:
Amendment No. 1 on page 4, line 1, immediately after the word "punish" and before the word "for" insert the word "by imprisonment".
Amendment No. 2, page 3, line 1 at the end of

the line change the period to a comma and add the following:

"Such imprisonment shall not exceed ten days for each offense."

Explanation

Mr. Tobias Mr. Chairman, this particular...these amendments are aimed at putting back into our constitution a provision which has been in every constitution since 1845. In 1845 it was Section 24 of that constitution.

Basically it is to protect the citizen who comes before a committee from being put into prison by the legislature for an indefinite period of time. Recently, the legislature has acted, for example, in the James Strain case which the Louisiana Supreme Court upheld the procedure finding him in contempt.

Historically, the legislature...well, back in the '50's they threatened one member of the press although they did not actually put him in jail, they threatened him because he called the citizen...the legislature a bunch of trained seals. There has been in the history of the...in history back in...around 1868...one time a person was...found in contempt of Congress, put in jail for three months. Nothing that he could do...a very indefinite sentence.

In history, there has also been one time when a person was in jail for three years for contempt, and I think that this particular provision should be continued in our constitution from now on.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the amendment. We took it out because the legislature does not have the authority to put anyone in jail. That's handled through the courts. We thought it was obsolete language so we removed it.

[Previous question ordered. Amendment rejected. 15-70. Motion to reconsider tabled. Previous question ordered in the Section. Motion passed. 9-4. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 7. Privileges and immunities. Section 7. The members of the legislature shall in all cases, except felony, be privileged from arrest during their attendance at the sessions and committee meetings of their respective Houses and in going to and returning from the same.

No member shall be questioned in any other place for any speech or debate in either House.

Explanation

Mr. Casey Mr. Chairman and delegates, Section 7 is pretty much the same as the provision is as it exists today in the present constitution. The only change is that the word "treason" is used along with felony. That is deleted as just surplus wording because treason would also be a felony.

And also the words "breach of the peace" have been deleted from the present constitution and I urge final adoption of Section 7.

Questions

Mr. Stinson For what reason was breach of peace deleted?

Mr. Casey Mr. Stinson, the members of the committee apparently felt that in line with the thinking of a completely independent legislature, and to avoid the possibility that a strong governor who controls the police department, might be in a position to arrest certain members of the legislature going to and...you might note the wording...going to and from sessions of the legislature and any committee, thereof.

Mr. Stinson In other words, it would be alright

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for him to be drunk and you couldn't arrest him for drunken driving and reckless driving and endangering the lives of the public just because he is going to and from the legislature? He ought to wait and get drunk when he gets there.

Mr. Casey Well what...I have to submit to you that you are correct if that is really the case, if it would really occur.

Mr. Stinson Isn't drunken driving a breach of the peace? The only time it would be a felony would be if he were a third offender?

Mr. Casey DWI is breach of the peace.

Mr. Stinson And he couldn't be arrested...any member of the legislature going to and from and while attending?...

Mr. Casey Could not...right, going to and from a session of the legislature or any committee meeting ...

Mr. Stinson Or in attendance. In other words, for sixty days, if he got drunk here in Baton Rouge, he couldn't be arrested for drunken driving or disturbing the peace.

Mr. Casey I would submit to you, Mr. Stinson, that on a certain day, when the legislature adjourns, and you are not conducting your business of the legislature but you happen to be in the lounge of the White House Inn, and you drive out onto one of the streets here and you are absolutely, without a doubt, guilty of a DWI, I would submit to you that you are not in session, and you are not in a committee meeting and you are not going to a committee meeting and you are not coming from a committee meeting.

Mr. Stinson Well, in the past it's been held, though, that during the entire sixty days they were exempt except for felonies and breach of the peace, wasn't it?

Mr. Casey Well, my understanding of the various interpretation by various courts, have indicated that breach of the peace apparently applied generally to any misdemeanor. Now I don't know what period of time during the legislative session a person really might be exempt or might be susceptible to arrest.

But I would think, Mr. Stinson, that only if you are attending to the official business of the state would you, in fact, be exempt from arrest. If you ...

Mr. Stinson In other words, your committee unanimously felt it would be alright for a member of the legislature to be drunk and drive all the way from Shreveport to Baton Rouge and not be subject to arrest...

Mr. Casey Mr. Stinson, I notice you use the word unanimous. I was one of the members on the committee that opposed deletion of the words breach of peace.

Mr. Tobias Mr. Casey, could you tell me whether this, by omitting the provision breach of the peace, would this permit a person to go free if, for example he was arrested for driving while intoxicated under your provision since that is a misdemeanor?

Mr. Casey I would suggest to you that that would probably be correct, but only if he was in attendance ...in attendance...at a legislative session or a committee hearing, or going to or from that session. And that is the wording of this particular section.

Mr. Tobias Do you agree with that?

Mr. Casey That's what I said. I agree that he would be exempt if he was going to and from...exempt from arrest...

Mr. Tobias Do you think that is a correct result. Is what I mean?

Mr. Casey Yes, I'm not saying it's the correct result, I think that will be the result. Whether you agree with it or not is another matter. That's up to the members of the convention to decide.

Mr. Stinson Mr. Casey, now that you have continuous sessions, members of the legislature are going to be exempt for four years then, aren't they?... continuously.

Mr. Casey Ford, I think that is sort of a loaded question. Don't you think so? I think...

Mr. Stinson I think the continuous session was a loaded passage, too.

Mr. Casey I disagree with your interpretation of the word continuous.

[Previous Question ordered. Section passed: 67-26. Motion to reconsider tabled.]

Reading of the Section

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

Explanation

Mr. Juneau Mr. Chairman, fellow delegates, this provision, the initial sentence, therein, is a new sentence in the constitution. It was an expression on the part of the committee that the legislative office is a position of public trust and it also ...the second sentence is a mandate to the legislature that they will enact a code of ethics in statutory law prohibiting conflicts between public duty and private interest.

I would move for its adoption.

Questions

Mr. Denny Mr. Juneau, do you understand the second sentence in that section to mean that the only thing that can be contained in such a code of ethics is one which prohibits conflict between public duty and private interest?

Mr. Juneau No, I do not interpret it that way. It merely mandates that they will at a very minimum enact such a code of ethics.

Mr. Denny If the section on code of ethics which is included in the Executive Department report is adopted, would there be any necessity for this sentence?

Mr. Juneau Obviously the answer would be no, if the language would be the same. But it's like getting the cart before the horse. We didn't know what would occur at that time. It would be no necessity if that language would be encompassed in the Executive Department. The answer would be no.

Mr. Denny Would it then require, if we adopt this section as presently written and subsequently adopt another section which provides for such a code of ethics, to come back and get a two-thirds vote of this body in order to delete the sentence as being unnecessary?

Mr. Juneau I think that would be a matter which would address itself to Style and Drafting because we wouldn't be talking about anything in substance. We would only be talking about a duplication of language in the constitution.

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Mr. Denney Thank you.

Explanation

Mr. Burson Mr. Juneau, I noticed in the source material you list Section 29 and 30. Article 18 (1) of the present constitution as the source from which you departed on this article. I would ask you with regard to Section 30, which provides that a member of the legislature shall forfeit the office which he holds if he is convicted of giving or offering to give or receiving anything for his vote in the legislature, if you have made any recommendation with regard to Section 30 that it be placed in the statutes or otherwise?

Mr. Juneau It was our intention, Mr. Burson, that that matter would properly, the mechanics of which and the particulars of which, would address itself to statutory law. I might add in further explanation to your question there was or is in the present constitution a provision wherein the legislators disclose their personal interest in bills and refrain from voting thereon. It was the consensus of opinion of the delegates that that was language which was just not technically enforceable in the constitution. For example, someone who is in the insurance business could not vote on an insurance bill. Someone who is a farmer, conceivably, would not vote on agriculture bills. We thought that by putting in the provision that a code of ethics per se could be enacted if that would take care of that particular problem.

Mr. Burson So, it would be your thinking then that rather than recommend that the specific matter dealt with under the present Section 30 be put in the statutes that you would simply believe and hope that it would be covered by a code of ethics adopted and put in the statutes.

Mr. Juneau Yes, that is why the mandate was on the legislature.

Mr. Anzalone Mr. Juneau, in your language you say that the legislature shall. What happens if they don't?

Mr. Juneau Of course, I guess that's a problem we would have in any one section. The alternative to that, Mr. Anzalone, would be that we set forth a meticulous article dealing with code of ethics. The same thing would apply in the executive branch. I would think that it would be subject to court litigation. Of course, you can't require. I don't have the answer to that question. It's going to come up throughout this convention. It's just not susceptible to an answer.

Mr. Anzalone You would agree, however, that the words "the legislature shall" is not going to be subject to a mandamus?

Mr. Juneau Yes. I move for its adoption.

[Previous question withdrawn, section 4, paragraph 92-4. Motion to amend is tabled.]

Reading of the Section

Mr. Poynter Section 9. Quorum, Compulsory attendance, Journal, Adjournment, Consent of the House. Section 9 Paragraph A. Not less than a majority of the elected members of each House shall form a quorum to transact business, but a smaller number may adjourn from day to day and shall have the power to compel the attendance of absent members.

B. Each House shall keep a journal of its proceedings which shall be published from day to day in which shall accurately reflect the proceedings of that House including all record votes. A record vote is a vote by yeas and nays with said yeas and nays being published in the journal.

C. Whenever the legislature is in session neither House shall adjourn for more than 3 days or more than any other place in which it has been meeting without the consent of the other House.

Mr. Casey Mr. Chairman and delegates, Section 9 is the latitude that exists at this section now existing in the constitution pertaining to certain mechanics in establishing the legislative attendance and the keeping of journals and whatnot. Paragraph B merely establishes the requirement for a quorum. Paragraph B sets forth that each House shall have an official journal and establishes the type of record votes that exist and Section C is also presently in the constitution and is probably more necessary now, than ever, which indicates that neither House can adjourn for more than 3 days without the consent of the other House. I would urge adoption of Section 9.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Blair]. On page 5, delete lines 29 through 32 in their entirety and insert in lieu thereof the following, also the second amendment strikes out line 1 on page 6.

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

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, we had this right at the last. We had finished up and rather than to reopen everything, we agreed we'd enter this as a technical amendment on the floor. So if you have, don't have any questions, objections, I ask for approval.

Questions

Mr. Derbes Senator Blair, this requires that the journal be published after the close of the session. Is that correct?

Mr. Blair No, after we have finished our proposal, that's what I was talking about. I'm giving your attention, I'll tell you who brought it, David Poynter brought this to our attention. That this is tied down a little better, the day to day proceedings.

Mr. Derbes Now, I'm referring to your amendment which says each House shall keep a journal of its proceedings, and cause the same to be published immediately after the close of each session. Now that changes the requirement from a day to day requirement to a requirement permitting the journal to be... to a requirement specifying that the journal be published at the close of the session.

Mr. Blair Well, we have day to day publications, but I understand the official journal, when it's official, is when it's printed and that's at the end of the session.

Mr. Derbes I see. But this takes no distinction and doesn't seem to provide any latitude. I mean I'm not against this, it's fine, but it seems to me that the journal shall be published immediately after the close of the session and doesn't give you any latitude to publish anything in the interim.

Mr. Blair We will have that latitude to do that, and this is making it official, as I understand it, at the end of the session, Mr. Derbes.

Mr. Derbes Okay, but there's not distinction made that way in your proposal, in your amendment.

Further Discussion

Mr. DeBlieux Mr. Chairman and ladies and gentlemen, I just want to be sure that this particular amendment does not do away with the daily journal.

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because I think that any member of the legislature and as you members of this constitutional convention can realize, that you daily journal is very much of an assistance to you ...

Mr. Henry Senator, I think Mr. Casey has a question which might clear up your problem there.
Would you yield to a question from him?

Mr. De Blieux I just want to be sure of that.

Mr. Henry Yes sir.
He yields.

Question

Mr. Casey Senator De Blieux, do you know that the purpose of this amendment, first of all, is to establish this particular paragraph exactly as it exists in the constitution of today and the problem that is attempting, we're attempting to cure is that first of all, errors do occur in the journal in the day to day publication. If the official journal were the day to day publication then we might be prohibited from correcting those day to day journals. The idea being that the only official journal, and that's all we're establishing here is the official journal of the legislature, and that is what must be published after the close of the session. It has nothing to do with the day to day publications whatsoever. I can assure you that we will continue to do that in the future.

Mr. De Blieux Mr. Chairman, if that's correct, then I withdraw any objection. I just want to be sure we don't eliminate that daily journal.

*[Amendment adopted without objection.
Previous question ordered in the
section. Section passed: 96-1.
Motion to reconsider tabled.]*

Reading of the Section

Mr. Poynter Section 10. Legislative Auditor.
Section 10. There shall be a legislative auditor who shall be elected by the consent of a majority of the elected members of each House and may be removed by the consent of two-thirds of the elected members of each House. The legislative auditor shall be responsible solely to the legislature and shall serve as fiscal advisor to the legislature. He shall perform such duties and functions relating to the auditing of the fiscal records of state and local government as are provided by law.

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen, as you know, the legislative auditor belongs to the legislature at the present time. About the main change that we made here, we elect him by a majority vote and we dismissed him in the present constitution by a majority vote. When Mr. Burns appeared before our committee, he was not pushing for the two-thirds vote, but we thought it would give him a little more security by making it a two-thirds vote for his removal. We removed some of the long language in that and I think made it more specific that he was, his duties were to be performed for the legislature. Now unless there are questions, I ask for the final approval on Section 10.

Questions

Mr. Nunson Senator Blair, does the legislative auditor have the staff, or in a position to have the knowledge to be fiscal advisor to the legislature?

Mr. Blair Yes, we had that provision in here also, that he would be staffed to where he would handle, or be our advisor for the fiscal part.

Mr. Dennery Senator Blair, what is the present provision, where is the present provision in the constitution?

Mr. Blair Article 6, Section 26, I'm advised.

Mr. Dennery Section 26.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. West n]. On page 6 at the beginning of line 9, delete the word "two" and at the beginning of line 10, delete the word "thirds" and insert in lieu thereof the word "majority." That's line 9 and 10 delete the word "two-thirds" and insert in lieu thereof "majority."

Explanation

Mr. Newton Well, it's very simple. I feel that the legislative auditor is an employee of the legislature and they certainly ought to be able to get rid of him by the same vote that it takes to hire him. I don't think it requires extended debate. I ask your favorable support of the amendment.

Further Discussion

Mr. Casey Mr. Chairman and delegates, Mr. Newton is absolutely correct that it certainly does not require extended debate. However, I would like to set forth the reasons why the Legislative Committee used two-thirds rather than a simple majority. The thinking of the legislature at this time is that some time in the future, the legislative auditor will not only perform post auditing and merely audit existing records, but also will go into a field which the legislature and many legislators feel quite strongly about. That is the theory of performance auditing so that the legislator, through the records that are available to him, can make recommendations to the legislature to determine if certain programs or branches of the executive government are performing their functions, not only properly accounting for funds, but also performing their functions effectively and are properly carrying out the program effectively so that if the program is not functioning properly then that would be an ideal subject for elimination. Whether it be in an area of the executive government or a particular program or something of that type. Now, under that thinking the auditor is going to make a lot of people awfully mad. We want to get rid of the legislative auditor a feeling of security so that he can properly feel that he can criticize any and all public officials and programs that are not functioning properly. If a simple majority of the legislators really probably want to get rid of him and he's not that dedicated of a public servant, all they have to do is cut off his salary or eliminate that from the appropriation bill. The fact remains to remove him. It was strongly felt by many members of the committee that if this man is going to be subjected to criticism by other state elected officials, not just for post auditing, but whether these officials are performing their job properly, that we should afford him some extra protection. That's the reasoning of the committee.

Questions

Mr. Burns Mr. Casey, this seems to me a mighty important position and carries with it a lot of responsibility and a lot of ability and experience. Yet I notice there's nothing in this section that states, outlines what qualifications whether he should be a C.P.A., a licensed auditor, it just said they should select an auditor. I know a lot of people that keep books just by word of mouth, so to speak and what they picked up just from being around offices. Don't you think there should be some qualification in here for a position of this kind?

Mr. Casey Well Mr. Burns, I initially agree with you that this is probably one of the most important positions that we will, and do have in state government. The committee felt strongly also, while I'm just mentioning some points, that he should be completely independent and we very much wanted to re-

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tain him solely under the legislative branch of area of government. We did discuss the question that you are mentioning now, but felt that it should be up to the legislature, who has the tools available, to find the most qualified person that might be available and rather than itemize and define many details of what his capabilities ought to be, that we possibly really couldn't cover everything in the constitution. Just under the theory that we should not have too much detail in the constitution, that's why we did not include it and we can do this by statute.

Mr. Tapper Mr. Casey, I'm a little concerned about the fact that there is no set time in this provision, for the legislative auditor. It would seem to me, or my interpretation of this would be, that once he is appointed by a majority of the legislature, then he is appointed for life unless two-thirds decide to replace him. I'm wondering why not specify a term say concurrent with the legislature that appoints him?

Mr. Casey Well, Mr. Tapper, in line with the explanation I've already given that in order to make him as independent as possible, and not susceptible to political approaches, so to speak, that a term might just do that type of thing, and that he does serve at the pleasure of the legislature, regardless of whether it be 4 years or 6 years. Somebody had mentioned to us if you really want to get rid of him and he's not that dedicated of a public servant, all you have to do is cut out his salary...

Mr. Tapper That's true, but don't you think it would be better for the protection of the public to give him a specific term and only allow the legislature...

Further Discussion

Mr. Jack Mr. Chairman and members, I rise to speak against this amendment. When you have a legislative auditor, you're going to give him instructions like to check out sheriffs, clerks, assessors, numerous accounts and things and I can visualize in parishes where different office holders would be powerful and they would resent being checked out or what the legislative auditor found, and put that Representative, that Senator on the spot and ask him to get rid of him. This is an exception to the ordinary rule of a majority hires and a majority fires. I do not believe you would get a real good bull dog legislative auditor if you can fire him with a simple majority. I do not believe you could get a good one if you said he had a term for this number of years or that number of years. This is one time where you have an exception. Ordinarily I'm for having terms of office, but I'm not in this case because this is really a qualification for your legislative auditor. It's not a term you're setting or a life thing. It's just the qualification. If you don't require two-thirds to get rid of him, you are lowering the qualifications of the man you're employing, you're tempting him to go easy so he can satisfy a majority. So I think this amendment is bad, and leave it requiring two-thirds. Thank you.

Questions

Mr. Denney Mr. Jack, under Rayburn's rules of order, I was unable to ask this question of Mr. Casey so I therefore ask you. Do you see anything in this provision which provides for the appointment of a legislative auditor in the event the one who has previously been appointed dies between sessions of the legislature?

Mr. Jack Well sir, I don't know what you're talking about Rayburn's rules of order...

Mr. Denney The 5 minute rule.

Mr. Jack Oh, Senator Rayburn's rule. You get fifteen here and ask him.

Mr. Jack The 5 minutes is nearly up and I like

to be brief. Get along.

Mr. Nunez Mr. Jack, according to your reasoning a simple majority can get rid of a good man if he had enough pressure from back home, etc., if he had written some bad audits. On the other hand, a simple one-third of the legislature can keep a bad one there if he was so inclined to be. Thank God we haven't had many in the past, but we're looking to the future. One-third of the legislature can keep him there if he's issuing bad reports, bad fiscal reports, and he's not advising the legislature properly. So your argument for a simple majority getting rid of the good one, I think applies more to a one-third not keeping a bad one, than a simple majority keeping a good one.

Mr. Jack You're not asking me a question, you're making a speech.

Mr. Nunez I said don't you think...

Mr. Jack I'll tell you, your arithmetic is perfect, but reasoning is bad.

Mr. Casey Mr. Jack, Mr. Denney had a question about the situation if an auditor died between sessions. How can we solve that? Well aren't those the type of details that we can easily resolve by statute? So did you also did you know that there is a joint legislative audit advisory committee which oversees the functions of the legislative auditor and hears with the auditor, various matters which are of controversy on very serious audits in the state where there are some serious legal problems involved?

Mr. Jack I don't think you have to spell out everything in the constitution. I thought we were going to make the constitution brief. The first thing to do with the auditor when he dies is in a reasonable time, have his funeral. Then get you another auditor. I don't know why we have to go through all these other details. The legislature will provide for that.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in support of the amendment. At the present time the constitution provides that he shall be hired by a simple majority vote of the legislature and that he shall serve at the pleasure of the legislature. Now let me suggest to you that given to him in the proposed section, are the responsibilities as a fiscal officer or fiscal advisor to the legislature. I would think that if, should the occasion arise that the legislature by a majority vote deems that the advice on a fiscal nature that he's been giving them is not the best advice available, then certainly they ought to be able to get some better advice and they ought to be able to do it by the hiring of a new legislative auditor. Secondly, let me say to you that nothing contained herein would prohibit the legislature from establishing his salary at \$1 per year, thereby forcing the man to quit. So you have not corrected the problem that you attempted to correct if he gets into performance trouble. The legislature can still set his salary at the point to which the man would be forced to quit. I just believe that if, in the majority rule of the legislature that he ought to be hired and fired if they deem it advisable by a majority vote and would ask that you concur in the amendment.

Further Discussion

Mr. Staggs Mr. Chairman and delegate to the convention, I rise to oppose the amendment of Mr. Newton. I think the matter has been talked about sufficiently. This man is going to cause himself some built-in problems if he does the job or which he is charged with accomplishing—that is to audit all parts of our state government and to do it severely. Where fault is found, to say so. I urge that the delegates oppose the Newton amendment and Mr. Chairman if I am in order to do so, I move for the previous question.

[Motion for the Previous Question
rejected: 29-66.]

Further Discussion

Mr. Nunez Mr. Chairman and gentlemen of the convention, I rise in support of the amendment. I think the simple majority to expel the auditor, if the simple majority is needed to hire him, makes a lot more logic and is a lot more sensible than allowing, having two-thirds to get rid of him just in the simple event that he's not doing the job that he's hired to do. I think it's much more reasonable and much more logical to assume that if he isn't doing that job it would take only one-third of those members elected that could hold off getting rid of him. I think this is the danger that we are facing when we say it shall take two-thirds. We have a two-thirds provision to get rid of legislators and they're elected by the people. Now here we're putting the same provision to get rid of an individual who is hired by the legislature. I don't know if Mr. Burreis is still in the chambers, he was here just recently, I don't think the legislature has been so bad that they would get rid of him for doing those things he thought was necessary, but if he is, I certainly mean nothing against him and if he is here talking for the two-thirds I can understand that also. I think it's a bad provision to leave two-thirds in the constitution that two-thirds of the legislature, it shall take two-thirds to get rid of an individual that they have working for them if he is not doing the job. Because the bad part about it, it takes only one-third to keep him. I think this is where the danger lies and the inherent danger lies in the constitution.

Questions

Mr. Chatelair Delegate Nunez, is it not true sir that it took only one-third of the legislature to fire this man, the argument that the legislature, through the years and possibly in the future is not too popular at times, would it not be that the people would be left out of this deal if you had a two-thirds vote?

Mr. Nunez Well, it's always been my opinion you're leaving out a certain portion of the electorate that sent the legislators here if you allow one-third of them to control the vote in the House or the Senate.

Mr. Chatelain It seems to me that the people would be cheated in this deal because they may not want to get rid of this man.

Mr. Nunez That's correct.

Mr. Womack Mr. Nunez, in view of the fact that the attitude has been, or the general approach has been up here that the legislature might be bad and might have a problem with the man and give him a hard time if you didn't put the two-thirds. Isn't it a fact that the legislature has set up a legislative audit advisory committee to further support the hard-nose attack on the legislative auditor and that's in process at this time?

Mr. Nunez And I think you might add, Mr. Womack, that I think they're doing an excellent job.

[Previous Question ordered.]

Closing

Mr. Newton It seems to me that the big problem here is that some people fear that if he's doing a good job, some people are going to want to get rid of him. I think it's a two edged sword. I think if he's not doing his job and say 13 Senators like that, then you've got him locked in there and you can't get rid of him. I urge that you pass the amendment so that the legislature can function. Thank you.

[Amendment introduced: 19-61. Motion]

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Amendment

Mr. Poynter Amendment No. 1 [of Mr. Weiss], page 6, line 7, immediately after "Section 10" and before the words "there shall" add "a".

Amendment No. 2, page 6, between lines 15 and 16 add the following: "B. The legislative auditor shall conduct an audit annually of all compensation paid from state funds to all persons except in the classified service of the state."

Explanation

Mr. Weiss Fellow delegates, this proposal is intended to account to the public for the expenditure of state funds. The civil service section of our state already has this, I understand, in their public accounting system and this would mandate the legislative auditor to conduct an annual audit, and therefore make it available for public use, on the amount of compensation paid to state officials other than the civil service. Basically, the intent is to provide the public with the knowledge of the income from public sources, that other members of the state receive other than civil service employees. With the computer system, and this is a futuristic amendment, there should be no problem whatsoever to put on computer the manner in which these funds are spent and in which they are received, and, by simply programming a computer, there would be no problem in obtaining a list of the state employees other than civil service that are receiving funds from the state and how much they are receiving annually. That is the purpose and the intent of the amendment and I think in the future there would be no problem with computers to do this in a very simple fashion.

Further Discussion

Mr. Womack Mr. Chairman and fellow delegates, in my opinion this is what you get into when you have hastily drawn amendments that don't cover and don't take into consideration all aspects of the amendment. I rise in opposition to this proposal and I give you several reasons. No. 1, the legislative auditors job is to audit not only the state funds but to audit local funds, and to audit and to readit these state funds as they travel from the state into other entities of state and local government. This would exempt state civil service employees but state appropriation going to the police jury would not exempt the police jury employees. So, the amendment just does a portion of what was proposed. The second thing wrong, it says it shall have an annual audit. I don't know whether he has got to perform that audit annually or whether he's got to perform it on an annual basis and he can't get a year behind. I don't know what that would mean. The reason you can't tie him down is because there are certain departments and certain small agencies that have never been a problem and if you say he has got to have staff enough and has got to audit that annually, you don't know how much staff he's got to have. In a number of those where very little money is involved, they don't go to the expense of auditing annually, they check them out every so often, just as a matter of routine, and then in other cases they find major agencies with many millions of dollars involved and they get bogged down in it and quite often send additional auditors in, and where normally it would take two or three or four weeks to perform an audit, they may be on it for three months. When you once appropriate an amount of dollars for an auditor to run an office on and he has "X" number of employees which is set forth by his annual appropriation, his table of organization, he can't be flexible enough to be mandated to perform an audit on an annual basis. He has got to do it as he can get to it and put the first thing first. Keep in mind that you have a one and one-half billion dollar appropriation each year, there is a good chance that the legislative auditor will be auditing approximately four billion dollars a year because in many instances

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he audits the same dollar as many as three or four times, so that's a field of its own. Now notice in there they have the wording in this also, not necessarily in this, but I will call your attention to it while I am here. It says there shall be an advisor, or he shall serve as the advisor. If that is the only one you are going to have you might not like anything he does. Right now the legislature has any number of advisors, namely, before you start preparing the budget, you call in about six of them including the legislative auditor, the state treasurer, the department of economics of L. S. U., the same thing of Southern of New Orleans, L. S. U. N. O., and any number that you can call in, PAR for example, comes in and you counsel with them. Then you wind up between that and the Division of Administration taking the one that you feel best represents and if you come out to within two, three or four million dollars, you have been awful lucky when you start your estimates, because any little change will change it. I am very reluctant...while I am here I am going to touch on that until I run out of time, in setting this up as a before the fact position. This is a big enough job to be an after the fact to check the legality of what has been done. Checking into the advisability and the wisdom of how money is spent should be left to the executive branch, the legislative branch, and the administrative branch of the many departments, and if it is not left to the legislature then to appropriate and to see that the proper job is done as far as the wisdom is done, then one man as a before the fact auditor, you are putting him in a very powerful position to say whether you wisely spent your money. In short, I think this is a bad amendment and I think it should be defeated.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, I also rise to vote defeat of the amendment. My honest opinion is that this is the type of detail that really does not belong in the constitution to start with; that the legislature in developing its statutes to set forth what the functions of the legislative auditor shall be. This is the type of thing that would ordinarily appear in the statutes and I would hesitate to approve this amendment because I think it would tend toward developing, I think a trend in this convention, that it would not be appropriate. That is merely containing in our document too much detail. This can be accomplished without being in the constitution. It can be accomplished through the legislature.

[Previous Question ordered.]

Closing

Mr. Weiss Fellow delegates, in this convention we will be frequently faced with the concept of whether to include, and we have already discussed many times whether this is statutory or constitutional. I think that those who feel that it doesn't belong in the constitution really don't want the measure and say it is statutory. Certainly this argument, to me, is without merit and furthermore, this certainly does not require anything more than a realistic thinking in the here and now problem at the present time with the computers now available to the civil service people to put this information on those who are not members of the civil service and by simply pressing a button after proper programing, the outcome is very simple. I think that this is a type of archaic thinking that is representative of some people in the group and that we must look to the future and that this is an example of looking to the future and obtaining information that the people of the state deserve. We have given blank checks many times and I think the time has come where we should at least put a maximum or a limit. If there is a two million or billion dollar expenditure, I think the people of the state are entitled to know how these funds are spent and the legislative auditor would have no problem because he himself would not be involved so much directly as, at

present, the civil service people who are keeping the computer for this purpose. So, it is simply a matter of programing into these computers the facts, then obtaining them and reporting them to the public. I think that a bad amendment or I would not have proposed it as a constitutional amendment. I think that we owe it to the people of the state to make an accounting to them. True that this, as Delegate Womack pointed out, is only an early beginning and only a portion of what should be done, but at least this is a beginning of what should be done and I hope you will vote favorably and include this for the people of the state to know how their funds are being spent. After they are spent then it is up to them to decide whether they think, by election or other alterations in the process through their elected official, that these funds are being properly allocated. It is simply a matter of accounting to the people of the state and I urge you to vote in favor of this amendment.

[Amendment rejected: 27-79. Motion to reconsider tab.ed.]

Amendments

Mr. Poynter Amendment No. 1, sent up by Messrs. Alario and Munson, on page 6, line 11, immediately after the word "and" delete the word "shall" and insert in lieu thereof the word "may".

Amendment No. 2, on page 6, at the beginning of line 12, between the word "as" and the word "fiscal" insert the word "a".

Explanation

Mr. Alario Mr. Chairman and members of the convention, all this simply does now on page 6, starting on line 10, the sentence would now read "the legislative auditor shall be responsible solely to the legislature and may serve as a fiscal advisor to the legislature." My only reason for this is that presently when we get the fiscal advice or the estimated revenues from various agencies, we get it now from the Conservation Department, we get it from the Revenue Department, we get it from the state treasurer, we get it from various agencies who are involved on a day to day basis with the fiscal affairs, with the actual revenues and with the actual revenues that are being collected. I feel, and Mr. Munson feels, that the present language as written in by the committee would mean that we would restrict solely to the legislative auditor that responsibility of being the fiscal advisor to the legislature. During this past session of the legislature, since I have been here, there has been much talk of us having a fiscal officer who is responsible solely to the legislature to give us the advice we need in preparing our budgets. We don't feel that the legislative auditor is presently staffed, or has the capacity at this time to do this type of thing because he is not involved in it on a day to day basis. We are in favor of strengthening the legislative auditor in the auditing process, not in the means of giving us the sole revenues and possibly being involved in the legislative end of it. That is why we are offering these amendments at this time.

Questions

Mr. Derbes Mr. Alario, since we really are not setting forth the responsibilities of the legislative auditor, doesn't this give further discretion to the legislature in determining the scope of his responsibilities...your amendment?

Mr. Alario My amendment would. That is correct.

Mr. Derbes Do you see any danger there, in having the responsibilities of the legislative auditor quitted through the operation of your amendment?

Mr. Alario Mr. Derbes, I think possibly it may...the way the proposal is written now, the legislature would still have the sole responsibility of being the fiscal auditor. We don't

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feel that the legislative auditor should be the only sole one responsible for that particular action. We are all for him being strong in the auditing process but not in that section of it.

Mr. Derbes That is not exactly the point. If you had put in your "a" on line 12 that would have the effect of the legislative auditor being one or one among several fiscal advisors, but because you have changed "shall" to "may" you have made it discretionary within the purview of the legislative act as to whether or not indeed the legislative auditor shall be a fiscal advisor, isn't that correct?

Mr. Alario That's true, and of course we are looking here, I think it is a decision the legislature should meet. If they want to seek advice from other agencies then they can do just that.

Mr. Derbes Then I ask you finally, Mr. Alario, why not just delete all of Section 10?

Mr. Alario Section 10, then you would be eliminating the legislative auditor's office if you deleted the whole section.

Mr. Derbes But, if the legislature can prescribe fully the functions of the legislative auditor, and since those functions are not set forth in the constitution, the entire scope of his responsibilities may be defined by the legislature.

Mr. Alario Of course, Mr. Derbes, if he is an employee of the legislature, I think the legislature should dictate to him what his responsibilities and duties might be.

Mr. Arnette Mr. Alario, it seems that you have two different questions. First, your amendment one says that the legislative auditor won't have to be an advisor, and your amendment two says that he may serve as an advisor. He doesn't have to be the only advisor. I would particularly be in favor of amendment two but not of amendment one. Do you see the difference in the two amendments that you are proposing, sir?

Mr. Alario The only thing, in the package it gives the legislature the right to decide if that is where they want to place the responsibility. That is the only thing I do by both of them. Now, if you are in favor of one and not two then you may ask for division of the question. I would think you could do that.

Mr. Arnette Well, I shall move for that.

Mr. Roemer John, does your amendment deal with the auditing of the legislature itself and its funds.

Mr. Alario I don't think it does, but...

Mr. Roemer O.K., you didn't mean...that wasn't an oversight? You didn't mean to address that at all?

Mr. Alario No.

Mr. Roemer As I understand it now, even as you would have amended this proposal, there is no clause in here or provision in this article as amended, assuming yours passes, that would have some other firm or person that the legislative auditor audit the legislature. Is that right?

Mr. Alario No, I don't say that.

Further Discussion

Mr. Hewton I want to rise in support of the amendment primarily because it allows the legislature a little more flexibility than what this present article provides. I personally am against having Section 10 in the constitution at all. I would rather leave the matter up to the legislature. This amendment does allow the legislature some flexibility and I

think particularly in view of having kept the requirement for two-thirds to remove the legislative auditor because of his functions in auditing local, parochial, etc. affairs. I think that if he were doing that job well but were not serving properly as the fiscal advisor for the legislature it might be wise to get someone else and I urge the passage of the amendment.

Further Discussion

Mr. Arnette There are actually two basic proposals here. I don't know if Mr. Alario pointed this out fully and I don't know if my question brought it out fully. First of all, the first amendment, if you put "may" instead of "shall," you are allowing the legislative auditor to refuse to advise the legislature as a fiscal advisor and you are also preventing the legislature of compelling him to advise as a fiscal advisor. I would definitely be against the first amendment. However, the second amendment I think is good because it allows the legislative auditor to merely be one of the fiscal advisors and I think this is a good idea. I think we ought to vote against the first amendment and for the second amendment and I therefore move for division of the question.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, I think Mr. Arnette has made a very good point and has made a valid request in asking for a division of the question. I would submit to you that it is better to retain the word "shall" at the end of line 11 so that he is directed to be a legal advisor, but on line 12, after the word "as," insert the word "a" to take care of Mr. Alario's question to permit other people, such as the state treasurer and many other people to be a legal advisor in addition to the legislative auditor. So, I therefore recommend killing Amendment No. 1, but accepting Amendment No. 2.

[Previous Question ordered. Division of the Question ordered. Amendment No. 1 reread and rejected: 26-76. Motion to reconsider tabled. Amendment No. 2 reread and adopted: 99-5. Previous Question ordered on the Section. Section passed: 103-1. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 11. Salaries of public officers, change

Section 11. Except as otherwise provided in this constitution, salaries of public officials may be changed only by a two-thirds vote of the elected members of each House of the legislature, provided that the salaries of public officers shall not be reduced during the term for which they are elected or appointed.

Explanation

Mr. Casey Mr. Chairman and delegates, Section 11 exists in the constitution today but does not exist exactly as defined in today's Section 11. Under the existing constitution, the salary of public officials may be changed only by a two-thirds vote of the members of each House present and voting. Now, the wording is not exactly like that but that is as it has been interpreted by the court decisions. Some of the members of the committee felt strongly that it should be by a two-thirds vote of the elected membership of each House. There was much disagreement on the committee and I was one of those who voted against the provision as is. I was in favor of retaining the provision, but an amendment was changed only by a member of a committee. The committee also added on line 20, that the salaries of public officials shall not be reduced during the term for which they are elected or appointed. That is what has been added.

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Questions

Mr. Dennergy Mr. Casey, why is there in one part of this public officials and in another part public officers? Is there any distinction between the two?

Mr. Casey No, I don't think there was intended to be any distinction at all.

Mr. Dennergy Under the law, is it possible for a classified employee to be a public official or officer?

Mr. Casey I don't know the answer to that. You might know better than I since you are very well connected with...

Mr. Dennergy Shall I ask the question this way, is it not true that certain classified employees could well be officials or officers?

Mr. Casey I would assume that you know that the answer is yes, so I would say probably yes.

Mr. Dennergy Well, under those circumstances, wouldn't this conflict with the provisions that will presumably be found in the civil service section which provide for uniform pay plans, increases in salary and so forth, which would not require a two-thirds vote of the legislature.

Mr. Casey I would assume it would be in conflict. However, I would assume that those civil service employees, provisions pertaining to their salaries would be interpreted under the civil service law.

Mr. Dennergy Thank you.

Mr. Perez Mr. Casey, is it possible that this provision could be construed to mean that the legislature would establish the salary of the Mayor of New Orleans?

Mr. Casey I don't think that is intended at all. I think this provision is pretty much as it is worded today and apparently it was decided that which ever salaries the legislature today has the right to change and under the constitution and laws of the state in the future would have the right to change, that those are the only salaries that we are talking about, not the mayor of New Orleans, or the president of any police jury, or any form of local government that we do not now set the salaries for.

Mr. Perez Do you have a definition of public official, then, so that we will know what it means?

Mr. Casey I don't have one readily available, but I would ask the research staff if they have one available.

Mr. Duval Mr. Casey, also you use the word salaries. In the event of public official is not on a salary, such as presently a legislator, would this apply to legislators?

Mr. Casey I would assume it would apply to any public official or officer whose salary or income or compensation is set by the legislature.

Mr. Duval So you don't feel the word salary restricts it to only public officials who are actually salaried?

Mr. Casey I would assume it refers to whatever forms of compensation they receive.

Vice Chairman Miller in the Chair

Mr. Derbes Mr. Casey, to elaborate just for a moment on Mr. Duval's question which was essentially my question, why did your committee use the word salary rather than compensation? If indeed you mean salary then to me salary means something that is paid on a regular basis and not on a per diem basis and it does not include compensation for expenses.

Could you elaborate on the committee's thinking in that regard?

Mr. Casey I could not honestly tell you that they had any particular formal thinking on the use of the word salary as distinguished from compensation. However, it is apparent that they intended to use the word salary as those forms of compensation that are paid monthly or annually, but usually monthly, to a particular public official whether he be a state elected official, a legislator or what have you. And I don't think really the problem was necessarily those forms of expenses that a public official should be reimbursed for.

Mr. Derbes In other words, compensation for mileage could be increased subject to the provisions of this section by a simple majority vote but compensation for salary would require a super majority vote.

Mr. Casey I would say that possibly your interpretation could be correct. However, unless the Supreme Court has already interpreted the word salary to include travel and lodging and food and things of that type, I would say that maybe it could be increased by a simple majority.

[Motion to pass over Section 11.
Motion withdrawn.]

Amendment

Mr. Poynter The first set of amendments is sent up by Delegates De Bieux and Weiss, amending the reprinted measure.

Amendment No. 1, on page 6, line 18, immediately after the portion of the word "tion," delete the remainder of the line and delete line 19 in its entirety, and at the beginning of line 20, delete the words "the legislature" and insert the following: "during the regular session of the legislature immediately preceding the election for the governor, the legislature shall fix the salaries of all elected officials whose salaries are fixed by law which shall be the salaries of those officials until changed by the next regular session immediately preceding the next election for governor";.

Explanation

Mr. De Bieux Madame Vice-President, ladies and gentlemen of the convention, I have noticed ever since I have been a member of the legislature that it seems that immediately following the election we always have a lot of bills in the legislature increasing elected officials' salaries. I feel like this is absolutely the wrong approach and I don't know of a single elected official who has ever run for office with a provision in his platform that as soon as he got elected he was going to try to get an increase in salary. I did know of one person who ran for office who was going to abolish the job if he got elected, he was going to try to do that, but that is the nearest I've ever seen anybody come to a plank of what I am speaking of. I believe that this particular amendment would meet Mr. Champagne's position with reference to elected officials. Now, my particular amendment would apply only to those elected officials whose salaries are set by the legislature. It will not prevent the legislature from fixing any appointed official's salary. Furthermore, since it is going to be done during the session of the legislature immediately preceding the election for governor, it will not require the two-thirds rule, because the legislature will not be setting the own salaries during their term of office and they will not be setting the salary of any elected official during his term of office. It goes for a period of four years except possibly that with reference to the judiciary because as a general rule judiciary members are elected for six year terms or longer under our present provisions and therefore they would be subject to the same rule. If you other elected officials with reference to having their salaries checked and seeing whether or not they are

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adequate and setting them at that particular time. I feel that the setting of elected officials salaries once every four years would be sufficient. I can't help but feel that when a person offers himself for a job as an elected official he is telling the public that he is willing to serve for the salary which that office has at that particular time, and as a result of his coming in and immediately after getting elected asking for an increase in salary. I cannot help but feel that he is somewhat breaking his contract with the public and asking the legislature to aid and assist him in that violation of his contract with the public. Somehow or other it seems that if some of those officials when they get elected they have a little bit more political flap and therefore they can get the legislature to go along with them at that particular time. I feel that this is a good amendment and therefore I ask that you adopt it.

Questions

Mr. Duval Delegate De Blieux, you use in here all elected officials whose salaries are fixed by law. Now, would law only refer to statute law and would it exclude those elected officials whose salaries are fixed by local government charter or ordinance?

Mr. De Blieux If they are fixed by the local governing ordinances, this will not touch them. When I speak about law, I mean by the legislature.

Mr. Duval By law, you mean statute law. Is that correct?

Mr. De Blieux That is right.

Mr. Munson Senator De Blieux, are you in favor of any elected officials ever getting an increase in salary?

Mr. De Blieux Any elected official? Yes, I'm in favor of it if he runs that platform that he is going to get it increased or if he gets a salary increase for the next term of office. I don't want to see him come in and get an increase in salary immediately after he is elected.

Mr. Munson Well, if your amendment is adopted and the legislature has to vote on increases of elected officials salaries six months before the next election, what do you think his chances are of getting that increase?

Mr. De Blieux I think it is all right because they won't be elected immediately, it will be for the next term of office. I think the public will approve of that. I have talked to enough people in my district that they think that's right. They don't think that an elected official should have his salary increased during his term of office.

Mr. Munson I have no objection to that philosophy. The point I am making is that it is very difficult, or would be very unusual, for the legislature is going to vote increases in salaries for anybody six months before they run for reelection.

Mr. De Blieux Mr. Munson, if a legislator hasn't got the courage to do what he knows is right he shouldn't be serving in the legislature.

Further Discussion

Mr. Womack Madame Chairman, fellow delegates. I wholeheartedly agree with the intent of the question that Mr. Munson was trying to get out. The fact that he was trying to get out by asking his question. Shortly before an election this says the legislature shall fix salaries of all of these officials whether there is any need for adjustment or not. The thing that scares me is that we are fast getting to the point to where only the rich and the special interest can afford to serve and if you think otherwise you're kidding yourself. I can understand why Senator De Blieux wouldn't be to much in sympathy for compensation for legislators.

He's a member of the Senate that hasn't meet two much compared to what the House meets. He lives in Baton Rouge where he has only five minutes from the Capitol. He's only a matter of a few minutes from the State Agency or Quillient head and he gets the same compensation for five days a week that that individual that lives 300 or 325 miles from here, drives eight hours to get here and go back, spends the night, all the extra expenses added to it with no compensation for it and no consideration. There's another small item in it. Senator De Blieux pays no telephone bill for long distance calls. His is local, everything is local and it has run the for reelection but whereas in the district I represent, the various majority of the population is long distance to my phone today. Where a private line... today I'm paying in the neighborhood of \$40.00 a month private line, an additional \$100 to \$125 a month legislative expense for long distance telephone. He has none of that. And then what is the next thing when the special interest individual runs on a platform that I am willing to cut and I am going to start the reducing of salaries and just before the election we're going to have a reduction in the first place there won't be any governor succeeding himself because he's not going to slim a salary raise. He could be required to sign a salary reduction. I question very seriously if that's the best interest of the everyday man in this State if this amendment is going to be in his better interest. We're going to go just straight forward further everyday toward what I have feared over a period of years that the reluctance to pay compensation, just compensation is going to eventually lead to the special interest and the rich being the only ones who can serve and I question very seriously whether that's in the best interest of the state. Yes, I'll answer a question.

Questions

Mr. Weiss Delegate Womack, do you use the centrex line?

Mr. Womack Do I use one. When I'm in Baton Rouge and can get a centrex line I quite often use one. I sit around sometimes...in my hometown we have no centrex lines. We were offered one. I was offered one I believe for \$160 a month out of my pocket.

Mr. Weiss Well, it's available in most sections of the State and perhaps you can get that.

Mr. Womack I can get one in the city of Monroe and put it in Monroe, which I live sixty miles from and drive to Monroe to use it. I would be able to use one from that standpoint.

Mr. Weiss How long have you been in the legislature now sir?

Mr. Womack Well, I think about 15 or 18 years.

Mr. Weiss Would you say the legislative compensation has grown about four times since you've been in the legislature?

Mr. Womack I would say the responsibilities and expenses have grown far more than that.

Mr. Weiss And you still got reelected?

Mr. Womack Yes, I've been reelected.

Further Discussion

Mr. Casey Madame Chairman and delegates. I would urge the defeat of the amendment submitted by Senator De Blieux. I think this is just another violation of another detail that we would be adding to the constitution where we're merely re-termining the prerogatives of the legislature to establish salaries of public officials and why a salary of a public official would have to be reset every four years and that's what this very amendment would do, that apparently every four years we'd have to re-evaluate whatever election it might be held that year.

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would then have to establish salaries. How why do you have to do it every four years? Why can't you do it just during one year at some certain time and maybe that particular salary might be good for a ten year period or an eight year period or a six year period. To me there is no logical reason why this has to be done and I would urge your defeat of this amendment.

Questions

Mr. Alario Mr. Casey, under the De Blieux amendment, maybe you could tell me just how this might work. The legislature would have to pass a bill to raise the salaries, is that right? That would be the instrument in order to do this six months before the election. Is that right?

Mr. Casey The way I read this is that first of all under our new constitution you will have a regular session every year so that whatever is the last session of that administration, this constitutional provision would require that you establish whatever salaries are going to be paid to these particular elected officials and why it has to be done at that time on a regular basis every four years I'll never understand.

Mr. Alario Mr. Casey, if the legislature then had to follow the instruction Mr. De Blieux has here, pass a bill to raise the salary of, say the sheriff's, and then the governor wouldn't sign that bill then where would that sheriff be for a salary for the four year term.

Mr. Casey I would assume Mr. Alario, that he would receive the salary as the law prescribes at that time that the governor vetoes that particular bill. You are correct that if...

Mr. Alario But if the legislature says it shall set it every four years and if they set it and the governor doesn't sign it then there is no salary. Am I correct?

Mr. Casey Well, what you are pointing out is a hiatus in this particular provision that maybe or maybe not certain elected officials might not be receiving a salary so that's certainly possible under your interpretation.

Closing

Mr. De Blieux Madame Chairman and ladies and gentlemen of the convention, I think that the arguments used by Mr. Womack have no bearing upon this particular amendment as to what the expenses are of being a legislator as compared to, you might say myself being here in Baton Rouge or his being in north Louisiana. That's not the issue. Not the issue at all. The issue is whether or not you want to take a reasonable view point with reference to setting the salaries of elected officials. Whether or not you want to be interested in the welfare of the elected officials rather than the public or interested in the public rather than the elected officials. That's what it amounts to and that's what is involved in this amendment. Certainly elected officials want you to raise their salary immediately after they are elected rather than the year before the election because they are hoping that during that three year period of time that the public will have time to forget. I think this, that the best time to raise the salary of elected officials is before the election so that all officials and all candidates will know what the office pays for during the period of time. I think this is one time you can determine whether or not you are going to be with the people or you're going to be with the elected officials. That's what it amounts to because you will be able to tell the elected officials exactly what the office is going to pay before they run for the office and certainly if they are not interested in the job, I think salary, they don't have to be a candidate. I certainly feel like it's absolutely wrong to the public to raise the salaries during the first year and not raise

the salaries during the last year of the office and that's what it amounts to and I ask you to vote for the amendment and Madame Chairman I ask for a record vote.

[Referred to the calendar. Amendment rejected by a majority vote. Motion to reconsider tabled.]

Amendments

Mr. Poynter Next set of amendments is sent up by Mr. Asseff sends up the following amendments.

Amendment No. 1, on page 6, line 18, immediately after the words "maybe" and before the word "changed" insert the following:

"set by a majority of the elected members of each house of the legislature but may be"

Amendment No. 2, page 6, line 21, immediately after the words "not be" and before the word "during" delete the word "reduced" and insert in lieu thereof the following:

"increased nor diminished".

Amendment No. 3, on page 6, line 22, place a period immediately after the word "elected" and strike out the balance of the sentence.

Explanation

Mr. Asseff Madame Chairman, delegates, the purpose of the amendment is to clarify Section 11. There is nothing said about setting the salary and I object to the word reduced. I prefer increased nor diminished and I feel that if you are restricted to elected officials and appointed officials should be left out. Now if you adopt the amendment it will read as follows: except as otherwise provided in this constitution, salaries of public officials may be set by a majority vote of the elected members of each house of the legislature but may be changed only by two-thirds vote of the elected members of each house of the legislature. provided that the salaries of public officers shall not be increased nor diminished during the term for which they are elected. Madame chairman, delegates, in the event that this amendment fails I shall offer an amendment to strike the entire section leaving the matter for determination by the legislature but I feel we should not leave the term for which he is elected. We should put either increased nor diminished. Now if you do not like that then I will move to strike it all in its entirety as I did before and that will mean that it will be left to the legislature? I will yield to any questions.

Questions

Mr. Tapper Dr. Asseff, is it my understanding that your amendment would prohibit the increasing of the salary of an elected official during his term?

Mr. Asseff It means, that is correct, that a salary official not appointed may not be either increased nor diminished during the term for which he is elected. He may at any time during the session, the first regular session make it effective with the next legislature or with the next elected official whoever he may be.

Mr. Tapper Well, let me ask you a [.. hypothet...] then, Dr. In connection with your amendment, assuming that you could not get two-thirds of the legislature at any given time to increase the salaries of an elected or an appointed official and let's say it went on for about twenty years that way. Do you think that would be proper?

Mr. Asseff Mr. Tapper, that is the recommendation of the committee and I did not change it. Frankly, I would prefer by majority vote and as I indicated to you, if this amendment is rejected then I shall submit an amendment to strike the entire thing and leave it to the legislature which will mean that it may be done by majority vote.

Mr. Tapper But isn't it a fact that the proposal

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of the committee now provides that there can be an increase during the time of the official.

Mr. Asseff Because it may be changed, it may not be reduced. I have offered that.

Mr. Tapper But it may be increased, according to your proposal submitted. So you in effect are changing that to prohibit the increasing during the time.

Mr. Asseff That is in keeping with Section 3E that we struck that the salaries may not be increased nor the next and I felt that was proper if we are going to adopt it at all.

Mr. Tapper But if two previous legislatures refused to increase and there was a dire need to increase during a particular time that salary of that official could not be increased during his term.

Mr. Asseff That's correct. May not be increased. I am frank in saying, though I do not trust the legislature, I feel the people elected them and they are accountable to the people, not to me. They can account for their actions to the people not to me and with rare exception I will favor a majority vote so if this amendment is rejected, as I said, I will offer an amendment to strike the entire thing. Yes Mr. Munson.

Mrs. Miller Would you yield to a question to Mr. Triche?

Mr. Asseff I yield to anybody. As long as he asks a question and doesn't make a speech.

Mrs. Miller You yield solely for the purpose of a question.

Mr. Asseff I yield automatically.

Mr. Triche Well now Madame Chairman, I'm going to reserve the right to control my own remarks. Serious Doctor, under the present constitution and some of the laws it states, salaries of some public officials are set by the governor. For example, any number of appointed officials, in agencies created by the legislature, the law provides to serve at a salary fixed by the governor. Under your amendment I that would no longer be possible, the salary would have to be set by the legislature.

Mr. Asseff Correct Sir.

Mr. Triche Also, let me ask you another question Dr. Under the proposal as advanced by the committee and also under your amendment, those officials whose salaries are now set by the governor would no longer be able to be changed by the governor, they would have to be changed also by the legislature?

Mr. Asseff No sir. The appointed officials, Mr. Triche, are left out. Therefore, it was whatever is done will be within the discretion of the legislature. My amendment is restricted to elected officials only.

Mr. Triche But isn't there some provision in this article which provides that change of salary shall only be by two thirds of the legislature?

Mr. Asseff That was the committee's recommendation and I did not change it. That is correct.

Mr. Triche Let me ask you a question about that. Wouldn't that also prohibit the change of salaries of those officials whose salaries are fixed by the governor?

Mr. Asseff No sir. I have restricted it to elected officials. I struck the word appointed. That is the way it will now read. For which they are elected so that anybody that is appointed will be determined by the legislature.

Further Discussion

Mr. Rayburn Madame Chairman and fellow delegates, I wanted to ask Mr. Asseff a question but we ran out of time and I'm going to be very brief here but I'm trying Dr. to analyze exactly what you're trying to do. If I read your amendments right the first amendment allows the legislature by a majority vote to fix salaries, however, if they are changed it will take a two thirds vote. The language in the amendment is identical to what Senator De Bieux and Dr. Weiss attempted to do if I read the language right. It says your salary cannot be raised during your term of office. Maybe I'm not reading it right but you have a right to close and I wish you would go in depth in the few minutes you have to explain it. If I read the amendment right it states that your salary cannot be increased or diminished during the term of office. Now let me say the only thing that I'm fearful about there, you have some people elected for six year terms, you have some elected for twelve year terms and with the cost of everything and increase of things we have today it might be necessary to get the type of people to stay in office or run again for office to give us a decent salary to live on and I don't think we should tie it down in the constitution as to what we're going to pay them, particularly during their term of office. I think we should take the [...] but... of that. When I say we, I mean you and I or anybody else that might serve in the legislature. If we think a person is underpaid I think we should have the right to give him a reasonable increase or her or whoever it may be and I just don't feel like we should tie down in the constitution what salary a person is going to make. I'm afraid you might eliminate some good people from running for office if you do that. I was here when the constitution said we would make ten dollars a day. We got around that language and I didn't think we couldn't make no more and we finally got it up, twenty dollars a day, thirty dollars a day, fifty dollars a day. But I really believe you could do more with ten dollars a day when I first came to the legislature than you can do with fifty now. I got a room for two dollars a day when I first came here. I had eight dollars a day and I could do a lot on eight dollars a day. Now you know the cost so the ten dollars in my opinion when I first came to the legislature was worth just as much as fifty dollars is today and I don't want to tie anybody down for twenty or thirty years from now here we'll say we can't raise their salary if we think they are entitled to a raise.

Question

Mr. Bergeron Mr. Rayburn, you've more or less taken the wind out of my sails but as I read this proposal if I'm reading it correctly if I were supreme court justice elected for fourteen years I couldn't have an increase in salary for fourteen years, could I?

Mr. Rayburn No sir and I'm not necessarily in love with the judges and I guess they could quit like any time I don't make enough I could quit but I get awful dedicated every four years when I go to run, maybe I sometimes forget it after I get elected but you could not increase no public official's salary regardless of his length of term of office if I read the amendment and its similar to Senator De Bieux's. I heard Senator De Bieux say if you're not strong enough to do what you think is right you don't have any business here. Well, maybe I think it's right to give somebody a raise but under his amendment I can't do what I think what's right but you didn't, thank the lord.

Further Discussion

Mr. Duval Follow delegates I think on this issue I rise in opposition to the Asseff amendment and to the committee proposal for the following reasons. We have not defined what a public official is. There's been questions raised but no one has specifically said what a public official is. Are you the officials salaries are not fixed by the legislature presently. Is a public official a member of the school board, member of a local parish police jury,

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a mayor, a city councilman? When does one become a public official? What is a salary? Some of the legislators, are we going to deal with what salaries are, emolument, compensation or what. I think the proposal is a front, with non...secutive... and are ill defined and I think we will have to delete this entire provision or else someone's got to come up with an amendment that makes sense because "public official" can apply to anybody in a local government. You mean to say that a local government now cannot fix the salary of a mayor, or school board etc. and the legislature has to do it. I think it's adding increased burden to the legislature and I seriously urge that you defeat this proposal and all other proposals until these problems are cleared up or else delete the entire provision.

Further Discussion

Mr. De Blieux Madame Chairman and ladies and gentlemen of the convention, I just want to clarify something since Senator Rayburn referred to my amendment and this amendment as being the same. I want to say there is a lot of difference in this amendment and my amendment. My amendment would allow the checking of the salaries at least once every four years. It didn't necessarily mean that they had to be the same for each year thereafter but at least during the four year period you would know. We have district attorneys, judges elected for six years, we have judges elected for twelve years, we have judges elected for fourteen years. If this particular amendment is adopted it means that those particular individuals could not have their salaries changed during that period. My amendment did not do that. It had a whole lot more latitude in there. I thought my amendment is a good one and I think this is a bad one.

Mr. Blair Madame Chairman, ladies and gentlemen, I believe that we've made up our mind more or less on this and unless Mr. Arnette would insist, personally for time service, I believe it would be good if we vote on the whole thing rather than divide it.

[Previous Question ordered. Division of the Question ordered.]

Closing

Mr. Asseff I chose to disagree but I am raising no objections and we may vote on them by division. Now, I want to make this clear. I agree with you that Section 11 is not clear. I did not draft it. In the event you fail to adopt this, the clerk has another amendment that will repeal it all and leave it to the legislature. However, I would like to answer Senator Rayburn's question. First, the Senator knows, I have known him for more than twenty years and I would much rather have him on my side than against me. However, this provision does not do what the Senator said. It simply means that this legislature could not increase nor decrease the salary, but it could make it effective for the next term of office. Second, Mr. Duval stated that he was concerned about local officials. The first part of Section 11 says this; except as otherwise provided in this constitution, which means that if we adopt home rule charters, which I assume we will, the municipalities, the parishes would be excluded from the provisions of Section 11. I will stop since I have made clear my position and will be glad to yield for any questions.

[Amendment No. 20001 withdrawn; Amendment No. 19770, Motion to Reconsider withdrawn; Amendment No. 20002 withdrawn; Amendment No. 20003 and 20004 withdrawn; Motion to Reconsider withdrawn; Amendment No. 20005 withdrawn.]

Delegate Wall in the Chair

Amendments

Mr. Poynter Amendment No. 1 [See Mr. ...]

[Amber] on page 6 line 10, after 100 words, "salaries of," and before the word, "public," insert the words, "appointed and elected."
Amendment No. 2, on page 6 line 20, after the words, "salaries of," and before the word, "public," insert the words, "appointed and elected."

Explanation

Mr. Drew Chairman and members of the convention. This is a rather simple amendment that clarifies this provision as written. In the last sentence in the section, it refers to elected or appointed and what this amendment does is just insert appointed and elected before public officials and appointed and elected before public again on line 20.

The reason I think that this is necessary, and of course I think the major objection to this entire section is the definition of the term public official. This is not intended to apply to your normal, unclassified employees, but we have seen recently, and we have seen in the past, occasion upon occasion, where department heads and other top public officials who have been appointed, have had tremendous salary increases without any say-so from anyone responsible for providing the funds for that increase. And I think if the legislature is going to have to provide the funds, I think the legislature should have some say-so in determining these increases.

I yield.

Questions

Mr. Stinson I am not an authority on grammar and punctuation, but instead of "and," shouldn't that be "or", or, appointed or elected instead of appointed and elected?

Mr. Drew That is correct, if you might make that technical change, Mr. Clerk.

Instead of "and," it possibly should read, "appointed or elected." It will make a technical change there in both places.

Mr. Poynter Fine, Mr. Drew. If there is no objection, we won't have it reprinted or re-xeroxed.

[Amendment adopted without objection.]

Mr. Gravel Mr. Drew, do you understand that this section would apply to the salaries of appointed and elected officials from throughout the entire state whether or not they would be state-wide officials, district officials, ward officials, mayors, councilmen, et al?

Mr. Drew That is not the intent of the amendment, Mr. Gravel, and I think the first clause where it says, "except as otherwise provided in this constitution," I think that you will find that the information I have is that the recommendations and proposals of the Committee on Local and Parochial Government will make provisions, there in.

It is not the intention of this to apply to other than state appointed and elected officials.

Mr. Gravel Just as a matter of clarity, you would agree that unless something else is done elsewhere in the constitution, that this provision including with your amendment, would apply to all public officials regardless of the grade or classification.

Mr. Drew Not unless you ignore the first clause, Mr. Gravel. I don't know exactly what order these other proposals are going to contain. But I think...

Mr. Gravel I don't either, and that's...

Mr. Drew I think if the home rule that I understand is in there, then there will be... this clause will take care of your local officials, they would not be included.

Frankly, I think that the whole problem with this section is the proper definition of public officials.

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Mr. Gravel My problem, too. Thank you very much.

Mr. Drew I don't know, I had inquired, in answer to your question, from Judge Tate, if possibly a separate section was made to provide the definitions...we've run across this on several occasions, or if it could be handled in scheduling, or what would be the proper way of handling it.

But I think that the intent, and I think that will be important, the intent of this is to clarify what it already says. The last sentence says, "whether elected or appointed."

So this is to clarify that we are speaking of elected or appointed.

Mr. Gravel And until there is some other provision in the constitution to modify that, would apply to every elected or appointed public official...

Mr. Drew If there is no provision for local officials, it would apply.

If there is a provision, it absolutely would not apply.

Mr. Gravel Well, the provision with respect to local government would not apply to appointed state officials, would it?

Mr. Drew No, sir, of course.

If there are no other questions, Mr. Chairman, I move for adoption of the amendments.

Mr. Flory Mr. Drew, is it your intention by the amendment to add the word "appointed" in the upper part of the sub-section to include among the people that the legislature shall set their salary?... Those eleven thousand employees in this state are non-classified, many of whom are common laborers?

Mr. Drew Absolutely not, Mr. Flory, and I do not think under any interpretation they would be included as public officials.

If there are no other questions I move for adoption of the amendment, Mr. Chairman.

Further Discussion

Mr. Alario Mr. Chairman, members of the convention, I stand to support the Drew and Lamber amendment as it is drawn. I think he has a very good amendment here to serve, to take care of abuses that we have seen even as recently as two weeks ago.

During the last year, we saw a raise given to the college presidents of this state that amounted to some eight thousand dollars apiece.

We saw recently a four thousand dollar increase granted to the Director of Corrections and we saw just recently a ninety-seven hundred dollar raise, ninety-seven hundred dollar raise granted to the director of the health agency.

Question

Mr. Drew Is that per year or per month, Mr. Alario?

Mr. Alario These various boards and agencies have been granting these increases without worrying once where these funds are coming from. They come before the Budget Committee, before the Appropriations and Senate Finance Committees and tell us that their budgets are tight, they need additional funds to run their agencies. Just as soon as their budgets are approved, the first thing we see come out, and particularly in these three instances I am talking about, they find in there all of a sudden in the 101 category we call it in the budget, the salaries category, that they do have a little slack now to provide an increase for the top echelon employees.

Eight thousand dollars for college presidents, ninety-seven hundred dollars for the directors of the other agencies. I wonder, I wonder what the employee and the common laborer working for this state who makes three hundred and fifty dollars to four hundred dollars a month must think when we tell him we can't give him an increase. But all of a sudden these boards and commissions find enough to give the top man an increase.

I wonder what the school teachers of this state must think when we tell them we can't give them, we can't give them a 3.3 percent increase in salary. But we can grant a ninety-seven hundred dollar raise for one employee.

I think Mr. Drew has an excellent amendment here and I would ask that you support it.

[Previous Question order #8. Rec'd vote ordered. Amendments adopted: 84-14. Motion to reconvene tabled.]

Amendments

Mr. Poynter Mr. Fayard and Mr. Juneau send up amendments at this time.

Amendment No. 1, on page 6, strike out lines 16 and 17 in their entirety and insert in lieu, thereof, the following:

"Section 11. Salaries of legislators and other public officials; change

Section 11A. The members of the legislature shall be paid an annual salary and such expense allowances as may be fixed by the legislature. And the salaries so paid shall be in lieu of all per diem.

B Except as otherwise provided in this constitution or portion of the word "constitu-

Amendment No. 2, on page 6, at the beginning of line 19, delete the word "two-thirds" and insert in lieu thereof "majority." Page 6 beginning of line 19 delete "two-thirds" and insert "majority."

Explanation

Mr. Juneau Mr. Chairman and fellow delegates, I won't go into great length. We discussed this matter at some detail the other day. I think there was a lot of confusion concerning the mechanics. There were three or four provisions tied together, and I thought the matter was of such importance that we should isolate the specific issue at hand and vote, thereon, more specifically.

What this provision would do, would mandate that the members of the legislature would be paid an annual salary as opposed to what you may have now in the system of per diem.

The argument was made during the deliberations of the other system that will some legislators do more work than others? And for that reason maybe there ought to be a distinction.

Well, in answer to that comment I might tell you that I think that what I am seeking to do is achieve equality in the legislative body and preclude per diem clubs in the legislature which I submit we have had for several years.

I think if a person runs for the legislature, his salary is fixed, he should be content if he has the ability to be chairman of a committee that the salary should be commensurate with his ability and he should be satisfied in that regard.

I think that what it will do, will preclude the possibility of perpetuating what we now have in the per diem systems. I think by putting these two articles together, we eliminate the possibility which...the objections were raised the other day with regard to per diem.

This specifically states that there shall be no per diem and to the contrary, they should be paid solely on the basis of an annual salary and such other expense allowances as are deemed necessary by the legislature.

That succinctly is what the issue is. I think it's of vital importance. I might add that most of the state constitutions which have been enacted recently have found this to be a necessary thing in the constitution.

I would move for its favorable adoption, Mr. Chairman.

Questions

Mr. Anzalone Mr. Juneau, Mr. Lantz Womack brought up a very important point a while ago concerning the expenses of legislators who live far distant as from Baton Rouge. Does your amendment provide for extra expenses for these people who necessarily have to incur extra expenses in the representation of

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their people?

Mr. Juneau It certainly does, Mr. Anzalone.

Mr. Landry Mr. Juneau, you used an expression that I would like to have some clarity on. You said per diem clubs. I need an amplification of what that means.

Mr. Juneau I would define that word being, and this is not directed to any one individual, Mr. Landry, it has shown through the history of the past twenty or thirty years of the legislature that perennially there are a certain select group of the legislature that are in this high per diem category and it's the same ones every year, every year, every year. It seems to be that it's hard to break that trend, of who are the chairmen of the respective committees.

And because of that system, I call it a club for lack of a better word, I guess it would be more appropriately put, certain select individuals in this state legislature have received substantially more per diem than have other legislators.

And I don't necessarily attribute that, I might add, Mr. Landry, to the fact that some legislators are more capable and work harder than others. I say that the opportunity at the time was probably more of a reason.

Mr. Chatelain Delegate Juneau, as I appreciate this, you are going to pay the respective legislators an annual salary. Right?

Mr. Juneau That is correct, sir.

Mr. Chatelain And that salary shall include the per diem. In other words what we know as per diem today would be in the form of a salary.

Mr. Juneau That is correct, sir.

Mr. Chatelain All right, if a legislator is appointed to numerous committees, the committee work would not come into play, is that right? He would not get paid any more for committee work.

Mr. Juneau He might get an expense allowance, but, for example travel, Mr. Chatelain, but he would not get a per diem for attending that particular committee hearing. That is right, sir.

Mr. Chatelain In other words what you are saying here is that we are going to go to an annual salary for the legislature, is that right sir?

Mr. Juneau That's absolutely correct, sir.

Mr. Gravel Mr. Juneau, wouldn't a consequence of this amendment be that if a legislator spends a hundred additional days in the service of the state, that he would be paid exactly the same amount as the legislator who didn't perform any additional work by way of committee assignments and things of that nature?

Mr. Juneau That's correct, Mr. Gravel, by the same token I think it will encourage a disbursement of committee assignments and chairmanships in the legislature.

Mr. Gravel But all committees that might... don't have the same amount of work to do or the same burdens and same tasks to perform. Isn't this basically a rather unfair provision in that it is going to overly compensate the lazy legislator and under compensate the legislator that's willing to dedicate a substantial amount of his time to public service?

Mr. Juneau Mr. Gravel, if that would be a correct theory, it would apply to the United States Congress and that has not turned out to be the case.

Mr. Gravel The United States Congress, though is in convoluted session at all times.

Mr. Juneau We are a continuous body...

Mr. Gravel Well, that's not the same thing and you know that, don't you?

What I am saying is this, as a matter of fact isn't it true that under what you propose, that no matter what he does, a legislator is going to be compensated just exactly as much as every other legislator and that one legislator can be working every day in the service of the state, another legislator might not be doing anything in the service of the state and they are both going to be paid the same amount of money?

Mr. Juneau I would answer the question by saying this. A legislator, for one reason or the other who may not be favored with a committee appointment who may be doing work at home, in my opinion is equally entitled to compensation as someone who is attending a committee hearing here in Baton Rouge.

Mr. Planchard My question is this. As presently this section stands, it is my understanding that the legislature presently can do the very things that you are saying for them to do here. In addition, they can pay themselves on a per diem basis. Is that correct?

Mr. Juneau That's right, sir, and I submit to you the chances of that occurring are a thousand to one if we don't put it in this constitution.

Mr. Planchard My next question is, in your amendment, is there any provision for these other public officials who have staggered terms to be taken care of?

Mr. Juneau I am not sure I understand the question, Mr. Planchard...

Mr. Planchard To be able to increase or decrease the salary.

Mr. Juneau This would apply equally to both. The provision is that it now addresses itself to an annual salary. It does not change that.

Further Discussion

Mr. Roy Mr. Acting Chairman, ladies and gentlemen of the convention, looks like once again we are back on that merry-go-round about not trusting the legislature and what have you.

I understand what Mr. Juneau and them are trying to do and I am against it. I do not believe... let me say this. If you are going to allow the legislature to fix an annual salary and freeze it into the constitution, then you are going to accomplish exactly what I think Mr. Gravel was pointing out. Those guys who are going to work hard and have to be down here or anybody who looks to the future and has to be away from his business and be down here a lot on committee assignments, are going to have to take care of an extremely high salary just to take care of the fact that they may be losing on a per diem basis a lot of money that they actually need.

Now, it's no comparison to say that we can compare to the United States Congress because those fellows make forty-two thousand dollars a year. So there is no problem with them.

Mr. Poynter And they get another quarter of a million for expenses, Mr. Roy.

Mr. Roy I didn't know that, and plus they get all other kinds of fringe benefits.

This amendment, in my opinion, if we pass it, is going to allow mediocre, lazy legislators, if there are any, to make just as much as the person who sacrifices and comes down here because the person who comes down here will have to do it out of his own pocket. He makes the same amount every month as the guy who is sitting home.

However, he does not get anything other than an expense allowance which may be his mileage down here. But if he's down here ten days a month out of each month of the year,...

Questions

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Mr. Tapper Mr. Roy, question number 1, I think you infer that they would be putting this in the constitution...the salary in the constitution. Now that isn't what you meant to imply, was it?

Mr. Roy No, I'm opposed to saying that we have to put...I'm opposed to making the legislature say that they are paying themselves a salary. I think we have all along said that we want an independent legislature. We trust and let them handle things the way they want to, and I don't think a salary is a constitutional thing that should be fixed on the legislature.

Mr. Tapper But you didn't mean to imply...you did not mean to imply that the salary would be in the constitution, only the requirement that there be a salary in the constitution.

Mr. Roy Yes, yes, they can do what they choose, **Mr. Tapper**.

Mr. Tapper The second question is...You said something about mediocre legislators. Now, you know, who is to determine whether a legislator is mediocre or not? Is it not those people who elect him or whom he represents?

And the reason I ask that question is that I am...did you know that I am for a set salary and not for all of the per diem and not for the so-called clubs, or what have, which I don't think they have those. But I don't understand who could determine whether a legislator is mediocre or not. I think it would have to be his people.

Don't you think we should have them all equal?

Mr. Roy I didn't mean to imply that as poor usage. But what I meant to imply was that the fellow who works a lot harder and because of his committee appointment has got to be down here ten days a month more than somebody else makes no more money. In other words, he's got to...he got to...unless the salary is fixed high enough, he is going to be reluctant to devote the time that maybe he should do. That's all I meant.

Mr. Tapper But did you not know...

Mr. Derbes Mr. Roy, how do you answer the charge, I'll choose my words carefully, how do you answer the charge that under this provision, and I think it has a considerable amount of merit, under this provision the committee work of the legislature will tend to be allocated among those who were perhaps not as confident as those among whom the work would be allocated under the present system?

Do you understand what I mean? Which is to say...

I'm trying to re...

Mr. Roy I don't understand what you mean, I'll tell you that...

Mr. Derbes Well, what I'm saying is I would think that those who are more experienced and more successful in private life would tend to be less attracted to committee work under the amendment than they would be under the present system.

Mr. Roy Well what was that?...Well, so what?

It means to me that you would maybe have a bunch of less experienced and intelligent people down here when you should have someone more intelligent doing it. That's what it means to me.

Mr. Derbes No, no...Did I make my question clear, **Mr. Roy**? That, which is to say, it seems to me that under the amendment, those people who will be attracted to committee work will tend to be those who are not as...I should say...not as well compensated from their private life activities as those who might be otherwise.

And in this basic economy, those who tend to be more competent are those who tend to be more successful.

Mr. Roy I understand your question. But my point is that I think we should have the best men serving us at the best possible times we can have them. And your point seems to obviate that occurring.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, I made a pledge over the weekend to myself that I was going to try to shorten this convention proceedings and getting along with the work by not getting up here unless I thought, perhaps I would have something to add to the question before the convention.

It seems to me that when this question of legislator...compensation was up last week that we discussed and rediscussed and argued and debated every possible angle or facet of it. And here we are, it looks like to me, getting the machinery under way to get back into exactly the same thing that we voted on last week.

Now I, personally, I can't go along with the proposition of a flat salary for every legislator. It's already been brought out very clearly that there are certain committees that the legislature sets up and which apparently are needed in the legislative process. Now the question seems to be advanced by one of the delegates that he was not so much against that system of the per diem pay for those members who had to come up there and put in extra time, but he was against the policy or the tradition of it being the same members all the time. Well, that is no concern of this constitutional convention. It's the question of whether those men are necessary in the state government and whether they are doing the job to which they are assigned.

And I think that if we are going to have those committees, I think they are definitely entitled to more pay than those members of the legislature who when the session adjourns, they go on home and don't come back down here until the following two years or one year as the case may be. It has been said and told to you that they thought those particular men, perhaps, should be entitled to their expenses.

But what about the time they are away from their jobs? What about the days they are away from their work? There is no compensation under this amendment to provide for that. And I respectfully submit, members of the convention who have considered this, I thought, very thoroughly, and I don't think this is a fair method of compensating legislators and I ask defeat of the amendment.

Questions

Mrs. Warren Mr. Burns, what I would really like to know how our legislators are appointed or are assigned to committees.

Mr. Burns Not being a member of the legislature any more, I couldn't answer that question.

Mrs. Warren This is why I wanted to ask anybody that knew then...Mr. Chairman.

Mr. Wall Wait just a minute Mrs. Warren. You have asked Mr. Burns a question. He didn't answer it.

Mrs. Warren I want anybody...

Mr. Wall Now you are recognized to ask the question that you ask. I'll answer it for you.

Mrs. Warren That's exactly what I'm getting ready to do is ask you.

Mr. Wall All right, in most all cases, there's a few exceptions, members are appointed to committees by the speaker or by the lieutenant governor, and of course it was changed in the last session to some extent, but sometimes as acts, or resolutions or rules that say certain people of a certain position serve on certain committees like the speaker or the chairman of the appropriations committee, and so forth.

But in most instances, the presiding officer ap-

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points the gentlemen to the committees or (4484) whichever one it may be.

Mr. Warren May I ask you another question?

Mr. Wall Yes, Mrs. Warren.

Mrs. Warren How are they appointed? According to their qualifications or something set up or some political appointment?

Mr. Wall Mrs. Warren, I am not the presiding officer and I can't answer for this gentleman and I rule that question out of order. But I would, in my opinion...

Mrs. Warren Mr. Chairman, I'm a little naive, but I don't accept that. Now I asked you a question. If you couldn't answer it, then you should refer me to the staff or either to the chairman. Thank you very much.

Mr. Wall You are welcome, Mrs. Warren, and I am sure everyone else is glad that you have finished.

Further Discussion

Mr. Alario Mr. Chairman, members of the convention, I stand to oppose this amendment and ask that you defer it. I think what the intention here and what they are trying to do is that the legislature would get a salary and set it high enough to take care of committee meetings.

I submit to you that when the legislature is going to be faced with that problem, that it is not going to be politically feasible for us to raise our salaries any higher than what they are now. All of us are going to do is to be eliminating the per diem.

Now I wonder if it is fair and would it prevent a man who is paid by the hour on the job, and the only time he gets paid is when he works, of being a member of a committee or even being a member of the legislature if you tell him he's got to serve a committee and he'll take care of... and it says such expense allowances, I take that to mean that you would take care of his hotel bill and maybe an allowance for meals and possibly travel allowance, I would take it.

But I wonder if you have taken care of the expense that he loses in income to his family in trying to meet their needs by saying that you shall come down to a meeting now and you will get no pay on your job at home, and you will come down to Baton Rouge and receive no pay to compensate you for that.

I think that would be grossly unfair, and I think we would be allowing and opening the door for only the wealthy and the rich to serve in the legislature. I think that is a serious mistake.

I think all people in this state ought to have an opportunity to serve and it ought to be limited to only those who have financial means to do so.

There has been an argument in some other section that would... the argument there, too, was that when we had split sessions a person could go home and take care of his constituents, how they could inform him as to how he stands, how they feel on particular bills and the intent there was partially that a person would be more at home with his constituents.

Now if you don't compensate members to serve on committees, I submit to you that that particular legislator may find himself in such a financial bind that he will not be able to come down to this legislature to serve on a committee to take care of the state's business, not necessarily the business of his district, but at the same time he would probably be neglected because he would be home with his family and living with them.

I think that argument if he doesn't come to Baton Rouge and serve in a committee, then his proposals will run away, and we will not have an argument. We will come the whole year and be with my people and be popular enough to come back. I don't see any other argument either.

I would ask that you defeat this amendment.

Mr. Wall Mrs. Tapper, do you mind standing the floor a minute for Mrs. Taylor for personal privilege?

Mr. Tapper Not at all.

Personal Privilege

Mr. Taylor Mr. Acting Chairman and delegates, I am a little disturbed at the actions of the acting chairman. I certainly believe that any delegate has the right to raise the questions he or she so desires. I do not feel it was proper, Mr. Acting Chairman, for your comments before Mrs. Warren took her seat, or in reference to, everybody would be glad when she had finished her question. I for one, wasn't glad when she finished, because I was concerned about the question she was asking. And Mr. Acting Chairman, I would hope in the future that any personal remarks, that you would keep them to yourself and not project them to this convention.

Mr. Wall Thank you, Mrs. Taylor.

I did make any remarks that hurt anyone's feelings. I apologize, but I feel like there were some personal remarks made and I answered them. I'll save my personal remarks for personal privilege in the future.

Mr. Tapper has the floor.

Further Discussion

Mr. Tapper Ladies and gentlemen, I rise in support of this amendment, and I will give you several reasons. I do not subscribe to the theory that only the best qualified and only those who know more about government and those who can do best about government are necessarily the ones that serve and the ones that are appointed to the committee. Nor do I believe that those that are on the committees and those who serve on more than one committee are any less qualified than those that are not on the committee. But I believe that you would make for a better legislature if all of your legislators were paid an equal salary and if all were required to perform the duties and responsibilities. This can be done. Of course, some men can't do two or three or more on his duty. But if he has enough guption to run and get elected by the people of this district, he should be able to receive the same compensation as anyone from any other district. Now if he doesn't do the job, here we're looking at this from a different, and I think a wrong approach in some instances. We're looking at it, some of us are looking at it, I think, from the wrong position. This is a position not of the state as a whole, but of that particular district from which this particular legislator runs and represents. If he does not do the job, if he does not earn his money, then those people are the ones to get rid of him. Now let me tell you something else about what Mr. Alario says, you know, about staying home; some of them staying home and not coming to Baton Rouge to sit on these committees. Well a lot of them come to Baton Rouge and sit on the committees and accomplish exactly nothing. The report is made and the report may not have anything good in it, but if it has something good in it, it may not be adopted by the legislature. But the man who stays at home also works. You not only have to work in Baton Rouge, I know more of my problems are solved and handled and brought up to me at home than here in the state capitol. And it isn't only here. Ninety percent of the work of a legislator, I believe, is with his people. Finding out what they need and attempting to solve it, the only way to do the best that he can. He doesn't have to be in Baton Rouge to do that. He may have to come every now and then to do that, but he doesn't have to serve on all these committees. But we would have, and I think we're going to have, according to the proposals, is with his people. Finding out what they need and everybody will be put on the committees in an equal fashion. I hope that's the way it will be, because I don't think that any legislator is needed, and if there is one, I don't believe that any one of us is qualified to say who is and who is not

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I urge your adoption of this amendment.

Questions

Mr. Abraham Elmer, I support your position on this. Do you see anything in here that prevents the legislature from reimbursing members for actual expenses for committee meetings?

Mr. Tapper Nothing whatsoever. As a matter of fact, there's a specific provision which provides for that.

Mr. Abraham Right. Now, don't you think that an annual salary would assure, or would not necessarily assure, but would tend to promote all of the members serving equitably on committees?

Mr. Tapper I think that would be so because then there wouldn't be any one member who would want to serve on more committees than another member because he won't be wanting to do more work than the other fellow.

Mr. Abraham Right. Now one other question. Don't you think that by being paid an annual salary that this would encourage people of lesser means to run for the legislature and to be members of the legislature rather than people who have, who are well off being in the legislature? Knowing they will be able to get an annual salary and can be reimbursed...

Mr. Tapper There's no question about that Mack. Right now a person who is working from day to day, week to week on an hourly wage, unless he's working for a company that will allow him to come up here and continue to pay him, he can't afford to do it.

Mr. Drew Mr. Tapper, as I recall, under Section 4 E that we adopted, can't the legislature go to annual salary if they see fit, under that provision?

Mr. Tapper I don't have that provision before me. **Mr. Drew** If you don't know what it says, I'll be glad to agree with you. I don't know that to be a fact, but I don't see where that would be in conflict with this provision either, Mr. Drew.

Mr. Drew Well do you not believe then, Mr. Tapper, that by putting this amendment into the constitution to lock in an annual salary when we find out that it might not work, would be bad?

Mr. Tapper Well, Mr. Drew, we're going to find out that we're locking in a lot of things in this constitution which necessarily in some, in the opinion of the majority of this convention that are necessary to be in there. If those other things turn out to be bad, we'll have a problem with that too. Yes, if it's bad, we'll have a problem with it.

Mr. Drew One more question, Mr. Tapper. If we can do this under 4 E, would you still support the amendment you are now supporting?

Mr. Tapper Yes, because I don't see any conflict in it. I don't know that 4 E will do it, Mr. Drew, and that's the reason for this amendment. I think that 4 E does not spell it out specifically whereas this particular amendment does.

Further Discussion

Mr. Faward Thank you Mr. Chairman and fellow delegates. The reason for this amendment is the fact that 4 E was eliminated from our proposal earlier. I speak in favor of this amendment and co-authored it because I believe that it is one of the best things that this convention could do for the legislature today. I do not distrust the legislature. I had the privilege of serving on the Legislative Powers and Functions Committee with 4 legislators and the terminology that was used here today by some of the legislators such as "stay home," as opposed to those who come here and get the work done such as "part-time legislator," such as "medi-

cre" and "quof-offs," and what have you, those terms are unfamiliar to me and my committee, because the legislators that I was associated with proved to me that they could be trusted. They proved to me that they were gentlemen, they proved to me that they were men of the highest integrity and I do not propose to set this amendment because I don't know or because I have anything to say bad against them. I think that the amendment merely puts forth to the public a disclosure of what the public deserves and needs to know. Legislators in this state receive a salary. They receive payment for their services and I submit to you that they receive a certain amount whether they come to Baton Rouge or do not come to Baton Rouge under the present provisions of the law. I've heard an argument to the effect that this is not politically feasible and I would submit that this is probably the prime reason that most legislators oppose this amendment. Because they do not want to vote themselves a raise, they do not want to vote themselves an increase in salary. I can understand their predicament in this, but I believe that most of the legislators in the legislature as composed today, deserve an annual salary. I think this would encourage more legislators to become active and more active in committee meetings and in the sessions themselves. This is one of the prime reasons for this amendment, to mandate the legislature to set a salary; to set a salary for most every other state official in this state and every other public official... Once you get the salary set, then the public would know, the public would know what to expect of their legislators. I think that they deserve to know, and I think the legislators individually deserve to have a salary fixed and know what he can expect to receive for his efforts. I don't hold with the term of part-time legislators. I have not heard one member admit that he served part-time. He receives a monthly expense allowance, to my knowledge, at home. Now if he's sitting home doing nothing, why does he receive this allowance. He receives certain other compensations for secretary and what have you. If he's working part-time, why does he receive that? I would say that the majority of the legislators work more at home than they do while they're here in Baton Rouge. There's a lot more to be done. There are a lot of people to see, they have to get out and study the needs of their particular localities. And when bills are proposed, perhaps under our new concept of 60 days in an 85 day session these bills would be brought to be done, much more study to be put forth prior to making a determination on how the individual legislator would want to vote and how his people back home that he represents would want him to vote. We have a concept here that as far as I am personally concerned, and I think I speak for Mr. Juneau, is that we are proposing sections of our committee which will enhance the work of the legislature. Which will give the legislature more independence. I don't advocate tying the legislature down. I want to put it on an equal branch with the other forms of government, other branches of government, on the equal level with them. I believe that this mandate, however, is something that if you talk to your present Representative or Senator he will privately admit to you that he deserves an annual salary, would like to be compensated by an annual salary, but that it's not popular. Perhaps it's not politically feasible in his eyes. But should the constitution mandate that a salary be set, I think that then through their wisdom they would set a reasonable salary and be satisfied with it. I believe also that the people and the public back home would accept this salary and would vote confidence in their individual legislators because of this reason. Further...

Further Discussion

Mr. Newton I reluctantly rise in opposition to the amendment. I think that today we've seen on both sides of the question, that reasonable and honorable men have differences of opinion. I think that the amendment would lock in an opinion and not leave room for contending forces to operate. And in the same manner that we finally decided to allow

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the legislature to meet for 60 days during an 85 day period so that the contending philosophies would split sessions and for straight sessions could operate within the political arena. I think that this amendment should be defeated for the same reason. It still allows the ideas to compete and it does not foreclose anybody from urging before the legislature who after all, are responsible to the people, his particular philosophy. I urge defeat of the amendment.

Further Discussion

Mr. Rayburn Mr. Acting Chairman and fellow delegates, I too kind of had the same thoughts Mr. Burns had, but since I couldn't ask a question, I'm going to make this statement and sit down. I wonder, and I want you to think of this, how many members we would have had since our committees have been meeting under the rules of this constitution, how many members would we have had present if they had only got their gasoline and maybe their meals for being here? I had a pretty hard time getting a quorum with them getting that \$50 a day, and I'm afraid that if all they got, is they were working people and had to leave their jobs or leave their businesses with just their gasoline down here and one meal, I'm afraid we might not have had enough in attendance to hold our committee meetings that we've been having.

Vice Chairman Miller in the Chair

Question

Mr. Weiss Senator Rayburn, many years ago I'm sure you remember one of our governors said that Louisiana has the finest legislature money can buy. Do you think that if this were to pass that we'd now have the most expensive legislature that money can buy?

Mr. Rayburn Well, Doctor, I've probably heard more than that said about them since I've been over here, and probably going to hear worse things than what's been said. But that's just something that happens that you have no control over.

Further Discussion

Mr. Jack Madame Chairman and members, I've already expressed myself earlier on this in an earlier section. This doesn't belong in the constitution. The legislature has the right to set a salary, they have the right to set a per diem, they have a right to set an expense account, to hire secretaries, whatever they want. Now, I don't know the motive back of this, but it looks like it's an attempt to get a mandate from this group that they must set a salary. That's their business about setting it. I don't see why we should say in this new constitution, they shall, meaning must set a salary when they already have that right. And they are the ones, if they want a salary, and as I said before, they probably should have one. But they're in a better position to know than a lot of us. I know one thing, this amendment is not going to be fair, in my opinion, to people that do a lot of extra work. It's not going to be fair to people that have to come from the far ends of this state. It would be maybe fine for the people right here. Now those are things that the legislature can work out for themselves. I think a member of the House and Senate should be paid and be paid pretty good because it certainly does interfere with any type of business, and the state's business is the biggest business. But I don't see the logic in this applying it all to them. And I talked before when this very question came up earlier. And we killed it. Then here it comes cropping up again in the section that doesn't even concern it but concerns salaries in general. So I say in closing, we should defeat the amendment just like we said no to the same thing earlier in this same material. I forgot the number of the section. Then the legislature can take it up. In conclusion, they can fix the salary. They can fix their expense fund, they can fix the inequities that would exist under this amendment against people say from north

Louisiana. So I say, let them tend to their own business on it. Thank you.

[From the Question Period.]

Closing

Mr. Juneau Madame Chairman, I'll make my remarks very brief. The issue has been adequately discussed. The whole intent of this thing is to make the legislature independent. As I indicated, the sole intent of this thing is to make a more independent legislature and make it where equality can be achieved. Secondly, a good argument in support of this amendment that a salary provision was brought up as recently as the last regular session of the legislature and it was rejected. That's what would occur if you don't adopt this amendment in the future. For that reason, I would move its favorable adoption. Thank you.

[Discussion of the Question ordered.
Record vote ordered on both amendments.
Amendment No. 1 reread and rejected; 76-68. Motion to reconsider tabled.
Amendment No. 2 reread and rejected; 70-78. Motion to reconsider tabled. Motion to reconsider tabled. Motion to revert to the Introduction of Resolutions adopted without objection.]

INTRODUCTION OF RESOLUTIONS

[Journal 198]

Announcements

[Journal 198]

[Adjournment to 10:00 A.M. p.m., Thursday, July 26, 1973.]

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ROLL CALL

[No delegates present at 2 o'clock.]

PRAYER

Mr. Casey Our Father who art in heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in heaven. Our gracious heavenly Father, please give all of the delegates to our convention the wisdom, the intelligence, the understanding and the compassion to do a thorough and exhaustive job on our constitution to do what is in the best interest of the people of the state of Louisiana. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS

[*Journal 199*]

REPORTS OF COMMITTEES

[*Journal 199-200*]

RESOLUTIONS ON SECOND READING AND REFERRAL

[*Journal 200*]

PROPOSALS ON SECOND READING AND REFERRAL

[*Journal 210*]

Mr. Poynter Delegate Proposal No. 17, introduced by Delegate Planchard.
A proposal making provisions for prohibiting lotteries.

Mr. Henry Should be referred to Committee on Revenue and Taxation.
Under the rules.

Point of Information

Mr. Casey Point of information, Mr. Chairman. What was that proposal that was referred to Revenue and Taxation?

Mr. Henry Had to do with lotteries, sir.

Mr. Casey Was there not a resolution referred to the Legislative Committee last week on lotteries?

Mr. Henry I believe that you are correct, Mr. Casey, but we make the determinations based on what the rules provide and under the rules I think it should be referred to the Committee on Revenue and Taxation and then of course, if you object, you can make a motion to the contrary.

Mr. Casey Well is the resolution the same as the one that was referred to the Legislative Committee last week?

Mr. Henry It is probably basically the same. It is not the identically same resolution to my knowledge.

Mr. Casey Well, is it more of a revenue matter this week than it was last week?

Mr. Henry Well, last week it was a totally and completely revenue matter insofar as I interpret the rules, Mr. Casey, and that is why the chair rules that it should be under the rules referred to Revenue and Taxation. But this body in its wisdom determined otherwise that should be referred to the Committee on the Legislative Powers and Duties.

Now if the delegates are of the same matter today then you might make such a motion. But under the rules I am required to refer it to Revenue and Taxation.

Mr. Casey And is the author the same on this resolution?

Mr. Henry No, sir. It is a different author.

A different author and a different resolution.
Mr. Casey.

[Motion to refer to the Legislative Committee.]

Further Discussion

Mr. Smith Mr. Chairman, gentlemen of the convention, this came up in our committee sometime ago and I think it was killed about twelve to three. I don't see any reason to send it back there again so I think it ought to go into another committee. Cause we know what is going to happen to it in Revenue and Finance and Taxation to which I am on. So I am objecting for it to go back in the same committee and get killed again. I don't know what the contents of the amendment is but I feel like it ought to have a chance somewhere else.

Further Discussion

Mr. Burns Mr. Chairman, and fellow delegates, I was the author of the other proposal that was referred to the Legislative Committee.

I understand that Mr. Planchard is author of this proposal. And I want to say at this time that my motive in introducing this resolution or this proposal was not based on any moral question not from the standpoint of a reformer but I just took the position and I still had to take the position if this convention doesn't retain the lottery article in it we just as well pack up and go home.

Further Discussion

Mr. Casey Mr. Chairman, and delegates, the only comment I have in connection with the committee referral of this matter is that I feel at this time the convention should be consistent and that is the only point I am making at this time. A proposal was introduced last week and referred to the Legislative Committee. That subject matter was assigned to the Legislative Committee by the Coordinating Committee. Now if there has never been any hearing on the proposal introduced last week and I would submit to you that if the author of last week's proposal or this week's proposal feels unhappy about the results of a hearing that he or she might receive in the Legislative Committee. Then at that time I think it might be appropriate for him or her to introduce a new proposal and hope to be going to permit this, new proposals, new resolutions, every week to be introduced and hope to refer them to different committees in the hope of getting a more favorable report then we don't even know what the Legislative Committee will report, I think we will be doing a disservice to this convention.
I urge you only at this time to be consistent.

Further Discussion

Mr. Planchard Mr. Chairman, fellow delegates, I proposed this proposal under delegate proposals. I wanted to propose it before it was too late. There is quite a difference in my proposal and the proposal which has been set up and referred to the Legislative Committee so far. I directed my proposal from one thing and one thing aloud, and that is to lottery as a form of finance in state government. I think it is the proper committee to consider it as being Revenue and Taxation. I have not mixed it in with a question of gambling nor dealing on that matter. I specifically cut that out because I don't think that this is one of the matters that the Revenue and Taxation Section should consider. But I do think it is very important for this convention that we do consider the question of lottery. Whether we feel that it is a proper way of financing state government. If we feel that it is or that we should leave it out then let us do so. But I do think that we would be making a grave mistake if we keep the other proposal as it has been presented all lumped into one. And that is why I tried to divide the issue to make it plain and clear to all of us. And I think we should have some stand on it.

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Thank you.

Questions

Mr. Jack I'm going to ask this question. I didn't get to hear at the beginning and I asked about fifteen people around here and none of them know exactly what your proposal is for, or against the lottery. That is question No. 1?

Mr. Planchard My proposal is the delegate proposal pertaining to the lotteries, period. And it reads simply this.

Neither the state nor any of its public subdivisions shall conduct a lottery. That is the whole question. I think we are referring to a matter of revenues in state government and a matter of finance.

Mr. Jack What is the situation regarding a corporation?

Mr. Planchard I am sorry, I didn't understand the question.

Mr. Jack You say neither a state or a subdivision can have a lottery. I am against lotteries. I don't mind telling you. But don't you think it ought to include anybody else? Is there some gimmick here, somebody else can have a big ole state wide lottery

Mr. Planchard You are speaking of private lotteries.

Mr. Jack Yes, sir.

Mr. Planchard If you feel that this should be in the constitution then I say amend it. I think that I am referring only to the state financing in the subdivisions.

Mr. Jack All right, ok.

Now, has a bill been killed regarding lotteries one way or the other in any committee?

Mr. Planchard As I understand this amendment....

Point of Order

Mr. Dennis Point of order, Mr. Chairman.

Are we debating the merits of this proposal at this time?

Mr. Henry Whenever you are on referral of proposals or bills or resolutions, whatever the case might be, it opens the main question to debate. Yes, sir.

Questions

Mr. Jack This one please. Which committee do you want yours to go to?

Mr. Planchard I simply want it to go to the Revenue and Taxation Committee because I think that is the proper place for it.

Mr. Jack All right, I am with you. I wanted to straighten that out I had asked fifteen people and they didn't know.

Point of Information

Mr. Flory Mr. Chairman, I am at a loss to understand what they are talking about and I appreciate what Mr. Planchard has said that his proposal produces revenue to the state, does the one that has been introduced prior to this, prohibit lotteries?

Mr. Henry It is my appreciation that the regulation or proposal introduced last week by Mr. Burnham had something to do with either allowing or prohibiting lotteries in the state. I am not sure what it was but it had something to do in our opinion here with raising revenues or providing revenue. I was of the opinion that it should be referred to Committee on Revenue and Taxation. The convention decided otherwise and it was referred to another committee. It is my appreciation of the resolution

introduced here today. It does the same thing but there has been a motion to the contrary and of course this body will have to decide.

Mr. Flory Further point.

Mr. Chairman, you said the convention decided to put it in another committee. I understood you to say earlier that the Coordinating Committee did that.

Mr. Henry No sir, I never mentioned the Coordinating Committee this afternoon.

Mr. Flory But isn't it possible that we could take the one in Legislature now and put it in Revenue and Taxation.

Mr. Henry When it is possible, yes, sir. There is a mechanic way this could be done in convention.

Further Discussion

Mr. Smith Mr. Chairman, I made the opposition to sending this to Revenue, Finance and Taxation. I didn't understand what the subject matter is but Mr. Planchard is on that committee and so am I. Now knowing what its contents are, I withdraw my objection.

[Unrecorded question referred. Motion to amend 44-11, proposed amendment to the Constitution on Revenue, Finance, and Taxation.]

REPORTS OF COMMITTEES LYING OVER [Continued from page 10]

[Motion to advance to Association a 1974 Reading and Final Reading adopted without objection. Motion to postpone until 11:30 a.m. on August 27, 1974, Motion to refer to Finance and Taxation 54-1, Motion to refer to Finance and Taxation 54-2, Motion to refer to Finance and Taxation 54-3.]

UNFINISHED BUSINESS

PROPOSALS IN THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 2, introduced by Delegate Blair, Chairman in behalf of the committee on Legislative Powers and Functions.

A proposal making provisions for legislative branch of government, impeachment and removal of officials and necessary provisions with respect thereto. The status of the proposal at this state is in the convention has adopted, as amended Sections 1 through 10 of the proposal, presently under consideration in Section 11 of the proposal at this particular time with further pending amendments at the desk.

Amendment

Mr. Poynter Amendment proposed by Delegate A self to Committee Proposal No. 3.

Amendment the reprinted proposal.

Amendment No. 1. On page 6 strike out lines 16 through 21 in their entirety.

Explanation

Mr. Ayeroff Mr. Chairman, delegates, I have heard the following arguments relative to the legislature which one delegates state: they are asking to who is preventing the motion or amendment. Have great faith in the legislature. Try not to live the hands, future generations, yet unborn. Avoid statutory details. We must have a short constitution. Frankly, I am not particularly impressed by the above, for in my opinion it is what is included and was left out that is important, and whether we have protected the rights of the people. We can have a short constitution which is not basic and does not protect the rights of the people and a long one which does

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the same thing.

However this is a democracy, and the majority rules. We permit the majority to impose the death penalty, make parole impossible and the like and you many do not wish to give the right to determine salaries by majority vote. I am quite willing in a few cases as for tax increases for example to require a two-thirds vote. Otherwise, the majority rules. There is no need to include this provision in the constitution for the legislature has full authority to act. For its actions, the legislature must account to the people. The people elected them and if the people are not happy, they can defeat them. If the people are indifferent they will have to pay the penalty for them. Though I do favor a limitation, I will not vote to shackle the legislature. If I am in the legislature and a salary for legislators is proposed, I will oppose it. And if it is adopted, I will not accept. Nevertheless, the question of determining salaries must lie with the legislature by majority vote. For in electing the members the sovereign people have spoken and the fact that I disagree is immaterial. It does not make sense to me, to permit the legislature by majority vote to take away a man's life and yet not permit it to set salaries by that same vote. So many seem to think that good structure will bring good government to Louisiana. Though structure is important, alone it will not bring good government. Good government depends in large measure upon those we elect and appoint to office for they will adopt the laws, interpret them and apply them. And the choice lies with the people. And I appeal that it is the duty of the legislature to determine the salaries of all public officials. And for what it does we must face the election at the next election. That is the democratic process, it can do that if these lines are eliminated. I therefore urge you to eliminate lines 16 through 22 on page 6. And leave the matter of salaries to the discretion of the legislature. Thank you, Mr. Chairman, delegates.

Further Discussion

Mr. Burson I speak in support of Dr. Asseff's amendment for the very reasons that we have had a similar provision to this Section 11 in our constitution since 1921 and as far as I am aware, it has never prevented the legislature from raising the salaries of its public officials when it wanted to. I think it's a vain and useless provision. Moreover in accordance with the arguments advanced by Dr. Asseff, if we really believe the majority rules then at some point our per diem is going to have to start adhering to it in the constitutional provisions that we adopt. It is one thing to say and I would agree with those that hold this position and with regard to the passage of taxes, our history would dictate an extraordinary majority as being required. But really raising the salary of appointed and elected public officials it seems to me is a day to day [...] business with the legislature. And it strikes me as in Congress entirely that you would require a two-thirds majority for this. The provision that has been proposed here is subject to the additional objection as was pointed out by many of the speakers yesterday that the term appointed and elected public officials or appointed and elected public officers is a vague and ambiguous term and it is susceptible to the meaning that it could apply to local public officials right down to the garbage collectors. And I don't think that anyone in the wildest stretch of the imagination would want to require the legislature to approve salary increases for such public officials down to the lowest local level. Therefore, for these reasons I urge the adoption of Dr. Asseff's amendment. Let's make the constitution brief by eliminating this useless order.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention, I just want to point out a couple of things. I completely agree with Dr. Asseff and of

course with Jack Burson. I don't understand how we can take a man's life away with a majority vote, but the legislature can't raise the salaries. But I want to address myself to one other thing that I think that has not been brought up. We have to admit that as a matter of fact fourteen Senators may kill any salary raise. Now that is fourteen people out of a total body of 139 which means that you could have a unanimous vote by 105 members of the House of Representatives to vote a certain way to raise salaries. You could have twenty-five Senators vote not yet taken up, but fourteen of that 139 man body could kill it. If you want to divide fourteen by 144 members. Excuse me, 144 members in all, you come out with 9.7 percent of a legislature. Those of the House and the Senate may kill or defeat what 93% may vote for. That is not 66 2/3rds versus 1/3. It is my opinion a super minority and I don't believe in it. Under the democratic rule a majority votes. I urge you to accept this amendment.

Questions

Mr. Denberry Mr. Roy, are you aware that there are certain other proposals before the body which we have not yet taken up?

There are provisions which prohibit the reduction of salaries during a term of office. Are you aware, if there are any?

Mr. Roy Yes, I am aware of that.

Mr. Denberry Well do you know in which sections those are?

In other words, if you delete this phrase you also delete the requirement of that of the prohibition against reducing of a salary during a term of office. Now I am sure that was not intentional of Dr. Asseff. If you remove the entire article it would have that effect and I ask you if you have considered that possibly. I do certainly think you would agree, would you not, that it would be unfair to reduce an elected official's salary during his term of office.

Mr. Roy I was of the opinion, I understand what you are asking me Mr. Denberry and if it is, am I opposed to the reduction of salaries, I certainly am. I was of the opinion though that in their provisions of the constitution dealing with specific officeholders that there is a provision that their salaries may not be reduced in a term of office. These constitutional officers. If I am wrong about it, I certainly would like to see that protected.

Mr. Denberry Well I think the proposal by the Executive Committee provides that for elected officials, not for appointed officials. And I am not sure what the Judicial Article does.

Mr. Roy I don't know if either one of us has really answered the question. It was of the opinion that Dr. Asseff's proposition... amendment merely said that we leave it up to the legislature by majority vote to do these things and we take it out of the constitution and that is what I am for.

Mr. Denberry So you are for no prohibition in the constitution against the reduction of salaries.

Mr. Roy No, no. I am for no prohibition in the constitution mandating a two-thirds vote to increase salaries. Because it is not two-thirds versus one-third it is 93 in a certain case versus 7.3.

Further Discussion

Mr. Keam Mr. Chairman, fellow delegates, I rise to pursue the point which Mr. Denberry was making when he questioned Mr. Roy. The effect of the Asseff amendment would be to completely delete this entire Section which would then permit the legislature to reduce the salaries of the public officials during their term of office. And I say to the members of this convention that if we do that, that we can lead to the grossest kind of abuse, with respect to the salary of public officers at the mercy of a

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simple majority of the legislature. I have no objection to giving the legislature by majority vote the right to fix that but when you come to the point of permitting the legislature during a term of office to reduce salaries by a simple majority, I think we go too far. And I ask that you reject the Asseff amendment and if we want to come back and redo this section so as to make it applicable only to the reduction of the salary during the term of office, then do it, but not take that part out of the constitution where it has to be if we are to provide a first choice against reduction.

Questions

Mr. Arnette Mr. Kean, if this particular amendment is adopted, do you foresee the situation that an appointed or even an elected official such as the attorney general for instance could have his salary reduced to \$1.00 a year?

Mr. Kean Yes, I certainly do.

Mr. Arnette And this would in effect make him resign his position if he was not financially independent, is that true also?

Mr. Kean That is correct.

Mr. Arnette So in effect you are letting one majority of the legislature actually impeach say, the attorney general or the secretary of state or anybody else that is appointed, is that correct?

Mr. Kean As I appreciate the amendment, and this article previously made for this section, it applies to all public officials appointed or elected. Under those circumstances the legislature by simply a majority could reduce his salary to nothing.

Mr. Burson Mr. Kean, I understand your concern, but don't you think the proper place for such a prohibition would be in the case of executive officials or administrative officials in the executive article and in the case of local governmental officials in the local governmental article as I believe Section 13 of the local governmental article that we have proposed and submitted which you and I served on would provide that the salaries of all local governmental officials shall not be reduced during the terms to which they are elected.

Mr. Kean I think you can beat the problem partially by including it in various articles but I don't know that you would cover all elected and appointed officials in that process. It seems to me that a general prohibition against the reduction of salaries during the term of office ought to be included in the constitution. For that reason I suggest that you reject Dr. Asseff's amendment and then come back and redo this section to leave that prohibition in the constitution.

Mr. Anzalone Mr. Kean, am I correct in assuming or thinking that the federal constitution only provides a restriction against the reduction of the salaries of the judges?

Mr. Kean I don't really know whether that is correct, Mr. Anzalone but even if the federal constitution did this, it would contain federal limited restrictions. I think the history of this state would indicate that it would be to our advantage to have this prohibition in the constitution applicable to all of our public officers.

Mr. Anzalone Do you have any thoughts concerning the constitutionality of the legislature picking one particular official out and reducing his salary to zero?

Mr. Kean If there is no prohibition against it, I know of no constitutional issues that would prevent it from being won.

Further Discussion

Mr. Newton I have drawn an amendment which is being printed right now that would put back in a separate Section 11 the prohibition against the reduction of salaries of appointed or elected officials during the term of office. So I urge the passage of the Asseff amendment.

[Amendment withdrawn.]

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Newton and Mr. Asseff], on page 6 delete line 17 through 22, both inclusive in their entirety and insert in lieu thereof, the following:

"Section 11, the compensation of appointed or elected public officers shall not be reduced during the term for which they are elected or appointed."

Explanation

Mr. Newton I think we have had a sufficient discussion. This would in effect accomplish the purpose of the Asseff amendment by allowing the legislature to set its own compensation and the compensation of public officials, and at the same time require that the compensation of elected or appointed public officials cannot be reduced during their term of office.

Questions

Mr. Duval Mr. Newton, I think you have a real good amendment. Only one thing I would suggest a technical amendment perhaps in the title, "Section 11, Salaries of Public Officers:" to put a semi-colon in reduction rather than the word change. Would you accept a technical amendment to that effect?

Mr. Newton Yes, surely.

Mr. Henry Well, now you understand, he can't accept an amendment, but we can take care of that at the proper time?

Mr. Dennerly Mr. Newton, I just want to be sure of one thing. You said that the adoption of this amendment as you have now proposed it with Dr. Asseff will permit the legislature to fix the salaries of all public officials. Is that correct?

Well now under the present set-up that is not always true, is it? In other words, employees of boards and commissions, for example, the salaries are usually fixed by the boards or commissions. So this will not necessarily take that away from those people.

I believe you said if it was not prohibited by the legislature, the legislature could do it. Do you mean by that, sir, that the legislature can now adopt a statute which says that the salaries of all public officials shall be fixed by the legislature?

Mr. Newton I think that might be possibly, entirely true.

Mr. Dennerly Or would it prohibit the executive department, for instance, from fixing salaries within the executive department?

Mr. Newton It can save the board money.

Mr. Dennerly I just want to be sure you are satisfied that we won't have a conflict here between parts of the executive branch and parts of the legislative branch in the future.

Mr. Newton I think we are going to have a lot of conflict before this is all over.

Mr. Dennerly I mean in respect to this specific problem, though.

Mr. Newton I think there is a possibility of conflict there, yes.

Mr. Roy Mr. Newton, I see what Delegate Dennerly

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is talking about, but I am not opposed to the concept that you have, but wouldn't you believe that any provision in the executive branch, or the judiciary branch or local government that deals specifically with allowing raises within that particular branch will supersede the general article on the legislative powers that we are attempting to give at this time?

Mr. Newton Absolutely.

Mr. Roy So that all we are saying is that unless it is otherwise provided in the constitution at a specific point, this will prevail but it can be superseded by other sections of the constitution.

Mr. Newton That's correct.

Mr. Rayburn Mr. Newton, if I understand your amendment correctly, in the future, the only way that the legislature could interfere with the executive department would be if they passed an act providing for them to do that.

Am I correct?

Mr. Newton Yes, sir.

Mr. Fulco If we adopt this amendment, then we will not necessarily have two-thirds vote to increase salaries.

Mr. Newton That's correct.

Mr. Fulco You are eliminating the two-thirds vote to increase salaries in the future?

Mr. Newton That is correct, sir.

Mr. Lanier Delegate Newton, as this thing is drawn, I take it it's not intended to apply in the situation of, changing salaries, of officers or employees of local governmental units that have Home Rule Charters.

Mr. Newton No.

Mr. Lanier In other words, if there is a provision in the home rules, the local government article that says that the local home rule units will make their own determinations of salaries, that would not be in conflict with this provision.

Mr. Newton It would override this provision.

[Amendment reread.]

Point of Order

Mr. Thompson Point of order, I don't know who to ask the question to, there is nobody up there that has been talking about it...

Mr. Henry Well, under the rule, points of order are addressed to the chair, so we might start there.

Mr. Thompson All right, you mean if the Board of Education decided it wanted to raise all college presidents twenty thousand dollars?...

Mr. Henry That's a question really, and I suggest you turn around there and talk with Mr. Newton about it, Mr. Thompson. You might try Mr. LeBleu when he gets through. He might have some super knowledge on this.

Further Discussion

Mr. LeBleu Mr. Chairman and members of the convention. I am just wondering whether this is actually something that you want to favorably consider or not and I'm not up here to talk for or against it, but I would suggest that you think long and hard about this before you vote. And I want to cite a couple of instances why and one of them might answer Mr. Thompson's question.

If you will recall recently the State Board of

Education granted the college president's over the state an eight thousand dollar annual increase. There was so much public hue and cry over this amount that the State Board came back and reduced it to four thousand.

We in the House Appropriations Committee cut it out altogether, but the Senate in its wisdom put the increase back in the appropriations bill.

Another instance is one that I read in the paper just a few days ago where Dr. Mary, who is in charge of the Umbrella Health Services was given a, I think a nine thousand eight hundred dollar annual increase which boosted his salary up to fifty-five thousand dollars a year. I would think that this is probably the highest paid official in the whole state.

There are many methods by which a legislature can make it not exactly unbearable, but not too pleasurable, for a public official if they so desire and it may not be the privilege of reducing his salary. They could cut out all of his budget which would allow an elected public official to continue in an office, draw a salary and sit behind a desk for four years.

I just wondered if you wanted to include this measure in the constitution or take it out altogether as Dr. Asseff suggested?

Further Discussion

Mr. Anzalone Ladies and gentlemen of the convention I found a little bit facetious when you tell you this, but we are faced with the section that says, "the salaries of appointed or elected public officers shall not be reduced during the term for which they are elected or appointed."

Why should we give to the higher echelon of state government this protection when we are failing to give it to the everyday working man? Why don't we include in here that everybody who works for the state shall not have his compensation reduced for the term of which he is in office?

We have never had in history yet, the proposition to reduce a man's salary to kick him out of office although there may have been occasions when we should have. But we have never had it.

Now we are writing a constitution that supposedly will last this state for many, many, many years. When the people of 1921 wrote their constitution, they had no idea they were going to be faced with the depression of the 1930's. Now suppose in the 1990's we come up with another depression and we've got a governor or a commissioner of agriculture or a lieutenant governor or somebody who is making a salary of fifty or sixty thousand dollars a year, and the rest of the people of this state who are in the throes of a depression are having to live off of ten or twelve dollars a week as they did back in the thirties, then is it going to be right to say that you can't reduce his salary? I think not. If we are going to give protection, let's give protection to everybody. If we are not going to give protection to everybody, let's don't give it to anybody.

Questions

Mr. Abraham Joe, I agree with you. Don't you think we are just being real inconsistent by saying that on the one hand we are going to leave it up to the wisdom of the legislature to raise a man's salary, and on the other hand we say we are not going to leave it up to their wisdom to reduce a man's salary?

Mr. Anzalone Mack, you have been on a committee with me for six months and you know what inconsistency is all about.

Mr. Abraham Right, and would not we be better off simply just by eliminating this whole clause from the constitution and just leaving it up to the legislature to fix salaries?

Mr. Anzalone Yes, sir.

Mr. Newton Mr. Anzalone, could you think of a

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situation where possibly Judge Dennis rendered a decision that was unfavorable to a majority of the members of the legislature and they reduced his salary during his term of office to one dollar a year?

Mr. Anzalone Could I foresee something like that?
No, sir. Because them that didn't get shot sure wouldn't get reelected.

Further Discussion

Mr. Jack Mr. Chairman and delegates, I rise to oppose this amendment. I believe in the two-thirds rule of those elected to raise these salaries. Now, let's look at the present situation. What could happen if you changed to just a majority, which you could do if you adopt this amendment.

I'm not criticizing. I think the salary in our state right now are very liberal, but probably are fair to the judges. But they are well paid and I don't think the majority should be able to raise them. A Court of Appeals Judge, thirty-six thousand. Now if a lawyer in private practice can make thirty-six thousand, he would have to gross over fifty thousand because of his overhead. The experts say in a firm the average but good firm, the members can earn in it gross to contribute is fifty thousand. You might have an unusual damage suit of this and certainly you will make more. So a judge is making probably on the Court of Appeals more than a lawyer could earn. And it's a good job. You have a clerk, you have your secretary, you've got your quiet atmosphere.

District judges vary, the ones down here make more. I don't know what they make. Ours make, I think it's twenty-seven thousand counting the police jury part.

Supreme Court, you know what they make. You know what the doctors make. Dr. Mary and all. You know what the college presidents make.

Now let me tell you, there is just a certain amount of money to go around. And there's the lobby system and pressure put on them. Now I voted to give judges good salaries, and they got them, but we then had to have two-thirds of those voting, and I think we ought to have two-thirds of those elected like this.

Now there are a lot of other people ought to get some, the State Police, look how poor they are paid. If you are going to just keep spending money to raise officials, and there's plenty of elected and appointed officials, and I say, let's kill this amendment and leave this just like it is requiring two-thirds of those elected, and of course it's got the clause in there about you cannot reduce the salary during their term of office. I don't see all the reason for arguing all the other. If you want to raise salary by a simple majority of the members of the legislature, you just go right on and pass this amendment.

If you want to try to hold a good line, then you kill this amendment. Thank you.

[Quorum Call: 9 delegates present and a quorum.]

Further Discussion

Mr. Arnette I'd just like to point out one thing to the delegates here in the convention hall and that is the law presently is it take two-thirds vote to raise the salaries as it presently is. And I think we ought to look long and hard before we accept this amendment which would permit a majority of the legislature to allow increases in salaries.

I definitely think that salary should not be reduced in office, also. But the main thing is, this system has worked in the past, it has stood the test of time, and I definitely think we do need a two-thirds vote to raise salaries, as Mr. Jack said, to keep a line on the salaries in the state. I think it's very important that we do so.

[Previous Question Withdrawn.]

[Closing]

Mr. Newton After some discussion on the floor, it appears that possibly there is a problem as far as the salaries of appointed officials are concerned, so I have an amendment that would apply to elected officials only, and I urge defeat of the amendment presently on the floor.

[Amendments rejected: 18-90. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment proposed by Delegate Shannon and Tobias. These have previously been distributed.

Amendment No. 1 on page 6, at the beginning of line 6, and here's a correction that needs to be made. Your copy says 8. It should be 18. On page 6 at the beginning of line 18

After the partial word "tion" and before the words "of public" delete the word "salaries" insert in lieu thereof the word "compensation."

Amendment No. 2, page 6, line 20 after the words "has the" and before the words "of public" delete the words "salaries" and insert in lieu thereof the word "compensation."

Amendment No. 3, page 6, at the end of line 20 after the word "public" delete the word "officers" and insert in lieu thereof the word "officials."

Explanation

Mr. Shannon Mr. Chairman, ladies and gentlemen of the convention, these are in reality technical amendments and all the purpose of it is to clarify and tract the language in the present bill. I'm only substituting the word compensation for salaries in the amendment and changing the word so that the language will be tract in line 20. I'm changing officers to officials as it is on line 8, and I urge the passage of this amendment.

Questions

Mr. Flory Mr. Shannon, by changing the word salaries to compensation, don't you encompass expenses paid to state employees. You'd be having the legislature set meal allowance, hotel allowance and mileage for state employees which is now set by the Division of Administration?

Mr. Shannon These are all appointed and elected officials, Mr. Flory.

Mr. Flory But those same regulations promulgated by the Division of Administration apply to appointed officials.

Mr. Shannon In that case, yes, they would still apply.

Mr. Fulco Mr. Shannon, will you explain why we are doing this? Why do you want to change salaries to compensation?

Mr. Shannon Mr. Fulco, I think that's relatively simple. I just do not want a salary for the legislature.

Mr. Fulco Well I mean, what will be the consequences when you change it to compensation?

Mr. Shannon Well, compensation could be other than a salary. And it could be a salary or it could be other. Compensation can vary both fields.

Mr. Fulco But surely you had a purpose in using compensation for salaries. What was your purpose?

Mr. Shannon In order to eliminate salaries for the House and the Senate, in reality.

[Previous Question Withdrawn. Motion to reconsider tabled.]

Amendments

Mr. Sawyer: Amendments proposed by Delegate Newton:

Amendment No. 1 on page 6, delete lines 8 through 11, both inclusive in their entirety.

Amendment No. 2, delete amendment proposed by Delegate Drew and adopted by the convention on July 25, 1973.

Explanation

Mr. Ansalone: Ladies and gentlemen of the convention, in our short conference that we have had up here at the desk, there are several amendments that are going to be proposed. One in particular is going to include in a prohibition against reduction in salary of all elected and appointed officials. There is another one that is going to prohibit the salary increase of just elected officials. I have proposed to leave it to the subject matter up to the legislature for these reasons. As I stated before, if we are not going to give protection to everybody, let's don't give it to anybody. At no time in history has there ever been a reduction in salary to force anybody out of office. In my mind there is a serious constitutional question if one single solitary official is picked on and his salary was reduced to the point of forcing him out of his office. I don't think that this is a matter for the constitution. If we are going to have an independent legislature we may as well begin now to think about that. We cannot have it if we are going to restrict them every time we turn around. In closing, all I want to say is it is not fair to give it to one segment of the population of this state and not to insure everybody else.

Further Discussion

Mr. DeBlieux: Mr. Chairman, ladies and gentlemen of the convention, I want you carefully read over that section as it is now worded and then determine whether or not you want to delete that from the constitution entirely. That is what this amendment will do. In other words, when you delete that particular section it will allow the legislature by a simple majority of votes to vote any salary that they see fit for any elected official or public official any time they wish today. There is no restriction upon when they can pass salary increases and I can tell you this, I have found during the period that I have been in that legislature, the easiest thing in the world to get is a salary increase for an elected official. Particularly if it is not the year of his election. That is the only time that they don't bother the legislature about increasing their salary, is the year in which they are running for office. I just think this is a bad amendment. I think we should oppose it.

Further Discussion

Mr. Drew: Mr. Chairman, members of the convention, I'm in opposition to this amendment. Let me go back over yesterday's deliberations and part of today's deliberations. In our concern about reducing the salaries during the term of office, we have completely lost sight of the amendment which was adopted overwhelmingly yesterday which I offered. The purpose of that amendment was to prevent, without legislative approval, any and all raises in salaries of appointed officials. I don't think the section in its best words right now, but I think it is a lot better than taking a chance in getting it. The legislature has to come up with the money to pay for these increased salaries and has nothing to say whatsoever as to what those salaries are. For that reason, I am going to defeat this amendment and unless we can improve on the present one and give the people the protection, let's leave it like it is. It is better than deleting it as proposed by this amendment.

Amendment

Amendments

Mr. Boynton: Amendment No. 1 on page 6, delete line 10 through 12, both inclusive in their entirety and insert in lieu thereof the following: "Section 11, Subpart 10 of elected public officers, reducing Section 11, the compensation of elected public officials shall not be reduced during the term of office which they are serving."

Amendment No. 2, delete amendment proposed by Delegate Drew and adopted by the convention on July 25, 1973.

Explanation

Mr. Newton: I won't belabor the point. This very simply means that Section 11 except in regard to the reduction of the salaries of elected officials during their term of office. I will be glad to answer any questions.

Questions

Mr. Lanier: Delegate Newton, I am asking the same questions that I asked before so that the record will be clear on this. As I understand it, it is not the intention of your proposal to interfere or be in conflict with the provisions as presently proposed by the Local and Parochial Government Committee with reference to home rule unit local government or the reduction of salaries of home rule type persons.

Mr. Newton: In no way whatsoever.

Mr. Weiss: Delegate Newton, what happens to the appointed officials?

Mr. Newton: This section was originally intended to include them as well as the elected officials.

Mr. Weiss: They would be subject to having their salary reduced by the legislature, but I think that most appointed officials do not serve a term of office.

Further Discussion

Mr. Drew: Mr. Chairman and members of the convention, I will just take a minute. This amendment does practically the same thing as the previous amendment which you just defeated and I ask that you defeat this amendment again. Thank you.

Further Discussion

Mr. Jack: Mr. Chairman, members, I'll be brief. This amendment is just a wolf in sheep's skin and there are some other ones that are just wolves in sheep's skin so I am not going to keep talking about it. When you see an amendment that says on page 16 delete lines 16 through 19, both inclusive in their entirety, that is all amendment and let's just vote it down if you are in favor of the two-thirds rule that is in this material we are handling here today. Thank you.

[The following amendments were proposed and referred to the committee:]

Motion

Mr. Blair: Mr. Chairman, ladies and gentlemen of the convention, we would like to temporarily delete Section 11 and we think that we can have a good debate. We have one conflict in the Revenue and Taxation Committee and also the Local Government Committee and we are hoping to get something out of them and maybe we can have some more.

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Point of Information

Mr. Gravel Mr. Chairman, do I understand that two or more committees are going to give further consideration to this proposal?

Mr. Henry I think so far as 12 is concerned that there might be some conflict relative to what Revenue and Taxation is proposing and they want to have a joint committee meeting as I understand it. Is that correct, Senator Blair?

Mr. Blair Not necessarily a joint committee. They could do it as a sub-committee. Whichever one would be the better. I don't know but we think we can get together as far as the conflicts are concerned.

Mr. Henry When do you plan to get together now?

Mr. Blair When we adjourn.

Mr. Henry Today, when we adjourn. Suppose we get ready to take it up tomorrow, do you think you will be in a position to discuss it tomorrow?

Mr. Blair I feel sure one way or the other. If we can't get together, then we will run with what we have.

Mr. Gravel The reason I asked that question is that I have an amendment to that particular section that is really taken from the project and it is a rather comprehensive amendment that puts certain restraints, restrictions and limitations on the legislature with respect to the passage of local or special law. I think my amendment would be germane to any consideration that you would give in trying to accommodate the concept of local and special laws and I would ask that my amendment also be deferred and that the committee that is going to give this consideration give consideration to my proposed amendment also.

Mr. Blair We would be happy for you to meet with Mr. Gravel.

Mr. Gravel I don't want to necessarily do that. I want you to look at the amendment.

Mr. Blair You are invited.

Mr. Gravel Thank you.

[Notice adopted without objection.]

Reading of the Section

Mr. Poynter "Section 13. Local or special laws, Notice of intention, Publication"

Section 13. No local or special law shall be introduced into the legislature unless notice of the intention to introduce such law has been published without cost to the state in the locality where the matter or things to be affected are situated on two separate days. The last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law every such bill shall contain a recital that the notice has been given."

Explanation

Mr. Juneau Mr. Chairman and fellow delegates, this provision is essentially the same as it is in the present bill. The exception we are specifically providing a time span, that is of two separate days on which the article in the local area can be run. Additionally as you will notice, it provides the thirty day provision prior to introduction. I am advised an amendment is being prepared with regard to line 2, the word "introduced" will be changed to the word "enacted by" and I've talked to several members of the committee, three of which are here. We have an objection to that because there possibly would be some technical

problems with the word "introduced" as opposed to the word "enacted."

As I indicated the only other definition that was made, there is a provision in the present law that requires evidence at the time that it was introduced on the local level be attached to the bill. We thought that that was a mechanical matter that would more properly address itself to statutory law. But in substance, word and substance, basically it is the same provision you have today.

Questions

Mr. Tobias Mr. Juneau, I notice in reading this section, that you state that the provision must be published on two separate days, the last day of which is at least thirty days prior to the introduction of such bill. When is the first day? In other words, could they publish it on two consecutive days?

Mr. Juneau As long as it is two separate days. It could be one, two days and the last day of the publication has to be thirty days before it would actually be introduced in the legislature. You could have two consecutive days but they would have to be two separate days.

Mr. Tobias Would the committee consider actually spreading it out further for example, one must be for example one week preceding the thirty day period.

Mr. Juneau We considered this, Mr. Tobias, and we found in a lot of areas this applied mainly to a lot of your outlying rural areas and for that reason, most of these areas have weekly newspapers and of course it would only come up once in that period of time. We considered...there wasn't any strong feeling one particular way or another. We thought it was sufficient and worked well in the past just to require two separate days.

Mr. Kelly Mr. Juneau, we apparently just passed Section 12 which, according to your draft, is a limited prohibition against the legislature, yet in 13 we are setting out the procedure. Really, after they have this joint meeting this afternoon, is there any possibility that the procedural aspects of Section 13 might be changed. I mean, it looks like to me we are kind of putting the cart before the horse.

Mr. Juneau I don't really think so, Mr. Kelly. The reason for that is because the problem with Section 12 is the definition of special and local law but whatever that definition may be, the procedural aspects would be the same. You have your thirty day period as you now have in the present law. The only changes we are really making is specifying the two separate days which really wasn't clear to me in the present law.

Mr. Kelly So in essence what you are telling me then is regardless of what comes out of this joint meeting this afternoon, it will not affect the contents of 13.

Mr. Juneau That's right. That is my feeling.

Mr. Stinson You have partially answered my question before, but you said that the bill will have the recital that it has been published. You don't think it's best in here to put, and also evidence to be attached? If the legislature fails to pass that, I believe the jurisprudence is, isn't it, that if they pass it and it later develops that it hadn't been advertised, the fact that it recites that, that cures the defect. Actually, the purpose is so the public will notice, have knowledge that it has been introduced so don't you think maybe that as a safeguard it should be attached to the bill?

Mr. Juneau Your point is well taken, Mr. Stinson. The response I have to give you was the feeling of the committee that the whole thrust of what we were

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trying to do was eliminate to a large extent what we thought was mechanical in nature from though it be one sentence in subject. The thought was that we would address that to the legislative liaison to work out whatever mechanics were necessary to provide that. But, your point is well taken and I think it properly addresses itself to the legislature.

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Lanier], on page 6, line 28, delete the words "introduced by into" and insert in lieu thereof "enacted by".

Amendment No. 2, page 6, line 30, after the word "an" and before the word "the" insert "the official journal of".

Explanation

Mr. Lanier Thank you, Mr. Chairman. Fellow delegates, this is in the nature of a technical amendment but I believe it does solve what could be a substantive problem. When changing on line 28 the words "introduced into" to "enacted by." The present law which is Article 4, Section 6, uses the word "pass" and I talked to several members of the committee and they have advised me that it was not their intention to chance what the present law is. The problem here would be if you were to introduce a general law, then of course you would not be in violation of this prohibition that requires advertisement of local and special laws. But then, if on the floor it was amended into a local or special law, you could avoid the requirement of the advertising procedure. So, to avoid this loophole, I think we should go back to what the law was and put in "enacted by" which is probably a more technical but accurate term than the term "pass", and this would cure this problem. The other amendment is on line 30 which would put in the words "the official journal of the locality." All localities have official journals and this is the place where it would be advertised. If there are any questions, Mr. Chairman, I would be glad to yield.

[Amendments adopted without objection.
Previous Question ordered on the Section.
Motion passed: 103-0. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter "Section 14. Suits against the state or Section 14. The legislature may authorize suit to be filed against the state, its agencies and political subdivisions, and shall provide a method of procedure and the effect of the judgment which may be rendered therein. Any law enacted for the purpose shall waive immunity from suit and from liability."

Explanation

Mr. LeBreton Mr. Chairman, member delegates, I guess I was chosen to explain Section 14 because I'm not a lawyer. The comments from the committee are along these lines. In the original, this section made very little difference from the law that's been on the books for many years. However, it does present provisions relating to authorization of suit against the state, its agencies and political subdivisions. Authorizes legislature to establish procedure for authorizing suit and specify the effect of judgment. In the original, you give the legislature the right to set up a formula. It deletes present details and deletes specific provisions withdrawing waiver of immunity from suit of certain state and local boards and agencies. Again, you give more authority to the legislature and you curtail the Constitution's specific requirements, which seems to be the law in which we're going in. Now, lots more could be said but I think it's that simple. It's close to what we had before, we've cut out certain detail and we submit it to you as the recommendation of the committee. I might add

in that, that the gentleman who gave the recommendation that all the words "introduced by" would change their recommendation, nobody would remove their amendments, so we'll invite the subject of the amendments, the TV and the radio, to be put into the hands of the judge and jury as to whether you think that way is recommended to you by the committee or whether the amendment have certain merit. It ought to have a field day for the lawyers, and with that I thank you and wait for the next action, Mr. Chairman.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Landrum] On page 7, delete lines 6 through 11, both inclusive, in their entirety and insert in lieu thereof the following: "Section 14 The immunity of the state from suit and liability is hereby abolished."

Explanation

Mr. Landrum Mr. Chairman, fellow delegates, in committee I just could not understand why the citizens of this state had to get permission from the legislature if they thought that they had a case against the state. And at this time, I'm still of the opinion that they should not. Since there are several of us with amendments, and some of those amendments are pretty much running along the same lines, at this time, I would like to withdraw my amendment in favor of that of Mr. Roy, Planchard, Tobias, Aertker and Conino.

[Amendment withdrawn.]

Amendments

Mr. Poynter Amendments proposed by Mr. Lanier, O'Gerolamo, Duval, Alario, and Perez to this proposal.

Amendment No. 1. On page 7, line 6, after Section 14 and before the words "the legislature" add the letter "a".

Amendment No. 2. On page 7 between lines 11 and 12 add the following: "B. However public property shall not be subject to seizure and no judgment against the state, its agencies or political subdivisions shall be exigible, payable or paid except out of funds appropriated for payment thereof."

Explanation

Mr. Lanier Mr. Chairman, I'd like to pass my amendments right now, if I can do that and pick up consideration of the Roy amendment.

[Amendment withdrawn.]

Amendment

Mr. Poynter All right. It is an amendment proposed, single amendment, by Mr. Roy, Planchard, Tobias, Gauthier, etc.

Amendment No. 1. On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: "Section 14. The legislature may authorize a method and procedure for payment of final judgements rendered against the state, its agencies and political subdivisions. However, public property shall not be subject to seizure and no judgment against the state or any other public body shall be exigible, payable, or paid except out of funds appropriated for payment thereof."

Mr. Henry Now the language that's in this that is not in the amendment which is on the delegates desk is what, Mr. Clerk, and where?

All right, read the language that is inserted in this amendment that the delegates don't have the benefit of at their desk, so that they can perhaps make a note of it.

Mr. Poynter All right. At the conclusion, it should read: "however public property shall not be

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subject to seizure and" then you pick up "no judgement against the state."

Explanation

Mr. Planchard I don't believe the amendment really needs any explanation. It's simply one thing, a person would not have to go to the state legislature in order to file suit against the state. It would, however, a person would have to go before the legislature in order to get the judgement paid, and it must be paid out of the funds appropriated for that payment. This is a good amendment and I think that several have already acknowledged that this is a better amendment than they have. So I won't delay the question. So if there are any questions that you have about this amendment, I'll be glad to answer them.

Questions

Mr. Weiss Delegate Planchard, bonding authorities, don't they require, make certain requirements that this might conflict with? In other words, what security does the state offer in releasing bonds? Can someone explain that?

Mr. Planchard I'm not aware of any provision bonding firms have that we have to have this in the constitution, to be able to file suit against the state.

Mr. Weiss I mean what security does the bonding company have if they can't seize the water works, or whatever the matter is that they are securing by bond? I just wonder if this is technically feasible. That's all of my question.

Does someone know the answer to this?

Mr. Henry Well nobody else has the mike, Dr. Weiss, and they can't answer it right now, sir.

Mr. Newton Mr. Planchard, under your amendment as it should read, "public property shall not be subject to seizure," wouldn't that mean that any water works that was bonded, whether it was bonded or not, it couldn't be seized?

Mr. Planchard I think that is correct, Mr. Newton.

Mr. Newton Is it the intent of this proposal to waive sovereign immunity?

Mr. Planchard Yes, it is.

Mr. Newton Thank you.

Mr. LeBlou Mr. Planchard, since a municipality is a creature of the legislature, could this amendment be construed that any suit against a municipality, for instance, would have to be paid by an appropriation from the state?

Mr. Planchard It means that a person would not have to get permission by the legislature to sue any subdivision of political subdivision of the state. That's correct.

Mr. LeBlou I understand that, but what I was talking about is the actual payment of the judgement. Would the state be liable for a judgement against a municipality or local government authority?

Mr. Planchard No, I don't think the state would be liable, no.

Mr. Kelly Mr. Planchard, if I understand the meaning of the amendments that you and Mr. Roy and others propose, you want to waive the governmental immunity from suit, but yet you're going to come back and require a legislative act for the payment of any judgement rendered in any court in this state. Is that correct?

Mr. Planchard That's correct.

Mr. Kelly All right, sir, now in your amendments

the agreement is we that you have deleted any inference to immunity from the suit itself. Is that correct?

Mr. Planchard That's what we've done, yes.

Mr. Kelly All right, would this allow the legislature to come back at a later time and insert a provision or pass a bill which would prohibit you against the state or any of its political subdivisions except by legislative act?

Mr. Planchard Personally I don't feel that that could.

Mr. Kelly Well let me ask you this.

Mr. Planchard But I don't, I can't answer it. I don't know.

Mr. Kelly You're familiar with the proposal for Bill of Rights. Are you familiar with a provision within the Bill of Rights which would affirmatively and in an affirmative sense, remove any prohibition from governmental immunity, in other words, it says the state can be sued, in other words.

Mr. Planchard I've heard about it, yes.

Mr. Kelly All right, sir. So that, do you feel that that would take care of my problem that I have in my own mind?

Mr. Planchard Yes, if that is adopted, I'm sure it would.

Mr. Kelly If that is not adopted then do you agree that possibly the legislature could come back and by act or bill institute some or pass a bill which would act as a prohibition against suits against the state except by legislative act?

Mr. Planchard I don't believe they can, but I don't know, Mr. Kelly.

Mr. J. Jackson Mr. Planchard, I think I succeeded to this amendment, but there's just one basic question that I want to ask. As the amendment is drawn now, getting on Conway's question, political municipalities and parishes are considered as creatures of state government. Although suits are filed and rendered against the municipality, do you think that our present language would make it kind of... do you think our present language is clear enough so that the state would not be responsible for payment of the judgement when it affe is a municipality or a parish?

Mr. Planchard In answer to your question, I think it's perfectly clear to me that the state would not be liable. I think that the language is ample.

Further Discussion

Mr. Burson I feel like throughout the course of the convention up till now, that we have been heretofore in one respect. I feel like that those of us who are lawyers, have been a stumbling throughout that the delegates who are not, know what the law is right now. That I would like to see the participation of the delegate at large of the convention, to tell you what the law is at the present time on sovereign immunity so that you are going to have, perhaps, a better idea of what you are voting right when you vote. Article 3, Section 35 of the present constitution, which you can look at on your desks, sets out at some length the procedure whereby the legislature can waive sovereign immunity. What is the concept of sovereign immunity. That has its roots historically in the concept that the king could do no wrong. I personally think that that concept is a extinct in the United States and has no place in modern law. But I think it is only fair that those of you who are going to vote one way or the other on this proposition be aware of what the present law is. In addition with Article 3, Section 35.

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you should also take a look at an article near the end of the present constitution in Article 19, Section 26. This sets out special agencies of the state whereby the necessity for their consent to suits is withdrawn, and saying that they will be considered special agencies of the state of Louisiana. This constitutional amendment was necessitated because there were a number of cases which said that sub-agencies of the state, such as School Boards, did not share in the sovereign immunity of the state from suit as they would in the present case. On the point by the Louisiana Supreme Court generally holds that when the state acts in a quasi-corporate capacity such as in the case of a Dock Board or another agency which goes out and files suit, as happened in a particular case, that it is not immune from suit in return. And I think that we should be aware here, that this whole proposition should really be broken down into two questions. One question is whether or not you think that we should constitutionally say that there is sovereign immunity for any agency of the state. My own personal feeling is that most governmental bodies today, such as the one I serve on, the School Board, carry liability in insurance with exceedingly large amounts and that this is for the protection of the public at large, and that the members of the public should be just as protected from negligence by let's say a school bus driver who runs over them, because they're just as dead if he kills them than if a private citizen should. That's the purpose of insurance. That's one question. The other question, however, which demands serious consideration and which I understand the thrust of this amendment gets to is, it's one thing to say that you can bring a suit and get a judgement against a governmental entity, but it's another proposition to say that that governmental entity should have property subject to seizure. I don't think any of us want that. And I read the amendment that is being presented to the public. It would prevent the travesty of a public body, such as the Police Jury having the Courthouse seized, let's say, to satisfy a judgement against it.

Questions

Mr. Stinson. Mr. Burson, don't you think that in the past that our prohibition has served to cut down the number of frivolous and even though they are frivolous, expensive lawsuits against the state?

Mr. Burson. That is certainly possible, Mr. Stinson.

Mr. Stinson. Isn't it a fact that what they're attempting to do here would mean that Mr. Guste would have to double his staff, at least, to take care of all the lawsuits that will be filed?

Mr. Burson. Mr. Stinson, I don't really think so. I think that most lawyers, and I can speak from experience in this, I have never failed to file a lawsuit where I thought I had a valid one against the state even though it was a little bit more trouble to have to come get legislative permission.

Mr. Stinson. Isn't it a fact that a litigant wouldn't have to have a lawyer to file his own suit?

Mr. Burson. Well, that's true. Yes, sir.

Further Discussion

Mr. Casey. Mr. Chairman and delegates, I would like you to seriously consider first of all the concept of immunity of the state from suit as distinguished what would happen if you adopt this amendment. As is required at this time, those agencies that are not specifically exempted from immunity, it is now required that the legislature authorize a suit against the state or a particular agency, that is what is done at this time. There is no difficulty that I know of that has occurred in the past, or anybody obtaining the necessary

permission to sue the state or its respective agencies, those that are immune from suit. Mr. Stinson is absolutely correct that it is possible that the amount of litigation could increase against the state. We don't know how much, we don't know if it would be one more suit or a hundred more suits. But the point is, the attorney general is the official legal representative and officer of the state and its agencies, and he must provide the manpower to file the necessary answers and to defend against whatever suit would be filed against the state. The attorney general's appropriation may be high at this time, and that has been a controversial appropriation with the legislature, he will, I submit to you, that his appropriation would certainly have to be increased if we would permit every type of suit to be filed against the state without obtaining the permission necessary from the legislature. Now I know there are many of you that disagree with the concept or my argument, but that's neither here nor there. I strongly feel that way. That there is no trouble in getting permission. That I think this ought to be done. The state is self-insured. We must pay whatever final judgements are finally rendered against those who are attorneys, those who are attorneys know that in a marginal case where you have to obtain permission to sue the state of Louisiana, that where you really know that you do not have a cause of action against the state, that you're not going to go to all that trouble to obtain the permission to file the suit against the state where it's really not necessary. Also, I'd like you to check the wording of Section 9. This is a very serious error, I feel, in the wording of this section, and if adopted could cause, I feel, untold problems to the state, and to the Budget Committee. In furnishing the money necessary to pay judgements not only against the state and the state agencies, but the wording in this section in the amendment says that you would have to pay a judgement against the state or any other public body. Now I know this was brought up, but I don't know what the interpretation of the wording "public body" is. But my comprehension of "public body" is any public body that exists in the state of Louisiana whether it be a state agency, a municipality, parish government, or what have you. And if it would be interpreted, granted it's open to question, but if it would be interpreted that the state would have to pay any judgement against any public body, that means that the state would pay a judgement against possibly an agency that exists solely for the parish of Orleans or an agency that exists solely for West Baton Rouge Parish, or what have you. I think this is a serious error in the amendment as proposed but regardless of this, I strongly urge you to reject this amendment and at least retain the concept of the sovereign immunity.

Questions

Mr. Stinson. Tom, isn't it a fact that under the present law when you authorize a suit, you testify that it will be filed in East Baton Rouge Parish.

Mr. Casey. Ford, I'm not even sure, but if you say that's correct, you're a good lawyer. I'm sure.

Mr. Stinson. Under this provision, isn't it a fact that the lawsuit could be filed in any parish if there is an accident if a highway vehicle in Bossier Parish, they could file it there. And also isn't it a fact that the plaintiff could file it in the federal court, if he wished?

Mr. Casey. Well, according to this, that's absolutely correct.

Further Discussion

Mr. Guste. This doctrine goes back to *Essex* before the *Magne* case and that the thing could do no wrong, he's overreacting. That has been completely eroded away to the courts to have just a little tiny vestige left in judicial decisions. The un-

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frivolous suits, and we're going to stop something that's dead. In another couple of years we will no longer have sovereign immunity. I think the only thing we are concerned with here today is whether or not someone is going to get a judgement against the state and seize public property. This amendment takes care of that. All we have attempted to do is that you do not have to come before the legislature prior to filing suit and ask the legislature, "May I file this suit?" Now they talk about frivolous suits. Now, whose frivolity do we want to deal with? If you ask permission of the legislature to file a suit, as I understand it, they pass it through a committee who looks over this first and then decide whether or not someone's suit is frivolous. Or there may come a day when this committee or the legislature may decide that "A's" suit is frivolous. "A" doesn't feel his suit is frivolous, he wants to have judge look at it and determine on the merits whether or not it's frivolous. That's the way that we should go today. I think Delegate Burson has covered the state of the law in Louisiana today. If I go want to bring out that the recent orders, constitutions that have recently been adopted, have adopted and done away with sovereign immunity. Montana, 1972. Illinois, Nebraska. Those states who have not done away with it, they've been doing away with it through the judicial process. So I think we're just fooling ourselves to ask someone come to the legislature before he files his suit. Hundreds of resolutions a year that the legislature shouldn't be bothered with. Now then you say well maybe I won't overlook that to see if it's frivolous. The legislature will probably tell you that, well, we pass them all. Well if we pass them all then that's not important either because they're not looking at them. Let's go along with this amendment and let's not let the decision of the state's funds, a judgement on the state's funds. Do you have any questions?

Questions

Mr. Bonney: Did I understand you to say that the present state of the law is such that I filed a suit against the state of Louisiana next week, the attorney general couldn't plead sovereign immunity?

Mr. Guarisco: I didn't say that. I think you misunderstood. I wasn't clear. What I said is that they are constantly eroding away the adoption of sovereign immunity, and the last time was in the Port of New Orleans case, the Splendor case, whereas they talked about a political subdivision, the Port of Orleans. No, sovereign immunity has not been done away with on a state level, yet, but that's the next move.

Mr. Bonney: Well don't you think, then, if this is your feeling that we should put that in the constitution, if you feel that there should be no sovereign immunity don't you think you should do state in the constitution?

Mr. Guarisco: I think, I think...

Mr. Bonney: Please understand, I don't necessarily agree with you.

Mr. Guarisco: I know you don't agree with me, but I think we'll differ that at the time that we consider the Bill of Rights article which has something to do specifically with sovereign immunity. This particular article is primarily in the legislative article insofar as authorization is concerned.

Mr. Bonney: Okay, thank you.

Mr. Guarisco: I think we'll meet it head-on later on.

Mr. Tapper: My question is, I'm in favor of the amendment, I believe, but one of the words gives me a little problem, and that is "appropriated". After the comma in the second to last paragraph, it says "payable or paid except out of funds appropri-

ated for the payment thereof". My question was, wouldn't that be construed to mean that the legislature would have to appropriate the funds?

Mr. Guarisco: Yes.

Mr. Tapper: Well what about a judgement against a School Board, or a city, or a police jury?

Mr. Guarisco: Well, then they have to appropriate the funds for their particular political body.

Mr. Tapper: The answer to the first question was yes, and that was whether or not the legislature, if it were...

Mr. Guarisco: Legislature for state funds, local body for local funds. Yes. [...].

Mr. Tapper: [...] Can you spell that out that it will be done that way?

Mr. Guarisco: Like someone said before, I can read it for you, but I can't make you understand.

Mr. Tapper: Well I tell you what, I don't think you understand.

Further Discussion

Mr. Roy: Mr. Chairman and ladies and gentlemen of the Convention, I never thought sovereign immunity would cause so much trouble. Let me give you a little history of the background of sovereign immunity or the idea that the king can do no wrong. It started many years ago when the king was descended from God and what have you. Now that has been eroded to the point that the courts have been having to deal with exceptions after exceptions after exception. It got so bad that finally Section 5 of Article 3 was amended to say that the legislature is empowered to waive. When that occurred, the Supreme Court of Louisiana in Hamilton vs. City of Shreveport held that inasmuch as the City of Shreveport had the right to sue and be sued under the law setting forth the city charter, the City of Shreveport, the city of Shreveport could be sued without its permission. You see it used to go that even the local body could object to being sued without its permission. It was eroded finally that a case came out of Natchitoches Parish involving the School Board. The court distinguished it and said that you can sue because of the contract provision. Finally, in Herring vs. Perry, which was a case that I had, we obtained a judgement against the Department of Highways for \$60,000. I had only \$25,000 worth of coverage, so the state raised immunity, said this man was severely injured as a result of the negligence of the highway employees, but you can't be paid over \$25,000. The Supreme Court of Louisiana said we incurred that when we said the Highway Department, since it's created under the laws of the state and can sue and be sued, implied, you don't need legislative authority to sue it. It finally got to the point that the only agencies, you understand, that were exempt from suit and could raise sovereign immunity were those agencies that did not sue and be sued clearly from their origin, in their creation. So the Supreme Court finally, Justice Tate is here to back me up, in the late case of New Orleans Port of Authority vs. Splendor said that we have finally got to address ourselves to the issue of sovereign immunity. Now let me tell you what happened in the Port of New Orleans vs. Splendor to show you how frivolous the state has been in the past. A vessel was operating on a navigable body of water. It ran into the bridge that the Port of New Orleans owns. The Port of New Orleans sued Splendor Shipping Company, the owner of the vessel. Splendor reinvented or filed a countersuit against the Port of New Orleans for damages, saying that the port was negligent the way it maintained the bridge, etc. Then the Port of New Orleans said no, you can't sue me, you haven't gotten legislative authority to do so. Not

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withstanding it had initiated the suit against Splendor Shipping. The District Court said, you're right, the Port of New Orleans has no authority to sue and be sued. Even though it is suing you, Splendor, you may not sue it. Went up to the Fourth Circuit, they affirmed. I believe, or what have you. But it ended up in the Supreme Court and Justice Dixon wrote the majority opinion. He said, it is time in this century to face the issue. The modern concept is that there is no such thing anymore as sovereign immunity, and it met it head on. And it said, sovereign immunity was a creature of the lower appellate courts and we now say they have no authority to grant sovereign immunity. So they struck it. Now what does that bring us. It brings us to Tom Casey's comment in response to Mr. Ford Stinson's comment that he's worried about the language because it appears that the legislature would have to pay funds out of... appropriate funds to pay for some damage done by a municipality. Now that's not what it says. It says, the last paragraph, or any other public body shall be exigible, payable except out of funds appropriated for payment thereof. That means simply, and everyone knows this who's a lawyer, that you can't sue New Orleans and get a judgement against New Orleans and expect the state to pay it. The state was not a party defendant to the amendment. Now if you get a judgement against the state of Louisiana, the state of Louisiana, if it chooses to, may appropriate the funds. If it doesn't, too bad. But we have to live with that. So, also, with each municipality. That is just not a valid consideration for you to worry about. Let me say one other thing...

Mr. Henry Mr. Roy, you've exceeded your time.

Further Discussion

Mr. Womack Mr. Chairman, fellow delegates, I'm going to vote against this for the simple reason that there has been no problem or anyone getting authority to sue the state through a legislative act. One of the prime problems I find in it is down on about line 7, which says that the legislature may authorize methods and procedures for payment of final judgements rendered against the state, its agencies, political subdivisions, however public property shall not be seized. But that says nothing about the bank account of the School Board. I don't know whether the bank account is considered public property or whether that's a cash bank account. If the School Board's payroll, if they're going to make the payroll and pay their teachers with the following month is subject to suit, then it's bad. I'm going to vote against it unless something is changed in there to give a little clearer explanation or a little clearer statement as to the cash bank account of School Boards or other agencies that's got to make their payroll. I'm not going to vote to give that payroll a wide open shot at judgements. Now I can also see the possibility of a lot of frivolous suits because today you don't necessarily have to have an attorney to go to court. You can get one furnished for you. I haven't, at any time, well I had one in my own case that I didn't file a bill for, it was in my district, and I didn't put a legislative act in authorizing a suit because prescription had run out on one of them 29 months, and I'm not fixing to vote to give anybody a right to go back and sue me and say that you didn't mop the floor clean enough and I fell, and I hit myself and it might send me to my grave in about 20 years -- 16, 18, or 40 months later come back and file a suit. I never have yet, and I'm not fixing to vote against one that gives somebody that's got a valid suit the right to sue the state. My primary objection is the fact that I think under this, the School Board's cash bank account that they've got to make their payroll would be subject to seizure.

Questions

Mr. Munson Mr. Womack, are you aware of the fact that for the past several years, I'd say the last

five or six years, attorneys representing the Baton Rouge School Board have tried to get the court to declare that they could not pay it and stayed past. If you're the chairman, the president judgement against that School Board.

Mr. Womack That's right. They've had a bill in for an appropriation asking the state to pay for the judgement I believe against the School Board.

Mr. Munson Aren't you concerned at the way this amendment is drawn, that there would be a possibility that the courts would rule that we would have to pay that judgement?

Mr. Womack I think under the wording of it, it's quite possible that they couldn't pay it and stayed past. I think you'd reach the same thing you have in the Port of Baton Rouge whereby the constitution says that in the issuance of the bonds that the Port of Baton Rouge, any discrepancy in the payment of the bonds it would fall on the responsibility of the four adjacent parishes including the parish of East Baton Rouge to pay the bonds of the Port of New Orleans. They defaulted and said we're not going to pay it and the attorney general's opinion was, in that case, the state would have to pay it.

Mr. Derbes Mr. Womack, I think your criticism of the amendment should be clarified. Doesn't the amendment also say, "And no judgement against the state, its agencies or political subdivisions shall be exigible, payable or paid except out of funds appropriated for payment, thereof?"

Mr. Womack That's very questionable. But you know there are two approaches to it.

Mr. Derbes Doesn't it say that, though?

Mr. Womack Well, yes, it says that.

Mr. Derbes Do you draw from that phraseology the conclusion I draw, namely that the funds in the school board bank account would not be seizable assets?

Mr. Womack I would question it very seriously, yes.

Mr. Derbes O.k. I would also like to ask you one other question with leave of the chair, and that is is it not also a fact that in the past, many actions have been filed against the state with permission of the legislature, actions which have indeed prescribed under the ordinary requirements of the civil code?

Mr. Womack The legislature has gone back and granted the authority to sue where prescription had been caused to run out. In other words, in the case had prescribed during the interim between sessions of the legislature, but they have not gone back to my knowledge, where it has prescribed and passed two sessions of the legislature. They have given everybody the right, and it's been a standard procedure that suits against the state, there has been no votes against the authority for the suit against the state. They have been handled in mass production.

Further Discussion

Mr. Kelly Mr. Chairman and ladies and gentlemen of the committee, to expound just a little further on the question that was just directed to Mr. Womack from Mr. Derbes, I can foresee where this amendment will cut down on the problem of the legislature being cast into a position of going back and because of pure political having to vote to allow some citizen of the state to enter a suit that had been possibly prescribed by one twenty-three months.

You remove governmental immunity and when the state is going to be cast into the same position as I as a private citizen, you or any corporation for that matter. They can then allege prescription

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aid with appropriated funds. Wouldn't probably most of these funds come from the taxes that are levied by all of the people in the political subdivisions?

Mr. Conroy, Jr., and you know, Mr. Lanier, that is part of the concept of this sovereignty immunity. It's not just to say that the king can do no wrong. It's to protect the public first, to protect the treasury. It's to protect all of us.

Mr. Lanier: And one other thing, Mr. Lanier. If you could just waive the immunity of the state, which of course includes the governor and the legislature and the judiciary, would that not leave open the door for all of these agencies to be sued by anyone that wants to come and file a lawsuit?

Mr. Conroy: I think it would be chaotic, yes.

Mr. Lanier: Whether it would be for tort or some specific performance.

Mr. Conroy: Or for questioning the wisdom of their actions, possibly even.

Further Discussion

Mr. Leloretto: Mr. Chairman, fellow delegates. In the opinion of one who is not an attorney, if we were to give a name to this amendment, in my opinion the name would be, "The Rape of the State of Louisiana."

I think that this is nothing but convenience for some lawyers, some attorneys. I know of no great criticism of the twenty-four years that I've watched the judgment system of this state go by. There has been occasion, there has been one criticism, but certainly the criticism wasn't more than one or two percent. I know of no reason to change this.

Now, without permission from the legislature on whether it be a local or state agency in my opinion that will have to pass the amendment say that the local authority has to provide the fund, in the budget to pay the judgment, but at least if it may get permission, it has a warning that they are going to come before them that this may happen and they will get a chance in my opinion a better chance to defend themselves.

It seems to me that you're obviously now you point out the smaller the local, the smaller the fund of the state, the great expense that will come to it. I think the delegate who said that this would be a tremendous expense on the attorney general, I think you might even say his phrase was well deserved. I think it would be tremendous expense in the filing about hundred of thousands of dollars of money to defend suits if you have the state or a locality. And this is what we get out of it.

I further think that if this amendment passes, and we open to the state with your judgment and the state has not had the opportunity to authorize any money to go to the demands of political power that you've got your judgment said. And I like you the Lipman case in 1954 and the McReynolds case. And if you don't think judgments would pay that be a political demand, and who has the strength to get it done in the house and in the senate and then get the money approved by the State Treasurers Committee and the Finance Committee and the fact that you have to have the right to do not political, you don't have the actual receiving of it.

Therefore, I say, my opinion is that I know of no criticism, certainly not from the citizens. I know of only few complaints from lawyers. I see no reason to have a major change, hence you know the requirements of the state and I see this is nothing but a play ball for attorneys.

I ask you to defeat the amendment. Thank you.

Further Discussion

Mr. Leloretto: Mr. Chairman, fellow delegates, we're going to give you to vote and I will vote for you here. Thank you, a very warm thank you. I have heard

a number of lawyers get up here and talk about this state as though the state was some person. Now I want to remind you that when you talk about the state, you are really talking about the people of the state. The state is not an individual and I ask you to give that some thought. Now, you talk about waiving immunity from suits. When I ask you to consider also, that when you waive this immunity, you waive the immunity presently enjoyed by every school board and every police jury in the State of Louisiana that protects them in many instances against frivolous suits, against nuisance suits. And I believe that I feel very good that in eighteen years experience as district attorney, I had occasion to defend many suits against the police juries and the school boards. And I think that they need this immunity, they should have it. And when these judgements are secured against them, it's not the state as such paying it, it is the people who pay, and I think this would be a dangerous amendment, bad amendment. I sincerely hope that you will consider well what you do if you decide to do away with this traditional immunity.

Now this has nothing to do with the king always being right. We are not dealing with a king. This is the sovereignty that the people have enjoyed traditionally and I am not one who will give up the modernistic view that we have got to throw all tradition out of the window in adopting this Constitution.

I think that we ought to honor those traditions that are valid. We have many who not only want to do away with state immunity, they want to do away with the lawyers. I ask you to vote this amendment down.

Further Discussion

Mr. Wall: Mr. Chairman, ladies and gentlemen of the house, we are not going to pass any perfect constitution and we are not going to pass any sections of the constitution that will be perfect.

Now there's been, there has only been one instance in the many years that this question of where this legislative approval was abused or not. There has only been one instance that it has been pointed out that there was possible legislative abuse. Now I can see that many nuisance suits being filed against political entities. Now let me say this, I feel that if a political entity, one of its employees causes damage to you or anyone else, you should have the right to recover that damage.

But there has never been but one time in the history that there was a question of whether there was abuse or not. And I can see many, many abuses if this provision is passed. We are not going to have a perfect law, a perfect section. And I don't feel like that this provision, I won't say it's a bad provision, but it would cause many more abuses of nuisance suits and political suits than the questionable instance in the past under the present law.

I'm going to ask you to vote against this, and I would like a political entity to have to bear their obligations. There is only one question that that's over, there is one instance where there's ever been questioned whether it was abuse or not. But remember, if you have it to where that lawyers can just file these suits, and I'm not saying that you may have one lawyer in each locality do that, I don't say that there's many lawyers that would do it, lawyers specialize.

But if you've got one lawyer in each locality, and I can think of two in my area, that they would make a practice of filing these suits. Now I don't mean all lawyers. But really, I don't mean to condemn all lawyers or ninety percent of the lawyers or ninety-five percent of the lawyers, but I do feel like there would be many, many abuses and I feel like this would be bad for us to pass this amendment. Thank you very much.

Questions

Mr. Leloretto: Mr. Wall, such references we made to you to what is determined as a political suit. Where

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do you think should really be the judge of whether or not there is merit in a particular suit? Should it be the legislators, or should it be the court systems?

Mr. Wall Mr. Kelly, the Legislature in giving permission to file these suits, hasn't made the decision whether it is a nuisance suit. They leave it to the court. They haven't tried to make those decisions.

But in most instances, I'll say that then the lawyers don't come to the Legislature and ask permission with nuisance suits which would be easy for them to file, or either a political suit if they didn't have to go through that process of getting permission.

Mr. Deshotels Mr. Wall, do you realize that none of the proponents of this particular amendment were in the legislative committee?

Mr. Wall No, I did not.

Mr. Deshotels All right.

Do you know sir whether any of the proponents of this particular amendment made any studies as to the consequences and effects that this particular amendment would cause in future finances of towns, of local governments, of school boards, etc.?

Mr. Wall Well, I just saw a couple of them were lawyers and I can see where the towns and municipalities would have to hire a lot more lawyers without any study.

Mr. Deshotels Right, sir.

Now they are talking about appropriations and they said there would be no judgment executed except upon appropriations. Do you know or do you realize that the Legislature of the State of Louisiana could direct or order a town to appropriate X number of dollars to pay a judgement against it? Do you think this could happen?

Mr. Wall Unless we have... unless the town charter is the proper Home Rule of whether we pass proper Home Rule, yes, that could be done.

Mr. Deshotels All right.

Do you also realize, sir...

Mr. Henry I'm sorry, he has exceeded his time by about thirty seconds.

Further Discussion

Mr. Tate Mr. Speaker, sister delegates and brother delegates, I'm speaking in the interest of clarification of one of the issues raised. It happens I am going to vote for the amendment, but I am speaking primarily to clarify one of the issues about which a great deal of question has been raised which is about a judgement, the effect of a judgement, once a judgement is obtained and about how it is paid.

Now Article 3, Section 35 of the present constitution provides in so far as what happens. In this Article 3, Section 35, provides "No judgement against the state or any other public body shall be exigible, payable or paid except out of funds appropriated for payment, thereof."

Now, Mr. Robert Munson was pointing out when they had a judgement against the school board, they couldn't seize any school property, they couldn't seize any payroll funds. They had to get an appropriation from the school board to pay the debt that the court had held that the school board owed.

This issue here in my judgement is somewhat fictitious in so far as worrying about what happens. The effect of the removal of a legislative judgement whether to permit someone to file a suit is simply to eliminate one step which the legislature says... they always give permission to sue the state, or the city or the school board. And it's simply to let it go to the court system, let it be determined,

and then as a matter of law, having been determined, the public body pays when and if it can appropriate the money.

As a matter of fact, you know how it actually works. People get insurance just like you and I do to take care of their possibilities. Now some of the other issues raised about nondamage suits and so on, there is a whole body of law. For instance, you and I can't be sued as delegates. We are... no, we can be sued, anybody can get sued... but they can't win the suit. Because we can be sued because we don't put something in the constitution to say someone brings a suit. We have what they call legislative immunity.

Now if I write a dumb judicial decision, I've never written any, but if I had, say, nobody can sue me. It's one of the attributes of forming a judicial, or legislative, or quasi-judicial, or quasi-legislative act... an error of judgment. You're immune from liability under a long established tradition.

Now about nuisance suits. What do people bring nuisance suits for? Well, the very few lawyers, the one or two who might do it, do it to get some money for their client mostly or more or less. And why do they do it? Because they can get a settlement of something. But a nuisance suit against a public body would not be very effective, would it, because first of all, somebody has got to agree to pay it, or you will have to get the judgement, and the town council or the city... the State of Louisiana has to pay... agree to pay. A nuisance suit, in my judgement, just wouldn't be brought because you have to not only go win a suit, if you can ever win it, but you've got to go get an act.

So I'm open for destruction, now. Thank you.

Mr. Lanier.

Questions

Mr. Derbes Justice Tate, does the adoption of this amendment indeed create a new clause or right of action against political subdivisions or against public officials?

Mr. Tate No, in my judgement, no.

Mr. Derbes Does the existing provision regarding... do the existing provisions regarding sovereign immunity, whatever they are, do they indeed prevent anyone from filing suits?

Mr. Tate You can't stop anyone from suing the State for anything, you see. But he can't win... maybe.

Mr. Derbes So even if a suit under existing provisions of sovereign immunity were filed, either mistakenly or perhaps appropriately, it would still require the person sued to come in and defend it and raise arguments of no cause of action. Isn't that correct?

Mr. Tate Yes, sir.

Mr. Derbes Thank you, very much.

Mr. Drew Judge Tate, there has been quite a bit said about decisions of the Supreme Court. I would not think that your court might reconsider their decisions in view of Section 14 as recommended by the Committee on Legislative Powers and Functions.

Mr. Tate What does Section 14 say.

Mr. Drew It says the legislature may authorize suit to be filed against the state, agencies, and public subdivisions to provide a method of procedure in effect if the judgement which may be rendered, that being in the constitution. Do you think your court might reconsider your decision?

Mr. Tate I personally don't think so. The decision the plaintiff shipping just said where the court had created an immunity to a quasi-judicial status that could sue and be sued and that was suing, that the court would leave it to the legis-

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lature to provide any such immunity.

And I should mention that. The legislature can provide any immunity it wants.

Motion

Mr. Chatelain. Mr. Chairman and fellow delegates, this is a very, very important issue we are discussing this afternoon. I have sought the advice of several of my fellow delegates. I have seen the cases where delegates have already changed their minds. This frightens me in a lot of ways because this is very important. I'm concerned about a businessman about what will happen to the bonds in various political subdivisions. I'm concerned about insurance, the cost of insurance. I'm concerned about many, many things that I think we all should be concerned about. Mr. Chairman, if I am in order, I'd like to move that we pass over all of Section 14 until tomorrow. Give us a chance to think about it some more.

[Bretonius question ordered. Motion to pass over Section 14 rejected: 17-92.]

Further Discussion

Mr. Jack. Mr. Chairman and ladies and gentlemen, I'm in opposition to this amendment. You read the material before you and it's very clear. If you pass it as it is in the material, in order to bring the suit you will have to get permission of the legislature. That's the law now, with one exception. Under the present law in setting up some things back, the highway department, the legislature gave permission for them to sue and be sued. So that was the exception. But as for anybody else, the present law is, you've got to get permission of the legislature and that's the way it should be. Now all this talk, and I have the greatest respect for Judge Tate, he's a personal friend of mine, one of the fine members of the bar, but anybody can sue somebody. But that doesn't mean you don't get thrown out of court because in the present law you've got to have permission of the legislature to sue the state, school board, subdivisions and those, except if you sue the highway department. Now let's watch this closely, ladies and gentlemen. How would you like a bunch of disgruntled people to come in, get under this amendment where they don't have to get permission, and you're in a little town or a little parish, and bring the suit and get to try it and put you to all that expense even if you won that suit. It's a great thing to have sovereign immunity and that's what you've got right now. You decide whether you're going to let a person bring a suit or not. To get back with what Mr. LeBreton says, I was in the legislature during that time too, and Mr. LeBreton is against this amendment. The Jefferson Island Sulphur Company got that big judgement, I forgot how many million. Now, it's no production after you get a judgement...the mere fact that you've got to get a legislative appropriation to pay it because they're going to pay it. If you get the judgement. The legislature, a lot of people thought that was wrong when they voted all that to pay that Jefferson Island judgement as I recall in three installments...after I refresh my memory talking to Eddie LeBreton. I tell you how you'll have no trouble at all in deciding to vote against this amendment. When you go home, talk to your mayor and tell him I voted for this amendment. Mr. Mayor, that lets anybody and his brother, good or bad, regardless of the merits of the suit, sue our fair city, and sue the school board and sue the police jury, and you'll see what your police jury is going to tell you, and what your school board is going to tell you and what your mayor is going to tell you. And that's a better thing to do than to pass this amendment. Let's kill any other amendment and let's get along. We were moving good the other day.... we're moving terrible. I said last week at the rate we're going it was going to take two years and eight days. I made an error. It was three years and twelve days, if we move at the speed we did last week. We've got a lot of these bills just like

this.

Further Discussion

Mr. Drew. Mr. Chairman and members of the convention, I'll only take a minute to discuss their little to say that hasn't already been said. My history doesn't go back quite as far as some of the previous speakers on this issue of "the king can do no wrong." Possibly it did originate with that theory. But let me tell you what the theory behind the immunity clause is. It is for the protection of the public. Protection of the public against one individual. The question that I wanted to ask Judge Tate which I do not know the answer to and possibly someone here does. Suppose a tremendous accident happened and it wound up with a ten million dollar judgement against your school board and your school board did not have the money to pay the judgement without going into complete bankruptcy. What is their bonding position for future bond issues with a ten million dollar judgement against them? I don't know, but I think anyone purchasing those bonds would look very closely and look a second time before they bought those bonds. As I said, this is not the "king can do no wrong", but that the public as a whole should not suffer for the benefit of one individual. That's the real basis and the real theory behind the immunity clause. I am going to support the clause as recommended by the Legislative Powers and Functions Committee. We have been operating under that procedure at the present time and no one with a valid claim has been denied a suit. Let me bring this to your attention in the same light, that the legislature authorizes suits, and I don't think valid claims have ever been refused, they must, and I certainly do feel some obligation toward fulfilling payment of the judgement that is obtained. Without that immunity and that immunity having been waived by the legislature and then all of a sudden we go into session and we come up with a stack of bills and legislation in the name of the legislature doing the exact thing which you are trying to avoid. You are then saying, "well, if the state does not have the money, you the legislators decide which judgements you think should merit being paid and which should not be paid." This amendment is bad. It accomplishes nothing that can not be done under present procedure. I think that we are putting the legislature in the position then of having no knowledge whatsoever of these law suits until they should reach judgements. As Mr. Jack said, as Mr. LeBreton mentioned, when you have a tremendous judgement, you have a very ripe and fertile area for political pressures to be brought in order to pay these judgements. The one judgement that Mr. Jack mentioned I believe, was turned down by two or three administrations before it was finally gotten through for payment. I urge your defeat of this amendment and, in the final outcome, to adopt the recommendation of the committee.

Questions

Mr. Flory. Mr. Drew, under your theory of sovereign immunity, aren't you saying in effect that we put a price tag on justice?

Mr. Drew. No, I'm not saying we put a price tag on justice. Mr. Flory, I'm saying that the public, and that's the taxpayers and the people who are particularly area of a very active state, their welfare is paramount to the welfare of you or me or any other individual.

Mr. Womack. I will make my question very simple. It's something for those who feel you need a new constitution to think about. Can you foresee any area of a very active state, every school board in this state passing a resolution advising the public not to vote for this document as a result of this one item?

Mr. Drew. Very easily, Mr. Womack, very easily.

Further Discussion

Mr. J. JACKSON. Mr. Chairman, delegates to the convention, I rise in support of this amendment. Some of the things in support of this amendment have been brought out by Justice Tate, particularly, and Mr. Kelly. The opposition says primarily that they are concerned about nuisance suits. I believe that kind of decision ought to be decided by the courts whether they are nuisance suits. My apprehension is that there are what is called summary judgments whereby anybody initiating a nuisance suit before the court, can decide even before giving it a five-minute hearing that it ought not to be even entertained. We talk about it being a purge of the lawyers. What if taxpayer of the city of New Orleans or an employee of the state should not they have the right to have the same kind of consideration? Another point is people saying that this is a rape on the State of Louisiana. I know particularly that if they put there and knock down some property or take someone's property by the state and I don't have the cash money for it, they can seize my house.

I do that in a city or parish. Finally, we talk about the prescription period. As you know, the legislature meets once every year. What happens if after the legislature meets, that someone one day after... if we keep the committee amendments, you may have the problem of him fulfilling the one year prescription period to file such a suit. I think that the immunity thing has been paid by many of the people that it is eroding. If a judicial interpretation, the protections are built in the present amendment that provides that the legislature may appropriate the money and if a judgment is entered for the state in the amount of ten million, the legislature may not have to clear that million, I would twenty-five hundred... As host of you know, we had about seven amendments which attempted to do from one extreme to the other. This amendment as proposed by Mr. Roy and others represent a middle ground agreement as the best way to proceed with this problem. I understand that there are a couple of amendments that we are going to clarify some of them, you mean that state would have to pay the amount of penalties if the injury was done in the state... I would ask that we adopt this amendment because of the reasons I stated before and particularly the comments raised by Mr. Kelly and myself here. I yield to any question at this point.

Question

Mr. ROY. Mr. Jackson, this is a fairly lengthy question. You believe that with the seven hundred odd suits that were presented to the legislature each year to be killed by people. They are not to you, I know, as a legislator, a bill that would take the state... don't you think it is about two or three hundred dollar just to get those bills through authorizing just when the same thing can be achieved by just using the state without that necessity of the state to still protect the value you would have the judgment against the state and then it don't appropriate the money.

Mr. JACKSON. Thank you, Mr. Roy, I'm not asking any leading questions, personally, I somewhat agree with you and I'm somewhat concerned in the fact that what we are talking about is instituting a law that is proposed for the state that we have to do, I might to illustrate that with an example, if the state has a bill that is proposed by the legislature, I want to question to you that if the state proposed that were up here, you would have that in the next year you have to pay it if they don't agree to it, and the state can't come any more, we would have to pay it, that same kind of problem we are talking about here, I think that is the only way to handle it, we are trying to get it to be a state or service center.

Mr. BISHOP. Mr. JACKSON, I'm not the chairman here. That's the best way to let Justice Tate, myself, and other members of the committee to hear what we have to say.

against the state, would you agree that you would wish to see your amendment and so on, include tort suits against the state?

Mr. J. JACKSON. I'm not the lead speaker. I co-authored this amendment so you would have to talk to Mr. Roy. I would suggest that we adopt the amendment and try whatever number clarification we need, I would want to be prepared to give an explanation, but I think that the committee proposal with this amendment attempt to delete and substitute in place of... that the committee proposal attempts to keep things in status quo which I am definitely disagreeable with. I'm speaking to argue, Mr. Anzalone, I don't particularly understand the part about torts. It's just the basic principle of where the suit ought to be resolved.

Further Discussion

Mr. DE BIEUX. Mr. Chairman, I'm not a member of the convention, I'd like to make a few suggestions that have been raised here, particularly by one of the speakers, I would say in advance that I think I have a better proposal than the one we have before us at this particular time and if we can establish that the convention wants to waive the immunity of the state then subsequently I'd like to offer mine as the proposal that should go into the constitution. There is a provision in our code that says that "prescription against the state shall be... I mean against any person, shall be one year for tort actions." But the law as the state is concerned the constitution carries the provision that the legislature may waive any prescription or exemption which has occurred in favor of the state or other public body against any claim or claim when such prescription or exemption means that you may have an action that has actually prescribed against the state for ten or fifteen or twenty years. Therefore, as a result of that the state never knows when it's relieved from the liability of a potential claim. This way if we waive that immunity, the prescription will be the same against the state as an individual and we will have some security knowing when we are through with suits, someone gave about the liability. At the present time as a member of the legislature, I can say that the biggest nuisance we have is... through resolutions allowing someone to sue a state or a political subdivision, I would think that that probably the cost of these resolutions may exceed the value of some of the suits which we may have to authorize. But yet, nevertheless, if an individual had a right, why shouldn't he have the right to sue the state like he has anybody else, why should some public official who has done something immensely wrong hide behind the immunity to keep the state from having liability in that particular area. It's not a question of whether we should try to litigate the state or some public officials with wrongdoings by such lawsuits. Now with reference to the kind of additional provisions and so forth, I think that is absolutely absurd because at the present time we usually don't throw down any of those resolutions. So, amendments there, but going to be a problem, mainly in suits with the taking of this immunity, out of the constitution than we have already. Because those resolutions just go through a majority of both the... why things that are the majority of parties that are thrown the legislature. I don't know how to word it, maybe any damage which would be the state to be... I don't know what you think, the legislature is already doing it, and that is the principle which is the immunity of the state or political subdivisions in the constitution, now Mr. Chairman, I'll be glad to answer a question.

Questions

Mr. JACKSON. Justice Tate, I'm not the lead speaker, you might want to know that the committee here has adopted a resolution in the fact, I don't know if you are correct and have been corrected, I'm going to the committee, would it be a better way to handle it?

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on the fact that the legislature had to ~~bring~~ authorize these nuisance suits?

Mr. DeBlieux: I think it would, Mr. Jackson. I'd say this, any attorney who would file a nuisance suit against the state, there's something wrong with him, the trouble he'd have to go through to collect any money out of it. It certainly won't be a nuisance to anybody but him before he gets through with it.

Mr. J. Jackson: Well, in fact, as I understand you to say that any nuisance suits that have been filed against the state have already gotten, in the past, the sanction of the legislature? So that the arguments about nuisance suits as to not waive immunity is not really at stake what some people have attempted to.

Mr. DeBlieux: I agree with you. That's correct.

[Mr. DeBlieux: This is the end of the session. I'm sorry.]

Further Discussion

Mr. Abraham: Fellow delegates, I've sat here for about an hour and a half or two hours and listened to all these arguments by these attorneys, judges, legislators, and the public that I have drawn is that no one knows what the effect of this amendment is going to be. There has been so much difference of opinion on it. Nobody has convinced me in any way just what will happen out of this. Now the legislative committee spent six months on this article, and I trust that they spent quite a bit of time on this particular provision, and so the question I ask is where do you stand on this amendment then? Why didn't some of these people appear before this committee, and speak to them about it so that it could be studied further in detail, and let them come up with the decision. We're being asked now to come up, within a matter of an hour and a half, to come up with a decision that everybody is going to be in disagreement with. We're asked to override the recommendations of the committee. Well I'm not a lawyer, I'm not a legislator, I'm not a judge, I'm an engineer and a businessman, and over the years I've learned one thing and that is whenever I have an area of controversy where no one is sure what the result will be, or how I can get what happens ought to be made in a particular situation, I'd better leave that situation alone. I just better leave it as it is until someone can prove to me to my satisfaction that he has a better solution. So I therefore recommend that we reject this amendment. We accept the recommendation of the committee, and I was going to have the previous question but since we have other speakers I think that we should let them speak. I think that we need to get on with our business; let's get off of this subject. Let's either say yes or no and get on to the next article.

Further Discussion

Mr. Gauthier: Mr. Chairman, members of the delegation, I'm one of the co-author, and one of those plaintiff attorneys that plans to bring a nuisance suit. We've heard a lot of talk about nuisance suits and about attorneys and about school board funds being seized and this and that argument, and let's see who is bringing those arguments. And that's what all I'm trying to do is to bring it to you, let me ask you this one question: Is state government in your mind, a business? In my mind, state government is one of the biggest businesses that exists in this state, and I'll tell you the truth, I'm very proud of the way our directors here, Lencie Williams, Tom Laury, Eddie LeBreton, Wellburn Jack and Murray Brown have defended our state and stand up for everybody's liberty. They are doing their job as the owners of a big business, and I am proud to be a shareholder in a member that has interest in state government. Let me submit this to you. What if I owned the hard hat manufacturing company and I went out

to visit a city and a girl fell out to somebody's negligence and somebody injured her. Would I have a right to bring a suit? Well, yes, because I'm not a shareholder definitely. I don't have to supply that right anywhere, it's automatic. The article is simply this: Is state government a business? Yes it is. Then why should they be allowed to have special privileges? And look who's arguing for it, and by rights they should be a shareholder. They are doing it. But they are wrong gentlemen. A citizen should not be denied his right of action against the state. Let's examine it a little further. There are only five states remaining that invoke sovereign immunity. Nineteen of them have done away with it judicially, ten of them by statute. Fifteen of them have waived it by buying insurance to cover their different agencies. Again Louisiana remains at the bottom. There are only five of us remaining. Let's do away with this concept. Sovereign immunity does not belong in this constitution. Thank you.

Questions

Mrs. Zervigon: Mr. Gauthier, most of the discussion on this particular amendment has been on the concept of sovereign immunity and most of us I think have either made up our minds one way or the other or will remain confused for the balance of the afternoon, so I'd like to ask you one other question about your amendment. It's been suggested by a gentleman that it makes a change in the law, is it not the case that now when a suit is brought against a school board, the state pays the judgement if the suit is successful?

Mr. Gauthier: I couldn't answer that. I see Senator DeBlieux saying no. I don't know to be honest. Pappy Triche says yes and I'll take his word for it.

Mrs. Zervigon: Is it the case....

Mr. Gauthier: He's on our side.

Mrs. Zervigon: So, you're maintaining that there is no change in law as to how local governments are treated under this amendment and under the present law?

Mr. Gauthier: Would you repeat that please?

Mrs. Zervigon: I say, is it your position that there is no change in how local governments are treated under your amendment from the way they are presently treated under the present constitution?

Mr. Gauthier: The only change would be the ability to bring the suit without securing legislative permission. The methods of payment would stay the same.

Mrs. Zervigon: Thank you.

Mr. Burton: Mr. Gauthier, in the past I've asked you questions about the numerous exceptions to the sovereign immunity doctrine that exists under the present law. Isn't it true that under the present law that if a city or school board or a city or county violate a contract that someone can sue them for violating that contract without worrying about coming to the legislature to get permission?

Mr. Gauthier: That's correct, Mr. Burton.

Mr. Burton: Isn't it true that under the present law that if a city or school board or a city or county violates state law such as the tenure law for teachers that the teacher can bring a suit against the school board without getting permission from the legislature. Is that true?

Mr. Gauthier: That's correct.

Mr. Burton: Thank you.

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Mr. Landrum Mr. Chairman, and fellow delegates. In response to Mr. Abraham, I am on that committee, and I did raise these questions during the committee hearings because I do believe that the state should not be able to do any more to the people than what the people can do to the state. Now, I'm in love with this state. I have family to the state. I'm in this state. My mother and father and their grandparents, right here in this state of Louisiana. So I'm concerned about the state. I believe that people should be able to file a suit in the regular channels without being able to get permission from the legislature. Why should anybody have to go to the legislature to file a suit against the state? I'm not saying anything about winning a suit. I'm only speaking in regard to the fact that if I want to sue the state of Louisiana, then I should be able to go to the courts, get an attorney, and if that attorney feels that I have a good case, then he proceeds with that suit. If not, he should advise me that Landrum you don't have nothing. So don't... y'all follow through with this. Last year alone, rather this year, 17 individuals were denied the permission to file suit in the state of Louisiana. The legislature denied 17 right here in this state this year. Not last year, but this year. Now, we talked about what happens when... in order to collect. I'm not really that much concerned about that part of it, but even when considering the collection part, there are people who have sold their homes, who have mortgaged their homes to pay off suits. If the state would have to mortgage one of its buildings to pay off a suit, then so be it. But I don't think it would ever get to that point. I believe that the people are concerned about the state of Louisiana just as the legislators are concerned about it and they're not going to do anything to this state. They're not going to try to harm this state. I don't believe they will. If I should find people trying to harm it then I'd fight them too. I'd fight anybody about Louisiana because Louisiana is where I was born. I don't plan to go anywhere else to live. This is where my children are and I'm concerned about the state. Therefore, I ask that you support this amendment because I believe that it's a good amendment.

Thank you.

[Previous Question ordered. Record vote ordered. Quorum Call: 113 delegates present and 1 quorum. Amendment rejected: 49-65. Motion to reconsider tabled.]

Recess

[Quorum Call: 83 delegates present and a quorum.]

Amendment

Mr. Poynter Amendment No. 1: [By Mr. Tapper] On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: Section 14. A. Neither the state nor any of its agencies or political subdivisions shall be immune from suit. B. However, public property shall not be subject to seizure and no judgement against the state, its agencies or political subdivisions shall be exigible, payable, or paid except out of funds appropriated for the payment by the state, its agencies or political subdivisions against whom judgment is rendered.

Explanation

Mr. Tapper Mr. Chairman, and members of the convention, fellow delegates, there has been much debate on whether or not the state and its political subdivisions should be immune from suit. Personally I subscribe to the principle that the state, neither the state nor any of its political subdivisions should be immune from suit, and I subscribe to most of the arguments that were put forth here by the proponents of the last amendment. There was much said about the attorneys filing frivolous suits,

but I ask you to think about when small suits are filed for. Suits are filed for citizens of this state and other states, but mainly if this state. In most instances, the political subdivisions have insurance protecting them from public liability. In those instances, you can sue the insurance company. The amendment will delete the immunity provision in the constitution, and that is in the case of the state or any of its political subdivisions without going to the legislature for permission. It's been said here that only one time have they ever turned down the request. Well, if that be the case then there is no necessity for the immunity provision in the constitution. However, let me bring out one basic problem, and that is in the case of prescription. Prescription is going to run while the legislature is out of session, how in the world can you get the permission of the legislature to file a suit against any political subdivision or against any state or any agency of the state? My amendment will take care of those arguments or the arguments of the people who feel that there should be no immunity. It also will take care of the argument of those who fear that public property would be seized or that a political subdivision or the state would have to put out money that it does not have, because it simply says that that political subdivision or agency or if it be the state, against whom a judgment is rendered may appropriate the money to pay that judgment. They do not have to. If they do not have the money, they don't have to appropriate it. But this takes away one step, one unnecessary step. The step of going to the legislature first for permission to file a suit, then having to go to court to prove your case, and then after you prove your case, having to go back to the legislature to ask them to appropriate the money. Now, under my amendment, one step is taken out, but the legislature can still say that we don't have the money or we're not going to appropriate it period... you don't get the money or the judgement. Unless there are any questions, I think that we've belabored this quite at length, but I would like to impress you with one final thing, we're not talking about lawyers filing suits. We're talking about people who have valid claims having to go through unnecessary rituals in order to have their claims heard.

Question

Mr. Stinson Mr. Tapper, we've seen the courts do a lot of things in the last few years that never were anticipated, but don't you think that if a suit was filed in the federal court which I think it can under this bill, and that a school board or police jury had a surplus at the end of the year and they just arbitrarily failed to appropriate it and refused to pay, can't you see that court ordering that it be paid?

Mr. Tapper Mr. Stinson, with some of the things that I've seen done in that particular tribunal, I think that they could do it right now and get away with it. Mr. Stinson, I don't believe by putting this in this constitution that we're going to do anything about that. In further answer to your question, I believe that if you file a suit in the federal court now against the state or any of its political subdivisions this immunity provision will not prevail.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, I rise to speak on this subject because I think perhaps your minds are not made up yet, because I think that this is a very important. Sometime during this convention will we pass on an issue where there is more clear cut line to be drawn, where we will decide between the rights of the individual citizen versus the arbitrary discretion of state government. That's the real question. Will our citizens be insured the possibility of justice being rendered in a case. Will our courts be open to hear them in every instance? Our present constitution

tution in the bill of rights in the 1921 Constitution says all courts shall be open and every person for injury done him in his rights, lands, goods, person or reputation shall have adequate remedy by the process of law and justice administered without denial, partiality or unreasonable delay. That is the only question. Sovereign immunity is contrary to that provision. It always has been. It's something out of the dark ages, literally, which has been haunting mankind in state after state where an arbitrary government could keep him from even going before the courts and determining whether liability was due him from the state. It started with the king. The king could do no wrong and then the state could do no wrong, the politicians can do no wrong. We know they can, and I would hate to think that we would have a provision that would ever close the courts to any citizen of this state who had a grievance against this state. We can't afford to put government above the people. Government makes laws it ought to be bound by those laws. There ought to be no escape. They shouldn't be able to say, no we're above the law which we have passed, but that's what sovereign immunity does. It makes a distinction between government on the one hand and every other person on the other. There should be no price tag on either of them. That's been one of the most plastic statements made in this debate. No price tag on justice. If the state owes it, the courts ought to hear it and pay it. There is a question here too of separation of powers. The lawful separation between the judicial branch and the legislative branches of government. Disputes are to be decided by the judicial branch. They are to hear all sides of a question and make a determination. It's not for the legislature to determine whether the judiciary should even hear a given cause. If liability is there the court should be free to determine it, not barred from that determination. There is some confusion too, regarding a basic legal principle. There is a difference in right of action on one hand and a cause of action on the other. Before you can go to court and be heard you must have a right of action and a cause of action. Abolishing sovereign immunity with regard to initiation of suit only deals with the right of action of a person to go to court. It doesn't give him a cause of action. If we abolish sovereign immunity in this respect, we will not be giving anyone a cause of action against the state. They must have a cause of action independent of that. It simply means that if they have a cause of action, their right of action will not be denied them merely because the state chooses not to hear their particular suit. Someone said we must protect the state against some individual who might have a claim against it. Listen, the purpose of this constitution is to protect the individual against the state. This state has almost unlimited resources and personnel. A simple individual does not. Let's protect the individual and stand up for him. This does not give him carte blanche to run over the interest of the state. If a citizen says that he will be heard by the state, by the tribunals, and if a judgment must be in his favor, it will be rendered.

Further Discussion

Mr. LeBreton Mr. Chairman, member delegates, thought I'm not an attorney. I believe that if you would read this floor amendment very closely you will see it's very close to the previous amendment that we debated and had over 20 speakers. I think that those 20 or more speakers gave every point that was to be given on either side. I don't believe that anymore can be said on this amendment after we covered the previous amendment. The attorneys that I'm speaking to tell me that this is... the same from the point of view of the state and from the point of view of your community, maybe it's a little bit worse. So, having gone through this debate for some time and listened to many speakers, I ask you to continue to vote down this thought, and therefore vote down this amendment, thank you.

Questions

Mr. Lupper Mr. LeBreton, in the House of Representatives, I think you've been there quite a while, haven't you? Who handles the bills or resolutions that are introduced for the authority to file a suit?

Mr. LeBreton Well, the individual members and sometimes they lump them.

Mr. Tapper Well, does not it go to a judiciary committee on which there are maybe 14 or 16 members?

Mr. LeBreton That's right, sir.

Mr. Tapper Does not that committee decide whether or not to report the bill out favorably, authorizing the suits?

Mr. LeBreton That's my understanding. I... when I served on the judiciary committee we didn't have that assignment.

Mr. Tapper I see, but if you have a committee with 14 members and 8 of them say that you don't have a suit, then it's not reported favorably and you're not entitled to file your suit, is that not correct?

Mr. LeBreton Well, I don't know that I would agree with that. I would think that the... I've never heard a complaint in my years there that you mentioned, where somebody wanted to file a suit wasn't given permission if they had a legitimate proposition. I can't recall of anybody who was denied; now, maybe you're looking down my throat and you know somebody who was denied, but I don't know of anybody that had cause and was denied. In fact, I don't know anybody that was denied, but maybe there was.

Mr. Tapper Well, did you know, Mr. LeBreton, that I wouldn't take unfair advantage of you?

Mr. LeBreton Thank you very much, buddy.

Mr. Roemer You oppose this amendment, and I think that I understand your reasons. However, isn't it true, Mr. Delegate, that this amendment does not affect the power of the legislature by non-appropriation of funds if they so wish?

Mr. LeBreton Is that a question?

Mr. Roemer Yes.

Mr. LeBreton Well, if I understand the question, I would agree that it does not affect a legislator's power and that wasn't the reason that I was objecting to it if you heard my previous remarks. I'm objecting to the amendment because I think it opens the matter of suit against the state and primarily the local communities, many who can't afford it, to a point where it will be a startling amount of money that we'll have to appropriate for defense. That was my basis for moving it. I repeated that I didn't know of any large or any small amount of reason to change until I got here today, but of all the years I've been at legislature, I haven't heard of any fuss about our method.

Mr. Roemer Well, I see. The only thing that this amendment really does from the present situation then, is to eliminate the legislative screening. Is that right?

Mr. LeBreton Well, it eliminates the costs of defense, it eliminates the many suits, it eliminates the... in part, the political necessity for finding the money for a judgment when the legislators didn't have anything to do about the suit and I can give my speech over again...

Mr. Roemer No, no. I'm asking a question which I don't think you answered. I'm asking does not

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The amendment only eliminate from the present practice, legislative screening?

Mr. LeBreton Not in my opinion, as I said in many words.

Further Discussion

Mr. Jack Mr. Chairman, ladies and gentlemen, I rise to oppose this amendment. It's just like the other one and I wouldn't have taken the floor, except I wanted to mention one or two things. Now, my friend, Mr. Woody Jenkins, is talking about no price tag on justice and all those kind of things, rather surprised, like the do-gooders, but let me tell you there are things where you have to have laws on. For instance, in the 41 years I've practiced law on August 2, I've had lots of people I've gotten acquitted for various crimes. Now, you don't have a law, even with the permission of legislature, let's those innocent people that I got off, because they were all innocent, of course, doesn't allow them to sue the state, even if the state agrees to it because you can't state a cause of action under our law. You can't state a cause of action in the Union where you've been charged with a crime and you're acquitted. If you could prove the D.A. did it maliciously of course, you could sue him. So, it's not always everything you're entitled a recompense for. You think of the good of everybody. Now, there's been instances where people were convicted not to do it, but later on, in some instances where people were innocent and convicted wrongfully where a legislature has reimbursed them. There was a man who wrote a book called Errors of Criminal Justice. He was a professor at Yale or Conviction of the Innocent. It had two names. It showed numerous cases of innocent people being convicted and later on, it was found that they were innocent. Now those people, if they sued in the state, they couldn't get any judgement. Even though those states allowed suits. The only recourse they had was to go to the legislature. Many a person has been acquitted in the last few years here in federal courts, state courts, city courts and all of them. Now, if you will protect everybody, why don't you get busy, in not just the legislature and I don't believe that way that... nobody's perfect and the prosecution is going to make some errors, but you people, if you're a do-gooder and you think that everybody that's acquitted ought to be able to sue the state, you who are in the legislature get busy and pass that law and boy, you'll see some of our lawyers really pick up steam. We won't need to practice but a few years before we'll have plenty of money. Now that's just the thing that people have to, as citizens of this state, this country, take a chance on maybe being prosecuted when they're innocent and get convicted or turned loose, either way. So I just say that you've got to pass laws that are beneficial to the state as a whole. We've killed one bill. There's a lot of lobbying going on on this and let's kill this amendment. Thank you.

Further Discussion

Mr. Burson Folks, you know, you get lot in this kind and sometimes you can't see the real issues. What's the real issue in this case? It's just like Mr. Rieger pointed out. The only thing that this would change from the present circumstance is it would be necessary for a citizen of this state who was injured to come to the legislature and get permission to file a suit. Now, there has been great publicity here on the part of all the legislators who have spoken against this concept, about the poor school boards and the district attorneys. Let me tell you that I am a member of a school board and I am an assistant district attorney. So I have a little bit more perspective about these two areas than the legislators who have brought to enlighten you on this point. What do we talk about with regard to a school board? With a school board right now today, if the school board violated a contract, we can be sued. If a school board violated

either a state law such as the tenure law, we can be sued by the teacher, janitor or bus driver or our parents, and there are plenty of these suits. If it is when we're talking about negligence liability, we are talking about tort damages for personal injury and personal injury means that if my school board got a school bus full of kids that hit a train as a railroad crossing and as a happened last year in our parish; that if you want to void the benefit of sovereign immunity you're telling those parents of these children that the school board is short-sighted enough to have failed to get liability insurance that they have no right of action for negligence and for the wrongful death of their children. Now, if you want to vote that way, just to maintain legislative privilege in promoting these bills to give permission to file suits, well then by all means vote that way, but I want you to know what you do when you're doing it, because what we're talking about with regard to school boards is legislative permission to file a tort suit when a school bus load full of kids gets hit at a railroad crossing. So remember that, and if the school board doesn't have sense enough to have liability insurance for that kind of accident then they ought to be sued, and I'll be sued. Now, as assistant district attorney, I am somewhat familiar with law suits, being filed right now, today, in federal court, every day, against district attorneys in this state for alleged violation of federal constitutional laws. Certainly I am much in sympathy with the district attorney on that point, however, if that's the only law on the books, we come to the issue that Mr. Jenkins raised. Are you going to endorse the state against the people or the people against the state? The United States Constitution and Amendment 14 say that no state shall deny any individual due process of law. It says no state shall deny. That's the United States Constitution. Are we going to do this? And I would point out that with regard to this immunity and police officers in cities right now you can sue any city police officer in the state who violates the rights of an individual, and you can do it in state court. You don't need legislative permission to do it because I've done it myself. That's the only suit that I've ever filed against the city. I've defended plenty of them in the personal injury at the school board and I can tell you that sovereign immunity rests with only the personal injury category, where I'm asking you do you want that school bus load full of kids to get hit by a train and the parent not to have a right of action? Or do you want, if a police jury run in a ferry boat and they're short-sighted enough not to provide maritime insurance and that ferry boat sinks, do you want the orphans, the orphans who are left because if that negligence be deprived if a right of action in the courts of this state. Now if that's what you want then you can stand and vote for this, but I can tell you that in federal court they've already ruled that they've got a right of action in maritime law which is a federal law, and is interpreted by the federal courts, and they've said in the district court in New Orleans that they've got a right of action. Any lawyer worth his salt is going to try to get that law into federal court in the state court because he wants that law, where his jury verdict is not reversible by the appellate court, and if he gets a jury verdict it will hold up when you vote, vote how you please, but know why you're voting that way, that's all I can ask.

Point of Information

Mr. Troly Mr. Assistant Attorney General, would you require it from the Chair at this time, if the Attorney is divisible, Point of the Chair?

Mr. LeBreton We'll ask the clerk if the question is divisible.

Mr. Rieger Mr. Assistant Attorney General, would you require it from the Chair at this time, if the Attorney is divisible?

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Further Discussion

Mr. Duval Mr. Acting-Chairman, fellow delegates, I am at this time voting on the merits of the dilemma for the following reasons. I think that if all we're talking about is suits, under tort, that certainly the doctrine of sovereign immunity should be waived as it now stands because I think it's farcical, in that it's been eroded away completely. What concerns me is suits not involving appropriations of money. I think that there is plenty of protection under the Roy amendment and under the present amendment there. I'm wondering about the extent of sovereign immunity...how it exists, and I've talked to 10 or 12 lawyers and all of them had different opinions. One: if I were to sue the state alleging that under a Spanish land grant I owned the property upon which the state capital is located. Many people say that I should be able to urge that right. Well, in that instance, as a matter of public policy, I think that the rights of one individual would be diminished because of the rights of the whole. In other words, in the event the person prevailed in the courts in their infinite wisdom, held in the favor of the plaintiff, then we would have to...it would cost the state a great amount of money. What I'm saying is are all we're talking about is tort? Are we talking about other suits? Now, if someone can give me a legal opinion that there is no immunity at all, the state has no immunity at all, except in matters of tort, then I say, let's do away with it now. I agree, but if the state presently has an immunity on suits such as probate suits, etc., perhaps certain public policy decisions would have to be made that would be a political decision that should be made by the legislature and not the courts. Now, if someone can certify to me that legally the states immunity only applies to tort suits, then we've been wasting a lot of time, because we ought to do away with it. But if the states immunity presently applies to other matters, other than suits in tort where you don't have a money judgement...you're not worried about collecting money...you have a judgement for land or mandamus or for the other things, then the public could suffer for the rights of one individual. We do live in a society and we all make a social contract, and I don't think that the rights of society should suffer for the rights of one individual. It's a very difficult question and I am very torn with it, but if the law is now that there is no immunity except in tort, then, heck, let's do away with it, but I'd like for someone to inform me about the law. That's what I'd like, and I'm an attorney and I don't know.

Questions

Mr. Perez This is a proposal with respect to waiving sovereign immunity is so great, why do you think that the United States has never waived its immunity and still has the right to sue on that you must secure its consent before you sue?

Mr. Duval Well, I would assume that that immunity would apply to other things other than tort.

Mr. Anzalone Mr. Duval, are you satisfied that this present amendment does not restrict itself to tort actions?

Mr. Duval Yes.

Mr. Roy Mr. Duval, in your question about the social contract, I take it that when years ago the majority of people felt certain people should be discriminated against if that was a social contract thing, then the right of the individual should have been superseded by the right of the majority, do you agree?

Mr. Duval I think that question is phrased such that I refuse to answer it because it doesn't make sense.

Mr. Roy Oh, yes, it makes sense. Aren't you say-

ing that irrespective of the right of the individual that the social contract mandates that the state whether it is right or wrong supersedes the individual?

Mr. Duval Well conceivably the court could say that the title to the state of Louisiana was an Alphonse Gaston and we all had to leave and be evicted. Now, should all the rights of all the other individuals be sacrificed the right of Mr. Alphonse Gaston who has got a legal claim to the state of Louisiana under the Louisiana purchase was defective?

Mr. Roy You haven't answered my question but...

Mr. Duval I am attempting to answer it in the same way it was asked.

Mr. Roy No, I thought you meant that the individual is subservient to the state alone.

Mr. Duval Of course not, that is not what I mean at all.

I say in certain instances the rights of one individual would be mitigated by the rights of all the other individuals in the state.

Mr. Roy Shouldn't that individual at least have the right and the privilege of going to a court of law to determine whether his rights supersedes that of the state or not? And isn't that all we are asking in this particular amendment?

Mr. Duval I agree with you basically, except in certain crucial instances I think that the decision is a political one.

Mr. Roy Well then the state and its judiciary system in my opinion, and I am asking you, don't you think that the state court would then say that we waive the interest of the individual against three and one half million people and we then will rule in favor of three and one half million people.

Mr. Duval Well, you boil down to where you put it on that?

Mr. Roy But I would like to know really does the immunity exist anyhow and if it doesn't?

Mr. Duval I can agree with you...

Mr. Casey I am sorry Mr. Duval you are out of time.

Further Discussion

Mr. Stovall Ladies and gentlemen of the convention, Delegate Denney has an amendment which is on your desk and which will be presented later on which seems to accomplish the purpose that many of you are concerned about, without relinquishing the rights of the state. It says in effect, the legislature shall adopt statutes providing methods of filing suits against the state, its agencies and political subdivisions. Such statutes may waive immunity from suit and liability and shall provide a method of procedure. My point is this, the present amendment which is before us is restricting this amendment that will be presented by Mr. Denney seems to be a middle of the road position which answers many of the concerned. My suggestion is that we vote on the amendment which is before us. I think most of us have made up our minds and then that we deal with the amendment that is being presented by Mr. Denney. And Mr. Chairman, if I am in order, I would like to move the previous question.

[Motion for the Previous Question.
YEAS: 12-9]

Further Discussion

Mr. Conroy I will be brief. I am opposed to this

amendment and I want to try to correct a couple of misconceptions. As I mentioned before I am entirely sympathetic to those who wish to expand the state's liability for tort, for negligence, to respond in suits for such matter. The United States government enacted the federal tort...claim act. That act permits suits for negligence against the federal government, but it is limited in scope to that activity. Under the original proposal the state of Louisiana could enact a comparable waiver of liability for tort claims. And I think probably the legislature should, but we have heard some dramatic speeches about the rights of the individual in such action. The amendment here goes far beyond the rights of an individual. It opens up the state to suits not just by individuals but by large corporations as well. And there may be quite a few such suits hanging in the wind and some substantial liabilities on the part of the state. Right now when the state leases lands and royalties are paid to the state, it keeps those royalties, no matter what. Be careful what you do with this amendment. Be careful what you do in this area because you may be opening up a possibility that will bring on the state serious economic consequences.

Thank you.

Question

Mr. Avant Mr. Conroy, you partially clarified the question that I was going to ask but I just want to ask it again on this point. Any implication by any person that the United States of America still retain the doctrine of sovereign immunity to the fullest and utmost extent is not correct. It has waived sovereign immunity under the federal tort claims act. Has it not, sir?

Mr. Conroy Under a statute which would similarly be possible under the original proposal submitted by the committee.

Further Discussion

Mr. Shannon Mr. Vice-Chairman, fellow delegates, we have been arguing this thing back and forth for about two and one-half hours now seems like, maybe longer than that. And I have heard some of the attorneys get up here and say what the committee came out with was good and I have heard others offer amendments to try to change it. As I see it, the committee recommendation is good so I now move the question on the entire subject matter of Section 14.

[Motion for the Previous Question on the entire subject matter rejected: 33-63. Previous Question ordered on the amendment.]

Closing

Mr. Tapper Thank you, Mr. Chairman and fellow delegates, I know you are growing weary with these arguments and I'll try to make it brief. I would like to first, though point out, Mr. Burson pointed it out very, very ably about the school bus filled with children who would lose their right to sue if the legislature did not authorize it. And my amendment I am sure, Mr. Burson, he spoke in favor of the amendment and I just hope that you realize that he did because he didn't want to try to convince anyone one way or the other, he just wanted you to know what you were voting on. Insofar as the federal government, yes it is true. There is a federal tort claims act all of you lawyers know it and you can sue the federal government directly without their permission, without their consent. As far as it being a political decision which somebody said a while ago, it should be a political decision, well I don't agree with that. I think if an individual has a right of action against this state that that individual should be able to exercise that right without being screened by some eight or ten or fourteen members of one committee of one of the houses of the legislature and if you don't know the

way it works, that is the way it works. There is a judiciary committee at each house to which these bills or resolutions are directed. If that committee does not report the bill out favorably it is not voted on by the house and therefore you are deprived of your right to sue when you have a valid claim. Now, yes, the only thing we are doing with this amendment is taking away the supervision of the legislature and this should not be there anyway. Now I ask you, you make the decision, do you want to stand by the sovereign for this technicality that can deprive any individual of his right of action? Not only these children in the school bus, what about a man twenty-five years old with about five or six children who is going down the highway and a garbage truck crosses a red light or a stop sign in front of him and kills him. He cannot sue unless he gets the permission of this committee of the legislature.

I am a member of the legislature, yes, and this is not one of the rights I think the legislature should have, this is not one of the authorities I think they should have. I believe you should weigh it as between the individual right and the right of the state. And don't make any mistake about it. Most of the subdivisions and the state's agencies are insured against this. So we are not doing anything here for the lawyers, we're not doing anything here to deprive the state of any of its money we're only attempting to give the individual the right to file the action if he does have an action. If he has no cause action he will lose his case in court. So at least let's give him that right and let's not put the state between us and the people we represent.

Questions

Mr. Guarisco Mr. Tapper, wouldn't you say that to allow the legislature to, in its discretion, to give or refuse permission to sue can lead to irresponsible government in that the garbage truck or the bus driver or the highway department dump truck can run around with impunity knowing that they can't be sued, is that correct?

Mr. Tapper That is absolutely correct, and I might tell you of an example of a case that came by me and that was against the federal government for a national guard truck. There was a claim against the national guard...driver of the national guard truck the state could not be sued because you had to get permission but the federal government was sued because it happened to have been called out in a national emergency and that person was able to sue the federal government but not the state.

Mr. Guarisco Mr. Tapper, isn't it also correct that if you oppose and vote down this amendment then in effect you are adopting the philosophy that it is better for an individual to sustain an injury than that the public should suffer an inconvenience?

Mr. Tapper That is exactly correct.

Mr. Stinson Your wonderful illustration about the national guard, isn't it a fact that that national guard was federalized when it was called out and it was on federal duty and not on state duty and therefore the federal government should have been sued?

Mr. Tapper Yes, sir I am glad you asked that question, because I have a similar case where the national guard had not been nationalized and the party that was aggrieved could not sue Mr. Stinson.

If there are no further questions, I will ask you to really consider this, I know you voted down the last amendment and I know a lot of you have thought about the possibilities of what would happen with this particular amendment but believe me in most instances, in all the instances on political subdivisions

[Resolved with Order of Amendment rejected. Motion for reconsideration failed.]

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Amendment

Mr. Poynter Amendments sent up by Mr. De Blieux. Amendment No. 1. On page 7 delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: "Section 14 the immunity of the state and any of its political subdivisions from suit and liability is hereby abolished. The legislature shall provide a method of procedure in the effect of the judgment which may be rendered against the state or any of its political subdivisions however, public property shall not be subject to seizure and no judgement against the state, its agencies or political subdivisions shall be exigible, payable or paid except out of funds appropriated for payment thereof."

Explanation

Mr. De Blieux I might say this, Mr. Chairman, Ladies and gentlemen of the convention, this particular amendment will allow the legislature to set up the procedure by which suits against the state can be authorized and how the judgement will have to be paid. They cannot be paid except by appropriations. The amendment provides that and I think it contains some of things that the other amendments were lacking. The issue of the immunity of the state has been well presented to you. This contains that particular provision, I don't want to labor the question very much longer and I think that this is a much, much better provision. I ask each one of you to read it over carefully and see if you don't think that this would adequately take care of the situation. And I ask you concurrence in the amendment.

Questions

Mr. Tobias Senator De Blieux, is this by chance the identical thing that we voted down in effect twice?

Mr. De Blieux No, it is not the identical thing because in the previous amendment there was no provision for the legislature to set up the procedure by which suits would be entered and how that they should... how the judgement would be paid anything of that sort. This particular amendment if you will take and compare it contains that particular provision. The legislature will have the privilege of setting the procedure and the amendment says that. The legislature shall set the procedure by which suits against the state and its political subdivisions can be filed.

Mr. Tobias Then other than the procedure, there is no difference?

Mr. De Blieux Other than that, I'll say that this is the main provision in this. That the legislature will have control over how the suits will be initiated.

Mr. Conroy But Mr. De Blieux this does contain the same attempt to waive all immunity that has twice been voted down by this convention, is that correct?

Mr. De Blieux Well, it does contain that, Mr. Conroy, but let me say this. At the present time the immunity you might say is perfunctory anyway because the legislature usually adopts those resolutions. You are costing the state money by having to pass those resolutions. You are making the legislature as you might say a little bit more popular with their constituents by being able to handle those resolutions and you are creating the nuisance of the individual of having to come to the legislature to get his resolution passed and costing them that extra amount of trouble. You are certainly not taking care of your constituents and the people and the private citizens by forcing them to go to that procedure. Even though you don't deny them the right to proceed because the legislature usually gives it.

Mr. Murphy All right, you are allowing Mr. De Blieux that all possible such suits have been presented to the legislature in the past and may not have been...

Mr. De Blieux Well as far as I know, I don't think we have ever had an occasion where we have denied the right of an individual to enter suit but it just causes him a lot of trouble to do that and I say why cause him to go ten miles to do something when he should be able to do it in one.

Chairman Henry in the Chair

Question

Mr. Champagne The question that worries me Senator is are you establishing, are you doing away and you are saying that absolutely, no immunity is enjoyed by the state? Is that what you are saying in no case... not in the cases of torts of anything but none at all?

Mr. De Blieux Well, the legislature will set up the procedure because it provides for that for the waiving of the immunity.

Further Discussion

Mr. Fulco Mr. Chairman and fellow delegates, excuse me for taking up your time. I haven't been up here in some time but I have been motivated and inspired in talking about this suit. I have... I have hoped that it would have been resolved by now. We have heard about the garbage truck, the children in the busses, we have heard about the automobile accidents, and we have been led to believe that they have no right to go to court to sue the state. I can't conceive possibly... possibly conceive of these people being denied the right of a bill being introduced in the legislature and receiving permission of the legislature to sue the state. I can't recall anytime when the legislature has denied such type of request for suits against the state. But yet, previous speakers have appeared at this microphone and have attempted to cause you to believe that the legislature of the state of Louisiana would deny such a permission to sue the state. We have got to have an orderly manner to handle suits against the state. If we allow every individual the right to automatically go to court and attempt to sue the state for all types of cases whether justifiable or not, can't you imagine what a chaotic situation we will be faced in our courts. We are already told about the jam, the many cases that are on the dockets in the various court levels of our state. We are already been told many times that we need more judges on the district benches. We need more pay for the... to encourage more better judges to run. The judges don't have time to take care of all the cases that they are confronted with or that are on the docket. Yet, we really want to clear the dockets when by... removing this right or this immunity of our state government. I'll say in conclusion, kill all the amendments. Let's have an orderly manner in pursuing the right to sue the case. Let's leave the section as it is in the committee proposal. They studied this thing for months and months and they heard witnesses for months and months. And they decided to leave this section in the proposal as is and I urge you to vote down this amendment, vote down all amendments and vote for the section as submitted by the committee.

Thank you.

Further Discussion

Mr. LeBreton Mr. Chairman, fellow delegates, I will be very brief. I somewhat subscribed totally to what Mr. Fulco said and I particularly want to point out that the objection that I have to this amendment is A. It is 80 to 90 percent the same of what you have defeated previously and secondly and most important as I presented to the committee, in speaking for the... hopefully for the committee, that what we have done is studied the matter we have made

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few changes. We present to you a rather proven and tried method that has existed and with the few improvements that we have recommended under our comments that I have mentioned to you earlier, will give us a good rock bottom system to work from. And I repeat again, I know of no reason to change, except that I appreciate the wisdom of the attorneys that have come up here. But outside of that, I see of no reason to change. There is certainly no request from the people of the state of Louisiana and I hear everybody talking about representing the people in Louisiana, they haven't asked for a change. So let's vote this amendment down and other amendments and hopefully we can go on and pass this section.

Thank you.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I asked Mr. Roy about helping me to put this amendment together and I noticed on it my name was spelled wrong but that doesn't matter. The Mr. LeBreton mentioned that none of the people really wanted it this is why I asked for it because it has come up in my district from a number of people and this is one of the things that they wanted. So I could not sit there and say that no people wanted it because when I go back home they are going to be challenging me on it and I just want to take this privilege of letting them know and letting you know that I am representing them and what they want. I ask you to vote for this amendment.

Further Discussion

Mr. Roemer I will make it real brief. I support this amendment as I also have supported the previous two amendments that tried to do in substance the same thing. The issue at hand to me is clear and it was better said by a man far wiser than myself, Benjamin Franklin. He said that those who give up liberty to purchase a little security will soon find that they have lost both, liberty and security. Now that is the issue, the liberty, the right of a man to sue if he feels that he has been wronged. What is the security involved? Those legislators here and others who want that security blanket of screening themselves want to deny some liberty so they can keep that security. Now that is the issue and it is a good issue, if it is a basic issue in a new constitution. I don't think we can do anything less than put this amendment through.

Further Discussion

Mr. Casey Mr. Chairman, and delegates, I will be very brief. I believe I would like to urge first of all that you defeat the amendment and at least retain the concept of sovereign immunity whether it be the proposal that the committee is submitting to you or one of the other proposals that may be submitted at a later time. Senator DeBlieux by the wording of his amendment says this. The immunity of a state and any of its political subdivisions from suit and liability is hereby abolished. My understanding of a case that was annunciated in 1970 indicates that the doctrine of governmental immunity in Louisiana is not an affirmative constitutional guarantee. So to my way of thinking this language doesn't even belong in the constitution to start with. Because it is not a constitutional guarantee that immunity exists. So I would submit to you if you adopt an amendment which does in fact abolish the sovereign immunity that it is not necessary to specifically have the wording that Senator DeBlieux contains in his amendment. I would urge you for the reasons I have stated many times before that you reject the amendment but also for the fact that I believe, contains superfluous wording.

[REVISION QUESTION ORDERED.]

Closing

Mr. DeBlieux Mr. Chairman, and ladies and gentlemen

men of the convention, it is going to be very brief. I just want to say this, that the individual citizens have lost a lot of their rights. This is giving them back one of their rights that they should have had and should retain. I ask you to at least one time, let's vote for the citizens of this state and adopt this amendment. I ask your concurrence. Thank you very much.

[Amendment rejected; 43-57. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Mr. Denney. Amendment No. 11. On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: "Section 14, Paragraph A. The legislature shall adopt statutes providing methods of filing suits against the state, its agencies and political subdivisions. Such statutes and the word is 'may', I believe it has already been changed from 'shall' to 'may' on your copy but if not, you should make that correction. Such statutes may waive immunity from suit and liability shall provide a method of procedure and the effect of their judgements which may be rendered thereon and may waive any prescriptive or preemptive period. Paragraph B. Except when it may have been pledged or hypothecated to secure payment of any debt or obligation, public property shall not be subject to seizure and no judgement against the state, its agencies or political subdivisions shall be exigible, payable, or paid except out of funds appropriated for payment by the state, its agencies or political subdivisions against whom judgement is rendered."

[4 coauthors added.]

Explanation

Mr. Denney The purpose of this amendment is to permit the legislature to waive immunity if in its judgement it deems proper to waive the immunity. But it does not bind the state forever and ever or until another amendment to the constitution in order to get back its immunity. I feel that if the legislature wants to try the immunity method, I mean the waiver of immunity method, let the legislature try it. If it is not proper and it finds it not to be proper it can always remove the waiver and go back into the state of immunity if such exists. The balance of the amendment I believe is self-explanatory and I request the delegates to please support it. I will be glad to answer any question.

Questions

Mr. Conroy Mr. Denney, I am just a little bit confused because of the copy I received. The second sentence does read, such statutes may waive immunity, is that correct?

Mr. Denney Yes, sir. That is correct. There was a typographical error and it was corrected in the original.

Mr. Conroy There is no automatic change in it?

Mr. Denney No, sir.

Mr. Conroy In what way does this, do you feel differ from the committee proposal as such...

Mr. Denney The committee report as I understand it says that any law enacted for the purpose of authorizing suits shall waive immunity. It doesn't say waive immunity. It shall waive immunity from suit and liability. My amendment says it may waive immunity from suit and liability.

Further Discussion

Mr. Jack Mr. Chairman, ladies and gentlemen, after reading Mr. Denney's amendment and noticed in the

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word was "shall" still there. I wasn't for it, and I discussed it with him and it has "may" in it. So I became a coauthor. I like this better than the regular material because under the regular material we have there for this section, of course, the legislature can waive it in any and all of them. This, of course, will be the same, but it goes further. They can set up some guidelines. During the time I was in the legislature, we nearly always authorized a suit, but I thought, and I think you can do it under this, that on certain suits we should have had a set up where we could have at least require affidavits as to how something happened, especially a number of the suits that I saw like at Angola and all. So this will be left up to the legislature, so that, to me, is better than in the material we have. So I ask that you pass this amendment. Good.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention, Mr. Jack and all the others have been talking about snakes and I'll talk about tad-pocoquets but this is one. This is much worse than what the present amendment is in what the legislative committee came up with. At least the legislative committee provides on line 10 that if the legislature chooses to waive its immunity, that is to authorize the suit, it shall waive its immunity. Under this thing, since Mr. Moise Denney has changed the word "shall" in line 4 to "may" the legislature may authorize you to sue it and then after you go through all the process of suing and all, it may not waive its immunity. So you haven't done anything. This is very very important. We've been talking about something, and y'all have been beating me down and I've been voting the other way. But this is much worse, than the present legislative provision, because although it may authorize a suit, it may not authorize or waive its immunity. Well, what a fine thing you are in. So, you get to sue the state, or the political subdivision, but the immunity is not waived and your judgment is not worth the paper it's written on and you can never execute on it, and by that I mean you can't even present it for payment, because then the defense says we didn't waive our immunity. Now how silly are we going to get on this thing. Now if y'all are opposed to the concept of suing the state without its authority, although any public agency can sue and be sued, may be sued right now, and its immunity is automatically waived, that's one thing, but for God's sake don't come up here with something that allows the suit to be filed but does not permit the waiver of immunity. We are nowhere. I'll answer Mr. Womack's question, if he's got one on it.

Questions

Mr. Wollack Mr. Roy, I gather from what you're saying is that you don't trust the legislature in good faith to go ahead and authorize a suit, and that you feel that they would be stupid or irresponsible enough to authorize a suit for a man, saying you've got a legitimate suit, you're entitled to go to court, but we're not going to give you anything. Is this what you're saying?

Mr. Roy I'm saying that in the past I have not always been confident of what the legislature has done. But I'll be darn if I want the legislature to authorize the filing of the suit but may not waive it's immunity, because we got into that before. Mr. Womack, in several cases in the past and the supreme Court had to straighten it up. Let's look. This thing is now about 20 lines long. If we're going to go with conformity and clarity and shortness and brevity in the constitution, let's keep what the legislative committee has done. It's a lot shorter and it amounts to a little bit more than what Mr. Denney has proposed.

Mr. Drew Chris, in addition to what you just said with which I agree, can you see any purpose in the first sentence? Doesn't the Code of Civil Procedure already provide methods of filing suit?

Mr. Roy That's right and that statute is all it about no jury trials, etc.... I just think now we've gone into 20 sentences of saying less than Senator Blair said in about five, and we have less than Senator Blair and them gave us which I don't think was enough a long time ago.

Mr. Avant Mr. Roy, as I read this I want to see if it means to me and you the same thing. Doesn't it mean that the legislature shall adopt general statutes... shall adopt general statutes waiving immunity from suit and liability in certain classes of cases, yet other classes of cases you've got to get a special act if you want to sue...?

Mr. Roy No, it doesn't say that to me, because it says they shall adopt statutes providing methods of filing suit which is a procedure but the next sentence says such statutes may waive immunity. If they don't waive immunity, all you have is the right to sue, but the immunity has not been waived. So you can't win on the merits, because they then raise the issue of sovereign immunity with respect to liability.

Mr. Champagne Mr. Roy, you and I are not always together, but would you believe me if I told you that I thought this was the sorriest amendment of the day?

Mr. Roy I would certainly agree.

Further Discussion

Mr. Burson I imagine by now everybody here is just about as tired as I was when the legislators filibustered the split session to death back about a week ago. I just want to point out to you that this amendment does do one thing. It protects the rights of all the big corporations who buy bonds from any political subdivision of the state. It does that in Section B when it says that except as they may otherwise be subject to seizure, public property shall not be subject to seizure. In other words, if my hypothetical bus load full of children all get killed by that train at the railroad crossing by all means let's not let their parents file suit against a governmental subdivision where they might get a judgment because we've hypothesized to secure payment of any debt or obligation public property shall not be subject to seizure. But on the other hand if we've got a big corporation that happens to own bonds of that same political subdivision apparently under this amendment it's all right for them to sell the courthouse. That's the way I read it. If it doesn't mean that, I'd be open to explanation, but it simply states as far as I can see that public property can be subject to seizure if and when it's pledged to hypothecate. Now I submit to you again, you do what you want to do and I'm going to do what I know is right. If you want to vote to protect the rights of the big corporations who buy bonds in this state but at the same time leave the private rights of the individual citizen under the whim of the legislature then you, by all means, vote for this amendment. But I can tell you that I'm going to vote against it.

Questions

Mr. Derbes Jack, in the language of the original committee proposal, section 14, isn't it possible for the legislature to adopt a general provision permitting and authorizing an entire class of suits to be filed without an individual screening process?

Mr. Burson This is possible and under the revised statute you could sue the state highway department, and most of the tort suits filed against the state are against the state highway department. So I don't see what all of the turmoil has been about in the first place. I don't believe that an individual citizen should have to go to the legislature to get permission to file a suit just because he's been aggrieved in tort by a servant of

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the state rather than by somebody else.

Mr. Derbes So, just like the Federal Tort Claims Act has been recognized by the federal Congress, that type of legislation could indeed be undertaken under the provisions of the original constitution proposal. Isn't that correct?

Mr. Burson It is not required however, I have a subsequent amendment that is coming that would require it because it says that the state would waive its immunity in tort. We've had a lot of speakers tell us they didn't mind waiving immunity in tort, so we'll give everybody a chance to vote on it.

[Motion for the Previous Question on the entire subject matter rejected: 34-6. Previous question ordered on the amendment. Amendment rejected: 29-71. Motion to reconsider failed.]

Amendment

Mr. Poynter Mr. Avant sends up amendments. Amendment No. 1, on page 7, line 7, immediately after the word "subdivision" and the "and" before the word "and" insert the following: "may waive any prescriptive or any preemptive period".

Explanation

Mr. Avant Mr. Chairman and fellow delegates, I'm going to be very brief. I know you're tired. I'm not trying to get you to waive immunity. The only thing that I want to get out: the present constitution permits the legislature in these special acts to waive the immunity from suits, to waive immunity from liability and also permit the legislature to waive any prescription that may have accrued. Now, in many cases it's impossible to get an act passed by the legislature to allow you to bring the suit within the one year prescriptive period which follows the date of the accident. That is not included in the committee's draft. There is no authority in the committee's draft, specific authority, for the legislature to waive prescription. So since it was in the constitution now, if you take it out I'm afraid that the logical inference is that it was omitted for a reason. That therefore the legislature cannot waive prescription. In which case, if you were not able to get in according to the timetable of when the accident happened and when the legislature meets and so forth and get your act passed within that one year you'd just be blown up. So I ask you to vote favorably for this amendment. It just puts back something that is in the present constitution and it doesn't affect any other phase of the committee's proposal.

Questions

Mr. Derbes Mr. Avant, you're an attorney, is that correct?

Mr. Avant Yes, sir.

Mr. Derbes Let's take the prescription in Article 2315, for example, the one year prescription on causes of action for negligence. That's a civil code matter isn't it.

Mr. Avant Article 2315 is in the civil code but it doesn't contain any prescriptive period that I know anything about. The prescription is in some other article of the civil code.

Mr. Derbes Isn't it true, Mr. Avant, that, as far as I know, there are no prescriptive articles anywhere in the Louisiana Constitution? Isn't that correct?

Mr. Avant I don't know.

Mr. Derbes Well, I don't know of any, so I don't know why it's necessary to put this in the constitution in order to give the legislature the authority

to waive prescription.

Mr. Avant I will try to explain it to you. The civil code says that the prescriptive for an action in tort is one year. That means that you've got to file the suit within one year after the accident happens. The present constitution expressly states that the legislature may waive the state's immunity from suit, its immunity from liability and may waive prescription. So, they frequently do waive prescription, and create a prescriptive period in the act itself. In other words, say you've got to bring a suit by a certain date. Now if you leave that out of the new constitution the inference is that you did it because you don't want the legislature to be able to waive prescription, which I don't know if that was intentionally done. All I'm doing is asking you to eliminate any possibility that the courts could so interpret it and make it clear that there is no change in the law. The law is just what it's always been. You've got to get the act from the legislature authorizing the suit and waiving the immunity and if prescription is a problem the legislature would have the right to waive prescription. It's just as simple as that.

Mr. Landry Mr. Avant, I'm not going to give up. I'm going to continue to listen to every proposal; I'm going to listen to every explanation. I want to ask you a question.

Mr. Avant Yes, sir.

Mr. Landry It might be a bit difficult for you, but I believe lawyers have been talking to lawyers, and independent people and maybe some back home, but I've been listening. I don't know whether we're on radio or not but somehow, somehow I've got to explain, just in ordinary language. Now, I want to give you a difficult problem. The question is can you explain to me what is meant by "may waive any prescriptive or any preemptive period." Can you in ordinary language, everyday language, not legal language, explain what that means?

Mr. Avant I will try to do so Mr. Landry. The law provides a period in which a suit may be brought on various types of claims. A suit on an open account, I think, you have to file suit within three years. I think it's three years. I think the account became due or the last payment was made on it. A suit on a note has to be brought within a five year period after the note became due and demandable. A suit for damages for tort must be brought within one year after the act that caused the damages occurred. In other words, if somebody runs a traffic light and runs into you while you're proceeding through an intersection on a green light and breaks your leg, you have by law one year in which to file a suit. If you do not file the suit within that one year you can't bring it later, it will be dismissed. Now, the present constitution says, in Article 11, forget the article but it is Section 35, in outlining this procedure the legislature may waive any prescription or prescriptive period which may have accrued in favor of the state or other public body against any claim or law on which suit is so authorized. Now if you delete that language from this proposal the clear inference to me is that you no longer want the legislature to be able to waive prescription, and I don't think that that was the intent of the committee. I agree it was. I don't know, but I just don't think it was. All I want to do is put it back like it was.

Mr. Landry Thank you Mr. Avant. Thank you.

[Previous question on the entire subject matter rejected: 34-6. Previous question ordered on the amendment.]

Amendment

Mr. Poynter Amendment No. 1, on page 7, line 7, immediately after the word and punctuation "and" insert the following sentence: "may

ther the state nor any of its agencies or political subdivisions shall be immune from suit" and in your copy this may not be included "or liability in tort".

Explanation

Mr. Burson We've had a number of speakers today on this issue who had, I think, good faith doubts about the extent of just a blanket elimination of sovereign immunity. They were worried about things like suits involving state land, which might adversely affect the whole policy of the state of Louisiana. We've had a number of speakers who expressed doubts in that area who said that they had no objection to an individual who was involved in an accident bringing a personal injury suit without permission of the legislature. This is what the amendment says. You will note that my amendment does not substitute for the committee proposal. It would simply be an addendum to the committee proposal. The committee proposal provisions, which would permit the legislature to set up the means by which the individual would exercise his new-found right in tort could be done in a state tort claims act. You've already had previous speakers up here tell you that we have a federal tort claims act now. So, I am simply telling you that this amendment, the purpose of this amendment, would be to provide for a state tort claims act. Instead of breaking down into different categories or classes and removing the immunity from the state highway department and then maybe in another piece of legislation removing the immunity from school boards and maybe in another removing it from the police jury, I would say let's go ahead and have one state tort claims act which would permit a citizen if he's injured in tort to act in the same legal capacity as he would against any other defendant in a tort suit, and let's let the legislature provide the means of how this could be done in a tort act.

Questions

Mr. Denney Mr. Burson, why would the state have to authorize a suit to be filed if it has no immunity?

Mr. Burson The only thing that I'm adverting to there is the legislature may authorize suits to be filed against the state and the effect of judgements which may be rendered therein. I have not affected that last clause the effects of judgements which may be rendered therein. It is certainly my intent that you would be able to file a suit without having legislative permission. I'm open and above board about that, if you were involved in a personal injury situation. If my hypothetical examples of the ferry boat that sunk or the school bus hit by a train at a railroad crossing were involved, you would not need legislative permission to file a suit in those instances or in any instance when you had suffered a personal injury at the hands of a servant of the state.

Mr. Denney In other words, sir, the first part of this sentence in the committee report where the legislature may authorize really has no meaning any more...

Mr. Burson It would be negated insofar as it referred to tort claims. However, we have been... in the course of the debate introduced to other areas such as property rights that would still, as I interpreted it would still be left to the legislative act.

Mr. Denney Thank you, sir.

Mr. Jenkins Delegate Burson, in other words, this would simply put us in line with the federal government and waive immunity to the same extent that the federal government has.

Mr. Burson It would be my interpretation that we would do this by this amendment, yes, sir.

Further Discussion

Mr. Conroy Certainly this amendment is not as bad as some of the others, but it still is bad. The proposed amendment does not do anything that the legislature could not do under the committee proposal. The legislature could enact a general tort claim act. Reference was made to the federal tort claim act. I'm not the fanatical type. I know that it exists. My impression was that it had certain limitations and restrictions in it. I'm concerned again about the possibilities of the kind of suit that we're opening up for the state. Suppose for example, a major property damage suffered not by an individual, but by a major corporation whose property is flooded due to the negligence of a levee board employee, or something like that. There are many types of things that come to my mind that this could open up, that you can't close the door on again. Again I say, leave it to the legislature, that's what the committee proposal does. These sort of things can be handled. They've been handled in the past and I think that we should adopt the committee proposal and reject this amendment.

Questions

Mr. Abraham David, the proposal by the committee said that the legislature may authorize a suit and that to me means that they could enact a general law which says that people can sue the state for liability claims for personal damages or something without having to come to the legislature. All right, the last sentence says then that any law enacted shall waive immunity. So this language right here is simply superfluous to what's already here, is it not? If they're going to enact a law stating that a person can sue the state then the second sentence here says that they shall waive immunity, and that law would have to contain that would it not?

Mr. Conroy I'm confused about the thrust of your question, Mac...

Mr. Abraham What I'm trying to say is that the amendment is not necessary because the provision of the committee takes care of that.

Mr. Conroy The thing that the amendment hopes to do, the legislature can do under the committee proposal, yes, but the legislature would have to do it. This is a blanket waiver that the legislature, I think, if it attempted to waive liability and tort would probably put certain limitations on what it was doing, rather than exposing the state to multi-million dollar suits.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, the more amendments that we have seen presented on this subject matter, the better and better I personally like the committee proposal. First of all, in the amendment as submitted by Mr. Burson, the word tort is used. I do not know where the word tort is used in the revised statutes, even, or in the code... the civil code, the word offense and quasi-offense, is used to my knowledge in the area of tort. The word tort certainly has legal significance, but it is more a word coined for colloquial, everyday usage rather than for to be contained in the constitution, and this point was very intelligently pointed out by one of you up on the floor here just now. Secondly, a proposal of this type doesn't belong in the constitution. Why are you going to waive immunity just for a certain one kind of suit and leave all other types of suits alone. I submit to you ladies and gentlemen, that this has no place in our constitution. Either you're for sovereign immunity or you're against the concept. Vote for or against the concept, but don't make special itemized exceptions such as this type if you adopt this amendment. As Mr. Conroy was very well pointed out, the legislature itself by act can waive immunity from tort actions and liability

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therefrom if it deems appropriate and I can assure you gentlemen that under no circumstances will any widow of a truck driver or an ice truck or a milk truck with its children have they been prohibited from filing a suit against the state of Louisiana, and I would urge rejection of the amendment.

Questions

Mr. Landrum Mr. Casey, now you have been in the Legislature for some time.

Mr. Casey Six years, Rev. Landrum.

Mr. Landrum Six years. Well, all right, probably a little before your time even when one-third of the requests were turned down. Do you know that?

Mr. Casey One-third of what requests were turned down when, Rev. Landrum? I don't quite understand your question.

Mr. Landrum I believe it was 1965 or 1964, when in about 29 applicants' appeals to file suits, ten of those were turned down.

Mr. Casey Reverend, I don't know. It is possible ...

Mr. Landrum Mr. LeBreton, I wish you were right up there beside him because you were there.

Mr. Casey Reverend Landrum, I assume that the question was directed to me...

Mr. Landrum Yes.

Mr. Casey ...and I'm willing to say this. First of all, that it is possible requests for suit have been rejected, but do you know that as far as I know that when authorization is requested what the legislative committee, the judiciary committee, looks for is the determination first of all to see if prescription has run? Now if prescription has run, the person couldn't file a suit even if sovereign immunity was waived, and that's to my knowledge, all that the judiciary committee looks for, Reverend Landrum.

Mr. Landrum And I think that's really the cover you're really hiding behind, that prescription.

Mr. Casey Reverend Landrum, I'm not hiding behind anything. I feel very strong about the concept of sovereign immunity and I don't believe that we would automatically waive it.

Mr. Landrum Mr. Casey, I'll pass, thank you.

Mr. Jenkins Mr. Casey, under what circumstances and what facilities would the legislature have to determine the meritoriousness of a given case, as to whether or not it should be allowed to be entered into the court system? Is the legislature set up to do that sort of thing?

Mr. Casey To my knowledge, the legislature does not determine the merit of a case, to determine whether it is meritorious or not, because then in fact, you would really virtually have to have a trial and present the evidence, and I think, you know and I know that the judiciary committee, in fact, does not go into that. That all it does look for is to determine if the claim has or has not been waived.

Mr. Jenkins In other words, it does not look into the merit of a case...

Mr. Henry Mr. Jenkins, he's exceeded his time, Mr. Henry.

Further Discussion

Mr. Stinson Mr. Chairman and fellow delegates, there are certain dangers of speeches of this in

...that are not pointed out. In some of the other amendments there was a safeguard as to how such a judgment would be paid and the need for the safeguard was to see that regular procedure in the state and others would not be disrupted by a judgement. Now when we speak of judgements now days, it's not a few thousand dollars, if you get judgements, oftentimes it's a hundred thousand and two hundred thousand dollars. Can you imagine this school board that has been used as an example when the school bus was run into a serious problem, as tied in with the recommendations of the committee, they wouldn't have to get... authority from the legislature to sue, they would not have to get a legislative act to collect the judgement. All they'd have to do is go out and seize the school buses, any property that the school boards own, that the police juries own, or any property belonging to the state of Louisiana. There would be no exemption whatsoever, from the execution of a judgement, and I think that that could result in very serious items. Result in a lot of things, welfare funds, school funds, anything that they wanted to execute on could be executed on if this is adopted and tied in with the amendment or the provision as recommended by the committee. Now it's all right to say that the individual will be protected, but there are a lot of school children and other people that could be injured if this is adopted as in here. Now, if they wanted to do what is right and protect the majority of the people, we holler about the majority all the time and now we're talking about one individual. Its one individual going to disrupt the entire school operation in a parish because he has a judgement of maybe two hundred thousand dollars and seizes everything belonging to the school board; not to the school board but to the citizens of that parish that live in that school district. We've got to have some safeguards. If you don't we're going to really run into serious problems on execution on judgement. When they get a judgement against it, it's not going to be necessarily the parent of some little school child. As they say, it can be a corporation; it can be anyone that has sued on a tort action, whatever a tort action means, and get judgement. They can at any time seize anything that you want to sue. That is dangerous and anyone that forces that on our different public bodies is not doing a good service to the citizens of Louisiana. I'd like to caution you, this is not needed; under the provision of the committee, it can be taken care of, and I think we're going to get into serious trouble if you adopt this amendment.

Questions

Mr. Burson Mr. Stinson, do you know that my amendment in no way affects the language of the committee proposal which provides that the effect of the judgements which may be rendered in any lawsuit would be provided by the legislature?

Mr. Stinson But you're going... the provision as I read the law, maybe I'm not as good a lawyer as you are, Mr. Burson, but as I read the law, this is an exception to what the committee has said. It says that there will be no immunity from tort. That means that this provision of the committee will apply to other torts and that as far as torts you can sue anytime, execute anytime that you get a judgement. And I think the courts will hold that, too. To our sorrow, it will be, if this is adopted.

Mr. Burson Mr. Stinson.

Mr. Stinson And it might be that you might be an excellent district attorney by the time your School Board gets in trouble over there.

Mr. Burson Mr. Stinson, if this is your opinion do you know that I would be happy to join with you in another amendment which would clarify this, although I disagree with you.

Mr. Stinson Well I think that the other amendment should be put on first, Mr. Burson, because our

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School Boards are having more and more problems over being financed now as we know. Bond issues are being voted down. Soon, I'm afraid, we're going to almost have a passed issue as to School Boards, so maybe we won't even have to apply to them.

[Quorum Call: 96 delegates present and a quorum.]

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I'm going to make my remarks very short. I think that Delegate Stinson has made some remarks up here that he doesn't believe in himself. If he had read the provision, it says the legislature shall make the rules for the enforcement of judgement. So therefore, there's not any possibility of seizing any school funds, or buses, or anything of that sort. I want to make that very clear. I would say this, he made reference to some \$100,000 judgements. If there is any judgement obtained in that amount, you can be sure that the person was entitled to something because as you well know, the courts very, very seldom ever allow judgements to take care of the damage that was actually done. If you take some individual that has 5 or 6 children, in the youth of his life and making a good living and he gets killed, who is going to take care of his family? That's where you get the \$100,000 judgements, if one is rendered for that sum. And that's very, very seldom. You can sue the School Board or you can sue the parish or you can sue the state on a contract, but you're going to deny the individual the right to sue unless he comes and gets the right from the legislature. The legislature is not equipped to determine whether or not that individual has a merit to his suit. So if they are not equipped to determine the merits of the suit, why should you get permission from them to render the judgement in the first place? It should be the courts function and why not go directly to the court to start with for your remedy? I ask you to vote for this amendment since we are only limited to the person who has been injured through damages by tort action. Somebody that's entitled to a suit upon his claim. It's a good amendment and I ask your approval.

Questions

Mr. Tapper Senator De Blieux, isn't it a fact that in order to get permission from the legislature, some legislator must file something for that individual and that he cannot do it himself, can he?

Mr. De Blieux That's right, exactly correct.

Mr. Tapper And if he can't get a legislator to file it for him, then he can't file his suit, can he?

Mr. De Blieux That's exactly correct. You are making the legislature his errand boy to do something which he ordinarily should be able to do by himself.

Mr. J. Jackson Just in line with what Mr. Tapper said, let's say based on arguments that were given to us by Mr. Stinson, let's say if a legislature, and usually if someone wants to file a suit he gives it to a legislator from that particular district, and that if this legislator is concerned maybe about the political ramifications of introducing the suit against his school Board, then the possibility does exist that the citizen could not get that legislation introduced. Right?

Mr. De Blieux Because of the political consideration involved the legislator may not introduce the resolution. He may lose the suit, at least it's postponed until he finds some other legislator which will do that for him. I just don't think that's right.

Further Discussion

Mr. Kilbourne Mr. Chairman, fellow delegates, I won't delay you long. But I am concerned about this word "tort" in this amendment. Now all we've heard about "tort" and I'm sure what you think it is, as when a train hits a school bus or something of that kind, or a school bus runs over somebody, or a garbage truck runs over somebody. But I'll tell you this, tort can mean a whole lot of things. Anything that a person feels that he is damaged by in an act of somebody else is a tort. For instance, to give you an extreme case, and you know you have professional litigants in Louisiana, to give you an extreme case, somebody inadvertently or maybe accidentally reads a prayer in a school. Well there would be somebody that might say that their children were damaged by that, and that would be a tort. So I ask you to watch what you do here.

[Previous Question ordered.]

Closing

Mr. Burson I don't want to pass it because frankly I don't want to lose the vote because of a misunderstanding. I may not get many.

The word "tort" is a word which is backed by historic meaning which antedates the Louisiana Civil Code and goes back to the very origins of law, and I don't think that a court would have too much trouble in defining it. It does include more than accidents caused by negligence. It does also include intentional wrongs to the individual such as an assault and battery. So if you happen to be a servant of the state should be able to assault and batter a private citizen and that private citizen should have to come to the legislature to get permission to file a suit for that assault and battery, vote against my amendment. If you believe, as I do, that that citizen should be able to file that suit without getting permission, then vote for my amendment. Now, it's a matter by Mr. Casey, for whom I have the greatest respect, that the legislature is not going to turn down widows and orphans I think that that's true. I have the greatest respect for the legislators who are delegates here, and if I had any doubts about their political acumen, they have long since been gone since we began these deliberations. I am not proposing that I take away anything from the legislature that I think the legislature ought to have. If the legislature is going to permit these suits anyway, then why not let's say it here and now and not leave it an open question in the future. I put it to you, ladies and gentlemen, why else reserve the prerogative of approving these suits if you don't want to be able to say no to some of them. Now other than that, it just doesn't make any sense. If you don't want to say no to the citizens' right, then let's say it in the constitution and make it plain and let's not burden the legislature every time with five or six hundred bills, most of which are passed pro forma, but each of which costs the taxpayers money and that could better be served on other legislative business. And if the suits are going to be denied, then frankly I don't think the legislature ought to have that prerogative because that prerogative belongs in the courts under our system. I ask you in the end, consider whether you want to place this new constitution backward to an anachronism of spay-eright immunity that has been abolished in 11 but five states, or whether you want to move forward into a new era and let our citizens have the same rights as citizens have in 45 other states of the union. The decision is yours.

[Record vote ordered. Amendment rejected: 10-51. Motion to reconsider tabled. Motion to revert to other orders withdrawn: 67-12.]

Announcements
[2 Minutes 20"]

[Adjournment at 11:00 o'clock p.m., Friday, July 27, 1973.]

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Friday, July 27, 1973

ROLL CALL

[105 delegates present and a quorum.]

PRAYER

Mr. Burns Our heavenly Father, Thou greatest of all law makers and law givers we pray that Thou would pass on to us enough of Thy knowledge and wisdom that we may draft a new constitution that will not only meet Thy divine approval, but with approval of the voters of the state of Louisiana when it is submitted to them. We pray that Thou would give us clean hearts, free from any animosity, hostilities or any personalities that we may proceed to draft this constitution in the spirit of friendship and cooperation. We ask these things in Jesus name. Amen.

PLEDGE OF ALLEGIANCE

[Motion to suspend the rules to limit debate. Quorum Call: 110 delegates present and a quorum. Motion to limit debate to five minutes. Substitute motion to allow five additional minutes for questions. Substitute motion rejected: 18-76. Motion adopted: 95-19. Debate limited to five minutes for each delegate.]

READING AND ADOPTION OF THE JOURNAL

Personal Privilege

Mr. Armentor Mr. Chairman and delegates, I hope that this is the appropriate time for us to pause a moment and examine the progress of this convention as of this date and make at least an attempt to find ways and means of expediting the work of this convention. We have been debating and rehashing many subsections, many amendments to each subsection for more than three weeks on Article III which I don't think anyone considered highly controversial. According to Act 2 of 1972 the final draft of the proposed constitution must be completed by January 4 of 1974. If we are to meet that deadline, we have to turn over to Style and Drafting Committee at least a tentative draft of the entire constitution several weeks before January 4. Then they must come back to this convention for approval, and then it must go to the printer and be in the governor's hands by January 4. That's why I think that we have to go back and see what we've accomplished thus far, and try to expedite the work of this convention. I don't have any solutions to the problems but I think it may serve us well to try to analyze it as shortly as possible. You will remember that on July 6 we started with the election of legislators and it was proposed that they be elected from single-member districts. It appeared quite obvious that every delegate was in favor of single-member districts. Merely, there were some who were opposed to including that in the constitution and some who wanted it in the constitution. If my memory serves me right, at least 12 to 15 delegates came up to this rostrum and gave identical reasons why it should be included in the constitution. Another dozen or so delegates came up here and gave identical reasons why it should be left out of the constitution. This repetition is what's bogging down this convention as I see it. Our chairman has no power to eliminate this repetition. If he were a trial judge he could tell us, "I don't want to hear any more corroborative evidence." That would be the end of that. But this is a democratic convention and he does not have the power to eliminate unnecessary repetition on every proposal and every amendment to every proposal. The only way we can accomplish this is by voluntary self restraint. Now no one wants to cut off debate. Everyone wants to hear all valid arguments for and against every amendment to every proposal, but I don't think anyone would find himself on December 1, with the job half done. I think every delegate wants to complete the job. The five minute

rule apparently will be a help, but it will take more than that because if on every amendment to every proposal we have say ten delegates on each side, 20 delegates, talking three minutes only, we're talking about the loss of one entire hour. As I recall, the very first day that we took up the proposition of the election of legislators, we consumed about three or four hours. Now, I don't have to remind you that we have many highly controversial issues. For example, property tax assessment, homestead exemption, industrial exemptions; based on our present rate of progress we could spend six weeks on that one issue alone. Not to mention the governance and coordination of higher education, civil service, judicial system, dedication of funds and many others. Therefore, I have no desire to get involved in a debate as to how to do it because I have no solution to the problem, but I sincerely hope that every delegate here will exercise some voluntary self restraint seeking to expedite the work of this convention. Thank you.

RESOLUTIONS ON SECOND READING AND REFERRAL

[I Journal 207]

REPORTS OF COMMITTEES LYING OVER

[I Journal 207-208]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3, introduced by Delegate Blair, on behalf of the Committee on Legislative Powers and Functions, a proposal making provisions for the legislative branch of government, impeachment, and removal of officials and necessary provisions with respect thereto. The status of the proposal at this date, Mr. Chairman, is that the convention has adopted Sections 1 through 13 as amended of the proposal and it now has under its consideration Section 14, suits against the state. Correct, Section 12 was passed over, or action postponed, so Sections 1 through 11 and 13 have been adopted. Action on Section 12 has been postponed and presently under consideration is Section 14.

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Lanier], on page 7, line 6, after "Section 14" and before the words, "the legislature", add the letter (A).
Amendment No. 2, page 7 between lines 11 and 12, add the following: "B. (your copy probably will begin "however public property", it has been changed to read as follows: The word "however" has been stricken and it begins: "except as otherwise provided in this constitution, public property shall not be subject to seizure and no judgment against the state, its agencies or political subdivisions shall be exigible, payable, or paid except out of funds appropriated for payment thereof."

Explanation

Mr. Lanier Thank you, Mr. Chairman, fellow delegates yesterday we had many proposals submitted to us that had similar language to this in it. However, these proposals also contained provisions dealing with the issue of sovereign immunity, which have been so controversial. These issues were not severable. This amendment isolates the issue. This issue is the simple issue of the manner of execution of judgments against the state. The purpose of it is to exempt public property from seizure and to provide that no judgment against the state, its agencies, or political subdivisions shall be exigible, payable, or paid except out of funds appropriated for payment thereof. This does not make any change in the existing law. We have codal provisions in jurisprudence that support this proposition, and this language is presently contained in Article III, Section 35 or [of] our present constitution. We...the public money behind this, of course, is that if someone was to seize the general fund of a public agency they could stop all of the operations of that agency and, of course, deprive the public, which is a part of the people, the benefits of these services. I added in the clause "except as otherwise provided in this constitution",

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because there are instances in our present constitution and what is being proposed for our future constitution that authorizes the pledge of public property to secure certain types of indebtedness [sic]. Specifically, I would direct your attention to the proposed sections 42 and 43 of the local and parochial government provision. I feel fairly certain there will be somewhat similar provisions in the revenue, finance and taxation proposal where public property can be pledged to secure revenue bonds, local assessments or certificates of indebtedness, and that also is the present law. That is the reason for the "except as otherwise provided in this constitution" to accommodate these security devices, without which you could not sell these types of securities. I believe that the amendment is fairly self-explanatory. In order to accommodate the remarks of Mr. Armentor, with which I concur, I would at this time yield myself to any questions from the floor.

Questions

Mr. Rayburn Mr. Lanier, I didn't hear all of the debate yesterday. What... would you briefly tell me the purpose of the language in this amendment which says that no judgment shall be paid unless the money is appropriated by the legislature.

Mr. Lanier Yes, sir. That is the present law. It's not appropriated by the legislature. It would be appropriated by the legislature with reference to state agencies or state subdivisions or the state itself. With reference to others it would be with reference to that particular body. That's the present law, Senator.

Mr. Rayburn Well, there's no change in that provision.

Mr. Lanier No sir, that's Article 35... Article III, Section 35 of our present constitution and the jurisdiction as it exists under the civil code.

Further Discussion

Mr. Tapper Mr. Chairman and fellow delegates, I don't have a copy at my desk but I read a copy that someone else had and I don't want to oppose the principle of not being able to seize public property, like the Capitol, or the courthouse in a particular parish, but the way I read this amendment, it says that no judgment shall be paid except out of funds appropriated by an instrumentality or the state. I believe that this amendment is faulty in that it will also preclude a judgment being paid by an insurer of a political subdivision or an agency of the state. If Mr. Lanier wants to ask the question, Mr. Chairman, I'd like to answer it because I don't want to be opposed to his amendment but it does give me a problem.

Questions

Mr. Lanier Mr. Tapper, is it not true that under the law of the state of Louisiana, a plaintiff would have a direct action against an insurer?

Mr. Tapper That is true, but that law could be changed, Mr. Lanier, by a simple act of the legislature.

Mr. Lanier Is it not true that at the present time in a case where you might not necessarily be able to sue the sovereign, you can file a direct action against the sovereign's insurer and collect under the insurance policy and this has been ruled by the courts to be a judgment against the insurer and not against the sovereign?

Mr. Tapper That's true, but we're writing a constitution here, and if this constitutional provision provides that there can be no judgment paid or that there shall be no judgment paid except out of public funds appropriated, then I think that the insurer would have the... the insurance company would have a good exception in that suit that is being filed, and that's the only problem that presents itself to me.

Mr. Singletary Mr. Tapper, I agree with you that the principle of protecting public property from

seizure is good but is this amendment really necessary or is this something that could be accomplished just as well by statute?

Mr. Tapper It could be accomplished by statute and anything that is not prohibited I understand that we are going to finally... of course this will be within the prerogative of the delegates of this convention... but I understand that we are going to allow the legislature to do anything that is not prohibited... It could be provided by statute, yes. Ladies and gentlemen of this convention, I don't want to oppose Mr. Lanier's amendment insofar as the principle of not being able to seize public property. But we are going a little further here and we are providing that under our constitution in this state that there can be no judgment paid unless it's paid by an appropriation, either by the legislature or political subdivision. I think that this is not what Mr. Lanier wants and this is not what this convention wants. Certainly if we are going to pay for insurance, our agencies are going to pay for it and our political subdivisions are going to pay for it, those insurance companies should have to pay the judgment if there is a judgment rendered against them. I urge that you defeat this amendment. Maybe we can put another one in and explain that a little bit more in detail. I'll answer any other questions.

[Previous Question ordered. Amendment adopted: 55-40. Motion to reconsider.]

Personal Privilege

Mr. Tapper I understand that Mr. Roy voted no, and it registered green on the board. I would ask for a five minute recess to check the machine to make sure that it is recording properly.

Personal Privilege

Mr. Burson I attempted to change my vote just to see what would happen and it didn't change. I think that machine is fouled up.

Personal Privilege

Mr. Stovall I was just about fifteen steps over there talking to Mr. Blair. I moved immediately but we didn't have time to get over to vote.

Personal Privilege

Mrs. Dunlap Mr. Chairman, you just shut these machines down so fast. We don't even have time to find out what is going on, much less get up here and vote. Now, I don't see any big emergency in getting this machine shut down.

Mr. Henry We have had amendments which were adopted, after which Mr. Lanier moved to reconsider the vote by which the amendments were adopted and to lay the motion on the table. To which objection is urged. Therefore, when the machine is opened, if you are in favor of tabling the motion to reconsider and don't want to fool with these amendments any more, then you will vote green. If you were against Mr. Lanier's amendments, you will vote red.

[Motion to table resumed: 52-02.
Motion to reconsider adopted: 60-40.]

RECONSIDERATION

Mr. Poynter The copies of the amendment which were typed have just arrived and they are going to be passed out now so everyone will have a fresh copy retyped with the correction made by Mr. Lanier in the amendment.

Explanation

Mr. Tapper Mr. Chairman and delegates to the convention, this is not a joking matter. I'm not really opposed to the principle that Mr. Lanier is trying to put forth here, but if you read the amend-

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ment when you get it, you will see that it says that no judgment can be paid—I think it says shall be paid—except by funds appropriated. This will preclude the payment, in my humble opinion, of any judgment by any insurance company that has been paid premiums by any political agency, political subdivision, or agency of the state. This is the only thing that I am trying to straighten out and I hope we can straighten it out. I'll yield...

Questions

Mr. Duval Mr. Tapper, perhaps you can clear up something for me. Couldn't you bring a direct action against the insurer under the Louisiana law?

Mr. Tapper That question was asked a while ago and I don't know if you were here, Stan. Yes, you can but that authority is set forth by statute. That statute could be amended or repealed. We are talking about a constitutional provision here which precludes the payment of any judgment except by appropriated funds.

Mr. Duval But if you didn't name the state and named the insurance company, you wouldn't have any problem would you?

Mr. Tapper I beg your pardon.

Mr. Duval But if you didn't name the state and merely named the insurance company under the direct action statute, you would have no problem, would you?

Mr. Tapper No, you wouldn't. But if you didn't name the state, you would have the problem, Stan. I have never filed a suit and not named the party against whom I'm suing in addition to the insurer. You know that too, don't you?

Mr. Anzalone What's the provision of the law now as to the payment of judgments against the state?

Mr. Tapper What is the provision of the law.

Mr. Anzalone Yes, how are judgments paid at the present time?

Mr. Tapper The money has to be appropriated by the legislature against the state. The money would have to be appropriated by the legislature in order to pay that.

Mr. Anzalone That's the way it is being done now?

Mr. Tapper Yes.

Mr. Anzalone That's what this says too.

Mr. Tapper No, no, Mr. Anzalone. If it is a direct action against... if the suit is filed against the state and against the insurer today, the insurer will have to pay up to the coverage of the insurance of the policy. But under this provision this prohibits the payment of judgments except by appropriation. Read the amendment, Mr. Anzalone.

Mr. Anzalone Does not this provision prohibit the state from paying any judgment except by appropriation of funds? It does not say that somebody else who's got insurance can not do it.

Mr. Tapper Yes, it does. It says that no judgment shall be paid except by appropriation, Mr. Anzalone. If it would say that the state shall pay no judgment, that's why that we should withdraw this amendment and resub it with that provision in it. It says that no judgment shall be paid except by appropriation.

Mr. Anzalone Would you classify Travelers Insurance Company as the state?

Mr. Tapper No, they are not.

Mr. Conroy Mr. Tapper, are you aware that the

present constitution, Section 35 of Article III, says, "No judgment against the state or any public body shall be exigible, payable or paid, except out of funds appropriated for payment therefore

Mr. Tapper Yes, I'm aware of that but this amendment does not say... have anything to do with a judgment against the state. It says that, "No judgment shall be paid." Have you read the amendment?

Mr. Conroy Yes, I have. I was trying to clarify exactly what your objection was.

Mr. Tapper At this time, Mr. Chairman, I move to table the amendment.

[Motion to table the amendment rejected: 46-62.]

Further Discussion

Mr. Lanier Mr. Chairman, fellow delegates, I can understand where there was some confusion over the votes on this thing. In that regard I can understand why you want to reconsider this thing at this time. However, I just can't understand some of the arguments that have been presented here. I would like to read specifically from Article III, Section 35. It specifically provides, "No judgment against the state or any other public body shall be exigible, payable or paid, except out of funds appropriated for payment thereof." This amendment makes no change in that. The law will remain the same. This particular constitutional provision has been supplemented by R.S. 13:5801 which gives further explanation as to how you execute judgment against the state or political agencies. This business of, you can't sue the insurance company and collect a judgment against it, is baloney. You can do it. Under the Louisiana direct action statute, you can file a direct suit against the insurer and get a judgment that is not a judgment against the state and you can execute upon it. So I really don't know what all of this is about. This only maintains the status quo of the present law as supplemented in the statutory law, and for that reason, Mr. Chairman, I move the re-adoption of this particular motion.

Further Discussion

Mr. De Bileux Mr. Chairman, ladies and gentlemen, I hate to see Mr. Lanier get upset about this but let's take this situation. Suppose, and most lawyers will do that if they're worth their salt, they'll sue anybody they think could be liable on a matter. Suppose the state and the insurance company are both sued because that would give them the right to sue under the direct action statute. Suppose you get a judgment against both of them and the amount of the judgment is a little bit more than the insurance company is liable to pay. If Mr. Lanier used the words in his amendment of out of public funds, it would be one thing, but he does not use those words. He says the judgment shall not be paid and it means that the insurance company and nobody else could pay that judgment until the state appropriated the money to do so. I think it might be holding up some person who needs to get his money a long time until the state appropriates its portion of the money before they could be paid. I feel like we ought to reject this amendment and adopt one which would accomplish what he wants to do. This amendment in my opinion does not do that.

Questions

Mr. Tapper Senator De Bileux, is it not a fact by a majority vote of the legislature the direct action statute can be repealed?

Mr. De Bileux Oh yes, that's true.

Mr. Tapper In that case, Senator, the suit would have to be then against the state or its political subdivision or its agency and the insurance company if a judgment were rendered under this provision of

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this amendment, it could not be paid except by appropriation? Isn't that true?

Mr. De Blieux That's the way I read it. Now if he limited it to public funds...and furthermore I'd say like under our present law and statutes, I don't think this amendment would be necessary anyway.

Mr. Juneau Senator De Blieux, I'm a little confused. As I read the amendment and the present constitution, there is no change. Isn't that correct?

Mr. De Blieux I think that if you read the first part of that amendment, Mr. Juneau, it says out of public funds.

Mr. Juneau I don't see the distinction between the two. The point being, Mr. De Blieux, the problem that is raised by the execution of the judgment has not been a problem in the past.

Mr. De Blieux That's true, because most of the time the judgments are obtained where there isn't any insurance. But if those bodies to where that they do have insurance would be allowed to go ahead and pay their judgments. I'm just afraid that it could be interpreted that way. Under our present law I don't see the need of this particular amendment anyway.

[Previous question ordered. Record vote ordered. Amendments adopted: 58-54.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Casey], On page 7, line 9 after the words "any law" and before the word "enacted" insert the word "or resolution".

Explanation

Mr. Casey Mr. Chairman and delegates to the convention, this is merely a technical amendment because at this time the legislature uses the resolution method in order to permit filing suits against the state. This would merely allow the status that exists today--that is the use of resolutions.

Questions

Mr. Kelly Mr. Casey, you are not taking out the word law, though? Is that correct?

Mr. Casey No, that's correct. We use resolutions now. All I'm doing is making sure that if the legislature wishes that it would have the prerogative or the right to use the system that it uses today--that is resolutions.

Mr. Kelly That is resolutions. Now for our purpose in the legislature what is the difference between say a law and a resolution.

Mr. Casey The governor would have the right to veto a law. He doesn't have the right to veto resolutions.

Mr. Kelly But this amendment...you did not take out law. You just added resolution.

Mr. Casey We added resolution merely to insure the right...I think we could probably do it anyway...but this is merely for clarification. That's all.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Roy, et al.], on page 7 delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following:

"Section 14. The doctrine of sovereign immunity is abolished; however, public property shall not be

subject to seizure except when it may have been pledged or mortgaged to secure payment of a public debt and no judgment against the state or any public body shall be exigible, payable or paid unless funds are specifically appropriated therefor."

Mr. Roy, I presume you would want a technical amendment deleting all the previous amendments. Is that correct, sir? Thank you.

Explanation

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention, I know I have been up here a lot and I apologize for it but I've got some pretty strong feelings about certain things. I want to thank Mr. Landry yesterday for reminding me that the great majority of you are not lawyers. We lawyers who get up and speak in terms of [...] we're making a mistake. We're not...Mr. Landry pointed out a real fine thing and I've just gone over it, that we lawyers tend to be a little presumptuous. Not that we want to hide anything but we speak in terms of art that some of you are not familiar with. This amendment does three things, and it meets the issue head on. One of them, in my opinion, is a "good" issue and I hate to use that term but that's what it is. Its the notion that an individual of the State of Louisiana should be allowed to go into court and ask the court to regress against the sovereign. That's the period. It doesn't mean he can win. It doesn't even mean he can collect if he does win. Let me give you a good example. A foreign corporation that is in the State of Louisiana and injured by a Louisiana Department of Public Officials' employee may go to federal court because it's got diversity of citizenship and doesn't need authority to sue the Department of Highways or the Department of Public Works. Yet, we, our own citizens, would need that. That's one great hiatus that shouldn't be. Let's go further. It does another thing that yesterday I hadn't prepared for. It tracks the language of Mr. Denney's amendment with respect to protecting companies that have issued bonds and that have been financially obligated by the state to secure those bonds. Those properties may be seized if the state doesn't pay its debt or the local communities. Therefore, there will be no effect with respect to bonding companies not doing business in the state. The third thing it does, it says that in other respects, public property cannot be seized and that's really the only way you can collect your money after you would get a judgment, and a court would rule on it, is if there was specifically appropriated money to pay that. Now ladies and gentlemen, that's about as plain as it can be made in the English language. You'll notice that the co-authors are people who yesterday generally were opposed to the other stuff because of the reasons I said were not covered. This amendment covers it all. It merely says that a citizen of this state does not have to go to the person against whom it seeks to sue and say give me permission to sue you. That's all it does.

No cases have been brought up whereby people can show there are a lot of municipalities suits filed against the state. It's just not. If you talk to any attorney who's in the business, they'll tell you frankly that. I urge you to pass this bill and let's get on. Thank you.

Questions

Mr. Triche Mr. Roy, I wanted to get your explanation of the difference in the language between your amendment and Mr. Lanier's amendment regarding seizure of public property. Mr. Lanier says except otherwise provided in this constitution public property shall not be subject to seizure. Your amendment says public property shall not be subject to seizure except when it may have been pledged or mortgaged to secure public debt. Is there a difference between your amendment and Mr. Lanier's amendment? Is there a conscious difference?

Mr. Roy Mr. Triche, I'm not exactly certain. I would think that mine may be limited to, and I was specifically trying to protect bond and bond in-

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sued in the state, and I don't know what Mr. Lanier thought. The legislature may broaden that thing or the constitution may come up with something that would be a lot different. But I specifically wanted to protect the bonding industry of this state so that we would not have to worry about people... communities... being able to borrow money. That's what I was trying to protect because yesterday it was not protected in my original proposition.

Mr. Sinsley Mr. Roy, if an attorney is representing a client on an hourly basis, wouldn't your amendment actually save a client some money?

Mr. Roy Certainly it would because you wouldn't have to go through the formalities—the proforma formality of getting a bill through the legislature, which is a formality. The legislature, incidentally, my friends, never sees the suit. It never passes on the merits of the suit. Some friend merely gets a bill up that eight out of fourteen say, "let it go."

Mr. Burns Mr. Roy, the first line in a [...] the doctrine of sovereign immunity is abolished. Isn't that exactly the same question that we voted on yesterday?

Mr. Roy No, Mr. Burns. I'm going to be perfectly honest with you. Yesterday my amendment didn't say anything about abolishing it. Today and last night after I thought about what Landry said and I realized that this is a constitutional convention. I want our citizens protected as much as a foreign corporation in here that could sue in federal court. I decided to meet it head on and I want to tell you honestly that this will abolish sovereign immunity. But sovereign immunity is based on an erroneous concept that the king can do no wrong. All we're asking is permission to sue without having to ask for it.

Mr. Burns You're not answering my question. I'm not questioning the rest of your amendment or the method of payment and collecting judgments and appropriated funds and bonding companies and all that. I'm asking you is did we not vote on the correct question of removing the immunity that the state now enjoys from suit?

Mr. Roy In my opinion, no. Because it was strictly up to the legislature whether to keep it. Now we're saying that we don't.

Further Discussion

Mr. Blair Mr. Chairman and ladies and gentlemen of the convention, I rise in opposition to this amendment. If you will recall we had four similar amendments that carried most of this yesterday that you voted against. I urge you to vote against this so we can move along.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention. The reason this amendment is being offered, and it is not too much different from those offered before and the reason I am up here again is because I think the success or failure of this convention is going to be decided to some extent on whether or not we can take an issue and discuss it, think about it and maybe change our minds about it, if we come to realize we made a mistake in the first place. Most of the delegates to this convention can do that—can weigh the arguments and consider the issues and maybe come to a new conclusion. What is sovereign immunity? It is the doctrine that the state need not entertain a petition alleging certain grievances from a private citizen that lives in that state. That's the first aspect of it. The second aspect is, that the state need not pay a judgment if a judgment is rendered pursuant to a suit being entered with its permission. So there are really two basic protections the state has. The first is that it doesn't even have to listen to any suits under the doctrine of sovereign immu-

nity and then if it does give permission it need not pay if a judgment is rendered. There's still one other protection that the state has, a protection that would not be allowed in a other respect of society and that is the man who makes the decision, the judge is paid by the state. He's an instrumentality of the state. He's paid for by one of the litigating parties. Now how much protection does the state need? I contend that the fact that the judge is a state employee is one pretty good protection for the state. The second thing that no judgment can be paid unless funds are appropriated for it is another good protection for the state. But the idea that a person can't even go into court to tell what his grievance is, is an abuse of state authority. There's no justification for something like that. You won't even listen to the grievance, the state says. That doesn't even make sense. Prosser, who is an authority on tort law had this to say, "Just how this feudal and monarchic doctrine ever got translated into the law of the new and belligerently democratic republic in America is a bit hard to understand." It was introduced by judges, gentlemen, ladies, not by the legislature or by the Congress or by the U. S. Constitution but by Chief Justice John Marshall. He's the one who introduced it, a court usurpation. The issue here is different from every other issue we've considered so far at this convention. We've been dealing with the lengths of sessions, payment of members. Reasonable men can disagree about things like that. But I think we are now dealing with, not basic constitutional, but a kind of issues that make or break a constitutional convention. The issue is the right of the individual citizen, for whom the state is established, to go into court and having his grievances listened to. That's the issue here, or whether government can be all powerful and completely arbitrary and not even listen to the grievances that he put forward. How would it be if the legislature started to try the cases in the legislature? What if the legislature wanted to weed out the so called frivolous cases? Started calling witnesses, taking testimony... you can can certainly see that that would be an abuse of the legislative power and interference with the separation of powers. It would be unjustified. The only way sovereign immunity can be used to stop the state is if that's done, is if some suits are kept out. To keep it out would be a usurpation. It doesn't make sense. If it is going to be proforma in the legislature, then we ought to abolish it and if it's not proforma, it would be unjust. Let's go on and abolish this outmoded anachronism. Let's give the people the right to go into court and at least list their grievances. That doesn't mean a right to win. That's no guarantee of success. That doesn't mean if they win the suit the judgment will be paid, but let's give them that right to go into court. Thank you.

Further Discussion

Mr. Deshotels Mr. Chairman, fellow delegates, I have been sitting like most of you and listening to the debate and waiting until I had something to say, to get up and say. Some people have been talking on everything that comes up before the floor. I haven't done that. Mr. Dwyer called this the race of the state of Louisiana bill. I had rather call it a thirty-three and one-third to forty-five percent bill. That is what it is. All the people that are proponents over here are really talking about that thirty-three and one-third to forty-five percent. Do you realize the way that this particular bill is drawn up. This amendment. That if you have public property secured to pay back bonds that the equity on that public property could be seized. Why don't you read it. It says public property shall not be subject to seizure except when it may have been pledged or mortgaged to secure payment of a public debt. All right, you have got a water works that is three-quarter paid. You have got equity in that water works. That water works is pledged, it is hypothecated, it is mortgaged. It could be seized. Now they are talking about appropriations, about no judgment being ex-

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gible until you have a specific appropriation and they are telling you that there is no such thing as sovereign immunity. One person says there is just a little bit of a vestage of sovereign immunity left. Why have we fought for four and one-half hours yesterday on this little ole bitty bit, except for that thirty-three and one-third and forty-five percent. Now they are talking about no appropriations now, can you imagine me getting in this court as an attorney and going with a right but no redress? Now I get to the Supreme Court and I say gentlemen they gave me the right but they didn't give me any right to collect on it. I want a mandamus these public officials to appropriate that money. Maybe I could do that, I don't know, that is the question. The group of people that was before you and proposed this amendment, did they study this. Second thing, suppose you have got a seizure of funds in escrow, is that public property? It may be but it may be that it would be interpreted differently. Now what about future bonds? What about the town that wants to borrow money and improve itself, put in a sewerage? A small town I can talk about, but the town can take care of itself in most instances but I am talking about that town that has 1500 people, 2000 people, 3000 people, they can't afford the public liability insurance policy. I live in a town like that. If I have got a policeman that goes in there and beats somebody over the head and breaks the law and then my town gets sued, I don't believe I should pay for that. Let them get that policeman and make him pay if they can. If the town can afford a public liability insurance policy I am sure they will get it, but some of them can't. They are operating on a marginal basis of profit. They can't pay that thirty-three and one-third percent or that forty-five percent they are asking for. Now this is another thing we have talked about, the legislature has been talking about no-fault liability insurance. I am just wondering how many insurance premiums and how many insurance policies are going to have to be sold if we pass something like this. Think about that they won't argue it before you and ask you to vote for something for four and one-half hours on one day and come back and turn it around fifteen different ways, up and down, sideways for no reason. Don't let them pull that on you. It is not true. They are thinking about that attorney's fee, by and large, that's it, they are not worried about those small children in that bus, they are dead. It is a shame that it should happen. But that is not their concern. That comes in and out of their offices everyday. Why don't we just face it, call it what it is and then let's vote on it. That's all, Mr. Chairman.

Questions

Mr. Burson Mr. Deshotels, are you imputing to all of the attorneys who have argued on this case the motivation of a contingent fee?

Mr. Deshotels Mr. Burson, I am telling you that thirty-three and one-third to forty-five percent does have a lot to do with what we are arguing right now.

Mr. Burson Are you aware sir, that as a proponent of an abolition of sovereign immunity that I at the present time am defending thirty suits against state agencies and have not one suit as a plaintiff against such state agencies?

Mr. Deshotels Mr. Burson, I have been thinking about that since yesterday and I just can't understand how

Mr. Burson All right. I was just wondering if your contention about the contingent fee was based on what you would be concerned with in a similar case

Mr. Deshotels Not at all.

Mr. Burson Well, then why do you impute those motives to others sir, would you tell us?

Mr. Deshotels Well, that is the only understanding that I have for people advocating something so strenuously and forgetting about all the other facts and aspects to it.

Further Discussion

Mr. Tapper Mr. Chairman, and fellow delegates, The gentleman exceeded his time and therefore I was not able to ask him a question. I am rising and I think every lawyer here resents the insinuation that we are here representing ourselves and not the people that we were sent here to represent. I don't believe anyone here is here to represent himself. And that has been the problem with this particular subject since we began with it. The imputing to the lawyers that this is a lawyers provision, forgetting who lawyers represent. Lawyers represent people and you ask the people in everyone of your districts...

I will not yield to a question.

If we are going to continue on this particular premise that everyone who approaches this microphone and everyone who submits an amendment is submitting it for personal gain. Then ladies and gentlemen of this convention, I suggest that we move to adjourn sine die because this is not what we are here for. And you have seen me time and time again. I have had some of the legislators tell me why have you voted against my proposal. I haven't been with the legislators on all of the proposals and I am a member of the legislature. And I don't question their motives in what they present here and I don't think anybody else should. And I don't think that they should be intimidated or it should be insinuated or that the people of this state should be told that there is a possibility that there is nothing but personal interest here. And I resent what the gentleman said and I know that everyone of you do also. And I hope that we can keep that out of this convention. Now it is a simple, simple thing, this amendment, simple. I don't know who that gentleman represents or where his interest lies but I will tell you where mine lies and that is with the people that I represent. And I believe that all of you are here in this same position, it is the same way. And I hope that we can continue to present our positions, without being intimidated or questioned about our motives. Thank you.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, first let me say I am imputing nothing to anyone. I don't want to get involved in that. However, the issue has been hashed and rehashed and thrashed and rethrashed until I am sure that all of us, unless we are morons, are aware of the issues that are involved. We are hearing the same thing over and over again. Mr. Chairman, delegates, we are slow, not because of any time limit or lack of it. But because the issue has been hashed and rehashed, thrashed and rethrashed, and it has so many facets that I don't know which facet I am on. I know that I am completely exhausted and I believe every delegate here knows the issues. And I feel that it is wasting our time and the money of the taxpayer to repeat the same thing over and over again. I'll rarely move the previous question and I rarely vote for it. But I think the delegates do know, and I wish before I move it that the delegates will simply present their resolution, explain it briefly and then let us vote, or, Mr. Chairman, if you will forgive me, we will be here until the second coming of Christ. Therefore Mr. Chairman, delegates, move the previous question.

[Motion for the Previous Question rejected: 34-74.]

Further Discussion

Mr. Jack Mr. Chairman, and members, I'll be brief. Now this is another instance of the wolf in sheepskin. And like little red riding hood, I see you Mr. Wolf Yesterday, Mr. Roy you had almost identical this bill strike out page 7, line 6 through

ll, get rid of all that. Then you didn't use the words a few there and you put some extra periods, and commas and those things. Now it is more confused than ever the latter part of it. We beat that wolf bill yesterday, Roy against it, 49 for it. I say let's get along with this, defeat this amendment, go on, stay here tomorrow if necessary, let's finish this material. All the legislative work, then numerically we will have finished one-eighth of all the committee work. We can tell our people we are making progress. We are not going to be able to tell them that unless we finish this material I hold up before we go home. I don't know how many other amendments there are, but this is one subject matter in this section and so after the last speaker, if it is in order I would like to, Mr. Chairman, to move the passage of the entire subject matter that will cover the whole thing after the next speaker, I believe there is one more, isn't it?

Mr. Henry We will just have to get you up here and recognize you at the proper time, as we have several other people on the list, Mr. Jack.

Mr. Jack All right, ok.

Further Discussion

Mr. J. Jackson Mr. Chairman, delegates to the convention, I rise in support of Mr. Roy's amendment. I think what we are dealing with here is basic fundamental principle about state's rights versus the individual rights of a citizen. You hear the opponents of this amendment talking about when such a resolution is introduced in the house, all the judiciary committee talks about is prescription. But everytime they get up here and talk, they talk about the merits of certain suits that are filed against the state. I begin to wonder very seriously what is behind our position for taking this authorization from the legislature. I want to suggest to you that it is not only the matter of prescription but it is a matter of the legislature, members opposing this amendment, wanting it in effect to become...I rise again and I say I rise in support of this amendment because I think this amendment provides citizens of the state not to be sued if they don't have a favorable legislature that they can get suit redress from the state from actions that they feel that they have a just grievance against. I think that you know the only major question is, whether we are going to let the legislature authorize or whether we are going to let people file suit in a proper court. Those in favor of maintaining the legislature's authorization says we need this. Not because we want to judge the merits of particular cases, but we need it only to judge that prescriptions have run out. And I want to suggest that most of the arguments they have presented tends to lead me that they are beginning to judge the merits...of it, of the particular suit rather than the fact of the prescription. I think in a political area we are going to see a number of legislative propositions that are going to have to be amended, or molded into some sort of compromise. But I think that there is one issue before this convention that this is one issue that we can't afford to compromise. I don't believe particularly and I am a member of that legislature that I don't believe particularly that we ought to be about the business of making judicial interpretations of whether a suit is valid or not. That is why we have got the courts. I don't see any rationale other than the fact that you know we want to maintain the sovereign immunity of the state. I want to suggest to you that certain segments of the state feel that that sovereign immunity has particularly been added to the disadvantage of their development. I think that this amendment, as proposed by Mr. Roy attempts to address itself to the arguments about the seizure of the courthouse or the seizure of public property, or the styling of a public firm. I would ask that you seriously vote in favor and give your serious consideration, I remember one amendment by Mr. Riecke, where we had to go almost three days and it finally came up with something that we felt that people could live with. So I don't have any problem if we have to

Lump up here over and over again in a different form to accomplish the kinds of necessary reforms that we need in our state and I suggest that this is one problem that the legislature does not need. And Mr. Chairman, I just want to finally say that I want to bring up an example. If I wanted to file a suit against the state for a damage done against me I have to first locate a legislator that would do it. If that suit is against let's say a public or political body in the parish in which I am from. There are political ramifications for a particular legislator to do that. So which means that I have to find someone possibly outside of my parish to do it. And I can see a legislator going down to the judiciary committee saying he is handling something for a parish that he has no business in and of no concern about. And I want to suggest to you that I am not suggesting that this has been a patronage system like in the past because I don't know that. But I want to suggest to you that there is no reason whatsoever that the legislature must first give you the authorization to sue them. I think that is why we have got our courts and for those reasons and the real political reasons enumerated by Mr. Jenkins, I would ask that you adopt this amendment.

Further Discussion

Mr. Burns Mr. Chairman, and fellow delegates, my main reason in getting up here at this time is because there seems to be a misunderstanding in the question that I asked one of the former speakers.

Had we not voted on this identical question yesterday? And the gentleman answers no. I am not talking about the method of recovery on judgments or how the judgments are to be paid about bonding company. My question was addressed solely to the removal of the immunity from suits for the state now enjoys. I am much and favorably impressed with Mr. Armentor's speech at the beginning of this afternoon session. When he appealed to the delegates for restraint on their part and not to keep repeating the same thing over and over. And we even went so far to show our appreciation and our ratification and confirmation of what he said by applauding him. And I would behold, right on the heels of that, we now find ourselves voting on the same issue, that is the immunity from suit that the state now enjoys. Not once yesterday, but I am later told we voted on the same questions at least two other times. So I say to you gentlemen, there is nothing I could add or detract, have my own opinions and my own views. But I am not at all impressed with this business of picturing the state as some far off monster. These buildings over here, the state Capitol and all the other buildings, that is not the state, that is merely buildings in which employees and the governor of the state occupy. Any more than a church building is a church. The congregation is the church. And you, me, and all of the citizens of Louisiana. That is the state. So let's not be misled and sidetracked and hoodwinked by representing that the state is some monster ready to engulf all its people and take advantage of the poor individual. This is not taking away any rights of the individual to sue the state. They have had the right to sue the state and the legislature and you heard the gentleman say yesterday that that right has never been denied us. So, fellow delegates, this is just one place that we have heard this debated, we have heard it argued, and we've voted on it, I know once. The first time on the amendment by Mr. Planchard and others which started this debate into motion and it was then and at that time it was voted exactly on this issue as to whether the state should continue to enjoy its immunity or whether it should be taken away. So I say to you, let's once and for all, whether you are for it or against it. But let's bring it to an end. Thank you.

Further Discussion

Miss Perkins Mr. Chairman, ladies and gentlemen of this convention, I rise in opposition to the amendment. The reason that I rise in opposition to the amendment is that the Lanier amendment as

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adopted by this convention provides that legislature can provide this immunity that has been beaten to death before the floor of this convention. The first paragraph in the initial committee proposal allows legislature to take this immunity under consideration and provide not only for the immunity where necessary but provide the procedure by which the immunity can be enacted. I would also like to point out that this proposal accomplishes the purpose of the general provisions that have been argued before the convention but in addition, it allows the legislature to take the necessary time to study the entire consequences of the particular immunity or the extent of immunity that is granted. I feel that Mr. Deshotel's earlier made a comment which was pertinent to this convention though there were delegates who took issue with this statement. He said that he called this amendment the thirty-three and a third, forty-five percent amendment. Pointing out to the convention that on the basis of contingent fees, a lawyer normally receives thirty-three and one-third to forty-five percent of the total amount collected. I would like to say that I think that Mr. Deshotel's position is well made. He did not accuse any lawyers in this convention of being guilty of this being primary consideration, insofar as his stance on the amendment was concerned. But merely pointed out to those people who are not lawyers that this is the way a lawyer's fee is set on this type thing and every lawyer in this convention has already thought about that and if they hadn't they weren't thinking. In addition, I would also like to take issue with what Mr. Tapper said.

No, sir, I will not yield to a question. And that was to the effect that every lawyer in this convention took personal offense by Mr. Tapper's statement. Ladies and gentlemen I am only a lawyer but I took no offense to it simply because I know what my legal and ethical standards are and if this would not have crossed my mind to consider when I was asserting a cause of action, why should I take offense to it. So I do feel that if anyone has taken personal offense to it, it is most unfortunate. But I don't think that it was intended that way and I think there are no reasons you know your personal standards and live up to them.

At this point in closing, I would like to again say that I urge that you defeat this amendment, it has been back doored to death. The provision provided by the Lanier amendment gives the legislature to give the immunity wherever they feel it is important and necessary. Thank you for your attention.

Personal Privilege

Mr. Tapper: Well, Mr. Chairman, fellow delegates, far be it from me to chastise the lovely lady who just left the podium and I will not do that. And of course I am not going to take issue with what the lovely lady said. However, if what she said is true then let's find out and this is something that I don't really want to happen but I know there are many insurance agents in this delegation there are many public officials, there are many contractors, people in all walks of life, representatives of labor, now if we are going to talk about the thirty-three and one-third. If we are going to talk about a percentage that a lawyer may get, well let's talk about the commission the insurance company gets, I don't want to mention Mr. LeBreton's name because I don't think he is here. But he was here fighting this thing too. Well let's find out who the gentleman that I was talking about awhile ago, who chastised the [...], who he said, he said the political subdivisions. Let's talk about everybody.

Point of Order

Mr. Stovall: Mr. Chairman, I think the rules also make reference to the prohibiting of personal references. I really have the feeling that we have not done this adequately and I think that the rules do prohibit personal references and my point of order is that we proceed with the business and get beyond this.

Mr. Henry: Wait just a minute, gentlemen.

Now there is a rule which prohibits delving into personalities. There has been entirely too much of this sort of business going on up to this point in this convention. I do not have the authority nor the intention or desire to keep anybody from talking but it is just about time that we get down to the business at hand and just because somebody says something that somebody might take offense to, we don't have the time here to get up for personal privilege at all day. But I am not going to invoke any rule because it is sort of loosely drawn and hard to construe, but we are all grown adults supposedly mature people and it is about time that we begin using some restraint on ourselves.

Proceed Mr. Tapper.

Personal Privilege

Mr. Tapper: I would like to reiterate what you said Mr. Chairman, and Reverend Stovall and I agree with both of you and this is the reason that I have approached this rostrum at this particular time.

Regardless of what our particular professions are, regardless of whom we may represent individually, let us keep personalities out of this convention and let us not suspect someone when he presents an amendment or when he makes a talk because he happens to be in a particular profession or happens to represent a particular company or happens to be a plumber, a fisherman, a laborer or what have you. And I will not attack anyone on that basis. I do hope that we can refrain from that. I think the lady that was here before kind of tried to drive it home because she was an attorney that this is paramount in the minds of some of the attorneys. The gentleman before, emphatically... he didn't imply he stated it emphatically that this was the purpose of some of the attorneys supporting this amendment and I think we should be out of this convention. We don't need it here and I hope that we can from now on. Thank you.

Recess

[Quorum Call: 106 delegates present and a quorum.]

Further Discussion

Mr. Kean: Mr. Chairman, and fellow delegates, I rise in opposition to this amendment for one rather significant reason in my opinion. As I appreciate the doctrine of sovereign immunity, it goes further than immunity with respect to suits in tort action. Suits in negligence actions are the type that we have spent so much time in discussion here about. I would not necessarily be opposed to a limited waiver of sovereign immunity limited to tort actions if that matter were before the House. But when we say that we will abolish sovereign immunity, I don't think there is a lawyer in this chamber who could tell us where we would be in that point of time. I sight to you for examples the present doctrine of legislative immunity. In my opinion legislative immunity is merely an arm, a part of, an element of sovereign immunity. Judge Tate spoke yesterday about the fact that there was a quasi-judicial immunity in my opinion if that is not quasi or in fact judicial immunity it is but an arm of sovereign immunity... and element of sovereign immunity. Under the law at the present time, good faith administrative action is immune from suit. That good faith administrative action immunity is but an arm of sovereign immunity and therefore, I say to you all sincerely that if we proceeded to abolish sovereign immunity as the royal amendment would seek to do, I don't think there is a delegate here today who could intelligently analyze and say to the people of this state where we stand now that governmental immunity without any restriction has been abolished. Under these circumstances I think we would take a dangerous and precipitous and precipitous step if we proceeded to abolish governmental immunity when what we are talking about negligence actions, tort actions, suits in contracts

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which it seems to me could be put together in the form of some kind of sensible model, some kind of sensible section which would deal with that limited action. But not leave us dangling out here wondering where we are under circumstances where sovereign immunity is abolished in its entirety without anyone having any real conception of where we would be under those circumstances. Now I understand Mr. Burson has an amendment, has a proposal to amend this section which would be in line with authorizing suits in connection with torts and contract action. And it seems to me that that is sufficient to meet the problem that has been so well discussed here today. But I implore this delegation not to be swayed by emotional discussion about the necessity for people to file suits to protect their tort rights when this can be handled in a separate and distinct manner and to otherwise simply abolish sovereign immunity would leave us in an untenable situation. One that none of us could attempt to tell any member of this delegation or the public where we stand insofar as other suits are concerned. For these reasons, I think that the amendment should be rejected and we proceed to other matters before this House.

Further Discussion

Mr. Hayes Mr. Chairman, and members of the delegation, I would like to see that each person in this delegation has much time as he would like to take on this particular subject. I have been here and I am willing to stay as long as the people who want to talk on this particular subject because it appears to be one that is important to a lot of people. It seems we have had more speakers on this than any other proposal we have had so far. It appears that this is a solution through a solved question. Any judgment regarding liability insurance in the political subdivisions are the people who are afraid that they might be sued could solve their problem by simply carrying some type of liability insurance. The right to sue, and be sued should not be abridged by anyone. You would abridge that right by running through some hopper that is going to sit through and not let others. Any type of abridgement of that right I think should not be permitted. I would assume that this building here probably has some type of liability insurance on it against everything except raining on your desks. And I figure everybody in here carries some type of insurance... liability insurance, we have a good insurance agency in here that I believe could solve everybody's problem. We had a problem here of...with the tax problem of theft where the sheriffs didn't have but say a \$5,000 dollar bond and we lost about a half a million dollars. Well now the taxpayers had spent this money, no recourse. Now if the state would keep better house or was compelled to keep better house, these things wouldn't happen. Now the state is now almost one large community and we are going to run from parish to parish from city to city with political subdivision after political subdivision not to require to do anything and anything can happen and I think each one of these political subdivisions should be required to have some type of liability insurance to cover the action. You might have if a jailhouse is no good to keep prisoners in they should be required to put them in one that has the right facilities. You see a person can put a person in a jail that is not fit to put a person in and should meet health standards. Now, you will hide under the sovereign immunity of the state and go along and do things you are not supposed to do, hiding behind sovereign immunity. I don't think the right to sue and be sued should be abridged by this constitutional convention. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman, and fellow delegates, I am standing here because I believe we should have the right to sue. I don't believe we should have to go to the legislature to get permission to do it, I think that we should have that right. I know you are glad that I don't feel like standing here talk

ing, because I am a little bit hoarse and I am not going to stay here and talk and talk. But one thing that I think I must mention, I was a little bit disturbed when I heard a gentleman say that attorneys didn't care about children. And I hope I don't ever hear that again. Thank you.

Further Discussion

Mr. Arnette I think we have talked about this problem enough. I think we have had enough amendments brought up on it, I think we have got a set of amendments that has probably got everything in it that has been proposed before and for that reason I move the previous question on the entire subject matter so we can move on to other things. If you don't like what this amendment says you have got amendments before you that we will consider right after this one that has something that you probably like or you can go back to the original proposal. But I think it has been talked about far too much.

[Motion for the Previous Question on the entire subject matter rejected. 40-65. Previous Question ordered on the amendment: 66-40. Record vote ordered. Amendment rejected: 54-59.]

Amendments

Mr. Poynter Amendment proposed by Delegate Burson, a reprinted bill
Amendment No. 1. On page 7 delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: "the legislature shall provide by general offer the prosecution of tort claims against the state or its political subdivisions. Any judgment rendered against the State of Louisiana or one of its political subdivisions shall be exigible, payable and paid only out of funds appropriated by the legislature or the political subdivision concerned." And Delegate Burson, would you prefer a technical amendment here striking out the previous amendments to the section?

Mr. Burson Yes, sir.

Explanation

Mr. Burson Ladies and gentlemen, I ask you, especially those who have voted against the prior amendments, to pay special attention to the point that I want to make. I, first of all, urge you to consider that this is not in any way, shape or form a rehash of what I offered yesterday. The amendment that I had yesterday would have abolished by its terms immunity and tort for the state or any political subdivision. What I am proposing today I propose to you in all humility after doing what I should have done before to the same extent as I did yesterday. That is doing a little homework this morning. I read the federal tort claims act. Now this opening sentence of the federal tort claims act says...this is 28. U.S.C.A., Section 2674... that the United States shall be liable respecting the provisions of this title relating to the tort claims in the same manner and to the same extent as a private individual under like circumstances. So that is very broad and makes the United States susceptible to suits in tort just like any private person. But on reading the act on further down, you find some exceptions and those exceptions are primarily in the area that we've had concern voiced in by Mr. Keane and Mr. Stinson and others, that an exception would be the most important one would be that any claim based upon an act or omission of an employee of the government who is exercising due care or what Mr. Keane called good faith... in the performance of his duty even though it is a discretionary duty under federal law that you do not have a tort claim. That would get to the problem that I think has concerned some of the delegates, that you would have suits simply to harass agents of state or local government in the performance of routine duty. Now, my amendment does not offer any such exception because that is really a statutory matter. All my

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amendment does it mandates the legislature. that the legislature shall provide by general law...now how do I say general law? I am using the term general law as distinguished from the present system which requires a special law or resolution for each and every suit. I'm saying that by general law, hopefully, a Louisiana tort claims act or torts and contracts claims act, that the legislature would provide a procedure whereby citizens of this state could bring their suits in the courts of this state without having to first come to Baton Rouge and get permission. Now, the second sentence of my amendment that is proposed today takes language directly from, and I left the book on my desk, but it's Louisiana Revised Statutes 13:5801, which presently provides that judgment rendered in any suit filed against the state of Louisiana or one of its political subdivisions or any compromise reached in favor of the plaintiff or plaintiffs in any such suit shall be exigible, payable and paid only out of funds appropriated by the legislature or the political subdivision concerned. Now, I eliminated the language of compromise because I think that is implicit; that if you say an amendment has to be paid by appropriation I think you can take care of that by statute by the same tort claims statute that I'm thinking about the legislature enacting by the general language that I've used. I have encountered in the debate today a problem raised by Mr. Tapper, are you talking about insurance companies? Frankly, I don't think that's a problem, but just in case I would like to have Mr. Tapper's support on this. I eliminated the language about suits filed against the state and I said judgment against the state, or a political subdivision and I think that clearly does not mean a judgment against an insurance company or any other tort party. I urge you, if you are talking about I deem to be a reasonable compromise between those of us who are concerned with the rights of citizens of this state to bring claims for personal injury in a court of law in this state without undue delay. Now, I should have made the point yesterday and didn't because sometimes you get carried away with your own rhetoric and forget to make the logical points, but the biggest disadvantage of the present system is the delay by which a person has to wait until the next term of the legislature until he can get a bill or a resolution through both houses of the legislature before he can file a suit. Even though his cause of action may have accrued ten months previously, and in some country parishes like the one I come from, in ten months you can have a law suit tried, heard and on appeal if there's an appeal on it. I think it would eliminate an unnecessary delay and inconvenience.

Further Discussion

Mr. Womack Mr. Chairman, fellow delegates, I have two questions, I wanted to ask a question to Mr. Burson, and he'd exceeded his time. Number one is what if the legislature fails to reach an agreement. We had, I don't know how you'd value them but I guess several million dollars worth of no-fault bills introduced into the legislature. We recessed; we called joint sessions; we waited until the end of international figures in; did everything in the world, but the legislature refused to reach an agreement. I don't know what would happen. If the legislature fails to reach an agreement would a suit be filed for a declaratory judgment and either the state or the federal court be asked to set up a complete set of guidelines. The first number one. In number two, does not this proposal mandate indirectly the same repeal of immunity that you have failed to pass directly. To me it does.

Further Discussion

Mr. Abraham As I read Section 14 as presented by the legislative committee, with the amendments, I see nothing in here which prohibits the legislature from passing a general law allowing the claims or the suits that it will accept against it without the necessity of coming to the legislature prior to the suit being filed. So, I see no need for this

amendment. Now, I think that this is permissible enough; it does anything that we need to do.

Further Discussion

Mr. Landry Mr. Chairman, ladies and gentlemen of the delegation, really it is a privilege for a person of my type to sit here and listen to the legal mind of the state of Louisiana and the representative people speak in terms of "I'm trying to understand". I have come to a conclusion. I've asked a few questions. I'm going to ask another one, if it's possible to ask a question at this point. I can answer it with no, I can ask it but you don't have to answer it. The question is this: what is the meaning of the word exigible? Now, I...I asked 15 people just a moment ago...I made a survey of 15 people in my area...and only two knew the answer. I'm also aware of the fact that many writers lately have tried to express in language matters that people could understand. Exigible...what does it mean? I'd like to find out how many more people in this audience doesn't know...what it means. I'm better positioned to ask a question because of having found out what the word means, but this vote in just a few minutes is going to be decided by a few independent people. The lawyers are locked, and the decision is going to be made by people on the outside of the fringe of lawyers. I'm completely satisfied after research with the word and the meaning of the word, and I finally written in this document, completely satisfied that it provides for me and my constituents everything that needs to be in this constitution. I wanted you to know about it. I wanted you to know my concern. Sometimes we're influenced one way or the other by what we hear. I've enjoyed everything that was said by every person in this delegation, especially the words spoken by Miss Perkins.

[Previous Question ordered.]

Closing

Mr. Burson Gentlemen, I'm not going to waive my right to close because I'm naive enough to believe that the process of debate while at times is very hard on the rear end, sometimes can be good for the brain. I know that there're some issues that have been brought out in the course of this debate since yesterday that I frankly had not thought of when I began, and they may come only once in a great while, but they do come in the course of the discussion that we're having here. I'd just like to point out in answer to the points that were raised in opposition here; Mr. Womack asked if the legislature could be mandamus or compelled to reach an agreement. I think under the general law of separation of powers no other agency of the government can mandamus the legislature to do anything. But I have enough confidence in the legislature to believe that if we have this mandatory language in the constitution that they will do something about the problem. Now, the second question was: whether or not this mandate indirectly would have the same effect of repeal of sovereign immunity? To that I would urge you the answer is no. Because the amendment that I had yesterday would have repealed sovereign immunity root and branch. This does not preclude reasonable exclusions such as the one for an administrator in the performance of his duty, and that's very, very important to your decision, here. Mr. Abraham pointed out that Section 14 could urge you my amendment would do. That's true. I agree with that. The only difference between Section 14, it might be done. My amendment says it shall be done and that's a very important difference. As far as the meaning of the word exigible, I haven't looked it up in the dictionary but it's my understanding that the meaning at law and the context that it's used in Louisiana Revised Statute 13:5801, which is where I got the word, the legislature put it in at some time past, meant that judgment could be executed upon it in that manner. Finally, Mr. Landry said that the independent people would have to decide this, and that's the way it ought to be just like in criminal juries. The

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law says that the guilt or innocence of an accused is too important to leave to lawyers. So with that, I urge you to pass this amendment. I think that it would be a reasonable compromise.

Questions

Miss Perkins Mr. Burson, I have a series of questions. First of all, I think that you may have clarified this. Would you agree that the power authorizing the legislature to give immunity with reference to torts claim is a limited authority of legislature which would be included in the Lanier provision which gives a general authority? In other words, would legislature under the Lanier amendment have the power to do what you have provided in your amendment?

Mr. Burson It would have the power under the committee proposal, Miss Perkins. My amendment would make it mandatory that it be done with regard to tort claims...That specific issue.

Miss Perkins So the only difference between the Lanier amendment and the amendment that you now propose is that the Lanier amendment is broader rather than specific in scope and it does not mandate as does your amendment, is that correct?

Mr. Burson No ma'am. As I understand the Lanier amendment, it related only to the issue of seizure of property and how judgment was to be paid. I don't believe Mr. Lanier's amendment had anything to say about sovereign immunity one way or the other.

Miss Perkins All right. The last question, in reference to the second to last sentence of your amendment, you state that funds appropriated by legislature. So would this mean any funds appropriated by legislature, or specific funds appropriated for the payment of the judgment?

Mr. Burson As far as I'm concerned and I urge you to notice that it says by the legislature or the political subdivision concerned, that that would have to mean the one concerned in the law suit and I took this language, I think, from the constitution which has been on the books in Louisiana since 1960 when this whole statute was passed regarding how judgments were to be executed against the state.

[Record vote ordered. Amendments rejected: 52-64. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Landrum], page 7 delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: "Section 14, the immunity of the state from suit and liability is hereby abolished," and Rev. Landrum would need to add that other amendment deleting previous floor amendments.

Explanation

Mr. Landrum Mr. Chairman, fellow delegates, this amendment is to try to amend the final status of this state from the way that board's been showing here all morning. We're going to try to get some green into it rather than the red. So, I would hope that you will support this amendment. It has been stated that the legislature never denied a request to be sued. Now, even if that was so, I would still be opposed to the idea that an individual would have to go to the legislature to be able to file suit. But, if we would just look at some of the records, in 1959 there were two request denied. In 1961, ten were denied. In 1962 one was denied. In 1965 two were denied. In 1966 five were denied. In 1968 four were denied. In 1973 seventeen were opposed to the idea that should an individual be denied to file a suit against the state? I just cannot understand why some delegates are opposed to the idea of an individual filing a

suit against the state. Now, my amendment does not go into the idea of what happens after the suit is filed. I'm not concerned with whether or not the individual wins the suit or loses the suit, or how it's to be paid... what I am concerned about is that you have the right to do it, to file that suit without getting permission. Now under the due process of law, and I'm not an attorney, everybody is supposed to have their day in court. What we are saying here is that you can be denied your day in court. And I don't think that we really want to do that. I don't believe that we really want to deny an individual the right to have his day in court. Just as we get beat down on amendments here, then give that individual the right to get beat in the court. That's all I'm saying. I would ask that you support this amendment, and I believe that all your constituents would be more than happy to know that their delegate supported such an amendment. Thank you.

Questions

Mr. Drew Rev. Landrum, do you have any knowledge whatsoever of why those suits were not allowed?

Mr. Landrum Mr. Drew, I have been told that in some cases prescription...now...

Mr. Drew Well do you know Rev. Landrum that I am a member of Judiciary A and in 1973 the cases that were denied had prescribed because of the negligence of attorneys in many cases, and only because of prescription?

Mr. Landrum Mr. Drew, if an individual had the right to go to court, then the legislature...you wouldn't have had to worry about that at all. That's all I'm saying. That we go to the regular procedures, through the judicial department of our government.

Further Discussion

Mr. Stagg Mr. Chairman and fellow delegates, with all the respect that is due them, to Rev. Landrum who just spoke, to Mr. Roy who were previously, to Mr. Burson who was here previously with all due respect to those delegates, who believe that sovereign immunity ought to be dispensed with, I would like to point out to you that on eight separate distinct amendments the concept has been voted down by convention. We are faced with yet another amendment seeking the same object. This may be the way this convention is supposed to run, but it surely is not a productive manner of proceedings. You have lost, gentlemen, on vote after vote, and it's time for this convention to get on with its business and I move the previous question on the amendment.

[Previous question ordered. Record vote ordered. Amendments rejected: 38-72. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment proposed by Mr. Kelly to the committee proposal. Amend the reprinted as engrossed proposal. Amendment No. 1 on page 7 delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof, the following: "Section 14, A. Neither the state nor any of its agencies or political subdivisions shall be immune from suit (and there's been a typographical error) and liability" should be inserted in your copy... from suit and liability... and contract or for injury to person or property. Paragraph B. In other cases the legislature may authorize suit to be filed against the state, its agencies and political subdivisions and any concurrent resolution enacted for the purpose shall waive immunity from suit and liability. Paragraph C. The legislature shall provide for a method of procedure and the effect of the judgments which may be rendered in all cases against the state, its agencies and political subdivisions. Paragraph D. Public property and funds shall not be subject to seizure and

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no judgment against the state, its agencies or political subdivisions shall be exigible, payable or paid except out of funds appropriated for payment by the state, its agencies, or political subdivision against whom judgment is rendered." And, Mr. Kelley, we need to add an amendment deleting the previous floor amendments.

Explanation

Mr. Kelly Ladies and gentlemen of the convention, we've been here for many, many hours on this particular subject and I have tried to come up with what I consider a true compromise in this particular area. As it has been stated many times here before what we're really talking about is whether or not you're going to have legislative screening. Now, many of the objections that have been made have been made to the extent that, well, under some of these other amendments you do away completely with the doctrine of immunity. I have not done that. I've simply restricted the abolition of the immunity to contract cases, which under the present law there is no immunity anyhow, for injury to person or property which is not a property claims. Now, I've instilled and kept the concept that in all other cases which have been bothering some of the delegates here, in all other cases the legislature still must authorize the suits to be filed against the state. Now in answer to one of Mr. Stinson's objections yesterday concerning the providing of a procedure in the concepts of judgment and so forth, we've added a Paragraph C, which simply applies both to the A and B sections above, which quite frankly just states that they shall prescribe the method of procedure, effects of judgment against the state, its agencies and political subdivisions. We have retained the concept of the latter amendment. Public property claims subject, and Mr. Womack, I've even tried to take care of school board funds or anything else, so there would be left no judicial interpretation as to what is the meaning of property, because we specifically placed the word "funds" which means that no funds, no school board can have their funds specifically taken from them. It simply says that the legislature or the political subdivision against whom any judgment is going to be rendered, before that judgment can be paid, you might say you've got to get the approval of the governing body in question against whom the judgment was rendered. I think that this is a true compromise of the entire situation. I've gone from one extreme to the other, and I hope that I have presented something to this convention which will satisfy the majority of the delegates at this particular time.

Questions

Mr. Drew Don, with reference to your statement as to all other actions, would you tell this body what those all other actions which you are not covering include?

Mr. Kelly Well, Mr. Drew, I don't think that really it would be incumbent, and I can't describe and particularize all other actions, but as I understand it, I have come with an exception first, and any and all other actions against the state would require the approval of your legislative body. The only thing that I'm saying that we do not need your approval to institute is suits in contracts, suits for personal injury and suits for property damage. All other suits would require the old legislative approval method. Now, what those might be, I can imagine titles to land; that was raised here, yesterday. Obviously that would be covered before anyone could contest the title to the property upon which the State Capitol rests, well, they would have to seek legislative approval in order to institute and file such a suit.

Mr. Trihe That's the point I wanted to raise, Mr. Kelly, and I wanted to ask it of you. Maybe we could clear it up and make sure we understand I have in mind the Miami Corporation Case and the Amarado Petroleum Company Case and those similar

cases which were suits against the state involving the ownership of alluvial lands. In those cases the doctrine of sovereign immunity was not invoked and I gather didn't hold not to apply but was thought not to apply so that the litigants were able to litigate against the state the question of ownership of lands now under your amendment, then, the doctrine of sovereign immunity would be enlarged to apply to those situations, is that correct?

Mr. Kelly Representative Triche, I'm not sure whether or not it would be enlarged to that extent but I will say that that would certainly be left to judicial interpretation, and the only thing which is specifically set forth where there is no immunity would be the contract suit, the suit for personal injury or the suit for property damage. All other suits would, of course, have to go to the legislature and seek the legislative approval before filing that suit.

Further Discussion

Mr. Guarisco I rise in support of the Kelly amendment. It reminds me of a story of a fellow who took his young son on his first hunting expedition. They went out in the swamps and they had two ducks swimming in the water. The father told his son, watch me kill these ducks, and he shot at them a couple of times and the ducks got up and flew. He said you know son you've seen sitting there but you can't kill them. You've seen two dead ducks get up and fly. I think that's what we're doing here in this convention. We're holding on to some dead ducks. Sovereign immunity is a dead duck. It's caught in the cross-fires all over this country. It's hit in every direction. Now, we're here at the Constitutional Convention of 1973 are coming here to say we're going to give it open heart surgery and revive it. We can't do that. We're probably going to pass an equal protection of the laws clause in our bill of rights. I'm pretty sure that this convention is going to pass such an act. Once we do that, and once the legislature in their wisdom refuses someone the permission to file a suit, when you file a suit under the equal protection of the laws and when the legislature can deny it to one and give to the other the right to file a suit, then that is a denial of the equal protection of the laws. So, it's not going to last very long even if we pass it today. Montana in 1972 did away with sovereign immunity. Illinois is 1970, Nebraska did away with it, the courts are doing away with it. Our courts are doing away with it. Various legislators are doing away with it, yet we're going to come back and say we're going to keep it. We're going to pass something that is not going to last. We all pledged ourselves to come here and try to find new solutions to old problems and then we want to keep the old solution. I'll yield to a question, sir.

Questions

Mr. Lanier Delegate Guarisco, we were told by the previous speaker that Subsection D was intended to preserve the principles of the Lanier amendment. Would you agree that the words "except as otherwise provided in this constitution" are not contained in this language?

Mr. Guarisco Yes.

Mr. Lanier And without that language do you think that if this thing passed, then put this proviso in possible conflict with provisions of revenue finance and taxation and local and parochial government with reference to the pledge of public property to secure revenue bonds, certificates of indebtedness and local assessments?

Mr. Guarisco I haven't seen anything from revenue and taxation.

Mr. Lanier Have you seen anything from local government?

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Mr. Guarisco Yes

Mr. Lanier Would you agree that that would put this in possible conflict with Sections 42 and 43 of the local government proposal?

Mr. Guarisco With the proposal, yes.

Mr. Lanier Now, one other thing with reference to your remarks about the dead ducks flying. Have you ever had to kill a snake seven times?

Mr. Velazquez Mr. Guarisco, at present there is no requirement that a political subdivision of the state carry liability insurance, is there?

Mr. Guarisco It would be wise to do so.

Mr. Velazquez No, I'm asking you is there now a law saying that they must carry it?

Mr. Guarisco I don't know.

Mr. Velazquez Then, it seems to me then that we should have some protection in here to make sure the insurer at least pays up to the maximum limit that the subdivision already has. This is what worries me about it. Shouldn't you have something in here saying something to the effect that provides that nothing herein shall be construed to release any insurer of the state, its agencies or political subdivisions from liability to the extent of coverage provided by any policy of insurance which may have been purchased by the state, its agencies or political subdivisions?

Mr. Guarisco No, I don't think so.

Mr. Velazquez You think this thing, as written, already makes sure that before the state has to pay out anything on the insurance coverage will have to pay what they have been paid premiums through the years for.

Mr. Guarisco Those public officials are vested with the responsibility of their subdivisions and they'll take care of that, I assume.

Mr. Velazquez Well they maybe have the responsibility but there is no requirement that they have to have sufficient insurance.

Further Discussion

Mr. Blair Mr. Chairman and ladies and gentlemen of the convention, I'll make mine very brief. I rise in opposition. This reminds me a little of what, as Mr. Tom Staqq brought out, this is about 7, 8, or 9 times that we've considered the main concept, these same things coming up. If you saw the race between Shamm and Secretariat, does it remind you anything about it? You remember they almost beat poor old Shamm to death for twice, but he still didn't win.

Questions

Mr. Alexander Senator Blair, as a member of the legislature what happens to a poor individual who lives in the back wood and who hasn't the political clout to get a member of the legislature to introduce legislation to permit him to sue the state? What happens in that individual under present law?

Mr. Blair Reverend Alexander, he should be represented by someone that would introduce it. I've introduced bills for this type, for people on the opposite side politically, but I felt it was my duty to introduce such legislation.

Mr. Alexander But suppose he lives in a rural area 50 miles from nowhere in a large district, geographically? He doesn't have political clout, he doesn't even know who represents him. What happens? He's injured by the state. I've known of instances like that.

Mr. Blair Reverend Alexander, I feel sure that he'd have to get an attorney and I feel sure that the attorney should know who the Representative or Senator is.

Mr. Landrum Mr. Blair, do you know how many times we tried to go to the moon? Many times we failed and tried, yet we continued to try.

Mr. Blair Reverend Landrum, I can answer only for myself. I don't believe that I have ever refused to introduce a bill in a suit bill for anyone in my parish or my district that I represent.

Mr. Landrum Now may I ask you one other question? When every state but 5 have abolished this law, do you feel that the people in Louisiana are so much worse than in other parts of the country? That they are going to abuse this type of law?

Mr. Blair Reverend Landrum, there is so much noise I didn't understand your question. Do you mind repeating it?

Mr. Landrum What I'm asking you is all but 5 states have abolished the immunity law. Do you feel that the people in Louisiana are so much worse than any other state in this country that they would abuse this law?

Mr. Blair No, but I like the way we've been operating a long time in Louisiana, and I think that we've improved and I think we are going to continue to improve.

Mr. Landrum Well that's why we are here now, because what we've been operating on for a long time. Otherwise we wouldn't be here, wouldn't you say? Something was wrong that the people...

Further Discussion

Mr. Roemer Fellow delegates, I'd like to address a few remarks about the idea of snakes and how many times we have to deal with them. You see there, that's a good issue, particularly when it's not your snake. You remember last week and the week before when we talked about how many days the legislature should meet and whether we should have split sessions? Oh yes, the other side came back time and time again. They finally won it. You see it wasn't a snake then, cause they owned it. The question is not whether it's a snake or how many times we talk about it, it's who owns it. I think this snake, if you want to call it that, is owned by the people. Not be a special group whether they be legislators or cotton farmers, it's our snake, and this is a pet snake. It's a good one. The people who fight this kind of amendment probably believe in the Queen of Canada. Oh yes, Virginia, there is a Queen of Canada. She lives in England and she is the sovereign head of the mighty nation of Canada. Has no power, has no authority, that's what they're talking about here, the Queen of Canada in the legislature of our state. You see, they just told us time and time again on we allow all these suits, we just want to review them. They don't turn any down, they allow them all. They said it time and time again, why should they have the right to review? Queen of Canada, window dressing, patronage, giving up our rights to them. I'm against that sort of thing. I've had problems with every prior amendment because they were so broad in fighting sovereign immunity. This, I think is, as Mr. Kelly stated, a true, accurate, progress on this particular proposition. I think sovereign immunity and yet allows the people to have redress, have their case heard where it ought to be, not in the legislature, but in our courts. Now I respect and have respected and hope will continue to respect every man and woman in this convention's right to speak and I've heard some good thoughts on this particular proposition. I think we've finally arrived at a point, I hope, that we can take a step forward. I urge you to adopt this amendment.

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Further Discussion

Mr. Conroy While this has been a long discussion, it has been interesting and we've seen a lot of different versions of how to do something. The present amendment before the convention, is certainly the best effort made by those who wish for the state to incorporate in the constitution a waiver of immunity. I still fail to understand those who feel that it is necessary to incorporate in the constitution, such a waiver of immunity. There is nothing in Section 14 of the Committee Proposal that incorporates or states anything about sovereign immunity. It says the legislature may authorize suits to be filed against the state. It's a delegation to the state, to the legislature, of the authority to do what I thought this constitutional convention was intended to do, was to indicate the areas in which the legislature could act. Those who have spoken for a flexible constitution, those who have spoken for giving authority to the legislature find themselves in this case, speaking for requiring the legislature to do certain things or removing from the legislature the authority to review certain things. I don't understand the concepts or their desires in that regard. I think that the committee proposal as written is sound and should be adopted by this convention. I continue to be opposed to the amendments that are proposed to it.

[Previous Question ordered.]

Closing

Mr. Kelly Ladies and gentlemen of the convention, I think that it's obvious that you've heard much less objection to this particular amendment as has been stated up here and I have stated on several occasions, that is a good amendment. If we pass this, it will give the people of the state of Louisiana the protection yet it will give the state the protection that it needs. It will give the cities the protection that they need. It will give the villages, the incorporated villages, the protection that they need. I earnestly solicit your support, and let's get this behind us and move on to another subject.

[Be ordered to be ordered. Amendments adopted: 50-51. Motion to reconsider tabled. Previous Question ordered in the entire subject matters: 81-26.]

Point of Information

Mr. Flory It's my understanding that the majority cannot pass this section unless the majority is 67 votes. Isn't that correct?

Mr. Henry Sixty-seven people will have to vote for this section before it is adopted. You are correct, sir.

[Referred passed: in 15. Motion to reconsider tabled.]

Reading of the Section

Mr. Poyner Section 15. Continuity of Government. Section 15: The legislature shall provide for the orderly and temporary continuity of state government in periods of emergency until such time as the normal processes of government can be reestablished in accordance with the constitution and laws of the state. It shall also provide for the prompt and temporary succession to the powers and duties of public offices, the incumbents of which may become unavailable to execute the functions of their offices.

Explanation

Mr. Casey Mr. Chairman and delegate, the provision pertaining to continuity of government is now contained in the present constitution in Article II, Section 3. The provision submitted to you under

the section designated in Section 15 (in substantially the same with a few exceptions. First of all, that part of the continuity of government pertaining to local government was assigned to the Committee on Local and Parochial Government so this section is intended to apply only to state government. Secondly, the wording as contained in today's constitution to provide for continuity of government in case of emergency resulting from disasters caused by enemy attack has been changed to periods of emergency so that it will not be strictly confined to enemy attack, but also to epidemics, natural disaster, etc., which certainly could occur in addition to attack by the enemy. Unless there are some questions, I would move for the adoption of Section 15.

Questions

Mr. O'Neill Mr. Casey, you remember the discussions in our committee about this provision, and would you agree that in line 14, "provide for the temporary continuity of state government," that that is sort of a vague mandate? And don't you agree that they could provide for any form of government under this provision?

Mr. Casey Well, obviously it's confined only to periods of emergency and I would assume it would be in accord, and it does, I think, imply that it would be done in accord with the constitution and the laws of the state insofar as the type of government is concerned. It's strictly during periods of emergency. It's on a temporary basis and I think the design of it is certainly intended to be flexible so that the detail of it could be left entirely to the legislature to itemize and define.

Mr. O'Neill Well this flexibility is what concerns me a little bit and it implies that the legislature would have to go by the constitution, but it doesn't really say it. Another question, isn't it true that we had a very hard time determining what a period of emergency would be?

Mr. Casey You're absolutely correct. That's why I think the committee that both you and I were a member of, did not attempt to define that which is the definition of emergency. So that's why that vague term was used. Because there are many situations other than enemy attack.

Mr. O'Neill Well I just hoped that we could clarify it a little. Thank you.

Mr. Anzalone Mr. Tom, I hate to ask you a "do you know" question, but your second paragraph, "that shall also provide for the prompt and temporary succession" etc., in the Committee on the Executive Department we have taken care of a great number of the officials that hopefully are going to be in the executive department. What I'm concerned about is again, do you know, that there is a possible conflict between this article and the article that we would have to provide for the succession into office based on inability, unavailability, death, or something of that nature?

Mr. Casey I would assume that when an interpretation is requested, and I would expect it would be from the judiciary, that where the constitution is specific on this point, I would think that the legislature certainly could not overcome or override those positions specifically designated in the constitution as to the method of succession in case of emergency.

Mr. Vick Does this give the legislature the power to suspend the writ of habeas corpus? Implies?

Mr. Casey I do not see that implication here, but I'd be it from me in my humble interpretation to say that it does or does not.

Mr. Vick All right. As a constitutional scholar, wouldn't you agree.

Mr. Casey Thanks for the compliment.

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Mr. Vick Wouldn't you agree that this provision is vague, over broad, and therefore unconstitutional on its face?

Mr. Casey I would suggest that it's not. It's broad, yes, when we use the word emergency. I don't think it's vague though.

Mr. Vick And over broad. That this is constitutionally infirm because of overbreadth and is therefore unconstitutional on its face.

Mr. Casey Well, I merely disagree with you. I don't think that it is. You are entitled to your opinion and I'm entitled to mine.

Mr. Triche Mr. Casey, under the committee's proposal would the legislature determine the emergency?

Mr. Casey I would assume that the legislature could, in whatever statutes are enacted, attempt to define emergency. But I would say even there that it is possible that they could not cover every possibility.

Mr. Triche Well if the legislature wouldn't determine the emergency, who would?

Mr. Casey Well, the idea is that the legislature would.

Mr. Triche All right. Now in addition to that, it talks about until such time as normal processes of government can be resumed or reestablished. Would the legislature also determine that?

Mr. Casey I would say under the interpretation of Section 15 they certainly could, Mr. Triche.

Amendment

Mr. Poynter Amendment proposed by Delegate Jenkins. Going to the reprinted bill.

Amendment No. 1. On page 7, strike out lines 13 through 20 in their entirety and insert in lieu thereof the following: "Section 15. The legislature, in order to insure continuity of state government in periods of emergency caused by enemy attack, shall have the power to provide for temporary succession to the powers and duties of public offices, whether filled by election or appointment, when the incumbents become unable to carry on the powers and duties of such offices."

Explanation

Mr. Jenkins Mr. Chairman, delegates to the convention, if you'll study the committee recommendation, you'll be troubled by the first sentence. I want to call it to your attention again. The first sentence of the proposal by the committee says: "The legislature shall provide for the orderly and temporary continuity of state government in periods of emergency until such time as the normal processes of government can be reestablished in accordance with the constitution and laws of the state." The implication of that sentence seems to be, in my view, that there will be certain times, because of emergencies, and the word emergency is not defined, when the legislature might choose to act contrary to this constitution. They might do things contrary to what we have laid down here. Now that, to me, is a very dangerous power. It could mean in times of emergency that all the protections that we've built-in, could mean nothing. Look at some of the words. What is temporary continuity of state government? What is an emergency? Who declares it? Is a hurricane an emergency? What can happen in emergencies? Let me ask you these questions. Can first amendment rights be suspended, freedom of speech, freedom of assembly, habeas corpus, the right to keep and bear arms, due process of law, property rights be deprived, grand juries? Can ex post facto laws be passed in these periods of emergencies until the constitution and laws can be reestablished? Bill of attainder, will access to courts be closed? Will there be still a prohibi-

tion against cruel and unusual punishments? Will there be laws impairing obligation of contracts? Will the judiciary remain independent? Will there be changes in jurisdiction and venue of the courts? Will officials be chosen by the legislature or whom? Will the civil authority be still superior to the military in such situations or will the military become supreme? All of these issues have to be faced and the door is open under this language in this first sentence for all of these things to be taken away with. Now, it seems to me that the very time when we need our most protection under our constitution, is in periods of emergency because that's when government tends to become most abusive. That's when tyrannies set it, dictatorships control, corruption becomes most rampant. And if we're so naive to think there will never be such times, then we haven't thought much about history because they have happened over and over in the past. They will undoubtedly happen many times in the future. The only thing that my amendment provides for is this: as in the case of the current constitution, provides that there shall only be a so called emergency declared in case of an enemy attack. That the present constitution provides, and it provides only one thing contrary to the constitution that we would adopt. That would be that the legislature could provide for the temporary filling of offices which, when the incumbents may become unable to serve. In the amendment, the words emergency and continually take on the significance that they do in the committee's proposal because they're not part of the powers that would be exercised. The only power would be this one, to fill vacancies in office. What this really would do would be to allow the legislature, under the legislative committee's report, to do things which are not permitted by this constitution when it declares an emergency. That is a dangerous proposal. Remember, too, that under the previous provision which we adopted, we said the legislature can be called into session in periods of emergency without notice of any sort, without time periods, without delays of any sort, by the governor. Supposedly the governor, I guess, could call the legislature into session without any notice to the legislature at the top of the moment. They could, I guess, declare an emergency and then provide to act contrary to this constitution. That doesn't make much sense. And so to protect us against such possible abuses which might occur, this amendment is offered. It would provide that in emergencies caused by enemy attacks, there could be succession to offices when the incumbents became unable to serve, but that other constitutional protections would not be violated or infringed. So I urge the adoption of this amendment.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, I think Mr. Jenkins intends to reinstate and certainly does by the wording of his amendment, the use of the words enemy attack. All the committee has submitted to you or intends to submit is a flexible, workable proposal realizing that there are other things other than enemy attack which could cause great confusion in our state and could erode the continuity of government and that is all that we are talking about in this particular section, is to provide for the orderly and temporary, and I must emphasize the word temporary, continuity of state government, and for the succession to power of public offices. I would like to remind you, if you go back to Section 15 as submitted by the committee proposal, that all this does is require the legislature, it requires the legislature to pass a statute or an act after the passage of which is subject to review by our courts, to a declaratory judgment, is susceptible to being declared unconstitutional, and if it is unworkable, unrealistic, completely improper, it would certainly be so declared by our own Supreme Court. We haven't had here affect as we have been referred to by Mr. Jenkins, any rights that we might have under the Federal Constitution. We can't affect a legislature against the Federal Constitution here. All we're talking about is the mechanics of succeeding to office in case of emer-

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gency, and I must emphasize the word emergency, rather than enemy attack. There are many more things other than enemy attack. And to provide for the orderly and temporary continuity of state government, I think we're making a mountain out of a molehill, and I would urge defeat of Mr. Jenkins amendment.

Questions

Mr. Alexander Mr. Casey, I think you almost answered my question when you alluded to many other emergencies other than enemy attack. Maybe if you would just mention one or two of them, I don't want to say them myself, but this amendment, to me, restricts emergencies to enemy attack, per se. No more and no less, isn't that right?

Mr. Casey Well that's absolutely correct. But if we sat here for the rest of the day we could think of a hundred examples, but I would submit to you that an example is widespread flooding, widespread epidemic, sickness from various causes, many of which could be inflicted on the entire citizenry of our state.

Mr. Alexander Would you also agree that to enact this amendment would in itself be an emergency?

Mr. Casey Well I'm against the amendment and judging by your comments, I think you are also, Reverend Alexander.

Mr. Avant Mr. Casey, as I understand this provision, the legislature could only so provide with respect to some emergency situation in which the normal processes of government had become disestablished, because they can only provide until those processes have been reestablished. So that is a limitation, is it not, on the power of the legislature? The normal processes of government have to be completely disestablished before you can institute this legislative succession procedure. Is that the intent of the...

Mr. Casey You are certainly correct, Mr. Avant. We would have to detail this method in a statute. And if it's improper, it could be declared unconstitutional.

Mr. Avant And if the normal processes of government have become disestablished because of some emergency, it is of little consequence what that emergency is. Whether it is an enemy attack, a flood, an epidemic, a hurricane, or what it is.

Mr. Casey An enemy attack always sounds like the best thing to talk about, but I think there are a lot better chances of something else occurring other than enemy attacks.

Mr. Kilbourne Mr. Casey, doesn't the Federal Constitution guarantee every state a republican form of government, and wouldn't that protect the state against the kind of things that Mr. Jenkins has talked about on his amendment?

Mr. Casey It certainly does, Mr. Kilbourne, and I really don't envision that as a problem at all.

Mr. Stinson Mr. Casey, the recommendation of the committee and also the amendment both, is only as to state government. Isn't it a fact that our parish government and city governments, they take care of themselves. This is only state government, isn't it?

Mr. Casey That's all we are dealing with here. The present constitution deals with local and state government and we'll discuss that under the local government area.

Further Discussion

Mr. Perez Mr. Chairman and delegates, I've thought long and hard about this particular provision and as you know I hesitate to come up to the mike except

when I feel that there is a subject matter which is of such importance that it deserves special consideration. The present provision in the constitution was adopted during the time when we were so concerned about the fact that our state may be subjected to nuclear attack and that there would be wholesale loss of public officials so that they could not continue to operate government because of the death of so many public officials. What concerns me so much about this amendment is that you might have and probably would have a lot of your elected officials or most of them still alive, still able to carry out their functions, but the legislature might decide, in their wisdom, that because of an emergency that some other procedure or process should be followed in the operation of government, and that they would suspend the local governmental officials' duties and responsibilities and put them elsewhere. I might call to your attention, that under federal laws Louisiana or parts of Louisiana have been declared to be emergency areas time and again. Take for instance, just during this last high river flood fight which we have had, the entire state of Louisiana along the Mississippi River and many other areas were declared emergency areas. Does this leave the possibility that the legislature could adopt laws which would provide for the suspension of the operation of government during those emergencies? I am very much concerned over the fact that the word emergency has not been properly and adequately defined and that we are leaving the possibility that Pandora's box could be opened wide. I suggest to you that if we need a provision like this in the constitution it is only under the condition when wholesale death of public officials comes about. And the only condition that I can conceive of when that would ever happen would be in the event of nuclear attack. That's the reason the present constitution provides for emergency caused by enemy attack. And that is the only case that I can conceive of when such an emergency provision would be necessary. So I therefore suggest that the Jenkins amendment is better than the provision which has been submitted by the committee, and I would urge the adoption of the Jenkins' amendment.

Questions

Mr. O'Neill Mr. Perez, didn't you come before our committee and express the same concern to us and didn't we amend our provision somewhat, but not completely to your liking to take care of part of this?

Mr. Perez I appeared before your committee on behalf of the Committee on Local and Parochial Government and only in that capacity, and the committee was good enough to insert the word state on line 14 to hopefully make it clear that this provision would apply only to state government and not local government. But the purpose of the amendment today concern the general provision itself as it applies to state government.

Mr. O'Neill Thank you.

Mr. DeBleux Mr. Perez, I'm thinking about a situation that could take place that I don't believe the Jenkins' amendment will allow for. Suppose the legislature should be in session sometime in the capitol, and of course the governor and everybody's there, and we should have an earthquake, let's hope that never happens, at least while I'm there. But suppose that does happen, and the whole legislature and the state officials are wiped out. Wouldn't that be an occasion where that the particular provision like this would come into effect?

Mr. Perez My only answer to that, sir, is who has ever known or heard of an earthquake of that kind in the history of this state? We can only provide for those things which are reasonably foreseeable, not something which we might speculate up as some remote, ultra remote possibility.

Mr. DeBleux Well, I hope, we haven't had any in

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the past, I hope we don't have any in the future. But let's don't say that something like that can't happen. I've seen some things happen that I never would have thought would have happened this day and time. Even in this convention.

Mr. Perez Senator, to answer your statement, the question is which is the worse of the two evils. As the committee proposal now stands, it could declare what an emergency is. There is no definition of an emergency and it would strictly be left to the whim of the legislature to declare that word constitute a sufficient emergency in order to suspend the operation of state government by the duly elected officials and put that responsibility possibly in other persons hands.

[Previous Question ordered.]

Closing

Mr. Jenkins Mr. Chairman and delegates to the convention, there are many procedures in our law that allow the government to act in times of emergency. In fact, time and time again I think in the legislature we pass things to allow certain flexibility of the governor, the legislature, local public officials to deal with emergencies, and certainly many of the procedures that we adopt in this constitution will allow local officials, state officials, the legislature and the governor to deal in emergency situations. But, in every such case, we want to limit those officials to the confines of this constitution and the protections built therein. And so the only purpose of this amendment is to provide that as, in the same context and with the same feeling as the 1962 amendment to the constitution which originally put this provision in, we allow for temporary succession to public officials, to public offices, in case of an enemy attack. We have many natural disasters but there's no reason in such cases to suspend basic constitutional protections. I fear without this amendment that such a suspension will be possible. We need much more of a definition of emergency than is in the Legislative Committee's proposal, and certainly we need some protection. We need not go to the trouble of writing a constitution with a Bill of Rights, with many procedural safeguards, if at the whim of the legislature or the governor or someone else all of these things could be done away with. And so for that reason I urge you to adopt this amendment.

Questions

Mr. Juneau Mr. Jenkins, of course one of the controversies is whether we want a limit to enemy attack or not. I notice one thing that you deleted from your provision which is now in the present constitution. That is, in times of emergency even in the case of an enemy attack it says to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. That is deleted from your provision, is it not sir?

Mr. Jenkins Yes, that is, and that's because we have sufficient flexibility right now to handle those situations. I can't imagine what procedure might be necessary in the case of an enemy attack that the legislature, the governor, doesn't already have the power to accomplish that they couldn't do.

Mr. Juneau Don't you think though it's possible to be construed to be self limiting the fact that you have specifically what they shall have a power to do and nothing more in the case of an emergency?

Mr. Jenkins Yes.

Mr. Juneau The normal processes we have forbidding every other procedure you may need for a prompt, efficient service at that time. Delay periods that could be accomplished under your amendment.

Mr. Jenkins No, you see the thing is the legisla-

ture under our provision adopted earlier can come into immediate session, the governor can declare a particular provision an emergency provision, it can come into effect immediately. They can pass laws on a moments notice, practically. They can deal with situations as they come up, so there's no need to allow them to act contrary to this constitution, because the constitution gives them sufficient flexibility.

Mr. Juneau Well then, what would occur, we'll get to the legislative article which requires that a bill, for example, be read on three separate days? And that's in the constitution, the legislature couldn't change the constitution.

Mr. Jenkins No, it couldn't change that...

Mr. Juneau Well, do we have to wait 3 days in an enemy attack to find out?

Mr. Jenkins But it can pass resolutions, concurrent resolutions and things of this nature to deal with emergency situations.

Mr. Juneau Now that's all, thank you.

Mr. De Blieux Mr. Jenkins, I'd just like to ask you this question. They said that my illustration about the earthquake might not be proper. But suppose, and I've got two questions to ask you. Suppose that we should have a bomb during the time the legislature is in session in which about half or most all of the legislators and the governor is killed. Your amendment wouldn't take care of that, would it?

Mr. Jenkins No it wouldn't, and neither does the Legislative Committee's proposal. You notice that it says the legislature shall provide, and if the legislature doesn't exist, then even under the Legislative Committee proposal it can't provide for it.

Mr. De Blieux Well haven't you appointed a successor to your office under the present provisions of the act of the constitution and the act of the legislature doesn't exist every legislator had done that. I know I have.

Mr. Jenkins Yes. And that's in case of enemy attack under the present law.

Mr. De Blieux Well, now aren't we broadening this to take care of a situation as I've illustrated to you?

Mr. Jenkins No, because we have procedures for special elections to fill those vacancies.

Mr. De Blieux If half the legislature is wiped out you don't have that, though. You have...

Mr. Jenkins You could still have a special election.

Mr. De Blieux You have that you have an emergency or more that can happen

Mr. Jenkins You could still have special elections to fill the vacancies in such instances.

Mr. De Blieux Now, another thing. With reference to the definition of emergency. Since no legislators are wanting to give up their position, don't you think they'd restrict the type of emergency which that would take over?

[Revised Question ordered. Amendment considered. Motion for recess after roll call.]

Amendment

Mr. Poynter Delegate Staag and Abraham send up amendments as follows: Amendment No. 1, Page 7, line 17, immediately after the period and before

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the word "shall" delete the word "it" and insert in lieu thereof, the following: "except as otherwise provided in this constitution, it".

Explanation

Mr. Stagg Mr. Chairman, and delegates to the convention, this is in the way of a technical amendment and I suggested it to the legislative committee, Mr. Casey, and they found it to be non-objectionable to them. The reason for the amendment is that in the executive article which I hope some day we get to, it is provided in a very particular way how a declaration of inability by a public official can be determined which will involve all three branches of the state government. In this particular case, I would like for our language not to be frozen out of the constitution by the way that this one is written and the amendments provide that flexibility by saying "except as otherwise provided in this constitution, it shall also provide for the prompt and temporary succession to office."

Questions

Mr. Stinson Mr. Stagg, don't you think your amendment, now this is going to be when the bombs are dropping and the earthquakes are happening, don't you think in there, you should put a limit on debate and the number of amendments that can be offered in those sessions?

Mr. Stagg Mr. Stinson, I'll honor that if you will.

Mr. De Blieux Mr. Stagg, I'm wondering if you're not placing your amendment in the wrong place. I know what you want to do, but I think that if you'll notice, the "if you had placed the amendment right after the word "succession" in line 18, wouldn't it be a better place to put that amendment, than where you have it?

Mr. Stagg Senator De Blieux, I would suppose that the Committee on Style and Drafting could do that. It does not change the substance of my amendment at all. We're just trying to allow the convention to accede to the possibility that this language would freeze out other languages coming in in further amendments, in further sections.

[Previous question ordered. Amendment adopted: 88-2. Motion to reconsider tabled. Previous question ordered on the question, section passed: 86-1. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 16, style of laws, enacting clause. Section 16. The style of laws of this state shall be "be it enacted by the Legislature of Louisiana." It shall not be necessary to repeat the enacting clause after the first section of an act.

Explanation

Mr. Casey Mr. Chairman and delegates, this very provision is in the law today. We even discussed the possibility of the necessity of it, the possibility of deleting it. It was found that all states have something of this type. Most have exactly this wording. It's felt that something is necessary to specifically designate some special wording to indicate that when the legislature passes a law that specific wording be used that it is a law enacted by the legislature of Louisiana. I urge adoption of Section 16.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Casey]; on page 7, line 22, immediately after the word "laws" and before the words "of this state" insert the following: "enacted by the legislature."

Explanation

Mr. Casey This is strictly a technical amendment with the possibility of this convention adopting other provisions referring to initiative and referendum. This is intended to imply only to the style of laws that are enacted by the legislature. I request adoption of this amendment.

[Amendment adopted without objection. Previous question ordered on the Section. Section passed: 97-0. Motion to reconsider tabled.]

Recess

[Quorum call: 96 delegates present and a quorum.]

Reading of the Section

Mr. Poynter Section 17, passage of bills. Section 17, Paragraph A. The legislature shall enact no law except by a bill and shall propose no amendment to the constitution except by a joint resolution which shall be processed as a bill. Every bill except the general appropriation bill and bills for the enactment, rearrangement, codification or revision of a system of laws, shall be confined to one object and shall contain a brief title indicative of its object. Paragraph B. Every bill 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. Paragraph C. No bill shall be amended in its passage through either house so as to make a change not germane to the bill as originally introduced. Paragraph 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 until it has been reported on by a committee. Paragraph 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. Paragraph 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. Paragraph 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.

Explanation

Mr. Casey Mr. Chairman and delegates, Section 17, I would title colloquially as the mechanical part of the constitution pertaining to the passage of bills through the legislature. Paragraph A indicates that the legislature shall enact no law except by a bill or joint resolution; it must be confined to one object; and, it must contain a brief title. Paragraph B is in our constitution today and specifically indicates that no law or systems of codes or laws can be adopted by a general reference. Paragraph C indicates that amendments must be germane. Paragraph D retains the concept that a bill or joint resolution must be read by title on three separate days in each house. That still restricts or confines a bill which will eventually become law to a minimum of five days to be processed through the legislature in order to become law. Paragraph E sets forth the mechanics to avoid duplication of multiple bills on the same subject matter which would indicate that once a bill is rejected it can only be again heard by a majority vote of the membership of the house which originally rejected it. Paragraph F indicates that once a bill passes the House, for instance and I'm giving you an example,

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and goes over to the Senate, and is amended there, the House must then concur in those amendments by the same vote that was required for final passage; so that, for instance, in the case of a bill which passed the House by a two-thirds vote of the elected membership of the House and goes over to the Senate and is amended and let's say is increased and comes back to the House for concurrence, the House still then would have to concur by a two-thirds vote of the elected membership of each house. Paragraph 6 indicates that for a bill to become law that you must have a favorable vote of a majority of the elected membership of each house and it must be by record vote. All these processes and paragraphs are pretty much what is contained in the constitution today, however, it was assembled in a more orderly fashion and we tried as far as possible to make it as brief and as intelligible as possible.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Perez]: On page 7, line 28, immediately after the word "bill" and before the word "insert" the words "introduced during a session of the legislature". Amendment No. 2: page 7 line 29, immediately after the word "resolution" and before the comma insert the words "introduced during a session of the legislature".

Explanation

Mr. Perez Mr. Chairman and delegates, I know that there has been a great deal of confusion concerning the provision which we adopted early in our deliberations with respect to the meaning of "a continuous body". We have said that the legislature is a continuous body. If you would refer to the notes which were prepared by the staff and apparently adopted by the committee in connection with this, it would provide or permit the legislature to manage its own operations when not actually in session by allowing, among other things, formal introduction of bills prior to convening in regular or extraordinary sessions, the assignment of such bills to committees and the pre-session committee hearings and determination of reports. Now what a bill means is that all during the ten months of the year in which the legislature is not in session that the term "continuous body" would mean that bills could be formally introduced into the legislature, could be assigned to committee and final report made by that committee to the legislature so that on the opening day of the legislature a bill would be ready for final passage in one house thus making it possible to finally pass a bill within a three day period within the first three days of the session of the legislature. I know that we were divided with respect to the question of having a split session in order that the public might be informed on the bills which are presented. Under the present posture of the provisions which we have adopted, not only would the public not have the five days, which is the minimum time in which a bill can be now passed, but would have only three days after introduction of a bill, before that bill could be adopted, finally adopted, into law. In order to avoid that possibility and in order to avoid the possible interpretation of what is meant by a continuous body, we would make it clear by this amendment that the legislature shall enact no law except by a bill introduced during a session of the legislature and shall propose no amendment to the constitution except by a joint resolution introduced during a session of the legislature. I submit to you that with this amendment that we would have a congress of the state of Louisiana. We would have a twelve month session of the legislature in the sense that legislation would be formally processed all year round. Now, nothing in this amendment would prohibit the legislature from pre-filing bills, from moving forward with hearings and from making recommendations to the legislature. All this amendment would do would be to require as is now the practice that at the beginning of each session and for the number of days allowed that those bills would have to be formally introduced.

So, I move the adoption of these amendments.

Question

Mr. Avant Mr. Perez, we're considering your amendment that has only two amendments and it starts on page 7, and you insert certain language between lines 25 and 26 relating to the passage of bills...

Mr. Perez No, sir. There were two amendments which I had proposed. The one which we are taking up now is the one which would insert only the words "introduced during a session of the legislature" which would require every bill before it could become law to be introduced during a session of the legislature. That's all this particular amendment does.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Casey]: On page 7, line 32, immediately after the word "and" and before the word "shall" insert the words "every bill".

Explanation

Mr. Casey Mr. Chairman and delegates, this is strictly a technical amendment to clearly indicate that every bill or joint resolution shall contain a title and as drafted there was some question as to whether a joint resolution would have to contain a title.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Jenkins]: page 8, at the end of line 1 insert the following: "no action on any matter intended to have the effect of law shall be taken except in open public session."

Explanation

Mr. Jenkins Mr. Chairman and delegates to the convention, we were subjected to some criticism by the Public Affairs Research Council recently because of an inadvertent omission. We haven't anywhere in the article provided that our sessions are going to be open to the public, that the general public can come and sit in the chambers and that there can't be restrictions on that, at least, while action is being taken. So, all this amendment does is provide that when we actually take some action on a bill in the legislature that the meeting has to be open to the public at that time. Now, frankly it would not altogether prohibit executive session, but it would prohibit any sort of action being taken during such a session. This gives the public I think, most of the protection we need and so I'd like to move the adoption of this amendment.

Questions

Mr. Casey Mr. Jenkins, I have two questions. I'm not in opposition to your amendment, first of all. Is there some distinction between the wording "open public" and I'm just curious why both of those words are used.

Mr. Jenkins I don't know that there is any real distinction. It may be a redundancy. Perhaps we could just say public.

Mr. Casey The other question I have refers to the process that the Senate uses, particularly, for executive sessions to hear personnel matters such as appointments that are recommended by the governor and must be concurred in with the advice and consent of the Senate. There is no prohibition to that, I would assume, is that correct?

Mr. Jenkins No, that's correct.

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Mr. Henry Do you mind withdrawing it and making it "public meeting" rather than "session"?

[Amendment withdrawn and resubmitted with correction.]

Mr. Poynter It would read: no action on any matter intended to have the effect of law shall be taken except in open public meeting.

Questions

Mr. Triche Would this require committee sessions open to the public?

Mr. Jenkins No, sir. I don't believe that it would. I think that it's talking strictly about the actions of the body as a whole, but amendments will be offered later on to make sure that committee meetings are held in public. At least, insofar as actions on bills are concerned.

Mr. Jackson Woody, I'm basically, you know, for your amendment, too, but you start off by saying no action and someone raised the question of executive session. Would action be interpreted to mean that if in the executive sessions you were just discussing it but you were not taking any final action or no formal action as a vote? Does no action mean no formal action? Does that prevent in executive session people discussing certain things?

Mr. Jenkins I think that it means no formal action, so it would not prohibit discussions in executive sessions, and if we can pass such a provision I'd be glad to vote for it if someone would propose amendments even to do away with those but I'm trying to get something that we can pass here, so that's why that is provided in this manner.

Mr. Tate Mr. Jenkins, we're all in favor of open public meetings, etc., but is there any danger by spelling it out in the constitution that after a bill is passed we're going to have law suits saying that you have to take evidence that they were not in an open public meeting and things like that.

Mr. Jenkins Well, I think that there is always the possibility that if the legislature doesn't conform to the procedural safeguards in the constitution that it would be subject to attack. This would be true with regard to three readings and things of this nature and certainly if they did not hold a public meeting, they voted on it in executive session, it should be subject to attack.

Mr. Tate You've answered my question. Of course, the three readings, generally the journal proves it, and I guess, we'd say the open meeting would be proved by the committee resolution that said... the committee minutes that said that it was open, I guess is what you mean.

Mr. Jenkins Well, I'm sure it would be subject to attack if there were contrary evidence, but probably the presumption would be that it wasn't an open public session.

Mr. De Blieux Mr. Jenkins, I think, and I'm not opposed to this, but this is going to at least cut out the executive sessions of the budget committee or any committees like that as I can see it here. Because it says no action shall have the effect of law and of course, the budget is a law as you well know, and I'm wondering about the executive appointments that the governor has to submit to the Senate. The action that we take on those are usually are taken in executive session and when they are confirmed that's law. I know what you're driving at, but I feel like that it can be read into this... now I know that you may not intend it, but after all, the court is going to have to pass upon this, not just you and I. I just want to throw this out so that you can think it over, and you might want to clarify it to be sure and reword it. I know what you're driving at and I'm in accord with that.

Mr. Jenkins Well, Senator, I don't see that any

way the actions of the budget committee could be construed as actions, because they do not act on a proposal. They don't even report it favorably or unfavorably.

Mr. De Blieux On the budget, sure they report...

Mr. Jenkins They prepare it, but they don't take action that... on anything as I appreciate it.

Mr. De Blieux Maybe you ought to change your word action to vote. No vote shall be taken. When you say action, that's different.

Mr. Jenkins Well, I'm hoping that action will be a little broader. It certainly wouldn't mean debate and discussion or preparation or agreements or things like that.

Mr. De Blieux That's what kind of concerns me is the broad nature of the word action.

Mr. O'Neill Mr. Jenkins, isn't it true that the rules of this constitutional convention are basically the same and that our executive committee can discuss personnel appointments but no final action can be taken except in open session? Isn't it basically the same as this.

Mr. Jenkins Yes, that would be the same in this case. Now the final vote, of course, in the Senate would have to be open but they could discuss it in private.

[Previous Question ordered. Record vote ordered. Amendment adopted; 90-6. Motion to reconsider tabled.]

Amendment

Mr. Poynter This goes to Paragraph D, Mr. Chairman.

Amendment No. 1 [by Mr. Flory], on page 8, line 11, after the word "unless" and before the word "it" insert the following: "and until a public hearing has been held on such bill and".

Explanation

Mr. Flory Mr. Chairman and delegates, this is now consistent with the rules of both houses of the legislature and also the rules of this convention. What it does is prohibit the process of round-robin. That's all it does.

[Amendment adopted without objection. Previous Question ordered on the Section. Section passed; 96-0. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 18. Appropriations. Section 18, Paragraph 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. Paragraph B. All bills for raising revenue or appropriating money shall originate in the House of Representatives but the Senate may propose or concur in amendments as in other bills. Paragraph 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. Paragraph D. All other bills for appropriating money shall be for a specific purpose and for a specific amount. Paragraph 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.

Explanation

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Mr. Casey Mr. Chairman and delegates to the convention, the provisions of Section 18 are basically contained in various areas of the constitution today. Paragraph A specifically indicated that no money can be withdrawn from the state treasury except through appropriation, and that an appropriation...no appropriation shall be made for contingencies or longer than two years. That is in there today. All bills to raise revenue or appropriate money in Paragraph A are to originate in the House of Representatives. That is the law today. Paragraph C.. the general appropriation bill must be itemized and shall contain only appropriations for the ordinary operating expenses of government, etc. That is contained in the constitution today. In Paragraph D., that wording is in the constitution today. All other bills for appropriating money shall be for a specific purpose or a specific amount. Paragraph E. is also contained in the constitution and refers only to a specific situation, where during the last year of the term of office of governor, after the regular session of the legislature money can only be appropriated by a three-fourths vote of the elected membership of each house. Apparently, there was an unhappy situation in the past, I don't know how many years ago. Twenty, thirty or forty years where apparently, a governor, shortly before the termination of his term of office, convened the legislature, appropriated a tremendous amount of money, and left the state broke for the next incoming governor and the next incoming legislature. That was specifically designed to take care of that situation.

Questions

Mr. Triche Mr. Casey, I'm referring to 18 A. where you talk about appropriations of money shall...no appropriation of money shall be made for contingencies. As I appreciate it, the present constitution prohibits contingent appropriations. Isn't there a difference between appropriations for contingencies and contingent appropriations? If there is, what is there, and what's the reason for the change?

Mr. Casey Mr. Triche, all I can say is that I'm not sure what is the difference if any. It was a rewording that was attempted for simplification and if you feel that there is some question about it I, personally, do not have a question; maybe an amendment would be in order, but I don't have any hesitation about it.

Mr. Triche Well, it just appears to me at first blush, Mr. Casey, and I didn't have the benefit of the committee hearing, but it just appears to me at first blush that you did make a change. Because the prohibition against contingent appropriations would be a prohibition against making an appropriation if and when a certain event occurred. Whereas, an appropriation for contingencies is a time if different, it seems to me. Because it seems to me that we make appropriations for contingencies all the time. We make appropriation of X number of dollars to an agency, let's say X plus Y number of dollars for an agency, X for budgetary expenses plus Y for certain contingencies which may or may not arise, which is not a contingent appropriation. It seems to me you are outlawing appropriations for contingencies rather than contingent appropriations. I don't want to belabor the point, I just wanted to hear some explanation from you.

Mr. Casey Mr. Triche, I think that it would be appropriate to examine Article 4, Section 10, which reads in this fashion. "Each appropriation shall be for a specific purpose and for a specific amount, and no appropriation shall be made under the head or title of contingent, nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund." I would say the intent is similar and I would hope we are not complicating things. I don't believe we are, but I think that we have attempted to simplify that wording.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen, I think that Representative Triche has raised a very important point, and I think that we ought to revise this particular section. I know what Mr. Casey has reference to, and I know that we in the legislature cannot have an appropriation which we label contingent, or something of that sort...that it must be a definite appropriation. But we do very often make appropriations contingent upon the happening of certain events, and I feel like the way that this is presently worded you will not be able to do that. I certainly think that we ought to carry the same provision that is in our present constitution that does permit the making of contingent appropriations but denies the right of the legislature to make appropriations which are labeled contingencies. Contingencies are just unlabeled and unexpected expenses which may be dreamed up or you might not know about. I certainly think that we ought not to have those type of appropriations, but not for things that we may feel like that may happen that we need the appropriation for if it's definite for that particular subject matter if it happens.

Questions

Mr. Flory Mr. De Blieux, by the prohibition against the appropriation of funds for contingencies aren't you in effect prohibiting the appropriation of monies to the Board of Liquidation?

Mr. De Blieux Yes, I'd say that Mr. Flory, because that's what the Board of Liquidation is supposed to take care of.

Mr. Roemer Senator, I fail and perhaps you can explain it to me, the difference between the contingency appropriation and the appropriation for contingencies. Is there any difference or anything that may or may not happen, is that true?

Mr. De Blieux No, there's a difference in this respect, Mr. Roemer, insofar as making state appropriations. Now, let me read you the exact words that's now our constitution, which I think that this provision is meant for and show you the difference in it. The present constitution says this: "Each appropriation shall be for a specific purpose and for a specific amount, and no appropriation shall be made under the head or title of contingent, nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund". Now that's what I think that the provision is supposed to take care of, but you can see the difference in the wording. What they're saying, no appropriation shall be made for contingencies. There is a lot of difference.

Mr. Roemer Maybe my question should have been, and I'll ask it now, your position is in opposition to the proposal as we have it here, is that correct?

Mr. De Blieux As it's presently written, because I think that it's going to...it's certainly going to have the effect that you can't have any Board of Liquidation sum or anything of that sort. In case of any emergency you'd have to have a session of the legislature to take care of it. There's no way around it.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Rayburn], on page 3, line 30, after the word "than" and before the word "years" delete the word "two years" and punctuation two years and insert in lieu thereof the words "one year". It's got a technical mistake in it. It should be, on page 8, line 30, after the word "than" delete the remainder of the line, and insert in lieu thereof the word "one year", to make it read a little better.

Explanation

Mr. Rayburn Mr. Chairman, fellow delegates, in the present constitution you have the language of

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"make appropriations for a period not to exceed two years." That was placed in there in 1921 when the legislature met every two years. I'm merely changing that and inserting in lieu thereof, in the place of two years, one year. The Revenue and Taxation Committee adopted the one year proposal along with several other proposals that's really not mentioned in this particular bill that we're discussing at this time, but we will have it in our proposal, and this is the only thing that I've seen that is in conflict with our recommendation. Therefore, I move the adoption of the amendment deleting the two years and inserting in lieu thereof, one year.

Questions

Mr. Denney In the other committee's report, do you provide for the Board of Liquidation similarly to the way that it is now?

Mr. Rayburn We made no change to my knowledge at this time. On the Board of Liquidation, I don't believe that we made any change of it.

Mr. Denney Do you think that this section, whether it says one year or two years, is not in conflict then, because it provides that you can't appropriate any monies for contingencies? Don't you presently appropriate monies to the Board of Liquidation?

Mr. Rayburn Yes, sir. We do to the Board of Liquidation, but we do it every year.

Mr. Denney But, it's for a contingency, isn't it?

Mr. Rayburn That's true. But, we've been operating with that. The present constitution has that language in it, Mr. Denney, and we've had no conflict to my knowledge.

Mr. Denney O.K. Thank you.

Mr. Roemer Just to clear up, Senator, didn't we not, in fact, make a few changes in the Board of Liquidation?

Mr. Rayburn We made some. I'm not familiar with the specific changes, Mr. Roemer, but we made some suggestions, I believe. One of them, I think, was that we tried to tie down where if any requests had been denied by the legislature, the Board of Liquidation couldn't come back in thirty days like we've been doing for the last 20 years and approve it.

Mr. Roemer Exactly, didn't we also say that we had to have a vote of the legislature when it was out of session to approve a specific expenditure of money.

Mr. Rayburn We have to have that now. That has nothing to do with contingency.

Mr. Roemer It does in this respect, because we further went on to say that the legislature would in the next session following the expenditure out of session appropriate the money necessary then, right?...to cover the deficit.

Mr. Rayburn That's true, to cover the deficit, and that would be considered in their next year's budget as an amount of money that they received in that particular fiscal year, yes sir.

Mr. Roemer So, wouldn't you agree in a very real sense, we did cut out the contingency expenditure of the Board of Liquidation. We certainly attempted to do that.

Mr. Rayburn Well, I guess you could say that we did recommend that they be cut out, if you want to call it cut out. Under the present laws of this state any agency who has an appropriation, at the end of the fiscal year if that's not obligated it comes back to the general fund...any balance that's left in that fund at that time.

Mr. Roemer Right, but we don't require, we didn't, Senator, at least in our committee, require an appropriation of a sum of money in the current fiscal year for the expenditures of the Board of Liquidations in that year. That's the difference.

Mr. Rayburn That's exactly right, and that's been the history of the Board of Liquidation since I've been serving on it.

Mr. Roemer Exactly, we tried to eliminate that.

Further Discussion

Mr. Casey It's difficult to oppose Mr. Rayburn's amendment to change the requirement that no money be appropriated for any period in excess of one year rather than two years as contained in the committee proposal.

I would like to point out that that is contained in the constitution today, but that's not any good reason to use it. The reason that the committee stayed with the two-year period is that there may be a time, and I've been in the legislature for six years and I've never seen an appropriation for two years. Every appropriation I have ever seen is for one year. But I could envision that there could be a time particularly in the area of federal funding, that the state may be required to commit itself to an appropriation to designate, to set aside certain monies for a two-year period in order to possibly benefit. And all I can say is perhaps, maybe, possibly I can only use that wording. And in the interest of flexibility and having a real workable constitution, I would hope that we would stick with the two-year period rather than the one-year period that Mr. Rayburn is attempting to go with.

So in the interest of flexibility, please stick with the two years.

Questions

Mr. Schmitt If you are worried about that, why do you make it simply two years? Why don't you make it twenty years? You don't know what the federal regulations are going to be.

Mr. Casey Mr. Schmitt, that's absolutely correct. All I said was, though, that that is what exists today. We know that you want, not you personally, we know pretty well that the convention would not agree to a twenty-year appropriation or a ten-year appropriation. We felt that we could not expand it beyond two years.

But, Mr. Schmitt, as you may know after a three week period here, that I am a very strong believer in a flexible constitution and I would like to keep it as flexible and workable as possible.

Mr. Schmitt But isn't the only real reason that you have it in there is that it was in the other constitution...the 1921 constitution...

Mr. Casey Well, the reason that it was in there, and as I recall historically, the legislature met every other year and had to appropriate funds for a two-year period. And maybe some of the legislators who have more experience than I can better answer that. But historically, that was the reason for it. But I would like to retain that language as one individual delegate.

Mr. Rayburn Mr. Casey, you might not know, but we do have as our recommendation that the legislature may enact legislation to enable the state, its agencies, boards or commissions or political subdivisions of this state and their agencies to comply with federal laws and regulations and to...in order to secure and preserve federal funds. We placed that language in there in lieu of the two years to be sure that we tied it down where you could keep the money in compliance with federal funds.

Mr. Casey Well, I think that shows a lot of foresight on the part of the revenue committee and I am glad they inserted that provision. I still

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would like to retain the two years.

Mr. Denney Mr. Casey, in view of Senator Rayburn's statements both as heard to the Bureau of the Board of Liquidation and the federal funding, don't you think you should insert in here a quote, "Except as may otherwise be provided in this constitution?"

Mr. Casey An amendment to that effect is being prepared, Mr. Denney.

[Previous Question ordered.]

Closing

Mr. Rayburn Mr. Chairman and fellow delegates, I don't know exactly where I'm at. I'm almost as confused as I was earlier when I was listening to the lawyers of this august body. I'm certainly not qualified to compete with a lawyer. I've never hired but one in my life and that was to draw a deed on some land I bought and he found out I was in the legislature and didn't charge me. So they can't say that they've gotten along too well off of my income. I listen to talk about court procedure, I'm really not qualified to talk about court procedure. I've never been to court but one day in my life. I went as a character witness for my neighbor. His wife had, so they tell me, eloped with a man, and he was trying to get the children and they got me out there and they swore me in to tell the truth and nothing but the truth, and they asked me about this lady who had been my neighbor and what I knew about her.

I said, well, they tell me she left here with her sweetheart. And that lawyer jumped out of his seat and said, "Your honor, we are not interested in what the witness has heard, we are interested in what he has seen."

The judge said, "Confine your remarks to what you have seen, not what you have heard."

I said, "Judge, she's a fine, honorable lady." And I left court and haven't back.

But I'm really confused. [...] I checked this out with the chairman of the committee, Mr. Blair. I told him what we had placed in our proposal and he said he had no objection to removing the two years and placing therein one year, and my purpose for the one year is because I know this. You've got some department heads that would like to get appropriation every thirty days, and they'd like to get it doubled every sixty days and tripled every hundred and twenty days, and just before you left there they say give me a little more, I might run out before you get back. And I've walked them roads and I know what they'll do. And that's why I think we should tie it down as much as we can possibly tie it down. This two years was placed in the constitution in 1921 when they only met two years.

And just between me and you, we might be a little better off, the people might, if we were meeting about every three years now.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Casey], page 9, delete lines 8 through 13 in their entirety.

Explanation

Mr. Casey Mr. Chairman and delegates of the convention, I know that I will certainly not be too popular with the other members of my committee in the legislature for submitting this requested amendment to you to specifically delete Paragraph E. But this was discussed in committee, and the members of my committee knew that I was against including this particular paragraph in Section 18 on Appropriations. I merely think it's worthy of your discussion. If you are for retaining it, fine. If you are for deleting it, fine.

But my only position in the committee, and I reiterate it here, that I have a great amount of trust in the legislature to do what is the right thing. I am basically against the use of super

majorities and in this case, this is a super, super majority. The concept of a three-fourths vote of the elected membership of each house in order to appropriate money during the last year of an administration is ridiculous because there could be a special session of the legislature convened for emergency purposes to take care of flood assistance in certain areas and possibly it could be controversial.

But you could not grant that assistance unless you obtained a three-fourths vote of the elected membership of each house. And I just don't think that is the type of provision that should be included in the constitution. And I think that is being somewhat over-protective. I would recommend deletion of Paragraph E.

Further Discussion

Mr. Juneau Mr. Casey, you are not...you and I have gone a long way on the provisions with flexibility, but I am afraid the rubber band broke on this provision.

This, gentlemen, is the provision which is now in the present constitution. The thrust of it is not necessarily in the last year of the administration, because it is only activated at the end of the regular session of the last year. The purpose of it, of course, is to preclude the possibility of a complete draining of the funds of this state before a new administration comes in. I think it's a necessary safeguard and I don't think it does harm to the flexibility doctrine we now have.

Questions

Mr. Roy Mr. Juneau, I hate to ask this, but couldn't you call this special session and then by two-thirds vote go ahead and have the legislature would want to do with this three-fourths vote?

Mr. Juneau This provision specifically provides, Mr. Roy, that at the end of that regular session of that last year, you could not have an extraordinary session by the governor.

Mr. Roy That would amount to I think point...I mean 6.99% of the total body could negate something being done. Is that right?

Mr. Juneau That's absolutely correct. The only year I have, Mr. Roy, that if the governor would be so powerful at that time, with...we are talking about an awful lot of money, I'd hate to stick out that temptation.

Mr. Velazquez Basically, isn't the purpose of this particular provision is to prevent another Watermelon Bill at the end of the session, the governor wants to renege all his budget and drain the state of everything for reelection and make sure all the boys are going to be in line when it comes time to go around getting sponsorships?

Mr. Juneau I don't know if it would occur like that. It might be a Waterpatch Bill because it would be bigger than that to drain the state in that period of time. That's correct.

Mr. Velazquez So the key thing of this is to make sure that there isn't a complete raid on the treasury every four years or every eight years?

Mr. Juneau Well, the intent is only for that limited period of time at the end of the regular session to the time the governor goes out. I would refer to it as the lame duck period to preclude the possibility of an extensive appropriation at that time.

Mr. Roemer Delegate Juneau, do you know that we have the two-thirds provision now for such passage, right? We would only raise it to three quarters. Is that correct? I see

Do you also realize that the Revenue, Finance and Taxation Committee will recommend to this body

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we put a limit on state debt? Are you familiar with that provision in our proposal?

Mr. Juneau Yes, sir.

Mr. Roemer Don't you think that a two-thirds vote protection and a limit on state debt protection is adequate protection without tying our hands with almost an absolute unanimity vote?

Mr. Juneau Under the circumstances that are presented within this limited time span, I don't think so, Mr. Roemer. I think that the requirement that has been in the constitution is there for a specific purpose and I think it's the safeguard that's needed, personally.

Further Discussion

Mr. Stovall Ladies and gentlemen of the convention, I want to agree with Mr. Casey and support his amendment. It seems to me that on the basis of what Delegate Roemer has just said, and many other considerations that Section E is completely unnecessary. It seems to me that in this general provision we are going in to more detail, unnecessary detail, and certainly this is something which is covered by other provisions.

It also, I think, indicates a lack of faith. It's treating the legislature, and I think the government, almost in a childish way. We do need certain checks and balances, but these are provided for in other places, and I encourage you to support Delegate Casey's amendment and delete Section E.
Thank you.

[Previous Question ordered. Amendments rejected: 42-52. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [By Mr. De Blieux] on page 8, line 29, after the word "made" and before the word "contingencies," delete the word "for" and insert in lieu thereof "under the heading of."

Explanation

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, this is just a technical amendment to be sure that the provision that is there...that they have does what I think the committee intended it to have and that is to prohibit contingency appropriations. It will still allow those appropriations which we have to make sometime, based upon a contingency, but it will not allow headings of contingencies where there is no specific reason for their appropriation and I ask for concurrence in the amendment. It is strictly a technical amendment.

[Amendment adopted without objection.]

Amendments

Mr. Poynter Amendment proposed by Delegate Womack, Committee Proposal No. 3.

Amendment No. 1, page 8, line 28 immediately after the word "and" and before the word "no" insert the following "I," except as otherwise provided in this constitution.

Amendment No. 2, page 8, line 21 immediately after the word "contingencies" place a comma and delete the word "or" and insert the following "nor shall any appropriation be made."

Explanation

Mr. Womack Mr. Chairman and fellow delegates, this amendment is technical to the extent that it only protects the Board of Liquidation Proposal. It's in another section of the constitution to be sure that there is no conflict.

Question

Mr. Casey Mr. Chairman, this is more a point of information. I am just curious how this ties in with the amendment adopted by Senator De Blieux.

Mr. Womack There is no problem there because Senator De Blieux's amendment fits in just prior to the position that this one, there is still a word in between it and it doesn't sever it at all.

[Amendments adopted without objection. Previous Question ordered on the Section.]

Question

Mr. Triche Mr. Casey, Article 4, Section 1 of the present constitution says that "money shall not be withdrawn from the state treasury except by appropriation made by law." And I notice your Section 18 just simply says that money shall not be withdrawn from the state treasury except by appropriation.

Now I wonder why you left out the language or did you consciously leave out the language "appropriation made by law?" There is a distinction in my mind between acts of the legislature which are laws and have to be signed by the governor, and actions taken by the legislature which are not laws and don't have to be signed by the governor and published and follow the other procedure set out in the constitution for enacting laws.

What...the point I want to...the question in my mind I'd like for you to clear up is whether or not when you say money shall be drawn by appropriation, are you contemplating action of the legislature which does not have to be signed into law by the governor and does not have to be published in order to take money out of the state treasury.

Mr. Casey Mr. Triche, I feel we should refer, to answer your question properly, refer back to Section 17, Paragraph A where specifically Paragraph A expands on the word "bill" and specifically uses the word "general appropriation bill."
So I think that would indicate that, well of course the appropriation bill would be a bill which is something that would have to be enacted into law.

And C and D in 18 you might refer to also, where under C they use the word "general appropriation bill," and D says "all other bills for appropriating money shall be."

I think that my interpretation feels...I feel it would be quite clear.

[Section passed: 95-0. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 19, Paragraph 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.

8. No joint, concurrent, or other resolution shall require the signature or other action of the governor.

Explanation

Mr. Casey Mr. Chairman and delegates, Section 19 is basically contained in today's constitution with two exceptions. The present constitution requires that the presiding officers of both Houses must sign the particular bills while in open session.

This deletes that requirement because that causes much delay as far as I am personally concerned and as far as the committee was concerned, in the legislative process.

Also, it allows the presiding officers three days within which to deliver these bills to the governor. And of course under later sections you will see that the governor has adequate time to examine the bills even in spite of these three-day

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periods.

Questions

Mr. Triche Mr. Casey, I notice in this legislative article which the committee has drafted, there is no reference to the Legislative Bureau. There is no more requirement that bills go to the Legislative Bureau.

In my mind, the Legislative Bureau is sort of like our Committee on Styling and Drafting. If a bill originates in the Senate, for example, when it gets to the House, before it comes up for final passage, it goes to the Legislative Bureau which is a staff with lawyers and technical people who give the legislature advice on the styling and drafting and constitutionality of the bill. You have left that out of this proposal. I assume that was consciously done and I'd like to know the reason for that.

Mr. Casey Mr. Triche, you are absolutely correct. It was left out. It was consciously left out because it was felt that we can adequately do that by statute and the styling of that type, that mechanical process is not absolutely required. And that's the only reasoning that the committee had, that that was the type of thing that was not necessary to be contained in the constitution.

Mr. Triche Apparently then, the committee is of the belief that the legislature would do this regardless and it's not...

Mr. Casey Yes, this would be a matter for the transitional process.

Mr. Triche Let me ask you another question. I notice that you left out the language, "requiring that bills be signed in open session by the lieutenant governor and speaker of the house, and I assume that was consciously done. Can you tell us the reason for that..."

Mr. Casey That was absolutely consciously done because as you know from practical experience, the crush of business that the legislature has particularly on the last day and the delay that we have in closing down the session, that was the only purpose for that...to allow adequate time that bills can be properly completed and retyped for signing. It's strictly a mechanical process.

Mr. Tobias Mr. Casey, I am a little concerned about the words "other action" on line 21. What I am concerned about is suppose the legislature by joint resolution proposes a constitutional amendment. Would this allow the governor, when you say shall require the signature or in effect shall not require the signature or other action of the governor, could he then call an election on the basis of this provision?

Mr. Casey I don't think he could, Mr. Tobias, refuse to call an election, and of course, joint resolutions do not require the action of the governor, anyway, as far as I know. Of course you are concerned about him calling an election on those, huh?

I don't know, I don't think it would eliminate that...or give him the prerogative not to call an election. I would assume that requirement would be contained under the executive article, anyway.

Mr. Stinson Mr. Casey, Pappy Triche asked you about the signing in open session. Of course in the past that meant that the presiding officers would have to sign all bills before we adjourned sine die. Now under this, there is no...nothing set up as to when they will have to sign them. And also at the end, you say deliver to the governor three days after passage. Is passage when it is signed by the presiding officer or when the last vote in the last House that took action.

Mr. Casey Mr. Stinson, my interpretation of passage would be that passage by both Houses of the

legislature, signing by the officers of both houses is just a formality that is certainly required by the constitution. In my interpretation of Section 19, Paragraph A, would be that their signatures would be required within this three-day period after passage.

Mr. Stinson Well isn't...do you know why it was required to be signed in open session in the past?

Mr. Casey As I had indicated before, it was merely the last minute crush of business, particularly on the last day, that causes great difficulty in the mechanics of preparation of the bills for signature. And it is quite an administrative problem and that's all we were trying to eliminate.

Mr. Stinson In your service in the legislature, have you ever seen when it was presented to the presiding officer for his signature, and at that late date, an error was found and it was corrected before they adjourned where if you waited and signed it afterwards, the error could not be discovered and it would be too late to do that?

From past experience, do you know that some of us have had to do that, and it saved some important legislation where you wouldn't have that opportunity under this.

Mr. Casey I think the only problem is on the last day and on the very last bills to be...as far as I can see...Ford I am sure maybe you have seen that...I don't recall that I have and I would envision a situation where that probably could arise. But of course the governor could then veto it, too, if it is a serious problem.

Mr. Stinson This three-day deal is giving the governor an extension on the period within which he has to veto, too, isn't it?

Mr. Casey It is, yes, that's correct, you're right. That is added to the period of time for his veto because he has ten days to veto from the time he receives it. And in further answer to Mr. Tobias's question, the governor has no prerogative but to call a constitutional amendment. The joint resolutions automatically come up in the following General Election, Mr. Tobias.

Justice Tate Mr. Casey, unless I missed something Section 19B is new and expresses, though, the law that the joint resolutions concurrent doesn't require the governor's signature.

But what I was concerned with, what's the need of "or other action" in there? The present law just says "it doesn't require the signature." I thought. Maybe I am wrong.

Mr. Casey Justice Tate, I'd have to refer to Article V, Section 17, which I think contains this language, but I don't know if it contains, "or other action." But it is in the constitution today, Article V, Section 17.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I have been at committee meetings and I have heard our Secretary of the Senate, and I am sure that the Clerk of the House can tell you of sometimes the difficulties they have had of trying to get bills enrolled and ready for the signatures of the two officers before the legislature adjourns.

And in fact of the business, if Mr. Roberts' representations are correct, I've even heard him say that they have had to sign bills after the legislature adjourned because it was just not physically possible to get the bills ready and enrolled for them to sign.

This three-day period of time will allow them to prepare the bills properly after they have been passed and enrolled and sent to the governor for his approval.

Now that other action just merely takes care of this provision that you presently have in your con-

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stitution. It says "every bill which is passed by both Houses shall be presented to the governor. If he approves it, he shall sign it. If not he shall return it with his objection to the House in which it originated which House shall enter the objections as lodged in the Journal and proceed at once to reconsider the bill. If, after such reconsideration three-fourths and so on, this allows for that particular action."

If the other action is whether or not he vetoes the bill, or if he doesn't veto it, he just allows it to become law.

Further on in the provision if you approve it, there is a provision that the governor will have ten days during the time the legislature is in session to enter his veto and return it to the legislature. If the legislature has adjourned, he's got twenty days from the time it's presented to him.

As those of you who are in the legislature know that the last few days of the legislature are pretty hectic and that's the time that most of the bills are passed. And it's just about physically impossible for the governor during that short period of time, to adequately pass upon all the bills that have been submitted to him. I think that this provision allowing three days for them to get the bills in order then present it to him is a good provision in the constitution.

In the fact of the business, my complaint about it is that it is a little bit too short a period of time, particularly for him to catch all the errors that may have been committed if we pass legislation as we have done in the past, at such a rapid pace in the last few days.

Questions

Mr. Flory Senator De Blieux, isn't it a fact that the true purpose of signing the bills in open session was to attest to the actual validity of the actions of the legislature after the Enrolling Room, etc., had finished it to be sure that what was being signed was what was actually done by the legislature, and if it was not, they had an opportunity to correct it before adjournment, sine die. Wasn't that the purpose of it?

Mr. De Blieux And if I am not mistaken, Mr. Flory, there is a provision in the present constitution that that bill shall be read in full before it is signed, but you know we don't do that. We don't read the bills in full at one session unless it is absolutely requested by somebody...not in the Senate. I don't know about the House.

Mr. Flory Senator, are you saying to me that you were violating the law intentionally?

Mr. De Blieux I can't say that we are violating it intentionally, but you know we have violated the law a lot of times. And after we were supposed to report that the legislature is in violation and we had to have a suit to do it. We violated the law in that respect.

Mr. Henry No sir...Mr. Flory, Senator De Blieux misread the constitution...if five members request it you have to read it in full and so forth. We've been complying with the law in the House and I'm sure they have in the Senate.

[Previous Question ordered on the Section. Section passed: 96-4. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 20, par...Signature of Governor on Bills Vetoed.

Section 20, Paragraph A

A bill, except a joint resolution, 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.

Paragraph 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 vetos or returns one or more bills, he shall return them with his veto message to the legislature as provided by law.

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

C. The legislature shall meet in veto session at the seat of government at twelve o'clock noon on the thirty-fifth day following the sine die adjournment of the most recent session of the legislature for the purpose of considering all measures vetoed by the governor except that if such day falls on Sunday, the session shall convene at noon on the next succeeding Monday. No veto session shall extend five calendar days in length, and any veto session may be adjourned sine die prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house. No veto session shall be held if a simple majority of the elected members of either or both Houses indicate in writing that a veto session is not necessary. Such written notice must be received by the presiding officer of the respective Houses at least two days prior to the day on which the veto session is to convene.

Explanation

Mr. Juneau Gentlemen, there are several changes, one of which is a significant change in this provision. In particular, I'll go through the dates.

If the governor were to take no action under this provision and if the legislature is in session, it would become law within a period of time of ten days.

If it's out of session, if he does nothing, it would become law twenty days, thereafter, after delivery.

In the event of a veto, in session he would be granted twelve days, and out of session we provided that that particular matter could be provided for by statute.

The difference, of course, between these provisions and the present law, the present law provides that he has ten calendar days upon which to take action. We thought, and it was the consensus of the committee at that time was not sufficient, especially when you are out of session. For that reason, we substantially changed the provision out of session to twenty days to allow sufficient time for that action to transpire.

The significant and more important provision relates to the Veto Session itself. As you know now, unless the majority of elected members of both Houses submit in writing to the Secretary of State that they want to have a Veto Session, or that is to consider one or more specific bills, there is no Veto Session. What we have provided in this provision, is that there will, in fact, be a Veto Session not to exceed five days on the thirty-fifth day after final adjournment unless a majority of the elected members of the Houses respond to the Secretary of State presiding officer that they do not want a Veto Session.

What this is is the reverse of what you now have. The thinking in that regard was this. Historically, it is my understanding that since 1921 we have never had one Veto Session. The thinking was, and by the way I might add that Louisiana's provisions as they are now in the present constitution are unique and alone in that respect. I term this as the presiding officer stopping or the passing of the buck provision. You know it is very easy to vote for provisions you pass it on and the governor will veto it.

The legislature, I submit to you, we have extended them a lot of authority and a lot of flexibility in this constitution. This provision, I think, will mandate upon the legislature that they be presiding conscious when they vote the bill at the time it comes before the legislature. It won't be so easy at that time to say that well we can shirk it and the governor might veto the bill, because you are going to have it come back up again unless the majority of the delegates say we don't want to have the session.

Some of the arguments in opposition, therefore, were that well you may just be falling a Veto Session for nothing.

Well, I submit to you that that won't occur that

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easily if it's the consensus and the issues are such that you want to have a Veto Session, it's not very hard to get a majority of them to say we don't have it. I think this provision is consistent with what we've done in the past nineteen or twenty sessions. It puts the responsibility where it belongs. And I think it brings it in line more with what the other states have done with regard to Veto Sessions. I move for final passage.

Questions

Mr. Anzalone Mr. Juneau, do you feel that absent a provision which is going to require the legislature to submit to the governor a balanced budget, that you are going to have as a matter of course a Veto Session just about every time the legislature meets?

Mr. Juneau I don't think so, Mr. Anzalone. My answer to the question would be that if the legislature by a two-thirds vote during the course of the legislature feels that strong about a particular bill, it would be my thinking that they would vote the same way on...at a Veto Session and would require them to have a Veto Session.

Mr. Anzalone Then you don't think that a provision which would require the legislature to submit a balanced budget would help at all.

Mr. Juneau Oh, I think so, Mr. Anzalone, but... I think that you are limiting...your questions are purely financial matters. There are matters other than finances which subject themselves to a Veto Session.

Mr. Tapper In Paragraph B of Section 20, it says "if the governor does not approve a bill, he may veto it and return it to the legislature." My question is, should it not read, "he may veto it and shall return it to the legislature."

The way it reads now is it not true that interpretation would be that he may veto it and he may return it to the legislature. He may not return it to the legislature if he doesn't want to.

Don't you think we should amend it to put shall, to require him to return it to the legislature if he vetoes it?

Mr. Juneau I don't really think that would necessarily be the case, Mr. Tapper, but I wouldn't have any objection to such an amendment because I think that's the intent of it.

Amendment

Mr. Poynter Amendment proposed by Delegate Kilpatrick.

Amendment No. 1, page 10, delete lines 5 through 20 both inclusive in their entirety and insert in lieu, thereof the following: "C. The presiding officers of both Houses shall convene the legislature in Veto Session upon the written request therefor by at least a majority of the members elected to each House on the thirty-fifth day after final adjournment of each session for the sole purpose of reconsidering the bills vetoed by the governor. The veto session shall not exceed five consecutive days."

Explanation

Mr. Womack Mr. Chairman and members of the convention, this reverses the position as taken in this proposal as is and doesn't automatically call a Veto Session if the members of the House and Senate don't want one, it leaves it to them to call a Veto Session if they do want one.

I don't know what you would do. I sat in this House some years ago and I believe seen one governor veto a hundred and thirty some odd millions dollars worth of appropriation bills. And I don't know if you automatically call a Veto Session down for the last year and you are worried about an appropriation in a special session immediately after you hold the last regular session before an election

and then leave it as wide open as this is to go in and override a governor's veto when you didn't even have to call your own session, just put you down there and put the heat on you to vote for those things back home that the people want and throw a budget out of balance...I'd just like to know whose blame it would be on.

I'd call it an irresponsible legislature and to call a five-day Veto Session which I agree under the provisions that proposed here, they could adjourn at the end of one day. They probably wouldn't. They would argue over one or two bills and would finally adjourn at midnight the last day. You're talking about a sizable sum of money for a special session whether anybody wanted one or whether they didn't.

I just think it's much better and in the public interest to let the legislature call themselves in, if they feel justified in having a Veto Session.

Questions

Mr. Roy Mr. Womack, I agree with you. I just want to point out and ask you if you don't agree that from line 11 to 14 of what the committee has recommended, we come up with this old two-thirds vote again and actually if the veto session is in existence and a majority of the legislators want to adjourn and go home, they may not do so unless they get a two-thirds vote. They have to stay there five days and you know if a majority don't want to do anything to override the veto, you're still sixty-six and two-thirds percent short of what you need to do it. Isn't that correct?

Mr. Womack I would agree to that, yes.

Mr. Roy So actually you're keeping people there who are not possibly going to override the governor's veto and they can't go home unless two-thirds of them agree to go home.

Mr. Womack That's what I'm contending all the way through. It looks to me like it is far better if the legislature wants to call a session, let them call it. Let me tell you what happens when legislators quite often get through with one of these hard sessions. The first thing they want to do, if they can as the result of a majority of the legislators, is to go off and hide for a few weeks and rest and try to get over it. Because usually you wake up a little bit, your blood pressure's up a little bit and you're literally beat to death. As the usual rule, you do like the Speaker does, your family comes in and just sits on the front door, waiting with their head kind of down so you can get through and take them on a vacation which is rightfully so. It's one that has been well earned and well deserved. So you go and leave and stay two or three or four weeks, a few of them every once and awhile go to Europe, and they don't come back in order to vote against having the veto session. So it just passes on over and the next thing you know they get a notice we're going to have a veto session. What I'm trying to do is avoid that and let the legislators themselves, if they deem that the urgency is sufficient and that there's an item that needs overriding, that they can come back, call themselves into session, and go ahead and do business. If they call themselves into session, then you can rest assured that they will have sufficient votes, most likely, to pass one of the veto bills--override it.

Mr. O'Neill Mr. Womack, when we were drafting this section the main objection that we heard from several members of the legislature themselves was that the veto session had to be called by all bills instead of one. Does this differentiate that any from the present constitution. This amendment?

Mr. Womack Certainly in the present constitution, if I remember right and I think I do, that you specifically vote for the veto session and you vote for the particular bill that you're interested in. If there's ten or fifteen bills vetoed, you may have as many as seventy-five, eighty or ninety mem-

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bers of the House and maybe thirty-five members of the Senate that would like to override the veto on one particular bill that affected his particular area, but when you put the composite down, none of them would get more than a twenty, twenty-five or thirty percent vote.

Further Discussion

Mr. Duval I rise in support of the committee proposal and against the proposed amendment. I think if this section is carefully read, it can be seen that a majority of the legislature can agree not to have the veto session, but it puts the emphasis on them not to have it. In other words, if they don't affirmatively say, we don't want to have it then you will have an automatic veto session. I think this is a very good idea for the following reasons: The veto power of the governor is the most awesome power that any state official has. In the history of Louisiana I don't know of any veto session that has ever occurred. Because under the amendment all the legislators are scattered throughout the state and they have to then affirmatively say we want one. They're scattered throughout, there's no discussion, no ventilation of the issues. Many of them don't want to irritate the governor and say, yes, I want a veto session. Under this provision they would have to affirmatively say we don't want it and a majority says they don't want it, it won't occur. But if they don't affirmatively vote not to have a veto session, then you will have a veto session--an automatic veto session--and I think this enhances the viability of the legislature. We've been talking about increasing the powers of the legislature commensurate with the powers of the executive branch. If you're going to do this, you're going to have a veto session feature. You're going to have to have this automatic veto provision because the governor could very well make a mistake either intentionally or not and veto a bill. I guarantee you unless you have an automatic veto session that veto will never be overridden. Because there's never been a veto session. Everybody's scared throughout the state, nobody can discuss it and politically they don't want to disagree with the governor or irritate him. Under this there would automatically be one and I think it is a very good provision. It's one that really makes the legislature a true and viable body. Right now with the veto power, the governor can kill anything and he can be assured of its remaining killed. This provision is complimentary to the separation of powers theory where we have equal branches of government. It is a provision that has been adopted in many other states. I can certainly work mechanically because, simply by a majority vote the legislature can agree not to have such a veto session. I think it is a very important provision. It will certainly strengthen anything else we have done to increase the legislative power to be commensurate with that of the executive as it should be. I urge you to defeat this amendment because this amendment puts us right back where we were in 1921.

Further Discussion

Mr. Tapper Mr. Chairman and fellow delegates, I rise in opposition to the amendment and in support of the proposal of the committee. Mr. Duval has said most of what I wanted to say except one very vital thing. I don't know whether you can remember but I'm forty-four years old and I cannot remember when that the last time we had a veto session. I think that the thing that we should all think about here is not so much the convenience or inconvenience of the members of the legislature but the interests of the people who will be affected by the legislation that is vetoed. If we don't have this automatic veto session, I'll guarantee you that you will never have a veto session. Because it is very hard to get a majority of both houses of the legislature to vote to come back into session whether it is for a veto session or anything else--especially for a veto session. They don't want to go on record but once they get here, they may very well

vote to override the veto. I urge the defeat of the amendment and your adoption of the proposal submitted by the committee.

Question

Mr. Champagne Mr. Tapper, would it be rather difficult to override a veto?
Doesn't it take a super majority vote or something to override a veto?

Mr. Tapper I don't know what you would call a super majority vote but I think it takes a majority vote. Yes, sir, Mr. Champagne. I mean a two-thirds vote, not a majority.

Mr. Champagne Two-thirds.

[Motion for the Previous Question rejected: 26-60.]

Further Discussion

Mr. Fontenot Fellow delegates, I'm not speaking too much today and we have had some very controversial issues. It's getting late. We ought to get over this thing and try to meet here again tomorrow. I rise in support of this amendment. I only regret that Mr. Kilpatrick is not here to defend his own amendment. It seems that something has kept him away the last two or three days. When I looked at his amendment I said well, exactly what is he trying to do? I looked at the present proposal then I looked at the amendment and I studied it. I looked at it very closely and in my interpretation I think the amendment is better than the committee proposal. Now, concerning what we have just stated as to make it an automatic veto session, the way I see it, if you can't get a simple majority to request in writing a veto session, then what makes you think you're going to get two-thirds to override a veto? I think you ought to have a request in writing by at least a majority to override a veto by the governor. Sitting back and let it be automatic...if a member of the legislature doesn't have the guts to request in writing a veto session, then he shouldn't be in the legislature. I don't think you ought to make it automatic. I think you ought to make him request in writing. Like I said, I'm no expert in the legislative field but I think the present wording of the amendment is a little bit better than the committee proposal. I don't like statements such as on line 15 through 17, "No veto session shall be held if the simple majority of the elected members of either or both houses indicate in writing that a veto session is not necessary." Why do you put in the constitution negative language? I think we ought to put positive language in there. I understand the reason for it but I don't think it's necessary to put it in this constitution in that terminology. I think you ought to make it positive words. For this reason I rise in support of the amendment. I'm no expert in the legislative field but I think it is a little bit better than the committee proposal.

Questions

Mr. Duval Mr. Fontenot, you just said that you like positive things rather than negative things. Don't you realize how negative the law is presently and how negative the amendment is when you understand there's been no veto sessions in the last fifty years?

Mr. Fontenot You're telling me that. I don't know from my own personal knowledge but I'll take your word for it.

Mr. Duval You further understand that in order for there to be a veto session, legislators scattered throughout the state must then affirmatively take the action and it is not automatic. Don't you?

Mr. Fontenot Yes, I understand that.

Mr. Duval You understand automatic is certainly

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much more positive than something that is not automatic. You understand that also?

Mr. Fontenot No, I don't understand that.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, I think this is a very key proposal. We've been talking so much about having an independent legislature. We've allowed them to meet longer periods. We've taken off certain restrictions, most of which have nothing to do with creating an independent legislature. We've become more independent just by meeting longer. I'll tell you where the independence is going to come from and that's independence from the executive branch. Unless you have that you're not going to have an independent legislature. Since 1921 Louisiana governors have vetoed more than two thousand bills. Do you know how many times those vetoes have been overridden? None, not once has gubernatorial veto been overridden by the legislature. Why? It's not independent. The procedures are not there to facilitate overriding vetoes because of the time situation, because you have to come back into session. You have to get a majority to go along with it. Now this amendment just perpetuates that practice. The committee's proposal is superior in that it requires a veto session unless a majority don't want it. That will make us have veto sessions, I think. It will provide a check on the governor. Now let's do have an independent legislature. Let's make it possible and let's facilitate overriding gubernatorial vetoes when the legislature is so inclined. I urge you to defeat the amendment.

Questions

Mr. Fontenot Woody, I will agree that there has not been a veto session since 1921. That's the fact that you just stated. Concerning the reason for not having a veto session, nobody has explained to me exactly why. People have been saying, well, the governor has so much power that nobody wants to override him. I think that if a legislature is an independent body like they should be, they're elected and they serve the people, if they don't have the guts to override the veto, if they don't have the guts to resist in writing a veto session, what makes you think they would override the governor when they get here by a two-thirds vote?

Mr. Jenkins There's this difference. In order to require a veto session under this amendment and under the present system, it takes an affirmative act by a legislator contrary generally to the actions and the will of the governor. Whereas under the committee proposal, no act is required by a legislator contrary to the wishes of the governor. If he just remains quiet, if he doesn't act, he doesn't have to do anything contrary to the governor, but a veto session will automatically come up. It just makes it easier and I think we're going to have veto sessions. I remember not only have we not had veto sessions, even during the session we never had a veto overridden, even when the legislature was in session and bills were vetoed during the session. It's not just a question of not coming back.

Mr. Bollinger Delegate Jenkins, Delegate Woodack was speaking of the legislator going on vacation when they got out of session. Don't you think that this would make it more difficult to call a veto session if they had to affirmatively act to have a session, since many of them would be on vacation and not be in accord?

Mr. Jenkins Yes, I do. I think this amendment would make it more difficult, whereas, the committee proposals are real steps forward.

Further Discussion

Mr. Jannau Mr. Chairman, I'll make my remarks very brief. I want to strenuously oppose the amend-

ment and let me just put it in these words. If you vote for this amendment, you're voting for what we've had since 1921. It hasn't worked. It isn't going to work. It never will work. The reason for it is because of the imbalance between the executive and the legislature. I believe that if you vote for what hasn't worked and I would rather try something that has worked in other states and I am confident will work in this state. I say let's put the burden where the burden belongs--that's on the legislature. I urge your defeat of this amendment.

Further Discussion

Mr. Nunez Mr. Chairman and members of the convention, the provision as provided by the committee, I think is a good provision. I rise against the amendment and for the committee proposal. I'll be brief and tell you of a personal experience that our delegation had in the last session. We had a local bill that dealt with the Twenty-fifth Judicial District. It dealt with the state-wide statute that deals with assistant district attorney's pay. But we didn't raise the pay of assistant district attorneys, we just provided that one provision in there that was put in there years ago was deleted. Well evidently when it came up to the fourth floor and the bill was read, I remember the title of the bill which dealt with that statute that deals with the state wide provision--pay for assistant district attorneys. Thinking it was a local bill none of the delegation called and asked not to veto the bill, but the bill was vetoed. A simple, local bill that took out a provision that dealt with the Twenty-fifth Judicial District which was a limitation by the police jury paying them additional salaries. Now, let me tell you what happened. We met down in the area delegation with about thirty-five or forty legislators, down in Jefferson, Orleans, St. Bernard, St. Tammany, Plaquemines, etc. and we tried to get a determination as to what we would... should we seek veto to override the veto. One of us called a special session. The prevailing thinking was... I presented the case and the other legislators did on the local provision or our local bill that was vetoed, which should not have been vetoed. We had disagreement among ourselves whether to call a special session on that particular provision. It was justified, but legislators are not going to vote for a veto session, regardless of what kind of bill it is... particularly a local bill that should not have been vetoed. Had this provision been in effect we would have had an automatic veto session. There were a number of others that a number of people would want to call such as on the teachers' pay raise, etc that they didn't call. I think it's a good provision that the committee has provided because you have an automatic veto session. The bill passed, by the way, Mr. Fontenot, you questioned about two-thirds, the bill passed by a hundred percent, the bill that I'm speaking of. No votes against it in the House. No votes against it in the Senate. So here's a bill that passed with a complete majority of both Houses and yet vetoed. Inadvertently, but it was vetoed. It should not have been vetoed. I know that there are probably a number of cases like this and a number of instances where bills are inadvertently vetoed that should not be vetoed. What the group said when we met, to get back to the problem I'm talking about, well, what about next session. I ask you why should we wait until next session? I think if you want to strengthen the legislature, if you want to give the legislature the power to just do what they should do, allow them to have this automatic veto session. I think you'll be doing something that the legislature needs because they're never going to go ahead and call a veto session. They never have and they never will.

If there's an question, I'll sit down. I think I tried to make the case for the veto session as against the amendment.

Question

Mr. Rayburn Senator Nunez, you spoke briefly about a particular local bill that had been vetoed. I'm

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just wondering, I think the teachers' salary schedule which was going to cost roughly eighteen million dollars passed both houses with a pretty substantial vote. However, when the governor vetoed that bill I noticed there weren't many people who wanted to come back and override his veto. What do you think would have happened if we had had an automatic session on that particular bill?

Mr. Nunez I'm getting a lot of advice up here. I think Senator Rayburn, that we would have come back and done the same thing that we did before. The sentiment of the legislature was to give the teachers that pay raise but I just think legislators as such are reluctant, and you know why, Senator Rayburn, they are reluctant to override the governor's veto. I don't have to tell you that, but they are just reluctant to do it.

Further Discussion

Mr. Jack Mr. Chairman, Members, I rise in support of this amendment. I believe this is about the first amendment I've spoken for. I've been usually opposing amendments. This language of what you are trying to put in the constitution sounds to me like one of these high-falutin', technical, fast thinking, Harvard combination Oxford graduate or something like that. If people are going to override the governor, it takes two-thirds. It takes to begin with usually the governor is right, not always, but usually the governor is right when he vetoes the bill. I just can't see an automatic veto session. A five-day session, I don't know what it costs but it's bound to cost fifty to seventy-five thousand dollar minimum. This amendment is proper. If people are going to want a veto session and you expect to get two-thirds, they are going to have to have gut enough to ask for the thing. So I say this is a good amendment.

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the delegation, I rise in opposition to this amendment and in favor of the committee's proposal. The only fault I find with the committee's proposal is that it's not liberal enough. If my personal view would obtain here, we'd have an automatic veto session and we'd have to come here and we'd be forced to sit here for five days and face the governor and face the issue of how and why certain bills were vetoed. This veto session will do more to strengthen the independence of the legislature than anything else we do. It will also have the effect of encouraging responsibility on the part of the governor in his actions on veto or whether he signs or vetoes proposals passed by the legislature. Unfortunately, not all governors have acted wisely in the use of their veto powers and not all governors have acted wisely in the use of the information available and proper understanding of the bills before they have acted. I think when faced with a real possibility of another legislative hearing over the bill as to whether or not the governor's veto would be overridden, would force the governor to study the bills more closely, get the information before they enact it, act without gamble, without reservation and without tongue-in-cheek and it would give the legislative action more meaning. Let me suggest to you some things that have happened. We've never overridden the governor's veto since 1921. We never had any opportunity to override the governor's veto until 1966 when Article III, Section 82 was put in the constitution providing for a veto session. That's just a recent creature. Since 1966 the legislature has never called itself into veto session and why hasn't it called itself into veto session. I don't think it is because the majority overwhelmed the majority of the legislatures have approved what the governors have done in the exercise of the veto power since 1966. I just don't see that's the case. I just think what's happened is that the mechanics of the Article III, Section 82, the way it's written now, I think the mechanics are such that it doesn't lend itself to a decision of a group of the legislature. The legislature goes home and the ballots are mailed out and each legislature independently, without the

benefit of consultation, without the benefit of discussion, without the benefit of advice makes a separate determination as to whether or not he wants a veto session. I submit to you that's not the way bodies act in unity. The only way bodies act in unity is when they are in session, when there is discussion, when they get the benefit of the attitudes of the other members of the legislature. You just can't do that when you mail out ballots to be acted upon privately by each individual legislator. That's why we never have veto sessions. That's why we never will.

Let's talk about these bills that we passed in the face of the threat of a governor's vetoing it. It's been suggested to you that the legislature passed a pay raise, the governor vetoed it and what would happen if it came back in veto session. I predict to you, ladies and gentlemen, that if we have the procedure for a meaningful veto session, the legislature is going to act responsible. I suspect, seriously, that many members of the legislature voted for the teachers' pay raise with tongue-in-cheek knowing full well that they wouldn't get it, with full realization that the governor had declared publicly and openly and announced to God and the world that he would veto the teachers' pay raise. Many members of the legislature voted for the pay raise, put the heat on the governor, knowing they wouldn't come back in veto session. I predict again that that same legislature will know it had to face that teachers' pay raise again in a veto session, would act more responsibly the first time. Veto sessions, meaningful veto, lends itself to responsibility in the legislature and responsibility in the governor's mansion. Allowing the governor to veto without meaningful veto sessions gives the governor the authority to write the laws for the people of this state. How you cannot have an independent, authoritative, meaningful, responsible legislature if you give the governor the right to write the laws. I suggest to you, gentlemen, that we should vote this amendment down and adopt the committee's proposal.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in support of the amendment for two reasons. I must say that I concur with a great deal of what Mr. Triche has just said, yet I can't arrive at the same conclusions. First, my objection to the proposal by the committee is that it does not restrict the sessions to only veto matters. You've already provided for sixty days annually. I think this is nothing more than to allow an additional five days for a legislative session. Secondly, I would assume that it would cost somewhere in the neighborhood of a hundred thousand dollars to hold a five day session. For all practical purposes, and in speaking more in a practical way, whether the legislature call themselves into a veto session or whether you make it automatic, it just ain't gonna happen. If a governor can't get and prevail upon a third of the Senate or a third of the House, then I submit to you, he has no business sitting in the governor's seat as a practical matter. So that the net result is you're holding a hundred thousand dollars. Simply that. Therefore, I support the amendment.

Questions

Mr. Tapper Mr. Flory, you know that there are only one hundred and forty-four members of the legislature, don't you?

Mr. Flory Yes, sir, I'm aware of that.

Mr. Tapper And you also know that they get only fifty dollars a day for meeting, don't you?

Mr. Flory That's correct.

Mr. Tapper If you multiply fifty dollars times a hundred and forty-four, what do you come up with, Mr. Flory? Not a hundred thousand dollars, do you?

Mr. Flory The legislators are not the only ones that get paid, Mr. Tapper. As you well know, the

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staff, the desk, the printer, all of the expenses of the legislature and I was speaking as a total figure.

Mr. Tapper Yes, sir, Mr. Flory, but you're talking about a complete veto session. But if the governor is so powerful as you say he should be if he's governor, which I disagree with, I don't think he should be that powerful, but however, if he is...

Mr. Flory I didn't say he should be. I said as a practical matter.

Mr. Tapper But don't you believe that if they can't get enough to veto anything that they're only going to be there one day and you're going to pay the staff for one day, and you're going to pay the legislators for one day. Isn't that a fact?

Mr. Flory No, sir. As I appreciate the practice at the present time in the constitution, it provides for the legislature to meet for sixty days. The legislature is paid, according to the constitution, for sixty days. I presume that if this constitution provides for a five day session, they would be paid accordingly as they should be.

Mr. De Blieux Mr. Flory, under your reasoning about if the governor can't get a third of the legislature to go with him, well he shouldn't be governor. Under that reasoning, shouldn't we just take out the veto part of the constitution altogether because there will be no need of a legislature ever considering a bill that the governor has vetoed? Isn't that correct?

Mr. Flory As a practical matter since 1921, what's happened, Senator?

Mr. De Blieux As a practical matter, hasn't about ninety-five percent of the bills been submitted to the governor after the legislature, you might say, adjourned... that is he vetoed it before the legislature adjourned with no opportunity for the legislature to pass upon those bills. Isn't that correct?

Mr. Flory I don't know. I had four in one session he vetoed and sent it to the legislature at the same date. Of course no action was taken before they adjourned.

Further Discussion

Mr. Champagne This is very brief and I wasn't going to get up here. I just want to tell you that I thought this debate was very informative. I was against this measure completely. I am now for it and not because I think there will ever be another veto session anymore than you had before, but simply if anything will make these legislators face up to the facts and say I don't want that and I'm not going to put it on the governor's back or vice versa. We're going to kick this thing around and make them decide what they want to vote on. Then I'm for it and I see in this thing not more sessions, not the possibility of more sessions, but forcing the legislators to say, I am or am not in favor of this and not passing the buck to the governor or the governor passing it back to the legislature.

[Previous Question ordered.]

Closing

Mr. Womack Mr. Chairman, members of the convention, during the last session of the legislature a publication was passed out by a member who spoke about the responsibilities of the legislature and how bad we needed a veto session, and on the back of that he said in these words "your family, your home, nor your property can be safe while the legislature is in session." So Mr. Jenkin, I am trying to save your family, your home and your property for at least five days and make it a little better. Now, let me tell you now, during this time and I join Gordon Flory in saying that many bills have

been submitted back. None of them yet have ever come close to getting enough to be passed. Let us assume that the ten million dollar bill that was passed this year to pay the teachers a raise had been overridden, and it would have been. And Mr. Triche, you say that they would have acted responsibly, they would have responded to the pressure of the teachers, that is right, they would have been very responsible. The net result was that this next year you would have had a built-in cost of government, ten million dollars bigger than it is today in recurring revenue... I mean recurring expenses. It is estimated by the brains of this state, some six different agencies, that have estimated revenues of this state, that the net growth factor this year over last year is going to be eight million dollars to the general fund. But keep in mind that each year you are going to come back and not start from where you finished this past year but as a result of the bill being vetoed, you are going to start with a new total each year. So if you maintain it, it takes ten million this year, the next year if you maintain the deal it takes twenty million over the previous year, the next year thirty million and consequently you are going to get new taxes. Now with reference to the district attorney bill. If I had a local bill and I thought there was any question about it, I believe I would have asked the governor and been certain he understood it. If he didn't understand it I would have tried to help him understand it. But if it is going to cost us seventy to seventy-five thousand dollars this year to save that little local bill that might be just a little bit expensive to the taxpayers. Just a little bit expensive. And can tell you now I have seen ten million every little bit and I'd be running for reelection started back with his budget appropriation. And I can remember just a few years ago, when Governor McKeithen said I am not going to worry about it, go ahead and pass it I'll red ink it. He decided at the last that he wouldn't red ink it. And what happened, there was a lot of stuff signed into law against the general appropriation bill that year that should not have been and everybody agreed basically that it shouldn't have been but said let him veto it. I'll protect myself. I am not going to agree, if you want to protect the state treasury you leave the constitution like it is today, require the governor to submit a balanced budget and require him to sign a balanced budget. What protection is the taxpayers going to have if the governor is required to sign a balanced budget, the legislature is turned loose to vote any kind of a deficit spending on the taxpayers they want to and there is no prohibition against it. Just go ahead your last term of office, vote for what will make you look good, if it won't elect me, let the fellow that replaces me catch the []... I don't know how many votes we are going to get, but I tell you right now this is a very important approach and I think everybody has their mind made up. Mr. Chairman, the only thing I can tell you, as you vote your conscience, I am voting mine, and what I think is in the best interest of the taxpayers and the people of this state is the reason I am supporting this proposal.

[Record vote called. Amendment rejected: 4-82. Motion in recesses tabled.]

Amendment

Mr. Poynter Amendment No. 1. this is by Delegate De Blieux.

Amendment No. 1. On page 10, line 19 immediately after the word "leased" and before the word "days" delete the word "two" and insert in lieu thereof the word "five"

Explanation

Mr. De Blieux Mr. Chairman, and ladies and gentlemen, as you read in the present provision it says that the ballots must be in to the presiding officers at least two days before the session convenes. I do not feel like that is sufficient time for the presiding officers to let the legislators know that

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there will be no veto session. Because if you put those notices in the mail it takes more than two days sometimes for them to reach and be delivered. I merely changed that period to five days so that the legislators will have to get in their ballots a little bit early so that the presiding officers can properly notify the ballots. It is just a technical amendment. And I ask for concurrence in the amendment.

Question

Mr. Juneau Just to make sure, Senator, I just want to make sure whether I am mistaken. You are suggesting that we change from two days to five.

Mr. De Blieux Five days prior to the time that the veto session is to convene. You see because the presiding officers must notify the legislators and if those ballots come into him just two days before they are supposed to convene, he has no chance to let them know that the session has been called off.

[Previous Question ordered. Amendment adopted; 86-3. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Tapper]. On page 9 [The 29 after the word "and" and before the word "return" insert the word "shall".

Explanation

Mr. Tapper Mr. Chairman, and fellow delegates, The only thing this does as it is worded now. I understand the committee has no objections...the chairman of the committee has no objection to it. The only thing I am doing is saying that if the governor does veto it that he shall return it to the legislature. The way it is worded now the "may" applies also to the returning to the legislature and he can either do it or not do it. I think we ought to say he shall return it if he vetoes it. That is really what the amendment does.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. De Blieux]. On page 10 line 14 after the words "vote of" and before the words "of the" delete the words "two-thirds" and insert in lieu thereof the words "a majority".

Explanation

Mr. De Blieux Mr. Chairman, and ladies and gentlemen of the convention, I feel like this is a little technical amendment because if you have a majority of the legislators who want to adjourn there certainly isn't enough votes there to override any veto. So therefore, I think the majority is sufficient and we should not require two-thirds.

Questions

Mr. Rayburn Senator De Blieux, in other words if we get over in a veto session and the governor can get hold of majority of us and convince us we haven't got any business over there a majority of us can go...send us home?

Mr. De Blieux That is exactly right, because you can't override a veto with a majority of you wanting to go home.

Mr. Rayburn Well, I know that but then after all it would take two-thirds to go home without that. We would have to convince two-thirds of us to go home, and under your provision he would only have to...and I am trying to streamline this thing now, everybody wants good government and I know how good it is, I have been there before. He would just have

to convince fifty percent of us and then not worry about the rest of us and we would all go home.

Mr. De Blieux That is exactly correct. Because after he has convinced fifty percent of us there is no need for the rest of us sticking around.

[Previous Question ordered. Amendment rejected; 31-55. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. De Blieux]. On page 10 line 6, after the word "the" delete the word "thirty-fifth" and insert in lieu thereof the word "fortieth".

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen, as you may recall of the previous provision we adopted, the bills can be submitted to the governor three days after the legislature adjourns. He has twenty days after the bills are submitted to him if we have adjourned in order to veto the bills. That gives you a total of twenty-three days. It certainly is going to take at least two days to get the notices out to the legislators, that is twenty-five days. And then if we have to be notified five days before the session begins that is thirty days. I just feel like that the time for the legislators to get their notices back to the presiding officers is not going to be sufficient time in thirty-five days. So therefore I just want to extend that period of time to forty days to allow us sufficient time to get the ballots back.

[Amendment adopted without objection. Previous Question ordered on the Section. Section passed; 91-2. Motion to reconsider tabled. Motion to revert to Introduction of Resolutions adopted.]

INTRODUCTION OF RESOLUTIONS [I Journal 219]

Announcements [I Journal 219-220]

[Adjournment to 9:00 o'clock a.m., Saturday, July 28, 1973.]

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Saturday, July 28, 1973

ROLL CALL

[72 delegates present and a quorum.]

PRAYER

Mr. Stagg Dear Lord, as we meet in this convention to do Thy work for the benefit of Your people, we ask that You grant each of us Your proxy so that in our voting the results will be pleasing in Thy sight.

Grant each of us at the end of this day a safe trip home and that all of us be assembled here next week to continue this great work.

We ask it in Thy name and ask Thy continued blessings on us.
Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

PROPOSALS ON SECOND READING AND REFERRAL

[1 Journal 222]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3 introduced by Delegate Blair, Chairman on Behalf of the Committee of Legislative Powers and Functions, and Delegates Casey, Fayard and others

A proposal making provisions for the legislative branch of government, appointment, removal of officials and necessary provisions with respect, thereto.

Its status so far is the convention has adopted his amendment as amended, Sections 1 through 11, postponed consideration on Section 12 an thereafter adopted as amended Sections 13 through 20, the next Section in order would be Section 21, Effective Date of Laws.

Reading of the Section

Mr. Poynter Section 21. Effective Date of Laws
Section 21. All laws shall be published as provided by law and shall take effect on the sixtieth day after final adjournment of the session in which they were enacted.

However, any bill may specify an earlier or later effective date.

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, we changed this section to give more time for the Secretary of State to publish the acts. The usual thing is about twenty days, or twenty days has been in effect for many, many years unless it was specified otherwise.

We also gave the protection if you wanted to have a bill, or if you had a bill that you wanted to specify time, maybe sometimes at the first of the year or earlier than the sixty days, then you could do so. It just gives more latitude and especially for the publishing of the bills, so we ask for your approval unless you have some questions.

Amendments

Mr. Poynter Amendments proposed by Delegate Jenkins to the proposal as follows:

Amendment No. 1, on page 10, line 22 immediately after the word "published" and before the word "as" insert the words, "in the official Journal of the State."

Amendment No. 2, page 10, line 23 immediately after the word "and" and before the word "shall" insert the word "thereafter."

Explanation

Mr. Jenkins Mr. Chairman, this is really just a

technical amendment. The present constitution provides this same sort of protection that the publication will have to be an official journal so that it will be readily accessible to the public. And also, since the committee has provided a sixty-day period for publication, it would provide that the publication would be a prerequisite for enactment, final effect of the law. I understand the committee has no objection, so I move adoption.

[Amendments adopted without objection.
Previous votes recorded on the
Section. Section passed: 87-0.
Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 22. Suspension of Laws
Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the same vote required for final passage of the law proposed to be suspended. The vote, thereon, shall be by record vote.

Explanation

Mr. Casey Mr. Chairman and delegates, Section 22, Suspension of Laws is contained in the constitution at this time in Article 19, Section 5, and is basically the same today as is proposed in the Section 22 submitted to you at this time, but has been merely reworded in order to be somewhat more brief and succinct and I would urge final adoption of Section 22.

Questions

Mr. Abraham Tom, what is the history of this, or the necessity of it. Why do they have to have something like this? Why do laws need to be suspended? I am ignorant of this fact.

Mr. Casey Well, now, I think it's a good process to have available to the legislature where a law has been passed which could be detrimental to a certain industry, and the most recent example of this was the Lead Paint Law which was passed, I believe, during the 1972 session of the legislature. And of course the intention of that law was particularly good. But the way it was worded and the effect it would have had, would have put many paint companies out of business.

So, in the interest of being fair with those people, it was fortunate that we had a special session of the legislature shortly after the regular session in 1972 and that particular law was suspended. That's merely an example of one thing.

Mr. Abraham It has been used...

Mr. Casey It has not, to my knowledge, been abused, it's a good mechanical process to have available.

Mr. Abraham It has been used then?

Mr. Casey Oh, yes, definitely.

Mr. Abraham What happens when you suspend it after that? What do they do with it then? It just stays suspended...

Mr. Casey Well, it could either stay in a state of limbo, you could suspend it for a period of two years, and of course the other process that you have is an outright repeal of the law. So there are two methods of procedure.

Mr. Abraham Well, this is what I was going to ask. Is it better to suspend it, or better just to go ahead and repeal it or what?

Mr. Casey Well, as a legislator, I would prefer to have the process of suspension available because in the law as drafted, and in the law as it exists today, it does not require the approval of the governor. He cannot veto the suspension.

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Mr. Abraham But if you were to repeal it, the governor would have to approve the repeal?

Mr. Casey No, under as drafted, he does not now and never has had to approve the repeal. I'm sorry, the repeal, the suspension. He would have the prerogative of vetoing the repeal.

Mr. Abraham That's what I mean. If you were to repeal a law, it's the same as passing the law. The governor has to approve the repeal, also.

Mr. Casey Right. Correct.

Mr. Nunez Mr. Casey, how long does a suspension remain in effect?

Mr. Casey There is no period stated at all so I would submit to you my interpretation would be that it could be an indefinite suspension until acted upon at a later time by a legislature.

Mr. Nunez Well, who would be aware of the suspension in the event that the attorney or the people who used the statutes regularly went to check a particular law?

Where would he know, or how would he find out that that law has been suspended, as such?

Mr. Casey Mr. Nunez, I don't know that the publishing companies, whether they do or don't. Mr. Triche indicates that it apparently...no it's not. O.K.

I don't know if it's reported in the annotations on particular law or not. I have heard one delegate complain that in a particular instance it was not reported in annotations that the law had been suspended. We will have to call on some legal counsel in...

Mr. Nunez That's why I'm calling on you. If a law is suspended and a judge, in particular, or a lawyer or anyone who was interested in that particular law went to West's or went to the statutes, and they read that law, they would have no knowledge unless they serve in the legislature or were there when it was suspended, that that particular law is suspended and no longer in operation.

Mr. Casey Mr. Nunez, I was informed by the staff that it is reported in West, and under all circumstances, an attorney checking the statute would have this information reflected during his research.

However, in a particular instance, maybe it happened that West did not properly report a suspension. And that could occur in any situation.

Mr. Riecke Mr. Casey, if a law is suspended during a fiscal session by resolution, is it necessary to introduce a suspension in a later, or pass a bill suspending it in a later session?

Mr. Casey My humble opinion would be that you would need a later act or resolution, as long as you had permission of...three-fourths of the elected membership of each House to introduce that suspension, that would be in a fiscal session you could introduce any legislation if you obtain permission of both Houses to do that even though it is a fiscal session.

Mr. Riecke This was done by resolution. Now...

Mr. Casey It is done by resolution, that is correct.

Mr. Riecke Does that have the effect of law or do you have to go into the next regular session.

Mr. Casey In effect it has the effect of law inasmuch as you are suspending a law, I guess you could say it has the effect of law. But as long as you obtain the required permission to do that, I would submit to you that that would be adequate, regardless of whether it's a fiscal session or not.

But of course under the concept a proposal that we have in our legislative proposal, there is no

fiscal session so there is no problem. So that is really a moot question here.

Further Discussion

Mr. Womack Mr. Chairman and fellow delegates, the real key to this is not the suspension...the real key to it is that if it takes two-thirds to pass an act, then it would require two-thirds to suspend it. If it takes a simple majority to pass it, it will require a simple majority, and the same thing about three-fourths. If there would be anything that it took three-fourths to pass, then it would take three-fourths to suspend. That's the real key to this section.

Questions

Mr. Gravel Mr. Womack, don't you think that that particular provision, however, should incorporate in it some fixed period of time within which the suspension would expire? Otherwise, as it presently reads, the legislature could by suspension, actually affect the repeal of a law by just suspending it without stating the time within which the suspension would expire.

Mr. Womack Mr. Gravel, if it took 65 members to pass it and 65 members wanted to repeal it, they could. But if they wanted to suspend it for a period of time, then they could suspend it. You've still got the same number of votes and I don't see that putting a special time on it would change that.

There is one other situation that Tom... I only gave one case. I can think of any number of cases where you would have a situation related to federal regulations, or safety and those kind of things where it would be necessary to suspend the law for a given period of time so that you would qualify under other conditions. And this is basically what it is for, but as I said, the key to it is that it would require the same amount to suspend it as it did to pass it. So that gives a safeguard on the preference on...privileged vote.

Mr. Nunez Mr. Womack, you say that it takes the same amount to suspend it as it does to pass which I agree with. Would you say that it takes the same amount...it is usually done, a suspension is usually done with a simple resolution or concurrent resolution. Would you say that that resolution would get the same hearing, the same public notice, the same hearing and the same attention in the legislature that the original law took to enact? Especially if it were a controversial law.

And usually to suspend...these laws that have to be suspended are somewhat controversial or that we have done something that we should not have done or you wouldn't have to suspend it. Would you say that that resolution to suspend the law would get the same public scrutiny and legislative scrutiny as the original law took...the original attention that it got to pass?

Mr. Womack Mr. Nunez, under the House rules, any rules that has the effect of law, any resolution that has the effect of law must go through committees, must go through the same readings and everything else as the regular proposed bill. You can't show it any haste or any preferential treatment. It must make the same route.

Mr. Nunez Is that...you are saying that a suspension. If I had a simple or concurrent resolution to suspend the law and I move to hear it on the same day, the Senate or the House would not...it's mandatory that that go to committee? I'm not quite sure. I don't think it is. That's why I am asking.

Mr. Womack It's mandatory that it go to committees, yes.

You can't suspend the law to advance it in the same way that you...I mean the rules...just in the same manner that you can suspend the rules to advance any other bill.

But the bill would go to committee and it must be heard in hearings.

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Mr. Drew Mr. Womack, although it's not limited to that, isn't the usual reason for the use of this law to suspend the effective date as we did on the requirement of ninety hours classroom for realtors before they took the examination?

Mr. Womack Surely it is, Mr. Drew, but I can think of any number of times and this, as Mr. Casey said, it's just a safeguard and something for you to use. I think it's very necessary in there.

Mr. Drew I'm with you, Mr. Womack. What I am saying is that in this case an injustice was done to a great number of people because the act became effective twenty days after we adjourned. And so at the extra session we suspended the effect of the act until the first of the year so that injustice would not be done. Isn't that correct?

Mr. Womack That is right, that is right.

Mr. Arnette Mr. Womack, it's my understanding that according to this constitution, we don't require resolutions to be read on three different days, that the rules could be suspended. It wouldn't have to go to a hearing or anything like this, and it could be adopted that same day. Is that true?

Mr. Womack The House rules that we operate under require that it must go to committee, it must take the same route as the bill took, that is, same amount of votes in respect to the same majority that it took to put it into effect. And I don't really think that the intent of rewriting the constitution is to spell out in every detail. I think it's properly taken care of. It's never been a problem. We have used it any number of times, and there are going to be times it is going to be necessary to use it again...

Amendment

Mr. Poynter The first set of amendments is set up by Delegate Avant.

Amendment No. 1, page 10, line 30 at the end of the line, add the following:
"Any such suspension shall be approved in writing by the governor before becoming effective."

Explanation

Mr. Avant Mr. Chairman, fellow delegates. I do not say that this particular provision has ever been abused. I respect the views of those who may disagree with me. But I say this, that this is a provision that is capable of permitting the grossest kind of mischief. It is completely inconsistent and at odds with the theory of checks and balances that is incorporated into the constitution. We have gone at great length to provide a manner by which legislation shall be adopted. We have provided a system of checks and balances between the legislative branch and the executive branch by providing that legislation must be approved by the governor. We have further elaborated on that system of checks and balances by providing that in certain cases after a gubernatorial veto, a manner and procedure by which that veto may be overridden.

This provision is completely at odds and inconsistent with everything that we have done. This provision permits the legislature by a simple majority in most cases, because most of the laws of this state require only a simple majority of the legislature for their passage. We have permitted the legislature, by a simple majority, to effect repeal a law. They cannot repeal a law permanently and irrevocably without it being by act, subject to a veto by the governor.

But this provision permits the suspension of a law which means that it is no longer the law, for an indefinite period of time with no limitation on it, simply by a concurrent resolution. Now it is a fact that laws have been suspended by concurrent resolution in one day. By concurrent resolution introduced in one House, concurred in by the other House in one day, completely outside of the legislative process which requires three separate and

distinct readings in each House on three separate and distinct legislative days.

So, I think that this may be a handy device. It may be a device which can be used in certain cases to permit, to prevent injustices or other undesirable consequences. Certainly, certainly no harm can be done by a simple requirement that in those cases, the chief executive, the governor of the state must concur in the suspension of the law in writing before it shall become effective. That's all this amendment does. We are not trying to take away the right and the power of the legislature to suspend the law in those severe cases such as were described by the speakers who spoke for this section. The only thing we are doing is we are asking that that right be also made subject to the system of checks and balances which we have incorporated into the constitution by the simple requirement that any such suspension shall be approved in writing by the governor before becoming effective.

And I want to point out to you that there is no limitation on the type of law that can be suspended under this provision. Any law, it may have been on the books for fifty years or more, it may be in the Civil Code, any law, it could be the drivers license law, it could be the financial responsibility law, it could be any other law, can be suspended by concurrent resolution concurred in by both Houses of the legislature, can be done in one day with no limit on to how long it shall be effective without any check, without any hearing, without any reading three times as required by this constitution.

So that's all I can say on the subject. I think that the amendments will simply subject this process to the system of checks and balances that is traditional in this state and in our system of laws. And certainly no harm can be done by subjecting this procedure to the system of checks and balances.

While that is being passed out, though, for the benefit of the delegates, I will tell you what it does. It simply adds at the end of this section, after the last word in the section as it has been submitted by the committee, the following sentence:
"Any such suspension shall be approved in writing by the governor before becoming effective."

Questions

Mr. Champagne Do you think, Mr. Avant, that it would be also advisable that a limitation on this thing might be possible?

Mr. Avant I think that might be advisable. There may be another amendment that would suggest that.

Mr. Champagne I have a question for you. I was informed in my Committee on Revenue, Finance and Taxation, that according to the present constitution at one time in the past, a tax, for instance, had been passed by two-thirds majority and remitted or put off by a simple majority. Now I don't know if that existed or not. Are you aware of that, sir?

Mr. Avant I don't know whether that's true or not.

Mr. Champagne But this as written would abolish that. In other words it would be the same for both cases.

Mr. Avant Oh, yes, this section provides that it takes the same vote to suspend, as it takes to enact the law. But it doesn't take any approval by the governor and there's no time limit on how long it shall be suspended nor is it subjected to the ordinary legislative process.

Mr. Rayburn Mr. Avant, I just, I'm seeking information. Would this apply to the veto cases if the governor, if the legislature so desires to suspend the law for six months and the governor didn't concur, would we have any recourse or would the legislature have any recourse?

Mr. Avant Mr. Rayburn, I'll be honest with you,

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I don't know. I would not object to that. I think the suspension should be subjected to the same process that it takes to repeal or to enact legislation, except as to the fact that it can be done by concurrent resolution.

Mr. Rayburn I don't believe, Mr. Avant, your amendment provides for any recourse to the Legislature.

Mr. Henry The gentleman has exceeded his time.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, though I rise to object to the amendment simply because I do not feel that it puts sufficient limitations on the suspension of law. There is great detail on the passage of a bill and yet we permit a suspension with no restraint, whatsoever. I am quite familiar with legislative procedure. The fact that it may be sent to committee under the rules, which it normally is, does not alter the fact that it need not be sent to a committee and such suspension may be passed on the day it is introduced.

I, therefore, urge that you reject this amendment. Mr. Perez will offer a more acceptable amendment and at this time, Mr. Chairman, I will waive while they are presenting my amendment in favor of Mr. Perez's amendment. I suggest you reject this amendment.

Further Discussion

Mr. Casey Mr. Chairman and delegates, I won't belabor the point, I would urge rejection of the amendment. I guess the worst reason I could give you for rejection is that it's basically worded as it is the law today.

But I would submit to you that a better reason would be, that I think as was pointed out by the late Rayburn, that the way that this amendment is drafted, is that any suspension would require the approval of the governor in writing.

Well, suppose the governor refused to give his approval in writing, there is no provision here by which the legislature could override his refusal to give the approval in writing. If Mr. Avant would use some reference to the fact that it would follow the same course of action in the preceding section referring to the veto process so that the legislature could override his veto, I think his amendment would be much better.

But this amendment, I would certainly urge rejection.

[Previous Question ordered. Amendment rejected: 19-82. Motion to reconsider tabled.]

Amendment

Mr. Poynter Next set of amendments are sent up by Delegate Perez.

Amendment No. 1, page 10, line 30, after the word "and punctuation suspended, period." And before the word "the", insert the following:

"No law suspended after the effective date of this constitution shall remain in effect beyond the time of adjournment sine die, of the next succeeding regular session of the legislature."

Explanation

Mr. Perez Mr. Chairman and fellow delegates, the purpose of this amendment is to limit the effective time of a concurrent resolution which would suspend a law, and it would limit it to the time of adjournment sine die of the next succeeding, regular session of the legislature.

This would afford the legislature the opportunity to suspend the effect of a law until the end of the next session and then give the legislature the opportunity... to give a member of the legislature the opportunity to introduce a bill in the next session to repeal or amend that law instead of suspending it.

I may have some technical problems with respect to the amendment itself, and I'd be glad to have it cleaned up. But the purpose of the amendment is

to limit the time for the effectiveness of a concurrent resolution to suspend a law.

Questions

Mr. Kelly Mr. Perez, you may have explained it already concerning some defective language, possibly, it looks like to me that possibly this thing would be better phrased if you said no suspension of law after the effective date.

Quite frankly, I think the amendment is not going to do what you want it to do the way it is presently drawn.

Mr. Perez I'm in agreement with you Mr. Kelly, I must apologize that the amendment is not artistically drawn and unfortunately I prepared it hurriedly. But the purpose of the amendment and I'm sure we can take care of it with Style and Drafting, if necessary, unless someone has an amendment to it, the purpose of the amendment was to limit the effective period of time of a suspension which could extend only until the end of the next regular session of the legislature.

Mr. Asseff Mr. Perez, I have no objections to your amendment. However, I am concerned about this. Under your amendment, would it not be possible for the legislature at the expiration of the time, by following the same procedure to continue the suspension?

Mr. Perez Yes, sir, that could be done, there is no question about it. But at least each year you would have to go back and get both Houses to agree to suspend year after year, and I just don't believe they will continue to do it. But I do think we have to leave the way open for suspensions to the legislature.

Point of Information

Mr. Stagg Mr. Chairman, my remarks are directed to the chair in a point of parliamentary inquiry.

I think that Mr. Perez has an effective amendment for the purpose to which it is introduced except the words need to be transposed.

Is there any way, by leave of the chair, Mr. Perez's amendment could be perfected while he is at the microphone simply by saying "no suspension of laws," rather than no law suspended. A mere changing of the words.

Mr. Henry Well, he would have to withdraw the amendment and we could accomplish that right quick like if he wanted to withdraw the amendment. But that...

Mr. Stagg Can I direct a question to...

Point of Information

Mr. Perez Can I ask for a unanimous consent to amend the resolution to read, "no resolution suspending a law after the effective date" and so forth.

Mr. Henry Mr. Perez, you can't ask for them to vote... we can withdraw it and put it right back in if nobody objects to that.

Question

Mr. LeBlou Mr. Perez, if I'm not mistaken, the whole law or even a portion of the law can be suspended under the provisions, and of course, your amendment, I believe would suspend the whole law and give the legislature time according to your limits to reenact that law in the corrected fashion. I believe that is your idea.

Mr. Perez The purpose is to give the legislature the opportunity, or a member of the legislature the opportunity at the next session to be able to offer a bill which would either repeal the law or amend the law, but would give the legislature the authority during that interim period, the authority to suspend

[Amendment withdrawn.]

Amendment

Mr. Poynter From the same place [by Mr. Perez], page 10, Line 30, after the word "suspended," and before the word "they" insert the resolution suspending a law or part of a law after the effective date of this constitution, etc. No resolution suspending a law or part of the law after the effective date, etc.

Explanation

Mr. Perez I believe that we've...I've cleaned the language up, hopefully, and if there are any other questions I'll be glad to yield.

Further Discussion

Mr. Riecke Mr. Chairman and ladies and gentlemen, I speak in opposition to this amendment. You've heard Mr. Casey say earlier that there was a law passed affecting the paint industry which would have put the paint industry out of business had it not been suspended.

I have another specific case that happened in the construction industry in which Senator O'Keefe introduced a safety regulation affecting glass doors. And the intent of the regulation was good, but it was so broad that it made it impossible for the retail lumber dealers and the millwork manufacturers and the construction industry to comply with the law because the type of glass specified was not available.

Senator O'Keefe very kindly agreed to amend or withdraw certain portions of the bill. It received the unanimous consent of both Houses, and it was immediately suspended.

Now in that case, in that case, if it had been necessary to bring it up again, you would have tied up the legislature, both Houses to reenact or to suspend it again or to kill it which was absolutely unnecessary because everybody in both Houses recognized that they had made a mistake, and I think Judge Perez does not realize some of the things that can happen. All legislators are not familiar with all the problems in connection with every item. Actually, Senator O'Keefe was not familiar with this problem in the building industry and he recognized immediately he had made an error and he was a big enough man to introduce a resolution correcting it.

Questions

Mr. Willis Mr. Riecke, isn't rectification for a bad statute...the best rectification would be its repeal? Isn't the best rectification for a bad statute its repeal?

Mr. Riecke Yes, but in this case the new law we're talking about now you don't have a fiscal session but in this case there was a fiscal session and we had to have action immediately.

Mr. Willis Well, I understand your hypothet, but we're changing that. We have sessions every year. Why should you suspend something that's no good? You're just holding the public in suspense.

Mr. Champagne Mr. Riecke, do you understand that this amendment doesn't do away with that right? It simply says that it does away with the right indefinitely. All the amendment is doing is saying that you can still do this but you can't do it forever, only for one year at a time.

Mr. Riecke Well, I fail to see the purpose in suspending it if you have to suspend it and go back to the next session of the legislature to repeal it. Why not repeal it in the very first instance?

Further Discussion

Mr. Smith Mr. Chairman and fellow delegates, I rise in support of this amendment. I served in the legislature four terms. I think this is a good

amendment and it's needed. We have emergency laws. I remember one time we had an act that had a section that was unconstitutional. We used this suspension and it's necessary, just like a board of liquidation. You've got emergencies you've got to provide for. So, I say let's adopt this amendment and have a good well-rounded legislative function proposal here.

Questions

Mr. Weiss Couldn't this particular section, sir, be included in statutory laws. Is it necessary to constitutionalize suspension of the laws that the legislature passes?

Mr. Smith No sir, I think it should be a safeguard and I think that it should be in the constitution.

Mr. Rayburn Mr. Smith, I concur with your thoughts that the suspension provision is needed and has in my opinion served very useful purposes. However, I'm a little concerned over the cost. I have seen the time when the legislature made a mistake, constitutionally, legally and otherwise, and maybe suspended one brief section of an act, and suspended it indefinitely. Under this provision, if I read it correctly, in the event we've done that, at the next session we would have to come back and outright repeal this act and reenact it, go through all the expenses of reprinting it, repealing it, reenacting it, and so forth, and I just wonder, have you thought of that factor?

Mr. Smith No, sir. I don't think that would be necessary.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I see the need for a suspension of the law. I can see where it can serve a useful purpose. However, I am unwilling to vote for Section 22 as it is now. However, I feel that Mr. Perez has submitted a reasonable compromise which will meet the requirements in my opinion of both sides, and I therefore urge the adoption of the amendment.

[Previous Question Ordered. Amendment adopted: 94-16. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. DeBlieux], page 10, Line 29, immediately after the word "and" and before the word "vote" insert the following: "committee hearing and".

Explanation

Mr. DeBlieux Mr. Chairman and ladies and gentlemen of the Convention, I just feel like that because of some of the objections that were raised here before that you have a public hearing on any resolution to suspend the law. You know as a general rule, since we would have annual sessions, if the bill could be introduced, if you could do it at a time that you could go ahead and repeal the law or amend it or change it or whatever you wanted to do. But suppose it's close to the end of the session and you find out that some error has been made. You don't have time to correct it that particular session by repealing or amending the law; you want to do it by resolution. This would permit a public hearing on the resolution before it could become effective suspending the law. I think that that's what we need for protection before we can do something like that. I think that it's necessary sometime that we suspend laws, but certainly we should do it at that public hearing and not just by a vote on the floor of the House or the Senate.

Questions

Mr. Casey Senator DeBlieux, whether or not I'm in favor of your amendment, I think it was errone

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ously prepared. Where the words "committee hearing and" are inserted between the words on line 29 "same" and "vote", I think it's somewhat disconnected and has little meaning and it really not properly worded if those words were added at that point.

Mr. De Blieux Well, Mr. Casey, where would you add them to insure that you had a public hearing on it? That's the only place...the only thing...I just want to be sure that we have a public hearing on an amendment through committee action before we pass it. I thought that's where you would do it. You'd have your hearing before your vote.

Mr. Henry I think that Mr. Poynter is trying to draw it where it will sound like what you, I believe, meant, Senator De Blieux because there is some confusion on the thing.

Mr. Womack Senator De Blieux, under your proposal here, you want to guarantee the hearing, and you're going really to put it in the constitution now that the public is going to be protected to the nth degree. Assuming that you're going to adjourn sine die at midnight under the constitution on the final day and at 11 o'clock you find a flaw and you want to correct it and you guarantee a public hearing and between 11 and 12 you can do every bit of that. You can hold two public hearings. You can recess, call a one minute public hearing and there's nothing to keep the committee that you assigned it to from having a one minute public hearing, and then pass it out real quick, go right back, send it to the Senate and they can hold a one minute public hearing. So, in effect, in this what have you done to safeguard the public other than what's already in it.

Mr. De Blieux Well, Representative Womack, we have done this. There might be somebody around on the floor of the Senate or the floor of the House that would like to put in a bill about a law before it's suspended. It would give them their chance to do that. I don't care whether it's a one minute or a ten day hearing. At least, you've accorded the public the right to be heard on it before you do it.

[Amendment withdrawn and resubmitted with correction.]

Further Discussion

Mr. Casey Mr. Chairman and delegates, I would like to urge you to consider the possibility of not adopting this amendment in preference to a subsequent amendment to be submitted by Mr. Flory, which I think is more specific and would indicate that any measure to suspend a law or a portion of a law shall be adopted by using the same procedure as for a bill. He would add the wording in there referring particularly to Section 17. That procedure, I think, would be quite specific where it would have to be read on three days in each house, would have to have a committee hearing, would have to be heard in public, and all of the mechanical processes that any other bill would have to follow.

Questions

Mr. De Blieux Mr. Casey, if you went through that procedure you'd still be able to appeal the repeal or amend the law, because if you say the same procedure, then you would have to introduce the resolution in the time limit for the introduction of bills. You would have your three days reading on the floor and so forth and so on. Therefore there would be no need for that if we do it that way. No need for that provision in the constitution. Now, the only thing is, as the amendment that I have proposed to it, it would allow a resolution to be passed through possibly both houses in maybe two days time. Otherwise, it would take at least five days to get a suspension of a law, and sometimes you might find out that it's not possible to do that. I say that if we're going to follow the same procedure as outlined here in Mr. Flory's amendment, we could repeal the law or amend the law and it

would not be necessary to pass a resolution for suspension. That's the difference. Now, you can take your choice.

Mr. Casey Senator, you make a very good point. I understand the position you're taking.

[Previous Question ordered. Amendment rejected: 41-52. Motion to reconsider tabled.]

Amendment

Mr. Poynter [by Mr. Flory]. Page 10, line 30, at the end of the line add the following: "any measure to suspend a law or portion thereof shall be adopted by the same procedure as for a bill." That's been passed out. Mr. Flory has added another sentence that reads as follows: "however, such measures shall not be subject to gubernatorial veto nor time limitations with respect to introduction."

Read that last sentence again?

He's added this sentence at the end of it. "However, such measures shall not be subject to gubernatorial veto nor time limitations with respect to introduction."

Explanation

Mr. Flory Mr. Chairman and delegates, what the amendment purports to do is to require the same procedure for the suspension of the laws that it requires in order to pass it. However, there was some question as to whether or not the language would be interpreted to require or at least submitted or subjected to the possible veto of the governor, and also, the fifteen day limitation for the introduction of bills. It was not my intent, nor do I think it wise to put it in that light. Consequently, what I think we have done here is to require the same process for the adoption of a measure suspending a portion of a bill, a date set forth in the act, or the act itself for a specified period of time and require that same process through the legislature which guarantees a public hearing. If a public hearing is necessary in order to adopt a law, certainly a public hearing ought to be required for the suspension of that law or any portion thereof, and I would ask for the adoption of that amendment.

Point of Order

Mr. Conroy I don't understand the procedure we're following now, where whole sentences are being added to amendments which have been passed out. In the past, I think by consent of the convention, we have on occasion allowed one or two words to be changed, but I'm not familiar with the procedure we're following now where a great deal of material can be added without distribution or without...

Mr. Henry Well, Mr. Conroy, what we're trying to do is save time, really, and it's been a long and complicated section and we didn't feel that you could have followed it or anybody could have followed it. We would have pulled it out and passed it out, but since there was no objection and it was a sentence, to save time that's the reason we've done that sir.

Point of Information

Mr. Willis A point of information, Mr. Chairman. Mr. Perez's amendment passed and his commences on line 30. Now, so does Mr. Flory's. Which precedes?

Mr. Henry Well, if these amendments are adopted and they eliminate the other amendments, these would take precedent.

Mr. Willis Well, they are not inconsistent as I view them. Mr. Perez has an amendment commencing after...

Mr. Henry Look there, Mr. Clerk. You've got the Perez amendments?

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Mr. Poynter His amendments were added after the portion of a sentence on line 30 that says "be suspended", and he inserted a new sentence and then this one is to go at the end of line 30 and it would be after the words "the vote thereon shall be by record vote". So, I think that we're straight, and I believe you're correct. They're not in conflict in terms of substances, at least.

Mr. Willis Which sentence would precede?

Mr. Poynter It would read... Yes, the Perez would go first and then you would have the sentence "the vote thereon shall be by record vote". Then you would have the two sentences added by Mr. Flory's amendment if it is adopted by the convention.

Mr. Willis Much obliged.

Questions

Mr. Tobias This particular provision would require the governor's signature?

Mr. Flory No, sir. The added language specifically states that it would not be subject to the governor's veto.

Mr. Tobias Now, that's the veto, but... O.K.

Mr. Kean Mr. Flory, with the additional sentence that you've now put on your proposal, what is the difference between your proposal and the one that Mr. De Blieux just had up before the delegates?

Mr. Flory Well, the difference between my proposal and the one that Senator De Blieux had was that this requires the same readings, the same requirement for possession of both houses and a public hearing and a committee report. His did not.

Mr. De Blieux Mr. Flory, one of the main differences is that under your proposal it would take at least five days at the very minimum in order to get a resolution suspending a law through the legislature. Is that correct?

Mr. Flory That is correct. It is in the same posture that a bill that would have the effect of law takes now. Under our proposal, in order to pass that law in order to suspend it would take the same process.

Further Discussion

Mr. Arnette I'm in favor of this amendment and the reason that I'm in favor of it is for two basic reasons. If we don't put this safeguard in there, first of all, any suspension of a law could be virtually secret, and I'm against secret laws. It's not reported by any official journal. It doesn't have to be put in the official state journal. The only way that you would know about it is if West Publishing Company, a company from out of state, would decide that they were going to put it in their annotations, and West can make mistakes, and they have done so in the past. So, therefore, it might be that there is a law on the books that is suspended and no one would know about it unless you happened to be at that legislative session, and I don't see how we can have laws that are suspended in this manner. The second point is if we don't put it subject to any time limitations, like the five days required for the passage of a bill, then this could be done in a very short amount of time. It's been pointed out to me by a legislator that one particular law was suspended in less than an hour, and I think that we need these hearings. Besides needing the hearings, I think we need this five day time so that everyone knows that it's coming up so that they can talk either for it or against it. So definitely I think that we need to adopt Mr. Flory's amendment.

Question

Mr. De Blieux Mr. Arnette, with reference to the

knowledge of it, don't you know that all resolutions are printed in the journal of the respective houses at this particular time?

Mr. Arnette Yes, but they aren't printed in the official journal of the state. So you would have to look up that particular day's proceedings to know whether a resolution had been passed. But it becomes effective without any printing whatsoever in the official state journal, whereas a bill is required to be printed in the state journal before it can become effective.

[Previous Question ordered. Amendment adopted: 66-30. Motion to reconsider tabled.]

Reading of the Section as Amended

Mr. Poynter Bear with me a second, Mr. Jenkins, so that I can make sure that I'm getting all of these in the right spot.

It will read as follows: "No power suspending laws of this state shall be exercised except by the legislature and then only by the same vote required for final passage of the law proposed to be suspended. No resolution suspending a law or part of a law after the effective date of this constitution shall remain in effect beyond the time of adjournment sine die of the next succeeding regular session of the legislature. The vote thereon shall be by record vote. Any measure to suspend a law or portion thereof shall be adopted by the same procedure as for a bill." Last sentence... provided... and I don't have the copies... there we go. "However, such measures shall not be subject to gubernatorial veto nor time limitations with respect to introduction."

Motion

Mr. Jenkins Mr. Chairman, I think we now have the Section like we want it analytically, but we've got about three sentences too many, and some of it is repetitious. So I move that we pass over this section, go to the next one, and give the committee the opportunity to shorten this down and include all this information in about two sentences, because it can be done easily.

Mr. Henry Well, of course, your motion is in order, but is not that the purpose of Style and Drafting, Mr. Jenkins?

Mr. Jenkins Well, I thought that their purpose was with regard to punctuation, spelling, capitalization and things of that nature, rather than elimination of complete sentences and such. I may be wrong.

Mr. Henry You're moving then that we pass over The Section...

Mr. Jenkins Yes, and I think at the end of the next section, by then we'll have the committee come up with something that would be sufficient.

Point of Information

Mr. Weiss A point of information. Isn't it the purpose of Style and Drafting to revamp and shorten the constitution that we provide without changing the content? So this is one place where we may vote on the subject matter and allow Style and Drafting to go about its necessary changes.

Mr. Henry That was my understanding, but still...

Mr. Weiss We will revote on the matter again, and if there is any displeasure the convention can so decide.

Point of Information

Mr. Tapper Point of information, Mr. Chairman. Dr. Weiss made the statement that we will revote on it after, but my question is will we have an opportunity as the convention as a whole to redo

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these sections if we disagree with the Style and Drafting?

[Motion to pass over Section 22 rejected: 27-04.]

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention, I rise in opposition to Section 22, and I would urge that you seriously consider rejecting the entire section. If you will look at the 1921 convention as it deals with suspensions of laws you will find that that section is not contained in Article III of the constitution which deals with the power and authority of the legislature, but is contained somewhere else in Section 19 of the constitution in Section 5. I would suggest to you that the original intent of that Article was not to grant the legislature any specific authority to suspend laws, but the original intent of that section was quite the contrary. It was a prohibition and a limitation on what the government could do. The section originally read: "no power of suspending laws in this state shall be exercised except by the legislature and that what the people in the convention of 1921 were trying to tell us was that laws should not be suspended, and they were trying to guarantee, I believe, the people of this state against rule by executive edict, to prevent the governor from declaring emergency or martial law, to prevent the executive from suspending laws by executive order and by me, I think that's all it meant. As time progressed and we found ourselves in biannual sessions and the legislature was called into special session, it could only consider matters limited in the call. The legislature used this procedure to suspend laws that were erroneously written or onobnoxious at the time, and they would resolve on a resolution, and they couldn't otherwise do it by act or resolution because the call didn't contain that specific reference to repeal of laws. Then, when we went into fiscal session, the legislature sometimes found itself with the desire to repeal laws during a fiscal session, but since the repeal was not a fiscal matter it used the vehicle. I think we have through the years subverted and misused Article 5, Section 5 of the constitution. Then we came with the reform in 1966, I think it was, when the two-thirds vote rule was popular and we've changed to provide that laws could be suspended by statute or resolution and only by the same vote required for the passage of the original law. For the life of me, I can't understand why we should require a two-thirds vote to repeal or reduce a tax, it seems to me that a simple majority of the legislature should be necessary. For the life of me, I can't understand why we should require a two-thirds vote to reduce the salary of a public official in the next term of office. We should be able to do that by majority vote. The provision requiring suspension of the law be required or the same vote required for passage, to me, doesn't make any more sense. In short, what I'm suggesting to you is that Section 22 as it is presently written and as it's been watered down by amendment simply should not be in the constitution. There are procedures which we have written into this constitution to guarantee deliberation by the legislature before laws are passed. They have to be printed, they have to be read on three separate days, they have to go through committee hearings. After they are passed by the legislature, they have to be signed by the governor, and they have to be published in the journal before they have the effect of law. Now the whole purpose of that procedure and limitation here is that we've placed in the present constitution, most of which are in the constitution of 1921 and have been in the constitution of this state since its admission into the Union, the whole purpose of those procedures is to assure ourselves that the laws passed by the legislature are, in fact, the solemn expression of the legislature. If they come back and say in an off-handed manner that bills can be suspended by resolution, I understand Mr. Womack's point when he says but by rule now all of our resolu-

tions are required to be heard by committee, etc. But that's only by rule of the legislature. It was only adopted just a few years ago. For many, many, many years we operated without that rule, and I don't think that anybody can guarantee you or predict how long that rule will stay in effect. The only protection we have of the laws, will be, in fact, a solemn expression of legislative will or the procedures that we write into this constitution, and when the people speak through their constitution, and they say bills must be read three times, bills must go before committees, bills must be signed by the governor, and published in the official journal before they have the effect of law, that's what we must do. I suggest to you that to suspend the law is as serious as a matter as enacting a law. It's as serious a matter as repealing a law and we ought to assure the people of this state that a suspension also is, in fact, a solemn expression of the legislative will.

We ought not to allow cursory, ill-thought-up and hasty suspension of laws. For that reason, ladies and gentlemen, I would urge that you vote against Section 22 in its entirety. I think the original purpose which was a limitation on the authority of government has been subverted and changed.

Further Discussion

Mr. Tapper Mr. Chairman and fellow delegates, I too rise in opposition to this section. Mr. Triche has so ably pointed it out to you that I cannot add to the bill except as he has said. However, I would like to go into this business of the style and drafting. I think the way it is worded, Style and Drafting will have to do something with it. I don't believe that under the rules that we will have a reengrossed bill when it comes back from Style and Drafting. I'm not certain about that. However, I believe that the bill is a misconception of the part of some of the delegates as to what authority Style and Drafting has. I believe that Mr. Jenkins pointed it out ably and that is that to change a comma or a period or to begin a paragraph or to end a paragraph, this is basically what their function is, in my opinion, according to the rules. If we're going to give them a mumbo-jumbo of words and let them redraft them to bring back to us as some have said, well then I believe, that we're wasting out time here. We just turn it over to Style and Drafting. Now, I believe that we should pass over this measure because the length of it and the number of sentences, as Mr. Jenkins said, does not lend itself to proper interpretation. I would hope that since you've already decided to go ahead with the consideration of this matter that you do not adopt this section. I don't think it's necessary, as Mr. Triche said. I think that it's much too important to hit it in an off-handed fashion the way that we're doing it now and turn it over to Style and Drafting. We're giving them the authority to decide how these things are going to be done.

Questions

Mr. Lanier Mr. Tapper, would you agree that under the type of government that we have in the United States that the residual grant of power under the tenth amendment to the United States Constitution gives all powers not given to the United States to the states?

Mr. Tapper I would think that's correct, yes.

Mr. Lanier And would you also agree that specifically the power is vested in the legislature of this state except as limited by the constitution of that state?

Mr. Tapper Yes.

Mr. Lanier Now, that means that the state legislature can do anything not prohibited by the United States Constitution and that it is limited in its own constitution. Is that correct?

Mr. Tapper Well, I'm not so certain that it is,

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Mr. Lanier. That is a question of contention. I believe that we're going to get to that somewhere down the road with this convention. There's been some thought on the part of many delegates to provide that the legislature can do anything that is not prohibited, and there's a thought that if you don't put any prohibition that the legislature then can do it. I'm not so sure that is a fact...that it's true. I can't answer your question because I'm not certain about that and there's a big question about it.

Mr. Lanier. Well, let me ask you this. If we knock out this section that provides limitations on the manner in which the legislature can suspend laws, would that not, in effect, mean that the legislature can handle that particular item any way that it wishes.

Mr. Tapper. I just answered that with the last question. I don't think that's necessarily true, Mr. Lanier. I did I wouldn't be up here opposing this proposal.

Mr. Lanier. Is it your position that in order for the legislature to suspend a law it has to have a grant of authority to do so in the constitution?

Mr. Tapper. I believe that the constitution, yes, is the basic law of the land. Of this particular land, Louisiana, and if we don't provide something in this constitution, my opinion of the theory is that if we don't give the authority...and I don't agree that if we don't put it in there they're entitled to do it. I think that if we don't grant the authority to the legislature, they won't be able to do it.

Mr. O'Neill. For those people who are not lawyers let me ask the question point blank and you can answer it again, what will the effect be of not placing this in the constitution?

Mr. Tapper. What will the effect be of not placing it in the constitution?

Mr. O'Neill. I know you've answered once, but I want the question understood more than the answer.

Mr. Tapper. The effect of not placing it in this part of the constitution in the present terminology will be that you will not have a mandate as to the procedure to be followed. I think that's the answer that you want.

Mr. Tobias. Mr. Tapper, is it not your understanding that this provision is not in any other state constitution?

Mr. Tapper. I don't know that it is, Mr. Tobias. I don't think it is.

Mr. Tobias. Are you also aware that this provision is not in the model state constitution?

Mr. Tapper. I was not aware of that, but if you say so, I agree with you.

Further Discussion

Mr. Drew. Mr. Chairman, ladies and gentlemen of the Convention, I rise in support of this section as amended. I must confess to you that I do not have the legislative experience of Mr. Triche or Mr. Tapper. I have been in the legislature since the session of 1972 and in these two sessions, one 60 day session, one fiscal session and one extraordinary session, I have seen the power to suspend laws used to the advantage of the public. To the advantage of the public and not to the detriment of the public. One of the questions that I asked Mr. Womack was in 1972 the legislature passed an act, and as I recall with my poor memory, it required 90 class hours of instruction before you were eligible to take an examination for real estate broker. It became effective the same day that all other laws, 20 days after the legislature adjourned. It was

found after that law was passed, that there were many people who had already filed applications to take those tests, were ready to take those tests and a great injustice would have been done to them. And in the extraordinary session in August, if my memory serves me correct and I could stand corrected, there was a resolution offered to suspend the operation of that statute until January 1 of 1973 which protected the rights of those individuals at that time. You heard the point law discussed. It was found, as I recall, on that particular act that was passed for the benefit of the protection of the children at that time, that it would have possibly put most of the point in the contraband category and it was suspended. I have not seen this power used except in the manner in which it would protect the people, not hurt the people. And in these three sessions of my short tenure in the legislature I have not seen it abused and I do not expect to see it abused. As far as the safeguards, I think with Mr. Flory's amendment, with the other amendments that have been put on this section, the public has ample safeguards. No one is going to be surprised by something. As far as the question of whether the public and whether the lawyers and whether the judges know of this, they say West Publishing Co. may make a mistake. Certainly they may make a mistake, they are human too. But let me tell you, gentlemen, they are making mistakes now and not just on resolutions. There are other mistakes. This is something that serves the benefit of the people. I trust that it will never be abused. I have not seen it abused to this date and I urge your adoption of the section as amended.

Questions

Mr. Burns. My question is more in the nature of obtaining information. In view of the Flory amendment which I believe provides that the passage to suspend a law has to go through practically the same legislative process as the passage of a bill. As I understand the purpose of suspension of the law is to take care of some situation that develops between sessions of the legislature. But in view of the Flory amendment, which as I say is just as time-consuming, is there any real necessity for this section being in the constitution anymore?

Mr. Drew. I think it's necessary for this reason, Mr. Burns, you take your Real Estate Brokers' Act, it's a good act. It's something we needed, but we needed to suspend the effective date of it. And that's the primary use of this section that I've seen. I don't think there is any abuse.

Mr. Champagne. Mr. Drew, don't you think with the fact that we have provided more time for the legislature, more time to study the bills, more time in which to digest them, that in all probability if we didn't have this that it would encourage the legislature possibly to make a better, take a better look at the bills and possibly have fewer errors in passing it?

Mr. Drew. Mr. Champagne, your inference is that we do not look at the bills as we should. We have not been able to, I can assure you that the legislature has done everything within their power to look at the bills as much time as they've had. I'm sure we will have more time, but it does not take us out of the category of being human.

Mr. Champagne. I understand and I didn't intend that as a criticism but what I'm trying to say, sir, if we're going to provide all of these safeguards with all of these amendments, I think, and I'm just asking you, I think this is a repetition of the same question but really and truly don't you think possibly that since we are going to have to go through almost the same procedure we might just as well have a procedure by which we can repeal those laws which were made wrong? You don't agree with that?

Mr. Drew. The point there, Mr. Champagne, is that most of the laws do not need repeal. They may need suspension for a definite period of time, but

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not repealing.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I believe there is a dire need for some provision to allow the legislature to suspend laws or parts of laws. I think it's worked well in the past but I'm a little confused as to how far we are going. If I understand one of the amendments adopted by this body that was offered by Delegate Perez, it says no resolution suspending a law or part of a law after the effective date of this constitution shall remain in effect beyond the time of adjournment, sine die of the next succeeding regular session. I know in many cases where maybe we passed a bill and stated in the bill the effective date, and Representative Drew just explained that to you. We suspended that date when we found out we had made a mistake, for a further period, the effective date that that particular act would go into effect. Under this amendment, if I read it correctly, any suspension we made, I have seen the time when we passed the law and at the next session the Legislative Bureau told us we had to change a period or a comma or maybe take out one particular section or one sentence to make the law constitutional. We have suspended that particular section indefinitely. If I read this amendment correctly, in the future, if we suspend any portion of a law, we have got to come back at the next regular session, reenact, re-establish, rehear, and re-pass that entire subject matter. Now maybe you want to do that, I don't know. I really see no need for it. I do want to read one provision that I think the people who put this in the constitution even had to be, be, be, "21. "No power of suspending laws of this state shall be exercised except by the legislature." If you did not have that language in there, I'm of the opinion that you might have some governor that thinks he could, under his power, executive order granted to the chief executive of this state, he could suspend the law. Executive orders have broad powers. We've got many a commission in this state today that is now a state agency that was created by executive order many years ago. Later they came back and got a \$5,000 appropriation, next year, \$25,000, today they are up to a half a million dollars. They were created not by the legislature, but by executive order. I think the opinion is, if you don't tie down some language, either under the Executive Department or the Legislative Branch, to spell out who has the right of suspension, we might be doing something we might regret. That's the only reason that I do hope we preserve that language as who would have the power, and the legislature only, somewhere in this constitution. Other than that, I think we're doing nothing. I think we're doing nothing but wasting a lot of paper and a lot of time.

Further Discussion

Mr. Stovall Ladies and gentlemen, I'd like to emphasize the point that Mr. Champagne made here in a question a moment ago. That we are granting the legislature more time to study bills, to consider them and it seems to me if they have this greater period of time, they can eliminate some of these inadequacies in some of the bills which need to be corrected. It will encourage them to be more careful in their study of whatever is passed and will eliminate this need for suspension. Also, this provision is not in other constitutions, it's not in the model constitution and I encourage you to eliminate this from the constitution.

[Quorum Call: 100 delegates present and a quorum. Previous Justice readed on the Session.]

Closing

Mr. Casey Mr. Chairman and delegates, Section 22 is so different now from when we started off that it's very difficult to be enthusiastic about it. However, I think we do need some provision some

what relative to suspending of laws. My personal preference was that Section 22 be adopted as proposed, I think it was a valid reasonable power given to the legislature to take care of difficulties immediately in certain areas, on certain laws. It's very watered down from the way that it was originally submitted. It's unfortunate that the amendments were adopted, I think that's an indication on the part of the delegates of their hesitation to have a great amount of faith in the legislature and I'm surprised that some of the delegates have advanced opposition to this particular effort on the part of the legislature to retain the power of suspension of laws. I would like to see the final decision up to the delegates themselves as to whether they will adopt this provision as amended or not.

Questions

Mr. Nunez Mr. Casey, in lieu of the fact that we now have 95 day continual sessions, five day automatic veto sessions, committees, we have at any time to consider bills, to hear bills, to all but act on bills, a simple majority of the legislature to call us into special session, do you really believe this is needed?

Mr. Casey Mr. Nunez, I would say in nine hundred and ninety-nine thousand times out of a hundred thousand, you probably don't need this, but there's that one small, little, minute instance where it would certainly be helpful to have available.

Mr. Keam Mr. Casey, if this section is deleted, would it not be necessary that we come back and place somewhere in the constitution some bar against suspension of laws, in order to insure against the contingency that Senator mentioned a moment ago of the governor suspending a law...

Mr. Casey That's absolutely, you're absolutely correct, Mr. Keam. That if this is rejected the Legislative Committee would certainly have to advance some proposal to require that laws could only be actually suspended by the legislature in order to prevent the possibility of the Executive Department itself attempting to suspend laws, let's say, if martial law is declared or something like that. So if this is rejected by the convention, some positive action would certainly be in order on the part of the Committee on the Legislature and on the part of the convention.

Mr. E. J. Landry I don't know whether I'm correct in the question that I'm going to ask Mr. Casey, but Mr. Casey, would you have any power at this time to make it possible for me and the other delegates to have the materials on the bills that were expressed by all of the different people favoring some form of expression? You see, I haven't seen that. It came in parts. Would you be able, as the leader or the person sponsoring this particular section, would you have the power of making it possible for me, as a delegate, to see these expressions put together before a determination is made? I think I've spent a lot of time listening, Mr. Chairman, to all of these people and I think all of them have had something valid to say. But at this particular time I'm left without the complete summarized expression of what these people tried to say and I know a lot of people have had experience and they know what they are going to do, but it would be to me as a delegate not to have that material put together in order for me to make a determination. I'm appealing both to the Chairman and to the leader of that subsection. Can you help me?

Mr. Casey Mr. Landry, various avenues are certainly available and I share your problem. I can understand your problem. There are various possibilities that are available to you. First of all, initially, you could request the Clerk, just from a point of information, to read thoroughly the entire proposal as it has been amended. Secondly, I think other methods would be available. I know the previous question has been called, but I think it would be in order for you or for someone to request a sus-

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pension of the rules in order that you could make a motion to pass over this section in order to accumulate or combine all the amendments that have been adopted in order to give the delegates time to intelligently analyze everything. Other motions would certainly be in order, and I hate to act as a parliamentarian here, to have it referred back to committee or any other motion that you think might be available, but I think that...

Point of Information

Mr. E. J. Landry Thank you. Now that answers my question.

Mr. Chairman, would you, and I'm appealing to the delegates, would you give me the privilege of suspending the rules to ask for that permission? In all justice to me and the other members of this convention, I think we ought to see the summary of what this thing looks like before any action is taken. Now...

Mr. Henry Mr. Landry, rather than setting a precedent of just going in right now and saying we're to this point, let's suspend the rules, we do have the mechanics to accomplish what you want to accomplish. Let me suggest that you move to reconsider the vote by which the previous question was just ordered, and that will get us back into posture to do what you want to do, I think. You do make that motion don't you?

Mr. E. J. Landry I sure do. Thank you.

[Motion to reconsider the vote by which the previous question was ordered adopted: 88-10.]

Point of Information

Mr. Burns In the interest of expediency, could not the amendment as completed, I mean the section with all the amendments, be typed out quickly and furnished Mr. Landry?

Mr. Henry Let us get through the procedural mechanics if you will, please sir, so we can get to that point. Then we'll work on how we're going to solve it, Mr. Jim.

[Motion for the Previous Question rejected: 11-87. Motion to pass over the Section.]

Point of Information

Mr. Singletary Is this motion debatable?

Mr. Henry Very definitely it is, yes sir.

Mr. Singletary I'd just like to have an explanation of why we should pass over this thing.

Further Discussion

Mr. Perez Mr. Chairman and delegates, the only purpose of my motion was to try to put together the various amendments and to clean up this particular article and we wanted a little bit of time within which to do it before it's finally submitted to the delegates for a vote. The only purpose of passing over it was to give us that time.

Point of Information

Mr. Sutherland If we pass over this section as we passed over Section 12, we've got to come back to these before we finally adopt this whole article?

Mr. Henry You are correct, sir.

[Previous Question ordered on the Motion to pass over the Section. Motion adopted: 72-60.]

Reading of the Section

Mr. Poynter Section 23. The legislature may authorize the organization of corporations for perpetual or indefinite duration. However, every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by law. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation.

Explanation

Mr. Juneau Fellow delegates, this provision is substantially the same provision that we now have in the present constitution. There is some rewording... It's the committee's position that the rewording was not substantive in nature. It was the feeling, we correspond with the Law Institute on this matter, and they thought it was necessary to put in the constitution a provision that the legislature may authorize a corporation for perpetual or indefinite duration. The balance of the language, of course, relates to franchises which may not be granted the privilege to any one given individual. We respectfully submit that there is no substantive change in the law and we would move for its adoption.

Vice Chairman Alexander in the Chair

Questions

Mr. Gravel Mr. Juneau, what was the reason given why this provision, and I'm talking about the first 4 lines of Section 23, would be required to be placed in the constitution? This seems to me just to be simple language authorizing the legislature to do something that it certainly can do. It's not prohibited from doing it. Please explain it a little bit more to me.

Mr. Juneau Yes sir. This was the initial thinking of the committee, Mr. Gravel, but as an abundance of caution we corresponded with the Law Institute, and as I understand it, they said that if we did not have such a provision that conceivably they could come into the Corporation Act and enact legislation which would preclude the possibility of having what we did before the new Corporation Act was amended. As you might recall, I think there was a provision of 99 years and they wouldn't go beyond that. They thought as an abundance of caution that it should be put in the legislature and retained. There was just a feeling of concern in that regard and I want to reiterate that the committee shares your thought in that respect. We deferred to the Law Institute comments in that regard.

Mr. Gravel Well isn't it true, though, that if we're going to adopt that policy then we've got to do a lot of things in this constitution to take precautionary measures that are just going to tend to enlarge it and to make it probably as cumbersome as the constitution that we presently have?

Mr. Juneau I share your remarks in that regard, Mr. Gravel. The only statement I can make, there was a tremendous concern by a great many lawyers in the state that the effect it could have. And for that reason we left it in.

Mr. Gravel Was there any particular concern that you had of among the lawyers who are delegates to this convention?

Mr. Juneau My answer would be I don't know, Mr. Gravel.

Mr. Kelly Mr. Juneau, I understand your explanation to Mr. Gravel concerning the first 4 lines of this section. Would you explain why it is necessary to have any of it in the constitution to me?

Mr. Juneau Well I would definitely construe the last portion, Mr. Kelly, that it's an absolute prohibition on the part as to the legislature that neither they nor any political subdivision thereof shall grant a perpetual franchise or privilege to

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any person or corporation. I think that that's a very specific limitation in the constitution. I would deem that absolutely necessary, I would think so.

Mr. Kelly Would you give me an example of where, if that is not in there, I meant some abuse. Apparently this is placed in the constitution to cover the abuse of the legislative power or the power of some political subdivision regarding perpetual franchises and privileges.

Mr. Juneau Well, my answer would be this, Mr. Kelly. As you know, it's precluded or what we do not prevent the legislature from enacting under the preliminary plan they could enact. The word that neither the state nor political subdivisions shall grant a perpetual franchise to me is a limitation on the preliminary power of the legislature to enact such a provision. It precludes them from doing, if we do not say in that fashion, they could obviously, to me, enact such a privilege or franchise.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, the only point that I would like to make in this regard is that I don't see any necessity whatsoever for lines 1 through 4 that are contained in Section 23. To permit this kind of language to go into the constitution would suggest that similar language relating to other areas in which we might act should also be incorporated in the constitution. This adds nothing to our basic document. I think it's a plussage, the legislature clearly would have the authority to act in this regard after we adopt the constitution without this language. I would oppose the adoption of Section 23 insofar as it contains the first four lines.

Chairman Henry in the Chair

Questions

Mr. Champagne Mr. Gravel, as far as the last part, it says you cannot issue a perpetual franchise.

Mr. Gravel I'm not...

Mr. Champagne Well I have a question on that. They could issue one for 999 years, though.

Mr. Gravel Under the first 4 sentences, the constitution is authorizing the legislature to do that, that the legislature would have that authority unless this constitution would prohibit the legislature from exercising that authority.

Mr. Champagne What I'm saying now, in reference to the last two lines which you said, you know, you'd allow. I'm wondering about those lines. In other words, a perpetual corporation would be a questionable thing. Ninety-nine years or maybe 999 years they could do that. So you're not really limiting them that much, is my question.

Mr. Gravel That's correct, but the sentence at lines 5 and 6 say something else to me, as an attorney, and might be a prohibition that this convention may want to put into the constitution. That possibly has some merit. My whole problem is with the first four lines that I don't think belong in the constitution. I have an amendment prepared where I request that those four lines be deleted.

Mr. Abraham If I understand you correctly, what you're saying that there does not need to be any prohibition against an organization or corporation being organized indefinitely but what you're saying is that there should be a prohibition from granting a perpetual franchise. For instance grant a company a franchise for the utilities of a city for a perpetual, indefinite duration. Is that correct? And that's what lines 5 and 6 mean, does it not?

Mr. Gravel That's not what I'm saying but that's

the result. In other words, I think lines 5 and 6 address themselves to consideration by this convention as to whether we should or should not have such a prohibition in the constitution. I have no problem with that being a legitimate matter for consideration by this convention.

Mr. Abraham But the prohibition you're talking about is granting a franchise say to a bus line within a city, or something like that and not prohibition against a corporation being organized indefinitely.

Mr. Gravel That's correct, Mr. Abraham. All lines 1 through 4 do are to say that the legislature may do something and the legislature can do that whether we have such a provision in this constitution or not.

Mr. Jenkins Mr. Gravel, though, wouldn't your amendment really bring us back to the old law with regard to the existence of corporations because if you, if the state can't grant a perpetual privilege to anyone as they wouldn't be allowed to do under lines 5 and 6, which you retain, then how could they allow perpetual corporations?

Mr. Gravel Mr. Jenkins, you misunderstand me. I'm not retaining anything at this time, I'm just deleting the permissive language in this section. I think we will then consider under the provision that's set forth in lines 5 and 6, whether or not we want that particular prohibition in the constitution. All I want to do is to delete lines 1 through 4.

Mr. Jenkins Well isn't it true that under the 1921 constitution before the amendments passed in 1968 the language read "perpetual franchises or privileges shall not be granted to any person or corporation by the state or by any political subdivision thereof"? It was on the basis of that language that perpetual duration of corporations was not allowed. Isn't that true?

Mr. Gravel That may be the reason for it...

Mr. Jenkins And if we adopted this amendment, then, wouldn't that be the effect again?

Mr. Gravel We're talking about a new constitution, not the old one.

Further Discussion

Mr. Conroy The questions which Mr. Gravel had asked have been asked by other delegates and I think that the confusion occurs here simply by the organization of this particular section, not by its content. Mr. Jenkins has touched on the problem and referred to it and I want to make sure that everybody understands what the problem is. The prohibition contained in lines 5 and 6 says that neither the state nor any political subdivision shall grant a perpetual franchise or privilege. This was construed to mean that the state of Louisiana could not authorize a corporation to organize on a perpetual basis, and the state law so provided. It was not until the constitution was amended to authorize the organization of a corporation on a perpetual basis as an exception to the prohibition contained in 5 and 6 that this was possible. A corporation charter is a franchise as witnessed by the fact that we have a Louisiana franchise tax imposed on corporations for the right to exercise this existence, this franchise granted by the state. I have no objection to the deletion of this entire section, but please don't delete lines 1 through 4 which have enabled this state to come forward with the corporation field and enact a general comprehensive modern corporation law which it could not do with lines 5 and 6 still in existence.

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Keen], page 11, delete lines 1 through 6, both inclusive in their entirety and insert in lieu thereof the fol-

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Following Section 23. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation; however, the legislature may authorize the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution forfeiture of its charter or franchise as provided by general law."

Explanation

Mr. Poyner Mr. Chairman, fellow delegates, this is principally a redraft of the section as proposed by the committee to give it better style and drafting and to add that with respect to dissolution or forfeiture that it could only be done by general law. It was the consensus of those who were concerned with this section that all the provisions contained in it as recommended by the committee should be retained and under the circumstances we suggest that the amendment as now drafted would meet all the points that were raised and I ask a favorable consideration of the amendment.

Further Discussion

Mr. Reeves Mr. Engineer and fellow delegates, my dad worked for the railroad at one time which I was growing up and I was always told to get out. As I was growing up one of the main things he told me was to get out from in front of trains and off the railroad track or you will get run over but I sometimes don't follow that advice. But in all honesty, this does not belong in the constitution. I feel that it is not necessary, I feel that is on a personal basis. I feel that the attorneys, a number of attorneys and I respect them very much but I didn't come here as an elected delegate to represent attorneys. I beat one pretty bad and I feel very strongly that we should not have a constitution representing special interest groups and this particularly does. I think this represents a portion thereof that really is to a large extent oriented around special interest legislation and I'm not for it. I realize that it was a compromise piece of legislation and I understand this but I would appreciate you voting with me and voting this down. Thank you.

[Previous version of this Amendment adopted by the House on 7/27/73. Deleted from the Constitution. Reprinted from the Minutes of the House, July 27, 1973.]

Reading of the Section

Mr. Poyner Section 24. State and District Officers, Impeachment, Conviction; Affect Section 24. All state and district officers whether elected or appointed shall be liable to impeachment for felony in office, gross misconduct or habitual drunkenness. All impeachments shall be by the House of Representatives. It requires the favorable vote of at least a majority of the elected members thereof. Impeachment shall be tried by the Senate. Two-thirds of the members elected to the Senate shall be necessary to convict. The Senate shall sit for said purposes whether or not the House is in session and may adjourn as it thinks proper. C. Judgment of conviction in impeachments shall remove and debar the person from holding any office under the State, but neither conviction nor acquittal shall prevent prosecution and punishment otherwise according to law. Impeachment shall suspend any officer except the Governor or acting Governor and the appointing authority shall make an interim appointment until a decision of impeachment.

Explanation

Mr. O'Neill Ladies and Gentlemen of the convention, the impeachment article as we have drafted is basically the same as contained in the old constitution the changes we have made are as follows: Our provision revised the present provision relating to

grounds for impeachment by replacing the phrase "high crimes" with the word "felonies" and deleting "wisdemeanors, in office and favoritism." This deletes the disqualifications from practicing law if you are a judge, district attorney or an attorney general convicted. It changes the method of filling the office of a suspended official from appointing authority to Governor. The other changes that we have made is this eliminates the requirement that senators take the oath of affirmation. It removes the chief justice or associate from presiding over the trial. We felt that this was statutory material and that it could be handled by statutes. The impeachment provisions are a traditional power of the legislature and I think the section that we have drafted is coherent. I believe that it implies the power of the legislature and I believe that it is a good section and worthy of favorable adoption.

Amendments

Mr. Poyner Amendment proposed by Delegate Stagg to the proposal as follows: Amendment No. 1, page 1, at the beginning of line 8, delete the words "impeachment and".

Amendment No. 2, page 11, delete lines 7 through 26 both inclusive in their entirety.

Point of Information

Mr. Arnette This is a point of procedure. According to the rules of our convention the Committee on the Executive Department was to study impeachment according to Rule No. 49 1/2 and I don't think the Legislative Committee has a right to introduce anything now without leave of the convention.

Mr. Henry We attempted to resolve that through the Coordinating Committee on several occasions and were not able to resolve it but Mr. Stagg has his amendment here this morning which he is going to explain which could resolve it and I don't know of anything for us to do. We're going to have to vote on it one way or the other, Mr. Arnette.

Mr. Arnette Well the only thing I was wondering about. This wasn't a thing that the Coordinating Committee could even talk about because it is a definite rule. The Coordinating Committee can't suspend our rules.

Mr. Henry We're going to get a chance to vote on it so if you think the Legislative Committee was wrong then you support the Stagg amendments. Explain the amendments Mr. Stagg.

Explanation

Mr. Stagg Mr. Chairman and fellow delegates, this is not anything other than a matter of abiding by the rules. If you will look in your volume of the rules, in Rule 49, it is set up in Section A2, a Committee on the Executive Department which shall consider the offices comprising the Executive Department, reorganization, term of the governor and other elected officials and impeachment. The rules as I read it therefore can clearly be understood to place the impeachment article in the Executive Department Committee. The Executive Department Committee has prepared an impeachment article which will be taken up at the time that the bill on the Executive Department is before the House and I move a favorable adoption of the amendment in order to keep within the rules of the convention.

Further Discussion

Mr. O'Neill Ladies and gentlemen of the convention, I rise in strenuous opposition to this amendment. At a coordinating meeting of the Coordinating Committee in New Orleans, the minutes show that Mr. Stagg had no objection to the Legislative Committee handling this article. I submit to you that the model state constitution and almost every other state constitution had the power of impeachment in the legislative article, not in the executive article, and I submit to you that the executive article

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... it doesn't belong there. This is the power of the legislature. I believe that our committee has proper jurisdiction because it was given to us by the Coordinating Committee and I feel you will sustain us in our work. I think that by a valid effort on our part to write the impeachment article that you sustain us, and I feel that delusions of grandeur have no place in this convention and that by obstructing our work, we're keeping ourselves here longer today than is absolutely necessary. I ask you to let us pass this impeachment article and move on to the final sections of our draft and continue our work as we're supposed to be doing today.

Point of Order

Mr. Roy It makes me no difference personally whether we take this up in this legislative section or the executive but I think that allowing us to go ahead and start arguing who's going to take it... rather than arguing the merits of Mr. Stagg's amendment is dodging the issue. I think the convention as a whole ought to determine whether today we want to take it up right now under this section or whether we just want to boot it out and take it up when the executive thing comes up. I'm not for a lot of back and forth discussion on it.

Mr. Henry Your point is well taken but Mr. Roy I would remind you that is exactly what we are doing is determining whether or not they are going to take it up in the legislative proposal or in the executive proposal.

Mr. Roy It appears to me that by allowing Mr. Stagg to amend this particular section is going into the merits of the section itself and not the issue of who should take it up, whether the legislative section or the executive.

Mr. Henry Mr. Roy, it appears to the chair that it is six of one and half a dozen of the other. Mr. Roy, I'm not going to argue with you on the thing now.

Mr. Roy I don't want to argue. I want to make a motion because I want a joint issue on it and get it over with one way or the other. Can't I move that we, move that the matter be passed over and taken up in the executive session?

Mr. Henry You're going to have to delete it one way or the other because it's in the proposal Mr. Roy and that's what we're doing with the amendment. If you adopt the amendment then in effect you're saying we're going to pass over it because we're deleting it and then we'll take it up somewhere else. Mr. Arnette, why do you rise?

Point of Information

Mr. Arnette I was just wondering if it would be required for the Legislative Committee to move for suspension of the rules to allow us to consider this since it is against our rules.

Mr. Henry It is not against the rules Mr. Arnette. The rules say that the Executive Committee shall consider impeachment but the rules don't say that no other committee can resolve it and we have tried to resolve this problem between the Executive and Legislative Committee for about three months and we're going to have to do it by a vote of the convention.

Point of Information

Mr. Roemer Point of information Mr. Chairman. Is it your opinion from the Chair that the Legislative Committee had the right to examine impeachment?

Mr. Henry You're asking for an opinion. Under the rules I would think they did have the right to because we met in New Orleans and attempted to resolve the problem of impeachment and it was my impression at that time that the Legislative Committee was going to take it up.

Point of Information

Mr. Blair Point of Information or point of order: On May 2nd, 1973, Mr. Stagg was present at the Coordinating Committee in New Orleans, Louisiana, at the time the Executive Department was considering it, the Legislative Powers and Functions was considering it and the Judiciary Department. It was decided in that meeting that it would be assigned to Legislative Powers and Functions and that's how we have proceeded with it up until this time.

Point of Order

Mr. O'Neill Mr. Chairman I believe I was on the floor when Mr. Roy made his motion therefore it would be out of order.

Mr. Henry I never even recognized a motion Mr. O'Neill.

Point of Information

Mr. Schmitt I see before me and I believe you have a copy of Delegate Abraham's amendment and I believe this amendment is the total of the executive articles in its entirety, therefore by us considering this amendment, won't we be in effect considering the proposal of the Executive Committee and if we should defeat this and adopt yours we would be deciding it so I think we're really... wouldn't you consider this arguing about a lot to do about nothing?

Mr. Henry Are you addressing that to Mr. O'Neill or to the chair? I agree with you. I don't know who you are addressing the question to. Gentlemen we've got to proceed one way or the other. Why do you rise Mr. Stagg?

Mr. Stagg I rise in order to withdraw my amendment. I agree with Mr. Schmitt. The Abraham amendment is the language from the executive article and both articles can be considered...

[Amendment withdrawn.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Gravel, et al.]. This is the amendment that has Mr. Gravel's name on it first. Amendment No. 1, page 11, delete lines 7 through 26 in their entirety and insert in lieu thereof the following: "Section 24. Impeachment. Section 24 A. Any State and district official whether elected or appointed shall be liable to impeachment for commission or conviction of felonies or malfeasance during his term of office or for gross misconduct. B. All impeachments shall be by the House of Representatives and shall be tried by the Senate whose members shall be upon oath or affirmation that for that purpose, and a vote of two thirds of the Senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office and shall prohibit the official from holding any office under the government of this state or any of its political subdivisions. Nothing herein shall prevent any other action, prosecution or punishment authorized by statute."

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, this proposed amendment is placing in the legislative article of the constitution the exact provision that the Executive Committee had drafted to be inserted in its article. Frankly, insofar as Section A is concerned, I think that all it really does is in setting forth the grounds for impeachment that we come up with definable, discernible concepts so that there won't be any question as to what basis we have when an effort is made to impeach a public official. We have deleted some of the obsolete, archaic language that was in

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the 1921 constitution and provided that the grounds for impeachment shall be the conviction of felony or malfeasance during the term of office of any public official or gross misconduct, and frankly that could cover I think every area of culpability on the part of any public official. Yes, I yield to Mr. Drew.

Questions

Mr. Drew Mr. Gravel, as written, would this apply to judges? There is no exclusion.

Mr. Gravel As written, it would unless there is some modification in the judiciary article that would be applicable to judges.

Mr. Drew The Executive Committee has provided means of removal of judges. Do you not think it would be advisable to exclude judges from this impeachment proceedings?

Mr. Gravel I think that probably there is going to have to be some provision made depending upon what other provisions are adopted in the constitution insofar as they might specifically relate to certain public officials.

Mr. Drew But I mean as your article is written it does not provide for any exclusions, does it?

Mr. Gravel Not at this point.

Mr. Kelly Mr. Gravel, in the third line of Section 24 A in your amendment, it says impeachment for commission or conviction of felonies. Would you give me your interpretation as to the distinction between commission or conviction?

Mr. Gravel That was one of the problems that we had in the committee. Some persons in the committee thought if a valid case could be made, even though there had not been any conviction of a felony but if a valid case could be made that a felony had been actually committed by the official, that was not absolutely essential to await the possibility of a court conviction which might not be obtained for a long period of time or might not be obtained at any time. In other words, if a charge could be made that a felony had actually been committed and if the felony was committed, that could form the basis for impeachment even though there hadn't been a judicial conviction of the public official.

Mr. Kelly Let me ask you this. In other words, assuming a man was under indictment and yet the legislature decided he hasn't been convicted but we're going on with impeachment proceedings, they in essence would be in a position more or less to determine, they would be doing the judging instead of a court. Is that correct?

Mr. Gravel That would be correct and one of the reasons for that Mr. Kelly, would be that if you didn't have that provision then you could permit perhaps a public official to be indicted and that indictment could be held for a long period of time so it could prevent the impeachment process from being undertaken, and this was a deliberate judgment and I think a good one made by the committee because the committee should be able to make that determination if otherwise the wheels of justice are not moving fast enough so as to accomplish...

Mr. Roemer Delegate Gravel, I notice, perhaps I'm incorrect, but it seems to me in the original committee proposal, Paragraph C, lines 23 to 26, they address themselves in the following manner to impeachment: "shall suspend any officer except the governor, acting governor, and the appointing authority shall make an interim appointment until decision of impeachment." Your amendment does not address itself to that problem. Could you explain why not?

Mr. Gravel It does not address itself to that problem because we felt that no one should be judged

guilty simply because a charge had been filed against him. Consequently that's why it was deleted from the article as we prepared it.

Mr. Asseff Mr. Chairman, I simply wanted to call to the attention of the convention that we had eliminated that though I do agree with Mr. Gravel.

Mrs. Warren My question is real brief. I noticed in the proposal for the legislative branch, they mentioned drunkenness, habitual drunkenness, and in this one you do not. I would just like to know why, for the record.

Mr. Gravel Well, for the record, we left that out.

Mrs. Warren I mean why?

Mr. Gravel Frankly because we didn't think that it was easily ascertained whether or not a person might be drunk or whether or not that might interfere with the proper discharge of the duties of his office and so forth. I would think that habitual drunkenness in such a way as it would prevent a public official from performing the duties of this office would be covered generally under the malfeasance article of the code of, criminal code.

Mrs. Warren Thank you, I just wanted some information.

Mr. Conroy Mr. Gravel, as you know I had amendments proposed to the legislative article dealing with the problem of disbarment of impeached officials. Disbarment from practice of law. There was considerable concern in the Bar Association. I had received letters requesting that these amendments be made. Now I understand that it is the intention of this section with the reference to action as well as prosecution and punishment that an impeached judge for example, could be disbarred by proper disciplinary proceedings being brought against him by the Bar Association under this proposal. Is that correct?

Mr. Gravel That's correct Mr. Conroy. That's the reason we put in the word "action" in the second to last sentence.

Mr. Burns Mr. Gravel, inasmuch as impeachment is such a serious type... affects the person's whole life and so forth, especially an official... this word "commission" worries me in this respect. Suppose an official was impeached and he was later brought to trial and acquitted and exonerated by a jury. What position would he be in there?

Mr. Gravel I think those are two separate concepts completely. In other words I think there is that possibility Mr. Burns, but I think that always existed and always will exist whenever you have the impeachment process as part of the basic law. It's always possible that...

Mr. Burns I could, and this is not an assumption, I could very easily foresee this a lot of times in a trial of a criminal case, defense as an alibi. He wasn't even there. He didn't commit the crime. What would you do in that case, where the official that you have impeached and thrown out of office and disbarred, ruled on the trial of the case that he wasn't even the man that committed the offense? I mean, you've ruined his life.

Mr. Gravel Your contention there is just against any concept of impeachment.

Mr. Chairman, if I may, just a technical matter in the first line. The word "and" should be "or", "any state or district official". I ask permission to make that technical change. Should be "any state or district official" rather than "any state and", "there's no objection." I would like permission to make that technical change.

Further Discussion

Mr. O'Neill Ladies and gentlemen of the convention, I rise in support of the amendment and stress to you

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that our objections in the previous discussion was to placement of the section and not on the merits of the section itself. This amendment corresponds very nearly with what we had done and if I offended the Chairman or the members of the Executive Department Committee with my comments, let me assure you that because our committee felt so strongly about the placement that we felt like we had to argue strongly, and it was not on the merits of impeachment or the demerits. Thank you.

Questions

Mr. Grier Mr. O'Neill, the term malfeasance here, does this interpret to include both misfeasance and nonfeasance in office?

Mr. O'Neill Let me ask my legal advisor, Mr. Grier. I assume that it does but let me check. I retract that statement, I'm advised it does not. It's malfeasance as stated.

Mr. Grier Could we have a definition of malfeasance. Exactly what does it include?

Mr. O'Neill Let me find my Black's Law Dictionary and I'll give you one. Mr. Grier, malfeasance is where an officer or official has committed a wrong in office. A malfeasance is interpreted as not doing something or not performing his duties.

Mr. Grier That's nonfeasance, nonperformance.

Mr. O'Neill I would say that nonfeasance and misfeasance are about the same, sir.

Mr. Gravel Mr. O'Neill, is it correct that under the provisions of Article 134 of the criminal code that nonfeasance and misfeasance are incorporated in the statutory offense of malfeasance in Louisiana? Malfeasance covers nonfeasance and misfeasance under our law, does it not?

Mr. O'Neill Yes sir, and I can answer that truthfully because I just studied that in law school.

Further Discussion

Mr. Landrum Mr. Chairman, delegates, I'm concerned about this impeachment proceedings. I really wonder just what power does the Senate have or the House of Representatives or the combined houses to really do anything other than expulsion. Many things that the felonies, malfeasance... it would appear to me that if a person goes to court, if a charge of this nature is committed, a crime rather of this nature is committed and the charge is filed in the courts, then the court would automatically find him guilty. I would think and he would automatically be removed from office. It just disturbed me to see something with many names of people are brought out unnecessarily. Now, I am very much concerned about whether or not we do the thing right. Maybe the impeachment proceeding is the correct way but I certainly wish I could be convinced more than I am now.

Questions

Mr. O'Neill Reverend Landrum, is it your understanding that an impeachment in the Senate is appealable to an appellate court? Appellate jurisdiction?

Mr. Landrum Mr. O'Neill, it would be appealable but the idea, you have exposed yourself before the entire public in an impeachment proceeding. I wonder whether or not the evidence could be used in a court of law. You are a student of law, I am not and maybe you can answer me on this.

Mr. [J.] Jackson Rev. Landrum, would you agree that the possibility does exist whereby a person is indicted, that you could have impeachment proceedings whereby the Senate and House confirms impeachment but that through the court process and due to the judicial process that this man is not guilty of the

alleged offense which would be grounds for impeachment, so in effect what happens is you have a body of people trying someone before the court has actually found him guilty. Could you see even with the present situation that exists within our state relative to some state officials that, you know we could have basically started some impeachment proceedings without the courts rendering a decision. Further, would you also agree that the method of indictment which is primarily by grand juries have, in some cases, been abused and that grand juries have been utilized with some D.A.'s as a matter sometimes bringing some political pressures on candidates who were maybe in opposition political views. Would you agree? And that as the article presently is written suggests that maybe we all have in mind the things we feel that we ought to do, but maybe the way it is written is not the proper way or proper method in going about this. Would you agree?

Mr. Landrum Mr. Jackson, I certainly agree in part with what you are saying. It just seemed to me that if we have these branches of government then we should use those three branches of government. That's all I'm saying.

Mr. Schmitt Assuming that someone, as an example, a judge has been caught in the act of committing some type of a crime but through some type of legal technicality he should be found not guilty. Do you understand that in a criminal law you have to prove beyond a reasonable doubt and that certain evidence in certain situations can be excluded. As an example, in a narcotics case, it might be possible to exclude the hypodermic needle which is being used to be injected into a person's arm and in certain possession of heroin cases that the actual heroin itself can be excluded so that you don't have anything to go to trial with even though an individual might be caught with these things on him, and they have witnesses that this person had them on him but for purposes of criminal law he might not be able to be convicted. Would you feel that this person should have the right to decide the guilt or innocence of other people who are charged with these types of crimes?

Mr. Landrum Well, are you saying to me then that in an impeachment proceeding you don't have to be found guilty beyond a reasonable doubt.

Further Discussion

Mrs. Warren Mr. Chairman, and fellow delegates, I sat and I listened. At one point I was blind but the light is beginning to come through. I am against this amendment because I don't believe that the legislature should have the right to impeach its fellow members; if they committed this, then let them go before the bar or just let me ask one of our fellow delegates concerning this, and he said it did not mean that this person would be imprisoned. I am sure that most of you will agree that one does not have to be behind bars to be imprisoned. As I listened to many of the legislators speak and talk about the disadvantages of being legislators and the hardships that they go through and on the other hand there are some of them that are still delegates here and seem to be dedicated and love their jobs very much. I think to give this into the hands of the legislators to do such damage to each other because on some instances legislators don't trust each other and then again they do. I don't trust them, I am not one of them. I don't trust them to hold in their hands the balance of someone else's political future. I am going to ask you to vote against this amendment.

[Previous Question ordered. Amendment adopted: 88-9. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Delegate Drew is as follows:

Amendment No. 1 In floor Amendment No. 1 proposed by Delegate Gravel, et. al.

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And adopted by the convention today on the 3 of that amendment, after the words "impeachment for" and before the words "conviction of felonies" delete the words "commission of".

Should be "commission or", I believe.
"commission or" instead of "commission of".

Explanation

Mr. Drew Mr. Chairman, and members of the convention, what I am doing is deleting the words "commission of". I don't know what "commission of" amounts to. If that means indictment, if that means bill of information, if that means affidavit, then I think we are going against the entire principles of our judicial system in convicting a man before he is entitled to a trial. On the second argument against leaving "commission of" in there is this. As I understand it, what an impeachment would amount to would be a hearing before the Senate and with a two-thirds vote of the Senate he would be convicted of a felony. We have separation of the branches of government, and by an impeachment it certainly can amount to conviction of that felony. It is something that rarely ever, and may never come up and I don't want to make a big issue of it. It has come up only one time that I can recall in the history of this state on an impeachment proceeding. But I do see where there could be considerable abuse. If we are going to use the indictment, the bill of information without any conviction as the basis for grounds for impeachment, I think it leads to political chicanery and I think it should be deleted. I don't think it's any major issue but what "commission of" means, I don't know and I think you can explain the definition of "commission of".

Questions

Mr. Arnette Mr. Drew, do you realize that impeachment and removal from office as the result of being convicted of the indictment is something entirely different from conviction of a crime?

Mr. Drew Technically, Greg, yes.

Mr. Arnette Well, it's not technically because in an impeachment you merely are removed from office. If you are convicted of a crime, you go to jail.

Mr. Drew And are barred from any further office.

Mr. Arnette That's right.

Mr. Drew Which could very possibly be much more severe than a conviction or sentence under a conviction. I don't think you can explain to me what the term "commission of" means. I think it's too vague.

Mr. Arnette "Commission of" is simply if the Senate thinks that a crime has been committed. If two-thirds of the Senators think a crime is committed, that should be grounds for impeachment.

Mr. Drew Have they not then taken over the files of...

Mr. Henry Mr. Drew, please let him ask the questions.

Mr. Avant Mr. Drew, can you envision a situation where a public official has been indicted and impeachment charges were brought against him and the criminal charges were still pending. He would have to either prejudice his defense of his criminal case or else not defend the impeachment proceedings because he could be compelled if he was to defend himself before the Senate, to disclose evidence that his attorney and people representing him really shouldn't be disclosed until the trial of the criminal case. Isn't that right?

Mr. Drew As I understand it, Mr. Avant, that is exactly right and I know of no provision of rules of evidence that are applicable to the hearing before the Senate.

Mr. Weiss Delegate Drew, could you envision a situation where a criminal offense is so serious the man was under indictment but not yet convicted and if this was beyond a reasonable doubt, couldn't he then be impeached on a gross misconduct charge?

Mr. Drew I think that is very possible, Doctor.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I believe that if Mr. Drew's proposed amendment is adopted that we may as well just drop the impeachment article. I don't believe there is anybody in this convention that feels more strongly than I do about the protection of the rights of persons who are charged with offenses. But if we do not leave in the impeachment article the word "commission of a felony," then for all practical purposes we are not going to be able to make this article effective for two reasons primarily. Number one, a person could not be removed from office even though he might have admitted his guilt and admitted that he committed a felony unless and until he was actually convicted of the offense. Now the span of time between even an admission of guilt and an ultimate final conviction in the event there is a court contest or a prosecution may be 1, 2, 3, or 4 years.

I had a case one time for a public official that was indicted every time the grand jury met and he stayed in office for over four years. And under the provision as suggested by Mr. Drew, he never could have been impeached in the event the legislature failed to prefer to do so. Since the constitution of this state have held that where the use of the word "conviction" as it is contained both in our present constitution and in this proposal here exists... where that word is used that means a final conviction. And you may very well have the serious question as to whether or not any impeachment proceedings to be instituted under every appellate course had been run by the person charged with a criminal offense. All I am saying to you is this, that if you don't use the word "commission" then you are not going to have an effective article. Impeachment, the concept of impeachment means only the charge that is made after due deliberation by the House of Representatives. After that charge has been made there has got to be a full hearing by the Senate, an open and a public hearing by the Senate and two-thirds of the Senators are going to have to agree that grounds for impeachment exist. And I submit to you that all of the safeguards that are necessary to protect the rights of a person so charged are ingrained in and made part of this proposal. So I simply close by saying, either this provision should be adopted as it is contained in the amendment that was agreed upon by all of those who proposed amendments except Mr. Drew or we are not going to have any effective impeachment procedure in the constitution. That to me ladies and gentlemen is the choice we have got to make.

Questions

Mr. Weiss Delegate Gravel, could you envision some trumped-up charges against the legislator that might be so perfected that they would be then tried before a legislative hearing such as the Senate and not a judicial body whereby decisions are made that might exclude that party and make him impeachable?

Mr. Gravel No sir, I couldn't conceive of that possibility coming about in the state of Louisiana. As a matter of fact when you get right down to it, I can't recall where we have ever had any impeachment proceedings anyway. And this really is more a threat, a sort of [...] so to speak over the head of the public officials rather than it is a reality. And that is really I think all it's worth in the new constitution. But I think it is important to have this provision in the constitution so that that threat does exist.

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Mr. Lambert Mr. Gravel, let me ask you this, under your amendment, I want to read it right quick under Section 24-A. Any state and district official whether elected or appointed shall be liable to impeachment for commission or conviction of felonies or misdemeanors during his term of office or for gross misconduct. If the word commission would be removed would not "or for gross misconduct" still serve the same purpose, possibly?

Mr. Gravel It would serve no purpose, because you can't be convicted of gross misconduct. There is no such offense.

Mr. Lambert It says "or".

Mr. Gravel Well, if I understand your question correctly, I don't believe you could have any conviction...oh, I see what you mean, yes.

Mr. Lambert Your answer is yes.

Mr. Gravel Yes, that is correct.

Further Discussion

Mr. Burson I am against this amendment for two practical reasons and the reason. Historically, the power of impeachment has resided with the legislature in this country and that is set out in the United States Constitution. The power of impeachment resides with the Congress. And remember when we talk about the process of impeachment, just because you are impeached does not mean that you are successfully ousted from office. Impeachment procedure is simply a method of trial as it were. Where the House decides whether or not the trial should be held and the Senate holds the trial. Now this is a historic procedure in the United States and I think it is historically justified and vindicated. There are two practical reasons why I would be against this amendment of all, practically speaking, if you look at Section 1 of Article IX of the present State Constitution. It provides for impeachment for high crimes and misdemeanors in office, it does not say for conviction of high crimes and misdemeanors. So we have had a situation since 1921 at least which would have permitted the abuses that the proponents of this amendment fear and they have not happened and as a practical matter, I cannot conceive of trumped-up charges against a member of the legislature which would successfully pass the House and get a two-thirds vote of his fellow legislators in the Senate to have him ousted from office. That is just very difficult if not impossible for me to conceive. The final practical matter is, that the process of conviction involves not only the appeal procedure that Mr. Gravel talked about but it also involves the willingness of the district attorney to prosecute the case in the first place. I don't know whether you people who are not lawyers in here realize the power the district attorney's office has in determining such matters. It is entirely possible that a person could be indicted by a grand jury and the district attorney, for one reason or another decide not to prosecute that indictment and just let it sit there in his files forever. Even if it involved a manslaughter or a murder or some other serious felony charge. So that you might not ever get to trial in the first place and I think that is practical consideration that you simply can't ignore in this incidence.

Questions

Mr. Drew Mr. Burson, could you tell this body any rules of evidence or protection of a defendant's rights that are applicable to an impeachment proceeding?

Mr. Burson No, Mr. Drew, I can't no more than I could that the president of the United States would be protected by rules of evidence if he were tried by the Senate. But I think that that is a historic exception to the rules of evidence and we know that the rules of evidence change all the time too. The federal courts have just come out with a sweeping

change of all federal, civil and criminal rules of evidence.

Mr. Drew And hearsay evidence would be admissible to no end?

Mr. Burson Well in federal court now, hearsay evidence will be admissible if I understand the new rules correctly.

Mr. Drew I am not talking about the federal courts, I am talking about the state of Louisiana. I wanted to ask this question to Mr. Gravel because he is a defense attorney and you are an assistant district attorney I understand.

Mr. Burson Yes, sir.

Mr. Drew But if a man was impeached, because of a pending bill of information or indictment on a serious crime the indictment was on, what chance do you think you would have of getting a fair trial which may subject him to life or twenty years in the penitentiary if after he had been impeached?

Mr. Burson Well, I think certainly the justice in the question of the president's possible impeachment, that that impeachment would definitely have an effect on a trial. I am not sure that a trial might not be precluded because he would not be able to get a fair trial, but that would be a problem for the criminal prosecutor to worry about, not for the legislature.

Mr. Roy Mr. Burson, there is nothing in this provision that prohibits the Senate from setting up or the House from setting up rules of evidence and procedure and what have you which would guarantee to the person charged with the gross misconduct or what have you, due process of law, or both with respect to substantive and procedural, is that right?

Mr. Burson That is correct, Mr. Roy. And I can't conceive of the members of the Senate or the House denying to one of their fellow legislators, let's say or any public official due process of law on the subject.

Mr. Roy And if they did, don't you think that a federal court could step right in and quash the whole matter because the substantive and procedural due process of law was denied to the person?

Mr. Burson I personally have no doubt about that.

Mr. LeBlew Mr. Burson, if a public official were impeached by the legislature, before his trial came up in court he would be out of office, is that correct?

Mr. Burson Yes, sir.

Mr. LeBlew If when his trial in court came up he was found to be not guilty of what the legislature impeached him on, would he be reinstated in office or would he be out for the rest of his life as this paragraph suggests?

Mr. Burson I don't see where the finding of the jury in the criminal case that he was not guilty would abrogate the legislative action. I think he would be out.

Further Discussion

Mr. Hayes Mr. Chairman, ladies and gentlemen of the convention, reluctantly I voted for the immunity of the delegates to come to and from the convention or the only reason I thought maybe somebody might be picked up and not be able to vote on certain issues. The history is ok, but it appears to me that every crime committed would be committed and settled in the district in the state where you would have a district attorney. I can't see any need for impeachment at all. It appears that we are trying to take over the judicial process and maybe somebody to the legislature to have trials. People would

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have a right to appeal all of this to a court of law in the first place. And if a trial is committed in a district, how do I like the person to be tried of would be the district attorney, if he didn't prosecute. And I think you already have a procedure for that being handled by the state attorney general's office. So I think the person to remove there would be the D.A., if he didn't prosecute a crime that was committed in his district. We have investigations going on now in some malfeasance, they claim in the agriculture department which is being handled by the district attorney. So if you convict a man of a crime, he is going to be serving a jail sentence. He doesn't need the time in the legislature, I think the entire section should be wiped out.

[Previous Question ordered. Amendment rejected: 38-56. Motion to re-consider tabled.]

Amendments

Mr. Poynter The next amendment is offered up by Delegate Roy.
Amendment No. 1. On page 11 delete lines 7 through 26 in their entirety and insert in lieu thereof the following: "Section 24. Impeachment. A. Any state or district official whether elected or appointed shall be liable to impeachment for commission or conviction of felonies or malfeasance during his term of office or for gross misconduct. B. All impeachments shall be by the House of Representatives and shall be tried by the Senate whose members shall be upon oath or affirmation for that purpose and a vote of two-thirds of the Senators elected shall be necessary to convict. The Senate may sit for such purposes whether the House be in session or not and may adjourn as it thinks proper. Conviction shall result in immediate removal from office. Nothing herein shall prevent any other action, prosecution or punishment authorized by statute.

And with your leave Mr. Roy, I have added Amendment No. 2 to strike out the Gravel amendment.

Explanation

Mr. Roy Well, Mr. Chairman, and ladies and gentlemen of the convention, I of course supported Mr. Gravel's amendment but I feel that it is just much too stringent in what the effects of it are. I simply am taking out of the Gravel amendment the notion that one who is convicted or impeached rather, one who is impeached would be forever barred from holding any public office thereafter. Now I am for him being removed immediately from the office that he has been holding upon conviction of impeachment. But let me tell you what this amounts to. You could have a judge who would, let's say, hit the bottle a little too much and ultimately get impeached for being essentially an alcoholic and then ask the cure or any public official take the cure. And that man could never hold public office again, appointed or elected. Now, I just and I have said it before, I just happen to be a Jacksonian Democrat and I believe the people in their wisdom have the right to select who their leaders will be, good or bad or whether I agree with it or don't agree with it. But that is how I must stand because philosophically that is what I believe in. That is what I think has made this country great. That a person may run for office and be elected by the people and certainly a person may be rehabilitated for any particular crime. Now for illustration, if Huey Long had been convicted of the impeachment proceedings brought against him, he would have been forever barred from holding any public or appointive office thereafter under Gravel's amendment unless it is amended further by mine. I just cannot accept that as a human being who believes in the right of people to choose their own leaders nor can I believe in it as a person who believes that people may rehabilitate themselves. For that reason I offer up this amendment.

Questions

Mr. Vick Mr. Roy, what if the governor granted a

full pardon?

Mr. Roy Apparently he still couldn't hold office again, it is not excluded in this matter and I just don't...and in Gravel's it is not at all so I really don't know whether that would help out or not.

Mr. Vick Are you sure?

Mr. Roy Well, I am not sure, but I don't want to take a chance because it says the conviction of impeachment forever precludes. That is what it says. I don't think the governor's pardon could do any good for the guy.

Mr. Vick Well, basically it would have to be resolved by the courts though, would it not?

Mr. Roy Well, it may be, but I want mine to go further than that. I don't want a man to have to get a pardon. I want the man if he has been impeached for some reason and is later a citizen and earning his pay and doing his work, I don't see why the people can't elect him if they choose to.

Mr. Avant Mr. Roy, let's suppose in the heat of political passion the Senate or the House or the legislature felt the man had committed a crime, at the same time some district attorney somewhere thought he had committed a crime, he was indicted, he was impeached and he was removed from office and then say a year or a year and a half elapsed the man was tried, he was completely exonerated, he was found not guilty and then the public, everybody in the state of Louisiana, said you know that man really didn't do those things that the House and the Senate said he did. Would that man ever again be able to hold public office in this state?

Mr. Roy Not under Gravel's amendment, but under mine, he would.

Mr. Chatelain Mr. Roy, would this...the amendment as it now stands, the Gravel amendment. If an attorney or notary public was convicted by the legislature, could he go back home and practice as an attorney or a notary public?

Mr. Roy I don't think Mr. Gravel's precludes him from practicing law, all it does, is that it says he may never hold office again.

Mr. Chatelain All right. Thank you.

Mr. Stovall Mr. Roy, in the case of the extreme case that Mr. Avant, the delegate, Jack Avant just raised, that situation could be corrected could it not by a constitutional amendment?

Mr. Roy Yes, Reverend Stovall, if you could get enough people to amend the constitution for a specific individual but I would think you would be in favor of rehabilitation Reverend...you know, the sinners coming back to the fold.

Further Discussion

Mr. Abraham Mr. Chairman, and fellow delegates, the question was just asked that suppose a person in the heat of political passion were convicted or impeached by the Senate and then the courts exonerated him, so you are prohibiting him from holding an office. Well, let's look at the other side of the coin. Where there is no doubt but that...rather there is very little doubt that the man has committed an offense. And the Senate did deliberate carefully. But through some technicality he may have been acquitted by the court. And what do we do in that situation there. I think the thing to consider here, is that this is the threat to make the public official toe the line, always. Even though there is a question and there is a possibility of a person being an alcoholic and he being rehabilitated, this is a threat to him to keep from becoming an alcoholic. If you remove the provision that he can't hold future public office, let's look at the possibility of a person being

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impeached. And then simply being reappointed the next day, right back into an office or a similar office. You have got this to consider too, that this could work against it. I think that the amendment as originally written, and as submitted by Mr. Gravel is correct. That we must have some threat to hold over all public officials in order to make them perform properly in office which includes conduct, drinking or committing any kind of an offense that would say that you can be removed from office. And I would be against the Roy amendment and I think we should leave the Gravel amendment as it is.

Questions

Mrs. Warren Senator, wouldn't you say that it would be better...

Mr. Abraham Thank you Mrs. Warren but I am not a Senator.

Mrs. Warren Well, I am sorry, I apologize. I still would like to get to the point, wouldn't you think that it would be better to have one guilty man go free than to have an innocent man convicted?

Mr. Abraham Say that again, now.

Mrs. Warren What do you believe would be worse-- to have one innocent man convicted or one guilty man go free?

Mr. Abraham Well, I would hate to see any person who is innocent convicted. But this is a double-edged sword too. It works both ways you see.

Mrs. Warren Which one...

Mr. Abraham Which would you rather see, ten guilty people go free...

Mrs. Warren I would rather see ten guilty people go free than to see one innocent man suffer.

Mr. Abraham It is a double-edged sword, Mrs. Warren.

Mrs. Warren If you asked me my opinion, I would rather see twenty guilty people go free than to see one innocent man...

Mr. Tapper Mr. Abraham, isn't it a fact that if a person commits murder, that...and he is convicted, and sentenced to life imprisonment, that he can be pardoned by the Pardon Board?

Mr. Abraham Yes, I think so.

Mr. Tapper And in that instance could he not run for public office?

Mr. Abraham If I understand the law, when you are pardoned you are completely exonerated.

Mr. Tapper And he is restored his citizenship and he can run and be elected to public office. Where as here a man may be guilty of misconduct in office of public drunkenness or what have you and then he could never again run for public office, isn't that a fact?

Mr. Abraham I think you are missing the point though, the intent of this is a threat over the man to make him toe the line in office.

Mr. Aertker Mr. Abraham, you actually believe that we ought to have laws that once a man does something that destroys his political life, that he never has an opportunity to hold public office anymore, is that correct?

Mr. Abraham Say that again, Bob.

Mr. Aertker That once a man does something that causes him to be impeached, that he never has another opportunity in his life to ever represent or be in

public life again?

Mr. Abraham I think under the impeachment proceedings that is as it should be. If he is impeached, then he should not run for public office again.

Mr. Aertker Even though the majority of the people that he represents think that he should be given that opportunity, you still think that he should be denied that?

Mr. Abraham I think we should consider that fact that we have already said previously in this article that public office is a trust and it is not to be violated. And I think when that man violates that trust he should not be allowed to hold office.

Mr. [A.] Jackson In response to Mr. Avant's question, Reverend Stovall says that possibly to correct that kind of situation is to institute a constitutional amendment. Now it would seem to me and would you agree that if the House and Senate impeached him, and that any amendments to the constitution must be made in the regular resolution in the House and Senate that it would be almost impossible to get a constitutional amendment to correct that problem?

Mr. Abraham That I couldn't answer.

Mr. Juneau Mr. Abraham, I don't often agree with Mr. Roy but I think his point is a valid one. Are you aware of the provision in the executive proposal with regard to pardon and so forth where it says, "except in the cases of conviction upon impeachment, the governor may reprieve". Which would mean that if you would have an impeachment proceeding you couldn't pardon, commute the sentence or anything of that nature?

Mr. Abraham Yes, that is right.

Mr. Juneau Well, then would you still favor your provision, what you are advocating in view of the provision that is going to be advocated by the Executive Committee?

Mr. Abraham If I remember the language that it says that except in cases of impeachment you can have pardon.

Mr. Juneau That is right, because in other words, if you have an impeachment proceeding, you will never be pardoned, you will never have a commutation of sentence no matter what the circumstances may be.

Mr. Abraham You will not be able to hold office again.

Further Discussion

Mr. Jack Mr. Chairman, and members, I was one of the co-authors of Mr. Gravel's amendment and I am for leaving it like that and I am against Mr. Roy's amendment. Now I want to correct one thing, and that is why I couldn't ask the question, different things came up. Now Mr. Roy is talking about the drunkard or alcoholic. Now that is not in Mr. Gravel's. In the original material for this you had a number of things for impeachment. You had for felonies, incompetency, we took out incompetency because that is too hard to define. We took out corruption, we took out extortion, we took out oppression in office, we used gross misconduct and we used a new one we put in malfeasance, that is not in the regular material. Now the reason...and we came down here as a group to discuss it, I suggested they take out this habitual drunkenness, that is recognized in most instances as an illness and we have other ways of removing those people. We are leaving here three very serious types of things commissions or conviction of felonies, malfeasance during the term of office and gross misconduct. Now we have got to try to keep public office as good and as clean as possible. And if a person is the felon he should not be there. If he is guilty of malfeasance in office he should not be there. If he is guilty of gross misconduct he shouldn't be

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there. Now, the privilege of serving the people has certain reservations in the way I look at it. If you serve the people, they trust you, they give you these positions of trust, of honor, and of carrying out their destiny then you should not commit a felony, you should not be guilty of malfeasance in office and you shouldn't be guilty of gross misconduct. If you do those things you are not fit to serve, you have been given your chance, you should not serve again. Now as to being innocent, this thing bothering you, we can't always wait for a trial on those things. The next thing you can be convicted by a jury and hanged when they used to hang you and turn out innocent. Nothing is fool proof, you read of people convicted by juries with prejudice, serve twenty, thirty, to forty years and then found to be innocent. But those are unusual and exceptional cases. I think that if a person was convicted upon an impeachment and it was later discovered he was entirely innocent and it could be proven, your courts could go back into it and set aside this conviction. They set aside other types of convictions in and day out after many, many years. So that little far-fetched chance does not bother me a bit. Impeachment and conviction is a criminal law and that is why it is narrowed to three things that I have named. And incidently, I like this little football system of having a get together, call the signals and anybody, like I wasn't asked down, I didn't have an amendment but I came down here so I could discuss it. And I think these huddles will do good for anybody that has a question and Mr. Chairman, I think that is a good thing you suggested and speeds it up. So I ask you to turn down these amendments. Thank you.

Vice Chairman Alexander in the Chair

Further Discussion

Mr. Arnette I can't tell you how much I do oppose this amendment. The reason is, that we are not talking about Joe Blow or John Q. Public, or somebody else out there that maybe has committed a crime when he was in office and pardoned, can come back and run for office. We are talking about a person who is in a position of public trust. A public official who betrayed that trust to the people and then he decided that he wants to run again, there is no way that we ought to let someone who has betrayed the public trust once to ever even run for office again. And I definitely oppose Mr. Roy's amendment. And I think this is something everyone ought to consider, we're not talking about just one particular individual, that's an individual citizen. This is a public officer.

Questions

Mr. Anzalone Mr. Arnette, do you realize you said that this person is in the public trust, well do you realize that he could be convicted on a felony or some kind of gross misconduct that has nothing to do with his representing his people? I mean you can be convicted of a felony in Shreveport, Louisiana that has nothing to do with representing your people yet you discuss it. I still might want you to represent them. Do you see where this public trust issue doesn't necessarily apply to every conviction?

Mr. Arnette I think it does, I think that all public officers have a duty to obey the law and if they disobey the law they have violated the public's trust.

Mr. Anzalone Well you may... I respect your opinion but I feel that don't you think that possibly a conviction of a felony or some kind of misconduct that has nothing to do with his representing the people, that should not affect the trust in his people at all, can't you realize that?

Mr. Arnette I don't agree with you.

Chairman Henry in the Chair

Further Discussion

Mr. Newton I rise in support of the Roy amendment principally because I believe in the right of the people to decide for themselves who they want to represent them. And I would like to point out just very briefly, that impeachment could be totally and completely politically motivated, as I believe was the impeachment efforts in the case of Huey Long. And if such an impeachment which did not involve any crimes but somebody was impeached, say my district attorney and the people in my district still wanted him to be the district attorney, I think it is the right of the people to have whom they want to represent them. And I don't think we ought to deny the people this right, for all times. And I urge you to accept the Roy amendment.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I just want to make one point clear and I am authorized to say that the position that I am stating also is that of Reverend Stovall's. I think that in view of the fact that we do have a provision in the proposed Executive Department Article that deals with pardon to the effect that there shall be no pardon by the governor or commutation of any kind in cases where there has been conviction upon impeachment. That the concept that Mr. Roy has in his proposed amendment of course is a valid one and one that we should either accept now or that we are going to have to consider further on it during the convention as to whether we want to eliminate the language that I have just stated as in the pardoning article. In other words, I want to make it clear that some of us definitely do have the view that there should be some method by which a person convicted upon impeachment is granted pardon or release if proper rehabilitation of course has been made.

Questions

Mr. Schmitt I've prepared an amendment to this section which would limit the period of time the person would be prevented from holding office either by appointment or election to a period of ten years from the date of removal. Do you think that this would satisfy some of those problems?

Mr. Gravel Well, I really think that the best way to handle it would be under the pardoning authority that the governor might have because in effect the conviction upon impeachment is in the nature of the conviction of a crime, in my judgment.

Mr. Schmitt In other words, after they had a conviction by the Senate, then the governor would have the right to come back and release the man and let him go back and hold office again. Is that what you're saying?

Mr. Gravel Just like he could do right now in the case of conviction of crime. Absolutely.

Mr. Schmitt Do you think that this is correct that the governor should have the right to override the conviction of a crime in the case of the public trust case even though a person might have been convicted of say, a murder or some other type of serious crime, that the governor should have the right to come back and allow this man to hold office and that the next day that he would have the right to go ahead and appoint this man to office? That's what Roy's amendment would do.

Mr. Gravel Well, I don't think that Roy's amendment has anything to do with the governor.

Mr. Schmitt Roy's amendment would allow this man to remain in office.

Mr. Gravel No, Roy's amendment requires that he be removed from office.

Mr. Schmitt But, that the next day the governor could appoint this man to another position of public trust. There's no prevention in here from the gov-

error doing that.

Mr. Gravel I just made the statement, Mr. Schmitt, that I thought that either we would have to adopt this provision to maintain the concept, or that we should adopt this provision to maintain the concept, but that we were going to have to modify the article on pardoning. I think that every person convicted of an offense or convicted upon impeachment should have the right to rehabilitate himself and to be pardoned.

Mr. Schmitt But doesn't the Roy amendment allow him to rehabilitate himself overnight? And let the governor appoint the person to another position, maybe even making more money than he was making the day before.

Mr. Gravel The Roy amendment would permit that to be done, but I don't think the governor would ever do that without committing political suicide. I think that we need to deal in realities and not speculation of that kind...

Mr. Arnette Mr. Gravel, are you aware that the present constitution prevents someone forever from holding office once they're impeached?

Mr. Gravel I am aware of that.

Mr. Arnette So in other words, this amendment would change the present status. Is that correct?

Mr. Gravel That is correct. It also changes the grounds for impeachment.

Mr. Nunez In your opinion, Mr. Gravel, would it minimize the present stipulation in the constitution that he shall not hold office any longer? It would be a lesser degree...

Mr. Gravel Well, as I understand it, the proposal by Mr. Roy would result in a person who is convicted upon impeachment would be immediately removed from office, and it does not say that he shall thereafter be prohibited from holding office, except of course, that the Roy amendment does not remove from the language that has been adopted the authority of the legislature to prescribe punishment or the actions that might be taken upon the public official. It still leaves other possibilities with the legislature.

Mr. Nunez Can you recall how many impeachments we've had in this state since 1921?

Mr. Gravel I can't recall any. I don't believe there have been any.

Further Discussion

Mr. Stagg Mr. Chairman and delegates, I rise in opposition to the Roy amendment. Impeachment is a serious charge. It is such of a serious nature that it is rarely used. But it is a remedy possessed by the people of Louisiana against misgovernment and against possible crooked public officials. Do you believe that a public official owes to the people of this state a higher order of trust than the man on the street? Do you for instance believe that a public official who quietly and surreptitiously steals from the public treasury has been guilty of a higher crime than the man who robs the corner grocery store? Normally, in the grocery store you can accurately obtain an estimate of what was taken. From the public treasury you rarely ever find out what was taken. Examine carefully the proposed amendment by Mr. Roy. This amendment is wrong. The language as adopted originally places all public officials on notice. It places all candidates for office on notice. It says this very clearly: "Watch your conduct while you are dealing with the public's business". And this impeachment article as now in the draft of this constitution says loudly and clearly, "If you violate the public trust you will not thereafter hold public office again". That is as it should be.

Further Discussion

Mr. Schmitt I rise in opposition to Mr. Roy's amendment. I feel that Mr. Roy's amendment takes the entire guts out of everything that we've done this morning. The one important effect which we had before, and one thing which is probably the greatest penalty which could be given to an individual who has desires to be in the political field, is the denial of this right to go into that area. I am not sure whether I'll go along with the concept of forever because, as the song says, forever is a long, long, time. I've proposed an amendment which would place the period of time between the date of removal from office rather than forever. I believe that it is possible for a person to become rehabilitated. I don't believe in the Roy amendment because I believe that the Roy amendment allows for instant rehabilitation whereby a person is removed from office one day and the governor or a mayor or a police jury can appoint this person to take from the public trough the very next day. That is one of my primary objections to Roy's amendment. I'm sure that Roy's amendment was very well intentioned, but I don't believe that it accomplishes what he hopes that it does. I feel that one of the strong weapons which we presently have under the original amendment is that it prevents a person from attaining a desire of which they might have had during their entire lives. It keeps them from being in the forefront of the public. It prevents them from holding themselves out in this position of trust. Many people have devoted their lives to politics. Many people have devoted their entire energies to politics. I feel that the denial of this right to run for office or to be in a position of public trust for a period of ten years under my amendment is a reasonable one. I do not feel that the denial of this position of public trust forever is one insofar as you might have a young person in their 30's or 40's who maybe at some later date might want to run for office and perhaps after this position... would something desire to be in this and they should not be denied this right forever. But I do feel that just to allow them to run within a short period of time would be very detrimental to our entire intent. I have very strong feelings about this and I feel that each and every one of us should consider this matter very thoroughly before we go along with the Roy amendment, which upon its face seems very well intentioned but the effect of it may be to remove the entire guts, the entire teeth, from everything that we have done this morning. What's to prevent this man who's immediately removed from office from being one of the candidates for that same office when they have the new election and because he's in a position of strength, suppose he's a senator, his name would be very well known as Senator XYZ. His name would be very well known. He would have the greatest chance of being elected, even though he had been just ejected by his particular house of the legislature. Therefore, I feel that we should reject the Roy amendment and I'd appreciate your consideration of my amendment when it comes forward.

Questions

Mr. Burns Mr. Schmitt, you said that you think that a person, after he's once been impeached, should be entitled to rehabilitate himself but you think he shouldn't have that right until after ten years?

Mr. Schmitt I'm saying that it should be some type of reasonable period of time. I don't believe that it can be something instantaneous where a person is impeached one day, and the governor could have the right to appoint that person to another position of public trust the next day.

Mr. Burns What if it should develop like has been brought out in previous debate and questioning, that after he was impeached it was determined in a criminal trial that he was absolutely innocent of the charges. Would you think under those circumstances he should be disbarred or prohibited from running for office for ten years after his innocence had

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been completely established?

Mr. Schmitt In a criminal trial you do not establish a person's innocence for the purpose for which we're talking about right now. In a criminal trial you're talking about a proof beyond a reasonable doubt, and you have a lot of evidence which is restricted and not allowed in a court of law which would be allowed in an impeachment proceeding. Number one, hearsay information which would not be allowed in a court of law but would be allowed in here. Number two, evidence which was obtained by ...

[Previous Question ordered.]

Closing

Mr. Roy I want to bring up just three points with respect to this public trust notion to Mr. Stagg and others. There's nothing in Mr. Gravel's amendment or Stagg's amendment, whatever have you, that says that the person impeached and found guilty of violating his public trust can ever hold office again. That is if he stole out of the treasury. The fact of the matter is that the person better make darned sure he doesn't accidentally ever commit a crime negligently, for instance, negligent homicide. Now, that has nothing to do with public trust. A man is driving his car and accidentally runs into another car and somebody is killed. That has nothing to do with the public trust that he may have as a legislator or senator. He hasn't stolen anything out of the till, and the choice goes against my grain to think that we can be so sanctimonious that we would say that an impeachment conviction means never, never any court looking into it and saying he was innocent, and you can't come back and undo what you've done, that is, he may never serve the public again. Notwithstanding, it's the choice of the public to make and the choice of this convention as far as I'm concerned. I just want to say one other thing. There is nothing in my amendment that prohibits the legislature, nothing that prohibits the legislature from then imposing any other restrictions on holding office as it presently does. All my amendment does is to take out of the constitution the notion that the legislature may never deal with this issue because we have decided in our own little self secure way that a person who does a wrong even if it's not connected with his job and he happens to be impeached, erroneously or not, may never serve office again against the wishes of the people who have the choice to make.

Questions

Mr. Abraham Mr. Roy, I'm sure that you recognize that impeachment is a very serious thing and do you really believe that a person would be impeached for accidentally committing a wrong?

Mr. Roy It can very well be if he's politically unpopular at the time.

Mr. Abraham Do you think that it would actually happen? Has it happened?

Mr. Roy Well, Andrew Johnson who became President of the United States was almost impeached, convicted of impeachment by one vote because of political reasons, because of the radical Republicans in Congress. Like some of the others, I know.

Mr. Jenkins Mr. Roy, if a politician was stealing from the public and was caught and convicted in a court of law, would he be allowed to continue serving in office?

Mr. Roy No, he would be impeached...he could be removed from office for that particular reason.

Mr. Jenkins No, but the mere fact that he was convicted and sentenced, and a felony would prevent him from being in office, wouldn't it?

Mr. Roy That's right. That's the inconsistency

in this whole thing. He could be convicted in a court of law for stealing from his own office and still serve the rest of his term.

Mr. Jenkins No, what I'm saying is that once you're a felon, you can't hold office. Isn't that correct?

Mr. Roy Well, yes...

Mr. Jenkins Well, all right, well what the point seems to me people keep saying that if you're impeached you can continue serving in office at some later time. But if you are also convicted of a felony you cannot, isn't that correct?

Mr. Roy That's true.

Mr. Jenkins So there is no reason to give this permanent bar against serving in office simply for impeachment when if you are convicted of a felony that will happen anyway.

Mr. Roy That's right.

Mr. Schmitt His point was that once a person committed a felony he could not run for office. Can't the governor pardon this individual whether he's a public official or not?

Mr. Roy Yes, the governor has the right to pardon anybody but someone who's been impeached.

Mr. Schmitt And then he would be an elector once again and have the right to run for office, wouldn't he?

Mr. Roy If he's been pardoned. Yes. But if you convict him of impeachment he may never run again whether he's guilty or not. That's the whole point.

[Amendments adopted: 62-37. Motion to reconsider tabled.]

Amendment

Mr. Poynter [By Mr. Bergeron and Mr. Champagne]. If Floor Amendment No. 1, proposed by Delegate Roy and others and adopted by the convention on July 28, 1973, delete lines one through five and insert in lieu thereof the following: "Section 24, Paragraph A. Any state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies, malfeasance or for gross misconduct during his term of office."

Explanation

Mr. Bergeron Mr. Chairman, fellow delegates, I've talked to Mr. Roy about this amendment, and simply what it does it clarifies the matter. It just puts gross misconduct before during his term of office. So, therefore, if a public official at the time of 18 may have committed acts which might be considered gross misconduct, he would not be held liable for those acts while he was a public official. So, it's just, more or less, a matter of clarification and I would urge your adoption. Thank you.

Question

Mr. Annette Mr. Bergeron, maybe you could answer a question for me. I seem to be having a problem understanding. Does this imply that if a person is convicted or committed a felony before his term of office, because the language seems to say that?

Mr. Henry Mr. Annette, he's going to read it again. Maybe that'll help you.

[Amendment retried.]

Further Discussion

Mr. Champagne I can't see why there would be any questions on it. It's just putting it in the proper form. It's saying exactly what you mean. That this would have had to have been during his term of

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office, and the other way it could be misconstrued, and Mr. Bergeron and I noticed it, and we brought it to the attention of Mr. Roy and for that reason we have it as an amendment.

Questions

Mr. Arnette Well, it seems like the clause "during his term of office" only modifies gross misconduct and does not modify felonies or malfeasance. It seems like you've got a problem there because you're now saying that a felony before he entered office would be grounds for impeachment.

Mr. Champagne That's not the intention and really or not, I think it's clearer this way, in my mind, than it was before.

Mr. Deshotels Mr. Champagne, suppose it was found out that the attorney general had embezzled a million dollars immediately prior to his going into office. Do you think this ought to be grounds for impeachment?

Mr. Champagne No, I don't think so. Because you could go on other grounds, but it had not been done during his term of office, and this is the point. In other words, the people had elected him and they honestly brought him to office, and that's why.

Mr. Deshotels But sir, possibly, don't you see the situation where this might not be known until after he's elected?

Mr. Champagne I realize that. The question in my mind is could he have been done for something he did 20 years before in the case of the last time which had nothing to do during his term of office?

Mr. Kelly Mr. Champagne, in return though, if you place it in the proper order as Mr. Bergeron is trying to do, let's assume that the attorney general did embezzle before he went into office. We'd have to assume that he had not been convicted before he went into office, and yet, under the very language if he was later convicted during his term of office he could be impeached under that provision. Is that correct?

Mr. Champagne I would imagine so.

Mr. Gravel Mr. Champagne, if I understand your amendment correctly, and it was a little confusing when it was read, what you've proposed to do is after the word "for" on the third line in Mr. Roy's amendment is to insert there the words "gross misconduct" and delete it from the end of the paragraph so that the provision would be as follows: "any state or district official, whether elected or appointed, shall be liable to impeachment for gross misconduct, commission or conviction of felonies, or malfeasance during his term of office." Is that the way it reads?

Mr. Champagne That's correct. That's the way it reads.

Mr. Poynter No, sir.

Mr. Gravel Well, if it doesn't read that way are you willing for it to read that way because I think that's what everybody had intended.

Mr. Poynter It reads: "shall be liable to impeachment for commission or conviction of felonies, malfeasance or for gross misconduct".

It does place the gross misconduct in order, but the order is after malfeasance and not in front of ...

Mr. Poynter Section 25. Removal on address by legislature. Section 25. For any reasonable cause, whether or not sufficient for impeachment, upon the address of two-thirds of the members elected to each house of the legislature and after a public hearing by the Committee of the whole in each house, any officer except the governor or acting governor may be removed from office. Any officer so removed shall be ineligible to succeed himself, the cause or causes for which such removal is made, shall be stated at length in the address.

Explanation

Mr. Casey Mr. Chairman and delegates to the convention. Section 25 pertains to removal of public officers on address of the legislature from the office which they hold. This has probably been one of the most controversial matters that the Legislative Committee has handled. It was included and then amended out, then included and amended out, and after vacillating back and forth various times, it really just depended which members of the committee happened to be present at the time the votes were taken. One of the members of the committee indicated to me or rather asked just now if I enjoyed being on a suicide mission because I don't feel that way at this time. Sensing the feeling of most of the delegates to the convention, I feel that most of the delegates have apparently already formulated their opinion on this matter. I realize it's a very controversial point. I feel that everybody pretty well knows how they are going to vote on this. The real issue is an amendment to particularly delete Section 25 from the provisions of the constitution. I can certainly understand the feeling of those delegates who have advanced this position. I see no point in having any emotional debate on this whatsoever. I feel it, however, my duty merely to point out the feeling of those committee members that voted to retain it. On the basis of their decision, I would say generally was merely two-fold. One, that there was a question, and I feel a very honest and sincere question, when discussing the area of impeachment, which indicates that impeachment shall originate in the House and shall be tried by the Senate. The term trial implies due process which includes or requires notice to the defendant. If a public officer, whether it be state or parochial or what have you who deals with public money, embezzles that money and goes to Brazil, technically they are...well, or some other South American country...is not available for trial under the technical terms or intention of impeachment. Whereas, under address...the address provision that persons could be addressed out of office after public hearing. Now you might note, if you would refer to the present proposal on address out of office as compared to the old proposal, the present proposal requires a public hearing whereas the old proposal does not. I would say that was probably the main argument as to why the address out of office was even retained in the Legislative Committee proposal. The other feeling, I would say merely generally, is that the legislature is the board of directors for the state of Louisiana and should have some prerogative to fire the employees of the state of Louisiana. I know that that privilege given to the legislature under the existing constitution has been abused in some cases in the past. Certainly, I don't think that it was any intention on the part of any members here to condone that past activity whatsoever, and for those reasons, I realize it's probably the most controversial area that we're dealing with under the legislative article. All I can do as a member of the committee, submit this proposal or section to you for your own decision and your own determination as to what you'd do.

Questions

Mr. Fontenot Mr. Casey, how many times has this particular provision in the present constitution been used before?

Mr. Casey Mr. Fontenot, I honestly don't know how

[Previous question ordered. Amendment adopted: 11-13. Motion to reconsider tabled. Previous question ordered in the Section. Section passed: 8-7. Motion to reconsider tabled.]

Reading of the Section

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many times. I do know it has been used in the past. I couldn't tell you how many times.

Mr. Fontenot Do you have some idea what...

Mr. Casey Mr. Blair indicated that it was some time around 1960 was the last time, or between 60 and 64, but I couldn't tell you from my own experience as to when it was used or how many times or how long ago or...and I might mention this, we have some distinguished delegates to this convention that this was attempted to be used against and I think that it was wrongfully used at that time. There's no doubt about that, and so I'm sure those gentlemen have very strong feelings on this provision also.

Mr. Fontenot Do you have any idea of what...on line 28...for any reasonable cause...What would be a reasonable cause?

Mr. Casey Mr. Fontenot, that's within the discretion of the legislature. It's up to their interpretation.

Mr. Fontenot In other words, suppose you could not impeach a person on the grounds of the previous section that we just adopted, then you could rely on this to get a man out of office?

Mr. Casey This has nothing to do basically with the impeachment proceeding insofar as the basis or the cause of action. I would say if you go into the interpretation for any reasonable cause it would be a much, much less serious offense and possibly no offense at all except that the person charged might, for instance, be politically on the opposite side of the fence, or philosophically may have some different views. It could be even something as frivolous as that and I think that probably those were the situations that were most publicized where it was wrongfully used.

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Fayard, et al.], on page 11, strike out lines 27 through 32 in their entirety and on page 12, strike out lines 1 through 4 in their entirety. Amendment No. 2, page 12, beginning on line 5 and at the beginning of line 7, strike out Section 26 and insert in lieu thereof Section 25. Amendment No. 3, changes Section 27 to Section 26.

Explanation

Ms. Zervigon Ladies and gentlemen of the convention, I think that Mr. Casey is probably right. Most of you have your minds made up, but for any who may be wavering I'd just like to make a few points. I think Mr. Fontenot's questions are well taken. What is reasonable cause? Why should the legislature remove someone from appointive or elective office for cause that's not sufficient for impeachment? This section as it's drawn, in addition, could apply to any officer in the state. Aside from the fact that that's not what we intend to apply to police officers or something like that. In addition to that, it's very sweeping so that representatives of Caddo Parish might be asked to vote on whether to remove for a cause less than an impeachable cause the officer of a municipality in St. Landry Parish. The other thing that I would really like to bring to your attention at least in connection with this section is that there are many other remedies for an elective or appointive person not doing the job. There's the impeachment section that we just worked on for a considerable amount of time, there will be a recall procedure if we adopt Section 26, and that's also covered in the local government article. Section 27 of what is now numbered as the present section 27 will ask the legislature to establish a procedure for removal by suit. There's always, if a person is not doing his job and is an elective person, defeat at the following election. In addition to that, in the executive article for elected officials there is the declaration of in-

ability to serve and for appointed officials there is removal by the governor. If the governor can appoint unilaterally, he may remove unilaterally. It seems to me that there is adequate remedy for someone not doing the job, that we don't need this section, that it is not well drawn and could be abused. I ask your favorable consideration on the amendments.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I have been in the legislature on two occasions when this particular provision for removal from office was exercised. I might say this, it was one of the hardest votes I've ever had to cast since I've been in that legislature. I think that we have adequately taken care of removing people who shouldn't be in office by the impeachment process or through the other two provisions which come below this section. I certainly feel like that in the previous occasions that it has been used for purposes more than for anything else and therefore I support this amendment and hope that you will delete it from the constitution. I just don't feel like that this is a proper way to take care of the affairs of the state. Whether it's a state officer or whether it is a district officer or whoever it may be, we've got other methods by which we can remove a person from office other than bringing a resolution before the legislature to do that. I feel like that this is a political resolution and we should not use it.

Questions

Mr. Newton Senator De Blieux, wasn't it your experience during your tenure in the legislature that the only time this provision was used it was, in fact, abused?

Mr. De Blieux That's correct, absolutely.

Mr. Flory Senator, explain to me, if you take this out, what happens in a situation where a person is confirmed by the Senate after appointment by the governor and let's say he has a responsibility as a member of a board, welfare board, who has a responsibility for making rules of eligibility which cost the state money, which could, in effect, bankrupt this department, how could he then be removed if he refused to resign?

Mr. De Blieux We can remove him under the provision of impeachment for gross misconduct, because I feel that would be gross misconduct as far as I'm concerned.

Further Discussion

Mr. Aseff Mr. Chairman, delegates, there has been much question of when the first address was prepared. It was my most unfortunate duty to be the first person to prepare two addresses for a governor of the state of Louisiana, and there were several threats used also. We have a number of people who refused to include an address. It is a powerful political weapon, and it has been used exactly as that. I was asked by the governor, since I directed the council, to prepare the address. This was the reason he gave me, that he was elected by the people of the state of Louisiana, and he had a mandate. Therefore, those members of the highway department were appointed. They were not there with a mandate from the people, and consequently they were addressed out of office on the same day, the same day. The same thing was tried in 1960, and it was used several times as a threat, and the members resigned rather than face an address out of office for which there was no reason and have their character and everything else besmirched. Maybe there's a little penalty for removing it, but there are other methods, including impeachment, and I urge you to support the amendment to delete this from the constitution.

[The following section of the transcript, Amendment No. 3, is not included in this transcript.]

[2:14:3.]

Reading of the Section

Mr. Poynter Section 26 which has just been amended by the previous amendment to now read, of course, Section 25.

Removal by suit. Officers subject, commencement of suit, Section 26 amended to be Section 25.

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

Explanation

Mr. Casey Mr. Chairman and delegates to the convention, Section 25 pertains to removal of public officers by suit. At the present time, Article IX, Section 6 and 7 of our present constitution itemize in great detail the removal by suit.

The intention of Section 25 as proposed to you sets forth that there will be a method for removal by suit, but the mechanics and the detail and the itemization is left strictly to the legislature to provide this by law where the true detail really belongs and I would request that Section 25 be adopted.

Question

Mr. Anzalone Mr. Casey, in the Executive Department Article that's going to reach this floor sometime next week, hopefully, there are provisions in there for the appointment of certain department heads by the governor.

Also, in that article it provides that the governor may remove them at his pleasure. And of course all of this is speculative, but my question to you is that do you think that under this particular article the legislature could enact legislation whereby if they wanted to remove an appointed department head, they could under this article institute action to do so and they would not have to rely upon the wishes of the governor to keep him?

Mr. Casey Well, I would certainly hope that the legislature under this provision could provide for removal by suit for any public officer in that that sole discretion would not be left to the governor under the executive article to do it himself. The mere fact that he has made the appointment does not mean that he should be the only one to effect the removal.

So I would think that whether a person is elected or appointed that he could be properly removed by suit in our judicial process and I would think he would read both of those articles together. This and the article under the executive.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Casou], on page 12 at the end of line 5 immediately after the word "subject" delete the semicolon; commence - " At the beginning of line 6 delete the portion of the word "ment of suit," deletes commencement of suit in the title.

Explanation

Mr. Casey Mr. Chairman and delegates, this is strictly a technical amendment. The staff felt that inasmuch as the legislature shall provide for the method of removal by suit, that technically you did not need the words in the title "commencement of suit."

That's all this amendment does.

[Amendment adopted without objection.]

Questions

Mr. Stinson Mr. Casey, I noticed you limit what

the legislature shall do, and in the present constitution it provides for appeal. Now you don't say that the legislature...you are just saying for removal, and don't you think we should put in there and for appeal from such decision?"

Mr. Casey Mr. Stinson, the fact that appeal is not specifically contained in Section 25 does not mean that we have eliminated it as far as my humble interpretation would be. I think under the judicial process, the appeal certainly does rest or remain with the defendant, whoever might be accused.

Mr. Stinson But if you provide for suit for removal, are you sure that takes care of the appeal of the person that's being removed?

Mr. Casey Mr. Stinson, the best answer I can give you is that I am sure. If you are not sure, I would certainly respect your opinion if you submitted an amendment.

Mr. Kelly Mr. Casey, is this provision in the present constitution?

Mr. Casey It is contained but not in these words. The present constitution has removal by suit. But it is quite lengthy and very much itemized as to the procedure and the number of days and things such as that.

Mr. Kelly Was any research done to see if this type of provision is made available in other state constitutions?

Mr. Casey I cannot honestly answer that, but I would think most states would have this procedure. I feel that any public official ought to be removed through some judicial process and that should be available to the people of whatever state it is that this public official would be serving.

[Previous question referred on the Section. Motion passed. 72-0. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 27, recall.

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

Explanation

Mr. Casey Mr. Chairman and delegates, Section 26 proposes a recall of elected officials there...this provision is contained in Article IX, Section 9 of today's constitution. There's a change of only two words from today's constitution. One is the word "may", was changed to "shall", and the word "parish" was changed to "parochial".
Request adoption of Section 26.

Questions

Mr. Fontenot Mr. Casey, I don't want to appear ignorant. I was not on the committee. I have a question.

Why in the previous Section we excluded "Judges of the Court of Record," and this particular time, we are excluding "Judges of the Court of Record" again? I mean, could you explain to me why? I'm an attorney and maybe there are other delegates around here that don't understand exactly why the judges of the Court of Record cannot be recalled.
Do you follow my question?

Mr. Casey Wait, I'm trying to tie the two together. Would you repeat that?

Mr. Fontenot O.K. The present language in Section 27, excuse me, Section 26 now:

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"The legislature shall provide by general law for the recall by petition of any state, district, parochial, ward or municipal officer except judges of the Court of Record."

Now in section... the previous section, we excluded the governor, lieutenant governor and judges of the Court of Record.

Why are we excluding governors... I mean judges? I don't understand. Could you explain to me?

Mr. Casey In Section 26, it was felt that in a suit by removal, the Judges of Record theoretically could be hearing not really their own case, but cases of Judges of the same court. Also in 27, Judges were excepted because it was felt that this matter would be handled under the judicial article and that was my understanding... the intent of this that the committee on judiciary would specifically handle this problem.

Mr. Henry Justice Tate has a question and I believe he can resolve this. He's an expert on judicial recall, I understand.

Further Discussion

Mr. Tate Well, you don't want to recall judges because they are good. But aside from that, I think the reason it's in the present constitution is that when you amended Article IX of the present constitution, you provided for a removal procedure for judges under the judiciary commission. And in fact, as you may remember, at least one judge has been removed and one may have resigned because charges were about to be brought, and so on...

Mr. Henry Isn't that right?

Mr. Fontenot That's absolutely correct, sir.

Questions

Mr. Drew Mr. Casey, if judges were subject to recall, wouldn't we be subjected to decisions based on political expediency rather than the law, quite often?

Mr. Casey Does that require an answer, Mr. Drew?

Mr. Drew I would think so.

Mr. Dennis Mr. Casey, are you aware that the Judiciary Committee has already adopted provisions continuing the Judiciary Commission?... a method for removing judges, and we think that this will be adopted by the convention.

Mr. Casey Judge Dennis, I understand that has been very well handled by your committee and that the Judicial Commission is being continued.

[Previous Question ordered on the Section. Section passed: 83-0. Motion to reconsider tabled.]

Mr. Henry We have some amendments that would add sections to this proposal which we will dispose of in the order that they are up here, sir.

Point of Order

Mr. Perez I've had some serious questions as to whether or not a delegate could offer on the floor an amendment, an additional or new section and I'd like to have it clarified at this time. I'm not particularly objecting because I have no idea what the content of the particular provision is, but the question is can a delegate introduce an additional Section as an amendment?

Mr. Henry Yes, sir, Mr. Perez, and in the opinion of the chair a delegate could but it's going to take 67 votes to adopt that because it's in effect a new section to the provision and the amendment cannot be adopted as in the course of normal amendments by a majority of those voting.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Drew], on page 12, line 18, insert the following:

"Section 28, Taking Office

Section 28A. Members of the legislature shall take office on the same day as the governor and other officials elected statewide.

B. A person elected to fill the remainder of an unexpired term shall take office within thirty days after the Secretary of State promulgates the election returns.

Explanation

Mr. Drew Mr. Chairman, members of the convention. It's just an amendment as was read to fix the time in which the legislature would take office.

I found that when I was elected the duties began immediately and I think you will find that if the legislature can take office at the same time the governor takes office, which will be prior to the convening of the legislature, you will have a much better session... initial session of the legislature.

The Section 8 of it would provide that if a person is elected to fill a vacancy, they would take office within, which means they could take it immediately upon promulgation of the returns.

And I move adoption of the amendment.

Questions

Mr. Stinson Mr. Drew, unless you have changed it, how are you going to take the Oath of Office unless you are in session? You going to each one to take it before a Notary Public back in your respective districts?

Mr. Drew I think that could be worked out, Mr. Stinson. That was raised and discussed when I proposed this amendment.

Mr. Stinson Well, with reference to Subparagraph B. When it's an unexpired term, why make a man wait thirty days?

Mr. Drew It doesn't. It says "within." It doesn't make him wait thirty days. In other words, he can take it immediately so he might not have to miss the thirty days in a session or any period of time.

Mr. Avant Mr. Drew, I don't mean to be argumentative, but the piece of paper which was given to me says, "B. A person elected to fill an unexpired term... legislative term, shall take office thirty days after the Secretary of State promulgates the election returns."

Mr. Drew That is the wrong amendment, Mr. Avant, that was withdrawn.

Mr. Abraham Mr. Drew, would it be advisable to put an hour in here, at exactly which hour he would take office rather than just saying the same day.

Mr. Drew I think the provision for the governor provides an hour and I am sure that would be a detail that would not cause any controversy. Mr. Abraham.

I mean I would have no objections, but I don't see that it presents a problem there.

Mr. Jack This gives me pleasures. I've been hearing this mispronunciation of technical amendment. I notice here it's got section 28, we killed one section. Shouldn't this be 27?

Mr. Drew You are correct, Mr. Jack, I think.

Mr. Jack Make the technical amendment.

Mr. Henry Thank you, Mr. Jack. We have done it up here.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the con-

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vention, I rise to oppose the amendment at this time. I'm not against the concept and something like this probably has to be done someplace in our constitution.

The only point that I would like to make here, I would hope or would think that this might be better handled through a delegate proposal, properly heard in committee, to determine if this is the correct time when the legislature should take office. And I think it would be fine if Mr. Drew, himself, submitted that delegate proposal so that we can properly and intelligently handle this subject matter in committee. And if any change is necessary after a proper consideration and hearing in committee, I think we can make whatever changes are necessary.

The other concern I have is, that it's something that is sort of stuck in at the end of our Legislative Article and probably properly belongs under maybe, Section 3, 4 or 5. So I am not against this per se, but I think we should delay consideration of it at this time and I would urge rejection.

Questions

Mr. Willis Mr. Casey, wouldn't Mr. Drew's additional Section be antagonistic to Act 11 of last year convening this convention? Wouldn't that shorten somebody's term?

Mr. Casey Mr. Willis, I have heard that argument advanced in connection with the time of office and you may be certainly correct. That's something that I think would better address itself to a committee hearing and consideration of a proposal of this...

Mr. Willis Yes, sir, I am in complete adherence.

Point of Information

Mr. Roy Are we now dealing with essentially delegate proposals to the...

Mr. Henry We are dealing with delegate amendments to the Section, Mr. Roy.

Mr. Roy Well, is it out of order to ask whether that should not go to the committee itself, first, and get a ruling...

Mr. Henry No amendments go to committee, sir. These are amendments to the Section, Mr. Roy.

Mr. Roy I thought this was a total new section.

Mr. Henry It's an amendment to the proposal, I beg your pardon. I said the section. But it's an amendment to the proposal adding a section to the proposal.

And it will take 67 votes to adopt it, sir.

Point of Order

Mr. Conroy Point of order. How would we proceed? Previously when we were dealing with amendments to particular sections, if we adopted an amendment to that section, we could then further amend that amendment to get it in line before we passed on the final vote on that section.

What will we do here if we adopt a section, we can't then vote on amending the adopted section? What...

Mr. Henry Yes, sir, the same procedure would follow, Mr. Conroy, if, suppose this amendment adding a section were adopted. Then you could come up with an amendment to amend the new section, you see.

Mr. Conroy Then there would have to be another vote on the section before it was adopted.

Mr. Henry That's right. It could go on and on and on, yes, sir.

Point of Order

Mr. Drew If this amendment is withdrawn, and the

section, the entire article is adopted, then what is the procedure for amending it?

Mr. Henry We would have adopted the proposal. And if there was a motion made to reconsider the vote by which the proposal was adopted, then that motion to reconsider was laid on the table, it would take a two-thirds vote of the convention to call from the table the motion to reconsider so that you could get in and amend, add to the proposal itself, sir.

But, if, when we get through with this proposal there was no motion to reconsider the vote and lay the motion to reconsider on the table, then you could come back and amend by a majority vote, is my appreciation of the proposal.

Mr. Drew The reason I am asking that, Mr. Chairman, the reason this was offered in this matter, I was trying to expedite matters.

Mr. Henry Well, now we have several...two or three amendments up here that would do just exactly what yours are doing. It would be my opinion, and if I were...I don't believe your amendment is going to get 67 votes, quite frankly, I don't believe any of these amendments are. You gentlemen, and I am sure you are, genuinely are sincere in adding sections to this, then the thing to do is when we get through adopting this proposal, is to not lay the motion to reconsider on the table.

Mr. Drew With that, I withdraw the amendment, Mr. Chairman.

Mr. Henry Well, I'm just saying that would be my suggestion, but we are still going to go by majority rule.

Point of Order

Mr. Arnette ...and when we adopt each section, we are not going to go over and adopt the whole proposal, are we?

Mr. Henry Mr. Arnette, if somebody moves to adopt the entire legislative committee proposal and this body adopts it, then we would have adopted it, yes sir.

Mr. Arnette Well, this isn't absolutely necessary, though, is it?

Mr. Henry No, sir, it's not. And I doubt that's what is going to happen. That's what I am saying.

Mr. Arnette So in other words, we can probably go back and add sections later on if we want to.

Mr. Henry Yes, sir. Yes, sir.

Point of Order

Mr. Perez A point of order, Mr. Chairman. I am still trying to clarify the matter. As I would understand it, what we will be doing only is adopting a proposal. There would be nothing to preclude a delegate from offering another proposal which may properly eventually belong in the legislative article because I do know that, for instance, we may in local government have some provisions which eventually may be adopted and we may determine should belong in legislation.

Mr. Henry You are absolutely correct, sir.

Mr. Perez So I just wanted to make the point of order that even though we adopt this article, it will not preclude the offering of additional articles on the subject matter of legislation.

Mr. Henry Not at all, no, sir.

Personal Privilege

Mr. Blair Mr. Chairman and ladies and gentlemen, it is the consensus of our committee that we will

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not try today to lay this motion on the table, but if that will put at ease.

[Amendment withdrawn.]

Point of Order

Mr. Burson Point of Order, Mr. Chairman, I believe it would be correct, would it not, for us to finish the articles proposed by the committee before considering any possible new articles. I raise that point because I would like to suggest that we return to Section 12 which we have passed previously since the committee did propose a Section 12 and the subject matter, thereof.

Mr. Henry But let...you are in order. We are just trying to get some idea what these people want to do who have proposed sections.

Now Reverend Landrum had offered an amendment which would add an additional section.

Reverend Landrum, are you willing to forego introducing that at this time?

Sir? You are not willing to forego it? Then your motion would be in order, Mr. Burson.

[Motion to take up section 1, previously passed over. Substitute Motion to take up Section 22 previously passed over adopted without objection.]

Reading of the Section

Mr. Poynter This is as the section presently stands with the previously adopted floor amendments. Section 22. Suspension of Laws.

Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the same vote required for final passage of the law proposed to be suspended. No resolution suspending a law or part of a law after the effective date of this constitution shall remain in effect beyond the time of adjournment sine die the next succeeding regular session of the legislature. The vote thereon shall be by record vote. Any measure to suspend a law or portion thereof shall be adopted by the same procedure as for a bill. However, such measure shall not be subject to gubernatorial veto nor time limitations with respect to introduction.

Mr. Poynter Amendment No. 1 [by Mr. Triche]. Page 10, line 26, at the end of the line, delete the word "laws" and insert in lieu thereof the words "laws; prohibition."

Amendment No. 2. Page 10, line 27, at the beginning of the line, immediately after Section 22, delete lines 28 through 30, both inclusive in their entirety and insert in lieu thereof the following:

"Subsequent to the effective date of this constitution no law shall be suspended."

We need to add a technical amendment there at the end deleting previous floor amendments, Mr. Triche.

Explanation

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention. If you'll follow on page 11, excuse me, page 10 at line 26, we changed the title of Section 22 to read this way, Section 22. Suspension of Laws; Prohibition, and that makes it very clear that Section 22 deals with the prohibition of suspending laws. Then starting with line 27, Section 22. "Subsequent to the effective date of this constitution no law shall be suspended." That makes it a prohibition against suspension of laws. Therefore, any law that needs to be changed or suspended will have to be amended by legislative process or repeal. The legislative process would require then, the introduction of a bill for publication in your journal, the reading on three separate days in the legislature, hearing by committee, final passage by record vote, signature by the governor, then publication on the effective date after the effective date stipulated in the act. And as we said when the matter was first discussed, that prohibition against suspension of laws at all was

first in the constitution of 1921 just simply said that no law of the state shall be suspended except by the legislature. I think the whole intent of that article as originally written and what the people of this state were trying to say when they adopted it and adopted the constitution was that laws made by the legislature should not be suspended by anyone else. I don't think it was meant to allow the legislature to suspend laws by a process other than the procedure outlined in the constitution for the enactment of a bill. With the passage of time and, I think with a perverted use of that section we have now come to accept it as a grant of authority to the legislature to suspend laws without following the procedure prescribed in the constitution for the enactment of bills which would repeal or amend and modify the laws. I think there is no necessity anymore to act in the fashion that we have in the past. I don't know of any law that was suspended by way of abuse or misuse but I have seen the suspension used as threats. I have seen it used in political maneuvering. I don't think it's proper. I don't think that's what the people of this state were intending when they adopted it. After, is going to be a continuous body. We're going to meet in plenary session every year and there is just no need for it. We've discussed all of this before, Mr. Chairman, and I don't wish to belabor the point any longer. The choice is clear. Whether you are going to allow the legislature to suspend laws or you're going to suspend laws from suspending laws with this amendment of mine it prohibits the suspension of laws altogether. Now the amendments that have been previously adopted by this convention, I must confess to you, the amendments as adopted and are now promulgated or done again in another amendment which was advanced by, I think Delegate Perez, really doesn't make much difference between my amendment and what we've already adopted. The amendment to come after this one says that laws shall be suspended by the legislature but they must follow the same procedure. The only difference is that under my amendment there shall be no suspension of laws except by an act of the legislature passed to repeal or amend a law. Under the new amendment that I've proposed but they would have to follow the same procedure. The only difference is there would be no limitation on when the bills could be introduced and they wouldn't require the signature of the governor and publication as required for the enactment of laws. I think this is a safer procedure, I think it's just better constitutional law to affirm the proposition that law is a solemn expression of the legislative will and shall not be changed except by another solemn expression of the legislative will. Thank you.

Further Discussion

Mr. Jenkins Mr. Chairman, the right to suspend laws plays an important part in the system of checks and balances among our various branches of government. If we take away from the legislature the right to suspend laws, then what we will do is even to a greater extent give the executive complete control over the ultimate legislative product. Remember we've already talked about the fact that no veto has ever been overridden under the 1921 constitution. But there has been a way whereby the legislature could circumvent the governor's will and that is by suspension of laws. In the last 52 years no law has been enacted unless the governor either actually or tacitly approved it except in the case of suspension of laws. That's the one area that the governor has no authority. And it's important that the legislature have this power. Now I don't know whether we're going to have veto sessions or not. I certainly hope so because of the new procedure which the Legislative Committee very wisely built into this proposal. But I think it important that we have some means whereby the legislature can act independently of the governor. The main defect with regard to suspension of law has been cured by the proposal that we have already adopted, and that is that there must be a definite duration as to any

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suspension of the law, namely one year. Now Mr. Perez will offer an amendment a little later to simply take the language that we've already adopted, take those various amendments and make them much more concise. You have that in the amendment by Mr. Perez, Mr. Flory, and myself on your desk. That takes all the language, puts it together, boils it down and I think gives you a workable instrument there. But the right to suspend laws is something the legislature must have. There are eventualities that arise where we need to act, we need to postpone something, we need to delay it. This happened in the lead paint poisoning bill this last year. There was certainly an argument put forth this year with regard to suspending the effect of the Super Board Bill. And while we did not act on that, that certainly should be a prerogative that we might want to have to delay the final going into effect of something of that nature. We need this authority. Let us have this check over the Executive Branch. So I urge the rejection of the Triche amendment.

Questions

Mr. Nunez Mr. Jenkins, I tried to follow your argument that the right to suspend laws gives additional power to the legislature. Naturally it's in the hands of the legislature and the repeal or the amending process. Do you recall last session where we passed, I think it was the Severance Tax or the gas rebate and subsequent to that or consequent of it we had to suspend the law because of several provisions affecting several companies? That cost the state about four or five million dollars. They are still in suspension. How those laws were executive suspensions. Naturally the legislature did it, so I don't quite follow your arguments that this gives the power to the legislature and not to the Executive Department because those were their suspensions. Those suspensions were at the request of the executive.

Mr. Jenkins But the executive has no power to suspend laws, as such. Only the legislature now has that authority.

Mr. Nunez I realize that and I think you do also, but I know you also realize when it's much easier if the administration wants to suspend a law to get the votes to do it than possibly the legislature itself acting through the legislature.

Mr. Jenkins But he still must, of course, have the votes in the legislature that it would have taken to have enacted the law initially. But the point is that suspension of laws allows you to do something in the legislature even though the governor may not approve of it, but only on a temporary basis.

Further Discussion

Mr. Perez Mr. Chairman and fellow delegates, I was just about to begin my remarks by saying I know that we are awfully tired and we want to go home as soon as we can. I just wanted, one more time, to put the issue clearly before the delegation. With the Triche proposal would there be an absolute prohibition against the suspension of laws, the other which would include the amendments which have already been adopted would give the legislature, with very strict provisions, in a very limited way, the right by concurrent resolution to do so? I think the choice is very obvious, and Mr. Chairman, how many other speakers do we have on the list? Again I might ask that if they're willing to waive, I think we understand the issue. Then we understand the issue if you vote for the Triche amendment under circumstances that are very limited, suspended and if you feel that the legislature should, under very limited circumstances, have the right to suspend a law, then you would vote against the Triche amendment and for the amendments that have already been adopted. We do have an amendment which will clear up and to state in much better terms that which has already been passed. Thank you.

[Previous Question suspended. Amendment requested: 15-41. Motion to recommit tabled.]

Amendment

Mr. Poynter Mr. De Blieux wants to add his name as co-author

Amendment No. 1 [by Mr. Perez, et al.]. Page 10, delete lines 27 through 30, both inclusive in their entirety and insert in lieu thereof the following:

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

Mr. Perez, if it's all right with you to tag on an amendment deleting previous floor amendments?

Mr. Perez Yes.

Explanation

Mr. Perez This is simply a rewording and a rephrasing of the amendments which have previously been adopted. It would give the limited authority for the suspension of laws not to exceed one year. It would not have a retroactive effect because of the fear that some have that it may affect some laws which have already been suspended by the legislature and would require the same procedure for the passage of laws. The only exception would be the time limitation for the introduction of bills and the veto by the governor. I move the adoption of the amendment.

[Amendment adopted without objection.]

Previous Question taken on the section. Section passed: 79-1. Motion to reconsider tabled. Motion to take up Section 12 adopted without objection.]

Reading of the Section

Mr. Poynter Section 12. Local or Special Laws. Section 12. The legislature shall pass no local or special law when a general law is or can be made applicable.

Explanation

Mr. Juneau Fellow delegates, I thought it would be in order to give you just a short background of what a lot of the controversy about this specific section is. We discussed this matter at length and it's very difficult to determine whether or not you have achieved the ultimate. As you know, in the present constitution in Article IV, Section 4, there is a very detailed and specific list which states that the legislature shall not pass any local or special law on the following specified subjects. It goes on for about almost two pages itemizing what those are. In an attempt to put this constitution in brief, concise terms we came up with the language which appears on page 6, which says that "the legislature shall pass no local or special law when a general law is or can be made applicable." This is the provision which is in the model state constitution. It is a provision which has been enacted by some states. We took a great deal of testimony, this is a very important subject, on this particular subject. It was the consensus of a lot of people who had legislative experience and in particular, Mr. Robert M. Minto, the Senate, who expressed our great concern over the generality as we have it in the present committee proposal. He said that brevity for the sake of brevity was not necessarily good. He said that the provision which we now have in the present law, even though it is long, has worked well. It was his recommendation that we retain the provision as we now have it. On the other

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hand, there is a large consensus among a lot of delegates and a lot of people that that language can be put in more generalized terms. We came up with what you have before you. There will be an amendment, and I just want to give you this background, that was prepared by Mr. Burson and several others to expand the general language that we now have. Mr. Burson will present that to you and you can take it for your consideration. I thought that I would give you that background so that you could understand what the divergent views were on this particular subject. For purposes of procedure I would move for the adoption, Mr. Chairman.

Amendment

Mr. Poynter Amendment proposed by Delegates Burson, Kean, Perez, Tate, Casey and Lanier.

Amendment No. 1. Page 6, strike out in their entirety lines 23, 24, and 25 and insert in lieu thereof the following:

"Section 12. Local or Special Laws.

Section 12. The legislature may pass local or special laws, but no such law shall be valid if its effect is to exempt a particular person from a general law or if its effect is to grant to a particular person any personal or real right uniformly limited or denied to all persons by general law or if its effect is to limit or deny to a particular person any personal or real right uniformly granted to all persons by general law. As used herein, the word "person" includes an individual, partnership, unincorporated association of individuals, joint stock company, or corporation but shall not include a political subdivision of the state."

Explanation

Mr. Burson Ladies and gentlemen of the convention, the problem was well delineated by Mr. Juneau. This is an area of constitutional law with regard to state government that plagues people in trying to define what you're talking about. But generally, the idea is, just as the committee proposal said, that if a subject is capable of being defined in a general law you should do it. The way you will all look in your books at Article IV, Section 4 of the present constitution it will help you a lot to understand what we're talking about. The present constitution Article IV, Section 4, prohibits the legislature from doing a whole lot of things by special law. Like granting divorces, changing the law of wills or successions and so on and so forth. The reason for that, I think, is obvious. The feeling is that those areas should certainly be governed by a general law and that everybody ought to be treated the same way, and just because someone might have the political clout to come here and get a special law favoring him passed, he shouldn't be permitted to do it. Now the problem we had with the committee language was a lot of us felt that it was a little bit too general and might leave some loop holes that would not cover all of these specific prohibitions in Article IV, Section 4. So what we did was work for two or three days, a number of people, on trying to come up with language that would be broad enough to cover all of these specific prohibitions in Article IV, Section 4, but would be specific enough to be limited to the field of private law and criminal law and would not get into public law in the sense of the many special laws that you need to come to the legislature to get for specific local problems. We don't want to prohibit that and that is why you will notice in the last sentence of this amendment we say "As used herein the word person includes..." and we go on to say everything it includes under the present code of civil procedure. That is corporations, partnerships, jo on and jo forth. "But shall not include a political subdivision of the state." The reason why we excluded political subdivisions of the state is the local and state government Committee has some rather detailed provisions which set out how that committee feels the legislature should be able to enact special laws affecting a limited area or a limited political subdivision. But now is not really the time to get into all that

because we may have a lot of disagreement on that point. I think the intent of this amendment is primarily to cover the area of prohibition of special criminal laws, special laws regarding taxation, let's say, or all of the other specific prohibitions contained in Article IV, Section 4. Now I can see where individuals might feel that our language for some reason or another is not broad enough. If you feel that way, I would not ask you, please, let's pass this amendment and then if you want to add specific words or clauses to it we can consider them at that time. I think it would work better that way. I'm asking you to vote favorably on this amendment. Not because it's mine because I had really very little to do with the phraseology. But it's the joint effort of a lot of people that have thought about this problem a whole lot. I'm not saying that it's foolproof. I'm not real sure on this topic that you can come up with something that's foolproof, but it's the best effort that we can make on it and it's the opinion of Judge Tate, who is the only Supreme Court Justice here, that it does cover the specific prohibitions that are set out in Article IV, Section 4. It's the opinion of all of the coauthors that it does this.

Questions

Mr. Avant Mr. Burson, I just want to be sure about one thing. As you know, in the criminal code in the area on criminal trespass, the law as to what constitutes a criminal trespass varies from parish to parish in this state. I think that there are at least a half dozen parishes where the law of criminal trespass is defined differently from what it is in some other parish. Now what I want to ask you is what language in this amendment that you have, I'm not against your amendment I mean, just want to see, can you point to me any specific language that would, in effect, say this? That any law enacted by the legislature defining a crime shall be of uniform application throughout the state.

Mr. Burson No, Mr. Avant, we have no specific language. However, I think that certainly the language in the first sentence which says that no such law shall be valid if its effect is to exempt a particular person from a general law, could be subject to that interpretation. Now I admit that would be straining it some though, and you probably need the additional language that you're talking about. I have no objection to it, sir.

Mr. Avant I'm afraid that it would be straining it and I will offer an amendment.

Mr. Anzalone Mr. Burson, Article IV, Section 4 at the present time prohibits the legislature from changing the law of dissent of succession. Do you feel that the proposition that you have proposed here does that?

Mr. Burson This is why, one of the main reasons why, Mr. Anzalone, we used the term personal or real rights. We tried to use civil law terminology feeling that personal or real rights ought to cover just about any right established by the Civil Code.

Further Discussion

Mr. Tate Mr. Speaker, I just learned a lesson, is not to sit in one of these little groups and say it looks all right to me because you'll end up as a coauthor. But in general I agree with what Mr. Burson said in informal opinion was that this covered almost all, if not all of the special laws regulated in the present constitution. My main purpose in coming here is to say that I will probably, if this does pass, prepare a little floor amendment on the last sentence which is, as used here, and the word "person", it incorporates a very technical definition about individual partnerships unincorporated association etc. etc. but shall not include a political subdivision. Well, the intent of the amendment, as I understand it, was to satisfy our allied state of Plaquemines Parish...I want to take out all the words except "shall not include a polit-

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ical subdivision." I'm just saying this as long as my name appears there, I want to say that in connection with that that I think there would rise questions having this sort of a detailed definition which does not, for instance, include trusts. It doesn't include a number of other entities that are considered persons, for purposes of local and special laws. Now I'm open for questions because I can... Okay, Mr. O'Neill...

Mr. Henry Wait now, Justice Tate. I'm the one who recognizes the people for questions and Mr. Tobias, I'd promised, would be number one.

Questions

Mr. Tobias Judge Tate, in other words you do not believe the definition of person is needed? In other words the last sentence is not needed in this section?

Mr. Tate I would think it is not needed unless, as I understand Mr. Perez has substantial reasons or substantive reasons to say that it shouldn't include a political subdivision. If that is the intent of the local and special law provision, I think it should be included to say that the person does not include a political subdivision of the state.

Mr. Tobias Do you know of any case or law that says that a political subdivision would be a person?

Mr. Tate I really didn't think there were any, but there are, apparently Mr. Anzalone told me there were.

Mr. E. J. Landry Judge Tate, since your name is on the proposal or the amendment, does a sentence have to be that long to explain something? Does it really have to be that long?

Mr. Tate It probably does not, Professor Landry, and possibly it could be taken into shorter sentences as a matter of style and drafting. This proposal resulted from a great deal of informed input adding and subtracting things and trying to get away from what is it, two pages in the present constitution, a listing of kinds of local and special laws that may not be only one page.

Mr. E. J. Landry There is so much included...

Mr. Tate Two pages.

Mr. E. J. Landry There is so much included in that sentence. By the time you get through with it you... Really and truly, I just wonder if a sentence has to be that long to make the meaning understood?

Mr. Tate I have to agree with you that any sentence longer than 17 words, someone said, the mind boggles before you get to the end of it.

Mr. E. J. Landry I mean that's what it did to me.

Mr. Tate On the other hand, we're substituting this for two pages of detailed details, if the convention wishes. We're substituting this for two pages of very detailed illustrations.

Mr. E. J. Landry I'm wondering about the people who have to try to understand this. I mean, I know the lawyers will understand it, but how about people like me and others who can hardly read?

Point of Information

Mr. Flory Wouldn't it be much wiser if we delayed the consideration of this section until Wednesday in view of a short House, and the real seriousness of the provision that we have under consideration? We're talking about the vital functions of the whole state in this one section, really, and I just think with a snrnt House we ought to at least delay it and have time to read what was presented here and to study it. They've had time to study it and its

ramifications, but the other delegates have read.

Mr. Henry Mr. Flory, in all probability, of course you're just asking me what I think, yes sir, I think probably you're right. Because while everybody wants to serve in the convention, everybody doesn't want to work on Saturday afternoon and we've got a short House. Since they have imposed the imposition on us, perhaps it would be better if we took it up next week, but I would hope that in the future when we have to work here on Saturdays or Sundays or whatever the case might be, that those delegates who wanted to serve will continue to work with us.

Personal Privilege

Mr. Perez I wanted to suggest at the proper time. That it might be a better procedure to reject this entire article and request the Committee on Legislative to reconsider the matter so we could go ahead and adopt the entire proposal other than this article. At a later time we could take up and consider this particular section under a new proposal which it may submit, or some other committee may submit.

Mr. Henry Well, Mr. Perez, of course you can make whatever motion that you desire and we'll dispose of it with the people that we have here. But in view of the short House that we have, we're going to have to do something one way or the other.

Personal Privilege

Mr. Abraham Well, while I'm not disagreeing with what's been said and deferring action on this and things like this, but for the sake of the record and for the future, I think that, by golly, whether we have a short House or not if these people don't want to stay here and work and there are some of them who are wanting to work and can get some things passed, I think we ought to go ahead and pass them and don't worry about whether these people who aren't here have had time to read what is being presented. I agree with doing what we're doing today, but I think that in the future and for the record, we ought to consider this.

Mr. Henry Mr. Abraham, I want you to know that the Chair agrees completely with what you're saying, but I'm afraid we're to the point now where it would be difficult, if not impossible, to get 67 votes if there are some people who are not in favor of this to even adopt the section.

[Motion to adjourn to 9:30 o'clock a.m., Wednesday, August 1, 1973. Record vote ordered. Motion adopted: 78-4. Adjournment to 9:30 o'clock a.m., Wednesday, August 1, 1973.]

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Wednesday, August 1, 1973

ROLL CALL

[81 delegates present and a quorum.]

PRAYER

Mrs. Warren Let us all bow our heads and let us all pray each in our own way. Heavenly Father, we thank thee for this assembly this morning. We thank thee for the leaders of this convention, we pray that you will guide our feet, our hands, our heart that we might deliberate in the interest of this state, these and other blessings we ask in the name of Jesus and for his sake. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF PROPOSALS

[2 Journal 230]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3, introduced by Delegate Blair, Chairman on behalf of the Committee on Legislative Powers.

A proposal making provisions for the Legislative Branch of Government, impeachment and removal of officials and necessary provisions with respect thereto.

The status of the proposal is that the committee have adopted the entire proposal except for Section 12 thereof as amended.

Section 12 is before the convention at this time, the time of adjournment.

Delegates Burson, Kean, Perez, Tate, Casey and Lanier had introduced amendments to the proposal which are now pending.

Amendment

Mr. Poynter [Amendment by Mr. Burson, et al.]. Section 12. On page 6, strike out in their entirety lines 23, 24 and 25 and insert in lieu thereof the following:

"Section 12. Local or Special Laws.
Section 12. The legislature may pass local or special laws but no such law shall be valid if its effect is to exempt a particular person from the general law or if its effect is to grant to a particular person any personal or real right uniformly limited or denied to all persons by general law or if its effect is to limit or to deny to a particular person any personal or real right uniformly granted to all persons by general law. As used herein the word 'person' includes an individual, partnership, unincorporated association of individuals, joint stock company or corporation but shall not include a political subdivision of the state."

Explanation

Mr. Burson The problem which this section is concerned with, is the problem primarily of local or special laws. Obviously the legislature has the power to pass general laws. But the problem with local or special laws really has two aspects. One aspect is the local law which is very often required in the legislative process and the Committee on Local and Parochial Government has a rather detailed provision dealing with how and under what condition it is proposed that a local law shall become effective. If you will refer to your committee proposal there you can find that and you will find that primarily it purports to limit the application of such local laws if it applies to less than six local, political subdivisions. However, that is not the aspect of the local or special law problem that the amendment which is proposed deals with. The amendment which is proposed deals with the problem primarily of the special law. In the constitution of 1879, the convention proposed a rather detailed

listing of subjects which the legislature would not do by special law. Such as, that the legislature could not grant a divorce by special law and all of the other provisions which are detailed in Article 4, Section 4, of the present constitution. And it is this problem, this area of problems that this amendment purports to deal with. And the amendment has been made in the language of this amendment to frame in a general way a prohibition which would prevent the legislature from doing the things that Article 4, Section 4, prohibits it from doing. Therefore, the proposed amendment begins by saying that no law shall be valid if its effect is to exempt a particular person from a general law. An example of that would be in the case of a special grant of a divorce or separation in such a fashion as it would be contrary to the general law of the state. Another example would be which is covered by the present Article 4, Section 4, grant of special rights to an individual in succession or estate proceedings in a manner contrary to the general law of the state. And this amendment would prohibit such a grant. It goes on to say or if its effect is to grant to a particular person any personal or real right uniformly limited or denied to all persons by general law. Well a personal right as distinguished from a real right would be primarily in the areas of, for instance family law. Real rights would deal with property rights or succession rights. The term is used uniformly limited or denied to all persons, because it is possible that the particular rights that would be involved would not necessarily be denied to everyone by general law but could very well be limited in some fashion. And the effect of the law that we seek to prohibit might be to remove such limitations with respect to a particular person or a particular class of person. And we go on to say, the opposite, that while we would not want a special law to grant someone rights which are limited or denied to other persons under the general law, by the same token we would want to prohibit a special law which would have the effect of limiting or denying to a particular person any personal or real right which is uniformly granted to everyone under the general law of the state of Louisiana. Now, in the last sentence which includes language primarily taken from the Code of Civil Procedure, we say as used herein the word "person" includes an individual partnership, unincorporated association of individuals, joint stock company or corporation but shall not include a political subdivision of the state. Now the reason for excluding political subdivisions here is because later on, as I have already mentioned, in the local Government Article, we have a rather detailed setting out of the fashion in which it is proposed that local or special laws apply to local political subdivisions. And it is felt that this is not the place in the constitution to deal properly with that subject. So there is no attempt made to do that here. We all know that we need on occasion, in the legislature, laws which apply only to a particular locality for various reasons. For instance, you might need for special circumstances a law which would set out certain terms applying only to coastal areas in the state of Louisiana, and this would not attempt to deal with that situation in this amendment. Now you will recall Saturday, those of you that were here, that we have an amendment which I think is still pending [...] proposed by Mr. Avant dealing specifically with the problem of the application of general criminal law and I would not argue against any amendment to this proposition that would for one thing, style the language better. But I simply ask you to adopt the basic proposition because I think we need it in this article.

Further Discussion

Mr. Conroy rise in opposition to the proposed amendment by Messrs. Burson, et al. My problem with the proposed amendment is that I don't understand what it says. I have tried to ascertain from those delegates who recommend this particular proposal what it does mean. So far I have not really received a satisfactory explanation, or at least

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an explanation that satisfies me as to exactly what the effect of this new provision would be. It reverses what the committee proposal was in that it really generally prohibits local and special laws in broad areas and I am afraid it may be too broad. I think that the best way to tackle this problem is the way the present constitution does which is also in line with what the project of the constitution did some years back, what they proposed. For these reasons which I want to read you briefly, "Prohibitions against special legislation in state constitutions have generally been motivated by the attempt to secure uniform legislation wherever possible. And also by the attempt to prevent legislation for private purposes." This comment goes on and mentions how in a number of states there are similar long lists of specific prohibitions against special laws. California's constitution of 1879 had thirty-three, Pennsylvania of 1873 had twenty-eight, forty-two constitutions contained at the time this was written, some restrictions, a Missouri constitution contained thirty. The Louisiana Law Institute that worked on this project considered that the limitations in the present constitution represented attempts to correct abuses that had actually occurred in Louisiana and therefore, considered it wise to retain them. That is my position too. There has been distributed a proposed amendment by Delegates Fayard and Juneau which I think best tackles this problem. I urge you to vote against the Burson amendment and to vote favorably for the Fayard and Juneau amendment when it comes up. Thank you.

[Previous Question ordered.]

Closing

Mr. Burson I would not really contest anything that Mr. Conroy had to say insofar as pointing out the purposes of the list of specific prohibitions in the present constitution and in many other state constitutions. I would only make the point that if it is possible to do something with general language, and accomplish the same purpose, then certainly this would be better constitutional drafting. I feel that the general language that had been here is certainly sufficient to broad to accomplish the same purposes as that long list of prohibitions similar to the one of the amendment that has been passed out. And if we can do it with brevity even if it might be necessary in subsequent amendments to clarify the language or to restyle it, and I think that that is the way we ought to proceed. And I have had a number of suggestions on restyling the amendment which unfortunately have not been able to put together sufficiently to incorporate it. But I do suggest to you, that the general ideas and the general scope of the ideas in this amendment is sufficient to cover the problem and I think it would be poor constitutional drafting to again repeat that long list of specific prohibitions when it is not necessary.

Questions

Mr. Lanier Mr. Burson, looking at the Fayard and Juneau proposal it has the same language as the committee proposal in that it says the legislature shall pass no local or special law when a general law is or can be made applicable, is that correct?

Mr. Burson Yes, sir.

Mr. Lanier In your opinion, in view of this language, would it be your opinion that this type of language would and general law is ever to say that the legislature passes a local law or a special law to determine whether or not a general law could have been passed in its place?

Mr. Burson Mr. Lanier, I don't think there is any question about that. In other words, that phrase is so broad and general in my view here to say that the legislature shall not pass a special law where a general law is, or could be made applicable it

seems to me leaves open and almost every law that the legislature would pass, the question of whether or not a general law is or could have been applicable to the situation. It seems to me that the possibilities for litigation there are multitudinous and obvious. I don't think that the amendment that I proposed has such possibilities, although I will confess that this has been a much litigated topic.

Mr. Derbes Mr. Burson, isn't it a false assumption to assume that the Fayard and Juneau proposal indeed defines all the special categories which indeed defines local and special laws? It seems to me that does not, that it merely sets forth categories but it doesn't really reach the problem of defining what a local and special law is.

Mr. Burson This, would I think be an additional objection. As I read this amendment it does much what Article 4, Section 4 does at the present time. That is, it simply prohibits you from doing certain specified things. But really doesn't get to the problem of defining what in general terms a prohibited special law would be. Which I think our amendment does.

There are no further questions, I urge you to adopt...

Mr. Avant Mr. Burson, this provision that you referred to in the Article on Local Government begins by saying "except as otherwise provided in this constitution," does it not, sir?

Mr. Burson Yes, sir.

Mr. Avant The one that says that the legislature may classify municipalities in parishes on any reasonable basis and they pass laws applicable to a class, but it begins by saying except as otherwise provided in this constitution.

Mr. Burson Well of course the problem we had there at the time that thing was drafted, Mr. Avant, was we had no idea what the Legislative Committee or maybe some other committee might propose. I understand Revenue and Taxation has some articles which will deal with this question.

Mr. Avant All right, now, my next question is this would be one of those exceptions that that article is referring to.

Mr. Burson Yes, sir.

Mr. Avant Now, when the word "person" is defined so as to not include a political subdivision then this thing in effect means that the legislature may pass any kind of local or special law it chooses with respect to political subdivisions, does it not, sir?

Mr. Burson Under the conditions hopefully that would be adopted in the Local Government Articles and of course with the Article... Section 13 that we have already adopted here which sets out the way in which it has to be advertised and so on.

Mr. Avant All right. Now, isn't it a fact then that if you put this in there, this last sentence that you in effect negate all the rest of the language that precedes it because if you give to a particular political subdivision certain powers or duties or immunities or privileges that other political subdivisions in the state do not have then those exceptions will be transferred upon the people who happen to live in that particular area or who happen to be there even temporarily, just passing through, isn't that so?

Mr. Burson No, sir, that is not the intent here. The intent here is simply to refer this question to where we thought it properly belonged, which was in the discussion of how local or special laws applied to a particular municipality or parish in the Local Government Article.

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Mr. Avant So, I take it you do not agree with me then that when you put this last sentence in there you have in effect negated everything that goes before it.

Mr. Burson No, not at all. Because the prohibition here is for the legislature and of course in the Local Government Article we also discuss in setting forth the general powers of local governments, a long list there of things that local governments cannot do, such as pass criminal law.... general criminal laws defining a felony, so on and so forth.

Mr. Avant But you do agree that under this section as written, the legislature may pass any type of local or special law that it wants and limit it to one municipality or one parish under the language contained in this section.

Mr. Burson As I understand it, Mr. Avant, it is necessary in many special situations for the legislature to do just that and therefore, that problem has to be dealt with, it is our contention, the people that are sponsoring this amendment, properly in defining the relationship between local government and state government, which is really all covered in the Local Government Article. And the attempt here is not made by any kind of indirection to permit local, political subdivisions to do anything in derogation of the general law of the state. The attempt is simply made to exclude that topic from this Article. And that is the only intent of that 'but' clause at the end.

Mr. Drew Mr. Burson, the general effect of this amendment is to grant authority rather than prohibit its authority to pass them with exceptions, whereas, the committee proposal has a prohibition with the general exceptions.

Mr. Burson I would say that would be correct.

Mr. Drew Well, don't you think that under the way this amendment is worded and particularly where you go down to any real or personal right uniformly granted by general law, aren't you saying go ahead and pass the laws and then the courts will decide whether they are valid or invalid?

Mr. Burson No, that is certainly not the intent. The thought there is that in the areas that it dealt with, in the classic prohibitions that we have had in our law such as divorce law, succession law, that the rights of the general citizenry are well set out in the Civil Code or in the Statutes.

Mr. Drew The point I am making, Mr. Burson, you are giving the legislature a blanket authority to pass any law they see fit but it would possibly be invalid rather than a prohibition against passing this type law, you are changing it from a prohibition to authorization to do something that may be invalid.

Mr. Burson I see, I think that is a legitimate distinction and the wording probably could be better there.

[Amendment rejected: 17-7]. Motion to re-open order tabled.]

Amendment

Mr. Poynter Mr. Conroy and Mr. Newton are going to offer these amendments with this change. Delete (A) which has one sentence in, which is the sentence: The legislature shall pass no local or special law when a general law is or can be made applicable. Delete that sentence and delete then the (B) and it would read:

"Section 12. Local and Special Laws; Prohibition Against Enactment.

Section 12. The legislature shall not pass any local or special law: (1) for the holding and conducting of elections, or fixing or changing the

place of voting. (2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property. (3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales. (4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the construction of street passenger railroads in any incorporated town or city. (5) Exempting property from taxation; extending the time for the assessment or collection of taxes; for the relief of any assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, or forfeitures; or refunding moneys legally paid into the treasury. (6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest. (7) Creating corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity. (8) Regulating the management of public schools, the building or repairing of schoolhouses and the raising of money for such purposes, except as otherwise provided in this constitution."

Explanation

Mr. Conroy These amendments simply regroup what is presently in the constitution and carry forward the same provision essentially that is in Article 4, Section 4. The only thing deleted, as I understand it from the staff, is the last sentence of Article 4, Section 4 which dealt with legalizing unauthorized or invalid acts of an officer, servant or agent of the state or any part of the government thereof. That was omitted on the basis that that would be an illegal act anyway, or an unconstitutional act as an ex post facto law. So except for that one omission, this provision simply regroups and restates the present prohibitions in the constitution. I think there has been a genuine concerted effort on the part of those on the committee, on the part of a number of delegates to come up with appropriate general language to cope with this problem. We have been unable to do so. Despite every effort and the amendment that you will see each of them opens new problems, causes new concerns; and we, those of us who have worked on this, really feel that the wisdom of the constitution in this case that we have is correct, is regrettable. I think it is but I think that it shows what has happened historically in the state. This enumeration was placed in the constitution prior to 1921 goes back to the 1898 constitution, the beginning of enumerations began even before that in the present long list goes even back to 1898. And we recommend the adoption of this amendment as proposed.

Question

Mr. Duval Mr. Conroy, I realize this is basically the same thing we have been having for a good many years, but what worries me is that when you specifically attempt to enumerate situations, all those situations not specifically enumerated would then ... would not then the legislature have the right to pass local or special laws?

Mr. Conroy Yes, the protection there is in the next section which we have approved on the Notice and Advertising on Local and Special Laws. I think

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that generally, at least my feeling would be, that you should not restrict the legislature anymore than is necessary to correct or prevent abuses that may have happened. And these are ones that apparently the legislature was faced with problems on over the years and that this particular listing was felt dealt with the problem.

Mr. Duval Don't you think that there are an infinite number of situations that you could put here though? I can think of several right now that are not listed here that are special or local in nature involving the whole spectrum of what can come up in...what the legislature can do, the whole spectrum of human relationship.

Mr. Conroy If you think of any that are serious enough that ought to be added to this list, then I suggest that you propose adding them by amendment.
Mr. Duval.

Mr. Singletary Mr. Conroy, in Paragraph 5, why do you use the words "assessor or collector of taxes" why not...why shouldn't that section apply to all public officials?

Mr. Conroy The only answer I can give you to that Mr. Singletary, is that those are the phrases used in the present constitution.

Mr. Singletary I would like to ask you one other question then, the very last sentence, except as otherwise provided in this constitution. Does that just modify Paragraph 8 or does that...?

Mr. Conroy Yes.

Mr. Singletary Why shouldn't that modify then all of the sections, all of the paragraphs?

Mr. Conroy This question comes up from time to time in this convention and frankly I think that that is always understood that one provision of a constitution is not going to override another one. When you have a specific dealing with a subject in the constitution that is going to take precedence over a general statement elsewhere in a constitution.

Mr. Singletary Well, I still don't...

Mr. Conroy In other words, I am saying do you think you could start off every Section in the constitution with the phrase "except as otherwise provided in this constitution" and it wouldn't really add anything.

Mr. Singletary Well, why did you add it to Paragraph 8 if it doesn't add anything?

Mr. Conroy Again, as I said, I didn't add it. This is just picking up the language from the present constitution. No attempt to edit, just regrant it.

Mr. Denny Mr. Conroy, it is purely technical. In the fourth word from the end of the third Paragraph, I noticed in the present constitution that it is plural "effects". Was there a reason to delete the "s" from the word "effect".

Mr. Conroy No, I would dare say, it is totally unintentional. I think it is typographical. I think it should be "effects" if that is what is in the present constitution. If there is no objection, can we make this technical amendment?

Mr. Poynter Where are you, Mr. Conroy? I am sorry.

Mr. Conroy Paragraph 3, next to last line, second to last word,...

Mr. Poynter ...prescribing the effects of judicial sales...

Mr. Willis Mr. Conroy, Mr. Duval's question started me. Did you mean to strike out, Paragraph A and just leave B as A?

Mr. Conroy Yes.

Mr. Willis Well, then my next question which is prompted by the first, then similar to Mr. Duval's is that what is not listed is permitted. Is that correct?

Mr. Conroy That is correct. The only response after that Mr. Willis, is that those of us who are working on this felt it better to present the specific listing now, those who feel that in addition to that, there should be a general prohibition we felt that that would be the better subject of a subsequent or separate amendment rather than putting them both. We debated up here as to whether we should put it all before and divide the question or take this procedure. But we felt this would be the better procedure.

[Previous Question ordered. Amendment adopted: 52-46. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Mr. Drew.

Amendment do 1. On page 6, between lines 25 and 26 add the following: The legislature shall not indirectly enact special or local laws by the partial repeal of a general law.

Mr. Drew, did you want to make this a separate paragraph designating it as "B".

Mr. Drew Mr. Clerk, I initially had that drawn that way and then I did not know what was going to happen to the first part. I think if we could designate it as Paragraph B, it would be better.

Mr. Poynter Thank you, sir.

Explanation

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, under Section 5, Article IV of the present constitution we have another prohibition which reads "The legislature shall not indirectly enact special or local laws by the partial repeal of a general law. But laws repealing local or special laws may be passed." Now I have deleted the second sentence because this is an inherent right, to repeal laws that the legislature passes. I think the first sentence is very necessary as a further limitation and works hand in hand with Section A which was just adopted. What this would do, would prohibit the legislature from passing a general law, coming right back and repealing it except insofar as it applied to an individual or a group of individuals. So what it does, it prohibits the legislature from coming the back door with something they couldn't come in the front door with. I move for the adoption of the amendment.

Question

Mr. Champagne As the amendment was originally proposed it was to be part of what the committee proposed. Now would this be...are you proposing to eliminate what has just been adopted?

Mr. Drew No sir. This has no effect on what was just adopted. This is in addition thereto, Mr. Champagne. I think this is very necessary and I hope you will see fit to adopt it. Thank you.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Duval]. Page 6, line 25, at the end of the line add the following:

C. Any law enacted by the legislature defining

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a crime shall be of uniform application throughout the state.

Explanation

Mr. Avant Mr. Chairman and fellow delegates, this is a simple amendment. It simply says that if the legislature enacts a statute defining a crime, or making certain conduct a crime that that statute shall be of uniform application throughout the state. Now, for those of you who might think that the language in the amendment that you just adopted, which says "The legislature shall enact no local or special law concerning any civil or criminal action," would cover this, I just want to point out to you that that language is in the present constitution and in spite of that language, the legislature has adopted statutes defining crime which vary from parish to parish throughout the state. Where certain conduct in a certain parish will be a crime whereby state law in another parish it wouldn't be a crime. So the purpose of this amendment is to make it abundantly clear that if the legislature, by statute, makes certain conduct a crime and attempts to define that conduct, that that statute will be of uniform application throughout the state of Louisiana and will not vary depending upon what parish you might be in.

Questions

Mr. Roy Mr. Avant, I'm very much for your amendment and to just make it clear, this would not prevent police juries and municipalities from enacting legislation pertaining to their own problems in that area only? Is that correct?

Mr. Avant No sir, it would not. If the police jury or the city council or the local governing authority wants to make certain conduct a crime in that particular area in the field in which they are authorized to legislate, it wouldn't affect that at all. This simply says that a state law defining a crime, a state crime, will be of uniform application throughout the state.

Mr. Blair Mr. Avant, what would happen in a given case, say in posting of land? Some areas you post land without any fences and others throughout the state you have to have fences in order to do it. Now what effect would that have? Would everybody have to have a uniform...

Mr. Avant That's exactly what I'm getting at, Mr. Blair, because the legislature has passed acts defining criminal trespass that it varies from parish to parish.

Mr. Blair That's what scares me.

Mr. Avant Now, if it is a matter upon which the legislature feels that it cannot act in a uniform manner throughout the state of Louisiana, then it should abandon that field and leave it up to local governing authority. But to be protected in a State District Court under a state statute then it should be of uniform application throughout the state of Louisiana because it's in the Criminal Code. People know that the laws governing trespass are governed by state law. The average ordinary person would think that state law is the same all over the state. If the legislature can define one crime and make it vary from parish to parish they can define another crime and make it vary from parish to parish and it gives you a far-fetched application. They shall say that the crime of burglary in the parish of East Baton Rouge shall consist of this and so. Whereas in the parish of Rapides it's something else. And in the parish of Webster it's something else.

Mr. Schmitt Do you have any other examples besides this one particular problem that you have with reference to fencing and grazing land and so forth?

Mr. Avant I'm not talking about fencing and graz-

ing land. I'm talking about the crime of criminal trespass. In certain parishes, if you're in a boat on a navigable stream and you get out on the bank you will commit a criminal trespass. In other parishes, if you do the same thing you don't commit any crime. In certain parishes there has to be a fence. In other parishes there doesn't have to be a fence. In certain parishes it has to be posted in a certain manner. In other parishes it could be posted in a different manner. In some places a simple painting of a line through the woods is sufficient. And if this is going to be a matter on which the legislature is going to act and pass a state law defining a state crime, I respectfully submit to all of the delegates, it should be of uniform application throughout the state or else the legislature should get out of the field and leave it up to local governing bodies.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I still haven't received a copy of the amendments, but before we take action on this amendment I would just like to say that I think this is a real bad amendment. I know now in some areas and in some parishes they want to have a trespass law with no fence by marking the trees, but in others they don't. So to say here that it's going to be applicable to every section of this state whether or not you want it, I think, is real, real bad. We talk about local government, we talk about home rule, the way we've been operating in the past is home rule. If you've got a community that wants to have a trespass law and they pass it in the legislature, they have it that way. But if you're representing an area that doesn't want it, I certainly wouldn't want to be saddled with a provision in this constitution that would say the people that I represent would have to be saddled with the provisions of this act whether they want it or not. And let me say here and now to all you people in the metropolitan area that's got children and grandchildren that like to come out and shoot squirrels, I certainly wouldn't want to be able to do that in a year or two. The larger part of the land in my area owned by just a few people or one or two corporations and I don't want to see something happen in this constitution that will say if you've got a hunting club in Tallulah and those people want to have that hunting club and they want to mark those trees and keep people off, I'm for letting them do it. But don't saddle me down in my section where my people may not want it. I think, Mr. Avant, that your amendment tends to do that. I may be wrong, I still haven't received a copy of it, I just got... somebody gave me one, I haven't had a chance to read it. But I think you better look at this long and hard before you vote for it.

Questions

Mr. Avant Senator Rayburn, isn't it a fact that the legislature either has or may pass a general state law which will leave it up to local governing authorities and say that the police juries in the various parishes, the governing authorities of the various parishes may define the crime of criminal trespass and fix the penalty therefore and then it becomes a local matter rather than a state crime?

Mr. Rayburn That has been done in some cases, Mr. Avant, but in other cases it has not been done generally but if I read your amendment right, and I'm just now looking at it, you said that any law enacted by the legislature defined a crime shall be uniform throughout the state, which means that if some police jury passed a law relative to trespassing that that law would have to be uniform throughout the state or it would not have... it would not be a law, if I understand your amendment right.

Mr. Avant Would you believe me, sir, that that is not the amendment and that if the police juries do it under proper authority from the legislature that

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it will be permissible? What we are talking about is a state crime, a state act defining a crime in different manners in different parishes. Not local government defining things in different manners in different localities.

Mr. Rayburn Well you have a state law now relative to trespassing. What would happen to it?

Mr. Avant It would have to be changed. They'd either have to leave it up to the local governing authorities or they'd have to make a law which was uniform throughout the state.

Mr. Rayburn Well I think it's been working pretty good in my area, Mr. Avant. That's the only thing I'm concerned about.

Mr. Drew Senator Rayburn, I have so much of the same concern you do although I agree in principle with Mr. Avant. But by using the phrase "defining a crime," that if the statute defined a crime, as I appreciate this amendment, there would be no exceptions. It would have to be statewide.

Mr. Rayburn That's exactly, Mr. Drew, my opposition to it. I read it the same way.

Mr. Drew If we did not define the crime then we would be subject to twelve different definitions of the same offense or maybe sixty-four different definitions.

Mr. Rayburn That could be possible, yes sir.

Mr. Burns Senator, you know over in our section we have a world of open marshland in the lower end of St. Tammany Parish which is not susceptible or practical to being fenced. But yet in the upper land of our parishes they have a different law with reference to enclosing land. It has to be fenced besides having been posted. Don't you think, Mr. Avant's motion would effect that way we have of operating over in our area?

Mr. Rayburn Well I'm sure it would, Mr. Burns, and that's one reason I'm opposed to it. Right now we operate like the people of that area and the police jury want us to operate. But this would be general for everybody.

Further Discussion

Mr. Stinson Delegates, I wish to join Senator Rayburn. Burglary is the same any place but now trespassing is not. As you know, there's a lot of difference between South Louisiana and North Louisiana and I think that was the reason... First parish, as I recall, with legislation was Jefferson Davis Parish, passed one just for the parish. Later passed one for Bossier Parish and a number of others have joined because there're not the same physical land determinants in each section of the state. In these special acts it also gives the authority to the police jury to change at any time that they thought it was adapted to that particular locality. So I think that we either should leave it like it is or else say that the police juries shall designate trespassing. After all, it is the need of the people that own the property that are in different businesses. In some places that they're not in the cattle business, well it's entirely different from where there is a large cattle business because they go out there and a lot of people from the city of New Orleans don't know the difference between a deer and a cow. Especially with the value of beef now, there're going to be more cattle killed. So I think we should leave it up to the local police juries and these special acts and this would prohibit it. As the same, murder, burglary, robbery or anything is the same statewide, but criminal trespass is not. So I'd like to urge you, let's defeat this amendment of Mr. Avant's.

Questions

Mr. Willis Mr. Stinson, it appears that what was very transparent to me is not translucent. Isn't it clear that the legislature could classify the lands and prescribe the procedures and the punishment and be uniform throughout the state?

Mr. Stinson Yes sir, that's right.

Mr. Willis Then we would have uniform laws and what's good for the goose is good for the gander and it would be applicable all over the state to each Louisianian alike. Isn't that correct?

Mr. Stinson But...

Mr. Willis Now, let me ask you this second question which I anticipate at this time...

Mr. Stinson Let me finish answering... let me finish qualifying my answer. But there are different physical features of the property that need... a difference between South Louisiana and North Louisiana and different parts of the state.

Mr. Willis Well, it's still the state of Louisiana and isn't the legislature able to classify and correlate lands and types of lands and how to post them and have a uniform law that's No. 1 and No. 2. If there's a problem with localities why don't you pass a law and say the police jury of each parish shall prescribe?

Mr. Stinson That's what I would agree on. I think it should be...

Mr. Willis Well, then you are arguing in reverse. You should be for this.

Mr. Stinson Well, but the legislature hasn't delegated it to the parishes though, and if we do this we'd cut off and we'd nullify those that already have that protection.

Mr. Willis Very well. We have heard time and again how the legislature wants its hands untied. There's one way to untie the knot, it's the dearest of this thing if it is to be for the localities to prescribe the procedure.

Mr. Stinson Mr. Willis, I was in the legislature for 24 years and I think the people benefit when the hands of the legislature are tied.

Mr. Willis I don't deny that but that begs the question.

Further Discussion

Mr. Jack Mr. Chairman and members, I want you to follow this closely, it's the first time it's been mentioned. Now I'm very much against this amendment. Now recently, the Supreme Court of the United States, on a pornographic decision, has decided that what might be against the law as to pornography in one locality, might not in another. Now if anybody's got eyes they've seen these illicit pictures, terrible things on the newsstands in drug stores, all other ones lots of places. Children of all ages see them, they're not fit for anybody, morally decent, in my opinion, to be looking at. Now, remember the Supreme Court of the United States has said under these laws against having pornographic material, I may not pronounce it right, you can have in one place one yardstick of what is pornographic, in another, that isn't. Now different sections of the state do these things differently. I know, in the area I live in Caddo Parish, and in District 3, that's in the city of Shreveport, those people do not want pornographic material. Now, whether they do another place, that's a matter I cannot speak for. But I'm saying this, this law, if passed, this amendment is going to make you use the same yardstick everywhere. It's going to probably be unconstitutional because of the Supreme Court's decision. In addition to that, Senator Rayburn has mentioned about posting and you also have it will interfere with hunting, closed seasons, and I don't know what all else. Let me tell you, the legislature, merely

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because it says defining a crime, if they pass it on to a city or parish, that may not be constitutional for them to try to circumvent it. But even if they did, remember state laws can be felonies, very severe penalties. Parish ordinances and city ordinances are not even misdemeanors. They are in the parish and city ordinances in a very limited penalty. What goes in the constitution in our clause you know is a pretty permanent thing. People don't pass constitutions any amendments much anymore, and that's one reason we're here. So, you think a long time before you put something in the constitution that's not going to let pornography run wild or get declared unconstitutional this day or the other. I feel confident if you defeat this the legislature, with the Supreme Court decision, will pass proper laws so that we can do all we can to stop pornographic books and that. Thank you very much and I suggest you defeat it.

Mr. Kilbourne Mr. Chairman, ladies and gentlemen, this is really a simple matter in my opinion. What Mr. Avant is driving at, primarily, is the trespass laws, as he has said. And the way that has been done in the past, it is somewhat of a problem. I've dealt with it quite often when I was district attorney because in the Criminal Code, the only place there is a specific article that defines criminal trespass. But then they go on and they've got several amendments or several sections to that article which would define criminal trespass or seek to define it in Jefferson Parish, for instance, another section which would define it in Bossier Parish, and so on. And it's very confusing and I thoroughly agree that a criminal law should have uniform application throughout the state. Now to answer to that, the problem that Mr. Jack and Mr. Stinson have raised is for the legislature to delegate this authority to the police juries. And as far as trespass is concerned, the legislature has done that. You may have a different trespass law in say all 64 parishes, but that is what you have different problems in different localities and it should be handled on a local basis. The legislature, I suppose, got tired of fooling with it and finally in about 1969 or '70 they did pass an act which allows the police juries to enact ordinances which define trespass in those parishes. I think that's the way it ought to be handled and as far as the law on pornography, I think that would be a good idea too, because if the legislature is going to define, seek to define pornography all over the state, it might not suit people in one section and it might want something else. I think Mr. Avant's amendment is a good amendment and I suggest that it be passed.

[Previous Question ordered.]

Closing

Mr. Avant Mr. Chairman and fellow delegates, I certainly agree with Mr. Kilbourne that this is an area in which the legislature cannot pass a uniform statute, uniformly applicable all over the state of Louisiana. Then they should withdraw from that particular field and leave it up to local government as they have done in many other instances such as closing laws, speed limits on city streets, and a hundred other instances that I could cite to you. But I want to read to you, and in five minutes I couldn't read it except in bits of very small print, so I'm just going to summarize for you certain provisions of the Louisiana Criminal Code. That's the criminal code which defines crimes in this state from murder, to rape, to burglary, to arson, to any other thing that the legislature has made a crime under state law. It starts over first, Criminal trespass, except in the parishes of Allen, Assumption, Beauregard, Grant, LaSalle, Livingston, St. Helena, Vernon, Winn and Sabine is the following... Then they go over and they have many many minute details as to what that crime consists of. Then they make a special provision for Jefferson Davis Parish. That crime is defined differently in that parish, that criminal trespass in Bossier Parish. Criminal trespass in Terrebonne Parish, crim-

inal trespass in St. John the Baptist Parish, criminal trespass in Jefferson Parish, criminal trespass in Caddo Parish. Then there are another group of parishes such as Union, is one, where they said well we're not going to get into it in this parish. We're going to let the police jury define it in this parish. The point that I am trying to make, I care not whether they leave it up to local government. There are many things as you travel from one part of this state to the other that as a citizen, you know, are governed by local ordinances. And you know before you go into the parish of East Baton Rouge and open a meat market that you have to comply with local ordinances. You know if you are going to go into the city of New Orleans and build a swimming pool in your yard, you've got to comply with local ordinances. But you have a right to expect that a state crime, defined by the legislature, for which you can be prosecuted in a State District Court will be uniform all over the state, and not that if you go into one parish the crime of theft shall consist of a certain thing whereas if you go into another parish it is something else. If the legislature can do this in respect to the field of criminal trespass, they can do it with any crime. Any crime. We are a highly mobile population. The people of this state journey all over the state every day and they have a right to expect that the criminal law of this state, now I'm not talking about the criminal law of the city of Opelousas or the criminal law of the parish of Jefferson Davis as enacted by those duly constituted ordinances. But I'm talking about state law. The laws of the state of Louisiana. So when you come into court the charge reads "the crime of Louisiana vs. Joe Blow". It should be the same and uniform all over the state of Louisiana. I have no more to say.

Questions

Mr. Lanier Mr. Avant, I am concerned about your opinion as to what effect this proposal would have on some of our wildlife laws, like on shrimping, for example. You have different rules for inside shrimping and outside shrimping. You also have different rules on things like dove seasons or duck seasons and where you can get what different types of things. Is this intended to affect that type of a law?

Mr. Avant No sir. That doesn't have any effect on that, Mr. Lanier.

Mr. Stinson Mr. Avant, your amendment says that uniform application throughout the state. Now what do you mean by uniform application?

Mr. Avant That means that a state criminal statute will, defining a crime, that that crime will be uniformly defined everywhere in the state of Louisiana and it won't consist of one thing in one parish and something else in another parish.

Mr. Stinson Mr. Avant, we've talked about the hunters and the fishermen and so forth, this also would apply to pickets and labor union disputes and labor problems too, wouldn't it?

Mr. Avant If it defines a crime, it will be of uniform application throughout the state.

Mr. Stinson I know, but criminal trespass would not just be the hunting and the fishing it would be a picket with a sign...

Mr. Avant It would be anybody who commits a crime of criminal trespass.

[Reader Note: 2-48. Amendment added; 2-48. Motion to reconsider tabled.]

Amendment

Mr. Poynter Mr. Casey has a set of amendments. Amendment No. 1. On page 6, delete lines 23 through

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25 both inclusive in their entirety, and we need to add, and to strike out the floor amendments which have been adopted today by Mr. Conroy, Mr. Drew, and now Mr. Avant.

Explanation

Mr. Casey Mr. Chairman and delegates, I'm not sure that anybody really needs a copy of the amendment to properly understand it. A mere explanation would indicate that it's quite obvious and the intention of my amendment is to delete Section 12 in its entirety, at this time. Of course that's all we can do at this time, but the intention is this, that it's such a complicated area and even the great legal minds in this convention differ, in all honesty, as to the proper method of handling this problem. The intention would be that either the Legislative Committee or individual delegates submit delegate or committee proposals in order to properly resolve this problem after proper committee hearings. I think proper study should be given to this problem in its relation to two other proposals in the convention. First of all, the Committee on Local and Parochial Government, does in itself solve some of the problems on local laws. That's number one. Number two, in the area of special laws, that is certainly affected by the Equal Protection Section of the Bill of Rights. So those things taken into consideration, I think, will acquire a much more intelligent, in depth, thorough study of this particular problem. And although as a member of the Legislative Committee I personally would like to feel the satisfaction of having completed everything, I think to do the right kind of job, this particular section requires further study. All I'm urging now is that we delete Section 12, that we adopt then, after deletion of this, it would be in order for us to adopt the entire Legislative Article and at a later date we could certainly add a committee proposal. I would urge adoption of this amendment.

[Previous Question ordered. Amendment adopted; 88-15. Motion to reconsider tabled.]

Motion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, I move approval of this proposal as amended.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, there is one particular section which we have approved which bothers me quite a bit. Now let me see if I can explain it to you. That's the Veto Session. If the principle of the Veto Session is an automatic Veto Session, I think, is very good. But where you require two-thirds of the elected members of the legislature to adjourn sine die prior to the end of the five-day period I think is going to cause us some trouble and possibly will make that particular section of our constitution the laughing stock of the state if we should have a Veto Session in which there is no real possibility of overriding one of the governor's vetoes, then we cannot adjourn even though we decide that issue on the first day, we cannot adjourn because a short session, that is the shortness of the House or the shortness of the Senate.

If this should happen, for instance let me give you an example, and this is very much possible. I hope you will listen. Suppose one of the governor's vetoes show up. Only thirty show up and that's a good possibility. If five of those Senators say that that they will not vote to override a veto under any circumstances, then the rest of the legislature is just spinning its wheels. We will not be able to accomplish a thing in the world. And yet in the same session, if we have five Senators to say that they will not adjourn sine die, then we have to wait until the end of the five day period before we can go home. And what

are the papers going to say? What are the people going to say?

We have written it in the constitution. Now I think that we ought to be able to allow the adjournment sine die with a majority of the legislature, because if we cannot get a two-thirds majority on any bill, we are wasting our time. I just ask you that because when I get through with this, if the chairman will let me, I'm going to ask that we take from the table that particular section so we can change it.

If this stated two-thirds of those present and voting, that would be alright. But it says two-thirds of the elected members which means that if it's the Senate, you've got to have at least 26, and the House, you've got to have at least twenty before you can adjourn.

If you have a short House, or you have a short Senate, you are going to be in trouble and we are going to be spending about ten thousand dollars a day of the taxpayers money...

Mr. Henry Now, Senator, Senator, your motion is not debatable so you have already made it, I'm going to have to ask you not to...

Mr. De Blieux I haven't made it yet, I'm just...

Mr. Henry I'm sorry. Well, it looks like you are going to and in the interest of fairness, I think you've made your point so don't over-state your case.

Mr. De Blieux Well, that's the only point I want to make, Mr. Chairman.

Mr. Henry Thank you, sir, and did you make your motion?

Speak into the mike. I'll recognize you, sir.

Motion

Mr. De Blieux Mr. Chairman, now if I'm in order, I'd like to make a motion that we take from the table the vote by which we reconsidered that particular section so that we may be able to revise it and get something that we can work with.

[Motion to reconsider rejected: 40-58.]

Amendment

Mr. Poynter Reverend Landrum insists on his amendments which were passed out the other day.

Amendment No. 1, page 12, line 18 add the following, "Section 29." That number probably needs to be changed to correspond now.

"Statement of economic interests." Section blank.

Each member of the legislature shall file a sworn statement of his or her economic interests. This statement shall be filed annually with the Secretary of State and shall be a public record.

Failure to file a statement within the time prescribed shall be cause for forfeiture of the office.

Explanation

Mr. Landrum Mr. Chairman and fellow delegates, I guess this section could be referred to as "restoration of confidence," or we could look at it even in another sense of national security. If anything this state needs and this country needs, is for the people to have confidence in their elected officials.

In 1921, the delegates of that convention thought it was wise to put this particular provision in the constitution. At that time, I would think, the people had more confidence in elected officials than what they have today [...] not that I am saying that our elected officials today are not worthy of confidence because I believe many of our elected officials are worthy of confidence. But there are those who have spoiled their influence. And that's

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why I think it is wise to put this particular provision back into the constitution. Let the people know that you really have good intentions of serving them. That you are going to be honest and above board in your doing? Now maybe some of you have so much that you don't want to divulge. That's why, maybe why you don't want to hear me, but I'm a preacher and many people don't want to hear the gospel. But nevertheless I preach it anyway. But I think it should be in the constitution. Certainly it will not hurt for it to be in the constitution.

If it was wise back in 1921 when the confidence was far greater than what it is today, then I would think that it would be wise to put it in now to help to restore that dwindling confidence in our government. This is our government and we've got to do everything in our power to keep the people loving our system of government.

And they are getting to the point where they are so disenchanted with elected officials that they won't even take the time out to vote. Then anybody could be president, governor, legislator or any other position.

Thank you.

Questions

Mr. Rayburn Reverend, I don't have a copy of your amendment, I was one of those that left early Saturday, but does it apply to legislators, only, or to all elected public officials?

Mr. Landrum Mr. Rayburn, since we are dealing with the legislature, then I would assume that I can only speak in the area of the legislature. I would be in favor of it for all elected officials.

Mr. Rayburn Well, that's what I thought. I now have a copy of it and it says "members of the legislature only." I thought that since in the spirit of I know you are talking...you are looking for all the sinners, not just one or two.

Mr. Landrum Right.

Point of Order

Mr. Denney As I understand it, this is an original suggestion, proposition or draft and therefore it is defined as a proposal. It has been introduced, however, as an amendment.

Under the rules, No. 37, it seems to me it is a delegate proposal and therefore it should be referred to the committee.

Ruling of the Chair

Mr. Henry It's...we looked at the rules a while ago. It was my considered opinion prior to looking at the rules that you are right, that this is a delegate proposal that should be committed to the proper committee. However, it is not, as such. While it is, it isn't. It's really an amendment to the proposal.

Therefore, I think that this body will have to dispose of the amendment either by adopting it or by rejecting it, at which time it could be submitted to the Legislative Committee.

But under our rules, the procedure with which Reverend Landrum is proceeding I think is correct.

Mr. Denney In other words, Mr. Chairman, if I want to bring up an entirely new subject, I can bring it up in the form of an amendment?

Mr. Henry The way our rules are drawn, I think they can be circumvented in this manner, yes, sir.

Mr. Denney Even under Rule 37, Mr. Chairman?

Mr. Henry It is my opinion that they could be, yes, sir.

Question

Mr. Burns Reverend, will you tell me just what

you mean by economic interest? In other words, does that mean that every legislator has to give a full report of how he earns his living, or if he's in different types of businesses. Or is that just with reference to his income?

In other words, just what do you mean by economic interest? It's such a general, far-reaching expression.

Mr. Landrum A full disclosure, Mr. Burns, a full disclosure.

Further Discussion

Mr. Casey Mr. Chairman and delegates. It's certainly difficult to argue against what might appear to be motherhood and what is certainly possibly a motherhood amendment to the legislative article.

But I must submit to you that it would do well for each delegate first to refer back to Section 8, Conflict of Interest, which we have already adopted in this convention as the Conflict of Interest Article pertaining to the legislative office which requires the legislature to enact a code of ethics prohibiting conflict between public duty and private interest of the members of the legislature.

It was intended by the committee, and I would hope by the delegates to this convention that all matters pertaining to the ethics and conduct of public officials...of the members of the legislature, would be covered in Section 8 and I submit to you that the legislature itself would be the authority to make the requirement that is being proposed in this amendment.

The Committee on the Legislature discussed the ethics area and the conflict of interest area, I think at length and thoroughly. If you would also refer to Article III Section 29 and 30 of today's constitution, you will note that today's constitution does contain certain specific provisions pertaining to the personal interest of legislators have in bills to the sale and trade of votes and conduct of that type. It was intended by the committee on the legislature not to in any way have in our constitution an itemization of specifics or matters affecting specific conduct of legislators. This is a matter of general nature, it should be set forth in statutes and the regulation of the conduct of individual legislators could be more thoroughly and properly contained in statutory material. We are certainly concerned, for instance, about what is the definition of economic interest. We don't know that, and I think would instigate, certainly a certain amount of litigation just to interpret that particular word.

I am not against the concept, but I think it properly belongs in the statute and we should leave that matter to the legislature.

I would urge defeat of this amendment.

Appeal from Ruling of the Chair

Mr. Arnette Ladies and gentlemen, it seems, I'm not going to argue the merits or demerits of this particular proposal, but it seems to me that this is an entirely new subject that is not germane whatsoever to the proposal that was proposed by the committee.

And it also seems that if we are going to allow delegate proposals introduced in this matter, that there is no point in having committees and I think what we need to do is overrule a ruling of the chair and say that this is not a germane amendment and, therefore, it should be referred to committee as a delegate proposal and I so move at this time.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention. I rise in support of Mr. Arnette's motion, I'll tell you for two reasons.

One, we will never get any proposal even close to being finalized if we allow delegate proposals to come to us for deliberation in a helter-skelter manner when maybe if that proposal had been presented to the committee at a proper time, the com-

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mittee would at least be able to give us some input as to what it may have heard, or not heard with respect to that idea.

Now, this, in my opinion would not prevent the delegate who, after the vote has been proposed and submitted to the committee and rejected, it would not prevent him from then coming to the committee as a whole, which is the body as a whole.

But all it appears to me, without singling out Reverend Landrum cause I know he didn't mean to, is that now for three weeks we have been dealing with this section. There never was any such provision in the section. Obviously, that was known to anyone who had read the section. Therefore, it appears that this particular proposal could have been submitted several weeks ago, committed to the committee for their consideration, and then if they had rejected it, we would have at least the right to discuss it today, and I certainly would like Reverend Landrum to have the right to bring it up.

But that's not how it has come about. At the last minute, we are asked to discuss something that none of us have any idea about what the Legislative Committee may or may not have done on it. All I am saying is that I certainly want every delegate to have the right at any time that is in an orderly fashion to bring up whatever proposal he or she wants. But I want that proposal to first go to the committee that should have heard it and then if that committee refuses to give the redress that the delegate thinks is necessary, let him bring it to us as a whole.

For that reason, I think that we should overrule the chair, and we should declare that in the future if any amendment comes up that was not a part of the original proposal, that it should be initially relegated to the committee that heard the matter and thereafter, if the delegate is not satisfied, it should then come on up to us for consideration.

Point of Order

Mr. Kean Is it in order to offer a substitute motion to the motion that is now on the floor?

Mr. Henry The motion to appeal the ruling of the chair?

Mr. Kean Yes.

Mr. Henry I don't believe so, no. What would your motion be?

Mr. Kean My motion would be to commit this proposal to the Committee on Legislative Powers and Functions.

Mr. Henry No, sir. That would not be in order because the chair has ruled that it's an amendment rather than a proposal, sir. And amendments are not susceptible to being committed.

Mr. Kean An amendment would not be susceptible to being committed back to a committee?...

Mr. Henry The whole proposal could be, but not the amendment. No, sir. We have no mechanics for that.

Point of Order

Mr. Nunez Would it be in order to table the motion to overrule the ruling of the chair and then vote on the original motion?

Mr. Henry It would be in order to move to table the motion to overrule the chair, but then you would have to make another motion which would have to be made pending the outcome of that motion, Senator. So it would be rather confusing, to say the least.

Mr. Nunez Well, I don't want to make it any more confusing, but I am just trying to find...

Mr. Henry I'm going to try to stay with you as long as I can...

Further Discussion

Mr. Off Mr. Chairman, delegates, whether I like the rule or not immediately. It is my opinion that the chair is correct in its ruling and that we should proceed to consider the amendments in the event that you do not like this procedure. It would seem to me that you should amend the rules and not seek to overrule the chair.

Even though I do not like the prolonged debate, and though I may not like and I may agree with the arguments presented by Mr. Roy, I must disagree with him in the interpretation of the rules. I agree with the chair. I hope that you will sustain the ruling of the chair and then let the member proceed to amend the rules and we will end it.

Thank you.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise to call to your attention something that I think is extremely important and involved in the question as far as the interpretation of the rules this morning.

Let me suggest to you what you are about to do, is to give up the right of our delegates to present to this convention, by amendment, their views as regards those things which a committee may have left out in their proposal.

Now I received this morning this xeroxed copy of all of the articles and sections that have been left out of the Executive Proposal. And I suggest to you that the only way that you think that one of the sections that have been left out should go back in the new constitution, that the only way you can do it, is by amendment on the floor, by adding a new section to their proposal. So that I suggest to you that if you don't sustain the chair, we are going to meet ourselves coming back on this thing in the days ahead. And to give up each delegate's right not to submit, by amendment, a section that has been left out in a committee proposal, I think would be a very dangerous precedent.

Now it's unfortunate that the question arises at this time. But I suggest to you that the chair is correct in deciding the point of order that is raised and I would ask that you sustain the chair in his position.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I think if you will just go back a little bit and you can remember what our chairman said in the offset of this convention, he said you're going to make the rules, you make them like you want them, and when you make them you are going to live with them.

I think today we should start living with them. I think that we could have saved time if we had gone on and supported the chair and let Reverend Landrum put his amendment through. If you didn't like it, all you had to do was vote against it. If you wanted it, you voted for it.

If you didn't like the rules, then send the rules back to the committee and then let it come back to the floor.

I'm in support of sustaining the chair's ruling.

[Previous Questions Ordered.]

Point of Information

Mr. Singletary Was there a motion made to overrule the chair?

Mr. Henry Yes, sir, Mr. Arnette, I believe, moved to overrule, or appeal the ruling of the chair.

Chair ruled that the Landrum amendments were in order, that they were amendments to the proposal and therefore could be considered now rather than being committed to the Legislative Committee to which ruling an appeal was made of the chair...To which ruling of the chair, an appeal was made by Mr. Arnette.

[Rolls are called. Chair sustained.]
9 - 10.]

Further Discussion

Mr. Schmitt This is one of the few times of which I have come before the committee to speak and I feel this is of grave importance.

There has been some issue as to whether or not the term economic interests would instill litigation in the State of Louisiana.

I'd just like to suggest to you that the passage of any parts of a new constitution... or a total new constitution will definitely be the hallmark of many... much litigation for the next 25, or 30, 40 or 50 years. Some sections of our present constitution which were adopted in 1921 haven't even been ruled on up to the present time.

The purpose of this amendment is a very honorable purpose. I believe what it does requires those who represent various interest groups to make those facts known to those whom they represent.

Now, there will be many objections to this and the primary objections would be to those who would feel that they have something to lose by the adoption of this amendment. I feel that a Senator or Representative who claims to represent the poor people, should be able to have these facts bared so that others can examine them and see whether or not their real economic interest is with the poor people or whether they have got millions and millions of dollars worth of property in oil or in some other type of area.

And I also feel that someone who claims to represent some particular type of business should have these facts bared to the people because he doesn't really represent that interest. Perhaps he represents the poor people.

But I don't believe that the people of the state have anything to lose by the adoption of Reverend Landrum's amendment. My father is a state representative. I'm sure he has nothing to fear by the disclosure of what his economic interests are. And I'm sure that all the legislators, Senators or Representatives here have nothing to fear, either.

I would suggest to you that this will be one of the greatest steps forward that the State of Louisiana can make. This will be one particular proposal, or one amendment which will cause the legislators to be more responsive to their people. The people will be able to see... does that man represent me, or is the reason that he voted on this particular bill or resolution for some other type of interest... for some other type of economic group.

I believe that you should lay the facts on the table. I don't have anything to hide and I don't think any of the other delegates here have anything to hide. If I was worth millions and millions of dollars, I'd have no qualms about letting this be known to the people. And I don't feel that those who are worth that much money or do have these different diversified interests should have anything to fear.

I rise in support of Reverend Landrum's amendment. I believe this economic amendment is a good amendment, and it is good amendment, and I would request your support for this amendment.

Questions

Mr. Bollinger Delegate Schmitt, you stated that you thought if a legislator was representing the poor people, in effect he should be poor?

Mr. Schmitt I never said he should be poor... let me answer the question, please, he should have the guts, he should have the morality to let his people know where his economic interests lie. I believe that a person, even though he is worth five, ten, fifteen, twenty million dollars can still represent the poor people. At least they will be able to evaluate whatever type of legislative bills that he passes in the light of what the true facts are.

Mr. Burns Mr. Schmitt, I'm a little confused about this, especially in view of some of your statements. Do I understand this economic amendment to mean that before a legislator voted on each individual bill, that he would have to make a disclosure or declaration of some sort as to whether he had any economic interest

in that particular bill?

Mr. Schmitt No. The amendment itself states that this statement shall be filed annually. As an example, if a person owns some stock in a certain corporation, he would have to divulge which corporations he owns stocks in. If he owns land, he would have to divulge where the land is located, how much land he owns, what is the fair market value of that land.

Let's lay the cards on the table.

Mr. Guidry When you say economic interest, would that also include if you own a life insurance policy where the insurance company invests say on the stock market which covers any and everything that the legislature ever votes on regardless of the subject...

Mr. Schmitt I'm not saying that they couldn't vote on any particular subject, and that's now what this amendment says.

Mr. Guidry I realize that, but it says economic interests.

Mr. Schmitt Well, what's the matter with you having to say how much life insurance you have? I don't see anything wrong with that at all. I don't mind telling how much life insurance I have.

Mr. Guidry Well, I don't know who the... business it is other than my own personal.

Mr. Schmitt Maybe this can divulge how much you are worth and that might be one of the things that people would take into consideration of whether or not you represent their interest.

Mr. Guidry Well, in other words you are covering in this anything, that is... economic interest could cover just about anything, is that right?

Mr. Schmitt Economic interest would cover anything in which you have an equitable interest.

Mr. Guidry Well, that changes from day to day with maybe fifty members of the legislature. Does he have to file from day to day?

Mr. Schmitt You know and I know this doesn't change day to day, but it would change periodically and you would have to file amendments.

Mr. Guidry In other words every day the stock market changes, you've got to reevaluate your stock...

Mr. Schmitt It says annually.

Mr. Guidry Annually.

Mr. Schmitt The statement shall be filed annually with the Secretary of State and shall be a public record.

Motion

Mr. Newton Mr. Chairman and fellow delegates, I think this is a serious proposition. I think it deserves the full consideration of the convention and a full hearing and I, therefore, move to suspend the rules to refer the amendment to the Committee on Legislative Powers and Functions.

Substitute Motion

Mr. Duval I really don't know if it's in order, but I would like to make a substitute motion to table this particular thing rather than to get into suspending the rules. I think it ought to be tabled, and I think that's what I'd do to all amendments adding to the section.

Mr. Henry As a substitute you move that the... to table the amendments?

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Mr. Duval Rather than to start suspending the rules we have, I move to table it, yes, sir.

[Substitute Motion to table rejected:
40-68. Motion to suspend the rules
rejected: 52-51.]

Further Discussion

Mr. Weiss Fellow delegates. I speak very briefly to say that I am opposed to this present amendment although it appears to be motherhood, it is much more complicated, and I think that we should vote on this and get it over with.

The point being that this is well taken care of in the Section A of the present article which cites the conflict of interest and, therefore, I think it's well taken care of in that respect. It's not at all intended to find out how much people have in their possession as to how they vote.

Some of our famous national senators are some of the most wealthy people in the nation and vote for the poorest of the people as well as some of the resolutions before the Congress. But nonetheless, I think that this is not the issue right now.

I'd like to spend a moment citing a very important thing that has happened at this convention at this time and that is as regards to procedure. I'm happy that we did pass the motion to support the chair and I think we should get this matter behind us because we are going to be bound up here in procedure if we are not.

In 1945 Justice Frankfurter stated that the history of American freedom is in no small part the history of procedure.

This has been paraphrased to state that the history of successful state constitutions and modernization is in no small measure the history of procedure. We must get this procedure under way, support the chair, and vote on this issue. I would only ask that the delegates who are delaying this convention would more seriously consider their amendments and try and bring these amendments to the committees which have spent long periods deliberating this and not to bring up an amendment at the tail end of a proposal which confuses the entire convention. I think this is the issue we must face.

At the present time I think this amendment will be voted down, but I hope in the future that the delegates, and we are the ones that are responsible for delaying this constitution, I can assure you it is not the chair nor the members of the research staff or others who have helped us a great deal, but rather our own procedural inadequacies, and I plead with you to go directly if you have an amendment, to the people who have deliberated on this for six months, and discuss it with them before bringing it before this convention.

I think Reverend Landrum's amendment is clearly indicated in Conflict of Interest, Section B, and I ask you to vote against his amendment.

[Previous Quot. on ordered.]

Closing

Mr. Landrum Mr. Chairman and fellow delegates, I think some of you may have had the cog idea to this amendment. I'm not concerned really about how much you have but I believe, as I stated earlier, that the people we must try to restore their confidence in government. And in the minds of many people every elected official has an awful lot of money and all this money has been obtained through illegal means. And so I would think that it would be wise, even for you who mean well, to try to clear yourself of this type of thinking. It was in the early constitution and I'm not for just changing things just to be changing, some things are very good about the old constitution. Certainly the preamble of the old constitution was a very good one. I think this particular section is a very good one. Therefore I urge that you support this amendment.

Questions

Mr. Reeves Reverend, what are, in your terminology, what are economic interests? Are they the entire assets, both liquidated, and entire assets of an individual?

Mr. Landrum I would think all of your assets, Mr. Reeves. Someone mentioned earlier about insurance policies. Certainly there is nothing wrong with disclosing insurance policies but I wasn't really too concerned about insurance policies. But now, if you are representing an insurance company then I would think that you have a conflict there. Mr. Casey mentioned about Section 8. I believe most of those words are mine, in that section.

Mr. Reeves Let me ask one other question. Do you feel that this section completely discriminates against legislators in that it does not involve itself with other members of public officials including assessors, governors, clerks of court, etc., sheriffs, and go on down the line? I mean if we're going to make folks like Bubba Henry put down how much money they make and where they get it from, let's do the same thing to Lawrence Chehardy.

Mr. Landrum Mr. Reeves, we are dealing, at this time, with the legislative proposal and so I addressed myself to the legislative proposal. Now when we get to the assessor's section or any other section, well then we'll deal with that section.

Mr. Reeves Lastly, I'd like to ask how will this be enforced? I think you have, in my opinion, of course, you have something unenforceable. But if you have the answer, lay it on me.

Mr. Landrum How would it be enforced?

Mr. Reeves Yes sir.

Mr. Landrum Well how do we enforce all our laws?

Mr. Reeves Well see Reverend, I don't think you understand the impossibility and the impracticality of enforcing this particular section. For instance, let me address this in a question. If I had a large sum of money, for instance, \$100,000, one of the easiest ways to, in cash money, one of the easiest ways to circumvent this would be simply to put this money in my child's name and make me the entire and total controller over this. This would be my assets because my little boy is only four years old. He couldn't do anything with it, but what I'm saying is you've got an unenforceable...

Mr. Henry Mr. Reeves, your time is out now by about 10 seconds. I'm sorry. I'm sorry, Reverend Landrum. Go ahead and make your...

Mr. Landrum If your child's \$1,000 multiply into \$1,000,000 next year or two years from now, well then, we're going to know about your child.

[Amendment rejected: 24-84. Motion to reconsider tabled.]

Amendment

Mr. Poynter Mr. Drew, with your amendments, sir? Amendment No. 1. On page 12, line 10, insert the following:

"Section 28. Taking Office.

A. Members of the legislature shall take office 30 days prior to the date for convening of the first session of each term for which members are elected every four years.

B. A person elected to fill an unexpired legislative term shall take office within 30 days after the secretary of state promulgates the election returns."

Mr. Drew Mr. Clerk, we are confused again on amendments. The amendment that I am offering at this time reads: Section A. Members of the legislature shall take office on the same day as the governor and other officials elected statewide.

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Do you have a copy of that?

Mr. Poynter I know these were passed out last week and we xeroxed some more copies and they apparently grabbed the wrong set, Mr. Drew, but I can certainly get more copies of that amendment.

Explanation

Mr. Drew Let me read the amendment to you, if you will, Mr. Chairman and ladies and gentlemen of the convention. This is a new section. It possibly should have been offered as an amendment to Section 2, dealing with the annual sessions and convening of the legislature. But due to the time that we spent on that, I felt it inadvisable at that time. The way this section reads: "A. Members of the legislature shall take office on the same day as the governor and other officials elected statewide." Now the date is provided under the article on the Executive Department. The purpose of this amendment is to let the legislature go into office prior to the time of the convening of the legislature. Having only been elected in the fall of the previous taking office when the legislature convened in May of 1972, I saw what a burden it was to not take office until such time as the legislature actually convened. For that reason, I feel that if other elected state officers are going to take office earlier, and I believe the present Executive Article provides for the second Monday in March, that that's correct. Then I think the legislature should take office on the same date. The second part, "B", reads as follows: "A person elected to fill the remainder of an unexpired legislative term shall take office within 30 days after the secretary of state promulgates the election returns." Now there has been a suggestion that possibly this section should read "within 30 days after the election," in order to expedite the matter so that one who is elected to fill an unexpired term could immediately take office. I did not change it. I would have no serious objections except I rather question the advisability of allowing them to take office before the returns are promulgated. I believe that would have to be done before they would be entitled to take office. What this would do, by using the word "within", it would permit a legislator who was elected to fill an unexpired term to take office immediately upon the promulgation of the returns so that there would not be an indefinite period of time in which that particular district had no Representative in the legislature. Now there will be the same questions raised on this that have been raised on other amendments pertaining to the fact that it violates the act which authorized this convention as to the reducing terms of office. It is very probable that when this think is worked out in the final by Style and Drafting or taking into consideration our acts authorizing this convention to draft a new constitution that it will be something before this provision could become effective, due to the prohibition against reducing terms of office. But we are not looking for this year or for next year or necessarily 1976. We are looking at a long time project and I think the people of this state will be much better served by having their legislators take office at the same time as other elected officials. For these reasons I ask your adoption of the amendment.

Questions

Mr. Weiss Do you know what the opinion of the Committee on Legislative Powers is in regard to your amendment, sir?

Mr. Drew No objections. I've talked to Senator Blair, he has no objection for himself, not for the committee. I have not discussed it with the committee.

Mr. Casey I have two questions. First of all, Mr. Drew, what is the requirement for the period of time within which the secretary of state must promulgate the election returns?

Mr. Drew I don't think that there is any particular time. The secretary has always been very prompt as soon as he has the returns. Now you are talking about returns from a Representative District or a Senatorial District, not statewide returns, so it should be a very brief time, in my opinion.

Point of Information

Mr. Casey The other question I have, I'm not sure if this should be a point of information addressed to the Chairman and to the Clerk, Mr. Chairman and Mr. Clerk, or whether Mr. Drew would be the one to answer this. I'm concerned about the mere technicality of the location of this matter in Section 28 which I think Mr. Drew had indicated that possibly more properly belongs in another section or should be placed in another area of the Legislative Article. Under the duties assigned to Styling and Drafting, is it possible that Section 28 could be more properly placed in an orderly fashion in an order where it rightfully belongs?

Mr. Henry It's the opinion of the Chair that that is one of the functions of the Committee on Style and Drafting insofar as location and putting it into an orderly fashion, Mr. Casey.

Question

Mr. Abraham Mr. Drew, would you be in favor of amending the Paragraph B simply to state that the person elected to fill a vacancy, the remainder of an unexpired legislative term, shall take office 30 days after the election? That fixes the actual time that he would take office as related to the date of the election rather than what time.

Mr. Drew I think if you put it 30 days, you might very well deprive that district for a period of time of having a Representative, Mack: that's the reason I'd rather leave it "within". I think "within" makes it as early as the returns are promulgated, he can immediately take office. I ask for the adoption of the amendment.

Point of Order

Mr. Dennyery Mr. Chairman, for the sake of the record, I would raise the same point of order with regard to this "amendment" as I did with regard to Reverend Landrum's. I assume the Chair will make the same ruling.

Ruling of the Chair

Mr. Henry: The Chair would have to rule in accordance with the ruling on the Landrum Amendments, yes sir.

[The speaker's question related. Amendment adopted. 27-14. Motion for reconsideration tabled. Proposed passed. 27-14.]

Personal Privilege

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, I want to thank all the committee members for all their help. Thank you as delegates, I appreciate your patience and I hope we didn't keep you here too long. Thank you for everything.

Mr. Henry Thank you, Senator, you and your committee. Now you'll get back and have your shot at everybody else, as you did the other day, I believe.

[The speaker's question related. Amendment adopted. 27-14.]

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

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Reading of the Resolution

Mr. Poynter The first resolution is Committee Resolution No. 8, by Delegate Stovall, which was reported with amendments, which amendments were adopted by this convention on July 20, 1973, and has been reprinted, and is in your book in the same color now, but it is reprinted. You'll find that "reprinted as engrossed" should be at the top of the copy. A resolution, amended by Delegate Stovall, amending Rule 40 of the standing rules of the convention, to clarify the requirement that each committee proposal shall bear the signature of a majority of the members of the committee.

Explanation

Mr. Stovall Mr. Chairman, ladies and gentlemen of the convention, we have several procedural matters to deal with. It is my hope that we might deal with them as expeditiously as possible, and I'm sure that with your cooperation that we can do just that. Committee Resolution No. 8 simply changes the word "signature" to "name". The meaning here is that each person of a substantive committee does not have to sign the resolution, but it simply carries the names of those delegates voting for each such proposal which in each case shall be at least a majority of the members of the committee. I encourage your support for this somewhat technical resolution.

[Previous Question ordered. Resolution adopted: 105-3. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter The next resolution is Committee Resolution No. 9, introduced by Delegate Stovall, Chairman on Behalf of the Committee on Rules, Credentials and Ethics. Resolution, to adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session. Now, this one was reported with amendments which were also adopted by the convention on July 20, is reprinted in a blue copy on your desk at the top "reprinted as engrossed".

Explanation

Mrs. Corne Mr. Chairman, delegates, Resolution No. 9 is self-explanatory. It deals with the abuse of using the materials of the convention or having materials printed without the sanction of the Chairman or his designee to the convention. It also prevents the passing around of material to the delegates that does not designate where these materials come from. We have already discussed this. We've discussed it in committee. We've discussed it with the convention, and I move the approval of this resolution.

[Previous Question ordered. Resolution adopted: 106-8. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter The next resolution is Delegate Resolution 26, introduced by Delegates Juneau and others. A resolution relative to amending the standing rules to provide for regulation of lobbying before the Constitutional Convention. Now, this resolution was reported by the committee favorably, and was engrossed and passed on July 20, it was not reprinted since there were no committee amendments. So, as introduced, the resolution is in the appropriate form in your books. Delegate Resolution 26, pink copy.

Explanation

Mr. Juneau Yes, Mr. Chairman. Fellow delegates, briefly, I can explain this resolution very simply. It is in essence the same provision which you now have in the House of Representatives and in the

Senate. It's the provision which now controls our legislative body in the state of Louisiana. I made a few changes to conform to the language from a legislative body to a convention body. Additionally, I took out the provision with regard to a photograph, and I took out the provision with regard to putting up the ten dollars. Additionally, the only major change which I consider of any significance is the fact that I took out the provision which calls for a five hundred dollar fine in the proposal which is now enacted into the law in the state legislature. The reason for that, to me, is obvious. I just don't believe that we have the authority under law to impose that kind of sanction. What this provision does, though, is to require lobbyists to register, and if they register it will be kept by the Clerk for the inspection by the public. I submit to you that abuses of that would be readily known by the delegates of this convention. Your weapon in that regard would be the microphone. There was some controversy about the words used so far as definition of who is a lobbyist, and specifically, it defines any person who engages himself for pay or any other consideration. Gentlemen, that's the exact same language which is now in effect in the House of Representatives and the state Senate. I cannot see... I think it's a workable solution. Experience has shown that it works. It's not a hardship on anybody. But the one thing that I've found over the past two weeks, the public wants a registration of lobby bill. I think it accomplishes this. I think that it's a workable, sound solution to the problem, and I would move for its favorable adoption.

Questions

Mr. Jenkins You've explained it to us, Pat. Can you tell us what the reason for it is?

Mr. Juneau I think, Woody, it would make available to this convention a ready, accessible list, if we wanted to ascertain what particular person... what group he is representing. It would be easier for me to know that I could go to the Clerk's office, pull the list, and find out who he is working for and by whom he is employed.

Mr. Jenkins Have you had any problem finding out who any of the lobbyists are when you've inquired of them or someone else?

Mr. Juneau There are about three people that I really, frankly, Woody, don't know who they work for, to tell you the truth.

Mr. Jenkins Have you had any trouble finding out? I mean, when you asked, or asked them?

Mr. Juneau I'll put it this way. I find it sometimes would make it somewhat awkward in a group of people to address that question to a person under the circumstances. I find it very easy for me to go to a record, ascertain the individual's name and look it up and find it. I think that it would serve a useful purpose in that regard.

Mr. Jenkins With regard for the public demand for this, do you know that none of my constituents have requested such a thing or shown any indication that such a proposal would be desirable?

Mr. Juneau Well, my only answer to that, Woody, is according to your votes and my votes, I know that we are not representing the same people.

Mr. Roemer Delegate Juneau, I read your proposal hurriedly twice. I didn't see anything that dealt with delegates themselves who are paid by an association or a group or a permanent employee and have either gotten themselves appointed or elected here. Does this pertain to them in any manner? Do they have to register?

Mr. Juneau The provision, as it's written, would equally apply to delegates, Mr. Roemer, as it does

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in the current House of Representatives and the Senate, and to be very candid with you, I would have no serious objection to deleting delegates, because I think we all know where you're from, who you work for and whatever your associations are with. But the point I wanted to make, it's identical to the bill that's now enacted into law.

Mr. Roemer I understand that, and let me see if I understand what you just said. It does apply to delegates, as now written?

Mr. Juneau Yes, sir.

Mr. Roemer I see.

Mr. De Blieux Mr. Juneau, I'm kind of puzzled now about the answer you gave to Mr. Roemer...say about delegates. If, for instance, suppose that a delegate...well, like for instance attorneys, let's say they're probably employed by corporations or organizations or something of that sort. Now, would you say that they would be necessary for them to register and disclose the clients that they represent, whether they vote in their favor or not in their favor here on this floor. If they actually represent those people, wouldn't they be subject to the same rules as any other lobbyist?

Mr. Juneau The provision, to answer your question, Senator De Blieux, the provision states that if you are paid for the purpose of advocating the defeat or passage of any proposition then you are to be registered as a lobbyist. My answer would be, have you found it necessary, for example, to register in the current Senate chamber? If you haven't you wouldn't find it necessary in this chamber. I wouldn't think so, unless you're being specifically paid by any group or client to advocate a defeat, the passage of any particular proposition.

Mr. De Blieux Well, don't you think that that's kind of hard sometimes to determine exactly when a person is lobbying for it, because I go up and down these convention floors here a lot of times, asking people to vote for or against certain provisions. Am I lobbying?

Mr. Juneau Well, Senator De Blieux, does anybody pay you to do that?

Mr. De Blieux The state of Louisiana has paid me.

Mr. Juneau No, I'm not talking about the state of Louisiana, and this bill doesn't apply to the state of Louisiana. Does any group pay you to advocate or to convince me or anyone else here about any particular...if they don't you don't have the problem.

Mr. De Blieux Well, I guess I don't have a problem.

Mr. Henry You've exceeded your time, Mr. Juneau. Mr. Jack, do you want to speak?

Let's go ahead and try to dispose of this. We've whipped it two or three times already.

Mr. Jack, I'm sure that you have some words of wisdom to impart here...import.

Mr. Jack The words of wisdom are "let's kill this thing and get along".

Mr. Henry Is that your motion, sir?

Mr. Jack That's my whole thing.

[Previous question order/d. Resolution adopted 88-21. Motion to rescind is tabled.]

Reading of the Resolution

Mr. Boyner The next resolution, Committee Resolution 10, introduced by Rev. Stovall, Chairman on Behalf of the Committee of Rules, Credentials, and Ethics, and other delegates. A resolution to amend and readopt Rule 30 of the standing rules of the convention to provide for limitations of debate.

Now, this resolution was reported with amendments, which were adopted on July 27, 1973, and for some reason beyond me, was not properly reprinted, and as a result the pages are right now passing out a copy of the actual engrossment as it is here...the official engrossed copy. The pages are coming that way. You can amend this copy. If you want to propose an amendment, an amendment can be drafted to the engrossed copy.

Going straight to the language, 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, except that the mover, proposer or introducer of the matter pending and/or his designee shall be permitted to speak and reply for ten minutes, but not until every delegate choosing to speak has spoken except when the previous question or 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 close as provided in Rule 76, and the time for closing shall not exceed the total of ten minutes.

Explanation

Mr. Bollinger I think it's obvious that we want to adopt an amended rule to speed along the business of the convention. Senator Rayburn had proposed a five minute rule, and in my opinion, and in favor of the other delegates' opinion, this was a little too short of time for individual delegates to ask questions, to present their views, to discuss and debate the matters. I think what the committee has proposed here is a happy medium of ten minutes. It allows for the delegates to ask more questions and probably would develop into less of a gaggle taking the floor, since they would have time to ask a question. I don't think there's any major objection to it. If there is, I'd like to hear it. I move its adoption.

Questions

Mr. Roemer Boysie, as I read it, the proponent or his designees have thirty minutes to speak.

Mr. Bollinger No, Buddy. I think you are wrong. The resolution was amended. The resolution as originally offered to the committee had a five minute rule with a ten minute rebate, which was in addition to closing. In the amendment I presume that reply should have been deleted, but it wasn't. It's interpreted by the committee to mean that the proposer would have a total of twenty minutes, ten minutes opening and ten minutes closing.

Mr. Roemer Well, that's your understanding, but it doesn't seem to read that. It says that the delegates shall not speak more than once to the same question nor more than ten minutes, all right, in the first two lines. Then you say, and/or his designee shall be permitted to speak in reply for ten minutes, and then you get to close for ten minutes. Now, I can conceive of a ten, ten... thirty minutes on behalf of the proponent.

Mr. Bollinger When I read the resolution, as amended, I had the same question, and I asked a few of the members of the committee what they thought, and they did not seem to think that it would go thirty minutes. So, I would think that it would probably be in order to amend it if it is a serious question.

Mr. Roemer Right. Well, your answer is that they didn't seem to think that it would apply, and I'm not saying that I don't care what they think, I do, but I'm just saying what it reads. It reads thirty minutes.

Mr. Bollinger Possibly it does. I think that it would be an interpretation.

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Amendment

Mr. Poynter ...By Rayburn and Stovall, Amendment No. 1, page 1, delete lines 13 through 24, both inclusive. This goes to the printer and a copy which is on your desk...in their entirety and insert in lieu thereof the following: "Rule No. 30. Limits on Debate. Delegates shall not speak more than once nor more than 5 minutes to the same question without leave of the convention, except that the mover, proposer or introducer of the matter pending and/or his designees shall be permitted to speak for a total of not more than ten minutes for purposes of opening and closing. The mover, proposer, or introducer shall not be recognized to close until every delegate choosing to speak has spoken except when the previous question or the previous question on the entire subject matter has been ordered, but when so ordered, he shall have the right, nonetheless, to close."

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, These amendments simply say that the person who is handling the particular proposition shall have a total of ten minutes or a period not to exceed ten minutes. In other words, if he desires to take three minutes in his opening remarks, he can't have over seven minutes to close. It further provides that no one else can have only five minutes. I think that this has worked real well in the last few days. I think that we've made progress, and the only thing it does over and above the rules that we have been temporarily working under, it does allow the person, who is the prime mover, a limit not to exceed ten minutes, if he so desires to use that much time.

Questions

Mr. Roemer Senator, you don't differentiate in your amendment between the period of proposing and the questions that follow. Do you not? There is no differentiation there, is there?

Mr. Rayburn No, sir, I do not, but we've been doing the Chairman has said when a man has exceeded his time, if he wants to take it up in questions, he's exceeded it. If he doesn't want to yield to a question and wants to go ahead in his debate, that's up to the person who's handling the bill.

Mr. Roemer Well, as a delegate who is not up that often at the mike that you're at, I've listened carefully to those who are, and have often been persuaded either by the opening or the closing, and I think that they are very important. I think that you would agree with that. However, there are legitimate questions that arise on the floor after either the opening or closing that need to be asked. It seems to me that under any of these amendments that put a time limit and don't differentiate between the statement and the questions that follow, that we have the problem of a man needs to take a stopwatch up to the microphone with him to keep up where his time is. Don't you see that as a problem?

Mr. Rayburn Well, certainly, Mr. Roemer, but I also see any rule that we would adopt, could be a problem. Because if you're going to allow a person unlimited time to answer questions...if I wanted to prolong the debate, I would try to get eight or ten of my friends to engage in a question and answer deal until I could get the proper amendment prepared or probably persuade a few people to change their mind. And I think we'll have a problem regardless of how hard we try to tie that down, but I do think, and I hope the majority of the delegates here feel, that the rule that we have been operating under for the last several days has worked successfully. I know that they are not perfect, and I don't think that we could adopt any that would be letter perfect.

Mr. Roemer Well, I agree with that. I don't think we could adopt any letter perfect. I think that the rules that we have been under have been too restrictive quite frankly. I just wish that we could come up with an amendment that differentiated between the statement and the questions because I'll turn your example around. If I wanted to defeat something, I would make sure that we had a list of questions that use up all the ten minutes at the initial opening statement and give him no time at all to close.

Mr. Rayburn Well, that would be up to him, and if he realized what you were doing I think most of them around here would know that. He wouldn't have to yield.

Mr. Roemer Well, would you go with me in offering a suggestion to the Chair that we buy everyone a stopwatch so he can keep up with where he stands.

Mr. Rayburn No, sir. I've got one that keeps pretty good time, and anytime that I'm up here and they don't want to listen at me, I want to sit down anyway.

Mr. Staggs Senator Rayburn, in the third line of your amendment you say "without leave of the convention". Suppose a man was presenting a bill and the questions were coming thick and fast; how do you obtain leave of the convention to continue to allow questions to be asked? What's the mechanical means for doing that?

Mr. Rayburn That is if the convention so suspends the rules, as in the present rules. If you suspend the present rules, then this convention will have to grant him that extra time by suspending the rules.

Mr. Weiss Delegate Rayburn, in your proposal, if the mover of a proposal so desires to present his argument in two or three minutes and refuses questions, isn't it possible for those that have questions to ask them from the podium by accepting the podium and then at the conclusion the speaker can answer any questions that were unanswered due to questions that came up in the course of discussion?

Mr. Rayburn Well, doctor, that would be up to the speaker. You have the right to refuse to yield to questions at any time, and certainly that would be up to the person who was handling the bill. If he refused to yield, he would just refuse to yield. Then, if there was something you wanted to bring out you would have to attempt to get recognized and maybe bring out what the question you wanted to ask him during the time you had been recognized to speak on the issue.

Mr. Weiss My point is...the question is any delegate could come to the podium and ask the question before the convention and therefore the concluding remarks would probably answer any questions. Is that right?

Mr. Rayburn Yes, sir. If he got recognized, he could.

Further Discussion

Mr. Bollinger Mr. Chairman, fellow delegates, the Rayburn amendment is basically, in fact almost exactly, what the original committee proposal was. The committee voted to amend it to the five minutes to ten minutes, and they thought that the five minutes were not enough. I know that a lot of you, like me, are not attorneys, are not informed of the laws of the state, and need the debate to make up your mind. I think that the debate is essential, and I think that it has been proved that five minutes is not long enough for any opponent to voice his opinion on the bad sides of each proposal. Likewise, if there are good sides, it's very possible that five minutes is not enough time to open and five minutes might not be enough time to close. We've seen almost every speaker up here run out of

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time. I think that it is obvious that five minutes is not enough. I move the rejection of the amendment.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I oppose the amendment for the following reasons: I speak like a streak of lightning so it doesn't really make that much difference to me. I can say more in five minutes than the average person can in fifteen. However, some members here speak very slowly. Many of the delegates are not familiar with the problems, and I think that it would be most unfortunate if we put a gag rule such as this. I feel that at least we should permit the mover of the motion to have ten minutes to explain his proposal and at least ten minutes to close. I have no objection to the other speakers having five minutes. I would suggest perhaps, as a compromise that we permit the mover to use ten minutes to explain his amendment and then the last ten minutes, five to explain. He may have an additional five if he permits himself to be questioned. I get more out of the questioning than I do out of the rest. So I would suggest that we not adopt so restrictive a rule as five minutes. We are here to debate the basic law and I would rather abuse speaking rather than to not let the members say what they want to say. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I rise to oppose Senator Rayburn's amendment. He said in speaking that the amendment, five minutes had worked well last week. Well, it did probably work well for Senator Rayburn because he's familiar with all of it. He's been in the legislature for a number of years. There are things that I come up with that he will know about, where some of us will not know about. We have eight substantive committees and I have been able to be on one. If you write a proposal, I should be able to ask some questions, and any other delegate should be able to ask questions as to your intent as to what it's all about so we could really vote intelligently about it. So for that reason, I'm going to ask you to oppose Senator Rayburn's amendment and give us a chance to ask some questions that we might be able to deliberate honestly in the interest of our people. Thank you.

Further Discussion

Mr. Chatelain Mr. Chairman and fellow delegates, I too rise in opposition to Senator Rayburn's amendment. I feel there are many of us here who are qualified speakers, many of us who are not. I feel that the professionals in this delegation know when to strike and where to strike. You'll notice they'll strike from all sections of this room. I feel that many of us need more time. I think ten minutes is reasonable and I urge that you defeat the Rayburn amendment.

[Previous Question ordered.]

Closing

Mr. Rayburn Mr. Chairman and fellow delegates, I'm not going to stand here and tell you that I think this particular amendment is perfect. But I do think it is an improvement. I'm sorry Mrs. Warren, Mr. Wall did not see fit to recognize you. I had nothing to do with that the other day. I do suggest that we try this. If it does not work, we can amend it from time to time as we go on. But I suggest we try it and see. Anytime under our present rules if you want to suspend the provisions of this rule, if you have the votes, you can do it. Let's try this and see if it works. Maybe it won't work. Maybe you'll want to amend it and give them all ten or fifteen minutes. I don't know. But I suggest we try it, and if at any time it proves a hardship, I think we can amend it. We can change it and try something else. I would just of-

fer this amendment, along with Reverend Stovall, in an effort to expedite matters. Certainly, I'm not here to hamstring anyone. I'm not here to keep anyone from talking. If it proves that this rule as adopted, if it is adopted, is working a hardship on someone, I'll certainly be happy to revise it or do something to it to comply with the majority of the wishes of this delegation.

Question

Mr. Weiss Delegate Rayburn, with everyone in such a hurry to get this convention over, don't you envision your proposal cutting it in half almost, to the time that would be spent otherwise?

Mr. Rayburn Well, I think it will have some reduction on it, Dr. Weiss. I don't know how much.

[Amendment adopted: 66-42. Motion to reconsider tabled.]

Mr. Henry Are there further amendments, Mr. Clerk?

Mr. Poynter I have none at the desk. Delegate Roemer had indicated that he was preparing amendments. I don't know if he wishes those, or if they are here or what.

Mr. Roemer Mr. Chairman, I will do it at the parliamentary procedurally correct time. All my amendment is designed to do is to add five minutes for questions at the opening. I personally learn more from the questions sometimes than I do from the statements. I just specifically limited the questions to five minutes. That's my only change. They are being prepared now. They should be prepared in a few minutes. If you want to...I'll do it tomorrow if the time comes up tomorrow. It makes no difference to me.

Mr. Henry The problem is, Mr. Roemer, that if we wait until tomorrow, you've got to introduce a separate resolution. Let me see if I understand what your amendment would provide. Your amendment would provide that the proponents would have five minutes to answer questions after he used his ten minutes to open?

Mr. Roemer Yes. My amendment would only guarantee five minutes for questions, if necessary, in addition to Sixty's opening and closing time limit.

Mr. Henry In other words the proponent of an amendment or a proposal would have in effect a total of fifteen minutes, ten to talk and five to answer questions.

Mr. Roemer That's correct.

Mr. Henry We don't have those amendments, but is there any objection by anyone to us going ahead and...

Mr. Roemer I'd rather them see them, Mr. Chairman. I know how I feel...

Mr. Henry I just wanted to find out. Apparently there is objection.
Senator Rayburn.

Mr. Rayburn I was just curious to know if you are going to let the proponents have five minutes for answering questions, what would happen to the opponents, if somebody wanted to ask them a question?

Mr. Roemer I make no provision for that, Sixty. That's true. My only desire was in the explanation of a proposal, it originally hits the floor. I know in our Committee, Mr. Chairman, Revenue, Finance and Taxation, ten minutes to explain these proposals is going to be pretty hairy.

Mr. Henry Well, in as much as we don't have the amendments and it's not the disposition of the body to consider anything of this sort, then we are going

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to have to proceed unless you want to take a recess. a five minute closing.

Mr. Roemer No, I'm not asking for any undue time period. I'm just saying that my amendment is ready. They're being prepared now. Do with them what you want.

Mr. De Blieux Mr. Chairman, I'm also concerned about the question period. I just wondered if it might not be possible that we could go on to the next resolution. If we can just lay this on as side for a minute or two while it's being prepared and go to the next resolution.

Mr. Henry Do you want to move to return it to the calendar?

Motion

Mr. De Blieux That's what I'd like to do. Return it to the calendar for the time being, Mr. Chairman.

[Motion to return the Resolution to the calendar rejected: 44-57.]

Recess

[Quorum Call: 96 delegates present and a quorum.]

Amendments

Mr. Poynter Amendment No. 1, Page 1, delete lines 13 through 24, both inclusive in their entirety and insert in lieu thereof the following:

"Rule No. 3D. Limits on Debate
Delegates shall not speak more than once, nor more than five minutes to the same question without leave of the convention except that the mover, proposer or introducer of the matter pending and/or his designees shall be permitted to speak for a total of not more than ten minutes for the purpose of opening, plus five minutes for questions. The mover, proposer or introducer shall not be recognized to close until every delegate choosing to speak has spoken except when the previous question, or the previous question on the entire subject matter, has been ordered, in which so ordered they shall have the right nonetheless to close and shall be limited to five minutes for closing."

We need a second amendment, Mr. Roemer, to delete the Rayburn amendment.

Explanation

Mr. Roemer The amendment would have our rules of speech-making work as follows: That is we would each be limited to five minutes in our discussion of a subject matter except the proponent or the introducer of the proposal who would be limited as follows: Not more than ten minutes in his opening remarks, an additional five minutes for questions in those opening remarks, and five minutes maximum on his close, but he would be guaranteed five minutes at the close regardless of how much of the ten minutes he took at the beginning. This is what I'm trying to do. Similar to Senator Rayburn, I am not trying to tell you this is a perfect amendment. It is not. Some subject matter will not require the ten minutes opening, and yet, some delegates, myself included perhaps, will abuse the privilege and take the full ten minutes. However, that doesn't bother me nearly as much as those subject matters which might require ten minutes and we would limit ourselves to five. Second point...I personally learn oftentimes as much in the question and answer session as I do in the opening and closing statements. My amendment would insure at least a five minute speech period of questions and answers if needed. In addition I think a man or woman who has given the time and consideration enough to present a proposal or bring a proposal for our consideration ought to have the right to close for five minutes on that proposition. My amendment would do those three things--allow an adequate time for opening, set aside a specific time for questions, and guarantee

Questions

Mr. Thompson Mr. Roemer, you're going to have ten minutes to open, five minutes for questions and five minutes to close. That's twenty minutes.

Mr. Roemer That's correct.

Mr. Thompson In other words you're raising the fifteen minutes.

Mr. Roemer That is correct. By the period of five minutes of questions, Richard. Now my point here, and I want you to understand it. You might disagree with me. Questions can be very important and the subsequent answers to those questions can be even more important, particularly on the proponent's other resolution. For example, in Revenue, Finance and Taxation we dealt some five or six months with that question. I don't know just half of the subject matter. Many of you probably know even less because you haven't been privileged to hear either the members of our committee or the testimony that we have had. I think you ought to give Revenue, Finance and Taxation the time and consideration necessary to explain a three dollar license plate, necessary to explain ad valorem, necessary to explain things that the people find at the heart of this constitution--their taxes. That's just one example. I could go on and on--Local and Parochial, Bill of Rights, etc., etc.

Mr. Hunez Mr. Roemer, evidently we haven't had a scarcity of speakers in this convention. Evidence from the number and from the time that we have taken and evidence from the fact that we do need to put a limitation on the amount of time each speaker can take. I don't recall where a speaker was denied the right to ask a question. Maybe of one speaker, but we have had speakers to follow that speaker that that same question could be asked too. It seems to me that we are opening it to a broader time spectrum than we have had. I thought that the questions...and don't you agree...that the questions that were asked and the number of people who wanted to ask question, I know of no time where a speaker was denied or a person who wanted to ask a question was denied that time. Maybe from the original speaker, but somewhere down the line someone got up and spoke if the subject was pertinent. Don't you agree?

Mr. Roemer I do agree with you, Sammy. Let me say this. Often times the questions are directed to a remark of the speaker, not necessarily a remark that is in the proposal itself. If you have to confine yourself to asking the next speaker the same question, he doesn't know what the first speaker said. Now understand, all I'm asking is for three hundred seconds. Three hundred seconds, not indefinitely. I've still got limits here.

Mr. Hunez Three hundred seconds times a hundred and thirty-two delegates is how many seconds?

Mr. Roemer Well, I don't open it to a hundred and thirty-two. You don't understand the amendment, Senator.

Mr. Hunez I think I understand it very well. You don't understand your amendment you're proposing is going...

Mr. Roemer I open it to one speaker for five minutes a question, Sammy. Not for a hundred and thirty-two.

Mr. Chatelain Wasn't it a fact, Delegate Roemer, less than the total time used, you would do away with the very thing you are discussing now. There would be less speakers parading to the podium rather than have just one man do it right. So we would all understand what's going on. A lot of us are not professional speakers. A lot of us are not skilled

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in the art of politics. Would it give us a better chance, sir?

Mr. Roemer No question about it. I've found myself being guilty of coming to this microphone when really all I wanted to do was ask a question of the first speaker. I was denied the right under these rules and so I had to come up here and parade for three or four minutes. I think we can do away with that. The heart of this issue is the discussion of the issues. I agree with limitations. I only ask for three hundred more seconds for questions.

Further Discussion

Mr. Duval Mr. Chairman, fellow delegates, I rise in support of the Roemer amendment for the following reasons. I think the most viable portion of the Roemer Amendment is guaranteeing five minutes to close. If a committee has studied this matter for six months, gets up and makes a five minute presentation, under the Rayburn amendment he cannot answer any questions because he's precluding his right to close. We all want to get to the truth of the matter, to the salient issues and so he is not going to be able to answer any questions at all because he has got to close in five minutes to close. I think that it is essential that we give the proponent, the committee, a five minute right to close. Under the Rayburn amendment either he waives...he doesn't answer any questions which automatically weakens the committee's position if you don't answer any questions, and if he does answer questions, he's forfeiting his right to close. I think all of you know how important it is to at least have the right to close, to be able to at one time, one person answer all the arguments that have been made and present his position after all speakers have spoken. I hope all of you do understand that this rule would only apply to the proponent, one man out of a hundred and thirty-two. Everyone else would be limited to five minutes. It's quite simple as Mr. Roemer said, it's only three hundred seconds. I think it's three hundred seconds which would benefit the convention. All of us, even though we are all extremely knowledgeable, don't know everything. I think this particular provision gives us a chance to find out a little bit more. If you are interested in seeking a little more knowledge, getting a little more facts, then you will vote for the Roemer provision. If you are interested in ignorance and not ventilating the issues, then you'll vote against it. Thank you.

Further Discussion

Mr. A. Jackson Mr. Chairman, fellow delegates, I rise in support of the Roemer amendment because I believe that it is important that the delegates are aware of the work of the committees. Now we have referred these very important matters to committees and they have studied them. When you allow only five minutes to deal with some of the very tough issues that will come before this convention, there's certainly not enough time for delegates to become aware of some of the reasons why we have certain ideas being expressed by way of sections and by way of overall proposals. We are going to be dealing with some really tough points of law, especially in Bill of Rights Proposal. I think that it is important that the individual rights of citizens of this state be protected by way of some of the sections in the Bill of Rights Proposal. I know that they will be controversial. I know that there will be no way for the delegates to understand all of the issues unless we have time to explain it, unless we have time to address ourselves by way of answering questions that will be posed by members of this convention. Therefore, I believe that it is very important that we would adopt and support this amendment in order that we can get at some of the tough issues that will come before this convention.

Question

Mr. Mire Mr. Jackson, did you know that I feel

that it's a very good amendment also.

Mr. A. Jackson Thank you, sir.

Further Discussion

Mr. Stinson Fellow delegates, I want to rise in opposition to this. We've all assumed something. First assumption is that the only proponent is going to be the committee, the person representing the committee. Well, of all the time we've wasted, it hasn't been the committees. It's been other people. This applies to everybody. I'm sure all of you believe in fairness. Why should the proponent have more time than the opponent? I don't see any reason for that. Next is, Mr. Duval says that if you vote against this, you're voting for ignorance. That it keeps the people ignorant. We don't have any ignorant people in this convention and we are not here for the purpose of giving a law course to anyone. When we get through, I think if we're ignorant now, we're going to be ignorant when we get through. If we are ever going to get through with this convention, I would like to urge let's go ahead and leave, as Senator Rayburn said, try his proposal. I don't see where it's been any hardship in the last few days that we have gone under the five minute limitation. If we hadn't had that we would be here still in the legislative section. Can you imagine what it would be if we didn't have any limit at all? How many years would it take I wonder? So I'd like to urge you, let's try it like it is and defeat this amendment.

Questions

Mrs. Warren Would you say that people could be intelligent and still ignorant on some matters?

Mr. Stinson No, I don't consider that ignorant. I think it's better to say maybe uninformed.

Mrs. Warren Well, this is what I'm trying to say. Don't you think that these delegates who have not had a chance to be on these committee hearings would be better informed if they had a chance to ask questions?

Mr. Stinson No, now I'm not referring to you, I'm referring to myself. Not if we do our homework like we should and know what's coming up the next day. We have a chance to ask other people that are next to you and so forth, and we can't hash everything out here on the floor. We can't go into great, great detail on every issue that comes up. We've got to some way get along and get through by January.

Mrs. Warren I didn't say hash things over. I said just ask a simple question. This is what I'm trying to find out.

Mr. Stinson I think we can do that without having to extend the time on each item that comes up.

Mrs. Warren Would you think that a hundred and five plus the twenty-seven delegates here should have the opportunity to ask a question if they wanted to?

Mr. Stinson Yes, and I certainly bend to help you everytime that you tried to get up there. I voted for you a thousand percent.

Mrs. Warren Well, I thank you very much for that but I'm also thinking about the others here that would want to speak. So if you've got a hundred and thirty-two delegates that would like to speak, how long do you think five minutes would give them to ask a question? And if everyone spoke how long do you think it would take them to speak? I think we are really saving time.

Mr. Stinson A lot of times on the question, a question is not from the opponent or someone who is trying to find out. Often times to help an issue

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you ask questions to bring out a point maybe the speaker has not. I really think the proponent has more here than the opponent.

Mrs. Warren I'm only asking for a point of information for myself. When I ask a question I want to know what is happening.

Mr. Stinson I do too.

Further Discussion

Mr. Dollinger I rise in support of the Roemer amendment. I think we've tried Senator Rayburn's amendment. Apparently a majority of the delegates think it was good. I don't. I think it was too limiting. I think what Mr. Roemer, Senator De Bileux and Mr. Fayard proposed is good. I think it's a half way medium between letting everyone speak and it's definitely not giving everyone the opportunity to take advantage of the floor. It's giving the proponents the opportunity. True, it does allow the proponent of an amendment the extra time. However, I think he ought to have this extra time to explain his amendment. It may be good and it may not, but the convention is going to decide. I move the adoption of the Roemer amendment.

[Previous Question ordered. Amendment adopted: 77-27. Motion to reconsider tabled. Previous Question ordered on the Resolution. Resolution adopted: 103-0. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter The next resolution is Delegate Resolution No. 29, introduced by Delegate Burson.

A resolution to amend Rule 45 and Rule 81 of the standing rules of the convention to provide for adoption of proposals by section or paragraph.

This was amended too, and also was not reprinted. Copies of this resolution are being passed out at this time.

Explanation

Mr. Burson I might say at the outset that the Committee on Rules was courteous enough to permit me to participate with them in the consideration of my original proposal. I wholeheartedly concur in the amendments which they suggested. I think it improved the product considerably. The purpose of the proposal is simply this. That Rule 45 as presently constituted provides only for action by sections. My proposal simply would permit the convention to act finally upon paragraphs as well as by sections. I invite you to consider the next article which we will take up, the Executive Article, and look at Section 5 there. If you will notice, Section 5 has lettered Paragraphs A through L. They deal with topics as diverse as the powers of the governor as commander-in-chief, his power to call the legislature into extraordinary session, general executive power—in other words, things that are not really totally related, except that they are all powers of the governor. It seems to me that it ought to be possible to reach a final decision on Section 5 A which deals with one power before having to go all the way through the article and come back and approve it as a whole. Now, it may be that on some articles you would not want to do this. So my proposed rule change says that this would be done only with the consent of a majority of those present and voting. Why a majority? Well, in order to change the rules, of course, you need more than a majority. But my thought was that if a majority is in favor of the paragraph, then it would presumably pass. However, of course, since the paragraph is to a section, it would still require sixty-seven votes to finally approve it. That is not affected by this proposal at all. What prompted me to submit this proposal was the course of events that transpired on our debate with regard to the length of the legislative session. You will recall that on a Friday we overwhelmingly approved Senator Rayburn's

initial suggestion that we have a legislative session sixty legislative days in eighty days. Then we got into the debate on the split session and I was a proponent of the split session, but we went all around by Aunt Mary's house and after four days we came back and adopted another amendment sponsored by Mr. Rayburn which required a sixty legislative day session in eighty-five days. I submit to you that it's open to serious question whether the four days that were spent on this thing were worth it when obviously there had been or must have been a clear majority at the beginning which remained more or less constant until the end and agreed on sixty legislative in eighty or eighty-five days. This is the kind of situation that I hoped this rule change would prevent as we consider other articles. One final point that I wanted to make is the proponents of the Executive Article could easily achieve the same objective by having their proposal recommitment and going back and where they have five A through L, just giving them a section number, but they'd wind up with fifty sections maybe where they have twenty and it would be a poor deal for the majority. The mechanical way to permit the will of the clear majority of the convention to be performed and to avoid, I think, undue delay in our deliberations. Although I think we ought to deliberate until everybody thoroughly understands something. Once everybody does thoroughly understand it and once the majority has spoken, even if I may not be in the majority which I haven't been in too many so far, then I think that that's what it's all about and let's get on with our business.

Questions

Mr. Tobias Mr. Burson, you used the word paragraph. Is that to be interpreted the same as subsection? Because, for example...

Mr. Burson Yes sir, it was suggested in the Rules Committee that we should change it to subsection but then on Mrs. Duncan's suggestion, she suggested to us that paragraph was what fit with what we were doing here, so we changed it back to paragraph. The reason being that some sections have subsection A and then 1 and 2 under that and it would be difficult to decide which subsection you might be talking about.

Mr. Drew Jack, if we adopt this resolution aren't we running into though I may not be in the line where different paragraphs are interrelated in the adopting of one and changing of a subsequent paragraph may completely do away with the meaning we intended. On that ground I would have to oppose your proposal.

Mr. Burson Of course that is why I put in there, why the committee put in there the proposition that this can only be with a consent of a majority of those present and voting. In other words you have to ask for it.

Mr. Drew My question is, does the majority have that much foresight to know what might happen three paragraphs later, Jack?

Mr. Burson Well, I don't see where that's a whole lot different from the problem you have if you adopt one section finally and I know in the Local and Parochial Government Committee all of our sections are interrelated so if you change one section further down the line you are very well do violence to the philosophy of the whole article.

Mr. Drew But won't you agree Jack, that those items in one particular section are much closer connected than possibly the sections themselves.

Mr. Burson That may be but that's not necessarily true. I don't think that the powers of the Governor as commander-in-chief and the power to call extraordinary session for instance are related at all.

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Mr. Fulco Mr. Burson, do you mean that we have to take up each paragraph and each section? We must, are we compelled to?

Mr. Burson No sir, Mr. Fulco. If you look on line ...well, beginning on line 13 it says "however if a section is divided into paragraphs" which is the first condition then "with the consent of a majority of those present and voting each separately designated paragraph shall be acted upon separately" and then it's still got to have 67 votes to be finally adopted.

Mr. Fulco That's all right. What I'm wondering about...worried about more than anything else is that it took us seven hours to debate or pass the section on sovereign immunity. Now what's going to happen if we have to take these paragraphs as you have outlines, A, B, and so on. How much time do you think this might require to take each paragraph or a section considering each paragraph?

Mr. Burson It is not required that it be done by paragraphs. This simply makes the option available if somebody wants to get up and move that I moved that we approve this paragraph but the motion has to be made otherwise the section approval obtains. That's a general rule.

Mr. Fulco But if they want to consider each paragraph, then we have to do it.

Mr. Burson No.

Mr. Fulco You say we don't have to do it unless the convention wants to.

Mr. Burson Unless somebody gets up and moves after it's been amended, and wants to move that I move... in other words this has to presuppose there are no amendments left up there on the section before you could make the motion.

Mr. Flory Mr. Burson, in fact what your resolution really does is to allow the calling of the previous question on a particular paragraph rather than the entire section.

Mr. Burson That in essence is what it does.

Point of Information

Mr. Robinson Mr. Chairman, I would like to ask you a question about this. If I understand the effect of this, once a vote is taken upon a paragraph, then would there be a motion made to reconsider that vote and to lay that motion on the table and then if so would it not take a two-thirds vote to go back into that subject again to take it from the table?

Mr. Henry As I appreciate the resolution, you are absolutely correct Mr. Robinson.

Mr. Robinson I think that's pretty important to know.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to Mr. Burson's amendment here. I think that as we go on we have been in rather shallow water so to speak, but when we get into revenue and taxation, when we get into local and parochial government, when we get into education and welfare, we're going to find that paragraph after paragraph is so closely related that I think we would be setting a very dangerous precedent in adopting a paragraph and then have to go back and require a two-thirds majority. I think that rules as now prescribed are adequate. It may take a little more time but I don't think that Mr. Burson meant what he said when he was speaking of the will of the majority. I think the will of the majority pretty well expressed itself in this convention. I ask that you defeat this amendment. Leave it like it is because you are going to find

in those particular committee proposals a plan, interrelated paragraphs that it would be most dangerous to require a two-thirds vote to bring it back before the convention.

[Previous Question ordered.]

Closing

Mr. Burson I invite your consideration again of Section 5 of the proposed Executive Article. Now you've got a section beginning on page 3 which does not end until page 6. It begins talking about the executive authority, legislative reports and recommendations, ends up talking about commander-in-chief, extraordinary session and so on. I submit to you that if you do not adopt my proposal what you're going to see happen and I predict it with a great deal of certainty that it will take us, according to the count that I've heard, we've got about 39 or 40 amendments pending to this one section. Now if we start considering those amendments on one day there is no way that you're never going to get through for two or three days. At the end of the third day after we've got all the way through all the amendments it's going to be possible for somebody to come back in and offer an amendment to Paragraph A that we started with unless you permit in some fashion for Paragraph A to be closed out and I submit to you that you're never going to get finished with that kind of system because there are a lot of other proposals. I'm thinking now of the ones on civil service. I'm thinking of the ones on local and parochial government that have a lot of subsections and I can see very readily that since the chair has used the procedure, which I think is wise and makes sense, of taking all proposed amendments in the order of the paragraphs, that you will find a situation where you may finish considering the amendments on subsection A of Section 5 of the Executive Article on Monday, let's say, and you will go all the way through all the other amendments and you will get on Friday or Monday of the next week you'll find out that somebody's had a brainstorm over the weekend and has come back with more amendments to Section A and you'll start all over again. I think that something like what I proposed here is absolutely necessary to get on with the business here. You know, I think of what Harry Truman said one time. It's better to do the second best thing when it's time to do it than to wait too long to do the best thing and I think if we're looking for scholastic perfection on these articles and we go to those lengths that what we're going to be doing is defeating the whole idea of a new constitution seeking perfection of a paragraph and that does not make sense to me.

Point of Information

Mr. Avant My question is, if we adopt this and then we invoke this rule and we vote on a separately designated paragraph, separately, will it take 67 votes to adopt that paragraph?

Mr. Henry Not under the rules as are presently written. It takes 67 votes to adopt a section but not a subsection.

Mr. Avant So if we vote this in and then use it we won't be changing the requirement as to the number of votes to adopt a single paragraph.

Mr. Henry I'm not sure. I didn't think it was changed in the amendments. The clerk thinks that it was.

Mr. Avant I would like to know before I vote on this.

Mr. Henry I would too, sir. Read it Mr. Clerk.

Mr. Poynter I think the rule that would apply is the proposed Rule 81 as Delegate Burson would have 81 amended which would read "on the passage or third reading of every proposal, article, section or para-

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graph if acted upon separately the yeas and nays shall be entered in the journal and no proposal, article, section or paragraph is acted upon separately shall be declared passed unless a majority of all the delegates of the convention shall have voted in favor of the passage of the same."

Mr. Henry Then it would require 67 votes for the adoption sir. Are there other questions?

Mr. Burson I might point out that as I would read that, that still doesn't mean you don't need 67 votes for passage of the whole section.

Mr. Henry Yes it does Mr. Burson. Have you completed your remarks sir?

Mr. Burson Yes sir.

[Resolution rejected: 40-65. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter The next resolution is Delegate Resolution No. 3D introduced by Delegate Burson. A resolution to amend Rule 46 of the standing rules to require that amendments to proposals be germane. Now this resolution was reported favorably by the committee on the 26th of July and engrossed on the 27th. Since it has no amendments the Delegate Resolution 3D as you find it in the pink copy would be correct.

Explanation

Mr. Burson If at first you don't succeed...the resolution here is basically the simple proposition that amendments have to be germane to the topic under consideration which is a general rule in Mason's Manual of Legislative Procedure, page 274 and 275 is where the language used in the proposal comes from. The purpose is self-evident that the objective of this rule would be to prevent amendments which are not really germane or relevant to the topic under consideration. Now, of course, to be germane does not mean that they have to agree. An amendment may be germane even though it entirely changes the effect of the motion or measure as long as it applies to the same subject. It simply seems to me that this was an oversight in the rules as we had them adopted. Now, some delegates have expressed concern to me that the language used in my proposal did not permit of the proposal of amendments to the subject of the proposal, that is new articles or new sections rather than articles. So I have prepared an amendment to this proposal which I think would meet this objection. I don't know if it has been passed out to you or not.

Amendment

Mr. Henry Do we have the amendments?

Mr. Poynter The amendment has been passed out, Delegate Burson.

Explanation

Mr. Burson You will notice that the amendment would simply add at the end of line 14 after the comma that the amendments to every amendment proposed must be germane to the subject of the section or paragraph of the proposal to be amended and/or to the subject of the proposal itself."

I would like to offer the amendments because I do understand that some people are concerned about it.

The purpose of the amendment would simply be to make it crystal clear, although it certainly wasn't my intent to do otherwise that in accordance with the ruling of the Chair which has been upheld by the convention that you could have floor amendments proposing new sections to the proposal but they would have to be germane to the proposal. They would have to deal with the same subject matter.

This has not really come into play up until now but I would like to propose a practical problem that might arise. Later on in our deliberations if we do not have such a rule we could reach the end of our deliberations and somebody who was really dissatisfied with something we had done early could come in and propose an amendment, let's say to the section on education which really dealt with the section on the legislative which might have been finally adopted by the convention already and unless you have a requirement in the rules that amendments be germane I don't see how you could prevent such an amendment from being offered especially since it has been ruled by the Chair that amendments may propose entirely new sections. In other words, it's feasible to me that under that ruling without a requirement that amendments be germane that I could come in and offer a section doing what I wanted to with regard to any article in the constitution in December if we're still here and it looks like we will be so I submit to you that this is a necessary requisite in our rules.

Questions

Mr. Dennergy Mr. Burson, do I understand that without your amendment you believe the Chair would have to reverse its prior ruling in connection with amendments?

Mr. Burson No I don't understand that because I believe the Chair's prior ruling was under the rules as they exist at the present time.

Mr. Dennergy No I'm talking about your resolution. If your resolution without the amendment is adopted, your Delegate Resolution No. 3D, which states that the amendment proposed must be germane to the subject of the section or paragraph of the proposal. Do you conceive that the Chair's previous ruling would now have to be changed?

Mr. Burson I would think so. I think that would be...

Point of Information

Mr. Dennergy May I ask a question of the Chair on that? Well Mr. Burson's Delegate Resolution provides that "every amendment proposed must be germane to the subject of the section or paragraph of the proposal to be amended." His amendment to his proposal says "and/or to the subject of the proposal itself." My question is without the amendment if the proposal is adopted, will this change the prior ruling of the Chair about amendments?

Mr. Henry I don't think the ruling of the Chair would change in either event Mr. Dennergy.

Mr. Derbes Jack, perhaps this is a question that was just answered but take the Landrum situation this morning where an entirely new section is proposed but in the form of an amendment, your proposal has no effect on that. Isn't that correct?

Mr. Burson Not if the amendment were adopted I think obviously then you could go ahead and do that. Obviously if you adopt the amendment to the proposal and in the proposal itself, I don't think that situation would be affected at all. There were some people who felt that just the proposal alone might have that effect and that was not my intent. My intent was simply to require that amendments be germane to the subject under consideration.

Mr. Derbes But if there indeed were no subject under consideration, that is no particular section under consideration to which the amendment was in reference and if the amendment simply added a new section your proposal wouldn't affect that amendment. Isn't that correct?

Mr. Burson In what sense?

Mr. Derbes Suppose we adopted Sections 1, 2 and

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3 and then somebody came along and introduced Section 4 as an amendment, your proposal wouldn't affect the introduction of Section 4.

Mr. Burson It wouldn't prevent it, not if we adopt the amendment "and/or to the subject of the proposal itself."

Mr. Derbes Right. Thank you.

[Previous Question ordered. Amendment reread and adopted: 85-13. Previous Question ordered on the Resolution. Resolution adopted: 93-6. Motion to reconsider tabled.]

Recess

[Quorum Call: 99 delegates present and a quorum.]

Mr. Henry Now gentlemen and ladies, we're going to get started on this Executive Article in a minute and just as soon as we read the first section we'll call one of these little meetings down in front and I think if we have a meeting, we might get through with this article by five o'clock. I would like to say that we've kept up with some statistics because a lot of this is on television as you know and for our own Grammy Awards and on the legislative Article we had several personal appearances. For instance, Senator De Blieux appeared 48 times right here who was the winner. Mr. Roy, who has been sort of quiet for the last few hours, appeared only 40 times and then we had Representative Elmer Tapper who appeared 27 times. Now, we're not going with any success or failure on what happened when they spoke but we'll be giving you these statistics from time to time.

Mr. Clerk...why do you rise Mr. Stinson?

Mr. Stinson That was each day, wasn't it?

Mr. Henry No sir, Mr. Stinson, it just seemed like it.

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 4 introduced by Delegate Staggs, chairman on behalf of the Committee on Executive Department and Delegates Abraham, Alexander, Arnette, Brien, Denny, Duvall, Gravel, Stovall and Tapper. A proposal providing for the Executive Branch of government for the filling of vacancies in certain public office and with respect to dual office holding, a code of ethics and impeachment.

Reading of the Section

Mr. Poynter Section 1. Composition. Section 1, Paragraph A. The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, and all other executive offices, agencies, and instrumentalities. Paragraph B. All office 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.

Explanation

Mr. Staggs Mr. Chairman and fellow delegates, I would like to first express my appreciation as chairman to those members of the Executive Department Committee who worked on this proposal for so long. Mr. Abraham, Reverend Alexander, Joe Anzalone, Greg Arnette, Dr. Asseff, Mrs. Brien, Mr. Denny, Mr. Duvall, Mr. Gravel, Mr. Stovall, and Mr. Tapper. I regret that only one member of our team got in the running on the Emmy Awards. This committee worked on Proposal No. 4 and our other assigned materials during eighteen meetings and

there were twelve members of the committee so we could have worked 216 delegate days. I would like to thank the committee members for their work because out of those 216 possible delegate days, there were only 11 delegate days of absences and we had therefore an attendance record of 95 percent and I think that is remarkable and I would like to thank the members of the committee publicly for their attention to the duties assigned to them. The composition of the executive branch we have provided for five state-wide elected officers on the theory that that made for more orderly government for a lack of what we have now that is a diffusion of authority in the executive branch as presented by a permissive eleven state-wide elected officers. I might point out in passing that's the most state-wide elected officers elected by any state in this union. There are in other committee reports that of the Committee on Judiciary which has some writing about the attorney general which we will get to later, but in the Education Department Article they have provided for the election of a commissioner or superintendent of education. In the Committee on Natural Resources had provided for the election of the commissioner of agriculture and I don't know whether there was another one or not. Education, Agriculture...was there another one Mac, in another committee report? Attorney General and the judiciary. I guess that's it. It is the contention of the belief of the members of the executive department that the administrative power and responsibility of the state government ought to be concentrated in as few executive officers as possible. It is felt also that the provisions as to their powers and duties of these five executive officers ought to be placed in the constitution so that the legislature at some future date could not name some other state-wide elected officials and thereby by crippling degrees change or diminish the authority of the chief executive in this state. In our research we found that out of the 161 years of Louisiana statehood in 100 of those 161 years there have been seven or fewer state-wide elected officials. In the constitution of 1921 two additional officers were added. Those of commissioner of agriculture and register of the state lands but that provision also allowed those two officers to be merged into other departments. In 1956 the legislature proposed a constitutional amendment to make the insurance commissioner and the custodian of voting machines state-wide elected officials. This was done as history will tell you because Governor Earl Long had a falling out with Secretary of State Wade Martin who would not go on the stump and speak for the Earl Long ticket and as a matter of retribution when the governor took office he impounded the legislature to diminish Wade Martin's office by taking away from him the duties of the insurance regulation and the handling of the voting machines. In our committee deliberations we felt very strongly that the executive office of the governor having the responsibility to the people and in the people's eye ought to have the machinery at his disposal to carry out that responsibility. In other words, shall the governor be at least an equal partner with the other three branches of government? By what we have done in the last four weeks of our deliberations, we have greatly strengthened the legislative branch of government. It is fair I think to say now that the legislature is a coequal branch of government in this state. The judiciary is and will remain a coequal branch of state government. Shall we not now diminish the ten arms of the executive department to five and make four of the executive department a coequal branch of state government? I have watched a lot of elections around this state as you have. Many of you here have run for state-wide office and you know where your campaign funds came from and you know that when you were elected where some of your loyalties lie. We believe that the diminution of the numbers of executive officers from eleven down to five will yield in the executive branch of government, more perfectly functional and more responsive executive branch than one that is spread by diffusion over ten or eleven state-wide elected officers. You have in effect put those many checks

against the power of the governor by giving him in the executive branch persons who do not answer to him, do not have the necessity of answering to him and are lords of their own domain. It is interesting as a statistic to note that in the offices elected through the commission of insurance, the register of state lands and the custodian of voting machines and the commissioner of agriculture spend of your money each year and in the forthcoming budget less than one half of one percent of the state budget. Those that are appointed by the governor, i.e. the director of the board of highways who's appointed by the board of highways, the department of conservation, the department of corrections, and the department of health and social rehabilitation services. Those people are appointed by the governor as department heads and they spend nine hundred fourteen million, seven hundred and twenty-six thousand dollars of your money or forty-three percent of the state's budget. In some, Mr. Chairman, is the belief of the committee that the functioning of the executive department through five state-wide elected officials we have suggested will yield an executive branch worthy of the name. It contains within it the necessary checks and balances against arbitrary executive power. We have an independently elected state treasurer, we have an independently elected attorney general, and an independently elected secretary of state who will handle the election machinery of the state so our elections and our law enforcement and our money are safeguarded by state-wide elected officials and these I think are enough of a diminution of the executive power for the public's interest and for the safeguarding of the public interest in property and laws and law enforcement. Mr. Chairman, I would be happy to yield to questions under the Roemer Rule.

Questions

Mr. Jenkins: Mr. Stagg, we have made many efforts to strengthen the legislature and make it a co-equal branch of government. Don't you feel that by further concentrating power in the hands of the governor that you will be again imbalancing that relationship and making once again the executive a more than equal, more powerful branch of government that it ought to be?

Mr. Stagg: In a word, Mr. Jenkins, the answer is no. And you must know that we spent many hours asking ourselves these same questions. We have built buttresses around the power of the governor at every hand. On the appropriation or the budget prepared by him to be balanced by the requiring of the heads of departments to receive Senate confirmation before they can be placed in office or kept in office by the capital budget which is now into this article going to be mandatory. There are numerous ways by which we have sought to continue the good work of the Legislative Article by some boundaries around the powers that are possessed by the governor under our law. We heard from many interesting witnesses before our committee that the power of the governor does not necessarily lie in this document which we are writing, but it is power that he holds by tradition. By people feeling that a governor since he is governor can do certain things that are not really prescribed in this constitution and that really is the secret of the power of the governor in our state and we think that can be reduced by an independent legislature, one with independence worthy of that word.

Mr. Jenkins: Have you in any way restricted his power of appointment or his patronage power, or his control over the budget?

Mr. Stagg: We have done so, quite measurably. Mr. Jenkins in this article as we get later on you will find in the Local and Parochial Article as well as in our article. A governor can right now, appoint some fourteen hundred to fifteen hundred people to statewide office. Under the Local and Parochial Article, he will not any longer appoint local offi-

cial. Under the Judiciary Article, he will no longer appoint vacancies to judges, a quite large source of patronage power. And in forming the executive branch into twenty departments and no more than twenty, two of which will be occupied by the elected state officials, the Governor can appoint no more than seventeen department heads, eight now and those boards and commissions whose membership is not otherwise designated by the legislature. Those only can be appointed by the governor. So the provisions for cutting down his appointment power if we sat down with our pencil and our present organization table would show you where the governor could appoint maybe one hundred people or two hundred people at the most rather than fourteen or fifteen hundred. And that is a measurable reduction in the power of the governor.

Mr. Arnette: Mr. Stagg, how do some of the so-called experts in the field, such as PAR AND CABL and the Louisiana Law Institute's project, how do they feel about the elected officials and which ones do they recommend should be elected?

Mr. Stagg: I have read the comments recently published by PAR I've read those in the past and we had witnesses come to our committee from PAR and from CABL and we read the project that was prepared by the Law Institute some years ago. The arguments that we make this morning and the provision which we are placing before this convention comports entirely with the feelings of all three of those you named as to what would be an ideal executive department for a 1973 model constitution as contrasted to those provisions of the 1921 model constitution.

Mr. Arnette: So in other words, Mr. Stagg, this is not a new idea, this was proposed in the project of over twenty years ago, am I correct?

Mr. Stagg: Correct sir.

Mr. Triche: Mr. Stagg, what is the significance of designating certain officers rather as executive branches of government? Now before you answer, let me preface a little bit, this is not a rhetorical question. I am asking for information. I noticed in Section 1 of Article V of the executive department, it sets out the executive department shall consist of the following and it lists some offices. One is the commissioner of conservation which is not an elective office, which is appointed by the governor. Also it doesn't list, by way of illustration... it doesn't list superintendent of education, which is also... which is an elective office. So it seems to me that whether you designate certain offices as executive branches is really immaterial to whether they are and doesn't address itself to whether these offices are elective or not, is my understanding correct and if it is, or if it isn't also, would you explain the significance of designating certain offices as executive offices and others you are silent on?

Mr. Stagg: The provision begins with the designation of these elected officials and all other executive offices, agents and instrumentalities. In the case of the commissioner of conservation who is appointed by the governor, would continue to be appointed by the governor under this provision as we work it through. The superintendent of education we have felt is the department of education is properly a part of the executive branch of the government yet, we think that the superintendent of education ought to be appointed by an elective board of education rather than to be a statewide elected officer.

Mr. Triche: Well, let me ask you this, the fact that you named treasurer for example, as an executive officer, does it of itself mean that that office is an elective office if you fail to say in Section 3 of the article that the office is elective?

Mr. Stagg: Yes, sir, the guts of the answer to your

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question is in Section 3.

Mr. Triche So whether we enumerate certain offices in Section 1 as executive offices, is not related to the question of whether or not they are elective or not, the legislature could provide for an elected custodian of voting machines or could provide for an elected... commissioner of agriculture in spite of the language in Article 1.

Mr. Stagg Pappy, no, I do not agree with that. The language says the executive branch shall consist of and it names those officers and then it says all other executive offices, agencies, and instrumentalities. It provides only that those five elected officials shall be considered to be part of the executive branch.

Mr. Weiss Delegate Stagg, is it not true that in some states in the union that appointed positions become so desirable and so competitive that they are actually bought from the governor?

Mr. Stagg Well, I have heard of that in some states that have a spoils system of politics but you know Dr. Weiss, we don't have that here now.

Mr. Weiss Louisiana is different.

Mr. Stagg Yes.

Mr. Rayburn Mr. Stagg, you might have it in your report I haven't noticed it though. Did you hear from the public-at-large as to the position that they had on whether these offices should be elective or appointed? I am talking about farm bureau, commissioner of agriculture and many other John O. Public, may I say, I think that we all understand PAR and CARL what their recommendations are and have been, but I am wondering if you heard from any organizations other than them and if you did, would you briefly tell us and tell us their position?

Mr. Stagg Senator Rayburn, I went around the state with you and we heard from the farm bureau that they thought that the commissioner of agriculture ought to be elected, there was some dissent, there were a few farmers who said not and in other places we heard that they would respectfully suggest to us that the superintendent of education be elected. But only on those two offices... I am sorry in New Orleans we also heard it expressed by the public to the Composite Committee that the commissioner of insurance ought to remain an elected official. Yes sir.

Mr. Toomy Mr. Stagg, you have mentioned that a number of the offices which your proposal has eliminated from being statewide elected, spend a small portion of the state budget. Isn't it true that these offices are the watchdogs, protect the interest of millions of dollars of the people of the state of Louisiana, and that these people want this money which is not spent by the state but in their pockets, equally protected as the state funds? For instance, I believe just insurance in this state, John O. Public spends approximately ten percent of his budget on that. Do you say the important these areas be protected even though it is not state funds?

Mr. Stagg I would say that that was true sir, but it is also true of a great many other areas that is the state's responsibility. The people who are interested in forestry say their stake in it is equal to that of insurance and that he ought to be elected and other people in minerals think that the conservation commissioner ought to be elected. Everybody who has a substantial stake in the economy of this state would like to have an elected official representing his economic state but we cannot carry this thing in the state say the Coir stake on the Executive Department that would be carrying matters too far and we have established after serious debate over hours and days that these were the elected officials most needed to protect the public interest

and to produce a viable responsive executive department of government.

Amendment

Mr. Poynter First set of amendments is offered up by Mr. Anzalone, Asseff, Alario, Gauthier, and many others.

Constituting in essence a minority position on the Committee on the Executive Department. Amendment No. 1, Section 1, delete lines 14 through 19 both inclusive in their entirety and insert in lieu thereof the following:

"Article IV, Executive Branch, Section 1. Composition
Section 1. (A) The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, attorney general, register of the land, officer commissioner of insurance, commissioner of agriculture, custodian of voting machines, state superintendent of public education and all other executive officers, agencies and instrumentalities.

Mr. O'Neill Mr. Chairman, I would like to request that myself, and the coauthors of the amendment which was passed around with my name be put on Mr. Anzalone and the minority report committee amendment. It is the same amendment, we are all just going with it.

[Coauthors added.]

Explanation

Mr. Anzalone Mr. Chairman, and ladies and gentlemen of the convention, I don't know why we are having all of this furor about this little bitty amendment it is just to correct a typographical error. It seems that somebody forgot to put a delete official back in the constitution. The Executive Department Committee has met for a long, long time concerning the public officials. One of the great reasons that we heard as to why we should not have eleven elected public officials or ten as the case may be, was the fact that a great number of them don't have anything to do with the job that if that is the criterion by which we are to work, the first one that we should eliminate is the lieutenant governor. The only job that this convention has seen fit to give that gentleman is the job of waiting around until the governor dies. He may serve ex officio on some other boards but nobody as of yet can tell me exactly what his job really is. Not to pick on the minority party that is a part of this convention but we have heard many, many reasons why appointees are better than elected officials. I think one thing that the national news has taught us lately is that it may be that appointive officials are not the answer either. We are also assured that by the appointment of officials that we are going to get somebody qualified people to serve. But nowhere in this constitution do you see any qualifications for those people who are to be appointed. And I agree with Mr. Stagg, we are not like other states, we won't have that problem, but we might. What you have done by the elimination of five elected officials from your constitution is that you have diluted the contact of the general public with their state government. Now they only have five people to see. You are making your appointed personnel indirectly responsible to the electorate. No one can assure me that a person who is appointed is going to attend to the affairs of his constituency better than the man who is elected. There may be some but there are not many. You can call these things departments, bureaus, good government, the best thing in the world that the state ever saw but you can pronounce it bureaucracy. That is a bad word, isn't it? But that is exactly what you are setting up. You are setting up twenty departments that ten years from now the only time that you are going to hear from some of them is when they come downstairs to try to get included in the budget. Nobody is going to know who they are, what they do.

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or how even to contact them. In the name of good government, I can't see it.

Ladies and gentlemen the role of a delegate to this convention is just a little bit different than the role of a legislator. When you vote as a legislator you may go home and have not only your vote challenged but also you will be reelected possibly on your personality. There is nobody in here running for reelection. There is nobody in here going to be reelected to the convention on the basis of his personality. You are going home to have your vote questioned. I submit to you that the question of appointment versus election is a basic question of philosophy. There are no political arguments on both sides. You don't argue religion because that is philosophy. If you think that you are going to vote here, to vote your good conscience and your good government and you are going to vote for an appointive official and go back home and tell somebody back home that this is the best thing in the world for the state of Louisiana and that person believes in election of officials, what are you not going to convince him not one bit. You may rest well assured, that the inclusion of the five elected officials as we have called them here and as per the words of Mr. Stagg a few minutes ago who spend one-half of one percent of the state budget is not going to destroy any future reorganization of this state. If we can come up with a plan for reorganization of state government that is going to be ninety-nine and one-half percent good then I can't see where there is any harm of electing five people.

Ladies and gentlemen I have been a member of the Executive Department Committee since its inception. I am more familiar with the dealings of that department or that committee because I have served on it. As Senator Rayburn asked awhile ago, what does John O. Public think, I can tell you. In the seventy-second district of the state of Louisiana, he thinks mighty strong about electing his officials and that is the way I am going to vote.

Questions

Mr. O'Neill Mr. Anzalone, would you agree with me in that Mr. Chairman suggested that we take these one at a time but would you agree with me that if we vote for this amendment we put them all back in and then maybe we take out one or two don't you think this would be more expeditious procedurally?

Mr. Anzalone Yes, sir.

Mr. O'Neill Thank you.

Mr. Burns My question is somewhat along that same line, Mr. Anzalone. Did the group that was up there by the speaker stand just now, did they reach any agreement or are there still separate amendments to be presented?

Mr. Anzalone Mr. Burns, I honestly don't know the answer to your question. We all met up here and you are seeing the results of it now. I am sure that there are other amendments in fact I know that there are.

Mr. Burns In other words as far as you know there was no overall agreement reached between conferees?

Mr. Anzalone I would think yes, Mr. Burns, because this is what the group up here decided to do basically, yes, sir.

Mr. Tobias Why did you leave out the state comptroller?

Mr. Anzalone Max, you just asked me that question back at my desk.

Mr. Tobias But I would like it for the record.

Mr. Anzalone We are talking about a philosophical view of state government. The comptroller is not now a part of that government and the people that I represent have expressed no extreme desire in hav-

ing him paid back in the constitution as an elected five officer.

Mr. Robinson Mr. Chairman, perhaps I should ask you this question instead of Mr. Anzalone, will ask both of you, maybe I will get an answer from both. If we should adopt the proposal of the Committee on the Executive Department in its entirety just as presented, would this preclude the Committee on Education and Welfare from presenting subsequently a proposal which would call for the election of the state superintendent of education?

Mr. Henry You want to answer Mr. Anzalone, it is your amendment?
What do you think, Mr. Anzalone?

Mr. Anzalone Mr. Robinson, would you throw that by me just one more time?

Mr. Robinson Well, it is just very simple, we have got a lot of committees studying a lot of aspects of government and one of them is Education and Welfare and I am sure there is a committee studying Natural Resources, Agriculture and so on. These people are considering some of the same issues that are here presented. What I want to know is, if this convention should adopt the proposal exactly as presented by the Committee on the Executive Department, would that preclude this convention then in the ordinary course of events, from taking up a subsequent proposal by say the Committee on Education and Welfare and adopting a contrary provision which calls for the election of the state superintendent of education?

Mr. Anzalone I honestly don't understand your question because we are in the process now of providing for an elected superintendent of education.

Mr. Robinson Right, we are considering the report of the proposal of the Committee on the Executive Department but there are other committees which have been studying the same issue in regards to whether the state superintendent of education should be elected or not. What I am saying is, would the Committee on Education and Welfare be directed by this convention in effect to report for the appointment of the state superintendent if they adopt the proposal of the Committee on the Executive Department?

Mr. Anzalone I think not, but I yield to the Chairman.

Mr. Henry In my judgment it is a rather academic question because I think on this Executive Article if we say we are going to make the superintendent of education elective then I would assume of resolving the question of elective or appointive superintendent of education in all probability from the time it gets down there. I think you would have good basis for argument once you got to that point since we have already resolved it in the Executive Article but of course this body might say it is it could change its mind but I would think that in this article we would be resolving that problem, Mr. Robinson.

Mr. Robinson All right, suppose the vote should be very close, Mr. Chairman?

Mr. Henry I say this body could change its mind, sir.

Mr. Robinson All right, by majority vote?

Mr. Henry Well it could adopt the next proposal by majority vote.

Point of Information

Mr. Anzalone Mr. Chairman, is it not correct that if the Committee on Education would come back with a proposal to say that the state superintendent of education were to be an appointive position that it

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would not be treated as an amendment to this article?

Mr. Henry No, sir, it wouldn't be treated as an amendment to this article, Mr. Anzalone.

Mr. Anzalone Could not they propose it to be an amendment to this article?

Mr. Henry Well, it depends on how we adopt this article. If we adopt this proposal at some particular point and then reconsider the vote by which it is adopted and lay the motion on the table.

Mr. Anzalone Are we doing that, Mr. Chairman?

Mr. Henry Well, now we didn't do it with the Legislative Article but Mr. Anzalone, you know I can't say we won't do it with this article or we won't do it during the workings of the convention, I am just trying to answer the question honestly, sir. I would hope that we will allow some leeway in case we make a faux pas where we can easily amend what we have done but there is no guarantee that we will do that.

Point of Information

Mr. Flory Point of information. Couldn't just a simply majority of those present and voting reconsider and lay on the table which would then require a two-thirds vote to lift from the table?

Mr. Henry To reconsider and lay the motion on the table so far as a section or proposal it is going to take sixty-seven votes and then it is going to take two-thirds to call the motion from the table, Mr. Flory.

Further Discussion

Mr. Abraham When the Executive Committee or rather the Committee on Executive Branch, first began with its meetings, we made no decisions, we took no position on anything, we invited many people to come to appear before us and we listened to all these people. We had every elected state official appear before us, we had other officers of the executive branch who were appointed appear before us. We had outside...people from out of state and others who appeared before us and throughout all these meetings, never once did we ever really take a position as to how we felt the executive branch should be organized. But it began to evolve without being said that we did have too many elective state offices. It began to evolve that the executive branch of state government needs to be organized in a better way and needs to be made more manageable that with some two hundred-odd state agencies there was no way of managing this unless they were organized properly into departments or similar arrangements. It was brought out many times that because we had the number of elective offices that we had to depend on these ten or eleven people simply through their own cooperation to run the affairs of state. And then whenever we decided that we voted on concepts of how we thought it should be organized, the committee voted overwhelmingly to reduce the number of statewide elective offices and in studying the project and various other information that was available to us, all of this simply supported our position that we needed to reduce the number of statewide elective offices and we needed to gather all of these agencies into functionally...into various departments so that they could be made more manageable as any other business would. Those of you who are business people would not quarrel with the idea of organizing in such a manner that you do not have too many people reporting to any one person. And this is the intent of this proposal is to effect this reorganization of state government so that it is more manageable. Now, I have talked with many people back in my area and overwhelmingly the people are in favor of reducing the number of statewide elective offices, they're in favor of trying to organize the executive branch into departments so

that they would be made more manageable. I have not had one person in my area disagree that we had too many statewide elected offices, several of these offices are strictly administrative offices and do not perform that large a job and the question I ask is how can you afford to run a statewide election campaign and spend fifty to one hundred fifty thousand dollars or whatever needs to be spent in order to get elected to a job that pays between twenty-one and twenty six thousand dollars a year. It just doesn't make sense. Right now we have many, many agencies, we have no real effective means of control when you ask for an organizational change on state government, there is none. No one knows who all these agencies are or where they are or what they do. All we are trying to do here is to gather these things into an effective organization. As far as qualifications for these various people who might be appointed as department heads, this could be provided by statute if necessary. We have provided safeguards that in the appointment of the department heads that they must be approved or confirmed by the Senate so we will have some control there. But I think the whole thing to consider here is that if we are going to get this state into a more manageable position even though it might sound good that we want to elect all of these various offices, I challenge many of you to tell me how many of these elective officials that you personally know, how many times have you seen since the time they have been in office? I will say that most of these I had never seen until they appeared before our committee. I don't know how we can come up here and say that we want to draft a new constitution for this state unless we take into account just where we stand, what has happened in the past, and where we are heading in the future. And unless we can make this state government more manageable and more accountable to the people then we haven't accomplished anything. And I think that you make state government more accountable when you reduce the number of people that you account to the people than when you have all of them elected and then one can say well, I did this, but you will have to go see this other person for this particular thing. I had rather be able to go to the governor, the secretary of state or whomever it may be and say this is what I would like to see done and if there is something that goes wrong in that particular department than that man is accountable to me. You have seen this happen many times in the past where various elective officials.

Mr. Henry You have exceeded your time, Mr. Abraham.

Mr. Abraham I ask your adoption of the committee proposal.

Point of Information

Mr. Rayburn Do we have at this time any mechanics where we might be able to vote on an alternate proposition to submit before the people?

Mr. Henry No, sir, we don't.

Mr. Rayburn I am of the opinion that it would be good for us to know the mechanics that this convention intends to adopt, I might want to vote for an alternate proposal to submit some of these propositions that is now up for consideration to the people and let them decide and I am just wondering if we have anything at this particular time that would allow us to do that?

Mr. Henry No, sir, we don't have such a procedure insofar as our rules are concerned. A motion to the effect that alternates of some description be provided of course would be in order.

Motion

Mr. Rayburn I wonder Mr. Chairman, if I would be in order, that if I would move that we temporarily pass this until we get some information as to how we could more or less go about an alternate solution.

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Mr. Henry You make that in a form of motion.

can go back Thank you.

Mr. Rayburn I make that a form of motion and could I state my reason for that?

Point of Information

Mr. Henry Yes, sir.

Mr. Anzalone Mr. Chairman, would there be any prohibition against the adoption of a rule to prevent an alternate to the voters that could come about after the final vote on this section?

Mr. Rayburn I am convinced on how I am going to vote on some of these and I would like an alternate to let the people decide the others but at this particular time I don't think it is fair for me to have to vote when maybe later I could vote for an alternate that I would have a different view on...on my vote that I voted today.

Mr. Henry No, sir.

Further Discussion

Mr. Henry But your motion is just to pass over this section for the time being, is that correct?

Mr. Asseff Mr. Chairman, delegates, I have no objection to submitting alternative proposals to the people. I think it would be wise. However, until we have discussed and voted on this section, how will we be able to determine the alternative proposals we will submit? There could be any of five or six combinations and certainly we would not want to submit that many to the people. I would urge that we continue discussion until we see the reactions of the delegates, decide what they want and then we can consider alternatives, but it would appear to me that at this point, it is premature. Thank you.

Mr. Rayburn Temporarily, yes, sir until we get some mechanics as to what procedure we will establish or adopt for alternate propositions to be placed on the ballot and submitted to the people for their final decision.

Further Discussion

Point of Information

Mr. Burns Mr. Chairman, and fellow delegates, I don't know how many of you that ran for this office included this plank in your platform that on all controversial questions or articles there would be an alternative submitted to the people so that they would not be limited or restricted to just voting yes or no on that particular controversial article. Now if in one article or one section, or one subject, it is going to be in this constitution that I think is highly controversial and one that gets right down to the heart of the success of this constitution when it is submitted to the people in January or February, next year, I think it is the question about these elective state officials. I am not going to argue the pro and cons of it at this time and take up any further time, but this is one matter, one subject matter that I have heard a lot of sentiment expressed on and I have heard a lot of people...a lot of people have discussed this particular question with me and I think that if we attempt to limit in this new constitution that we are drafting to eliminate four or five present elected officials I think we are going to seriously jeopardize the acceptance approve of this constitution by the people when it is submitted to them. And I would most heartily recommend that this committee set up the machinery or the mechanics to make this particular question that an alternative could be submitted and let the people decide what present elected officials they want to keep in the constitution, or whether in their opinion or in their views, they are going to be deprived of their right as citizens and voters to elect their officials. I ask you to seriously consider this matter and let us set up the machinery for an alternative on this particular question.

Mr. Burson Mr. Chairman, would the Chair be inclined to rule, in any sense, if we went ahead and voted on the amendment and someone were to make a motion to divide the question to vote on each office separately...that it would be a divisible question?

Mr. Henry It is not a divisible proposition. Now, there are a series of amendments to come on each office, but this amendment is clearly not divisible. Mr. Burson.

Further Discussion

Mr. Anzalone Ladies and gentlemen of the convention, I rise to oppose a deferment or to defer this particular matter, for this reason. We have finished one article. We've got seven more to go. The things haven't even got to yet. I would say that it would be more likely that we should wait until we have adopted the entirety of the constitution and then, in looking at the whole document, decide whether or not we are going to go back and submit alternate proposals. If we begin now to submit alternate proposals, we're going to have at least five thousand of them on that ballot.

[Previous Question ordered.]

Closing

Point of Information

Mr. Rayburn Mr. Chairman and fellow delegates, I was just at a loss to know what alternate we might have a chance to submit or to vote on. It's my understanding that there is a committee that's coming up with some recommendation for alternate proposals. Now, if we vote here today, and I'll just say to elect or not elect a superintendent of education, what are we going to do once we've voted on that. There is one or two of those offices, out of the ten that I might vote to let the people decide. But, at this particular moment I have no way of voting for an alternate measure where the people... I've got to make the decision. Once I make that decision, then when we come back with the procedure for alternate proposals, how am I going to vote then? I've already made a decision. I just felt out of the ten that I might vote to let the people decide, if we had the procedures outlined to us of alternate proposals and at that time we would know how to vote on these various offices. But, I feel like that if I'm required to vote on all the propositions that's going to come before us today, how would I vote them, Mr. Chairman, when maybe the committee comes up with an alternate proposition whereby if we felt we could better serve our people letting them decide how some of these offices...whether they be elected or whether they be appointed.

Mr. O'Neill Point of information, Mr. Chairman. Does Senator Rayburn have a motion on the floor?

Mr. Henry Yes, sir, he does.

Further Discussion

Mr. O'Neill Well, I would like to say right now that I would oppose such a motion simply because Senator Rayburn at this very moment has made a motion concerning alternative proposals and I believe that a majority...if a majority of the delegates concur, such a manner could be considered as an alternative. So I think that right now, this is somewhat premature in trying to delay the subject. I also suggest that the Rules Committee has had a proposal on alternative. I understand that the proposal is all but ready, I don't know why it has not come out of committee. And I feel that we should proceed on this matter right now and that if we have further complications down the line we

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That's my only question, and asking to get the committee's report if they have one, and I understand it is forthcoming, as to what procedure we would go about, as far as adoption of the proposals. I felt that that would be beneficial before we took an inflexible vote on the amendments and the propositions that we're going to have to vote on today.

Questions

Mr. Denberry Senator Rayburn, do I understand you to say that we cannot go back if we adopt such a rule to have an alternate provision in the legislative section?

Mr. Rayburn Mr. Denberry, my point is this, if we make some votes here today, then maybe when we get the committee's report and we decide...I'll take myself...maybe I'll vote today to say that the superintendent of education or the commissioner of agriculture should not be elected. Maybe they come back with an alternate proposal here where we can go back and maybe say let the people decide. I don't know how I could go back after I had already voted today, and change my vote.

Mr. Denberry In other words, you don't think there is any possibility of our going back, for example, and having an alternate proposal on split sessions?

Mr. Rayburn Well, my only point at this time, was this, Mr. Denberry, yes, sir, I think that but I would like to know if we're going to have an alternate proposition, before I cast my final ballot on this decision here today. It might be that if we come up where we can't have an alternate proposition, I might choose to place some of this under an alternate and let the people vote on it. That was my only point.

Mr. Denberry Thank you.

Mr. Rayburn And I was just trying to establish if there is any procedure or will there be any, and if there's some, say for tomorrow, I had rather defer this until we find out the proper mechanics of submitting alternate propositions to the people. That's my only point. I'm not trying to belabor it. I'm just trying to get a little more information where if I want to submit some of this to the people as an alternate, I don't know the mechanics to do it under at this time.

Mr. O'Neill Senator Rayburn, with all due respect and I'm not trying to ask a mean question or anything, but do you realize that right now, in a motion you could set up a procedure to submit alternatives...in a motion right this minute?

Mr. Rayburn Delegate O'Neill, they have a committee studying that, and I realize that. That's the reason I don't want to come up...they've studied and I haven't. I don't know the proper mechanics, but I felt like that since this has been assigned to a committee, they've been working on it. If they did have a recommendation, it would be good for us to know before we were called on to vote for these. Because in my opinion, and from the position that I come from, this is highly controversial. I want to represent my people. I might decide on some of these issues, I'd rather say "let my people speak in the place of me speaking for them". But in this particular moment, with this decision before me for a vote, I don't know if my people are going to be able to speak on it or not. That's the only information that I was seeking.

Mr. Stagg Senator Rayburn, wouldn't it not cure the problem you're suggesting then, if you would vote against the amendment by Mr. Anzalone and to vote for the proposition as put forward by the committee on the Executive Department?

Mr. Rayburn Mr. Stagg, I wouldn't say that because I believe there's going to be fifty other amend-

ments. Mr. Anzalone is just one of the many. I would like to know if I will have an alternate procedure before I make a final decision. That's my only point.

Point of Order

Mr. LeBleu Mr. Chairman, I just wondered if this debate might not be out of order since there is nothing in this particular section that says anything about the election or appointment?

Mr. Henry Well, of course, the motion originated because the Senator moved that we pass over this section for the moment. Of course, the debate sort of ranged from there, Mr. LeBleu.

The gentleman has moved that we pass over section 1 of the proposal on the executive branch to which objection has been urged.

Why do you rise, Senator?

Point of Information

Mr. Rayburn Point of information. Mr. Chairman, do I understand that we're supposed to be out of here at five.

Mr. Henry Yes, sir.

Mr. Rayburn Well, it's only about fifteen minutes to five and I was just wondering if this...maybe by tomorrow this committee could give us a report?

Mr. Henry Well, we've still got time to dispose of the motion, sir.

[Motion to pass over Section 1 re: executive 52-59. Motion to take up other orders adopted without objection.]

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Announcements

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[Announcement of 1970-71 book prices, Thursday, August 2, 1973.]

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Thursday, August 2, 1972

ROLL CALL

[110 delegates present and a quorum.]

PRAYER

Mr. Dennis Our Heavenly Father, we ask that on this day of our deliberations that you give us the strength and the wisdom and the insight to do that which our people need, and to write a constitution that will last and endure and stand this state in good stead for many, many years to come. We ask in Christ's name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

REPORTS OF COMMITTEES

[I Journal 238-239]

INTRODUCTION OF PROPOSALS

[I Journal 239]

PROPOSALS ON SECOND READING AND REFERRAL

[I Journal 239]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 4, introduced by Delegate Stagg, Chairman on behalf of the Committee of the Executive Department and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval and other members of the committee.

A proposal providing for the executive branch of government for the filling of vacancies in certain public offices and with respect to dual office holding, a code of ethics and impeachment.

The status of the proposal at the time of adjournment was that you had under consideration the first section which deals with compensation and amendments were pending to that proposed section introduced by Delegates Anzalone, Aseff, Alario, and many others who added their name by way of co-authorship, in essence, constituting a minority report of the committee.

Mr. Henry All right. Mr. Anzalone had offered up amendments. Now Mr. Anzalone, you had offered your amendments and you had opened on the amendments. You've said all you propose to say for the moment, am I not correct?

Read the amendments before we start, Mr. Clerk.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Anzalone]. On page 1, delete lines 14 through 19 both inclusive in their entirety and insert in lieu thereof the following:

"Article IV. Executive Branch. Section 1, Composition. Section 1

A. The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, attorney general, register of the land office, commissioner of insurance, commissioner of agriculture, custodian of voting machines, state superintendent of education and all of other executive offices, agencies and instrumentalities".

Further Discussion

Mr. Duval Fellow delegates, we heard some very interesting remarks from Mr. Anzalone in support of this amendment and some of them, of course, are well taken. However, I would like to familiarize this convention with some of the facts which I think have been remiss thus far. The governor of this state is elected by all the voters of this state and is, of course, responsive to the people. He is in charge of administering the executive department. As it presently stands, not only the governor but Houdini could not administer our execu-

tive department because it is terribly unwieldy, fragmented and disorganized. One of the most crucial and vital things this convention can do is to facilitate the administering of this executive department so that it can be run properly and correctly. Since we do have to have government, ladies and gentlemen, it should be intelligent, deliberated government. Now let's take these offices one by one that we are deleting. The superintendent of education, the present superintendent of education testified before our committee. As you all might recall, he ran on a plank. One of the things he said was that the office ought to be appointed and it should be abolished. The reason why, a very good reason. We have an elected State Board of Education, and when you have an elected board and an elected superintendent you have an obvious impasse that does not properly work and does not serve the interests of the people. That is a clearly logical statement. When you have an elected board and an elected superintendent it just doesn't work. All right, that's one. Number two, the register of state land office. This very fine lady came before our committee and said that her office shouldn't be in the constitution. It wasn't necessary. This is the officeholder herself. It is primarily a clerical function which does not warrant statewide election. There are many other more viable and important positions which are appointed and again, as a factual matter, there is no real reason why they should be elected and most people don't know who what they are voting for when they vote for it or much less, what they do. They do know what they are voting for when they vote for governor. Custodian of voting machines, as you know, Louisiana is the only state which has such an office. It was created purely out of political animosity and has no viable function and is purely administrative.

The election laws are administered by the secretary of state and therefore, certainly voting machines could be placed under the offices of the secretary of state who is an elected official and who does administer the election laws. There is no logical reason to elect statewide a custodian of voting machines. Again, I say, that the people do not know exactly what he does and that's one thing of such viability that warrants statewide election. We get down to the Commissioner of Insurance.

Another one we deleted. As you all know, there is a Rating Commission appointed by the governor which fixes insurance rates, and you have your elected insurance commissioner, on the other hand. Therefore, again, you have a situation that is not logically proper. When you have a Rating Commission and then an elected commissioner of insurance, it just doesn't work. We've got to be conscientious enough in this convention to set up state government so that it will work, and it's obvious this doesn't work. Again, the governor bears the ultimate responsibility for the administration of these functions and they are not to be elected statewide. Furthermore, when you have a Rating Commission on one hand and an elected commissioner, again, it doesn't work. I submit to you and you can hear testimony from many, many people, and I'm sure even the insurance commissioner would admit that the Rating Commission doesn't work. Of course, he'd like an elected commissioner of insurance who performed the rating functions also, but then you have a czar of insurance, which I don't think we want. Now, a commissioner of agriculture. When you get down to commissioner of agriculture, I think you can look that all the duties of the commissioner of agriculture are statutory anyhow. The legislature, right now, could strip him of every function that he has. These duties are provided for by statute. Why elect a man statewide when the legislature could take away everything except his title? Again, it doesn't really make sense. So I submit to you, that the committee proposal was designed purely to facilitate the administration of state government in an intelligent, organized fashion. That the elected officials, that we have deleted serve such a function that should not be elected statewide, and I ask you to reject the Anzalone, et al. amendment. Thank you.

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Further Discussion

Mr. O'Neill Mr. Chairman, members of the convention, we've talked so much about flexibility and viability in government you'd think we were buying a pair of jockey shorts instead of setting up a government. Mr. Duval's logic, I think, is the logic that the committee took and I think that we should appreciate it. I also think that as with any other committee report we should listen, listen attentively and consider what that committee did, and if at all possible, to understand it and accept it. But I submit to you that we cannot accept the logic nor the intent of this committee's report. Just because an individual comes before a committee and says his office shouldn't be elective, we shouldn't just listen to him and say all of a sudden it's not going to be elective. I don't care if Louis Michot thinks that his office should be appointed and I don't care if someone else thinks their office should be appointed. I'm not here to listen to them. I'm here to decide for 50 more years, at least, we hope, whether that office will be elected. Not whether one person thinks his office ought to be appointed or elected. Yesterday, we heard testimony about the cost of some of these people. One delegate we heard say that someone making from \$21,000 to \$26,000 a year shouldn't have to run statewide. What does he get back in return? I'd like to ask that delegate whether or not he knows that the governor gets paid only \$28,000 a year. What does he have to gain from running statewide? You know, this committee's proposal, one of the articles that the governor should make at least as much as his highest paid cabinet official or you know, what have you. So we're automatically giving the governor a raise up to Dr. Mary's salary of \$55,000. I guess the lieutenant governor is going to have to make as much as he is, too. So we're talking about cost and what have you and then we look over the super health agency and look at the consolidation of 56 to 58 state agencies and we find that they are spending more put together than they did while they were separated. I'm for saving money and all those good things, but not when it's going to cost more to consolidate these offices than it is to operate them. We've talked, too, about accountability. You know that if you appoint someone who are not going to be able to hold the people accountable for their actions. We're going to have to chase after the governor if we think our insurance rates are too high. We're going to have to chase after the governor if we think our education system is going badly. Well I submit to you that I'd rather be able to vote out someone who heads up one of these departments than to vote out a governor, because I'm not so sure that we could have much effect there. Those of us who have submitted these amendments, and I know there are over 20 of us at least, have a strong philosophical feeling that these people should be elected rather than appointed. We don't care what other states, we're not here writing an Illinois constitution or a model state constitution. We're here writing a constitution for the people of this state, not for any other state. I submit to you that the amendment we have before us is a good amendment. I think that it is procedurally correct for us to do it this way. I think that it's going to facilitate us time-wise. If we adopt this amendment and you feel strongly that perhaps one or two of these people should be taken out, well you can draw up your amendment to take these two people out and we won't have to have the constant progression of amendments putting one, two, three or four back in. I think yesterday that the Chairman, with all good intentions, wanted to go over these one at a time. We said we thought it would make things a little faster if we put them all back in and then amended one or two out if we felt it was necessary. So I ask you to adopt this amendment, one, because we think it is philosophically correct, and two, because I think it will speed up the progress of this convention and most of all because it will make the people of Louisiana at least feel a little safe in knowing that they can elect these people. Anyone who calls it a false

sense of security, well my answer to you is I'd rather have a false sense of security than having these people appointed. Thank you.

Further Discussion

Mr. Derbes Good morning fellow delegates, I rise in opposition to the amendment on essentially a procedural ground. That is, I think that each of these offices that we have discussed and are discussing is very important. Many have been with us for a long period of time in the history of our state. The people are accustomed to the offices, but I think the offices, because of that fact, deserve independent consideration. To lump them altogether in one amendment, to restore them to the committee proposal and then to argue over whether or not we are going to take them out to me, merely confuses and complicates the discussion on this very important subject matter. It serves no useful purpose to me to have to discuss the commissioner of insurance at the same time one discusses the register of state lands. To me, the clear, logical and most efficient method to handle this problem is to discuss them individually. If we can all agree that the five offices mentioned in the original committee proposal should indeed remain elective, then let's merely amend the original committee proposal to add to that proposal the individual offices which were deleted. Let's discuss them individually and independently, their merits and demerits and make that decision. I think that the most effective way to do that is to discuss the amendment and to take up the set of individual amendments which the staff of this convention has prepared and which can be introduced shortly hereafter. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I rise for this amendment. I think it is good. This morning I received a mailogram, a Western Union mailogram, from the Orleans teachers saying please keep the superintendent of education elected. The superintendent was good for him to say that he would like henceforth, that the superintendent would be elected and I'm really wondering why they don't just wait until he's appointed before he starts running. I think he's doing a good job, but I do think that the superintendent of education should be elected. There are others in this amendment, as Mr. Derbes said, might not be as important, but I think they are all important because each of them have a separate function. I've had an occasion to write the insurance commissioner on matters, and in other words I would have had to go to the governor to get permission probably to go to the insurance commissioner which would have taken a longer time to get a reply from him. I think that these elected officials will be more accountable to the people if they are elected by the people. In spite of the fact that we said apathy in voting is law, we have it. I do believe that people are voting more today than they ever voted before and they are beginning to learn what each elected official owes the community as a whole. I think at this time, and this stage of the game, it would not be right to take it out of our constitution. So I'm going to support this amendment. Thank you.

[Previous session referred.]

Closing

Mr. Asseff Mr. Chairman, delegates, good men are elected and good men are appointed. In like fashion, incompetents are elected and incompetents are appointed. There is no sure way of getting the best for public office. Just as governors appoint to satisfy political obligations, the people quite often vote on looks saying, if I have to look at a crook for four years, he might as well be a good looking one. So many of us think that good structure will bring good government to Louisiana. Though structure is important, alone it will not bring good government. Even the experts do not agree on what is the best structure. It depends on which book

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you read or which expert you contact. Just as physicians do not agree, neither do the governmental experts. Dr. Clyde Snyder, Professor of Political Science at the University of Illinois, and a leading authority in the field of state government comments on the results of reorganization of the executive branch as follows: "In general, the principle of centralization appears to be basically sound, but that is not to say that wisest reorganization on those principles is the wisest course of action in every state and under all circumstances". It is unfortunate that as the present writer believes, proponents of reorganization have devised a reorganization formula of which they have virtually made a fetish and which they tend to prescribe for every state, regardless of local differences. As a matter of fact, what is best in an individual state at a given time will depend largely upon local conditions. The argument for appointment is that the governor is held accountable for the affairs of the state, and should be given the necessary tools. Ironically, that was the argument for addressing certain state officials out of office. Even if the arguments were valid, to appoint will strengthen the argument and under all circumstances is already, in fact, if not in law, one of the most powerful in the United States. The argument against is that it strengthens the chances of dictatorial rule in this state. Most important of all, we live in a democracy and right or wrong the people wish to elect these officials. What I think or do not think is immaterial. It is the people's government and they must decide what they want, and they have decided. I have no mandate to impose my views upon them. No one can honestly say which method is superior. Some, in their ivory towers, have urged appointment, but those who have lived in the ivory towers and also have had years of governmental experience, as I have, and involving the appointment is the answer. The answer, in reality, is the revival of public interest in their government. When elected, the official, periodically, must account to the people for what he does. This makes him more responsive to the public will which is as it should be. Appointment brings some independence but often arrogance and a floating of the wishes of the people. I favor reducing the number of executive agencies to not more than twenty, but I have watched too many governors from behind the scenes and know what they can do, and am unwilling to take a chance on dictatorship by also permitting appointments of these offices. Is your memory so short that you do not remember the political history of this state? Do you want to take a chance on dictatorship? Well I do not. I remember the era of "gold bathtubs" in this state. Do you? On my graduating diploma, the B.A. is the signature of the governor who went to the penitentiary. Too many "gold bathtubs." Also on my diploma is the signature of the president of the university who went to the penitentiary. Too many "gold bathtubs." Also I have the signature of the United States Attorney General who sent them there. And ironically for me, I was the class's valedictorian, but no "gold bathtubs" for me. The issue is crucial and the decision is yours.

[Record vote ~~ordered~~. Amendment rejected: 53-45. Motion to reconsider ~~railed~~.]

Amendment

Mr. Poynter Mr. Perez sends up the following amendment.

Amendment No. 1. On page 1, at the end of line 19, delete the period and add the following: "of the state."

Explanation

Mr. Perez Mr. Chairman and fellow delegates, this amendment, I hope, will not be controversial and one which has been agreed to by the Chairman of the Executive Committee. The only purpose of this amendment would be to make it clear that the executive branch of the department will consist of the govern-

nor, the other statewide elected officers which are specifically cited and all other executive offices, agencies and instrumentalities, and that's the way the present section now reads, and I would just suggest the addition of the words "of the state," to make it clear we are talking about state instrumentalities, offices and agencies and not any other. I move the adoption of the amendment.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment offered by Mr. Derbes; Mr. Lambert has the same amendment.

Amendment No. 1. On page 1, line 18, after the word and punctuation treasurer, insert the words and punctuation "Commissioner of agriculture,".

Explanation

Mr. Derbes Ladies and gentlemen, I just want to bring you up-to-date on what the product of this little gathering in the front was. My own particular feelings vary about these various state offices, whether they should be elective or appointive. I merely wanted to try to get us on the road to a swift consideration of the issues involved by submitting the offices to you separately. So the staff had prepared, and I took the liberty of authoring a series of amendments which will add each of these offices to the present committee proposal. I am not necessarily in favor of adding them all, I'm merely in favor of submitting them to you for your independent consideration. So I'm not going to waste time by speaking to each of the issues and I would ask the Chairman at this time, if he's available, to let you know in what order these various offices will come up, as presently proposed.

Mr. Henry Mr. Derbes, we are going to take them in alphabetical order. I believe that's the way you introduced them. So we are going to take Agriculture, Custodian of Voting Machines, Superintendent of Education, Commissioner of Insurance, and whatever else in that order.

Mr. Derbes I would just like to say before closing and taking up these amendments in order that I am a member of the Committee on Natural Resources and the committee did unanimously decide to retain as an elective post the Commissioner of Agriculture. I am sure Mr. Munson, who is vice-chairman of that committee, will have more to say on that subject. Thank you.

Further Discussion

Mr. Munson Mr. Chairman and fellow delegates, Mr. Abraham would also like to point out in regard to your question a moment ago that there is a similar amendment, similar to Mr. Derbes' amendment that was submitted by Mr. Lambert on behalf of the Committee on Natural Resources and Agriculture which, as Mr. Derbes pointed out, voted unanimously to keep this office elective. I would like to say first in regards to a statement made by Mr. Duval a few minutes ago, when he said that there is no sense for this office to be elective... I can assure you ladies and gentlemen that it makes a lot of sense to the farmers and to agricultural interest of this state that this office be elective and I believe to a majority of the voters of this state. As all of you probably know, I'm a farmer myself. Every farmer I have talked to on this subject matter of there has been in favor of an elected commissioner of agriculture. I have here in my hand a letter from Louisiana Farm Bureau Federation which I assume all of you also received, in which at their convention in Monroe just a couple of weeks ago they voted unanimously to ask this convention to retain this office as an elective office. I was appalled that this convention by the governor of this state to represent agriculture. Let me assure you that in voting for this amendment I am representing agriculture and I would sincerely hope that all of you will go along and keep this very important office as a constitutional office

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and as an elective office. I might point out that I voted for the amendment just a few moments ago which was defeated because I really do believe, and I'm convinced in my own mind that the people of this state would rather have their officers elected rather than appointed.

Vice Chairman Casey in the Chair

Questions

Mr. Schmitt In other words it's your feeling that this position should be an elective position rather than an appointive position.

Mr. Munson Yes sir.

Mr. Schmitt Then what about other types of... in other words you have one interest group, what about consumers? Shouldn't there be perhaps a state department of consumer affairs and shouldn't they have an elective person? What about an environmental control department? What about a state levee department? What about a state bridge department? What about a state department of sanitation? I think our history of the state is rampant with the number of agencies and commissions and boards, etc. that we can imagine and conjure. I really feel that if you begin allowing all of these different interest groups to have an elected person, I think we'll have certain problems there. But I'd like to say...

Mr. Casey Mr. Schmitt, is this a question. Point of order.

Mr. Schmitt Yes, sir, it's the prelude to a question. Is this position an elective statewide position?

Mr. Munson Yes, sir, at the present, it is. Those people that you have mentioned are represented in state government today.

Mr. Schmitt That's correct. Also, isn't it a trend for more and more of the population to be going towards the urban area? Is this correct?

Mr. Munson I would say that's correct, yes.

Mr. Schmitt So isn't it possible that you might have a person run who can get the support of the cities and win and become the head of the Department of Agriculture? Don't you feel that you'd have a better chance of getting someone to represent agriculture through the governor than you would by an elective process?

Mr. Munson Well, of course the same thing would be true if any one candidate for governor got all of the vote out of the urban area. Then the urban area is going to elect the governor and the lieutenant governor. But let me say this in regard to the resolution that I just mentioned from the Louisiana Farm Bureau Convention, wanted to keep this office elective. They also asked in there that we leave it up to the legislature to set qualifications for the commissioner of agriculture by statute which would take care of what you are talking about right now, if this is done. That is their recommendation.

Mr. O'Neill Mr. Munson, do you feel that the farmers are thinking about the current commissioner of agriculture when they express these feelings of keeping him elected, or do you think they're thinking about the future?

Mr. Munson Mr. O'Neill, I don't think that personalities or people should enter into it whatsoever.

Mr. O'Neill Thank you.

Mrs. Taylor Mr. Munson, would you just state some of the duties of the commissioner? What's the job description there?

Mr. Munson The duties of the commissioner of agriculture, of course Mrs. Taylor, are many and they

are varied. I don't have all of those duties in front of me. The primary duty of course is to promote Louisiana agriculture, which I will say right now that, in my opinion, our present commissioner of agriculture has done a great job of promoting Louisiana products. He also has the job of regulating.

Mr. Casey Mr. Munson, I have to call time on you.

Mr. Munson Thank you very much.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, you might begin to think that I'm voter conscious, and perhaps I am. Maybe we all should be to a certain extent because no matter how hard we work to complete this constitution between now and perhaps next June or July, it's still going to have to be approved by the voters of this state and we should never lose sight of the fact. Now I do not mean by any stretch of the imagination that we should sacrifice quality in this constitution for that, but let's always keep that in mind. I have an amendment which I'm going to withdraw in the face of this procedure that we're following now. My amendment was to keep the commissioner of agriculture and the superintendent of education along with the five that the committee had set forth in their proposal. I believe that these two offices are more closely connected with the people and the voters of this state... the superintendent of schools with all the school people, the teachers, the parents, and of course the commissioner of agriculture with the farming interests and many, many other varied interests. Don't just think by the title of the office that it's just concerned with farmers. It's concerned with pasture people. It's concerned with cattle raisers. It's concerned with people in the horse industry. It's concerned with people in the nursery business, and I could go on and on and on. Those people want the commissioner of agriculture retained in the constitution as an elective office and don't you ever forget it. It's the same way, I understand, with the superintendent of education. The school people want to elect their superintendent, and I think very properly so. I can't really go along, the other three are entirely different in my opinion than the two that I have enumerated. They don't have too much contact with the people. They're more clerical and their activities are confined to the office here in Baton Rouge.

Questions

Mr. Grier Mr. Burns, isn't it true that approximately forty percent of the economy of this state is tied to agriculture and agribusiness.

Mr. Burns Truthfully, I couldn't answer that. It is...

Mr. Ginn Mr. Burns, isn't it also true that there's approximately thirty-seven thousand families that are in the Farm Bureau Association who favor the election of the commissioner of agriculture?

Mr. Burns I wouldn't say so. Just one more statement and then I won't take up anyone of your time. I can't go along exactly with this concentration of power. I've always believed that power is like fertilizer. To get the best results out of it, you've got to spread it around.

Further Discussion

Mr. Stagg Mr. Chairman and fellow delegates, I don't intend to answer all of the other statements that would be made by the previous speakers at this microphone. But I would like to repeat one of them for emphasis. That the voters of this state are now by the great majority concentrated in the metropolitan areas of this state, and have no knowledge of the basic problems facing the agricultural community. It would seem to me that if the commissioner of agriculture were appointed by the governor,

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that is by any governor worthy of his salt, he will seek out the most qualified person to represent the interests of agriculture. Yes, I agree that it is a great part of the economy of this state, but so is mineral production and in that field the governor appoints the commissioner of conservation. There are no qualifications set forth in the constitution for the job of commissioner of agriculture. A person can be elected who's first and foremost a politician, and maybe not at all acceptable to a majority of the responsible farmers or farm organizations. It was in this sense that the Committee on the Executive Department concluded that the better interests of agriculture for the distant future and for now would be served by the governor appointing a man acceptable to agricultural interests who has a knowledge of the field of agriculture and can carry out farm programs in the Executive Department. If for any reason it became necessary to replace that person, if the governor had appointed him, then the governor could replace him. When anything goes wrong in one of the major departments of government, it is the governor who also gets the blame and in these instances can do nothing about it. Those were the things which motivated the Committee on the Executive Department and we think that they are subsisting and that they are viable and important to this convention to decide.

Chairman Henry in the Chair

Questions

Mr. Abraham Tom, don't you feel that the promotion of agriculture and the promotion of commerce and industry in this state are equally important?

Mr. Stagg Yes, I do.

Mr. Abraham Don't you feel that by the governor appointing the board to promote commerce and industry that he could do the same thing by appointing someone or a board to promote agriculture?

Mr. Stagg I think that makes very good sense, Mr. Abraham.

Mr. Shannon Mr. Stagg, is there any place in the proposed constitution, any qualifications set forth, for the commissioner of agriculture?

Mr. Stagg Not at this time, Mr. Shannon.

Mr. Shannon Is it proposed that it will be?

Mr. Stagg I have not read that in the proposal of the Committee on Natural Resources. It may be, but I have not read it.

Mr. Denny Mr. Stagg, isn't it true that under the Executive Article as presently drafted the legislature would have a perfect right to set qualifications for these appointed offices?

Mr. Stagg The present draft of the Executive Article would allow the legislature in the appointment of anybody by the governor would have qualifications set forth by statute. Yes, sir.

Mrs. Warren Mr. Stagg, you mentioned that people in the urban areas were not aware of what the commissioner of agriculture and all of this was all about. Do you think that at this stage when we are having higher prices and probably a shortage of food that people in urban areas would not be aware of what effect things have on the farmer if it is going to affect them too?

Mr. Stagg They're not only aware of them but they are quite concerned about it. Yes, ma'am.

Mrs. Warren So in that light, in the farmers needing someone that they feel that they can go to in order to provide for the people, don't you think it would be [] to have somebody that they could go to instead of having to go to the governor and then back track?

Mr. Stagg Mrs. Warren, I don't believe it would be necessary for any citizen to go to see the governor in order to go to see one of the governor's appointees. That just isn't so. Because he is appointed doesn't mean he is not accessible to you.

Mrs. Warren Mr. Stagg, I'm here just to ask you a question, but experience has taught me that this is not true.

Mr. Stagg I would hope that your experiences do improve, Mrs. Warren, as I hope the constitution does, too.

Further Discussion

Mr. Bayburn Mr. Chairman and fellow delegates, I rise in support of this proposed amendment. Let me say to you here and now. I know of no better yardstick to measure anyone by than the ballot box. I think one of the reasons we're in the trouble we're in in this country today is because in many occasions the people have not had a right to speak on the people that represent them and the welfare of their neighbors, their friends, their children and otherwise. Thirty-nine thousand people, yes, Mr. Stagg, they don't live in New Orleans or Shreveport, but they provide what lets those people that live there eat, raise their children...The commissioner of agriculture has more to do in it than any other one individual in our great state. He's saying that your milk is pure, your vegetables are pure, your tomatoes, your apples, your peaches. He's saying that the fertilizer has the content that it's supposed to have and that your beef doesn't have bangs and many, many other occasions. I could go on and on and on and relate to you why a man with that much power and that much authority should be responsible to the people of our great state. Yes, if you want to build up militarism, in my opinion, you get a governor and you might get a nut. Some of you think we have had some nuts as governors. I've served under a lot of them, especially this two term deal. You give me that big chair. Let me name the commissioner of agriculture and the insurance commissioner. You couldn't blow me out of it with a stick of dynamite or talk about it with a machine, you talk about machine...all you good government people. You must not know what you're talking about. If you want to build a machine...I've got no quarrel with the present governor. I think he's made a good governor. I think he's doing a good job and I hope he continues. I have been there when they started off sweet and would up sour. I hope he stays sweet. Let me say to you, you didn't have to have any qualification so to speak of to come here. Now, you want the commissioner to have all types of qualifications. Here you are writing a document that your children and my children and their children might live with, as far as we know, for the next fifty years. Does anybody question your qualifications? No, no, no, it's all right for us to come in what we want to, third grade, fourth grade, no grade, doctor, Ph.D., everything else. Just come on down and get with it. No qualifications required of us. Just qualify. Then they say that we don't want to inject ourselves in the great political arena. I don't know how you got down here, but I did a little bit of politicking. Maybe you did. That's so, you want to say remove the politics out of everything. How are you going to do it? They'll be politicking when you and I are dead and gone and forgot about. You're not going to stop it. I found it here. I'll leave it here.

When you try to say to the people of this great state, if you want what we are doing here today to be doomed and go down, you tell them they can't elect some of their public officials. You tell them that. One of the most important jobs in this state, in my opinion, is the commissioner of agriculture. I think he should be responsible to the people of our great state and not to the governor. The governor's busy. He's got a whole lot to do now. If you throw all the other offices up on his shoulder, you are liable to run him crazy before the first six months he's in office. My Lord, he's got an awful job now. If you don't believe it, try to see him or ask him.

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He's busy day and night, if he's tending to his business. If you had to put in a cotton farmer, every cucumber picker, every cattle dipper and everybody else under his control, then he's going to regulate your rates on the instant. Then he's going to tell you who's going to operate the vote machine. I like Governor Edwards. I don't want to load him down or no other governor with all this business. Let the people speak and you'll be doing what I think they want you to do. If they get a bad one, they know what to do with him. We've had a few bad ones, but you can't instant get the people on their day with the ballot box at the polls. I hope you adopt this amendment.

Further Discussion

Mr. Jack Mr. Chairman and members, I'm delighted to follow Senator Rayburn because I'm on the same side with him. Now, by maintaining these offices elective we're going to help the governor. It's like Senator Rayburn says, it's too much burden for the governor to have to find people for these most important offices that are now already elective. You just keep on...we're not going to inject personalities, who's the mayor, who holds the office, or that one. If you do away with all elective offices except the governor and the lieutenant governor and the others named, so that leaves five, the governor becomes in my mathematics one-fifth of an emperor--a king. Do away with all of them but the governor. Let him appoint everything. He becomes king or emperor. I do not see how you can argue with success. It's a hard thing. Let's just take what the commissioner of agriculture over the years has successfully spent. I'm sixty-five. It doesn't seem any time ago when they called me one of the Jack boys. I remember as a child out at that state fair, Mr. Harry Wilson was there all the time. He was the commissioner of agriculture. Whenever I went, since even then, I see the commissioner of agriculture at all these meetings. What I'm getting at...a man is not going to run for the office unless he likes it. You talk about lack of qualifications, someone, let me tell you whether it says it or not, any commissioner of agriculture is going to be a farmer. Now, let's take the governor. When Governor Edwards is a good friend of mine, I supported him after Jimmie Davis, after I voted for him in the first primary. I'm for him and he's making a good governor. This is the mistake we're always making.

Now, let's just take the difference between elected and appointed. I'm not stepping on any federal judge's foot, any U. S. Marshal, U. S. Attorney or the assistants. I've noticed this all of my life, just about my grown life, you get an appointed official. He does not go to all these civic things where you get close to the people. I've seen federal judges when they held elected offices, they were at civic meetings, but after they became a federal judge you didn't see them. I've seen U. S. Attorneys before they're appointed. They've been in the courts, they're not at these meetings...their assistants are not, the U. S. Marshal I've never seen, his assistants. But let's take the same in the state. I've seen those judges. I see our district attorney. I see the Bossier district attorneys, Webster, all those. I see their assistants at those meetings. I see the sheriff if there, you see his assistants. It proves that the elected officials and their assistants get out, get close to the people. Every commissioner of agriculture, as I started to say, was a farmer and is a farmer. To be governor, though, there's no requirement about you've got to be. You've got to be a certain age and if anybody finds out you are not alive, you can't continue serving. That's the only thing locked in getting it is good. I don't care how good an appointment a governor may make, if that fellow doesn't get out and see the people and find out what they need; he can be brilliant; he can have the highest I.Q. or she can have the highest I.Q. but it does no good. So I say let's keep this elective. Thank you.

Personal Privilege

Mr. Roemer Mr. Chairman and ladies and gentlemen

of the convention, we have the honor to have visiting with us today a member of Parliament, Mr. Ernest Marples, who is a dear friend of Senator Adrian Duplantier and a number of us who visited London this past year. He is returning to the vicar here in the United States with us. Mr. Marples has been elected to Parliament eight times. He has served two positions in the cabinet of Mr. Harold Macmillan and with Mr. Winston Churchill. I am at liberty to tell you that he said he lives in London but he runs from a district that's two hundred miles outside of London and gets it. He is returning to the vicar here that's pretty good. I wish you would join me in welcoming the Honorable Ernest Marples, Member of Parliament.

Mr. Henry I asked Mr. Marples if he would like to say a few words to the delegates and he has agreed to. He wants to talk about the Watergate, Mr. Staggs, I believe

Mr. Marples Thank you so much for your kindness to me. I come to America frequently and see a number of very curious sights. I never quite know what's going to happen, but this time I went to Watergate. Before I came to Watergate I went to France. Now in France they have certain rules about what they think is a scandal. They said that they'd criticize both Britain and America in a very hostile way. For example, they said to me about the Americans--Now here the Americans are with a great scandal on their hands. They haven't handled it properly because there's no sex in it. They said this is uncivilized, because it's not giving the women a chance to say anything or do anything. Then they said about England--And here you have Jellicoe and Lambton who go out sleeping for the night, I'm told it was enjoyable and agreeable but I wasn't a witness so it's only hearsay. They went with two girls or one went with two girls and the other went with one girl. I don't know. It's rather confusing to get the facts because you can't there. Then they said about France. She sees to that. Anyway, the point is, that you said that you in England, you're even worse than America, because if that had happened in France, both Jellicoe and Lambton would have been promoted at once.

All I can say is that I hope you will get over your Watergate as quickly as possible because deep down in my heart as a politician I know that the government of the country will suffer if the Watergate affair goes on too long. We had this problem in England during the Profumo crisis. Ten years ago it dragged on and drooled on and the government of the day suffered. This last time with Jellicoe and Lambton, it was finished speedily. I would say for God's sake and the world's sake, let's hope it ends shortly. Thank you for listening to me so patiently and so kindly.

Mr. Henry We also have some other guests here today that I would like to introduce at this time. We have Senators Schwartz and Wolff and Representatives Von Dohlen and Hale from the State of Texas. If you would, would you stand up in the back and I will ask that the delegates welcome you at this time. These gentlemen are over from the State of Texas. They are about to commence a constitutional convention there where they will try and the House will sit as the convention. They are over here observing our progress and organization, or lack of it, whatever the case might be. We're glad to have you with us.

Further Discussion

Mr. Roemer Mr. Chairman, fellow delegates. I rise in support of the amendment to elect, to continue to elect, to forever elect our commissioner of agriculture. I'm a duck hunter. That doesn't make me smart, but I do like to hunt ducks. One thing I learned is when all the ducks come in at one time in the morning, if you try to hit them all at once, you're going to miss them all. So we are going to take these elective offices one duck at a time. As far as I'm concerned, the first duck and

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and the biggest duck and the duck that's closest to me is commissioner of agriculture. Let's talk about this duck. One of the speakers that preceded me to this rostrum said the phrase, "A governor worth his salt." Any governor worth his salt will appoint a good man, a fine man, a competent man as commissioner of agriculture. I submit to you that we've had some governors that weren't worth their salt. Chances are we'll have some more who don't measure very high on the salt scale. I would rather risk my case with the people than with a governor. I don't care who the governor is friend or foe. Now, it's true that the legislature will have the right to set the duties of the commissioner of agriculture and so they will. It's also true that the people in this state have had the right to elect a commissioner of agriculture. It's one thing to give them new rights. It's something else to take an old right away. I think that's something we need to remember here if we decide to take away the right of the people to elect their commissioner of agriculture. Some of the speakers have hinted that maybe the commissioner of agriculture is not as important as it once was. Untrue. It's more important now than ever. Go down to the store and see what the price of meat is. If you can't find a good cut down to the store and see if you can find the kind of food products that you want to find. You can't do it. More than ever we need a man or a woman, a person interested in the consumer and the agricultural interests in this state. Now, some speakers talk about the cabinet form of government. I think the form is still due to hold and elect a successful form of government or not. Look at our national government. We've got a cabinet form. Some people try to tell me that the best argument for appointing a commissioner of agriculture is Dave Pearce. I submit to you that the best argument for electing a commissioner of agriculture is Earl Butz, who's from the national government. He's the best man in that administration is why you can't eat what you want to today for the price you can afford to pay. Let's look at the facts in the situation. You know I'm familiar with the professionals, the people who get appointed, the pros. They know more about programs than they do about people. I'm not talking about people who are in the legislature. I think people elect good people. Find and let's hire some professionals to get the program together, but let's get a people man at the top—a people man. Now, I'll close with this. Most of us here have more education than we do knowledge, and I'm one of them. It becomes quite clear among the educated and unknowledgeable speakers when they speak about elective versus appointive that they don't know what they're talking about. I hear the slogan, and it's nothing more than that, cabinet form of government. Read a book by George Orwell. It's called *Animal Farm*. It's about slogans and people who run their life on slogans. It's about a farmer who lost his empire to the animals. The animals took it over and the animals elected the pigs to run it. The pigs ran it by slogans, seven of them. One of the slogans was, "all animals are equal but some animals are more equal than others". That's a slogan and they found out, the pigs did, that the animals couldn't remember seven slogans so the pigs gave them one, "four legs good, two legs bad" and the pigs were happy. I'm not talking about slogans. Let's look at the facts. People elect people. We can't have it any other way.

Further Discussion

Mr. Ginn: Mr. Chairman and delegates, I too rise in favor of this amendment. For the election of the Commissioner of Agriculture. Just a minute ago, I pointed out to Mr. Burns, I asked him if there were 37,000 families in the Farm Bureau Association in Louisiana, and he said that he was aware of that. Senator Rayburn...he corrected me. He said there was 39,000 plus, and these are families, not people, 39,000 families. This is including the children and perhaps some 18 year old or older children. Just the other day on that phone over there the president of the Morehouse Parish Farm Bureau Association called me and asked me how I felt on this, and I told him.

He informed me that there are approximately 400 families in Morehouse Parish who are in the Farm Bureau Association and at their convention they passed the election of the Commissioner of Agriculture. Ouachita Parish...800 families... Parish...350 families. In West Carroll...700 and in East Carroll...350 families, and in Madison Parish...300 families and/or voters. Every single time there has been an agricultural problem in my neck of the woods, the Commissioner of Agriculture has come there and checked it out. I should think that we need an elected Commissioner of Agriculture to continue to take care of our agricultural problems. Thank you.

Further Discussion

Mr. Stovall: Mr. Chairman, ladies and gentlemen of the convention. It seems to me that if we're going to make the right kind of decision on how many elected officials we're going to have in this state, we need to consider where we have been in the past and what our history is. When we do this, we discover that in the past we have had in state government competing power structures for money, position, the loyalty of the people, the right of jurisdiction, overlapping, and by and large an inefficient system. We have not had clear lines of responsibility from the top to the bottom, and accountability from the bottom to the top. Good governors have not been able to administer the affairs of state because of these competing systems. Good legislation has been frustrated because of these competing about something better. I think, first of all, we need to look at our past. With our system of many elected officials we have not been able to bring about the kind of efficient, honest government... after all, we've had many, many indictments and convictions of public officials. We need to move from the past to a new structure that will enable us to move into the new possibility for our state. What we need is a unified structure. It is not a question of giving the governor of the state more power, but rather it is a matter of providing a structure of government that will enable the chief executive of the state to administer the affairs in a responsible way. The gentleman, is the decision... ladies and gentlemen. It is a question of whether we're going to have a unified system of administration or whether we're going to have competing structures before us. Now let me respond to some of you who say the people want to elect their officials. May I suggest that what the people of this state want is honest, efficient government. Many elected officials have not brought it about. What we need is a unified system. We have given the legislature more power. This is good, but we believe in a separation of powers. We believe the governor should have power to administer the affairs of this state. May I suggest to you that the interests of agriculture will be better served if the Commissioner of Agriculture is appointed for it will mean that the total power and authority of the state will be back of the program of agriculture presented by the Commissioner of Agriculture who has been appointed by the governor. It will no longer mean that the Commissioner of Agriculture will be in competition with others, but instead there can be a unified approach to whatever the needs of the state might be. In conclusion, I invite you to vote for the future possibility of Louisiana. Let us enable a better day... a better future. Let us get beyond the conflicts that we have had in the past. Let us vote for an appointed Commissioner of Agriculture along with his other appointed officials that we might move forward into a new day, a new future, a new possibility for our state.

Further Discussion

Mr. Kilpatrick: Mr. Chairman, fellow delegates, I rise in support of this amendment. I come from the rolling hills of north Louisiana, and as state senator there I represent five parishes that are primarily farming in nature. The Farm Bureau, the Police Jury, the school boards, and many of our people there

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have contacted me personally on this issue. This is one of the clutch issues and one of the clutch votes that we're going to have in this convention to take to the people for their support. These people in north Louisiana want you to vote for this amendment to keep the Agriculture Commissioner elected. They don't want to give all this power to a governor. Any man who is appointed to a post can remain in that post as long as he's a good politician. If he is an elected politician he's going to have to serve the wants and the needs of the people of this great state, from New Orleans to north Louisiana and from Texas over to Mississippi. Now, our farmers that we have there...we have a good cross-section of the people there in north Louisiana. We have the cotton farmer, the soy bean farmer. We raise our corn. We have our dairy farmers, our beef cattle farmers, peanut farmers, peach, watermelon and poultry farmers. If we don't give the people of this state the opportunity to vote for this Agriculture Commissioner, I know and I've been told by the Bureau which is 39,000 plus families strong that they're not going to support this convention's charges when we support it to the people there. This is as important as any tax proposal that we're going to have and the Finance plate. I urge your support of this amendment. It's very necessary for us here to present something to the people that all of the people in the state of Louisiana want. I'll rise to the question.

Question

Mr. Avant Senator Kilpatrick, if the Secretary of Agriculture of the United States had been elected instead of appointed, do you think that we would have sold to the Communists every last bit of reserve wheat and feed grain that we had in this country on credit...on better terms of credit than you can get at any bank, don't care what your financial statement is and then turn around and try to let them take that grain to the Communist countries in their own vessels while our vessels and our sailors lie idle in our ports?

Mr. Kilpatrick Absolutely not, and that's a good point to bring out here. In closing I would like to say this...I think that I'm qualified to speak to you on farming, after all, I'm a planter myself.

Further Discussion

Mr. Lowe Mr. Chairman, delegates to the convention, I hope that it's not often that I'll rise to speak to you. I recall that the last time that I came before you was at another occasion when I thought that the issue was an issue of independence. I think that I feel more strongly about independence than I do any other one thing, as far as state government is concerned. I often reflect to tell you some of the experiences that I've had, because I did have the experience of serving in the term and voluntarily not seeking reelection. I think that it's because of some of those experiences that I had that I did not seek reelection and I wish that each delegate here that had not had that experience could at least have had one term in the state legislature before coming to this convention. I firmly believed that the key issue to the people of the state of Louisiana in this constitution is the issue of independence. If we can give them independence in state government, we've given them a constitution that will stand the test of time. I firmly believe that the history of success in government is a history of the limitation of the powers that are given to that particular government. I'm not here because I feel strongly about agriculture. I'm not here because I feel strongly about voting machines which I'm sure will come up with a later amendment. I'm here because I do feel strongly about independence. I believe that each delegate, as we consider amendments and proposals to this constitution will have to consider a textbook approach and a practical approach. There'll be times when the practical approach is important. There'll be times when the textbook approach is important. I appeal to you now to put aside the textbook approach, to take a serious look at the

practical approach of what we can do for the state of Louisiana. There's no doubt that elected officials...the elected officials that we now have in the state constitution...give us a measure of independence that is impossible for us to get if we give that power to the governor or some other body in the state of Louisiana. Now, I opposed the two term amendment, the second coming, and I opposed it because I felt that the state of Louisiana was not ready for it. Not because I opposed the concept of it. There was already too much power for the governor to have in the state constitution. Until we make some drastic changes that are going to bring about independence, I appeal to you to leave in our constitution the little independence that we now have. I hope that many of you voted against the previous amendment because all of the officers were lumped together. I hope that you are ready to consider them individually and to give us that independence that we have come here to assure the voters of the state of Louisiana that they would get from this Constitutional Convention.

Further Discussion

Mr. Schmitt I've heard many good speakers up here today...Senator Rayburn, Buddy Roemer and many others, and the more I think about it, I'm beginning to understand some of their points. Initially, I had conceived the idea that when we went through the legislative section we had granted more power and capability to the legislature than they've ever had before. After analysis of that executive section, in seeing that the powers which we have granted to them in an attempt to balance their power with the executive, I really firmly believe that we have done this. In the executive department, according to the proposal which we have before us, many of the appointive powers of the governor will be removed. This will strip him of a lot of the power which he presently has and then turn around and give him more power than any other governor in the United States and it's my understanding that he has more appointive positions available to him than even the President of the United States. However, subsequent to the adoption of the executive proposal, he will be reduced to that of having perhaps a few hundred appointments versus approximately 2700 appointments he has at the present time. One of the major reasons for being opposed to this amendment was because of the fact that I felt that this would destroy the accountability factor...that the Commissioner of Agriculture, by having an elective one, if he wanted to do something different, and if he didn't represent the interests of agriculture, that they couldn't do anything about him for four years. The more that I've thought about it, I really believe that's still true and is still the case. Also, Buddy Roemer's comments with reference to the fact that the Commissioner of Agriculture should represent the consumer and that he should run state-wide. I really feel strongly about this too, because the consumer must be represented. I feel that one person ran from the city and said that he runs for a strong consumer...he's a strong consumer advocate...and the farmer beat him...that he can win, because he can get the votes from the cities. He can get votes from the urban areas, and he can beat the country boys. If he does that, you're going to hear more from him from now on. I'd like to hear that Farm Bureau up there screaming to the governor. There's nothing the governor can do about it, because that man's in for four years. You've created one of the most powerful...or you will be creating one of the most powerful positions that this state has ever seen. If you get a person who is a consumer advocate...I'd like to see the wisdom of Agriculture, who will he be representing? Will he be attempting to promote agriculture in the world or will he be attempting to make the prices lower for the people in the cities? What's to prevent the cities from electing their own representative...from electing a man to this position? I see nothing that we've done so far...that's why I can see the wisdom of Senator Rayburn's proposal, because he's giving a chance to the cities to be elected to head this particular department. Maybe it's time for a change.

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When the people from the cities can take control and decide what the destiny of the state will be in the Agriculture Department, maybe that's what Senator Rayburn wants. For I'm sure that if you vote for this amendment that's what you're going to get, because I, for one, would be happy to run for this position. I believe that I can get the support across state-wide, at least to give the man a run for his money. I'd say, I'm a Republican, but if a Democrat did the same thing and ran for the city, shame on you country boy, because you just aren't going to make it.

Further Discussion

Mr. Smith Mr. Chairman, I don't get up here too often, but when I do I feel I have something to say. However, I'm rather reluctant to follow all of this great oratory I've heard. I might say, I'm from the rural sections of Caddo Parish. I represent farmers up around north Caddo, but I haven't had any of them to contact me on this particular thing to ask me to vote for it or against it. I'm voting for it because I'm not playing politics, but I'm voting for each one of these amendments as they come up, and I'm glad they're coming up individually so we can vote on each on its merits. Personally, I'm down here...this is my last, I guess, political job...I want to see a good constitution written. I'm sincere in that...a well-rounded constitution for everyone. I feel I'm in this particular instance we ought to uphold this committee. When I was in the legislature we had committees. We sent acts to the committees for proposals. They heard them. They heard the witnesses. They were in a better position than we were here on the floor. They've come up omitting this as an elective job. I think that we ought to stay with them. I don't think that the Commissioner of Agriculture needs to be an elective job. These men who got up here and talked for it, most of them are farmers, that's fine. I'm not a farmer. I'm a lawyer, but I feel like it's no reason to have this as an elective job just because it is now an elective job. I feel like the ones they have recommended should stay in and let the Commissioner of Agriculture be on each one of these, but I think that the Commissioner of Agriculture is a job that should be appointed. As far as giving the governor more power, I'm not caring about that particularly...this may give him more. I say let's uphold the committee on these things. I think it was a good committee. They worked hard, and I'm going to uphold them on making this an appointive job.

Questions

Mr. Munson Mr. Smith, I believe that you said a couple of times there that you believed in upholding the committee. Is that correct?

Mr. Smith That's right.

Mr. Munson Well, how will you feel about upholding the Committee on Agriculture on their recommendation which voted unanimously to make this job elective?

Mr. Smith Well, I believe you represent the farmers and that hadn't come out yet, but I'm going to uphold this committee because I think this was the right committee it was sent to.

Further Discussion

Mr. Shannon Mr. Chairman, ladies and gentlemen of this convention, you've heard a lot of oratory here for and against the appointment or election of a Commissioner of Agriculture. Much has been said that I intended to say, and one thing that I would like for you to bear in mind, this cabinet type government sounds good, but what is causing the price of foodstuffs that you're buying today. It is the outcome of a cabinet form of government. Our give-away of all of our surplus grain in this country and it was a give-away, and that is the root of the price increases that we're paying in this state and this nation today. I represent an area from north

Louisiana, also...Caddo Parish. I represent a city district, which is confined, within the city of Shreveport. But I have not lived in the city all of my life. I came up on a farm, and I know what it means to be a farmer. I understand their problems, I believe more than a great number of people today. I tell you, the farmer is the backbone of this country and when we get to the point where we cannot have anything to eat, then we are in one bad shape. We are getting in that position now. In the next few years, there's going to be a shortage of food in this country; no matter how much money you have, you're not going to be able to buy it. What good is the money going to do you then? I submit to you that the people are the best judge of the people that are going to serve them that I know of. I submit to you and suggest to you that we vote to continue as we have now by voting an election for the office of Commissioner of Agriculture. Thank you.

Further Discussion

Mr. Thompson Mr. Chairman, fellow delegates, I rise in support of this amendment. First of all I want to ask you the question and let's bring it right home. There's a whole lot of criticism about the hundred and thirty-two, twenty-seven being appointed by the governor and just one hundred and five being elected. Supposed we had turned this thing around and had twenty-seven elected and one hundred and five appointed by the governor. How many of you do you think would be here, including myself? Let's bring it right home. Let's bring it to the ballot box, where Senator Rayburn brought it to you. How many of you would be here if the governor was going to appoint you instead of the people back home that knew you and elected you? That's what I want to ask. Twenty-seven of you would sure be here and maybe a few more. I'm sorry Mr. Stagg is not here, I'd like to ask him a question. How many of those people that we've been seeing on Watergate were elected? You think they'd stay there? No, they were all appointed people. The most standard government in the world is a dictatorship. How many of us want dictatorships? They don't have all the troubles that we're having in this country. They don't have all the stealing, all the controls and everything else. They just tell you to go out there and grab a hoe and chop the cotton or the corn or whatever they're doing over there. If you say anything about it, they don't know what became of you. I say let's don't saddle our good governor with other headaches and other duties. Let's keep it at the ballot box where it belongs. I urge you to vote for this amendment. As it's already been said, by Representative Munson, our committee voted unanimously, and I felt like we should have some say in this matter. They voted unanimously to make this elective. So, I urge each and every one of you to let's get on with the show and let's vote this to keep it elective.

Questions

Mr. Stagg Mr. Thompson, doesn't the present Commissioner of Agriculture have a Watergate problem of his own?

Mr. Thompson Yes, he does; he's got controls, and the people don't want it.

Mr. Kilpatrick Mr. Thompson, where do you think the man who's active in politics and business today is that doesn't make a mistake? I usually have them, don't I?

Mr. Thompson Right. All right.

Further Discussion

Mr. Alexander Mr. Chairman, fellow delegates, I rise to oppose this amendment. I was born and reared in a rural parish of the state of Louisiana known as Terra-bonna, Terrebonne. Good land. At the time when I lived there, right around me, were some 20 sugar mills. Now, those mills have almost disappeared. In 1921 when this constitution under which we live was adopted, this was an agricultural

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state. Agriculture was the major industry of the state. But now, is that true? Let any proponent of this proposal, this amendment, come forward and contradict that statement. Further, we put into effect, the major traffic arteries and highways of this state...was the horse and the buggy. Now, shall we or did we remain in the horse and buggy age? No. You can hardly find a horse and buggy on the highway, or even on a back street. I submit to you today, delegates, that the problem of the farmer is not the problem that it was in 1921 when he had to control insects, where there's a matter of increasing production, when there's a matter of mechanizing his farm. Sure, we needed a Department of Agriculture at that time, but now there is no more agriculture. These farmers to whom we refer now don't call themselves agriculturists. Go on to any college campus and you will see the term "agribusiness". Now, where are the agriculturists? What is the problem is? Not what the farmer produces. I don't pay high prices for spinach because the farmer's price has gone up, but I submit to you that the price between what the farmer receives for his goods and the price of what you pay as a consumer is widening all of the time, and that's where our problem is. So, we don't need a Department of Agriculture, as such. But we need it combined with the Department of Commerce. We need it combined with the Consumer Affairs Department, so that the farmer can get more for his products and the middleman will not be able to siphon-off, the processor will not be able to siphon-off, all of the money that leaves the farmer and is defeated. So I ask you let us move into the 20th century. Let us appoint the Agriculture Commissioner so that he can work with all the other agents and all the other units of government. So that the agriculturists, the Agriculture Department will not be out there alone as they have been, because the state is not an agricultural state anymore, but the farmer and the agriculturist needs the city dweller, the slum dweller, the urban dweller...let's defeat this amendment.

Further Discussion

Mr. Alario Mr. Chairman, members of the convention, I stand to support this amendment and to support the rest of them following because I believe we're facing the issue now of whether you're in favor of elected officers, officers that have to answer directly to the people, or an office that answers only to one person. I'll never forget the day I stood in the House of Representatives on my first day and took the oath of office. I recall that you and I took here in this same convention, which in part said, "that I will faithfully and impartially perform the duties of my office to the best of my ability and understanding, so help me God." And as I sat in that plush chair in the House of Representatives, after taking that oath of office, I thought to myself, what a great state I live in, what a great country I live in, that the son of a poor fisherman could grow up in his state, be educated in his public school system, have the opportunity to work in the shrimp factories and the shipyards during the summers to get enough money to go to college, and to finish that education, and then to be elected by the people that he has used his lifetime with, to be in that great hall to represent them. As I sat in that chair, I thought about those people knowing that they are the ones that I have to answer to. Those are the only people I'm having to answer to, not to one man, I want to do the job that they called upon me to do. I wonder in this state how many sons of poor fishermen, how many sons of poor farmers, how many sons of poor laborers in this state, are going to ever be appointed to positions in this state? I'll tell you what's going to happen, and it's political reality. Who's going

to make a deal to be appointed to an office to run, for instance, like the Insurance Commissioner's office? Those insurance companies are going to wheel and deal their contributions, prior to the election to make sure they have a commitment, a commitment from every horse in the race, to make sure that one of their people is there representing them. The average Joe on the street that has to pay that high insurance premium now on his automobile would not be able to put up any money to make sure he's represented there. But if he had a vote, if he had a say so, he'd sure turn a rascal out of office that wasn't representing him, just as he did this past term. I submit to you that the elected office is the best for the people of this state. If we appoint them, you're going to see an instance as we saw in this last administration, whenever the Revenue Director was accused of his department having various shenanigans going on. What did the governor of this past administration do, when the pressure was brought on him for that individual?...Promoted him to Director of Hospitals, because that was his political friend and ally. The people wouldn't stand for that type of business. They would have thrown him out on his ears. He would not have been that type of irresponsible government official. I know that he had to run in the next couple of years to answer to the people. The question is asked why would a person run for office state-wide that only paid 18 or 20 thousand dollars? Why would a person leave a job paying \$42,000 a year to seek an office paying \$28,000? I'll tell you why, because he's got the dedication to want to serve his people and to contribute something in his lifetime to those people that he loves. It's not the money consideration that a person seeks office for, it's that oath of office that he takes and that you and I take that says that he will perform his duties to the best of his ability and understanding, so help him God. Let's keep them elected.

Questions

Mr. Cowen Mr. Alario, we're talking about elected and appointed officials. Maybe this should be addressed to the Chair. I understood this as a question as to whether it's a constitutional office or not. Is that not what we're talking about?

Mr. Alario Yes sir.

Mr. Cowen Shouldn't we address ourselves as to whether it should be or should not be a constitutional office?

Mr. Alario Mr. Cowen, I saw this issue as the beginning of laying the groundwork of deciding whether this convention wanted to go on record as being for what the people want, and that is to let them elect their officials.

Mr. Cowen Don't you think, though, that perhaps it could be and should be a constitutional office, but the question will come up as to whether he should be elected or not may be two different things completely? Isn't that true? Should we regard them as two different things? They should be constitutional, I will agree. Maybe whether we want to elect them or not is a different thing.

Mr. Alario I saw the issue as whether you would be deciding whether it would be elective or not.

Further Discussion

Mr. Duval Ladies and gentlemen of the convention, I realize that at this point people are not really listening and that this is an issue either you're for it or against it. But for those few of you who may be undecided, I would like to bring out the following points and attempt not to deal with platitudes or emotions, but merely facts which I think should be the determining fact in what we do here in writing a constitution.

Presently, the governor appoints the head of the division of administration, an extremely viable and important function and it deals with money and we

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can elect everybody, if they don't have any money, they can't do anything. Wildlife, and I'm very interested in wildlife, being from Terrebonne Parish, but it's functioned very properly. It's right at our economy in Terrebonne Parish. Conservation and oil, again, appointed. Forestry and collector of revenue, the man who collects the revenue, and we have a very fine one. Health and Welfare who deals with over a billion dollars in the state budget is appointed. The reason why, and these people have two feet, not four, the reason why this works is because the people elect their legislators as they should to represent the people and to make the laws. The laws are made by the legislature. They elect their judges to interpret it and the executive is supposed to be protected. The focal point of election is the governor. He is the man who has to run it, and if everybody is elected, like the people I mentioned, there is no way the governor could run the executive. You'd have a bunch of little kingdoms and total, mass pandemonium. That's a fact. This is the reason the other positions I mentioned are appointed and they have not worked quite well actually. In most instances, although nothing is utopian, and nothing we do here is utopian. But the focal election is governor. You go talk to the people we've all been talking about, now, they know who they're voting for governor. But you talk to ninety percent of them and they don't know a damn thing about what the commissioner of agriculture does. I guarantee you. I would also like to point out that in Terrebonne Parish we have a lot of farmers. We talk to these farmers and they say "I don't want a barber getting elected, the cities might elect some barber. I'd like to at least have an intelligent deliberation where a farmer can get appointed." I'd like to also point out this, that in our proposal, the executive committee proposal, we elect a treasurer who controls the money, the attorney general who is your law enforcement officer, and elections, the secretary of state. These are the basic functions of state. In order to allow the governor to properly run the state, if you elect all of these officials there is no possible way that he can't do it. If you adopt this argument for all the other files so I won't have to come up here again. But I think we should deal in facts. We should look at the present appointments that the governor has which serve a great function, equally as important as agriculture, if not more so when you're dealing with oil, all your wildlife, your money, your collection of money, your health and welfare, all these are appointed and working quite well. The governor has to administer the executive department and he cannot, otherwise. Therefore, I urge you to reject the amendment.

Questions

Mr. Burns Mr. Duval, you mention in support of your argument in favor of the adoption of this amendment that the governor had the authority to appoint the head of the Department of Health and Welfare. Is that correct? What was the salary of that head of that department when he made that appointment? Do you know?

Mr. Duval I don't recall what it was, no sir.

Mr. Burns Do you know what it is today?

Mr. Duval It's over fifty thousand dollars as I understand it.

Mr. Burns Do you know that it's been increased about three times since he was appointed last May?

Mr. Duval In order to get a competent medical doctor to do it, I think it's highly reasonable.

Mr. Burns You think that that's a good system of

Mr. Duval Well just let me tell you, it'd be hard to find a doctor to run for eighteen thousand dollars a year to run it. I guarantee you.

Mr. Roemer Delegate Duval, do you mean to tell us that oil is more important than food?

Mr. Duval Sir.

Mr. Roemer You said that oil was more important than food, if I understand your speech.

Mr. Duval Well you see oil produces money which buys food, and without it you can't, you know, it's hard to buy.

Mr. Roemer What if you've got all the money in the world and there's no food to buy? What are you going to do then, Mr. Duval?

Mr. Duval Well I think by appointing the commissioner of agriculture you're not abolishing food, Mr. Roemer...

Mr. Roemer Well I hope not, but I think that's a possibility.

I have another question, Mr. Speaker.

Mr. Duval You elected him and now we've got a food shortage. I don't understand.

Mr. Roemer You gave us the definition of the attorney general's job and the governor's job, what's the definition of the Lieutenant governor that the committee also recommended that we elect, and the secretary of state?

Mr. Duval That's prescribed by law.

Mr. Roemer Oh, I see. That's your answer.

Mr. Duval Yes sir.

Mr. Roemer Thank you.

Mr. Duval That's the truth.

Mr. Reeves Stan, is your contention that all appointed officials are more efficient than...or appointed officials...

Mr. Duval No, that's not my contention at all. I didn't say all appointed officials...

Mr. Reeves Okay. Appointing officials would be more efficient in government than elected?

Mr. Duval Within the executive branch I think it enhances the efficiency of that department in order that the man who is the focal point...

Mr. Reeves Would you not...

Mr. Duval I'm trying to answer your question.

The man who is the focal point of that election, the governor, is unable to actually run that department rather than have a bunch of little kingdoms...

Further Discussion

Mr. Burson Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the amendment because I have probably thought about this particular issue more than most of you here. I represent a predominantly agricultural district, but I want to tell you why I have come to the decision that I have. It may not convince anybody but some of the thoughts may interest you. I hope they do. First of all, we are not talking here about whether elected officials are inherently superior or inferior to appointed officials. I think we will all agree that in our governmental system there is room and a need for both. There are some positions that inherently require a professional expertise of the sort that may well be better served by appointing people in the executive branch, primarily, than they would by electing people. Let me give you an example of what I'm thinking about. Suppose you've got an executive position in the executive branch of the government that involves qualifications for

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a chemist. Certainly you would not want to leave that position open to anybody who comes in off the street. Now I think that the expertise required for a commissioner of agriculture is much the same. I will give you an example right here in Louisiana. It is my own private opinion that the L S U Agricultural Extension Service has done more for agriculture in this state in one month than the Department of Agriculture does in a year. I would invite discussion with anyone on that point. The L S U Agriculture Extension Service is peopled entirely by professionals who are lifelong career people in the field of agriculture. It seems to me that if we're really concerned about the future of agriculture in this state that we will devote our efforts to defining in the article on agriculture and natural resources, qualifications for a future secretary of agriculture. I submit to you that having a properly qualified man and qualifications perhaps set out in the constitution, as Mr. Cowen, I think, tried to raise the point in his question a while ago. You don't have to have all the office to have it in the constitution. It's entirely feasible, and I would like to see it proposed, I have not yet read the committee's proposal, that we would have qualifications for commissioner of agriculture set out. That would not necessarily necessitate that he be elected. Now, would the election to office necessarily insure that I would like to see a country boy, if you will, such as myself would be elected to this office. Not at all. As I see the present population trends in this state, it's far more likely that somebody from the garden district or some other section in New Orleans who may be a prominent man in the community and quite an able man, but knows nothing about agriculture decides that he wants a state office. If he gets out and runs for the office of commissioner of agriculture, he may very well get elected just because there are more voters that live in that metropolitan area than live out in the country. It's as simple as that. So I submit to you that maintaining this office as elective may very well, in the end, defeat what should be our aim. That is, to have someone in office who is a qualified man in the field of agriculture. That is the primary reason that I am going to vote the way that I am going to vote on this issue. Now it's been brought out that we've had cost increases in agricultural products because of poor national policy. That may be true, but let me read to you here the concerns of delegates and concerned with the rights of the consumer that we have had two milk price increases proposed in this state in the last year. We've got one of them in effect right now and another one being proposed. So I don't think that having an elected secretary of agriculture is going to say anything one way or the other about the actions of that man on price increases.

Further Discussion

Mr. Segura Fellow delegates, ladies and gentlemen, Mr. Chairman, most of you know me as an architect and a businessman, but I was born and raised on a farm. Like Senator Rayburn, I've looked at the north end of a south bound mule. I've had to quit college three years in a row to help my father with the sugarcane harvesting. I now own and operate a sugarcane farm. I grow rice on my land. I raise cattle. I raise horses. So I'm speaking to you right now, not as a delegate, but as a farmer. I want to tell you that the farmers are the ones in wanting an elected commissioner of agriculture. I, for one, am advocating an appointed commissioner of agriculture because I can see the day, and it's coming very soon, because there are more people who live in the cities. More people who are consumers of the farm products than there are farmers who produce the products. I can foresee that someone will get elected to this important position to the farmers who does not have the interests of the farmers at heart. Just for an example, take a man like John Schwegmann, who is the hero of the consumer. If he runs statewide, and he can afford to do it, on the principle of lowering the milk prices, this man probably would get elected overwhelmingly, and

has no interest of the farmers at heart. I'm asking you to think of the farmers. If this commissioner of agriculture could be elected by only people who were farmers, if only people who were farmers could vote and elect this man, then I would say he should be elected. But that's not the way out state government is set up. This position is getting in jeopardy. You gentlemen who are farmers and who have spoken for an elected commissioner, I think you should take a second look at it because if you are a farmer and you are interested in the good of the farmer, you would want this position appointed. I think you'll end up with a better man. Thank you.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, I'll be very brief, but it appears that we've put this whole thing out of perspective because all debate has been on the question of whether you wanted an elected commissioner or an appointed commissioner. Section 2 deals with that problem. Now what you are doing here is determining and your vote will determine whether you want a commissioner and Department of Agriculture. I have not heard anyone who said they were opposed to that concept of having a commissioner of agriculture. The necessary insurance that I would like to see a constitutional guarantee that there will be a commissioner of agriculture and nothing more. Nothing more. When we get to Section 2 as to whether it will be elective or appointive, that will be the issue at that time. I grant that if this amendment is defeated, the opportunity to vote on appointive or elective would be denied. But right now, I don't think anyone in this convention is opposed to having a commissioner and Department of Agriculture. That is all in God's world this amendment does. I ask you to support the amendment.

[Previous Questions ordered.]

Closing

Mr. Derbes I'd like to yield to Mr. Munson.

Mr. Munson Mr. Chairman, members of the convention, I don't know of a great deal that I can add, really, that hadn't already been said by the proponents of this amendment. I would like, Reverend Alexander, you said a moment ago that you would ask someone to come forward and contradict your statement. I want you to know that here I am. I do very emphatically contradict your statement. The farming interests in Louisiana is by far the biggest business in Louisiana. There is no question about this whatsoever. I'm not going to take but just a few moments because as I said, I couldn't add much to what's already been said by better speakers than I am. A few moments ago when I was up here Mrs. Taylor asked me a question and I ran out of time. I'm not going to yield at this time, Reverend, when I get through, I will. Mrs. Taylor asked me some questions as to the duties of the Department of Agriculture or the commissioner of agriculture. I want you to know that the Louisiana Department of Agriculture, ladies and gentlemen, affects every man, woman and child in this state without exception. In that department we have the Department of Consumer Affairs. Several speakers have mentioned the consumer. Department of Agriculture does have the Department of Consumer Affairs. To name a few things, when the state regulates the composition, for instance, of fertilizer to see that the farmer, when he buys a sack of fertilizer, gets what he pays for. It regulates seeds, all seeds, to see that the analysis is proper and that that farmer, when he buys any kind of seed, gets what he pays for. And Mrs. Consumer, he gets the job of checking on every aisle in that store in this state to see that when you walk out of that store, there's not someone's thumb laying on it, and you're getting what you have paid for. Checks all the sanitary conditions and scales in all of our livestock markets. Checks on plant diseases that are hauled from one end of this state to another. Checks on meat, milk and poultry products

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to see that the consumer is getting a fair shake and that you are getting a good product. And as I have already said, for most Louisiana products, nationwide and worldwide, I've brought up a very good point. We have amendment to the section that says whether or not it's going to be elective. This merely puts it in the constitution. I haven't heard anybody argue against it being a constitutional office whether it was elective or appointive. When we get to Section 2 or 3 whichever it is, there will be amendments to take it to the elective offices. Mr. Burson, a good friend of mine, is opposing this. I would like to remind Mr. Burson of what someone said here the other day. That the delegates to this constitution weren't running for anything. We're not running for reelection, which Mr. Burson, may be a good thing, because the St. Landry Parish Farm Bureau is, I believe, the largest in the state. And Mr. Segura, if Mr. Schwegmann runs for this office, you have listed a lot of reasons for you to vote against him. If there are any questions, I'll try to answer them. Ladies and gentlemen, let me beg of you to go along with us and let's keep this office close to the people and let's keep it elective.

Question

Mr. Alexander Mr. Munson, remember my statement was that agriculture is not as large as industry because when...

Mr. Munson That's where you and I differ. In Louisiana it is.

[Record Vote Ordered. Amendment adopted: 7-45. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Mr. Derbes—Amendment No. 1. Page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "custodian of voting machines".

Explanation

Mr. Derbes Ladies and gentlemen and Mr. Chairman, I didn't have strong feelings one way or the other about the previous issue of the commissioner of agriculture. But I do have strong feelings about this particular one. I'll dwell on it for a moment. It seems to me that the custodian of voting machines is nothing more than a technician and a glorified warehouseman. I can't see why his office should remain in the constitution. So I would certainly oppose my own amendment. I'm merely giving you an opportunity to vote on it and decide it one way or the other. Thank you.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention, if I'd known that I was going to miss out on the Emmy by just 8 votes at it, I think I could have remedied that. In any event, I've heard a lot of rhetoric and I voted for constitutionalizing the commissioner of agriculture. This thing, custodian of voting machines, does not belong in the constitution in any way, shape or form. My basic notion, and I don't know how many will agree with it or not, but that when I start voting on these matters that are going to go into the constitution, that we're going to dignify with constitutional sanctity, then I want an office that develops statewide policy. If you can show me an officer or an office that develops statewide policy, then I am going to generally stand for that office being in the constitution and/or electing those people by the people's vote because I'm one of those types of democrats. But the custodian of voting machines and that office is nothing more than a ministerial type of office. He does nothing other than what the law tells him to do. It does not deserve constitutional sanctity and I wish you would vote against it and take it out of this present amendment form. Thank you.

Questions

Mr. Alario Mr. Roy, where would you have this function performed if you eliminated it as a statewide elected office?

Mr. Roy Well, it could be performed just as it is now by statutory law. All I'm saying is that it does not deserve constitutional dignity, and it could be performed under the secretary of state who in turn, really, is in charge of elections in any event. All the custodian does, of voting machines, is he takes care of them and sees that they're at certain places at certain times. He develops no policy.

Mr. Alario You don't see, then any conflict in interests in the person that certifies the results of the election also being in charge of the voting machines?

Mr. Roy Absolutely not.

Mr. Anzalone Mr. Roy, you said a few minutes ago that you would vote to keep in the constitution the people who make decisions, policy making decisions, on a statewide level. Is that correct?

Mr. Roy Generally, yes.

Mr. Anzalone Could you tell me what policy decisions on a statewide level the secretary of state makes?

Mr. Roy Well, the secretary of state, of course, is not only in charge of implementing all the election laws and what have you, but...

Mr. Anzalone Mr. Roy, you set the criteria; I didn't.

Mr. Roy Mr. Anzalone, I thought that was so obvious with the way the rest of the delegates felt you wouldn't need any enlightenment on it. But in my opinion, the secretary of state historically has been a constitutional office. That's one thing and I think tradition is an important matter. This office of custodian of voting machines was only constitutionalized some several years ago as a result of a political fracas and that's why I'm opposed to it. But that's not the issue. If you want to ask me what about the secretary of state, the issue right now is the custodian of voting machines, in my opinion.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, a few years ago I had some friends of mine from out of state who had come into the state and they had been driving through and it was at election time. They said "you know we heard a lot about Louisiana politics before we got here, and we knew you had a lot of problems. But we saw a sign on the road over here that really made us understand why you have problems." And what they had seen, they had seen a sign for someone running for custodian of voting machines. They said, "you know where we were from in elected officials, we elect the dog catcher, but not yet do we elect the custodians for the different buildings." He had seen a sign that said Doug Fowler, Custodian, and they thought we were electing janitors. Well we haven't gotten to that point, but the point that I want to make is this, the custodian of voting machines has been much criticized as an elected official. But there is merit and value to having him elected and I want to point out why. Our election process is the key to making our whole system work. If it's corrupted, if it's polluted, if it's damaged our system doesn't work properly. The custodian of voting machines, as an independent elected official serves an important function in the system of checks and balances that exist in our election process. He does that by preserving and maintaining the voting machines. In an election process, the results are tabulated by the Parish Executive Committee or the Municipal Commit-

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tee or the Board of Supervisors of Elections as the case may be in the returns. These returns are sent to the secretary of state. But it is the custodian who is responsible for the machines themselves, for making sure that they have an honest count on them. So that they are preserved inviolate. If that function is put under the secretary of state, then it mixes up the whole system of checks and balances. It deteriorates under such a system because you then have within one man, the capacity not only to preserve and protect the machines, but to promulgate the returns. It destroys that system of checks and balances. There are more than 600 elections held each year which the custodian of voting machines must supply the machines for, make sure that those machines are in operable order. He is a technician, there is no doubt about that, but he plays a vital role in our election process. I haven't heard of any complaints about electing the custodian in the past. Any demonstration that it hasn't worked well, that he's been involved in fraud or wrongdoing or that in any sense putting that under the secretary of state would be an additional wrongdoing. It seems to me, rather, that it's a good protection. Perhaps even more important, I would hate to see this convention, whether it's on custodian of voting machines or any of the other offices, start taking away from the people the right to elect some of their officials. If we started here, I fear when it comes to things like insurance commissioner, superintendent of education and the other officials, I think we need to hold the line. I think the people are well satisfied to elect the people they elect now. If this convention starts here taking away those elected officials, we may end up with a document which has eliminated many of their chosen officials, and if we do that, it's going to put this constitution in a lot of trouble. So let's retain this position, let's retain our other elected officials. I don't think the other substantive changes we make in this constitution will have nearly the trouble that they might have than if we start monkeying with the people's right to choose who they desire to choose for these important jobs. I urge you to adopt this amendment.

Questions

Mr. Abraham Woody, does the custodian of voting machines verify the returns as reported by the secretary of state now?

Mr. Jenkins No, he does not. He preserves the machines.

Mr. Abraham So your argument then that this man provides a check and balance as to what the actual count of the votes is does not hold any water.

Mr. Jenkins No, but he is the protector of them.

Mr. Abraham Of the machines, but he does not verify the count so he don't know whether the count is correct or not. The other question I'm going to ask, what's the difference in having the voting machines under the custody of John Brown over here who was elected by the people or Tim Dokes who is elected by the people?

Mr. Jenkins Well, there is no difference in that sense if you just want to create another elected office. But if you're putting him under the secretary of state, then you're having no check on the secretary of state and that's what I object to.

Further Discussion

Mr. Flory Mr. Chairman, and delegates, I rise in support of the amendment and I do so for a very simple reason. The question came up in our committee this morning in Education, as to how you judge the feeling of the public in this state to determine what the public really wants on an issue. If there is anything that we have had decided recently by the public as to whether they want a constitutional office, and whether they want a position elected it's the custodian of voting machines. I can recall

when the functions of this office was under the secretary of state. I can recall when the legislature took those functions from the secretary of state, it was submitted to the people by way of constitutional amendment. And the people overwhelmingly voted to make that a constitutional office and elect him for four years. This is just recently, so I would say that you yield to the expression of the public in this state, they have spoken in my judgment, their views on this particular office, and that you retain it as a constitutional elected office in state government.

[Previous Question ordered. Record vote ordered. Amendment rejected; 54-60. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendments proposed by Mr. Derbes. On page 1, line 18 after the word and punctuation "treasurer" insert the word and punctuation "commissioner".

Explanation

Mr. Derbes Again this amendment merely inserts at your pleasure an office left out by the committee's proposal. I personally feel that the office should not be in the constitution and I urge you to defeat the amendment. I understand that the legislature has in fact abolished the office, so this was not... as I understand it this was not in any of the original amendments but I thought as a matter of completeness and thoroughness that we should give you an opportunity to vote on it. Thank you.

[Previous Question ordered. Amendment rejected; 14-96. Motion to reconsider tabled.]

Amendment

Mr. Poynter Sent up by Mr. Derbes. Amendment No. 1. Page 1, line 18 after the word and punctuation "treasurer" insert the words and punctuation "commissioner of insurance".

Explanation

Mr. Derbes Well, of course this restores to the committee proposal the commissioner of insurance something that I think we should consider independently and that is the purpose of the amendment. I frankly haven't made up my mind on it and I would like to hear some discussion. I have nothing further to say.

Point of Order

Mr. Perez My question is whether or not a person who says he is a proponent gets up and then says he doesn't know whether he is voting for or against and a proponent has the right to close as to whether or not we are not doing an injustice to a proposal unless that party who is supporting the proposal has the right to close. My point of order is. Is the motion or the proposed amendment in order by a person who does not know whether he is in favor of that proposal or not?

Mr. Henry I think that Mr. Triche proved a long time ago, that a man is entitled to change his mind when he gets up and handles a bill or an amendment but what's happened so far Mr. Perez, is that the gentlemen introduced the one on agriculture then he allowed a proponent to close and I would assume he would do that on these.

Mr. Perez That is the reason I raised the point of order hopefully that a proponent will...

Mr. Henry I think we will have to have a proponent to close on it, and I don't think Mr. Derbes would do anything but agree to that.

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Further Discussion

Mr. O'Neill Mr. Chairman, members of the convention, I think the previous vote has proved one thing, that about fifty-four or fifty-five of us strongly feel that all of the people should be elected in the constitution. I simply want to point out to you that we are not voting on the personality. Who's in the office, at this moment, nor are we voting who is governor at the moment, nor who will do these functions. Someone pointed out yesterday that a couple of the officers combined spent only one-half of one percent of the total state budget. Well, do you know how much the people of the state of Louisiana spent on their insurance per year? They spend two billion dollars a year on insurance. That is the total amount of the whole state budget combined. Personally, I would favor abolishing the insurance rating commission and being able to elect commissioner of insurance. And I think that if the people had this as an alternate that would overwhelmingly vote to keep the insurance commissioner elected. Those of you who feel that may be this isn't worthy of constitutional status, I want you to think twice before you vote against this amendment. I think that the people of Louisiana have faith in our current commissioner and as long as they have the right to elect a commissioner they will turn out the ones they don't like. Remember two billion dollars a year for insurance in Louisiana. Do you want an appointee, then probably an insurance man taking care of these and setting rates for insurance companies or do you want someone the people want? Thank you.

Question

Mr. Stinson Mr. O'Neill, don't you think the fact that the present commissioner and the present governor due to their differences, that the people have profited and found out a lot that they didn't know about the insurance changes and that they did not have found out if the governor had appointed and thereby placed the quiet act on his appointee?

Mr. O'Neill Mr. Stinson, I agree wholeheartedly and I would like to add to that that they turned out the previous insurance commissioner because I think they found out a little more than they were supposed to know about him.

Further Discussion

Mr. Nunez Mr. Chairman, and members of the convention, I believe this position is as an important position to use the phrase that has been used on television recently in this point in time to be elected as the governor of this state. And I think the people have proven that in the past elections. I think Mr. Bernard has openly admitted the reason why he is insurance commissioner today is because his name begins with a "B" and he was the first man on the ballot. And the people voted for him because they voted for the change. And they voted for a change because they were dissatisfied with their insurance rates. Just basically that's it. Their rates are too high and they want a change.

Now I don't know whether that change and those rates will be lowered by Mr. Bernard's presence there but I think he has made an effort to do that and I think in fact the truth comes out that the insurance commissioner doesn't make the rates, that the rating commission makes the rates, then the legislature in return will have to abolish the rating commission and then the insurance commissioner will be responsible for rate making. And I think this is the ultimate goal that we should all be working to reach. I believe that this position, insurance commissioner of the state of Louisiana, right now, today, or next January when we submit this, is a vitally important position for the people of this state and I think if we abolish it and allow the rating commission and the appointed people I think we are making a mistake. I think we jeopardize and I think you have heard this time and time again but I think it should say it because I believe that it is true, I believe we jeopardize

seriously the passage of this constitution that we submit to the people. I think it is vitally important that we leave this position of insurance commissioner, just as important as we just left the commissioner of agriculture and just as important as we leave the other five offices. I believe that this position is vitally important. Vitally important to the people of this state because I don't think there is any issue that I feel, and if I read the people right, and I believe I do, I think it is insurance rates. And I think the present commissioner has got the sentiment of the people that he is trying very hard to lower insurance rates and I think in time, he will lower insurance rates. But I think that the position must be made a constitutional office and it must be elected. So I would plead with you to go along with this position and keep it in the constitution. I think that the people have spoke time and time again on the proposition enquire if we take it out, we jeopardize what we are trying to do, so I would ask you to go along and keep the position in the constitution and keep it elected.

Question

Mr. Wall Senator Nunez, I variance in one remark you made about the legislative abolishing the insurance commission and rating commission, have you ever introduced any legislation as a member of the House or Senate to abolish these rate making bodies?

Mr. Nunez Yes, sir and I voted for it too. Twice in the past session, I would like to know how you voted.

Mr. Wall I am not allowed to answer.

Further Discussion

Mr. Weiss Fellow delegates. For those of you that are undecided about this position, I would like to speak favorably in the commissioner's behalf. Particularly as regards health insurance. I have had considerable experience over many years now, including the former commissioner and with this commissioner and I find this commissioner is most amenable to suggestions and is willing to work although he is somewhat handicapped as you might say, by not having both staff and funds. Nonetheless, there is no state in the union that has any regulatory controls over the health insurance industry. At the present time this commissioner is at least investigating the possibility of some type of control, so that you may have quality health insurance. At the present time the insurance companies throughout this nation are returning considerably less than many of us think they should, for the premium that you are paying. For example, throughout the nation in 1971 the average person received eighty cents back on the dollar. In Louisiana, the average Louisianian in health insurance in this state received sixty-five cents back on the dollar. They did this for their premium health insurance policy. Now these are items which require investigation and I think that the present commissioner and an elected commissioner will look into it. If on the other hand, a commissioner is appointed I find from statistical reports that approximately every two years throughout the nation on an average, these commissioners are reappointed to their office rather than being an elected commissioner which will hold the post for four years, the appointed position lasts only as long as they satisfy the governor. In fact, in some places, as I mentioned before the position is so desirable that apparently they pay the governor for this position. As you know funds are available in running for governor and transferred to the banks for the people. I think that if we select and continue to select, elected commissioners of insurance we will be doing the

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people of the state and you and all of us a favor. So I urge you to select and elect and vote for the elected commissioner of insurance.

[Previous matter adjourned.]

Closing

Mr. Derbes Mr. Chairman, I waive in favor of Mr. Alario on the closing.

Mr. Alario Mr. Chairman, and members of the convention, I find myself standing before you rather hurriedly after the last talk, but I felt so strongly at that time for the agriculture commissioner; I feel so strongly for each of these offices, that I feel that I must come before you in what I consider one of the most important offices that we have in the state at this time. When I ran for office last time the big cry in this state was that the taxes had been raised on the people and they were very high and had more than they could afford. At the same time we saw an insurance commissioner thrown out of office because the people also expressed themselves that insurance rates were too high. They were having to pay too much for automobile insurance, sky-high rates. I suggest to you that if we allow this important position to be appointed that we are going to be opening the pocketbooks of our people even wider than what they are now. I am mighty afraid that these giant insurance companies through this state are going to do what many people I see around racetracks do, bet on every horse to make sure they have got a winner, to impress someone, and when they do that they are going to make sure that they have laid themselves in a position to have their man elected or their man appointed rather to the insurance commissioner's job, a job that should be responsive to the people. Presently, the people of this state are paying some two billion two hundred million dollars in insurance premiums, you know that is three times the amount of personal taxes that they are paying to the state treasury. That is more than the combined amount of sales taxes and income taxes and alcoholic beverage taxes, public utility taxes that they pay. Three times as much. I think this offer is too very important to the pocketbooks of millionaires to let it be appointed. Let's cast a good vote for the people of this state and vote for this amendment.

[Revised matter ordered. Amendment adopted.
-As. Motion not reconsidered.]

Amendment

Mr. Joynter The next amendment sent up by Delegate Derbes is as follows:

Amendment No. 1. On page 1, line 18 after the word and punctuation "treasurer" insert the word and punctuation "superintendent of education."

Explanation

Mr. Corne Mr. Chairman, delegates, I wish to speak to you on the election of the superintendent of education. Of course you know that education is my profession and I would be reverts in my duty to my profession if I didn't come before you and tell you that every teacher that I have spoken to and I speak to all teachers of the state in my duties with the state association, all teachers wish the superintendent of education to be an elected office. Therefore, I wish that you would consider the will of so very many teachers. Teachers who have families, teachers whose families look up to them to make decisions about their office as the superintendent of education. Thank you.

Questions

Mr. Tobias Could you tell me why this particular provision has to be in the executive department proposal. Would this not be properly be considered in the education department proposal?

Mrs. Corne Well, of course as an educator, I feel

that the department of education is one of the or if not the most important department of the state and I think it should be considered at this time as well as in the Education Committee.

Mr. Stovall Mrs. Corne, are you in favor of an elected board of education?

Mrs. Corne I think that the Committee on Education has a very good plan in that the board of education would be a combination, appointed and elected board.

Mr. Stovall Are you in favor of an elected board of education, Mrs. Corne?

Mrs. Corne I am very much in favor of an elected board of education and an elected superintendent of education with the responsibilities well drawn for each.

Mr. Stovall Mrs. Corne, if you have an elected board of education, are not the people represented and do they not have the opportunity to express their wishes if you have an elected board of education?

Mrs. Corne Reverend Stovall, I do not wish to put any limit on representation of the people.

Mr. Stovall Thank you.

Point of Information

Mr. Gollinger I have a question of the Chair, Mr. Chairman.

I think it is a problem with all of the delegates that the decision is going to be made once we decide how the state board of education is going to be set up, if it is going to be elected or appointed. At least it is a problem with myself and I would like to know if it would be in order to move that we pass over this particular office until that decision has been made by the convention.

Mr. Henry Well, you would have to pass over the whole section, but you understand that it appears to me that you are just talking whether you are going to list right here this superintendent of education as one of the members of the executive branch in this particular section rather than whether or not you are going to elect or appoint, so I think your question is sort of moot there, Mr. Gollinger.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, my explanation will be very brief. You will recall I appeared here and spoke in favor of the election of the commissioner of agriculture and I mentioned at that time there were two offices that I thought was the closest to the people and that was the commissioner of agriculture and the superintendent of education. Between the two, I think the superintendent of education is much closer to the people than the commissioner of agriculture, you approved his election by more than a fair majority and I ask that you do the same thing with reference to the superintendent of education.

Further Discussion

Mr. E. J. Landry Mr. Chairman, and member of the delegation, if there ever was a time that I felt it a privilege to talk to you, this is it. I have experienced the turmoil that has taken place over the year of being in the educational field over a period of forty-six years on this issue. Every superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent to my knowledge, after he was elected, realized what a tremendous mistake it was that he made. I wouldn't be a bit surprised if you pulled the present superintendent, really pulled him from his office, he would admit to you that the elected superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent to my knowledge, after he was elected, realized what a tremendous mistake it was that he made. I wouldn't be a bit surprised if you pulled the present superintendent, really pulled him from his office, he would admit to you that the elected superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent to my knowledge, after he was elected, realized what a tremendous mistake it was that he made. I wouldn't be a bit surprised if you pulled the present superintendent, really pulled him from his office, he would admit to you that the elected superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent to my knowledge, after he was elected, realized what a tremendous mistake it was that he made. I wouldn't be a bit surprised if you pulled the present superintendent, really pulled him from his office, he would admit to you that the elected superintendent that I can remember ran on the platform of an appointed superintendent.

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in my area. And if there is one issue, one strong issue that we need to consider that is this, the elected superintendent in the state of Louisiana is the way to go.

Further Discussion

Mrs. Warren Mr. Chairman, and fellow delegates, I am going to come before you again but this is a matter that lies closest to my heart than any other thing in this convention. And there are many that touch me closely. Two ministers got up and spoke some time ago and I wish I could have said Amen. But Mrs. Corne got up here and she mentioned the teachers and her connection with them. I would like to say to you at this time that I am Chairman of Parents' Responsibilities, I am on the State Board of Management and I have contact with parents and teachers all over the state of Louisiana. We would prefer an elected superintendent and we do want it in the constitution. I am going to ask you at this time, would you think about it, I am not here representing myself and if anybody has any questions as to what I feel about it I have feelings about it but my chief concern is what the people feel about it. So I urge you to vote for this amendment.

Further Discussion

Mr. Sutherland Mr. Chairman, and fellow delegates, I am a little bit confused as to what we are really voting on at this time. I heard Mr. Stag when he got up here say that he was voting for these offices whether they be in the constitution and at the same time whether they would be elected. However, as Mr. Drew pointed out in the commissioner of agriculture, Section 3 deals with which offices are elected and I do not understand this provision as to which offices are going to be constitutional offices. I certainly think the commissioner or the superintendent of education should be a constitutional office, but I have a difference of opinion with some of the other speakers as to whether it should be an elected office. Our committee has proposed both, an elected state board of education and an elected superintendent of education and I believe that this has not worked in the past and it will not work in the future where you have two elected groups accounting for one particular subject. If this convention votes to support an elected superintendent of education, then I think we ought to have a state department of education and no elected board of education for elementary, secondary education. On the other hand, if you vote for an elected board of education, as has been recommended by the Committee on Education, then I think the superintendent should be appointed not by the governor but by the elected board. And I think that is the difference, the governor will not appoint, the elected board of education will appoint. Thank you, Mr. Chairman.

Further Discussion

Mr. Robinson Mr. Chairman, and delegates, educators and good conscience can advocate both an elected and appointed superintendent. I, myself, have in the past wavered between these two positions and two systems. And actually I do agree with one of the previous speakers that we are probably wrong in making decisions at this point, an isolation from a discussion of the entire control structure of public education. Nevertheless, the issue has been raised and we must, I suppose, resolve it. I know that the immediate issue is whether this should be a constitutional office. I am certainly thinking that the office is important enough to be in the constitution. The pattern of the basic argument in favor of an appointive superintendent goes something like this. You are going to have yourself a board of lay citizens, this board represents the public interest, and it is responsive to the people, and the board shall appoint, it shall certainly think that the officer to advise it and to carry out the policy determinations made by that board. But I think what in practice this idealized situation is most likely to break down because in truth the board is not fully responsive to the people. If it is an appoint-

ive board, as most state boards of education are, it is probably more responsive to the appointing authority than it is to the people. If it is elected, which not too many are in this country, the members are likely to be elected from overlapping districts than from districts and for overlapping terms. In either case the meetings of the board are held far from where most of the people live, the people do not know the reasoning of the appointing, they don't know the identity of their board members, and I would suspect that in Louisiana today, few people could even tell you the name of the state board of education member who represents them. Neither system will guarantee you a good state superintendent, neither appointment nor election automatically resolves a single problem which is public education in Louisiana. Neither method eliminates politics from education. They change from one method of selection to another, just change the terms of reference and the frame of reference of the politics. It doesn't eliminate it. I don't think it is either necessary or desirable to eliminate all politics from educational decisions anyway, because of fundamental issues which affect education based upon public consent all the way. The schools are the people's business, inherently. Basic decisions affecting public education from free textbooks to career education are necessarily made through the political processors. In the twenty-one years of observing state government, I cannot recall many fundamentally important issues which affected the schools which were not essentially political in their nature. Now, I think that leadership at the state's level in education necessarily involves a certain amount of political expertise and judgment. Not just professional competence and administrative expertise. And I think there is a distinction to be made between the role of the parish superintendent who functions at the operational level and the state superintendent of education who functions at the leadership level and at the state level. An elected state superintendent of education is unquestionably the head of the state public school system. An appointed superintendent is merely the executive officer of the state superintendent who discharges his duties as a distinction. A very important distinction. Because in state government we usually elect our leaders and our major officeholders. We appoint or we hire our technicians and our administrators. An elected state superintendent of education can take his case to the people, and on occasion he may need to. An appointed superintendent who disagrees fundamentally with the board or whatever authority appoints him can take his case only into retirement. Now, there are some teachers and administrators on both sides of this particular argument. But I am in no doubt as to where the great majority of the teachers stand on this issue, they favor the elected superintendent. I don't think you may be too much concerned about that insofar as what the teachers think, but in expressing themselves in our convention on this issue, I don't think they perceived any self interest in this whole proposition. I think they were expressing themselves purely as citizens or almost purely as citizens. They voted I think first as citizens and secondly as teachers. I think when it comes right down to it, what the teachers think is that they want to have something to say about who runs the school system and unless I think they are fairly represented...

Further Discussion

Mr. Jack All I have to say is I'm for the amendment. I'm for keeping on electing the State Superintendent of Education. Thank you.

Questions

Mr. Jack Mr. Smith, I'm a man of few words. Make it short.

Mr. Smith Mr. Jack, don't you think we'd get better qualified men by appointment rather than elected?

Mr. Jack No, sir. I was elected myself. You were too.

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Mr. Smith Doesn't the parish school board elect their superintendents? Aren't they well qualified? They get the best qualified men, is that right?

Mr. Jack No, sir. They do not. I wasn't for the one there now, and a lot of people that I know. I think that the people ought to get to elect them too.

Mr. Smith Regardless of whether they're qualified or not, Mr. Jack?

Mr. Jack Of course not, Mr. Smith. We both think alike. We want good, qualified people. I just believe that you get better ones electing them, and you may think better, appointed.

Mr. O'Neill Mr. Jack, isn't it true that the Executive Committee... Executive Department Committee has said that the State Superintendent... I'm sorry, the Education Committee... haven't they said that he shall have at least the qualifications of the parish superintendent?

Mr. Jack I don't know what it says.

Mr. O'Neill Well, that's my understanding...

Mr. Jack Well, I don't know what it is. I just believe in electing people to most offices. I am not voting for it on the State Land Office, and I didn't vote for it on the Comptroller. Because those offices are too minor now. But on the others, I'm for electing them.

Further Discussion

Mr. Ullo Mr. Chairman, fellow delegates, I just rise, for the record, to reiterate to you what some of my constituents have telegraphed to me from back home. The Louisiana Teachers' Association respectfully requests that you use your influence and vote to insure that the State Superintendent of Education of Louisiana is selected by the ballot of the people, rather than be appointed puppet of the governor. I would just like to say, I support the elective position of the State Superintendent of Education.

Further Discussion

Mr. Leithman Mr. Chairman, fellow delegates, a number of questions have been asked regarding this particular proposition involving the State Superintendent. I'm not so much here to attempt to convince you to vote one way or the other. However, I think we all should be enlightened as to what is happening in our Education Committee as far as our proposals are concerned. It's simply this, we have two plans, one is a delegate proposal and the other is the committee proposal. The committee proposal for elementary-secondary education has a combination of appointed and elected people, eight and seven. Now, under this plan, the committee plan does call for an elected Superintendent. We have just one problem in this, on the qualifications that Mr. O'Neill just raised. It's a serious problem in that if we do call for an elected Superintendent and we place qualifications on this man, we certainly cannot eliminate anyone from running for public office. On the other proposal, a delegate proposal, we have the Public Education Board elected by the people, eight elected and three appointed. Under that proposal, the Superintendent is appointed by those eleven persons. So, I just wanted you all to know there is obviously a dilemma here because we know not what proposal you all will accept here on the floor, and, of course, it varies extensively. So, I just wanted you all to know where the committee stands as far as the State Superintendent. So, on one it's appointed; on the other it's elected. If there are any questions, I'll be glad to answer them.

Further Discussion

Mr. Stagg Mr. Chairman, fellow delegates, I rise to oppose the amendment. One of the previous speak-

ers stated that in the Superintendent of Education, under the Education and Welfare Article, that the Superintendent of Education for the state of Louisiana should have at least the qualifications of a parish superintendent, and I think that point is highly significant. In the Committee on the Executive Department, we found ourselves, early on, at odds with the Committee on Education and Welfare. They have at various times during their deliberations felt that the Superintendent ought to be appointed if the board was elected, and then their final product, which is in the books on your desks, they feel that the Education Superintendent ought to be elected. In our committee, we felt that the Superintendent of Education for the state of Louisiana ought to be the highest qualified individual in these fifty states, who can be found to come to Louisiana, whose qualifications have to do with educational management. All of us are familiar with, to a greater or lesser extent, with the record of failures and the record of successes in education around this state. That point need not be belabored from this microphone. It is time we felt in this convention to chart the future of state government, and in charting the future of state government, to have an awareness of the history of this state and what it needed for the people. I think that the future in education is the strongest minded man in the field of educational management that can be found, to be appointed, not by the governor, but by the Board of Education, and responsible to an elected Board of Education so that the dichotomy that has been going on in this state for years between an elected Superintendent and an elected board can finally be brought to an end... that educational management would be centered in an office controlled by those elected board members of education who have seen to the appointment of a very highly qualified manager of education in this state. It is for these reasons that in our committee we felt that the management of education would best be achieved through this system. We differed from our brothers on the Committee on Education and Welfare and that's as it should be. The decision on the Superintendent of Education could better be met by this body after it had gone through the extended arguments we will have on this floor on how shall education be governed in this state. It is probably best to say that the Superintendent of Education shall be elected. For that reason, I urge the rejection of the amendment at this point in time calling for the election of the Superintendent of Education.

Questions

Mr. Drew Mr. Stagg, with reference to your last statement in particular, is there anything in Section 1 that mentions the word "elections"?

Mr. Stagg No, sir. The coverage of elected state officials appears in Section 3 of Committee Proposal No. 4.

Mr. Drew All right then, with that clear, then are we not then voting on whether or not we want a constitutional guarantee to have a Superintendent of Education for the state?

Mr. Stagg I think that that answer to the question is probably yes and probably no, because we have not yet got to the structure of government of education in this state. How shall education be governed? If there is going to be a fully elected State Board of Education, that could appoint their own Superintendent of Education, then I would feel that that was the proper way to achieve that person into office, not as a constitutional officer.

Mr. Drew But you would agree that that is an issue with this amendment?

Mr. Stagg Yes, sir. I do, sir.

Further Discussion

Ms. Zervigon Mr. Chairman and delegates to the convention, what we're doing right now disturbs me

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terribly from a procedural point of view. As Mr. Drew and Mr. Stagg just pointed out, all of the arguments that have been made up here have been made as to whether the Superintendent of Education ought to be elected or appointed. Yet, all we're really voting on is whether or not there should be a Superintendent of Education established in the constitution, not whether that person should be elected or appointed, and whether that office should be in the executive branch as opposed to the legislative branch or the judicial branch. It worries me that we are making this decision on this particular section at the wrong time, in the wrong way and for the wrong reasons. It disturbs me that those of us who would like to base, in part, our decision on whether this office should be a constitutional office and whether or not it should be elected, which we'll consider again in Section 3, must vote today and perhaps reconsider when we come to the executive department discussion on the Board of Education. So, Mr. Chairman, I would like to urge the delegates that speak after me, if there are any, to confine their remarks as to whether or not this should be a constitutional office, as opposed to whether or not it should be an elected office. In addition to that, Mr. Chairman, if a motion is made to reconsider the vote by which this vote is adopted or rejected and lay it on the table. I plan to stand and object because I would like to be able to reconsider this easily at another time when we take our position on the Board of Education.

Motion

Mr. Burson I rise not to question but to make a motion in accordance with Ms. Zervignon's remarks. Under Rule 69, Section 10, I move that we postpone one day certain, that is, the day that we discuss make-up of the governance of education in this state, the issue of whether or not we want the Superintendent of Education to be a constitutional officer.

Mr. Henry What certain day is that, Mr. Burson? I'm not being cute with you, but...

Mr. Burson Mr. Chairman, I presume that that day will come. That may be a rash presumption on my part.

Mr. Henry I think that that's the fallacy of your motion, because we don't know for certain when that day will be.

Mr. Burson In that case, I'll move to lay the amendment on the table.

Mr. Henry You move to table the amendment?

Mr. Burson First of all, I'd like to have a ruling from the Chair, and I intend to be an expert on parliamentary procedure, but I'd like to have a definite ruling as to whether or not a day certain does not include the day as I have described it.

Mr. Henry In my opinion, it does not. No, sir. A day certain is envisioned by those rules as Tuesday of next week or Wednesday, the third Wednesday in October, but...

Mr. Burson Very well. Let me make my motion thusly, then. I move that we postpone consideration of this amendment until September 1, 1973, and then, if need be at that time, I'll move that we postpone it to a later day certain until we get to it.

Mr. Henry Will we be in session on September 1? We can be, I guess, to consider that. I'm just trying to...it's a Saturday.

The gentleman has moved that we postpone any action on the amendment. Mr. Burson, is that correct...on this amendment until September 1.

Mr. Stinson, why did you rise, sir?

Point of Information

Mr. Stinson I don't suppose he intended it, but he had a double motion and said that if he wasn't

satisfied when September 1 came that he would then move further. Isn't it a fact that he's got to set September 1 with our vote, first?

Mr. Henry I think, if at all his motion is in order, that it would be proper to move that it not be taken up until September 1; however, we don't have any assurance that we're going to be able to take it up on September 1.

Substitute Motion

Mr. Gravel I was going to move as a substitute that the date be August 31. Now, whether or not we're meeting or not isn't too important under the rules because that is a date certain. I would so move as a substitute that the date be August 31.

Mr. Henry Mr. Gravel, you never cease to amaze me with the way you can put up some of these things, and I'd like to say that I'm sort of confused as to how we're going to go ahead and do whatever we're going to do with this section, or maybe this entire proposal, and then we've got this amendment dangling way off out here that doesn't have anything to do with anything, man.

Mr. Gravel Well, I disagree with you, Mr. Chairman. I don't think that anybody, any delegate to this convention can really properly analyze matters relating to the Superintendent of Education until after we've considered the Article on Education.

Ruling of the Chair

Mr. Henry It has nothing to do with whether this proposal is passed over or not though, Mr. Gravel. We've got to consider procedure in the midst of all this, Mr. Gravel.

I'm going to rule that the motion, under the circumstances, is out of order because I don't know how we're going to deal with it otherwise. I think that the motion is out of order.

Do you withdraw the motion, Mr. Burson?

Appeal from Ruling of the Chair

Mr. Burson I'm reluctant to appeal the ruling of the Chair, but I'm just trying to express in some fashion permissible under our rules what I feel to be the desire of a great number of delegates, not to decide this point until we know if we're going to have an elected or an appointed State Board of Education because I think that's going to have a lot to say about how we're going to want to decide it.

Point of Information

Mr. De Blieux Mr. Chairman, isn't the only motion that would accomplish what Mr. Burson wants to do, a motion that we pass over the entire section until that time.

Mr. Henry It is my opinion that that would be an appropriate motion, sir.

Recess

[Quorum Call: 100 delegates present and a quorum.]

Mr. Burson Mr. Chairman, I withdraw my motion since I have been convinced by you primarily that it is possible for us to make the Superintendent a constitutional officer without necessarily deciding whether he's elected in this executive article in Section 3 later on...that we can delay that decision, at least, until the education article.

[Motion withdrawn.]

Mr. Henry Just for the record, what I talked with Delegate Burson with respect to was the fact that in Section...Paragraph A of Section 1 of this pro-

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posal, what we're, in effect doing, as has been pointed out several times today, is establishing the Superintendent of Education as a constitutional executive officer in the executive branch. Now, this doesn't mean that the Superintendent of Education will be elected, nor does it mean that he will necessarily be appointed. What it does mean is that the Superintendent of Education as set out in this paragraph of this section will be a constitutional officer. Now, when we get on Section 3, one of these days, perhaps, I would assume that we will spell out who will be elected and who won't be elected, but since there is such a great deal of concern by the delegates as to what to do about the Superintendent of Education and wanting to wait until we get the report of the Education Committee, then we can very easily not do anything in Section 3 about appointing or electing your Superintendent and waiting until we get into the section, the proposal, by the Education Committee so that that committee can let us know what it's recommending relative to the State Board of Education and everything, and we can spell out in that proposal whether the Superintendent of Education will be appointed or whether he will be elected.

Personal Privilege

Mr. Landrum I would just like to read something that I found on my desk, just now. "I feel"...well, it has my name on it..."I feel that it is my duty to report a rumor concerning your political involvement with the Muslim movement. Your room is being monitored by the F.B.I. with the aid of hotel security. I heard about this two days ago. I feel the invasion of your privacy invades us all. I will remain unknown for obvious reasons. Good Luck." May I say to whoever put this on my desk, I have nothing at all against Muslims. My philosophy of life is far different from that of Muslims, but I'm not equipped to hate anybody. Now, whatever reason...you say you put it on my desk...and the F.B.I. could monitor my room all day and all night. You have finished this by saying "good luck", but don't live on luck. Luck comes by chance. Lessons come from God, and God gives me whatever he wants me to have. So, thank you, whoever you are, Mr. Good-Luck, or Mrs. Good-Luck.

[Previous question ordered. Juror
Call: 108 delegates present and a
quorum.]

Closing

Mrs. Corne Mr. Chairman, before I close, there's still a question in my mind. I don't understand the procedure here. I understand that this amendment is to place in the constitution these different departments. Am I right?

Mr. Henry It would place the Superintendent of Education in the executive branch as set out in this paragraph of this section.

Mrs. Corne Yes, sir. I seem to recall that we voted for others like the Commissioner of Agriculture with very many discussions as to whether he should be elected or appointed. It seems to me that we voted to have the Department of Agriculture in the constitution, and also, to elect the Commissioner of Agriculture. Did we not?

Mr. Henry No ma'am, we did not. We just voted to include the Commissioner of Agriculture in this subparagraph, or paragraph.

Mrs. Corne Very well, then my closing remarks to you are to emphasize, and I never will be able to emphasize too much to you, the importance of the Department of Education. I think that certainly the Department of Education deserves a place in our constitution and should be placed in the constitution. I would urge you to adopt this amendment. Thank you.

[Record vote ordered. Amendment adopted:
88-26. Motion to reconsider failed.]

Amendment

Mr. Poynter Amendment No. 1 [§ 3, § 3, [line 18], after the word and punctuation "treasurer," insert the words and punctuation "register of state lands".

Explanation

Mr. Derbes I'm sure you all understand the amendment. I'm not going to the words and feeling for at this time, and I would invite discussion by anyone who is in favor of it.

Further Discussion

Mr. LeBleu Mr. Chairman and fellow delegates, I have some reservations as to whether this office should be given the privilege of being in the constitution; however, because of the work that this office has performed in the past, I'm going to vote for it. I just want to bring this to your attention that, especially in south Louisiana where we have so many lakes, streams and rivers and water bottoms, that all of this property comes under the jurisdiction of the State Land Office. They also have jurisdiction over the deeds to various properties that the state owns. I'm not sure whether they have jurisdiction over the land that is owned by the state and used for game refuges, but no matter who controls this property it is a vast resource for the state. On a basis of what might happen if this office would be abolished or transferred to some other jurisdiction, I'm just going to go along with the way it is today and vote to keep it in the constitution.

Further Discussion

Mr. Bollinger Mr. Chairman, fellow delegates, I think that it's hard to distinguish between the Register of State Lands, the Chairman of the Mineral Board, the Conservation Commissioner, the Director of Wildlife and Fisheries, and I think that if you give constitutional status to one you should give it to them all. If you don't give it to them all, you shouldn't give it to any of them. For that reason, I hope you reject this amendment. Thank you.

[Previous question ordered. Amendment rejected: 48-1.
Motion to reconsider failed.]

Amendment

Mr. Poynter Amendment No. 1 [§ 3, § 3, [line 18], after the word and punctuation "treasurer," insert the words and punctuation "Commissioner of the Office of Consumer Affairs,".

Explanation

Mr. Schmitt I believe throughout the different people coming forward today, they have shown a concern for the consumer. When Mr. Roemer came forward he indicated that the person who is the Commissioner of Agriculture was concerned with the interests of the consumer. I feel that there should be established an Office of Consumer Affairs, which is already statutory, and that there should be a Commissioner of the Office of Consumer Affairs, in order to give this person equal stature with the Commissioner of Agriculture or equal stature with certain other people who head other departments. In the past, we have seen how the legal philosophy of caveat emptor or consumer beware has prevailed in the state of Louisiana and throughout the United States. I feel that we must step forward and look to protect the interests of the consumer. We must, at least, give them equal billing with certain other types of departments in the state. We have seen the teachers come forward and request that their particular head be protected. We have seen the agricultural interests come forward and request that the Commissioner of Agriculture remain within the protection of the constitution. I've come forward to request that there be made a Commissioner of the Office of Consumer Affairs. All of those other departments which

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have previously been discussed were departments which existed in the past. I do not believe it is the function of the Constitutional Convention to look just toward the past. There are many cobwebs in our past which must be cleaned out, but we must look forward to a great future. We must look forward to the protection of the interests of those who cannot protect themselves. I feel that this Commissioner of the Office of Consumer Affairs could do this. One area which particularly concerns me, and I believe it's an example of the type of the L.L. and T. situation, in which thousands and thousands of people across the state of Louisiana had their life savings stolen from them, and only through the intervention of court proceedings did they get a percentage of their money back. This Office of Consumer Affairs could look out to protect people from the wholesale type of their life's earnings, and could help to protect them from industrial corporations who are not particularly interested in their best concern. One other example...I recently filed a case in federal court against certain lending institutions, particularly pawning institutions. In the investigation of this case I have found that they have charged in many instances more than 100 percent interest per year. Also, that they might confiscate and seize without any type of judicial hearing, a four hundred dollar piece of property on a loan of maybe forty dollars. I have sought the protection of the federal court and the matter is presently under determination by the federal judge but he has not issued a decision one way or the other. I don't feel that we should have to go to federal court to have our rights protected. I feel that we should have the right to go into state court. I believe that this commissioner could look out for the poor man. That this commissioner could look out for the consumer. For too long have we looked out for certain special interests who have to a certain extent benefitted the state but the consumer is not protected. I feel that we must look forward in this constitution. We must look forward to the problems of the future, and one of the problems of the future is that of the consumer. Many of you have said that you are in favor of protecting the institutions which are already in the constitution. This institution or these offices which are in the constitution in the past, but I believe that we must look forward to the future and let's give it a little protection. Let's look out for the interests of the small person. Let's not just look out for the interest of the farmer. I'm not saying that all farmers are big farmers, and I'm not saying that all of these people who have had vested interests shouldn't have their rights protected, but I believe that the consumers represent probably one of the largest bloc votes in the state of Louisiana. I feel that by putting this type of protection in, it won't do any harm, but what it will do, it would give us hope for in the future where our interests might be protected. I feel that if you would go forward with this that you will show that we're not just interested in protecting the interests of the past but we have a concept...we're looking forward to protect the interest of the future.

Question

Mr. Shannon Delegate Schmitt, are you trying to create another office to run for in the Agriculture Department?

Mr. Schmitt No.

Mr. Henry Let's be nice.

Further Discussion

Mr. J. Jackson Mr. Chairman and delegates to the convention, I first would like to commend Delegate Schmitt for offering such a proposal. I think that the remarks that he has presented here are to be given the fullest consideration. As you know, we live presently in an age where we have numerous amounts of consumer questions and consumer problems coming up. It seems to me that this is not just a fallacious, spur-of-the-moment sort of amendment to

this constitution, but more so an amendment that has been presented after thought, but particularly after hearing people throughout the state of Louisiana complain about the many abuses that have occurred to them. It seems to me if there is a need for an expansion of the various elective offices in the constitution then this very amendment as proposed by Mr. Schmitt provides us with the mechanism. I would suggest to you that the numerous amounts of complaints that have filtered through the present state office, particularly if you check with your local parish officials, would indicate that the rise and the concern around the problems of the consumer has reached great proportions. I would be one and I would hopefully suggest to you that you give some serious attention and some serious consideration for expanding our constitution to allow a new office to be created whereby we can assure that as much bigger, that constitutional officers would pursue in other areas, that we would have the same amount of vigor and the same amount of independence being fostered. For those reasons and the reasons that I firmly believe that we ought to begin to address ourselves, I guess more adamantly and more sincerely, to the people of Louisiana, that we should give favorable adoption of Mr. Schmitt's proposal.

Further Discussion

Mr. Velazquez Mr. Chairman, fellow delegates, I think that when we talk in terms of writing a new constitution we have to think in terms of balance. I supported the position of an elective Commissioner of Agriculture, because I feel the farmers should have that protection, and I support the position of a Commissioner of Consumer Affairs, because the urban people deserve protection. I supported the idea of an elected Commissioner of Agriculture even though the numbers of rural people are steadily decreasing and the numbers of urban people are continually increasing, because the question is not the size of the electorate involved. It's a question of fairness and of justice to those people. This will not just help the city dweller at the expense of the farmer, because the farmer himself is a consumer. If you think that you have a bad problem with your air conditioner, is it a bad problem if the air conditioner doesn't work or because your washing machine broke down, just think of the problem you would have if a twenty or thirty thousand dollar tractor broke down and you had trouble on your warranty with it...or an expensive cotton picker. The farmer himself is a consumer. He consumes gas, oil, seed, fertilizer and he should be protected in these products to make sure that he is taken care of. I think that the only way that we can have balance in this constitution is to have a Commissioner of Agriculture and to have a Commissioner of Consumer Affairs.

[Previous question ordered. Referred to the Motion Punctuator tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Kelly], page 1, line 15, after the word and punctuation "treasurer," insert the words and punctuation "Commissioner of Elections,".

Explanation

Mr. Kelly Mr. Chairman and ladies and gentlemen of the convention, I am submitting to you a constitutional office which would be entitled the Commissioner of Elections. You have previously voted by a narrow margin to remove from the constitution the Office of Custodian of Voting Machines. Now, quite frankly, maybe that particular name should not be in a constitution... "Custodian of Voting Machines", and maybe the name "Commissioner of Elections" bears the dignity to the office that it should. I submit to you that this is an important function in this state. As Mr. Jenkins pointed out to you in his argument earlier today, I think that it's absolutely essential that we keep the election process as far

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over to one side as we can, without having it brought directly into the realms of the political arena. I would also like to remind you that we've considered many offices here today, and I'm going to refer you back to the present constitution which we're operating under right now, and this is what it says: "The department shall consist of a governor, a lieutenant governor, comptroller..." We've removed comptroller... "treasurer, secretary of state, register of land offices..." That's been removed... "Commissioner of Agriculture and Immigration, Commissioner of Conservation, Commissioner of Insurance, and Custodian of Voting Machines." Now, the point here is the latter and the last sentence in Section 1 of Article V of the present constitution, and now this is what it says: "The legislature shall have the authority to consolidate any of the about offices except that of governor, lieutenant governor, treasurer, secretary of state, commissioner of insurance, and custodian of voting machines." Now, this is in the constitution at this particular time and to me, as Mr. Flory has stated to you earlier, the people have spoken on this already. Apparently there was a constitutional amendment passed after the creation of this office, which constitutional amendment said that it could not be consolidated or merged with another office. Now, I want to remind you that you have retained each one of these offices, except that of Custodian. If you didn't want to vote for it because of the name "Custodian", I'm submitting to you that now you may refer to him as your Commissioner of Elections. But bear in mind that you have kept every one of these offices that was mentioned with the exception of this one. Now, I agree, that you have taken out comptroller, you've taken out register of land office. Those offices were not protected to that extent by the present constitution. I've heard much said here today about what the people want. I voted for the continuation of each one of these offices that have come up here today, and I'll tell you this, because that was what, in an informal poll that I ran in my community, that is what the people of my particular representative district wanted. They want to be able to elect their public officials. I submit to you and encourage you to endorse this particular amendment.

Questions

Mr. Derbes Mr. Kelly, are you familiar with the expression "a rose by any other name would smell as sweet"?

Mr. Kelly Mr. Derbes, I do not proclaim to be a poet. I deal in rationality and on a business-like basis.

Mr. Denny Mr. Kelly, I didn't understand from your remarks exactly what duties this office would have. Would you limit it just to the duties of the present custodian?

Mr. Kelly Mr. Denny, of course, at this particular time, we can't say what the duties are going to be of any of these officers, that have been incorporated already into Section 1A. I have no strong feelings concerning the duties and responsibilities of the office.

Mr. Denny Well, what I was specifically getting at, Mr. Kelly, is are you aware that in Section 7 under the powers and duties of the secretary of state in the proposal that it provides that the secretary of state shall serve as the chief elections officer and administer the election laws, administrator the laws relative to voting machines or other voting devices?

Mr. Kelly Yes, sir. I am aware of that, and I am also aware, I assume, that if this amendment should pass then, of course, there would have to be an adjustment made in that particular article.

Mr. Denny Well, is it your idea that all of these duties should then be transferred to the Commissioner of Elections?

Mr. Kelly As I say, I have an open mind on that. I'd be willing to listen to the convention on what duties and responsibilities. If they wanted to increase them, fine. If they wanted to keep them the same, that would be fine also.

Mr. Denny Thank you, sir.

Further Discussion

Mr. Stagg Mr. Chairman, fellow delegates, I said when I first took this microphone this week, that the Committee on the Executive Department was very proud of Committee Proposal No. 4. I have not had occasion since we began this debate 24 hours ago to change that attitude. I think our proposal is of merit, and it is the product of a committee of your fellow delegates who labored over these same questions long and hard. I stated yesterday, and I suppose I can be borne out by you, the repetition of what I said yesterday. When Governor Lon ran for Governor in 1956 he requested the current secretary of state to speak on behalf of his ticket. This was in 1956. For reasons well enough felt by him, Wade Martin turned it down when Governor Long was elected, and the legislature met, one of the administration proposals was that the functions of insurance regulation and of voting machines should be taken away from the secretary of state's office and a constitutional amendment to have that done was passed by the legislature, and to add a clincher to it as our Chairman does each time we vote on a section, the clincher on it was that these offices could not be consolidated into any other offices. That clincher has survived for these 16 years, and I think it's time now to take that clincher off. I think it's time we move into the 1973's and that we not load down the executive department of government with a considerable plethora of elected public offices. This afternoon, the convention in its wisdom, turned down the election of a custodian of voting machines. I ask that the convention now again turn down an elections commissioner in order not to duplicate and to reduplicate the numbers of state-wide elected officers. We will, if you persist, end up with a ballot so long that we may have to alter those state-wide machines in order to accommodate the election of all these state-wide offices. I so very urgently urge that this amendment be defeated.

Questions

Mr. Anzalone Mr. Stagg, do you think that it is entirely fair to judge a man's office by the reason for which it was created or for his performance and service to the state over the years since it has been created?

Mr. Stagg Mr. Anzalone, nothing that I have said in any time that I have been to this mike would denigrate the holder of any governmental office in this state. I'm not judging the Office of Voting Machine Custodian by Douglas Fowler, and if you think I did then you're wrong.

Mr. Stinson Mr. Stagg, you referred to a clincher, but isn't the real clincher was when the people state-wide in Louisiana voted in a constitutional amendment and said that they wanted this to be?

Mr. Stagg Mr. Stinson, before I got to my feet I asked the staff to call out to the law school to the research library to get for you the number of people in this state who voted on that constitutional amendment. As they were in those days, they were adopted by about 15% of the people who voted in election, and sometimes the vote was 7% of the people or 8% of the people in favor of a constitutional amendment. Now, that has changed and people vote down such constitutional amendments in recent years for which I am quite proud, and that is also why you and I are here in this room together.

Mr. Stinson Isn't it a fact, though, that it got a two-thirds vote of an independent legislature?

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Mr. Stagg No sir, it did not get the two-thirds vote of an independent legislature even if you were there.

Mr. Stinson You mean that a constitutional amendment was submitted without getting a two-thirds vote?

Mr. Stagg The word I took issue with was "independent".

Mr. Stinson In other words, you don't think the legislature of Louisiana is independent when they vote?

Mr. Stagg At that date and at that time, Mr. Stinson, I highly doubt it, and I think history would bear me out to the letter.

Further Discussion

Mr. Jack I'll just be brief on it. As to Mr. Stagg, what he said, he wasn't in the legislature then. That was an independent legislature. Now, the people passed on it and whether there was 15 or how many people went and voted on the constitutional amendment, everybody that was registered had a right to go. Mr. Stagg is going to want us to override the will of the people. The people voted that office into the constitution. Now, I want to point this out to you. We took up first, Commissioner of Agriculture. That passed. That's the main office. We took up Commissioner of Insurance. That passed. We took up Superintendent of Education. That passed. Now, I voted for all three of those. Those were heavily lobbied. We next on these... the two for Register of State Land Office is a minor office, the reason it's passed out to have it there. The comptroller... the reason I voted against those two amendments, those failed. Now, what I'm getting at is this, Mr. Douglas Fowler did not get around and pass it. He was tending to his business like he always has. He runs that department fine and I'm going to show you a couple of things. This is a slap in the face to him when he didn't get out and lobby it like that and he has the main office. Now, we started voting machines... the first time they had them in Caddo, where you have to vote for or against it. Well, you spoil your ballot, about 12 in Ward 4 there, for Police Jury you spoil your ballot and all those kind. You had to have a gadget on it. They had more trouble than you can shake a stick at, and they would have still had trouble if you had of had an appointed man, but Mr. Fowler loved that job and he went to work and he got those things going fine. Whenever you wanted people to understand splitting ballots and splitting votes and all that, like when the Republicans were up there trying to get in and did get in when Charlton Lyons ran, Mr. Fowler came up there three times and explained over radio, television and to the newspapers how you could split your vote. I'm not saying Mr. Stagg is sore because he's a Republican and didn't like it, but the fact hadn't been explained there would have been a lot of other Democrats turned out in that general election when I lost by 65 votes. Now, I'm saying Mr. Fowler has proven he knows how to handle it. If I had my way I would have him actually Commissioner of Elections and put him over all of it. The secretary of state's office and Mr. Martin is 17 years old. I don't think I know him when he was in college, his office couldn't handle all of the different things that it was getting. That was an independent legislature. He was trying to handle it, but it was too much. I say let's do not treat Mr. Fowler different from these other three major offices and let's pass this this time. Now, the count on before the close, it was 54 votes for and 60 against. Now, let's don't send that office and that man down the drain, by any six votes. Thank you.

Further Discussion

Mr. Alario Mr. Chairman, members of the convention, I'll try to be brief here.

Mr. Henry Please don't say that. Everybody goes

five minutes that does.

Mr. Alario The proposal as presented by the Executive Committee on the first draft that they gave us and what we looked at, and they did a wonderful job at working at it, and they said that they were proposing it as such so that the governor might have a cabinet form of government. Well, by your votes shown today, the only form of government the governor would have now and the only meeting he could call would be with the Custodian of Voting Machines and the Register of State Land. We don't want to put my governor through that... meeting in the mansion with an oil can to look at some voting machines. So, let's keep this office responsive to the people. It's been an office that's been doing a good job. Let's keep it an elected position and vote for the amendment.

Further Discussion

Mr. Fulco Mr. Chairman, I'm almost embarrassed to get up here, but I am going to be brief. I say that this is big business. You have all sorts of elections. We've got to have this thing organized systematically throughout... in our state government. Ladies and gentlemen, this is an extremely important office that should be created and in our constitution. Now, the secretary of state has already an enormous amount of responsibilities. The Custodian of Machines is another division of our election system. There's a Board of Supervisors, there's a Registrar of Voters. We should consolidate all of these divisions into one department, put it into the constitution, give the people a systematic, intelligent way of handling our elections in the future and I urge you to vote for this amendment. Thank you.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I rise in support of the amendment. Mr. Stagg, let me say this to you. I've spent my adult life in the legislature. Whether you call it independent or non-independent, it's still a political office. I could say here today that I don't think that there's a touch of independence in our government, but that's a matter for the people to decide at the proper time. I was there when the Office of Custodian of Voting Machines was created. I was also there when we had a Superintendent of State Buildings, one man and one secretary. Today there's over 300 employees doing that same job that one man and one secretary used to do. We've grown in this state, and the argument that something that worked 20 years ago will work today is just not true. I wish it was true budgetwise. Our budget has increased tremendously, and it is increasing every year. I think that this is an office that deserves every consideration. A Commissioner of Elections and the people of this great state place this office regard to the process of that legislature submitted it to them... they must have had faith in them because they voted for it and placed it in the constitution, and I hope, my friends, that you leave it in the constitution, and let the people name the Commissioner of Elections in this state or the Custodian of Voting Machines or whatever you want to create. I don't want to call it a minister that was appointed, Mr. McLemore, and he got it so fouled up that about a year later the legislature came back and said to let the people elect one. Later we came back, and the people were so pleased with it until they put it in the constitution. I don't know anything all that bad about it. I don't want to create a lot of opposition to the final product that the people are going to have a right to vote on if we ever finish and I hope that we do. I think that this has worked well. I have not had one person in my political life since this office has been in effect to make one complaint to me about the office was not run right and run honorably. I was in politics when they held it out for three and four days until they got them like they wanted them, and then they brought them in,

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or as my grandpa said, "they fetched them in". I've been through those trails, and I say the procedure and the mechanics we have in operation in this state today are working well. I see no reason to change them. In closing let me say that regardless of what kind of legislature we had at that time, there's always those who can get up and criticize people, but I see Wellborn Jack, I see Ford Stinson, and I see several others that was in that legislature at that time, and I think that they're all fine honorable men.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, I know Don Kelly well enough to know that this is not an attempt, as Mr. Derbes would have you believe that his poetry of a rose is a rose and so on. This is the first step in what I think is one of the most important and major governmental reforms that we'll be able to accomplish in this convention, and that is the establishment of a Department of Elections and put all election procedure in one department. You say that it would be done by putting it in the secretary of state's office. I have not as of this date seen the advantage of these umbrella agencies. I think that Don is doing what you've got to do and he's done years ago. Let's create a Commissioner of Elections and it's not merely an attempt to change the title. It is the first step in creating a Department of Elections which can be major and good reform for this state. I urge your adoption of the amendment.

Further Discussion

Mr. LeBlue Mr. Chairman and fellow delegates, I urge you to adopt this amendment for this particular reason. I just assume that since we have abolished the Voting Machine Custodian that the duties of this office will now go to the secretary of state. Of course we haven't done anything to stipulate that but it's just my assumption since the secretary of state now handles elections that these responsibilities will fall under his office. Let me tell you that I just don't believe the secretary of state has time to do all this. The reason I believe that is because recently he had to resign from the Atchafalaya Basin Study Commission which I suppose, those of you who are intensely interested in the environment, is one of the most important commissions that this state or the legislature has created in the last several years. It is one of the last frontiers in the whole United States. But he had to resign his place on this commission, and he was well qualified to serve because of his familiarity with the region and having been born and brought up in that area. Now, if we get to the point where we're going to give him more duties, it would just be impossible for him to do a good job. If we recreate this Commission on Elections, and provide later that the Commissioner of Elections also be custodian of the voting machines we can consolidate two areas that would be more efficient and better serve the people of Louisiana. I ask you to favorably consider this amendment.

Questions

Mr. Lanier Delegate LeBlue, I'm looking at Section 7 which deals with the powers and duties of the secretary of state, and it says that he shall serve as the chief elections officer and administer the election laws and that he shall administer the laws relative to voting machines and other voting devices. Is it the purpose of this amendment to take away from the secretary of state this authority and put it in this particular office?

Mr. LeBlue I couldn't say, Mr. Lanier, for the simple reason that this is not my amendment and I don't know what the proposal would be later on, but I'm sure that some alteration would have to be assumed in that particular section when we get to

it. I'd consider the duties of the secretary of state and the Commissioner of Elections, provided this amendment passes.

Mr. Lanier Do you think that it might help some of us, to me, if someone later on in the discussion would say what specific duties they intend to take away from the secretary of state as proposed in Section 7?

Mr. LeBlue I'm sure, since Mr. Kelly has proposed this amendment that he has some ideas in mind as to what those duties should be.

Mr. Fontenot Mr. LeBlue, if I understand correctly, the job of the Custodian of Voting Machines at the present time is spelled out in the statutes? Is that correct?

Mr. LeBlue That's a constitutional office, Mr. Fontenot, and as I understand that's what we're considering here.

Mr. Fontenot No, but I mean the job of the Custodian in the present constitution...he's a constitutional officer, but the requirements of his job...isn't that in the statutes...the legislature controls that at the present time?

Mr. LeBlue I couldn't say.

Mr. Fontenot So, the point that I'm getting at...wouldn't it be possible for the legislature to take away from the secretary of state and give the jobs of election laws to the Commissioner of Elections?

Mr. LeBlue If we provide that when we reach the section that Mr. Lanier was talking about, we can provide that the legislature shall take those actions.

Mr. Fontenot O.K., thank you.

Mr. O'Neill Mr. LeBlue, do you feel like when we get to this section that these people who are a little bit worried about it right now that we might be taking something away from the Secretary of state, don't you think their objections would be a little more appropriate then?

Mr. LeBlue Mr. O'Neill, I have confidence in every delegate here. If he tells you something, I think he intends to do it. I think all of us have enough integrity to have that much.

Further Discussion

Mr. Schmitt It seems kind of interesting to me that Senator Rayburn would come out in favor of having elective position for the commissioner of elections, yet, he would not favor to have a commissioner of the Office of Consumer Affairs. Throughout this entire convention many people have appeared to be advocates of the poor person and have come forward and claimed that they represent the farmer and have claimed that they represent the people in a lesser economic condition than others. Why when we push forward with something which will help them out, with something which is a little bit different from the past, do they back up? Senator Rayburn and Mr. LeBlue and Mr. Chehardy and many others voted no when we had the question of whether or not there should be a commissioner of the Office of Consumer Affairs. Yet, Mr. Chehardy in our committee has continually stepped forward to help defend the rights of the poor individual. Senator Rayburn has stepped forward continually in order to protect the rights of the farmer and the man with a little bit of income, has stepped forward and attempted to protect the rights of the individual who doesn't have the economic power to defend himself. Yet, when the question was brought forward of the commissioner of the Office of Consumer Affairs, they stepped forward from this. It's beyond me to understand why these in-

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dividuals would fear a change from the decrepity of the past so that in the future we might have an office which would protect the small individual, so that in the future we might have some type of constitutional protection for the person who does not have the chance to protect himself...from the man that has to deal with the big institutions but doesn't know how to deal with these institutions. I feel that we should have a commissioner of the Office of Consumer Affairs. The logic of these people to favor these offices, the constitutional protection of the commissions for elections, yet, at the same time to reject the idea of the concept of an office of the commissioner of the Office of Consumer Affairs is just beyond me.

Question

Mr. Roemer Mr. Schmitt, don't you agree that we tread a fine line in this debate between personalities and policies? It seems to me that you might be guilty of overstepping that line. For example, don't you think by the use of name whether it be Roemer or Rayburn or Chehardy or whatever that you're not doing anything but cementing people into positions that may be better for your own? I think that your allegation that everybody who spoke in favor of the farmer and then turned around and didn't vote for your particular bill were trying to do an in-service to the state is just absolutely wrong. Don't you agree?

Mr. Schmitt No, I disagree. I think that it's an absurd position for Senator Rayburn to come forward and to claim that there should be constitutional protection for a person in the position of the commissioner of elections and then to go farther and say that he's in favor of the poor man but he does not support a commissioner of the Office of Consumer Affairs. I just don't understand this. I don't see how it fits in with his philosophy.

Further Discussion

Mr. Abraham Ladies and gentlemen, I think we've reached the point where we simply need to decide just how far do we go with naming all these offices in the constitution. I submit to you, the substance of what we need to decide. Are we going to name them all? Are we going to try to hold them down? Or what are we going to do? This is for this convention to decide. Now the remark was made awhile ago that we ought to keep these various offices, the state's running good, ought to keep things like they are. Well, if the state's running good and we don't have any questions or problems with it, then what are we doing here today? Why did the legislature create this convention to begin with if everything's alright. Those of you who say that the office should be installed because this person or that person can't handle the job. He's too busy. Well, I submit to you, then, maybe we had better take a look at the duties of the governor. Let's make a separate commissioner of public works and one for highways and one for health and welfare and one for revenue. Really, gentlemen, let's just decide now how far are we going with all these various offices?

[Previous question ordered. Passed vote recorded. Amendment adopted. R-33. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Schmitt and Mr. Abraham]. Page 11, after the period add the following: "The legislature shall have the authority to consolidate any of the above offices, except that of governor, lieutenant governor, secretary of state, attorney general and treasurer."

Explanation

Mr. Schmitt This language essentially tracks the old language of Article V, Section 1, with reference

to executive offices. The purpose of this was so that in the future at some time if the legislature would decide that it would not be necessary to have these as separate offices that they might be able to be abolished.

Questions

Mr. Denney Mr. Schmitt, in view of the various amendments which have been adopted, do you think your amendment is now sufficient?

Mr. Schmitt I beg your pardon.

Mr. Denney In view of the other amendments which have been adopted today adding more offices in here, do you think your present amendment is sufficient?

Mr. Schmitt I don't think it's...I feel that it's nice to give them constitutional status, but I think that we should have the ability in the future to let the legislature have the authority to consolidate these different offices, if it should be necessary.

Mr. Denney Now, are you aware that in Section 19 of the proposal before us now that the reorganization provision specifically provides that the re-allocation of functions, powers, duties and responsibilities of all departments, etc., except those powers, duties, functions and responsibilities allocated by this constitution, among and within no more than twenty departments. Don't you think that would really cover the situation?

Mr. Schmitt No, it doesn't because it doesn't allow for the consolidation of those which you just voted on.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in opposition to the amendment and call your attention to the fact that what you are doing in effect is allowing and making constitutional officers by the amendment that has already been adopted, and now allowing the legislature after the people have elected the constitutional officers, the authority to abolish those offices or consolidate them. I would just suggest to you that the amendment would just undo everything that we have done this afternoon and ask that you reject the amendment.

Question

Mr. Stinson Mr. Flory, suppose someone was elected to each one of the different offices. Of course, then they're consolidated. Are you going to have two heads or half and half or none?

Mr. Flory I believe if the constitution provides for a constitutional officer, if the people ratify the document which we submit to them, we ought to keep it as a constitutional office unless the people choose to remove it by referendum ballot.

Further Discussion

Mr. Arnette Ladies and gentlemen of the Constitutional Convention, I'd like to point out one thing to you. That this particular amendment that is proposed is word for word what is in your present constitution. Since 1921 the legislature has had this power and they consolidated one office, and that was the office of comptroller. The only reason they did that was because it became obsolete. I think we need some sort of provision like this if an office would become obsolete, that we would need to get rid of it. We would not need to elect a person to an office that no longer accomplished any function. I think this is a good amendment and I think we need to have it in there. It doesn't hurt any of these elective offices. It doesn't get rid of any of them. All it does is allow the legislature to consolidate if it becomes a problem

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later on in the future. I urge the adoption of this amendment.

[Previous Question ordered. Record vote ordered. Amendment rejected: 21-91. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [By Mr. Jenkins]. Page 1, Line 18 in Delegate Floor Amendment by Delegate Verbes and adopted by the convention on August 2, delete the words "commissioner of insurance" and insert in lieu thereof the words "secretary of commerce".

Explanation

Mr. Jenkins Mr. Chairman, delegates to the convention, I supported the concept of having an elected insurance commissioner. I think that the people have a right to elect the person who handles that responsibility in our government, but I do feel that that is a narrow area and that someone in that sort of position could have much more responsibility in the other areas. The commissioner of insurance has little authority at present with regard to his function. I think he could handle other areas. Here are the areas that I suggest a secretary of commerce could handle. He could be in charge of the same functions that the insurance commissioner has at present, but he could have a number of other important functions as well. For example, regulation of banking, savings and loans, finance institutions; regulation and licensure of other businesses; he could have the Office of Consumer Affairs; he could have the Board of Commerce and Industry under his jurisdiction and every other aspect of state government which we might want to handle properly as well. A secretary of commerce would be a much greater constitutional dignity, I think, than a commissioner of insurance. But by substituting such a proposal we would allow the people to continue to elect a person who is directly in charge of insurance regulation, but we could also accommodate the views of those who suggested an Office of Functions. Possibly, he could be in charge of registering state lands, an office which apparently we will abolish, as well as the other vital duties with regard to promotion of industrial development in the state. I think this would be a step forward and a move in the right direction, so I move the adoption of this amendment.

[Previous Question ordered. Record vote ordered. Amendment rejected: 28-72. Motion to reconsider tabled.]

Amendment

Mr. Poynter Further amendments go to Paragraph B of Section 1, Mr. Chairman.

Amendment No. 1. Page 1, line 24, this amendment is offered by Delegates Flory, Rayburn and O'Neill...

Amendment No. 1, on page 1, line 24, after the word "functions" change the comma to a period and delete the remainder of the line and delete line 25 in its entirety.

Explanation

Mr. Flory Mr. Chairman and delegates, what the amendment purports to do is to delete the language where you allocate according to function, after that delete the language "within not more than twenty departments." Let me give you the reasoning behind the amendment. First, if it is determined in the wisdom of the legislature that they should be grouped accordingly, it may be five, six or any number of departments, but you would not necessarily have, as I appreciate what the article purports to do as it is, twenty new positions created in state government. This of course is the objection that I have to the creating of the

twenty departments with a department head—particularly in light of the fact that many of the agencies of the state, boards and commissions, operate on self-generating revenues which are not state funds and they are not subject to budget regulations. Therefore, I'm speaking primarily of those boards and commissions who are created by statute primarily for the purpose of licensing doctors, dentists, barbers, plumbers, beauticians, watchmakers, etc. If you had a department...one man would have all of these agencies under the same revenues, it would control budgets of those various agencies, boards and commissions. I would suggest to you that we adopt the amendment and leave it up to the legislature as to what the grouping should be and as to the number that there should be. I would yield to any question, Mr. Chairman.

Questions

Mr. O'Neill Mr. Flory, if these departments were put into twenty, wouldn't they be able to create different subcommittees and different committees themselves within the twenty? Don't you see just a mushrooming of these departments into all sorts of committees?

Mr. Flory I don't know what was discussed in the Executive Committee relative to this particular provision. However, I might say to you that nothing is spelled out as what is intended in the duties and responsibilities of those people that would head the twenty departments and what their duties and responsibilities relating to those agencies, boards and commissions under that department. I think that could best be left to the legislature in its wisdom.

Mr. O'Neill Another question; is there anything now which would prohibit the legislature from doing just what the intent of this article is?

Mr. Flory Not as I appreciate what is proposed by the various committees of this convention.

Mr. Nunez Mr. Flory, in the description of boards, commissions, agencies which operate on self-generating funds. Things like the barber board, the pharmacy board, the cosmetology board, the dental board and various other boards that are just solely for the purpose of either licensing or in some places regulating their own industries.

Mr. Flory That's correct.

Further Discussion

Mr. Arnette Delegates to the convention, I'm greatly disturbed. I'm greatly disturbed because we're going back to the 18th century instead of moving forward into the next century. We're sitting here and we're not coming up with any departments. We're expanding and expanding and expanding and making this thing totally unworkable. This is something you had maybe 200 years ago when you didn't know about management. You didn't know how to manage people and agencies and departments, but now we have no excuse for preventing a consolidation here and we're not coming up with any departments to greatly increase the power of the governor? If you do, adopt this amendment. Right now he has over 200 agency and department heads to appoint. Do you want to increase this to maybe 300 or 400? If you want to do so, fine. If you want to greatly increase the power of your governor, go ahead and do it. But if you refuse to adopt this amendment and adopt the committee's proposal you will reduce his appointments down to 20. There will be 20 department heads, not 200 or 300 or 400. This seems to be the only logical thing you can possibly do. I don't see how you can adopt such an amendment that would not limit the number of departments of the state. This would also greatly increase the business-like nature of state government. Right now the state government of Louisiana is totally unworkable. No governor can possibly know what ever

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200 agencies are doing. We can not possibly have reports from over 200 different people. We cannot possibly keep up with that many people. It would take 24 hours a day if he only wanted to talk to them just a few minutes a day. I don't see possibly how you can accept this particular amendment. If you reduce it to 20, a person can properly organize state government according to functions as the more progressive states have done. Do you want to still be classed as one of the least progressive states in the nation? If you do, fine, go ahead and adopt this amendment, because that's exactly what it does. We're going to be right back in the horse and buggy era. We're going to be classed down there...all those stupid idiots down in Louisiana...they don't know anything...they've got a horse and buggy government. I strongly urge you to defeat this particular amendment. Thank you.

Questions

Mr. O'Neill Mr. Arnette, you've already said that you don't see how a governor could operate all these state boards and agencies. Are you saying that our current governor is incompetent?

Mr. Arnette No, I'm not saying he's incompetent. I'm just saying no human being alive, save possibly the son of God, could control that many people. There is no possible way, and to ask a person to do it is something you shouldn't ask him to do. Now, 20 is a good workable number. If you know anything about business administration you know that no one person could administrate more than 20 people.

Mr. O'Neill Well, Mr. Arnette, you've implied now that if we kill this amendment that we're allowing government to grow to 300 or 400 agencies, and I don't see it that way. I already see that the legislature has put an umbrella agency over the, you know, the welfare, medical, you know...

Mr. Arnette That's exactly right, but if you kill this amendment, you will force the legislature to get it down to a workable number, and that's what we need to do right now.

Mr. O'Neill Well, don't imply then that we're allowing it to grow.

Mr. Arnette You are allowing it to grow because you're not prohibiting it from growing.

Mr. Stinson Mr. Arnette, I understand that we have just recently had a big consolidation to reduce the number of personnel and expenses and according to the paper, we've got more now than we used to start with so is that what the new century wants or are we supposed to go back to the horse and buggy days and be...what did you say...ignore it?

Mr. Arnette Well, Mr. Stinson, how many agencies do we have right now in state government? Over 200, am I correct?

Mr. Stinson I imagine so.

Mr. Arnette Do you think that 200 is a workable number? Can you imagine yourself trying to work with 200 different people every day?

Mr. Stinson No, I'd get the legislature to reduce them, I think.

Mr. Arnette You think that you can get the legislature to reduce them. How about if we force the legislature...

Mr. Stinson If I was the governor, I know that I could get them to reduce it.

Mr. Arnette Well, how about if we force the legislature to reduce them?

Further Discussion

Mr. Champagne I thought perhaps I'd go by one day without getting up here, but I've seen them come from the dead today so I rise in opposition to this amendment. It seems peculiar to me that a governor of this state ran on a ticket of consolidation. We talk about a new constitution and then we come here and do everything we can to prevent him from carrying out his campaign promise and we see him working for the people who sent us here to this convention. It seems very peculiar to me that we vote time and time again to give the legislature more power but then when it comes to the governor we want to put him into a back position in this thing. We want to give him a back seat and we don't want him to have anything to do with the government of this state. I submit to you that this amendment that you are now...before you...would put us further back than we were with the constitution of 1921. The governor of this state ran on the ticket that he would consolidate agencies. I think that he had a mandate from the people to do that. In writing this constitution we are attempting to give him that authority, but there are those among us who would give all authority to the legislature, who would let them run this state as they see fit. They would give them more and more authority and I submit to you that we have separate branches of government. It is high time that we reorganize that fact, and vote for separate branches of government rather than putting it all in one. I say that it's time that this convention go on record as having fewer heads and more workers in this state of Louisiana.

Further Discussion

Mr. Burson Ladies and gentlemen of the convention, I want to speak in opposition to this amendment because I construe the Section 1B differently, apparently, than the proposers of the amendment do. That proposition tells me that we would have written into our constitution a guarantee to the people of this state that we could not have more than 20 executive departments. I am in favor of that because I believe that the people of this state and the United States have in many ways all the government that they can stand now, and I don't believe that it is wise or good constitutional draftsmanship to leave the gate open for a multiplicity of state departments. I remind you that in the processes we've been through today we have provided for 9 constitutional officers. I presume that each one would head a department of sorts. That would leave, by my calculation, if we had the full 20 departments, which is not required by this...it says not more than 20 departments...would leave 11 other departments. At the present time in the present constitution we have some 40 executive agencies in the positions that are required. So by my calculation if we leave in here what the committee has recommended, we would be insuring the people of this state that we would cut the number of governmental departments at least in half. Of course, I am not at all convinced that the 40 executive departments that are in the present constitution are all we have. We have departments created by statute. I think that we should be for legislative power where legislative power is called for, and I have been for that in such areas as appropriations, where the will of the people should speak. But we have a tripartite system of government. We've got three branches; the executive, the legislative and the judiciary, and we have an executive, an administrative area, that the governor properly has power and should have power. We will be helping him in this instance to control this great, monstrous leviathan of government that has enveloped us in the modern era, because as things are now, sure he can go to the legislature and get some consolidation, but under the present constitution he is stuck with 40 administrative and executive agencies whether he wants them or not. We're going to say in this new constitution, if we stick with the committee, that at least he knows

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that he does not have to deal with more than 20. I suggest to you this would be a help to the legislature because the legislature in dealing with administrative reorganization could just tell the department heads when they come up, "well, look old buddy, I'm sorry to have to cut your department out or merge it with another one, but you know the new constitution says that we've got to have just 20 and we've already approved 18. Somebody's got to go." I suggest to you that whether you look at it from the point of view of good government or good politics, that it is a good idea to leave alone the committee proposal that we have not more than 20 departments.

Question

Mr. Avant I've heard the statement made that you've got to leave this thing like it is because it will reduce the power of the governor to appoint people, and then they use the figure twenty in here. There are approximately twenty, maybe a few less, maybe a few more, boards that regulate various professions and occupations. The Louisiana State Board of Medical Examiners, the Louisiana State Board of Examiners in Nursing, the Louisiana State Board of Examiners in Watchmaking, professional boards that regulate particular trades and occupations according to a legislative act setting up standards for those trades and occupations. My problem is what's going to happen to those boards, or those regulatory bodies, if this amendment is not adopted? You're going to put them all under one so then the governor will only appoint that one and the doctors will be passing on people who want to be TV repairmen...

Mr. Henry Mr. Avant, I'm sorry, you've exceeded his time, sir.

Mr. Burson I would like to have the opportunity to answer the question.

Mr. Henry Well I'm sorry, but the rules are as they are, sir. You can go back there and talk with him, but the time is up.

Further Discussion

Mr. Duval I'd just like to reiterate one point that's been previously made, but I think it's very important. Our present governor ran on a platform of reorganization as did the second candidate, the person who came in second, and the people elected him governor. I think it was one of the prime issues in the campaign and the people endorsed it when they elected him. I think we should consider that if we are going to consider what the people want. Thank you.

Further Discussion

Mr. Denney The purpose of the Executive Committee is...rather the Committee on the Executive Branch. In drafting this provision may be more clearly understood if you look at the Committee Report No. 19 which provides for the mandatory reorganization of state government and provides that the legislature shall allocate within not more than twenty departments. Now not more is the important phraseology here. It is conceivable that now that we have added some more constitutional officers, if they become elective officers and therefore are required to head departments, that this must be changed in some small increase. But to do away with the limitation of the number of departments seems to me, as a member of the committee which worked on this, to be striking at the very heart of our proposal to try to provide for the state of Louisiana an efficient form of running the state of Louisiana. Now, Mr. Flory, made some statements about the self generating fund agencies. There is no problem there because right now the Department of Agriculture, for instance, has under it the Orderly Milk Marketing Commission and the Structural Pest Control Commission which net one hundred percent of their funds self generated. So I don't

see that there is any real problem that. All of these commissions, right now, are under the secretary of agriculture. The purpose of this entire section, taken as a whole, is to provide for the governor of the state of Louisiana a method of operating the state's business in an efficient manner. It seems to me that if we take out the twenty department limitation, or if we amend it to many more than twenty, we are losing the whole efficacy of this entire article.

Questions

Mr. Rayburn Mr. Denney, let me just ask you this question, and my purpose for signing the amendment that's now up for discussion is I'm not clear as to what departments would mean. Do you mean, when you say departments, do you mean agencies, boards, commissions like the Television Board? That's the only reason, because I could see with twenty departments you could be in trouble in this state the minute this was adopted if you got a ruling from the attorney general that department means any board or agency. That was my purpose because it's not clear in my mind as how you define a department.

Mr. Denney Well I think the definition is contained, if you look at Proposal No. 19, Senator Rayburn, it says "The legislature shall allocate within not more than twenty departments the functions, powers, duties and responsibilities of all departments, offices, agencies and other instrumentalities within the executive branch except those allocated by this constitution." Now the whole theory of it is to put all of these various boards and commissions under a department head who can then, in a pyramid fashion, report for those commissions and agencies directly to the governor, which we believe would give the governor a little more efficacious control over them.

Mr. Rayburn Well then, Mr. Denney, really what we're doing, and nothing is the same thing when we say twenty, if we wanted to create in the legislature in the next session if this provision in the constitution was enacted, we could just create fifteen new agencies and put them under "X" department, or twenty new agencies and put them under "X" department. Am I correct?

Mr. Denney I think that's quite correct, sir.

Mr. Rayburn So really what we're doing and nothing is about the same thing then. I mean it can be easily circumvented if you so desire to do so.

Mr. Denney Well I don't think it would be circumvented, Senator. I think what would happen is that these various agencies that you would create, if you created them, would report to the governor through one particular department head. This would give the governor an opportunity, in the nature, if you will, of a cabinet form of government although we didn't specify that's what it was to be called.

Mr. Rayburn But Mr. Denney, take the Law Institute and the Barber Board. Where would they go? Could we just put them under some department?

Mr. Denney I would take it, for example the Barber Board, that you would probably, there would probably be some sort of a licensing, a department of licensing. All of these various licensing boards would report to the governor through the department head. Now the department head would not control what those boards do. The boards would remain independent.

Point of Order

Mr. O'Neill My comprehension of the new Rule No. 90 which we enacted yesterday said that all materials placed on delegate's desk must bear the name of those persons or organizations who submitted

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such materials. I just had this put on my desk which does not bear the name of the organization or person who placed it on my desk, and I simply want to raise that point of order.

Mr. Stagg I would like to reply to the point of order. This material was printed long before Rule No. 90 was adopted, and it is a part of the presentation by the Committee on the Executive Department, and I'm sorry we couldn't get it reprinted in time to put Committee on Executive Department at the bottom of it.

Further Discussion

Mr. Conroy I speak in opposition to the proposed amendment. I have read through the committee proposal; I've read through the comments which we have all received from PAR on the committee proposal as a whole. It strikes me that Mr. Stagg is justifiably proud of the work which his committee did. I think they did a fine job. I did not rise to speak on Section No. 1A because to a large extent I don't think that Section No. 1A has any particular substance to it. It is a descriptive list of a lot of different offices, but it doesn't say much about what they are or where they'll go. Section No. 1B, I think, begins to get into the substance and content of what their proposal is. As I understand it, at the heart of their proposal is the concept that the executive department should be reorganized. The very purpose of the reorganization is responsibility. That's a word I hold dearly in this whole constitutional convention, is one of responsibility. I think one of the efforts here is to try to say that there are a few people in this state, that at least you'll be able to go to only a few, to find out what's happening, what's going on within various state organizations and whatnot. I think right now it's bewildering, as I'm sure that you can begin to gather from the sheet that was distributed, as to what, exactly, the executive department or what the administrative branch of this state government is and how it functions and what it does. I don't think that the Executive Committee Proposal, or the proposal the Committee on Executive Department intends to answer all these questions. It asks the executive department to propose a reorganization program. It asks the legislature to act upon this proposal. This is only the beginning. This is the framework. This is the foundation on which all these other things are to happen and I think that this is a good foundation. I urge you to reject the proposed amendments to Section No. 1B and adopt the committee proposal largely as it is. Thank you.

Further Discussion

Mr. Roy Mr. Chairman and ladies and gentlemen of the Convention, I can't believe we've now come the full circle. I came here with the notion of making a more independent legislature and having it more flexible and we've done that. To make the executive branch somewhat less powerful. Now the Executive Committee has come up with something that I think is really, really good and is needed, especially when you look at the sheet that was passed out. We are now going back to where we are going to saddle the governor with the idea or the notion to have to know some possibly one hundred to two hundred different department heads or agency heads when he can hardly know twenty or thirty. We're going to make him responsible for whatever they do. Now I just sat here awhile ago and had a bunch of legislators, and there's not a wrong with it, come and talk with me about voting for the position of commissioner of elections, and to reinstate it in the constitution. I did so. Yet these same people, now for some reason, now are trying to involve the legislature in something that is, in my opinion, the executive branch. I just don't see how we're going to tolerate the idea of a three branch, separate branch, government and at the same time continue to emasculate the provisions of the Executive Committee that, in my

opinion, are good. Thank you. I'm against it.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I think there's been a real misunderstanding by many of you with respect to the purpose of this proposal. What the Committee on the Executive Department sought to do was to determine, first of all, I suppose as we all have, that there are three branches of state government. Now within the executive branch of state government, we intended by this provision under consideration to provide that not more than twenty departments, that would be major divisions or major parts of the executive branch would exist. That only, as Mr. Conroy correctly suggested, creates the substructure for the organization of the executive department. Now within that manageable structure, we think, there're certainly going to be divisions. There are going to be agencies, boards, commissions, committees and so forth that will fit into a logical, formal reorganization of state government. This, ladies and gentlemen, is at the very heart of the proposal that Governor Edwards made to the people of the state of Louisiana when he campaigned for governor. He appeared before the committee and supported in concept, the proposal that is now before you. I urge that in order that we can carry out a full and valid reformation of our governmental structure, that you vote against the proposed amendments and not for them, as it has been approved by the executive department.

[Previous Question ordered.]

Closing

Mr. Flory Mr. Chairman and delegates, our purpose in submitting this amendment, of course, was not in any way to detract from the program espoused by the present governor when he was running for office. The amendment does nothing to his program of reorganization whatsoever. And to Mr. Arnette, let me say to you, what's proposed here does not call for the abolition of agencies, boards and commissions. It merely gives to the governor twenty more additional appointments than what he now has. My only purpose in proposing the amendment was to take care of those boards, agencies and commissions who operate under self-generated revenue. That's solely the whole purpose of the amendment. Therefore, Mr. Chairman, if I have assured that "department" does not mean those agencies operating under self-generated revenues, I'd be more than happy to withdraw the amendment. But nothing contained in this proposal makes such a definition. That's my whole purpose in proposing the amendment. After the explanation, with the approval of the Chair, leave of the convention even though the previous question has been ordered, Mr. Chairman, if I'm in order, I'd like to move that we withdraw the amendment.

Mr. Henry Mr. Flory, the previous question has been ordered.

[Amendment rejected: 13-93. Motion to reconsider tabled.]

Point of Order

Mr. Blair Is there any way when a gentleman comes up and asks for his amendment even if the previous question has been ordered for him to be shown the courtesy to withdraw it in our rules?

Mr. Henry Yes sir, we could reconsider the vote by which the previous question was ordered. If we do that then and get through those mechanics, the problem is the Journal on the thing. We've gone through the process of debating it and if it is then the previous question being ordered, and in the journal it's going to reflect that the previous question was ordered and then the amendments were

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withdrawn and just procedurally there are no mechanics for it unless you go back and reconsider the vote by which the previous question was ordered.

Mr. Blair I wish there was some way, Mr. Chairman, that we would give the courtesy to a person, if he sees the light, he wants to change his mind, even if the previous question has been ordered, to let him withdraw it.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Lanier et al.] On page 1, line 25, after the partial word "ments" change the period to a comma and add the following: "as provided by law."

Explanation

Mr. Lanier Mr. Chairman, fellow delegates, this amendment may at first blush appear rather innocuous, but in fact, it goes right to the heart of the reorganization of the executive branch in the manner in which this will be accomplished. In order to understand the full meaning of Paragraph B of Section 1, you have to read this in conjunction with Committee Proposal No. 19 which is to add Article XIV of the schedule and Section 19 of the executive proposal. Now, I don't think that Committee Proposal No. 19 has been distributed to everyone yet. It was referred to by Mr. Dennergy when he made his presentation a few minutes ago. But in essence, this is what it means. As you will note, Paragraph B here says that 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. This provision does not say who will do the allocation. Now, in order to determine this, you must first go to the Committee Proposal No. 19 which is not in general distribution at this date, which would provide a schedule article on the mandatory reorganization of that government. And so that you will understand what this proposal says, since I think that most of you probably don't have it, I'd like to take the liberty of reading it to you. "The legislature shall allocate, shall, that's mandatory, within not more than twenty departments, the functions, powers, duties and responsibilities of all departments, offices, agencies and other instrumentalities within the executive branch except those allocated by this constitution. Such allocation which shall not be subject to veto by the governor shall become operative not later than eighteen months after the effective date of this constitution. Should the legislature fail to make such allocation, the governor, within six months shall effect such allocation by executive order." Now, after this has taken place, the procedure for reorganization will be as set forth in Section 19 of the Executive Article. And if you will refer to Section 19, you will see that it provides that the governor may, which is discretionary, propose to the legislature a plan of reallocation, at which time the legislature may or may not adopt the reallocation plan by the governor and cannot make substantial amendments. Now this is a deviation from our present law. Our present law is embodied in Article III, Section 32 and Article V, Section 1. If you would refer to the digest on your desk, which has been handed out, it shows what the present law is and what the proposed change is. In the thing that my amendment is designed to do by putting in the words, "as provided by law," is that the reallocation will be done by the legislature under all circumstances as is the present law. This way, when you have a reallocation of functions in the executive branch, it will be done in the form of a bill. It will be introduced, you will have committee hearings, you will go through the process of enacting a bill and this law will then be put in the statute books which are available and published by the West Publishing Company where everyone can know

what that reallocation is. The problem, as I see it, with Section 19, and I hate to go into Section 19, but I think it is a necessary part of the discussion of this amendment in getting the overall picture of how the governmental reorganization should be done. The problem with Section 19 is that if the legislature rejects the plan of the governor then nothing happens and there would be no further reallocation. If you provide that the legislature will make the reallocation if the governor wishes to first introduce it, he can do so by contacting a legislator or group of legislators as he's presently done and has been doing since 1921, and they can submit his proposal to the legislature which would then be handled as a law. If we have a reallocation by executive order, the problem with the reallocation by the executive order is executive orders are not in general publication and you would not have the ordinary hearing procedure or legislative procedure that is attached to the enactment of a bill. My feeling is, and the reason for this amendment is, that the procedure for reorganization as suggested by the proposal of the Executive Committee in the schedule, should be by the legislature. The governor can introduce his bills through legislators and this will be handled in the manner of the enactment of a law. We would then go through all of these procedures with public hearings, etc., and we would have a permanent record in the statutory law and West Digest of what the structure of our executive department would be. Now, this, of course, goes to the heart of the reorganization program. To me it is a very critical issue and that's why I said these four little words don't look like much at first, but in effect, they're locking into the constitution the present law that the legislature will actually do the reorganization. Now coupled with the proposed section, schedule article, this would mean that if this is adopted and the schedule article is adopted, there would be mandatory reorganization by the legislature within eighteen months after the effective date of the new constitution. If the legislature failed in its duty, then it would be done by the governor. I'd be glad to yield to any questions.

Questions

Mr. Abraham Walter, under this language here, where you say "as provided by law", there is still nothing to prevent the legislature for providing within the law for the governor to effect various reorganizations on his own, is there?

Mr. Lanier No, not at all.

Mr. Dennergy Mr. Lanier, as I understand the legislative section which we recently adopted, when you use the language, "as provided by law," that means as provided by statute.

Mr. Lanier By an enactment of statute. Yes sir. That is my intention.

Mr. Dennergy Well now, if per chance your argument, when we get to Section 19, is not adopted by the convention, and the convention determines that it is best to let the governor do his voluntary, if you will, or discretionary reorganizations, and if we have amended up here "as provided by law," those two sections will be in direct conflict.

Mr. Lanier Yes sir.

Mr. Dennergy Then it seems to me, therefore, that you are bringing this up at the wrong time. Because if the convention, if the delegates decide that it should be by the legislature then you don't need it. If the convention decides that it should be done by the executive, then you have created an impossible conflict. For that reason, it seems to me that you, if I may respectfully suggest it, should withdraw that amendment and if Section 19 comes up. The argument is a sound one, it has merit in it and we discussed it at length, but

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our conclusion was that the executive should have this power after the first mandatory...

Mr. Lanier Well as I see it, really, we can solve the whole problem right now with this language, at this point in time. That is why, in the presentation of my discussion I brought up the fact of the provisions of Section 19 and of the proposed schedule provision. I think we can lay the matter to rest right now. If the convention, in its wisdom does not choose to do so, then of course we can always raise it at a later time. I feel we ought to face the issue now. To me, this is one of the most critical parts of the executive branch done by the right here. Section No. 1, setting forth who will be your elected and constitutional officers and setting forth the framework for the reorganization of our government. I agree with the previous speakers that there has been a mandate by the people of our state for reorganization of our state government. I think that this should be done by the legislature and I think this language will put that to rest. Thank you, Mr. Chairman.

Vice Chairman Miller in the Chair

Mr. Tate Mr. Lanier, if the convention adopts your amendment and if it is adopted by Committee Resolution No. 19, well then would not the reorganization be accomplished as provided by law? In other words, enactment being the schedule attached to the constitution by Committee Resolution No. 19.

Mr. Lanier Judge, as I appreciate it, I do not think my amendment and Committee Resolution 19 are in conflict. As pointed out by Mr. Denberry, and I think he was accurate, my amendment, if adopted, would be in conflict with Section 19. Thank you, Madam Chairman.

Further Discussion

Mr. Stagg Madam Chairman and fellow delegates, in the book on your desk, the large book, there is a sheet toward the rear of it on white paper called Committee Proposal No. 19. There is, in your yellow copy of the Executive Article, a Section 19, and unfortunately, those two may be confusing by both being numbered 19. Let me please try to explain to you, Mr. Lanier's amendment. In Section 18, the committee has stated that the "powers, functions, duties except for the governor and lieutenant governor shall be allocated according to function within not more than twenty departments." The question is how do you start that process? Who should lay the groundwork? The committee felt that the first reorganization of the state government ought to be done by the state legislature. So the first reorganization, the lumping of 197 or 200 agencies under twenty departments ought to be carried out by the people's direct representatives in the legislature. That's when it gets done for the first time. So under Committee Proposal No. 19 in the white paper in your book, it is in the schedule of the constitution and it is entitled "Mandatory Reorganization of State Government". That first reorganization, then, is done by the legislature and all of these 200 agencies, boards and commissions that we have will be placed by the legislature into no more than twenty departments. Fine. We get that done, it's placed into operation. Then of the functions among, if one or more functions of government or new departments are devised by the legislature and it becomes necessary for them to be allocated or reallocated, we state in Section 19 the governor may, and that is may, from time to time, propose to the legislature on or before the first day of the session, a plan of reorganization of the functions among these departments. The legislature, by a majority vote of the elected members of each House, may disapprove of such a plan and tell the governor, "heck no, you can't do it that way." But if they don't turn it down, then it becomes the new reallocation of one department or two or three agencies among departments. Now that's a relatively complicated

scheme to get reorganization into effect, and that's what the committee set out to do. But the important part of it is, that the first time that it is done, it will be done by the state legislature. Then, thereafter if from age and from obsolescence, departments are put out of business by the legislature or new departments or agencies are created, then the governor may go to the legislature with a plan of reallocation. Hopefully the legislature would agree to it, but if they don't then it doesn't happen. It is still in charge of the legislature but the governor has the duty under the permanent constitutional provision of making a proposed reallocation of the executive department, which we think he properly ought to do since he is the head of the executive branch of government. I urge you to reject Mr. Lanier's amendment, and that we tackle this problem when we get further on into the Executive Article under Section 19 of Committee Proposal No. 4.

Questions

Mr. Perez My question will be fast and brief. What assurance do we have that this body will adopt the schedule?

Mr. Stagg What assurance do we have, Mr. Perez, that we'll adopt...

Mr. Perez That the body will adopt the schedule because without the schedule, this whole thing is totally incomplete.

Mr. Stagg What do we do in case the body does not adopt the article on local and parochial government?

Mr. Perez No sir. You asked me a question, so I'll answer it and that's not proper procedure. But, we would be adopting an article which would say that the respective functions, powers and so forth shall be allocated. But we do not say by whom. The problem becomes that if we don't adopt this schedule, and we may not even have schedules to begin with, the problem becomes what does this particular section mean?

Mr. Stagg Then Section 19 would become the method of allocation and then it would be the duty of the governor. I would urge the convention to adopt the schedule and to adopt the mandatory reorganization so that the legislature could have the first shot at it.

Mr. Perez But in that event, then, wouldn't it be that the total concept and the total intent of your article, that the legislature would first adopt the proposal, and if, in fact, is not put in the schedule, then the whole concept of your article would be changed. Is that correct?

Mr. Stagg I have no reason to believe that the Convention would refuse to adopt the schedule, Mr. Perez, in the first instance.

[Previous Question ordered.]

Closing

Mr. Lanier Thank you, Madam Chairman. One of the primary reasons that I have proposed this amendment is because I understand this, and I wanted to ask this question to Mr. Stagg but we didn't have time. As I understand this if we adopt these provisions as they are and in particular Section 19 of the proposal, that would mean that after the initial mandatory reorganization, that the legislature would be locked out from taking any action to reorganize unless there was an initiating action made by the governor. That, to me, is a very drastic and substantial change from the present law, which allows the legislature to do it when it deems fit. And for this reason I think that this should be settled and that the legislature should, and with this amendment it could, initiate the action itself in the future to reorganize and it would not be

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mandatory that the initiating action come from the governor because at some time in the future we could have a reverse situation where the governor wanted a multiplicity of boards for some reason, or wanted multiplicity. This way the legislature would be locked out from taking action without an initiating action by the governor. For this reason I think we should allow flexibility in the system for the legislature to do this if it, in its wisdom, it deems it appropriate.

Questions

Mr. Anzalone Walt, your statement is that following the initial reorganization of state government you feel that the legislature would be powerless to institute its own plan of reorganization. Is that correct?

Mr. Lanier That is correct.

Mr. Anzalone Is there anything in here that would prohibit that?

Mr. Lanier The prohibition, I think, would be in Article II, Sections 1 and 2, that provide for the separation of powers. Article II, Section 2 of our present constitution and of the proposal of the Bill of Rights Committee is that no branch of government can exercise any action within any other branch of government. The only way that you could do this under the present law is to have Article III, Section 35, and Article V, Section 1 authorizing the legislature to do this, because this deals with the executive branch. This is a case where the legislature is powerless to act, in my opinion, unless they are specifically given the authority to act. That is why I think this should be given.

Mr. Anzalone Well, is there anything in Section 1, Paragraph B, that would prohibit the legislature from doing it?

Mr. Lanier There is no grant. The problem here is not a prohibition, it is a grant. We are dealing with the executive branch and the legislature can't meddle with the executive branch under the separation of powers. So, unless you authorize the legislature to do this they can't, in my opinion.

[Amendment rejected: 31-69. Motion to reconsider tabled.]

Amendment

Mr. Poynter The next amendment is offered up by Mr. Anzalone and Dr. Asseff.

Amendment No. 1, Page 1, at the beginning of line 23, delete the words "offices of governor and lieutenant governor" and insert in lieu thereof "statewide elective offices".

Explanation

Mr. Anzalone Ladies and gentlemen of the convention, I have proposed this amendment strictly for clarification. You are going to constitutionally provide for several offices in Section 1A. Section 2 is going to provide for the departments. I do not want to confuse the powers, duties and functions of the elected officials and by any guise give any of the legislature the authority to play with a constitutional authority which is granted to an elected official. My amendment simply makes it abundantly clear that whatever constitutional authority you give to a statewide elected official, it is his and can only be changed by an amendment to the constitution.

Questions

Mr. Newton Mr. Anzalone, doesn't your amendment also have the effect of increasing the number of state departments?

Mr. Anzalone No sir, it does not because we haven't gotten to the allocation of the state department yet with these elected officials.

Mr. Gravel Mr. Anzalone, you say that the purpose of this is to make sure that the duties or functions of the constitutional officers are not adversely affected, is that the purpose of your amendment?

Mr. Anzalone Yes, sir.

Mr. Gravel Well, if we provide specifically in the constitution as to the function of constitutional officers, certainly no provision of the law could adversely affect that, could it, no provision of any statute?

Mr. Anzalone No, sir.

Mr. Gravel Well then, the purpose for which you introduced the amendment doesn't exist.

Mr. Anzalone Yes, sir. I want to make it abundantly clear, Mr. Gravel, that when these 20 departments are created that there will be no infringement whatsoever on the powers, duties and functions of an elected official.

Mr. Gravel Where is there any such infringement?

Mr. Anzalone We don't have any yet.

Mr. Denney Mr. Joe, your amendment provides, as I understand it, that the present, as we have it written now before we have made any changes in it, there are three other statewide elected officials... secretary of state, treasurer, and attorney general. Is it your intention, by means of this amendment, to provide that those three agencies shall not be within the 20 departments mentioned in the article?

Mr. Anzalone Yes, sir.

Mr. Denney So what you are suggesting then, is a considerable change in what the Executive Committee came up with? The 20 departments were to include those departments which were headed by elected officials.

Mr. Anzalone No sir, they did not. The 20 departments included three of five.

Mr. Denney Excuse me, three of the five, but now you are removing those three?

Mr. Anzalone I am removing those three.

Mr. Denney Thank you sir.

Chairman Henry in the Chair

[Previous Question 100000. Amendment rejected: 31-65. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Weis and Mr. Flory], page 1, line 23, after the words "lieutenant governor" and the punctuation, and before the word "shall" insert the following: "and boards, commissions and agencies which operate solely on self-generated funds".

Explanation

Mr. Weiss Fellow delegates, the hour is late. I won't take much of your time, but this is, I believe what Mr. Flory had in mind, and perhaps Delegate Fayburn also. This is highly significant and very personal to you no matter what's your profession or occupation in that this chart you received is confusing in this respect. I'd like to point out that we're speaking only... only of boards, commissions and agencies which have self-generating revenue. In other words, they exist at no cost to

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the state. Now, the reason I suggested this be included is not to reduce the power of the governor, but rather enforce the power of the governor. Please understand, if you will, as I have learned in studying the governor's appointments, that two things will happen as a result if this is passed. One is that the governor will be more powerful and go directly to the people. That is the Blue Ribbon Board, the people who are selected by you and I in any given profession or in any given work to represent you at a state level. I have learned in the funds going toward these commissions, towards these boards or towards these agencies. The other thing is that it will reward the people who serve on these boards and commissions and the like, who serve at not cost to the state. In other words, let me read to you some of these commissions and boards that now exist and then I'll explain one in particular...the Medical Examiners, for example, that concern me. But, these include such diverse boards, commissions or agencies as the barbers, contractors, cosmetology, dentists, embalmers and funeral directors, engineers, hearing aid dealers, horticulturists, liquefied petroleum gas commission, livestock brand commission, livestock sanitary board, medical advisory board, medical examiners, motor vehicle commissions, namely the dealers, nurse examiners, optometry, pharmacy, plumbing board, psychologists, radio and television boards, sanitarians, seed commissions, shorthand reporters, social workers, speech pathologists and audiology, soy bean promoters, strawberry advertising and development commissions, sweet potato boards, veterinary medicine and watchmaking board. Now, each of these boards represent, at least in the medical sense and I will use that since I know it best, the blue ribbon physicians of the state that are presented to the governor when he is elected. In other words, the physicians would select ten members and the governor would select 3 or 5 or whatever will be the number. Now, that is how the governor has his power, but not monetarily. There is no money involved and no exchange of funds in these types of self-generating revenue boards and commissions. Therefore, the governor will get to know these people better. He will be closer to the blue ribbon people and will know them better and these are the people that the governor should have direct contact with. I do not feel that an intermediary between the governor and these types of board members should exist. It would represent to me bureaucratic bungling, and this to me is unnecessary. At the present time, these members, when they have a problem, can go directly to the governor and they should be rewarded for their positions which they hold at no expense to the state to at least see the governor. My legislators back home tell me that there's all the difference in the world between an elected and an appointed official. When they write for you or for me, to an elected official, then they get an answer immediately. They are taken care of promptly. I assure you legislators appreciate it. In the other hand, if a man is appointed, frequently the problems that may arise whether it be in the plumbing or the radio or sanitation or medical division, are buried in the bureaucratic process and somewhere along the line the hierarchy man has pushed it aside because perhaps the governor wanted it that way or otherwise. I would like to feel that our government is strong by virtue of the fact that he is reaching the strongest members of the state in any given field, and I think this will be maintained if you will pass this floor amendment which says "and boards, commissions and agencies which operate solely on self-generating funds". I urge you to accept this floor amendment.

Questions

Mr. DeBlieux Dr. Weiss, you made a statement that kind of intrigued me a little bit and that's the right of an appointed official to see the governor. Do you think that every person that the governor appoints to office has the right for an appointment with him?

Mr. Weiss No, absolutely not, Senator DeBlieux

Mr. DeBlieux Well, I just wanted to clear that up because that seemed what you indicated in your remarks.

Mr. Weiss Not at all.

Mr. Stovall Dr. Weiss, don't many of the decisions by these different boards affect the people...the welfare of the people of the state of Louisiana?

Mr. Weiss The state's authority is supreme, Rev. Stovall, and I think that the state is responsible in any action of any board that exists.

Mr. Stovall And because they are, should they not be under direct state supervision in some administrative channel?

Mr. Weiss Absolutely not, and the reason I say that is that these boards are specialists in their own fields. If the funeral directors don't know more about funerals, I don't know who does, and they are the ones who are responsible for licensing the funeral directors in a given area. Now, the governor or the legislature may take action, certainly, but they are the boards that qualify these individuals and are expected to know more about it than anyone else.

Mr. Stovall But the decisions that they make do affect the people of Louisiana?

Mr. Weiss Of course, they do.

Mr. Duval Dr. Weiss, you've been talking about professional boards, but don't you know that your amendment says "self-generating funds". It doesn't mean professional boards, and are you aware, sir, that there are certain boards that are self-generating and are not professional boards such as the milk marketing, the structural pest control and levee districts just as a few examples. Are you aware of that, sir?

Mr. Weiss The levee districts I've checked on, and I do not believe that's correct, but I do understand the milk commission may be, the insurance rating bureau may be and the public employees board may be. But these are still self-generating revenue boards and I think they're entitled to be separate and apart from any bureaucratic process which is necessary if the governor is to have a strong hand on these.

Mr. Duval You do understand that these are subdivisions of the state and state agencies, don't you?

Mr. Weiss No, anything created by the legislature, or course, is a state agency. That's correct.

Mr. Duval But, I happen to know that levee districts are self-generating, but you don't know that, is that correct?

Mr. Weiss It's my understanding that they are not, and I'd appreciate a researcher's comment, Mr. Flory, and I know that I haven't spoken to anyone but Mr. Flory. It was his understanding that they are not. If someone knows otherwise, I'd appreciate their comments.

Mr. Mire Did you know, doctor, that the Lafourche Levee Board is absolutely today operating on self-generated funds, 100%, with an abundance of those funds?

Mr. Weiss It has a legislative act...well, then, that's controlled by the legislature, certainly.

Mr. Landrum Doctor, could you tell what happens if the amendment should fail to the barbers and beauticians?

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Mr. Weiss Right, I'm glad you asked that Delegate Landrum, because that's my concern... that if this is not included in the constitution, what I envision is a very simple thing... that is the barbers, cosmetologists, beauticians and the like will fit under one of these 20 department heads wherever they may be and whatever assortment and variety of assignments they may have... to whichever department head they are placed under. For example, the master H.E.W. scheme that is now in effect for the state of Louisiana has one man over this tremendous agency... some 300 agencies spending a half a billion dollars in the state at this time. My understanding would be that he would or she would or whatever the agency... cosmetologist would do would be to report to this department head before they could reach the governor for any type of minor or major problem which they may have. This to me is very disturbing because these people are selected as the most outstanding people in any given field. I think they should have the governor's ear, and I think that the governor would want to have their ear, and this is something that would enhance the governor's position.

Further Discussion

Mr. Gravel Mr. Chairman and fellow delegates, I rise in opposition to the amendment. There's nothing in the present constitution, nor has there ever appeared to have been any need for the kind of protection that Dr. Weiss's amendment suggests should be in the new constitution. But even pre-empting that, if there is any necessity to give consideration to the boards and commissions that operate with self-generating funds, they can be handled under Section 19 of the proposal. Now, I'm not suggesting that it should be handled at all, but I do believe that this particular amendment should not be considered at this time and in this particular part of the constitution and I move that you reject the amendment.

Further Discussion

Mr. Conroy I am opposed to this amendment. I think I addressed myself to the basic substance of this amendment previously with Mr. Flory's prior amendment, but I do want to raise one additional question, not so much just for this amendment, but for in general, that some of us who worked on the Committee on Revenue, Finance and Taxation will recognize. That's the use of the phrase in here of an agency that operates on self-generating funds. We had a great deal of difficulty with this concept in the Revenue, Finance and Taxation Committee. I think that anybody who studies it would have the same sort of concern about exactly what you're describing and what self-generating funds are. This alone is subject to a great deal of dispute as to when funds are really self-generated and when an agency is operating solely on such self-generating funds. We managed to get through our proposal on public finance without having to use that phrase, and I think that anybody who does attempt to use it in this constitution will find that it will cause you nothing but headaches in trying to define what you're doing, and for that reason alone, I would urge you to reject this amendment.

[Previous question adjured.]

Mr. Henry You have the right to close, Dr. Weiss. Do you pass? Dr. Weiss?

The gentleman passes.

Oh. Excuse me, I thought somebody said that you had passed.

I guess that I was just hoping that.

Closing

Mr. Weiss I'm with you in spirit, and we'll soon leave, but I must make it clear that I'm glad to hear that there's confusion in the term "self-generating revenue" other than in my mind. But nonetheless, that's the best term I could figure out

here and I think that the Supreme Court has, as Chairman Henry has said, will make a large number of decisions, and certainly the levee board will not be included in these types of boards, commissions and agencies which are so border lined, and so constructed that there's a tremendous amount of legislative responsibility. I would like to see the floor amendment adopted, and I think that we are doing the people back home a real service, particularly the list of organizations that I read a moment ago. Perhaps, this should have been introduced at another section, but I'm introducing it here for you to be familiar with it in the event it is introduced later in another section. I would ask you to adopt it and hope that we can dispose of this properly now.

Question

Mr. Stinson Dr. Weiss, were you not a little shocked at Mr. Gravel objecting to this because it's not in that old antiquated constitution? Hadn't the argument always been we're supposed to plan for the future? That's what you're doing, isn't it?

Mr. Weiss I am, and as a matter of fact, it's somewhat unwritten in the present constitution. There's no appreciable change, as I understand it, over what is currently going on.

[Amendment rejected: 21-82. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Kelly, et al.], page 1, line 17, at the end of the line and after the word "state" delete the remainder of the line. Amendment No. 2, page 1, line 18, at the beginning of the line, delete the portion of the word "eral".

Explanation

Mr. Deshotels Ladies and gentlemen, I want to apologize to you for coming up with this at this time, but we had this on the table since yesterday. For some reason or the other, it was overlooked when we were going over Section A. It involves taking the attorney general out of the executive article and putting him back into the judiciary article where he has been in our past constitutions and is presently in our 1921 constitution. Our rules that we adopted in January provided for the Committee on the Judiciary having jurisdiction over the Department of Justice, and we, in our committee, reported to the convention and had the Department of Justice worked on. Now the committee proposal is with our committee now. We have not reported it back to the convention, we're still working on this particular section. There are some very valid reasons besides having been assigned a particular subject. One is that our attorney general is not a judicial officer. All of you are concerned and realize you have been acquainted with the many opinions that our attorney general gives throughout the course of his term of office. The attorney general has an interrelationship with our D.A.s and any article or any provision containing the powers and functions of the attorney general have to be considered along with your powers and interests of your district attorneys and also of your courts. He is a quasi-judicial officer, and for that reason, I would ask that he be considered in due course, and that our Committee on Judiciary be allowed to continue its consideration and deliberation on this particular office, and provide you with a good proposal with a continuity between the attorney general and the workings that he had. I might add in closing that the attorney general specifically requested that he be included in the judicial article if he were not given an article separate and apart from the executive and judicial. His second choice was to be in the judicial article, and gentlemen and ladies, quite frankly, we have enough to consider

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in our executive article—without lapsing over into judicial matters which is what we'd be doing if we'd try and consider this at this time. So, for that reason, I'd respectfully request that you vote for this amendment, allow our committee to continue its work, and present you a good proposal that has been considered and which I hope will create less debate once it is brought onto the floor.

Further Discussion

Mr. Perez Mr. Chairman and fellow delegates, I know that we're all very tired, I know that usually at this time of day we all are pretty much accustomed to throw those red lights and say "let's get out of here", but this is a very serious and a very important matter. The only way that the attorney general of this state can be intelligently acted upon by this convention is to consider the responsibilities and duties of the district attorney, of the courts and of the grand jury. As a member of the Coordinating Committee, I know that the responsibility of the attorney general was designated to the Judiciary Committee. As a member of that Coordinating Committee I cannot recall any question being raised with respect to the executive department, considering the particular office that is the office of attorney general. I know that we're all very tired and I want to be brief, but please, let's remember that the attorney general belongs as it is in the present constitution, under the judiciary article and should be considered there so that we can have an intelligent consideration of all of the offices in the judiciary department together. Thank you.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, it's very difficult for me to imagine how anyone can successfully contend that the attorney general of the state of Louisiana belongs in the Judiciary article. He does not perform any judicial functions, whatsoever. He is the chief legal officer of the executive branch of state government, and that's what he is. Now, what his duties and functions may be will be prescribed by this convention. It may be what has been suggested by the Committee on the Executive Department, it may be varied in the manner suggested by the Committee on the Judiciary Department, but let's don't complicate the problem. If we are going to devise and confect an orderly constitution with proper classifications and designations, let's begin by doing so here and now. I just suggest to you that there is no way that it can be successfully contended that the attorney general of the state of Louisiana performs any judicial functions. He's the lawyer for the state. Sometimes a good lawyer and perhaps, sometimes, a lawyer that's not so good, but nevertheless that's what he is. He represents the executive branch. He doesn't represent the legislative branch. He doesn't, under any circumstances, represent the judiciary. I submit to you that it would be a grave mistake to take him out of the executive department, which is what this amendment proposes to do.

Questions

Mr. Perez Mr. Gravel, isn't it correct that under the present constitution the attorney general is under Article VII which is the judiciary department?

Mr. Gravel It is and I don't think that we should perpetuate that error.

Mr. Perez Isn't it also true that under all proposals that the functions of the district attorney would be to institute, prosecute and intervene in legal actions before the courts?

Mr. Gravel Under what proposal?

Mr. Perez Under all proposals, that is both the executive proposal and the proposal by the judiciary.

Mr. Gravel I don't think that the executive department yet has any provisions specifically with respect to the district attorneys.

Mr. Perez Well, I refer you to Section 8 on page 7 which provides that the attorney general shall have the authority to institute, prosecute or intervene in any legal action or other proceeding, civil or criminal, exercise supervision over the district attorneys, and supersede any attorney representing the state in any civil or criminal proceedings so therefore I ask you, isn't the attorney general performing strictly a judicial function under those circumstances.

Mr. Gravel Absolutely not. He's performing a function as an officer in the executive branch of government, as the chief legal officer of the executive branch. He doesn't make any decisions. Mr. Perez, that are binding at all. His opinions, the courts have held, are only advisory and suggestive, just as much so as a good brief by an attorney representing a litigant in a law suit. He does not perform any judicial function.

Mr. Avant Mr. Gravel, isn't it a fact that under the present constitution and also under the rules of this convention that the Judiciary Committee and the judicial article in the present constitution contain not only the attorney general and the district attorneys, but the sheriffs, the clerk of court and the coroner?

Mr. Gravel I think it is correct that the sheriffs, clerks of court and others were considered by some committee other than the Executive Committee, if that's what your question was.

Mr. Avant And are not those officers presently in the judicial article of the present constitution?

Mr. Gravel I think that they are. I don't think, personally, that the district attorney should be under the judicial article, because neither do they perform judicial functions.

Mr. Avant Don't all of those officers, though, have to be considered together because their functions are so interrelated?

Mr. Gravel Not necessarily, no, sir. Absolutely not. Keep this in mind, too, and let me expand upon my response to you, that we're talking about the structuring here and that's all we're doing in Section 1 of the executive branch of government. Certainly there are going to be some areas of the constitution where you may have to refer in one article to positions, to jobs, or to functions that may be considered to some extent in another article. My position is simply that basically the office of attorney general belongs in the executive department of state government.

Mr. De Blieux Haven't the United States attorneys always been considered a part of the executive department of government.

Mr. Gravel As far as I know, they have. Thank you very much.

[Previous question ordered. Amendment adopted: 50-49. Motion to reconsider tabled. Previous question ordered on the Section 8. Section passed: 95-1. Motion to reconsider tabled. Motion to revert to other orders adopted without objection.]

Report of the Secretary
[1 Journal 246-250]

Announcements
[1 Journal 251]

[Adjournment to 9:00 a.m. at 10:00 a.m., Friday, August 3, 1973.]

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Friday, August 3, 1973

ROLL CALL

[9 delegates present and a quorum.]

PRAYER

Mr. Abraham Direct us O Lord in these our doings. Guide us in our actions. Keep us mindful of the needs of others, and may all our efforts be in Thy name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

RESOLUTIONS ON SECOND READING AND REFERRAL

[1 Journal 25J]

PROPOSALS ON SECOND READING AND REFERRAL

[1 Journal 25J-2]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 4, introduced by Delegate Stagg, Chairman on behalf of the Committee on the Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Denney, Duval, Gravel, Stovall and Tapper

A proposal providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual officeholding, a code of ethics, and impeachment.

Personal Privilege

Mr. Lebreton Mr. Chairman, members of the convention, I thought you might be interested in an article in News and Review, which is the old municipal review magazine. The City of Alabama has just completed their study of a constitution. That's a neighboring state, I thought you would be interested. It's very short, it will take me maybe two or three minutes to cover it. I think it's interesting. I might observe before I give you the report of how similar we have been and how we have differed in some parts, and that's what makes a bunch of good 50 states, I imagine. Alabama Commission reports on constitution. In its final report the Alabama Constitutional Revision Commission provided guidelines around which the proposals were framed. These basic principles include, one, preservation and stressing certain aspects of the Bill of Rights.

Two, preservation of the separation of powers. Three, assurance of flexibility for the legislature in dealing with changing conditions. Four, recognition of increased responsibilities of the governor as head of the administrative branch should be improved by adequate authority. Five, responsibility and authority of the courts must be restated and strengthened. Six, local government should be granted more authority flexibility and initiative. Seven, excessive provisions and language should be omitted so that the document provides clearly the basic principles and the structure of state and local government. Highlights of articles pertaining to rights, divisions of power, representation, the executive, the legislature, the judiciary and local government follows. We skip over that and go to where we just finished, Provision No. 3, legislative powers. In Alabama they call that the distribution of powers of government, and you can see how close our report came to theirs. Regular annual sessions and an annual salary for legislators to be determined by an independent compensation commission are recommended. Several changes to the proposed procedure in enacting legislation and local and general laws are clarified. Next, the legislature will be required to adopt a code of ethics governing conflict of interest for the legislators, state employees and nonjudicial offices. Representation, the state will be divided into House and Senate districts of compact and contiguous territories with a ratio of members of legislature to

population, as nearly equal as practical. A reapportionment commission is established and directed to report after each decennial census. The commissions plan would become law if the legislature fails to act on it in the next session. Last, provision of a plan by the State Supreme Court is authorized on the petition of any voter. And then it gets us to the executive department where we are right now. The one paragraph is, and I quote: 'Executive Department. Nonpolicy making offices are eliminated from constitutional status leaving only the governor, the lieutenant governor and the attorney general. Age and residency requirements are reduced for these offices.' Thank you.

Reading of the Section

Mr. Poynter Status of the proposal to date is that the convention has adopted Section 1 relative to compensation.

Next section, Section 2, Qualifications. Section 2, Paragraph A. To be eligible for any statewide elective office, a person must have attained the age of 25 years by the date of his election and be a citizen of the United States and of this state for at least 5 years immediately preceding the date of his election. He shall hold no other public office except by virtue of his office during his tenure in office.

B. The attorney general shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

Explanation

Mr. Stagg Mr. Chairman, delegates to the convention, in the present constitution, the age requirement for governor has a minimum age requirement of 30 years of age and that he must be a resident of this state for 10 years. The Committee on the Executive Department felt that it was in line with public utilities and 1973 as against 1972 consideration that the age for statewide officers be reduced to 25 years and that 5 years of state residence was sufficient a qualification for such office. There is in this provision, also, a provision, also, a provision that the statewide elected officers shall hold no other public office during his tenure in office except those that he might hold ex officio. I understand, Mr. Chairman, that there is an amendment being circulated concerning the Section B, and I'll withhold any comments on that until such time as we get to it. At this point in time, Mr. Chairman, I move adoption of Section 2.

Recess

Amendments

Mr. Poynter Amendment No. 1 [by Mr. William Lamb, et al.]. Page 1, delete lines 27 through 30 in their entirety and insert in lieu thereof the following:

Section 2, Paragraph A. To be eligible for any statewide elective office, a person must be an elector who has reached the age of 18 years at the time of qualification for office and must be a citizen of the United States and of this state for 5 years.

Amendment No. 2. On page 1, at the beginning of line 31, delete the following words: "preceding the date of his election."

Explanation

Mr. Tobias Mr. Chairman, fellow delegates, this amendment purely and simply reduces the age at which a person can qualify for running for the state elected offices. I am aware that a lot of people believe that an 18 year old or a 19 year old or a 20 year old is unqualified to run for this office, or these offices. As a practical matter, and I urge the practicality of it, strenuously, how many 18 year olds do you or any of you know that can raise the funds or have the political power to run for this office, these offices? How many people do you actually know that can do this? It is not fair that any elector should be allowed to participate in

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every election of this state to the maximum extent that he ought to? At 18 years old, I probably would have been unqualified to run for a statewide elected office. I might even venture to say that I'm 25 now, and I would probably consider myself unqualified to run for a statewide office at this time. But it's fair, it's fair to everyone. I move it's adoption, Mr. Chairman.

Questions

Mr. Lanier Max, I notice here you say that "has reached the age of 18 years at the time of qualification for office." Do you mean by that at the time of qualification for candidacy for office or at the time that they are sworn in to office?

Mr. Tobias At the time of qualification. This means the same thing as we did in the provision for the legislature.

Mr. Lanier Well, we found we had a little bug in that.

Mr. Tobias No, this is the language that we track. It takes care of the situation. You have to be 18 when you qualify.

Mr. Lanier Is that qualify for candidacy?

Mr. Tobias Qualify for candidacy, yes sir.

Mr. Bel Mr. Tobias, only one thing worries me. I'm not against 18 year olds, but what about the attorney general?

Mr. Tobias Well, as a practical matter, as you are aware, the attorney...the qualifications for attorney general include that he must have practiced law for 5 years. Since he must have practiced law for 5 years, and as a practical matter, you're not going to find very many 18 year olds who have practiced law for 5 years.

Mr. Lanier I was just wondering, he'd have to be 13 when he graduated.

Mr. Tobias Yes, that would be very difficult.

Mr. Smith Mr. Tobias, do you think someone just 18 years old is mature enough to run for office?

Mr. Tobias Yes, sir, some, not all.

Mr. Smith Well, I mean anybody could run though, at 18 couldn't they?

Mr. Tobias Yes, sir.

Mr. Smith They were just recently given the vote. Is that right?

Mr. Tobias Correct.

Mr. Smith Why do you think they are mature enough at that age? Why do you think that particular arbitrary age makes them mature enough to run for an office?

Mr. Tobias Well, my firm belief is that every individual at the age of 18 is mature enough to run for that office. But if a person is mature enough to run for that office, the people will know who he or she is.

Mr. Smith Well, usually at that age they are still under their parents and hadn't finished high school. Isn't that correct?

Mr. Tobias Many of them, yes, sir.

Mr. Smith Still you think they should be able to run for office?

Mr. Tobias Definitely.

Mr. Jenkins Mr. Tobias, do you think that all 40

year olds are mature enough to run for statewide office?

Mr. Tobias I know of several that are not.

Mrs. Warren Mr. Tobias, as a champion for the youth, and I say that I am, I'm wondering what qualifications an 18 year old would have for being governor? You mentioned, this is kind of a twofold question: that an 18 year old might not have the financial funds to run statewide. There might be an 18 year old who has it, who has gotten some kind of an inheritance who gives him the money to run for anything that he wants to run for. In that event, if he is elected, what situation would our state be in if he wasn't qualified?

Mr. Tobias Well, the point is that if the voters want to elect an 18 year old statewide elected official, they ought to be allowed that right. It would have to be a fantastic young person running for the office to actually succeed in getting elected, as a practical matter.

Mrs. Warren I agree with you that it would be an exception for one to do that, yet I'm still concerned with knowing the juvenile situation as it is today, I'm just wondering if we would have one.

Mr. Guarisco Mr. Tobias, you said the reason you didn't think that you were possibly qualified to be governor even though you were 25 but you thought that you'd have to be for it because it's fair. I want to ask you, fair to whom?

Mr. Tobias Fair to all young people below the age of 25 in this state and qualified electors.

Mr. Guarisco Do you think it's fair to the rest of the citizens of the state to have someone who just got out of his pampers being the governor of the state?

Mr. Tobias They have the right to either vote for them or not to vote for them.

Mr. Guarisco Do you think that the framers of the United States Constitution were unfair when they made the president reach the age of 35 and Senators reach the age of 30 and a Representative reach the age of 25 before he can hold those offices?

Mr. Tobias The United States Constitution was drafted in the late 18th century. I think times have changed considerably and a lot of young people are better educated than some of their children at that time.

Mr. Guarisco Don't you think that you are misconstruing education and knowledge for experience and judgment and good sense?

Mr. Tobias No.

Mr. Jack Mr. Tobias, I'm afraid of this happening and I want to see if you don't think it. I've done checking, like I always do, and so many 18 year olds are still in high school. Now if they are cut for these offices, don't you think that's going to cause a lot of high school dropouts? How about it?

Mr. Tobias I don't think it will cause a lot of high school dropouts.

Mr. Jack All right, now one other one. I did some further checking and I find there are a whole lot of boys and girls not quite 17 that are smarter than the 18 year olds. Now don't you think you ought to lower this to catch those 16, not quite 17, or you're being unfair to juveniles? How about that?

Mr. Tobias Well, I've often maintained, I'll answer you this way. I am the youth representative in this convention and 4 year olds are young people. Now what do 4 year olds want? Do they want toy stamps instead of food stamps? I don't know.

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Mr. Jack I don't know, there are some of them smart, might want to be governor.

Mr. Rachal Mr. Tobias, I'm getting a little confused by the questions, and I'd like to ask, aren't you simply trying to make it possible for the people of the state to select whom they want to represent them in various offices?

Mr. Tobias Precisely.

Mr. Rachal And aren't you trying to also make it possible for those people who are able to be taken away an go to fight and risk their lives for their country, that upon registering to vote that they can also run for office in this state?

Mr. Tobias That is included, yes, sir.

Mr. Rachal So then, aren't you, in fact, making a provision which will give wide as possible selection on the part of the people?

Mr. Tobias I am trying to.

Mr. Rachal Then the questions of their qualifications to run otherwise is irrelevant.

Mr. Tobias Generally, yes, sir.

Mr. Landrum Mr. Tobias, don't you think that... would you believe that there are people in the school system today who have finished college at the age of 18?

Mr. Tobias There are a few, I would gather.

Mr. Landrum So you did say exceptionally someone who would be an exceptional young person that the people would elect. Right?

Mr. Tobias Yes sir.

Mr. Champagne Mr. Tobias, aren't you simply saying that the people deserve what or who they elect. Is that right?

Mr. Tobias Yes sir.

Further Discussion

Mrs. Taylor Mr. Chairman, and delegates, I certainly rise to support this amendment and I certainly hope that you will give deep consideration to lowering the age to 18 year olds. I've heard many questions asked that certainly seem to be maybe making fun of the seriousness of the amendment. Just think back awhile to how many 18 year olds who were actually sent to overseas to protect you here in these United States. Think in terms of many of them who for the first time had a gun placed in their hands to represent you, to protect you, and now they're coming back home thinking they're coming back to a democratic system where there would be no discrimination against any person. If you allow them to register at the age of 18, if you allow them to go abroad for your protection at the age of 18, then I would think that you would be broad-minded enough to give them the opportunity that other persons have who are electors, and that is if it is their desire to run as governor of the state of Louisiana to give them that opportunity also. I would think we are talking about a government of the people. The people will make the final decision as to whether they want an 18 year old or not. We're not saying that 18 year olds are going to control the state of Louisiana. The final decision lies with the people, and all we're asking that we have no forms of discrimination. In this instance we're talking about discrimination against 18 year olds. I urge your support of the amendment.

Questions

Mr. Jenkins Mrs. Taylor, did you know that Alexander the Great conquered the world by the time he was 21?

Mrs. Taylor I'd believe it if you say so, Mr. Jenkins.

Mr. Bergeron Mrs. Taylor, to be a voting citizen in the state of Louisiana, what is the age requirement?

Mrs. Taylor I would think it is 18.

Mr. Bergeron It's 18. And under our proposed constitution, what did we set the age requirement for the House of Representatives?

Mrs. Taylor 18.

Mr. Bergeron And for the Senate?

Mrs. Taylor 18 also.

Mr. Weiss Delegate Taylor, to put things in perspective, did you know what the life expectancy was at the time of Alexander the Great? Twenty-five years of age.

Mrs. Taylor Thank you for that information.

Mr. Ullo Mrs. Taylor, since we are talking about Alexander the Great, do you know that Albert Einstein, his theory of relativity was written at the age of 27?

Mrs. Taylor Well, since we are going back into history, I wish somebody would say something about Booker T. Washington.

Mr. Stovall Mrs. Taylor, would you ask Delegate Jenkins if it's not true that Alexander the Great was 33 when he made his military victory, and not 21? Right.

Mr. Henry What did he die from, Reverend Stovall? You know that too.

Further Discussion

Mr. Abraham Mr. Chairman, fellow delegates, I have to rise in opposition to this amendment. We are talking about letting 18 year olds run for offices and a proponent of this particular amendment stated that it's very unlikely that such a thing would happen. Well, if it's so unlikely that it could happen, why should we worry about putting this thing in the constitution in this manner? If we're going to leave the final decision to the people, well then let's leave the final decision of the people on everything and don't worry about a constitution. Let them write the constitution and the laws and things like that. We're here to try to decide what is going to be best for this state in order to present it to the people. And in good conscience we must try to come up with a recommendation that is sound. Now, an 18 year old might inherit the money to run for office. An 18 year old could possibly get elected and we all seem to agree that an 18 year old does not have the experience necessary to handle some of these jobs. You don't really need to have the experience in order to run for the office and you just might get elected. Now we've lowered the requirement from 30 years old to 25 years old. I don't think we ought to go any lower than that. I'm real concerned about this. I'm not in favor of precluding youth from everything, but I think that we're going to have to be sensible about this and reasonable about it. I just don't see how lowering the requirement to 18 years is a reasonable thing to put before the people of this state. I strongly urge the rejection of this amendment and the adoption of the committee proposal as it is written. Thank you.

Questions

Mr. Stag Mr. Abraham, in his presentation Mr. Tobias posed the question: "How many 18 year olds can raise the funds for statewide office?" Is it not true that all he needs is the filing fee in order to get his name on the ballot?

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Mr. Abraham That's correct. All he needs to do is get a filing fee.

Mr. Duval Mr. Abraham, I agree with your position but I just wanted to ask you if you know that Mozart was 4 years old when he wrote his first opus?

Mr. Abraham No, I'm not a musician.

Mr. Alexander Mr. Abraham, have you ever known anyone to be elected who just filed and went home?

Mr. Abraham Yes.

Mr. Alexander Governor?

Mr. Abraham Not for governor, no, but I've known people to be elected who just filed and went home.

Mr. Alexander No, that was the question.

Mr. Rachal Mr. Abraham, I'm a little disturbed by what I consider your lack of confidence in the integrity of the people. Are you suggesting, on the other hand, that all of the persons elected by the people have been top flight, efficient, and carrying out of their responsibilities once elected?

Mr. Abraham I don't mean to infer and I do not infer that I have any lack of confidence in the people. The think that I'm saying is that we are charged here with presenting a document to the people that makes some sense. I think that's our responsibility to do it and I think that this thing here of lowering this requirement to 18 is really not what it should be.

Mr. Rachal Yes, but my only question, I was just concerned that you were denying the people the opportunity to make that selection. Don't you think that you are suggesting to the people that they don't have the wisdom to select whom should represent them and we have to say that we're going to restrict whom we allow to run for office?

Mr. Abraham By your line or reasoning we are denying the people the right to make the laws. They are electing Representatives to make the laws for them and they are trusting these Representatives to make the laws for them. By the same token, the people are trusting us to come up with a recommendation for this constitution.

Mr. Rachal All right, well aren't we also allowing 18 year olds to run to be Representatives to make those laws? I was just wondering why you think we need to restrict the age of those who run for statewide office.

Mr. E. J. Landry Mr. Abraham, by the same reasoning that you're giving, would you be willing to consider placing restrictions on the other end of the spectrum? A lot of us are much older, some of us are senile and there is a danger that the people of the state of Louisiana shouldn't allow older people, like myself and some of the other people in the convention. Would you believe that we ought to consider placing restrictions on the...Some of the older people are not able to function as well as you middle-aged people.

Mr. Abraham Well, Mr. Landry, since you are on the other end of that spectrum there, I will be more than willing to listen to your recommendations on that.

Mr. E. J. Landry Well, I'm going to ask you to...

Mr. Abraham I've been on the lower end of the spectrum so I know what I thought when I was 18, but I'm not at your level yet so I'll have to go along with how you feel on some of these things.

Further Discussion

Mr. J. Jackson Mr. Chairman, delegates to the convention, statements have been made up here to

imply that when you have youth involved, the possibility of youth obtaining office, that that increases the potential for misrepresentation in office, the kinds of, I guess, unaccepted behavior in office. I would like to suggest to you that all you would have to do is to turn on today's television and you will see that most of the participants in some of the hearings and some of the discussions about national and state government are nowhere near the age of 18 years of age. It seems to me that if we talk about providing the age of 18 to run for the office of House of Representative and Senate which are those bodies that are going to be passing laws that effect every part of this state, it seems to me that young people at the age of 18 or somewhere close by ought to be able to hold those offices. If we are going to create them through the legislature and if someone is 18 and they create that office it seems to me that they ought to, if the people so desire to elect them, be able to hold that office. I think that the arguments presented here are some of the same arguments that we heard when we discussed the legislative proposal. The same merits that were fostered and which this convention adopted are the same grounds. I don't think that there's too much difference between an office of being a Senator and someone being able to hold statewide office because both offices have statewide implications. I would suggest to you that it would be a contradiction if in this executive proposal we maintain the age of 25 but yet in the legislative proposal we say that the age is 18. I think we open the door for some kind of constitutional court action against this proposed constitution. I think that all the merits have long been stated about the adoption of the minimum age and for those reasons I would ask that you adopt it. Mr. Chairman, if there are no more speakers, I would move the previous question.

Further Discussion

I think this is a serious matter. I think we are charged with the responsibility of setting some standards in this constitution with regard to a statewide office. Now, I think there is a marked distinction between a statewide elected office and a legislator. If you adopt the logic that is behind this amendment, well then when you vote on the attorney general it would be incumbent upon you if you adopt that logic to say that if someone graduates from law school that year, that the public should have the right...it is their decision. Don't put the five-year requirement on if they want a lawyer right out of law school to go ahead and have him as an attorney general. I think that the same thing applies with the statewide office. I think that we ought to require at least some degree of age and experience and having lived in the State of Louisiana and for that reason I would be in favor of retaining the proposal as proposed by the Executive Committee. Thank you very much.

Questions

Mr. Sutherland Pat, isn't it a fact that if you are elected a member of the legislature, you are one of many?

Mr. Juneau That is correct.

Mr. Sutherland But if you are the governor or lieutenant governor of the state, you have sole responsibility, and isn't there a difference between the qualifications for that office as opposed to a legislator?

Mr. Juneau Not only is that true, but there is a marked difference between the number of people you are representing and the locality you are representing.

Mr. Toomy Pat, are you aware of the age that was recommended by the student constitutional convention on this matter?

Mr. Juneau As I recall, their recommendation was

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age thirty.

Mr. J. Jackson Would you admit to the fact that the legislature, particularly in this new proposed constitution, will be passing laws of statewide concern, and so therefore, in the future we are passing and will be passing laws of statewide concern, that the possibility that they may be eighteen years old would indicate that we could very well have an eighteen year old hold an office of statewide concern?

Mr. Juneau My answer would be this, Mr. Jackson. I think that a legislator is responsible to a very small area and he is responsible to a very limited number of people. A person elected to a statewide office is accountable to sixty-four parishes and over two million people.

Mr. J. Jackson Would you also admit to the fact -- would you think that if the people of the State of Louisiana want to elect someone eighteen years of age, that they should have that right and it should not be prohibited by this constitution? In fact, when we talk about this constitution then we are really talking about us representing people here.

Mr. Juneau My answer to the question is that I think that the age twenty-five is a reasonable standard on a statewide level and if that is true, Mr. Jackson, you would vote for the proposition that an attorney general the people should elect when he immediately gets out of law school, they should make that determination. It is the same logic in my opinion.

Mrs. Taylor Would you agree that there is no place for discrimination in the constitution?

Mr. Juneau That is correct. In further response to the question, I am in favor of reasonable standards which apply to all people regardless of race, creed, color or religion.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen, I rise in opposition to this particular amendment. I do not think that this is an issue of just a legislative type position but some executive background that is needed which comes only with experience. I am reminded of what Mark Twain said when talking about his old man, about what these eighteen year-olds say. Mark Twain said, "When I was fourteen years old, my old man was so dumb that I could hardly stand to be around him, but when I became twenty-one years I was amazed to find out how much he had learned in just seven years." Now that is exactly what we are talking about here. If we reduce the age down to sixteen years of age to vote, then we are going to have some of these proponents saying that since you can vote at sixteen, you ought to be governor at sixteen. If we reduce it down to fourteen, the same reasoning of change. Well, that is illogical. To a man gets experience, and I have learned a world of stuff here and I happen to be a good bit older than twenty-five years of age, and I do not think that I would be competent to serve as governor of this state with the little experience that I have had. I think we need a minimum age of some sort and I am opposed to this amendment and I hope you vote it down and if there are no other speakers I move the previous question.

[Previous Question ordered. Record vote ordered.]

Closing

Mr. Tobias I am going to be very brief. In my opinion, the reasons against this amendment advanced before you today are nothing but a lot of bull.

[Amendment rejected. 60-71. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No. 1. [27 Mr. Abraham], page 1, line 29... this is the Abraham set of amendments... immediately after the word "his" and before the word "and" delete the word "election" and insert in lieu thereof the words "qualification for office". The amendment has been changed to read "qualification as a candidate for office".

Amendment No. 2, page 1, line 31, immediately after the word "his" and before the period, delete the word "election" and insert in lieu thereof the words "qualification as a candidate for office".

Explanation

Mr. Abraham This is more or less a technical amendment simply to bring this article in agreement with what we have already approved in the Legislative Article. If you will remember in the Legislative Article, on Section 4 B, we defined or we spelled out there that the person shall be eligible for membership in the legislature unless at the time of qualification for office he shall have been a resident, etc. So this is simply to bring this in agreement with that one. In view of the fact of the question that Mr. Poynter brought up a while ago when we were talking about candidacy for office, I inserted the words, "as a candidate" so there would be no doubt as to what was meant by as to when this person would qualify. So I urge your adoption of this amendment.

[Previous Question ordered. Amendments adopted. 86-3. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendments proposed by Delegate Fayard as follows: Amendment No. 1, on page 1, line 29, immediately after the word "election" and before the word "and" insert a comma and the words "an elector".

Explanation

Mr. Fayard Mr. Chairman, ladies and gentlemen, I have discussed this with the Chairman of the Executive Department Committee and several of its members who agree that this is mainly a technical amendment which would conform the qualifications section on statewide elected officials with Section 4 of the proposal submitted by the Legislative Committee with reference to legislators. If you will read on page 3 of your first enrollment copy of the Legislative Committee Proposal, provides that every person who is an elector and has reached the age of eighteen years at the time of qualification for office shall be eligible for membership in the legislature. What this amendment does is merely conform the Executive Branch Proposal with the Proposal of the Legislative Committee. It requires for a person to be an elector in addition to the requirements set out by the committee. It makes no other change. It does not mean that a person who is eighteen years of age can run for an office. It still requires him to have attained the age of twenty-five, still requires him to be a citizen of the United States, and of the state, for at least five years, merely to conform it with the Legislative Proposal and requires him to be an elector. I would consider it a technical amendment and move for its favorable adoption. Any questions?

Questions

Mr. Denny Mr. Fayard, in view of the adoption of Mr. Abraham's amendment, which deletes the word "election" would you not agree that this has to be technically changed?

Mr. Fayard Exactly, it should be after the word "office". Instead of after the word "election".

Mr. Conroy Would you just read the first couple of lines or three lines as it would read with you

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amendment because my copy may be wrong but I can't quite fit it in grammatically.

Mr. Fayard "To be eligible for any statewide elective office, a person must have attained the age of twenty-five years by the date of his qualification for office, be an elector, and be a citizen of the United States of the state for at least five years."

Mr. Weiss Delegate Fayard, isn't this redundant in that you have to be an elector to qualify for office?

Mr. Fayard It does not say that in this article.

Dr. Weiss But that is the requirement for qualification of office that you be an elector, isn't that true?

Mr. Fayard Not necessarily.

Dr. Weiss Well how can you run for office if you are not an elector?

Mr. Fayard By reading Section 2 as presently proposed you could be.

[Amendment withdrawn.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Fayard], page 1, line 28, immediately after the word "office" added by Floor Amendment No. 1, proposed by Mr. Abraham, and adopted by the Convention August 3, 1973, insert the following: ", be an elector". So it would make that first sentence read as follows: "To be eligible for any statewide elective office, a person must have attained the age of twenty-five years by the date of his...using the Abraham language...qualification as a candidate for office, be an elector and be a citizen, etc."

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Gravel], page 2, line 2, after the words "general shall" and before the words "have been", insert the following: "be the state's chief legal officer, head the Department of Justice, and shall".

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, on yesterday this convention voted in effect that the functions and qualifications, that is the functions, duties, powers and responsibilities of the attorney general's office, should be considered at the time that the Judiciary Article is going to be considered in order that such functions, powers, duties and responsibilities could be interrelated with the powers and duties and responsibilities of the sheriff, district attorney, etc. I think most of the delegates agree that the office of attorney general really properly belongs in the executive branch of state government. There are a number of provisions in the article dealing with the executive branch that relate to the attorney general. Such as, the succession article, the article that deals with statewide elections of some of the public officials. We have had several discussions with those who felt very strongly that the functions and duties should be considered by the Judiciary department. I think that most agree that the actual office itself should be retained in the Executive Article. Now the purpose of this amendment is to see that that is done. Section B, then would be the vehicle by which ultimately Style and Drafting could very frankly replace the attorney general into Section A. Now let me make this point very clear. The Committee on the Executive Department unanimously agrees and commits to this convention that it will support a motion to delete from consideration by the convention Section B of this article at the time that this article

is being considered and further agrees that it will commit itself to a consideration of that article at the time that the convention considers the article on the Judiciary, so that later on and not while we are considering the Executive Department we will go into the question of the functions and the powers, duties and responsibilities of the attorney general.

[Previous question ordered. Record vote ordered. Amendment adopted: 96-5. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Denberry], page 2, line 3, immediately after the words "leave the" and before the word "years" delete the word "five" and insert the word "four".

Explanation

Mr. Denberry The purpose of this amendment is that to be eligible for a statewide elective office according to Section 2 A, a person must have attained the age of twenty-five years. Under 2 B, it says the attorney general must have been admitted to the practice of law for at least five years immediately preceding his election. However, an attorney is not admitted to practice under the present setup until he is at least twenty-one years of age. Therefore, he would be required to be twenty-six years old at the time of his qualification for office. It was my feeling although the balance of the Executive Committee did not agree with me, I mean the balance of the Committee on the Executive Branch did not agree with me, that there was no reason to have the attorney general twenty-six years old at the date of his qualification and have other statewide elective office twenty-five years old. That is the purpose of the amendment.

Questions

Mr. Stinson The present constitution I believe it says "will have practiced law five years". I believe that when it is written here, it is "admitted to the bar for five", why was the change?

Mr. Denberry The change was made in view of the language that was originally suggested in the draft of the Judiciary Committee which has used this language for the determination of eligibility for judicial office.

Mr. Stinson But wasn't the intention for putting that requirement was experience and not the fact that he was a member of the bar and never practiced. Aren't you defeating the purpose of the experience requirement?

Mr. Denberry Well you have this problem, Delegate Stinson, and that is suppose the judge, an elected judge, decides to run for attorney general. He will not have practiced law for at least the four or five years immediately preceding his election because he would have been a member of the judiciary.

Mr. Stinson Well you could have taken care of that or said served in the judiciary five years, couldn't you, instead of throwing the entire experience out of the window?

Mr. Denberry Well you are quite correct in one sense; on the other sense, suppose a man has served as a clerk for one or more of the courts in this state for a couple of years immediately preceding his election. It was the opinion at the time that this language was drafted that admission to practice was the best test.

[Previous question ordered. Amendments rejected: 36-62. Motion to reconsider tabled. Previous question ordered on the Section. Section passed: 96-5. Motion to reconsider tabled.]

Reading of the Section

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Mr. Poynter Section 3. Election and Terms
Section 3, Paragraph A. The governor, lieutenant governor, secretary of state, attorney general, 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-half terms in two consecutive terms, shall not be elected governor for the next succeeding term.

Paragraph B. The returns of the election of such officials shall be transmitted to and promulgated by the secretary of state in a manner as shall be provided by statute. The returns of the election of a greater number of votes for each office shall be declared elected.

Paragraph C. If two or more persons have an equal and the highest number of votes for an office, they shall draw lots to determine the winner. The secretary of state shall arrange for the drawing of the lots within ten days after the election. Results are promulgated and the decision as to the winner shall be final and conclusive.

Paragraph D. The term of office of each elected official shall begin at noon on the second Monday in March next following the election.

Paragraph E. No official shall be elected statewide except as provided by this constitution.

Explanation

Mr. Stagg Mr. Chairman and delegates, in this section, the purpose of the Committee on the Executive Branch was to delineate those who should be elected statewide, they would be elected, and how the returns would be promulgated. We retained the four years for office. We changed the re-election of an incumbent governor provision slightly by requiring a person who occupies the job of governor for more than one and one-half terms cannot be then a successor in office. In other words if the governor should die in office and the lieutenant governor would take over for two years or more of the term of the deceased governor and then be elected for one additional term, then he is out on the street. In the promulgation of returns this ties in very closely with the sections provision or the suggestion by the Committee on the Executive Branch that the governor and the other statewide officials take office in adjacent days at the opening of the legislative session. By providing that the elections be promulgated by the secretary of state, rather than by the legislature, we advance the date of the promulgation of the results and have them routinely done by the office of the secretary of state. There is a brand new provision in our law that we are suggesting in our constitutional provision in Committee Proposal No. 4, and that is in the unlikely event that there is a tie vote for one of the statewide elected officers, that the tie be settled by the drawing of lots. Now this is not exactly new in our law because we do it in local levels of government and it is contained in the revised statutes that tie in such elections at local levels be settled by the drawing of lots. This is now being provided in order to cut down on the excessive number of elections and the problems which would be presented by the unlikely event of a tie vote.

In Section D, it reads that the term of office of each elected official shall begin at noon on the second Monday in March, next following the election. The reengrossed legislative article provides that the new legislature shall also be sworn in at that time.

The final section is that no other official shall be elected statewide except as provided in this constitution and that is a new provision.

I will be glad, Mr. Chairman, to answer any questions on the committee's proposal.

Questions

Mr. Avant Mr. Stagg, I just want to make sure that I understand what the committee means by the phrase, "who has served as governor." It is my understanding that if the governor would leave the state for say thirty days as has happened on occasions that then the lieutenant governor would serve as governor

in his absence or he would act as governor, and it is not my understanding that it is the intention of the committee that that type of service in the office of governor would be included in this phrase. I just want to make sure what the intent of the committee is.

Mr. Stagg Mr. Avant, I think that's probably settled by our position in Section 14 and 15 on vacancy where we determine and we define what a vacancy is and the lieutenant governor would not serve as governor. He would serve as acting governor if the governor was out of the state but he would not serve as governor.

Mr. Reeves Mr. Stagg, would you not agree that we have fought the battle of elected officials yesterday, and to repeat the battle in Section 3 A would be just simply repetitious? Would you and your committee just agree to go along with what the convention decided yesterday on the elected officials other than possibly the superintendent of education which we may not have decided, but the others I think we did?

Mr. Stagg Mr. Reeves, I am not a die-hard by nature and I don't wish unnecessarily to prolong the business of this convention. I think we proceed into this article and the amendments will be presented, you will find some amendments that are sponsored by the committee, whether that meets fully with your approval, we'll just have to submit that to the floor. But the committee does realize that we spent quite a bit of time yesterday talking about the commissioner of agriculture, whether he should be a constitutional officer was the question at that time, not whether he should be elected or not. The commissioner of insurance whether he should be constitutional in nature but not elected because that's here in this provision. When we come to the superintendent of education I think it was the feeling of those who spoke yesterday that there's not a settled agreement among the delegates to this convention as to how that job ought to be handled until we come to the governance of education in a further proceedings before this convention, as perhaps that office ought not to be included. Then we came to Mr. Kelly's commissioner of elections which is a new office in this state. It takes on the meanings and the import of the custodian of voting machines but it may have other duties assigned by the delegates. If those duties include the full-scale management of elections in this state then it would be for the protection of the people that he be a statewide elected official and not the appointee of any governor because that power... There will be an amendment which you will probably agree with sponsored by members of the Executive Committee, Mr. Reeves.

Mr. Burns Mr. Stagg, I just wanted to see if I understood Section C. Assuming there were four men running for governor and two of the high men both received the same vote, does that mean there would be no second primary and if the two high men would draw cards or straws or flip a coin or what have you?

Mr. Stagg This would be in a primary rather than in the general election? It is possible that in the general election, Mr. Burns, that there could be three candidates. One representing each of the major parties and maybe an independent as was in the case of the race for Senator last year. If there was a dead heat, then those who had the equal... the two or more persons, it could be three people... who had an equal number of votes and if that's the case then they would draw lots to see who served in the office.

Mr. Burns You're speaking of general elections. I was asking you about primary elections.

Mr. Stagg Well, it just says higher number of votes for an office. That, in my opinion, would apply to any election, sir.

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Mr. Burns In other words...

Mr. Stagg Along with statewide elected officials.

Mr. Burns That would in effect deny the people to have a second primary in an election for governor if the two highest men received the same number of votes?

Mr. Stagg No, that's not the case, Mr. Burns. This would still be a further election if it happened in the first primary.

Mr. Burns I see.

Mr. Champagne I had two questions, Mr. Stagg. As I read Section E, "no official shall be elected statewide" this would mean that if the legislature decided twenty years from now... if they wanted to create a new position and have it elected they could not. They would have to go back and amend the constitution.

Mr. Stagg That's absolutely correct.

Mr. Champagne On Section C I have some concern about that also. Could this not be settled in statutes rather than in the constitution?

Mr. Stagg It could be, Mr. Champagne, we felt that in the election of statewide officers that the provisions for the unlikely event of a tie vote could be done by lots as it is done in the election for lesser officials. It's not a new provision to our law. I'm sorry I don't have the section of the Revised Statutes here to read it to you, but we have in the statutes considered this for lower elections.

Mr. O'Neill Mr. Stagg, was it the intent of the committee that there shall be no appeal after the drawing of lots?

Mr. Stagg No, sir. That's not the case. Any decision or any contested election... say there was in the final vote a draw or tie, but one of the candidates for election claimed there was fraud in his election or absentee ballots were jiggled with, that man has a perfect right to go to court and contest the results of the election. That provision is not changed one whit. We believe that a man ought to have his day in court and this provision does not preclude that.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Asseff], on page 2, line 7, immediately after the comma which follows the word "general" and before the word "and" insert the following: "Commissioner of Agriculture, Commissioner of Elections, Commissioner of Insurance,"

[45 amendments added to the amendment.]

Explanation

Mr. Asseff I have no desire to prolong the discussion. In voting on Section 1 it is my opinion you also voted on Section 3, as the issue became election versus appointment rather than what it really was. That is why I have submitted this amendment which will add the Commissioner of Agriculture, the Commissioner of Elections and the Commissioner of Insurance to the list of officers who will be elected statewide. In my opinion the convention has spoken and it has spoken wisely. The decision was an acceptable compromise to me and I have the permission of the Chairman of the Committee on the Executive Department to say that the committee now joins me in urging you to approve this amendment.

Questions

Mr. O'Neill Dr. Asseff, the Superintendent of Education has been left out of this Section 3. Now, we've included him in Section 1, and the motion has been laid on the table, am I correct?

Mr. Asseff Bear your pardon? The motion has been made, what?

Mr. O'Neill The Superintendent of Education, he has been listed as an officer of the executive branch in Section 1 of this executive department proposal.

Mr. Asseff Mr. O'Neill, mine adds these three offices. It does not preclude adding anyone else that the convention wishes to add. As I understand, someone will present the Superintendent of Education separately. Others may be presented. I am simply asking the convention to add these three offices which we approved on Thursday to the list. You may add others if you wish with convention approval.

Mr. O'Neill Well, Dr. Asseff, I just wanted to clarify it so everyone knew what we were doing.

Mr. Asseff Good, thank you.

Mrs. Warren Mr. Asseff?

Mr. Asseff Yes, ma'am.

Mrs. Warren I wasn't around the table when you all were discussing putting your amendments together, and I'm just wondering why the Superintendent of Education was left off of this particular amendment when we could have adopted it all at the same time and saved some time. Why wouldn't you put the Superintendent of Education's amendment first and then let this come behind?

Mr. Asseff The reason is, that there was great objection at the time, and I feel that the education people are divided. I feel that there is general unanimity on these three offices, consequently I decided to submit these three and leave to another delegate who will submit his immediately after mine, Mrs. Warren, and that is why I did it. I had no objections, really.

Mr. Lanier Dr. Asseff, I'm noticing further down here in Section 3, in the B part, it says that the returns of the election of such officials shall be transmitted to and promulgated by the secretary of state in a manner as shall be provided by statute. Do you know if it is intended that this function shall be taken away from the secretary of state and given to the Commission of Elections?

Mr. Asseff Mr. Lanier, I have no idea what this convention will do. It is a decision the convention must make. The sole issue before you at this time is do you wish to add three officers to the list of officers to be elected statewide. The other may be changed in the discretion of the convention. It is not at issue on this point. I mean, you are incorrect that a decision will have to be made on it, but that will come up later.

Mr. Fulco You have a later amendment... after adding Commissioner of Agriculture, Commissioner of Elections and Commissioner of Insurance... you have another amendment that is going to delete the Commissioner of Insurance. What...

Mr. Asseff I don't have another one, and if I do, Frank, I withdraw it. I didn't think I had one, Frank, but if I did, I withdrew it.

Mr. Fulco Well, you have because I've got the copies.

Mr. Asseff Well then, consider it withdrawn. If I may, Mr. Chairman.

Further Discussion

Mr. Munson Mr. Chairman and members of the convention, I will be brief. I don't know of anything that I can add that wasn't said yesterday when we voted on all three of these offices in regard to the Commissioner of Agriculture, which I spoke on

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yesterday. I would like to remind you again that the farmers of this state are unanimous, I believe, in their desire to have this an elective office. The farm organization that represents all farmers are unanimous in asking that this be done, and I would suggest to you today that let's vote and finish what we started yesterday with Section 1 and make it elective in Section 3. If there are any questions, I'll be glad to try to answer them. If not, I move the adoption of the amendment, and I would like to point out also since it was brought up a moment ago, when the next amendment comes up in regards to the Superintendent of Education, I intend to support that one also. Thank you.

[Previous Question ordered.]

Closing

Dr. Asseff I would waive the right to close except that I may have given the impression that all members of the executive committee agreed with me...two said they did not; I want to be certain, Mr. Chairman, that that is understood.

[Amendment adopted: 92-05. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Rayburn], in Amendment No. 1, proposed by Dr. Asseff and adopted by the convention on August 3, 1973, after the word "insurance" insert the following: "Superintendent of Education".

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, this is rather a simple amendment. A very short amendment. It just adds the words "Superintendent of Education". I think we've made a tremendous step in the right direction by adopting the amendment that we just adopted and I hope that we will adopt the one that you're fixing to vote on in a few moments. The people that have talked to me... the majority of them that understand education far better than I do... feel that the state superintendent should be elected. The vast majority of the teachers and the parents in the various school circles that I have discussed this with share my feelings that our superintendent should be elected. I, personally, am for electing all officers. As I have said before, a public office in my opinion is a public trust. I have heard the argument made that you might get a person that didn't know anything about education. I don't think our people have quite got that stupid, yet. I certainly hope they haven't and if they had had a lot of requirements on a man to serve in the legislature educationally, I would have never made it, because I have no formal education. I wish I did have, but some of the smart people I've seen have seen some of the hardest people that I've ever seen to understand. You want to see a real dilly, you see an over-educated smart fellow, and you'll see one. You'll see a dilly, dilly, and he knows he's a dilly. A lot of other people don't, but he does, and I say to you that I do not believe you can do wrong by letting the people of this state speak on who they want to operate the educational program of our state. I move the adoption of the amendment.

Questions

Mr. Flory Senator Rayburn, would you have any objection to then opening the machine and let some of us others be co-authors of your resolution?

Mr. Rayburn Not at all, and I suggest, Mr. Chairman, that the machine be opened at this time, if nobody has objection.

[⇒ author's added to the amendment.]

Mr. Bollinger Senator, is it not true that if your amendment is defeated the convention could

decide in the educational proposal to elect the Superintendent of Education?

Mr. Rayburn You mean... they could do what, now?

Mr. Bollinger Is it not true that if this amendment is defeated, and would you not place the name Superintendent of Education in the elected offices of the executive department, couldn't the convention decide that they want to elect the Superintendent of Education, but decide at the time we discuss the article of education?

Mr. Rayburn Sure, they could, if they so desire to put it there, but if they are going to decide it then, I don't see any reason why they shouldn't decide it now, Mr. Bollinger.

Mr. Bollinger Well, don't you think that the composition of the Board of Education will have some effect on the decision of the Superintendent will be elected or appointed?

Mr. Rayburn Not necessarily so, I've seen the boards when they all had a big honeymoon, and I've seen them when they were like me and my wife... didn't get along too good at times.

Mr. Stinson Senator Rayburn, isn't it a fact that we're trying to simplify it. So, why not put them all in one provision. We're trying to keep around looking all through the constitution to find things. We're just going to bury it back away from the word statewide... that's just going to interfere with the people interpreting the constitution, isn't it?

Mr. Rayburn Mr. Stinson, I certainly feel that way, and I had an amendment that had them all, just like they were passed on yesterday to make constitutional officers out of them, but some of them desired to take the first three first and then take the one separate, so that's what we're doing. Certainly, I think the best place to put the Superintendent of Education is right where we're putting the other elected officials, and since we've already said it would be a constitutional office, I think it should be placed in this particular category.

Mr. Stinson The next question... you referred to your intelligence... don't you think it's lucky for the people that you're not smarter than you already are?

Mr. Rayburn I wouldn't necessarily say that, and I wouldn't say I'm smart. I will say this... since the people have placed their trust in me, I've tried to apply myself and I realize my limitations. I think as much as anybody. Sometimes, I believe, when you realize your limitations, Mr. Stinson, you learn a little more. Those people that I've had trouble with are the ones that don't realize their limitations.

Mr. Arnette Senator, how is your local superintendent of education in your home parish selected?

Mr. Rayburn They are appointed.

Mr. Arnette They are appointed by whom?

Mr. Rayburn By the local school board.

Mr. Arnette Does it work pretty well?

Mr. Rayburn Well, it works fairly well, yes sir. As far as I know it works well, but let me say this, Mr. Arnette in further an answer to your question. That's a very small area. The people are in on given areas there, but the superintendent of the education department statewide is a large area; he represents a tremendous amount of people more than the local superintendent.

Mr. Burns It's gotten a little stale now, but if you carried out the question that Mr. Bollinger asked you about if your amendment were defeated wouldn't the constitutional convention still have

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other methods of providing for the appointment of a Superintendent of Education. That would take away the right of the people to elect their own superintendent, would it not?

Mr. Rayburn It certainly would, Mr. Burns, and let me say this before I leave this microphone. I guess one reason for a little cool on appointments, I happen to know a little bit how some of those appointments come about. I followed several governors on a statewide tour speaking through every parish and every hook and nook and crook of this state, and I've overheard a few things. It's nice to say have independence but you know mostly how these people get appointed? They guess right and they get a commitment right. That's how they get appointed if you really want to know, and you're looking at the man who knows. They guess who's going to win the election and they get the commitment from him prior to the election in most all cases. That's why I say, "let the people decide a post" in my opinion that is as important as the Superintendent of Education. I move the adoption of the amendment.

Mr. Denny Delegate Rayburn, as I recall during the discussions on the legislative section, you explained to us that we should be very flexible and leave everything as flexible as possible for the legislature. Now, don't you think that you're making it inflexible for us, as delegates, by stating this now instead of letting us see how the entire education section is set up.

Mr. Rayburn No sir, Mr. Denny. What I'm trying to do is leave this important position to the people, and let them decide it. That's all I've tried to do...let the people vote on it.

Mr. Abraham Mr. Rayburn, I believe you answered Mr. Stinson's question a while ago that you felt that all of these offices ought to be together so you wouldn't have to look through the constitution to decide which ones are going to be elective offices, is that correct?

Mr. Rayburn Well, I think if you're going to have constitutional offices, yes it would be my opinion that they should all be together.

Mr. Abraham Then, why do you vote yesterday to take the attorney general out of this section?

Mr. Rayburn Why did I vote to take him...because he appeared before the committee and asked to be taken out, I was told. I don't want to see anybody where they don't want to be.

Mr. Abraham Yes, but you said that you felt that they ought to all be right here.

Mr. Rayburn That's right, but he said that he didn't want to be there. He didn't want to be in the executive department, so the committee members told me, Mr. Abraham, and I certainly wouldn't want to put you somewhere where you said you didn't want to be.

Further Discussion

Mr. Bollinger Mr. Chairman, fellow delegates, with 52 co-authors I rather hesitate to rise in opposition to this amendment. However, I've spoken to many delegates who are in favor of an elected Superintendent if and only if the Board is appointed and they are in favor of an appointed Superintendent if and only if the Board is elected. I agree with Senator Rayburn that appointments are bad in some cases, and I agree the means that they are made are bad. However, what most of these delegates advocate is that the Board who is chosen by the people, elect the Superintendent, which in effect is the people's choice. I think our present setup in education has problems because we have an elected Board and an elected Superintendent. By the adoption of this amendment you've forced me to vote against an elected Board. If any delegate is in favor of an elected Board and in favor of the Board

appointing a Superintendent by adopting this you are forcing him to make a decision when it doesn't have to be made, now. Why can't the convention decide at the proper time when it sees how the governing body of education is construed. It doesn't have to be in this article. It's not making it any briefer...the constitution...it won't make it any briefer. For these reasons, I move the rejection of the amendment.

Further Discussion

Mr. Burson I am not here to speak against, fellow delegates, the idea of electing the State Superintendent. I simply want to suggest to you that I know has been in the thoughts of many people here. That it might well be wiser to wait until we can see what the whole structure of education in the state will be, when we consider the education article to make this decision. My own personal feeling, which of course is based on my own experience as a local school member, is that the system of having an elected Board appoint the Superintendent has worked well on the local level. I'm not sure that it would work that well on the state level. But I would like to consider and I'd like to have the benefit of the Education Committee's opinions and reasons for their recommendations before making that final decision. I have felt that one of the big problems, as far as support for public education is concerned, is that public education on a state level at least is too divorced from the people. My own personal preference at this time before getting into it in depth would be to see some sort of State Board of Education elected from single member districts. I feel that would give the people more contact with state policy in regard to public education. However, I understand that the committee proposal, as it presently stands, is a little different from that. But there are all sorts of arguments that bear on this problem and it seems to me simply in the end, that it's premature to make your decision at this time, which if we make it to elect him now, as far as I'm concerned, are foreclosing the possibility of doing a lot of things with regard to the State Board of Education later on. I just, from my own experience, cannot imagine on the local level if we had an elected Superintendent and it seems to me that the problems between having an elected Board and an elected Superintendent both responsible for the same domain are almost insurmountable. Now, maybe, it's been suggested by some people if you're going to elect a Superintendent, you want to do away with the Board. Well, I don't like that idea either. But, there are about 8 or 9 different configurations of government for education in this state that I've seen suggested by people who have a lot of knowledge on the problem. I would simply like to have the benefit of all of their thoughts before making this decision. I urge you to consider in this regard, that simply because we reject that amendment now, we are not foreclosing the possibility of coming back later on and deciding that after all we do want to elect a Superintendent.

Questions

Mr. Weiss Delegate Burson, are you saying that delegates who vote against the inclusion of the Superintendent of Education at this time in this article or this section are not necessarily voting against an elected Superintendent of Education?

Mr. Burson Certainly not, I'm going to vote against the amendment, and I'm not saying at all that I might not eventually come back and vote for an elected Superintendent.

Mr. Planchard Jack, my question is this. Do you feel that we're precluding ourselves from every coming back to this subject?

Mr. Burson No, because, as I read the article that we're voting on now, it says no other officer shall be elected except that's provided in this constitution. So, we could certainly come back in the constitution and provide later on that we were going

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to elect him.

Mr. Planchard Well, don't you think that the people should vote their feelings at this time and then if we change our minds after the Education Committee has made their report; don't you feel that we can come back at that time and do something about it?

Mr. Burson That's possible, except if we vote final approval on this article and lay it on the table, it'll take two-thirds to come back and change that decision.

Mr. Planchard We didn't do that to the legislative article, did we?

Mr. Burson Right.

Mr. Planchard Do you think that we will do it to this one?

Mr. Burson Well, I hope not for the reason that you're indicating.

Further Discussion

Mr. DeBlieux Mr. Chairman and ladies and gentlemen of the convention, I didn't come to the mike yesterday. I thought possibly we might see what kind of progress we'd make if I didn't, particularly in view of the Chairman's statistics. I couldn't get anybody to check them for me so I started keeping my own. I've found out as a result of my sitting at my seat that there were a lot of mistakes made.

Mr. Henry Thank God for Senator DeBlieux.

Mr. DeBlieux So, I came to the conclusion that I just as well make a mistake up here at the mike than stay at my seat and make them. So, I've concluded that I have my say right or wrong and even at this particular time even though it may not be to much avail. But, there's one thing that I want to point out to the delegates right now. You should not have in my opinion an elected Board of Education and an elected Superintendent, because each one of those particular groups can tell the other one, you go to one, stay put. We don't have to follow your instructions to do what you want us to do. You have no real leadership or management in the situation. So, I particularly implore you at this particular time, let's not put this elected office into this particular section until we find out what the educational article will be. Then, if we should decide that we want an elected Superintendent, we certainly can go back to the Style and Drafting and insert that officer...we decide he should be elected...into this particular section. It is absolutely, as stated by Mr. Bollinger and also by the last speaker, premature to adopt this amendment at this particular time. I think that we've done that to several of the articles or several of the sections that we've previously adopted. You're going to find out when this document is finally concluded that if we don't change some of those we have made some errors. I'm just asking you at this particular time let's don't make another one. Therefore, I oppose the adoption of the amendment at this particular time.

Further Discussion

Mr. Abraham The point has been well made by Mr. Burson and Mr. DeBlieux. Ladies and gentlemen I would ask you please let's don't decide this issue now. Let's not prejudice the position of the committee that's dealing with this particular problem. Let's wait until they've had a chance to come back to us with a recommendation, and then, if we decide then that we want an elected Superintendent of Education, then it can be inserted back into this particular article here. So, I ask you please, let's hold off on this particular decision until the committee has had a chance to report to us. And Senator Rayburn, I might remind you also, that the present Superintendent of Education says he does not want

to be elected. So please let's don't put that person in a position where he doesn't want to be.

[Presiding question answered. Amendment adopted by yeas 47, nays 34. Roll call not taken.]

Recess

[Roll call: 84 delegates present out of 90 present.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Schmitt], on page 2, line 7, after the word and punctuation "attorney general," insert the following: "Commissioner of the office of consumer affairs."

Explanation

Mr. Schmitt What this amendment does is to attempt to create an elective office for consumer affairs. I had the opportunity to go around and speak to many of you with reference to the votes which you made yesterday and to attempt to explain my reasoning behind the position for supporting an independent office of consumer affairs. For too long in our state we have let the consumer take the back seat to the vested interests in the state of Louisiana. I believe it is time that this state must step forward and recognize the interest of the consumer and recognize the interest of the poor man in the state of Louisiana. I have spoken with many of the people who in the past have elected to represent the interest of the poor man, the small man in the state of Louisiana and one of them indicated that the reason he was opposed to it was because of the fact that he supported a short constitution and this just added more verbiage to the constitution. I don't feel that five extra years is not because of the fact that much difference in the length of this constitution. Further, I have spoken to people and they have said well, they don't believe that any other offices should be added to those which are elective already and I wanted to find out why. Their reasoning was well since these offices were in effect for the last thirty or fifty years that these offices should remain in effect, not because of the fact that they are doing a good job but because of the fact that it would be politically bad to go against these elective offices. I don't feel that this should be the ultimate consideration which we make during this convention. I feel that we must stand upon our convictions and move forward with a progressive constitution, one which looks past the problems which have occurred in the past and looks forward to meet the problems of the future. For many years in this state we have adopted the legal premise which has been that of the common law states of the United States, caveat emptor. I feel that we should step forward and eliminate this antiquated philosophy and look towards the protection of those amongst us who are the consumers rather than the producers in our society. Yesterday, I brought out some examples to you of what I thought were abuses which have existed in the past. These are only a small number of examples and these abuses occur not only in the cities but occur in the rural areas also. These abuses occur in the office of the commissioner of agriculture might not have jurisdiction and would not have jurisdiction. We need someone to protect the interests of the small farmer when they are dealing with these department stores and when they are dealing with the different types of retail and other type of outlets. We need someone who can intervene prior to the necessity of a court room litigation. One of my reasons for supporting this office is that I feel that there are many problems which should not get to the court room. These are problems which for the benefit of our community and the benefit of our society could be better worked out through the means of an impartial arbitrator or through the necessity of a particular office of consumer affairs. In my practice of law, I have had many people come into my office and complain of certain situations of which there

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were legal remedies but the legal remedies were more expensive than the results which they could obtain in these cases. These are the kind of situations in which an impartial third party could intervene and more or less moderate the situation and attempt to work out a reasonable and just settlement between the parties. This would lead to a greater confidence of the consumer in business and also greater confidence of the consumer in our government and in our society. There have been in the recent past the outrage which the consumers have projected with reference to things and actions which were done to them by corporate interests which they felt did not have their best interest at heart. I feel that by establishing this office we will take one step forward in the problem of making this constitution a constitution which does not look towards the past only but recognizes that there shall be problems in the future, problems which we can see right now and problems which we can eliminate in the future. I therefore request your favorable consideration of this amendment.

Questions

Mr. Velazquez Mr. Schmitt, would you say that almost every citizen of Louisiana is a consumer to one extent or another?

Mr. Schmitt I think everyone is.

Mr. Velazquez Wouldn't you say that even the small farmer is in many ways a consumer of many products of the system?

Mr. Schmitt A small farmer perhaps might be one of the ones who could be taken advantage of more easily than a lot of other people insofar as they would be apt to go out of the farming area to deal with the city slickers to get an automobile or to get a truck or to get some other type of merchandise which they might not have the ability to be able to adequately defend themselves.

Mr. Velazquez Don't you believe that virtually all of the major agricultural equipment used by the farms of all sizes in Louisiana are made outside of this state and if they break down or you have problems of warranty, you have problems dealing with interstate commerce rather than dealing with intra state so that you would need the additional protection even if you had a commissioner of agriculture to take care of these matters?

Mr. Schmitt Yes, I agree with you.

Mr. Roemer You know I supported your amendment yesterday for a commissioner of consumer affairs. I am worried about a couple of things though and I would like to ask you some questions about it. Would this commissioner be able to deal with such things as we see now on our highways like billboards that say "Been cheated lately?" That sort of business. Is that what this guy does?

Mr. Schmitt The commissioner of consumer affairs would be responsible for protecting the interests of the consumer throughout the state of Louisiana and it also would be responsible in the areas with reference to fair advertisement and in these areas also, yes.

Mr. Roemer I don't understand and perhaps you can answer for me, but where does this kind of billboard stuff come from "Been cheated lately?" which seems to me reflects on business throughout the state unfairly. Is that the kind of thing that this director or commissioner will be doing?

Mr. Schmitt I think this is one of the things that should not be done. Something like that. Because I think that instills distrust in our community in the business people and I believe that in order to have a progressive society the businessmen must be able to work with the consumer and I feel that this offers tremendous problems in the future.

Mr. Roemer The first question, if I understand your argument yesterday about the commissioner of agriculture, you said that in effect he would be elected by the urban centers. Is that right?

Mr. Schmitt That is correct.

Mr. Roemer And therefore would be more representative of the consumer than of the farmer. Is that correct?

Mr. Schmitt What I said is that there was a chance of it. However, if you adopt this amendment then the urban people would have the right to have their representative in the form of the office of consumer affairs and he would also be representing the agricultural area, and the agricultural area would have the opportunity of having their person in that particular field.

Mr. Roemer Well you don't share my fear then that by selecting a commissioner of consumer protective interest or whatever you call it then would just be duplicating the role of the commissioner of agriculture and in effect that this guy concentrate on putting up billboards like "Been cheated lately?" you know, "When's the last time you beat your wife?" that sort of campaign.

Mr. Schmitt I don't think there would be a duplication of effort, no.

Mr. Burns What would this be? A kind of Ralph Nader of Louisiana?

Mr. Schmitt I don't know if it would be a Ralph Nader of Louisiana but it would be a person who could look out for your interest as well as that of every other consumer in the state of Louisiana.

Mr. J. Jackson In the justification for maintaining the commissioner of agriculture, one of the arguments did you know was that the farming business or the agriculture business brings in approximately two billion dollars, or is in effect one of the largest industries within the state. Would you say that the amount of money that consumers spend would be at least, it would seem to me would you say that the amount of money that consumers spend in the state would represent the total economy of our state?

Mr. Schmitt It would probably represent more than the total economy of the state insofar as a lot of times money is spent more than one time.

Point of Order

Mr. Thompson Yesterday, we discussed this thing pretty thoroughly and it was pretty soundly defeated. Are we going to take everything in another section and bring them back up again? If we do, we are going to be here an awful long time.

Mr. Henry Well, I would hope we are not, Mr. Thompson. But there again there is no mechanics for prohibiting this.

Point of Order

Mr. Champagne Point of order. All I want to say is that we have done that before so I can't see depriving one individual and doing it for another.

[Previous question ordered. Amendment rejected. Motion to reconsider denied.]

Mr. Poynter Amendment No. 1 [By Mr. Poynter & Mr. Wall], on page 2, line 7, after the word and punctuation "attorney general" insert the following: "Speaker of the House of Representatives".

Mr. Henry Senator Kilpatrick sends up this amendment? I would love to hear this explained.

Explanation

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Mr. Kilpatrick Mr. Chairman and fellow delegates, I would like to ask the Speaker to come down to the podium at this time, to the mike, and while he is coming down I would like to tell you it is my pleasure to serve in the thirty-fifth senatorial district. Speaker Henry is the representative in this district. I was going to be a proponent of this measure. I think it is an awfully good measure. We have a hundred and thirty-two delegates. I think it is a good measure and thirty-two delegates decided, there are a couple who are absent or sick, and after thinking about this and being a proponent I have just about decided I would have to be an opponent because after serving in the House I don't believe he could go on and win in the House and he would have to run Statewide. But I am going to give Representative Henry at this time a copy of the bill and let him know that we all did sign the bill, the first official document for you sir, and it says that the Speaker of the House of Representatives shall run statewide, is what it means.

Vice Chairman Roy in the Chair

Mr. Henry You are out of order Mr. Stovall. This is my convention.

Now let me make one thing perfectly clear. I have tried and tired again to explain this to you people, and my own senator does not surprise me at all. I have introduced a proposal for a rules change which I think will be applied. I have points of information and points of order and this points out to me that what we need is a rule on points of ignorance, because you people, if you had read the rules and if you understood the mechanics of this convention by now, would know that this amendment is out of order. It should have gone in the legislative section so the amendment is withdrawn.

Amendment

Mr. Poynter Delegates Fontenet, Jack, Smith, Lennox and Stinson send up amendments.

Amendment No. 1, on page 2, at the end of line 9, delete the words "a person" and delete lines 10, 11 and 12 in the entire and insert in lieu thereof the following: "no person shall be eligible as a candidate for nomination, election or reelection to the office of governor for the term immediately following the term for which he was elected as governor. However this provision shall not apply to the governor in office at the time of the adoption of this constitution who shall be subject to law in effect at the time of his election."

Explanation

Mr. Fontenet Mr. Acting Chairman, fellow delegates, this is the first floor amendment I come here with since we have been at this Constitution Convention since July. I think it is an important floor amendment. I have a couple of statements I would like to make in its behalf. The present constitution, Article V, Section 3, allows a person to run as governor for two terms. Then he can sit out one term and run again for two more terms. The possibility of sixteen years out of twenty years, you can have the same governor. The present constitution also allows the possibility of a lieutenant governor becoming governor the day after the governor takes office by a possible death of the governor or if the governor resigned. This could possibly lead to a lieutenant governor taking office, serving three years and three hundred and sixty-four days, then he could run for two terms. Or there is a possibility we could have the same governor for twelve years, less one day, straight. If you keep adding on these years you will also find that this same person could stay out four years and run for governor another eight years. A possible twenty years, less one day, out of twenty-four years. Or go a little bit further, he could stay out another four years and run for eight more, twenty-eight years, less one day, out of thirty-six years. This is what you have in the present constitution. Now, let's get to the committee's proposal, Section 3. This is how I interpret it. It starts off the same

thing as the regular Constitution. You can run two terms, stay out a term and come back with two more, sixteen out of twenty years; stay out another term, come back for eight more, twenty-four years out of thirty-two. Now, this is where the change comes in in the committee proposal. If there is a lieutenant governor who takes office as governor due to death or resignation of the governor, it depends what half of the governor's term he takes office in. If he takes office in the first half of the governor's term then he can only run once. If he takes office in the second half of the governor's term he can run twice. What this is leading to is the possibility of a lieutenant governor stepping into the governor's shoes the day after the second half of the governor's term is over, serving two years, less one day, then a possible eight years straight. As I say, you continue this, let him stay out another four years and you have the possibility of a person being in office a total of eighteen years less one day out of twenty-two years. Stretch it a little further and you have a possibility, like I said this is all possible, of twenty-six years less one day out of thirty-four we could have the same governor. My mathematical calculations may be wrong, but I studied it and I don't think they are. Maybe somebody could find out where I added one or two numbers wrong. My examples under both the present constitution and the new proposal may be extreme cases and I would like to point out that this could possibly happen and as far as I am concerned I don't want the possibility to exist. My amendment cuts down the possibility of having a governor for such a long period of time. It limits the governor to one term. The only exception is that if the lieutenant governor takes office if the governor dies or resigns. After one term is over, if that is in the best interest of the state for the governor to stay out four years and then run again if he so wishes. This cuts out the possibility of having a governor for such a long period of time as I stated in my example. My amendment would allow a governor to be in office four years, stay out of office four years, be in office another four years and stay out another four, or a possibility of four out of eight, eight out of sixteen years he could be governor, twelve out of twenty-four, or sixteen out of thirty-two, you just keep on adding up the numbers. I know that the people changed the old constitutional article in 1966 to allow a governor to succeed himself. I don't want to get in an argument as to whether this was a good move or not at the time the people did it. I don't want to get into personalities of either the governor at that time or the governor we have now. I feel that the best interests of the state will be served if we amend the committee proposal to restrict a person from serving more than one elected term in succession. As you can see on my amendment, I have excluded the present governor from this rule because I feel that the law at the time of his election should apply to him. I don't think it would be right to cut him off now that he is in the office and may wish to run again. Therefore I urge your adoption of this amendment. If there are any questions, with my limited scope and experience I will attempt to answer them.

Questions

Mr. Abraham Mr. Fontenet, I have heard this expression used many times here in the last few days so I am going to ask it now. Shouldn't we let the people decide whether they want to vote for someone for twenty-eight years out of thirty-two?

Mr. Fontenet We are here today to write a constitution and the constitution, as I see it, is to protect the people. I think placing a limitation as I am proposing is a protection to the people.

Mrs. Warren Mr. Fontenet, have you had any people asking that you do this or that you don't do this? Anybody for or against it? Have you had anybody to make any suggestions at all?

Mr. Fontenet Anybody from where?

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Mrs. Warren Have any citizens contacted you to say that they were for this or against it?

Mr. Fontenot Sure. I have. Both ways.

Mrs. Warren Both ways. Thank you.

Further Discussion

Mr. Jack Mr. Chairman and fellow delegates, this problem came up a lot of times during the years I was in the House of Representatives. I am against a governor succeeding himself. If you will listen, I think I've got a little information from seeing over the years what has happened to governors not just succeeding themselves but where they were later governor. We are not discussing personalities but here is what history shows, my experience in observing. No matter how good the governor is, where the harm--let's assume the governor is just as good, personally, the second time as he was the first--it's the camp followers that I call. He has to put --and it is natural to put the same people back helping that he had the first time. It seems, why I don't know, that the second go round is not as honest as the first time. Maybe the camp followers have caught on but the second time governors have served, after serving the previous term, that is when the scandals have occurred. I have never been, to my knowledge, a supporter at all of a governor serving two consecutive terms. If I remember correctly, I always voted in favor of just serving one time. Now this amendment that I am on provides that in the case of the present governor--and it should be because when he ran for this office he knew you could run eight years---but he can run to succeed himself. After that, if it passes and it should pass, then you could elect Governor Wallace in Alabama, they wanted him again but they did not amend their constitution so he could succeed himself, they defeated that amendment then and they elected his wife Lurline. So, you won't run any risk there but with this on the books of a governor succeeding himself when the people are not getting a fair shake and the camp followers are the ones causing the trouble. So I ask you to go along with the amendment.

Questions

Mr. Flory Mr. Jack, if you trust the people why not let them elect a man as long as they see fit and see that he is doing a good job?

Mr. Jack Well the reason I'm for this amendment, Mr. Flory, is because of the people. The vast majority of the people that I have discussed this situation with are in accordance with this amendment. If I thought for one minute the people wanted it the other way, my name wouldn't be on this amendment. No siree, this is the people's amendment.

Mr. Silverberg Delegate Jack, which people are you talking about?

Mr. Jack I am talking about, naturally, the people that I have talked to and most of the people I have talked to are from my area. But, I do talk to people in other places.

Mr. Silverberg Don't you think for the record that we should be referring to the people of all of Louisiana? Because you are not speaking for the people of Lafourche Parish.

Mr. Jack I can't go around, you know that, and discuss it with everybody, but if Lafourche Parish will come to Wellborn Jack I will be glad to discuss it.

Ms. Zervigon You were talking about the governors

who have been corrupt in their second consecutive terms. I was wondering how many governors like that we have had in this state.

Mr. Jack You are not phrasing your question right I wasn't talking about governors who were corrupt in their second term. I specifically used a new word, camp followers were crooked, not the governor. The governors were doing well and were fine men as far as I know. They were stabbed in the back by people who were in that office during the second term. Maybe they caught on, maybe they were born crooked, I don't know. But it is too important a thing, in my opinion...

Further Discussion

Mr. Stinson Mr. Chairman, fellow delegates, the question has come up always when it was attempted in the legislature on this matter, why pick out only the governor? The only logical reason is that the governor in the state of Louisiana is the most important and above all the most powerful office holder. Just the fact of the appointment, what is done with his executive orders, and the governor can, I think as far as Louisiana, is more powerful than the president of the United States. At least it is comparable between the two positions. As Mr. Jack says, we are not accusing any governor of any thing unless it is the fact that he has been complacent and has been persuaded by the camp followers of that is what we are going to call them. This is such an important job, and no reflection against Governor Edwards because this doesn't apply to him, but it is said to think that in all Louisiana for eight years at a time we only have one person who possibly is qualified to be governor. I think there are a lot of people in Louisiana who are qualified to be governor. A lot of them who are qualified can not run because they can't raise from two to three to four or five million dollars to make the race, which it costs. Anyone who is governor with the prestige and appointive power and the favors that he can do for people, is like Secretariat running against a mule, with the mule reflecting against the horse, the mule to get the money, and certainly has an advantage over anyone else that might want to run for governor. It is almost closing the door on anyone else for a second term with a governor who has been even just a fair governor. With the contacts, powerful, rich contacts that he has made. Here at one time, I guess the philosophy has changed, if you weren't raised in poor circumstances you couldn't get elected but now it seems you almost have to be a millionaire to get elected. Of course the millionaires who run for governor don't spend their own money. They spend others' money and wherever there are large contributions, there has got to be something done in return. There are very few people who put up money for good government unless good government means that it is going to be good to me. Now, one of the best steps as far as an independent legislature is to have it so that the governor will not succeed himself. The governors are inclined to endorse and support those representatives who have been most favorable to them. If you have a representative who is consistently opposed him on a lot of things, he is on his enemy list and he is going to try to get rid of him when he goes in that second time. And the same thing I have found out, it is not only the senators and representatives who have opposed him but it is the independent senators and representatives who haven't been yes-men and yes-ladies to everything that they want. That is human nature and I don't think that the governor should be that powerful because when he does, that second term he is going to largely determine who will be the elected members of the legislature when he is elected the second term. As I say, the governor---you have the contacts, you've made them and done different favors for different people and naturally they are not going to contribute to someone else. You are almost freezing in a governor and making him a cinch for the second election. I think the number of years as pointed out by Mr. Fontenot, we have too many people in the state of Louisiana who are qualified to be governor

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to just have one governor, one governor. Everybody should have a fair chance and when the governor can succeed himself, no opponent that will run against him will have a fair equal starting chance in that race. So I would like to urge this without any reflection against Governor Edwards. I offered the same amendment, what I am attempting to do in this. I accepted it so that Governor McKeithen could run the second time and in the legislature it didn't pass. I am still for it. I think it will be a great advancement and I think if it is submitted to the people--and in fact if this is not adopted at this time, and we do have alternate propositions, I'm going at this time to attempt to do this because I believe that the people of Louisiana would rather have it that way. I would like to urge at this time, let's put it in here. We are not hurting anyone and I think it is helping an independent legislature and helping the people statewide in having better government. You know I think...

Further Discussion

Mr. LeBreton. Mr. Chairman, fellow delegates, I don't believe it can be anything for a difference between north and south Louisiana, but I rise in favor of keeping the governor on a two-term basis, and hence against the amendment. I have felt that way for a long time, and I am going to get up here and speak this way because I think my legislative record will show that I have better than twelve years of trying to get our law so that the governor could succeed himself--any governor. My theory in this is very simple. I don't know of a better way to compare the business of this state than to big business. Any business that you would speak of doesn't say that their president can only be president for four years. It probably takes two years or more before the governor really knows what he is doing, his powers, his field, his ability to run the state, and to give him eight years, I think, is an investment. I think the state of Louisiana has an investment in a man who has had four years, who'll risk that experience to come back. I like to think that about myself as a legislator. We all know the joke, or the story of the congressman who goes to Washington for the first time, how long it takes him to get around, how long it takes him to find a few places and how to get from one place to another. Obviously, experience is what I am saying. It doesn't take very much judgment to realize that a man with experience can be of tremendous help as governor of this state. Other states have this. The United States has this. There is a lot of criteria for having two terms and I assume the only reason you limit it to two terms is so you don't have a monopoly of a man who can successfully have himself elected re-elected as governor any other reason. We have only tried it once and the second governor has a chance at it if he chooses to run again. Certainly we ought to not try to move it out now with the little experience that this state has with the two year term. I heard people yesterday get up here and talk about the different offices that this state should have, and I am going to mention the fact that people speak. Well I don't know that I can go along with what the people who said that yesterday but certainly the people of this state spoke on the two terms. I heard one member get up here and say that his people are against it. He may know something nobody else knows but the last vote on the two term governor was overwhelming so if you want to take what the people have said, then you will leave this be. I know of no reason to change it. I know of very few people who have asked to have it changed. And certainly there is a lot of merit to keep it going and I am on that side strongly. I would be glad to answer any questions.

Question

Mr. J. Jackson. Mr. LeBreton, is it not a fact that in all other statewide elective offices that there is no limit placed on the amount of terms that a candidate or an incumbent can seek?

Mr. LeBreton. You're absolutely correct, Jimmy.

Mr. J. Jackson. And wouldn't it seem to you that in the past I can understand the fear of some delegates in the government building empire, but wouldn't it seem that it would be reasonable that if we have unlimited terms in other statewide offices which have particularly the same significance that we ought to at least allow a governor to have the opportunity to run for two terms. If the voters decide that he was a bad governor, that he has ulterior motives, then they could very well not elect him for that second term.

Mr. LeBreton. I thoroughly agree with your analysis and certainly the people have the right to speak.

Mrs. Warren. Mr. LeBreton, how often has this come before the legislature to vote on and why did it come before it in the first place?

Mr. LeBreton. Well, I would say that I can remember back in the late fifties it came up for the first time that I can remember and maybe it was earlier than that. But I can remember sometime in the late fifties at least.

Mrs. Warren. And the people voted for it overwhelmingly?

Mr. LeBreton. Well, it only went to the people once and that was in...

Mrs. Warren. That is what I am trying to find out.

Mr. LeBreton. That is what I am trying to find out.

Mr. LeBreton. And it went overwhelmingly and that was in 1964, I guess, or 1963, in the early part of the sixties, I don't remember the exact year, and that is when it was overwhelming, about ten years ago.

Further Discussion

Mr. De Blieux. Mr. Acting Chairman, ladies and gentlemen of the convention, I want to reiterate a few things to you I want you to take into consideration in considering this amendment. The first thing is that this puts restriction on the point that a person can offer himself as a candidate for governor of the state. There are only two elected offices in the state of Louisiana that I know are limited in the times that they can run for office--only two, the governor of the state of Louisiana and the mayor of the city of New Orleans. You don't impose that limitation on any other elected official in the state. Now, let me tell you this, the reason that we have the bad government that we have in the state of Louisiana sometimes, in my opinion, is because we can't reelect the governor any more than once or twice as we have just changed our constitution in 1966. What happens? When a governor takes office he starts out doing the job that he wants to do, he gets off on a good track and he is pretty popular the first couple of years. McKeithen was popular in his first term because the amendment allowing him to succeed himself was passed in 1961, just two years after he got into office. But owing to the latter part of the office, the department heads, the others who have received the special favor of being in office at all times, they start making and looking for positions with the next incoming administration, and let the state go to rot. That is what brings about the bad government we have. You take every progressive state in the union, they don't have a limitation upon the number of times the governor can succeed himself and it keeps the governor on his feet at all times. I have heard a number of speakers come to this table and say that you ought to trust the people yet you will not trust the people to decide whether or not they want to allow a man to stay in office or not. Now, how can you trust him in one category and not trust him in another? And I tell you this, if you are going to have a limitation in one office as to the number of

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times you ought to have it in all elected offices. Not just one, but all of them. Mr. Stinson mentions the appointments that the governor has. Now if you will just stop back and think, for every appointment he makes, he's got about ten or fifteen or twenty that want that same job. The appointments is one of the things that keeps the governor from getting reelected or makes him unpopular because he has a lot more people mad at him after he makes an appointment than he had before. They were all expecting to get the job and only one can get it. The other nine, ten or fifteen or nineteen are mad at him. That's not what gives the governor power. What gives the governor power is the favors he does for the architects who supported him, the engineers who supported him, the lawyers who expect to get the state funds, the insurance people who expect to make premiums and the part-time attorney jobs that can be handed out. Those are not the things you read about in the paper too much. But that is where the real power of the governor is insofar as election. The legislature has taken care of a lot of portions of those things. They have taken care of it insofar as the insurance. We have got a better administration of the insurance program of the state. It is not corrected in its entirety but we have gone a long way on it. We have taken care of the bank accounts by the investment of idle funds. That isn't what it used to be. I would just like to say that if you limit a governor in the time he can serve, unlike what Mr. Stinson stated you are not hurting anybody but the people. That is who you are hurting. You are really hurting the people, denying them the right and privilege of choosing their elected officials as they want. Which you have seen this has been gotten around to allow the people a choice as in Georgia and Texas, when they elected Mrs. Ferguson and her husband had been impeached and also the wife of Governor George Wallace. That is the only way you can do it but the people really showed that they wanted the governor to succeed himself and I think we ought to allow them that right and privilege if they so see fit and want to. So therefore I say vote down this amendment.

Further Discussion

Mr. Fulco Mr. Acting Chairman and fellow delegates, I don't know that we have given the two terms for the governor a fair chance to date. The successive terms for governor or the two successive terms for governor was introduced during the 1964 administration of Governor McKeithen. It was introduced and adopted as a result of a good four years of the first of two terms that governor McKeithen had served the people of the state of Louisiana. Most of the good government reforms were adopted during that first four years. Those good government reforms were first adopted prior to that term under the single term of four years for governors prior to 1964. And because of the four years of good government that we had from 1964 to 1968 we were... it was possible for us to adopt many reform measures that made history in the state of Louisiana that improved the image of our state government in our state of Louisiana in the rest of the state. Now since the next four years, it's history. We all know that the following four years were not as productive as the preceding four years and because of that there were a lot of unhappy people in the state of Louisiana who were not impressed with the two successive terms. However, the majority of the people still felt that there should be a continued proposition and should be given a fair chance. We have not had time enough to determine whether or not the two successive terms for governor is a good idea or a bad idea. I say, let's go again for a few more years, let's see what happens in the succeeding year... succeeding governors for our state. Let's give it a trial and go again with the two successive terms for the governor of Louisiana.

Chairman Henry in the Chair

Questions

Mr. Smith Mr. Fulco, of course I am for this amendment, you are against it. Don't you think a governor for the first four years is always trying to do for the next four years and not making as good a good governor as he could if he would just serve one term?

Mr. Fulco Well, at least, he is going to give the people one or four years out of eight, because he is going to campaign that for four years to get a good job for the people in order to get reelected. Now, let's hope we have one man in the governor's office who will attempt to give the next four years of good government to the people.

Mr. Smith Mr. Fulco, don't you think that the second four years the governor is usually a lame duck governor because he knows he can't run anymore and he did the best he could the first four but the second four is kind of a loss, don't you go along with that?

Mr. Fulco Well, Jasper you know even a one four year term for governor is a lame duck governor.

Mr. Smith You think he will make a better governor the second four years?

Mr. Fulco I think he can if he wants to, he has got the opportunity.

Mr. Smith But he will have built up a political dynasty by then wouldn't he?

Mr. Fulco Well, he could do that too, it depends on the individual, Jasper.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I support the position of the committee and oppose the amendment and suggest that you reject it. It takes at least two years for a governor to learn his office. For the second term he runs on his record and the people decide. And I think they have that right. If we are going to restrict him to four years then we should restrict the others as well. The experts recommend at least two terms and I agree. I urge you to support the report of the committee on the Executive Department and to reject the amendment. Thank you.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, it has been said, let the people decide who the governor will be after a governor has served for four years. I think that is a false argument. It is an argument that is true in some instances for some offices. But there is another influence and another force which makes it a false argument when you talk about the governor of the state of Louisiana. For the fact is that once a man has served in office for four years there is a coercive element which tends to perpetuate him in office regardless of what the people may truly want. What is the coercive element? Well, the first element is the fact that you have several thousand office holders who have responsibility for putting in office, who want to maintain that office. And you have legislators who have gained a position of influence and authority under that governor who want to maintain themselves in office. You have department heads, you have local officials throughout the state who know how they stand with that governor and don't want to take the chance of infringing on his power, his authority by bucking the trend. You have businessmen, you have labor, you have special interest groups who are afraid to come out against an incumbent governor because they know that the odds are that he will succeed himself. Look at what a governor has going for him. After a man has served in office for four years, he has been in the newspaper everyday of that four years. He has had his picture in the paper almost everyday. When he has spoken, it has gone across the state. He has name recognition, he has

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public attention focused on him like no candidate who wanted to if possibly succeed him could ever have. This is what makes it unfair and that is why the people in such instances never decide truly. Look at history, I ask you, when was the last time that a governor of Louisiana or a president of the United States has been unable to win reelection when he sought reelection. When? When a president of the United States has sought reelection, has he failed to gain reelection? I'll tell you when, 1932, when Herbert Hoover ran for reelection and I was defeated. And you know what it took in that instance to defeat an incumbent president? The greatest depression this nation has ever known. That is what it took then to defeat an incumbent president. Now, look at the men who have served two terms. And I include in that category men who have succeeded to the office of president by virtue of a president dying and who had then been elected and I consider that as their second term. Look at what has happened. Look at Richard Nixon now in his second term, admits the ball to be along in his second term in this nation in who knows how long. Look at Lyndon Johnson, who was serving what amounted to a second term, involving us in no win war that lasted for eight years. Look at President Eisenhower, whose second term was keynoted by recessions and extreme embarrassment in foreign affairs. Look at Harry Truman, who in his second term got into the Korean War and kept us there. And what was the result of it, another Viet Nam. Look at Franklin Roosevelt, who had gained so much power in his terms in office that we had an amendment to the United States Constitution limiting presidents to two terms. Look at Woodrow Wilson, who in his second term got us into World War I probably for the best reasons at all. Listen, when you put so much power in a man's hands it tends to make those men not act rationally, it tends to give them too much power. We have got to have some check on it, it is not enough to say let the people decide. The people have such coercive elements placed on them that they can't make a free decision. Show a legislator succeed him in the other state office. There is not comparison, no other statewide official, no individual legislator has anywhere near the power that the governor has. If those people did, I would say that the same thing would be true, don't let them succeed themselves. The legislative branch of government barely has as much power as the governor of this state and the legislature as a whole is never made up of the same men in any succeeding term. For example in the last four years we had a sixty-five percent turnover. I say look at our sister states, they have had the good judgment to not allow governors to succeed themselves in most of the instances. And where they do allow gubernatorial succession, those are states where they have two-year terms for governor and the governor must frequently come to the people to present himself for reelection. This is true in almost every other southern state. They have had the good judgment there to realize this limitation on executive power must be imposed. Now, we have talked about strengthening the legislature. We have not strengthened the legislature. The fact is that it will be a stronger branch of government. The way to do that is before us now. If we limit the governor of this state to one term we will have a true system of check and balances. A true system of separation of powers and we will have equal branches of government. That is the decision we face here. And that is why limiting terms of governor to one term is in the interest of the people.

[Proceedings continue with Mr. DeBlieux.]

Closing

Mr. Fontenot: Mr. Chairman, fellow delegates, I will try to be brief, and of that word I'm debating but I listened to some of the arguments presented against my amendment and I have a little bit of rebuttal. Somebody made the statement that our national government... the president can succeed himself. I think Mr. Jenkins mentioned it and I will mention it also. Just because the national government has it that doesn't necessarily mean it is good

for the state of Louisiana. We looked at the Johnson administration, he looked at the Nixon administration. Mr. Jenkins did, and I agree with him. The second half of those terms are just terrible and I will agree with him and I think the only example we have in our state... I didn't want to get into Mr. John McKeithen's administration, I don't condemn him personally but I think under his administration, the second four years were terrible four years. I feel if John McKeithen had stayed out for four years he could have run for reelection, he would have been a good governor for another four years, I may be wrong, it's just my opinion. Now concerning the people voting for a change in the constitution back in 1966 I don't think they were voting for the change. I think they were voting for John McKeithen at the time when his popularity was just overwhelming. This is what brought about the constitutional amendment. I don't think the people were really voting for changing the constitution, I think they were voting to let John McKeithen run a second term. And I think we found that it was a mistake to do it. Now about the argument that the restriction only applies to the governor. I don't think all these other elected officials are as strong as the governor. I think it is much easier to perpetuate yourself if you are governor than if you are one of these other statewide elected officials. Like I said earlier, it is only my personal opinion. Now if you want to allow the possibility... like I said, it is a possibility you are going to allow if you let the committee section stand as it is, you can allow a man to perpetuate himself in office for a period of twenty-six years less one day out of a possible thirty-four years. If you want to allow that voting against my amendment. Now consider what he might do if he is out these four years. He will put somebody like his wife, or somebody else to run for governor, he can be lieutenant governor, so technically he will be there for thirty-four years straight and even longer if he so wishes. It is possible. If you feel as I do, that it would be in the best interest of the state to limit the term of governor to one term then I urge you to adopt my amendment.

Questions

Mr. DeBlieux: Mr. Fontenot, with all the power that the governor has... can amass during his term of office, can you name one governor that has been able to elect his successor to office?

Mr. Fontenot: Mr. DeBlieux, I am not as old as you are and I am not an expert in history and I really could not answer that question. Somebody is yelling Huey Long.

Mr. DeBlieux: Now, we have a number of governors since his time and they haven't been able to do that. Now, let me ask you another question. Do you know of any governor that you can remember during your lifetime who was popular at the end of his term of office, whether it was a one-four-year term or a second term?

Mr. Fontenot: Well, to answer your question, no. I don't remember but I do know that Jimmy Davis was elected, stayed out and got elected again. I know Earl Long was elected, stayed out and got elected again but I don't think John McKeithen would be elected again if he ran.

Mr. DeBlieux: Well, now isn't that the cause of the fact that after each time... at the end of their office they were unpopular and could not have been reelected?

Mr. Fontenot: Well, if they were unpopular at the end of their term, why did they get elected after a layover of four years?

Mr. DeBlieux: Because the other governor that they succeeded was unpopular at the end of his term, that is why.

Mr. Fontenot: Mr. Chairman, I request a record vote

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[Record vote ordered. Amendments rejected: 34-77. Motion to reconsider tabled.]

Amendment

Mr. Poynter Senator De Blieux send up amendments at this time.

Amendment No. 1. Page 2, line 9 after the period delete the remainder of the line and delete lines 10, 11 and 12.

Explanation

Mr. De Blieux Mr. Chairman, and ladies and gentlemen of the convention, this amendment simply takes out of the limitation the number of times a governor can run and succeed himself. There was some reference made a few minutes ago to Huey Long and the fact that he was able to elect his successor. Let me tell you, back in those days we didn't have civil service, we didn't have the investment of idle funds. We didn't have a lot of the other reforms that had been passed since those days and times. You have seen and I think you know, that frankly every governor that we have had that at the time of the end of his term of office he was very unpopular and this unpopularity was brought about by the fact that he could not succeed himself and the administration was allowed to try to seek other candidates to get themselves into a position to whether they could protect themselves for the next incoming governor. There was a lot of jockeying for positions as a result of it. Government of the state suffered during that period of time. If we can take this limitation we can have good government not only just for two years out of a four year administration but as long as the man is in office because he will not be seeking to find the other candidates that they can get with unless he announces the fact that he is not going to run for reelection, which I am sure that will happen some times. I just think it's a good decision and I don't think we ought to put ourselves in a position to where if we get a good man in office we can tell him, well, you can only serve one or two terms and that is all we are going to let you have. If it is good to have the limitation on the governor, it is good for all other elected officials. You ought to limit all of them to one or maybe two terms. I just think that we ought to get ourselves into the modern age rather than back in the middle of the nineteenth century when this original provision was originally put into our constitution limiting the term of the governor. And as you can see, if you will just check the states that have a limitation they are not in the forefront as being the most progressive, and I ask you to vote for the amendment and let us take this archaic limitation off of our governor.

Further Discussion

Mr. Stinson Mr. Chairman, and fellow delegates, if I didn't know Senator De Blieux so well I would be shocked and surprised, and I have long ago ceased to be shocked and surprised. If you want to get through writing this constitution in a hurry, let's put Senator De Blieux's amendment on and then move to adjourn sine die and I think we will get through in about a day's time. That is all I have to say. If the people of Louisiana at anytime are going to be in favor of a governor, they are going to really be in a terrible shape. Politics, politics, machines and machines. Can you see what kind of machine will be built up if a governor could run from now on. Ladies and gentlemen, if you wasn't for this last one, limit to one time, I plead and urge with you for the people of Louisiana, don't remove all restrictions from only one man, be that forgetful of the rights of our people, it would be the worst thing that could ever happen in this state regardless of what it might be. Can you imagine, suppose they would elect Eddie LeBreton governor from now on. (Soul brother, you got a good hand on that). Now seriously let's vote this down, the people certainly don't want unlimited office

of governor of the state of Louisiana. That would be the most irresponsible unthought of thing that we could do and certainly if we are going to pass this constitution, I don't believe we could wish such an unlimited position as that. Dictatorship, mass machine politics would result. Please let's vote this down.

Further Discussion

Mr. Wall Mr. Chairman, ladies and gentlemen, there is no question that this amendment is bad. Really and truly I would like to see that not only the governor be limited to two terms I would like for... this is going a little far and I see Mr. Chehardy getting real interested over there. I would like to see all terms limited to one term. Let everybody have a chance for this good old public service we talk about, the peoples' interest at heart. To give everybody a chance. If you did that, you would have a lot more people interested in government because they would know more about it. But that is beside the point, really. It is just like Mr. Stinson said, if you put this in there that a governor can keep running we may as well adjourn and go home. It is that bad and the people of this state know it is that bad, so I am going to ask you to vote it down. I am going to ask for a record vote.

[Previous Question ordered.]

Closing

Mr. De Blieux Mr. Chairman, ladies and gentlemen, I can make my closing remarks very brief and that is all I want to say to you today. This irresponsibility which Mr. Stinson has spoken about. This dictatorship and so forth. Why aren't the other states that don't have the limitation on their governors under dictatorship and have irresponsible government. Think that over. Think that over. The most progressive states in this Union don't have this limitation. You only have about eight or ten states that have that limitation and you look and see where they rank on the economic and progressive scale. They are not in the top ten I can tell you that. And let's take this archaic provision out of our constitution, our laws. I just ask you, let us be a little progressive once in awhile.

[Record vote ordered. Amendment rejected: 10-100. Motion to reconsider tabled.]

Amendment

Mr. Poynter First amendment affects Paragraph B and C as follows:
Section 1 [By Mr. Roy and Mr. Jenkins].
On page 2, delete lines 13 through 23 both inclusive in their entirety.

Explanation

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention, this amendment is very simple. It simply takes out of the executive provision the results of elections and tiebreaking matters that should not be in the Executive Article at all. I call your attention to the fact that the Bill of Rights was ordered and mandated by the convention as a whole to deal with elections and suffrage along with of course the Bill of Rights and we are presently working on and have completed a tentative draft of elections wherein we state essentially that no person shall be elected to any public office unless he has received the highest number of votes cast for that office and we are surely going to have a proviso that the legislature shall determine methods for breaking ties. Now, there is no need at all for B and C in this particular provision of the executive branch or article because it has nothing to do with the Executive Article or branch. We just passed the Legislative Article and there is nothing in the Legislative Article with respect to elections and how Representatives and Senators shall be chosen. So I ask that you delete B and C from this particular provision. There is going to

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be no provision with respect to how elections are conducted in the Judiciary Article and I am sure no other articles because of right, they should be covered in the elections and suffrage articles of the constitution.

Vice Chairman Casey in the Chair

Questions

Mr. Vick Mr. Roy, are you saying that these two provisions are redundant?

Mr. Roy Yes, I am.

Mr. Vick And can you explain again why?

Mr. Roy They are redundant because these provisions and the results of elections and tabulations, etc., should properly come under the elections and suffrage provisions or articles of the constitution which have been designated to the Bill of Rights for preparation, and we are working on them and there is no need to put a special provision about electing executive officers under the executive branch of government in the executive branch alone.

Further Discussion

Mr. Perez Mr. Acting Chairman, and delegates, that part of the section which bothers me a great deal is that part which deals...which provides that the person having the greatest number of votes for each office shall be declared elected. The problem with that is, that it would preclude the possibility of ever having an open...so called open primary, open election where all of the various candidates would be required to run at the same time. Because if only the high man wins you would never have the possibility of a second primary and I don't believe that the legislature would ever adopt a law which would provide for an open primary as long as the requirement were there that you would have no second primary. This would preclude the possibility of a so-called open primary or open election with all of the candidates in the various political parties running at the same time.

Point of Order

Mr. O'Neill Mr. Acting Chairman, my point of order is that my understanding of the rules states that elections should be covered in the Bill of Rights Committee and you know, not in any other committee. And I would just like your interpretation of whether or not this should be considered in this article at all?

Mr. Casey Mr. O'Neill, I think that this is a matter that would have to be determined at this time, and I think the amendment would properly be in order.

Mr. O'Neill Thank you.

[Discussion question closed.]

Closing

Mr. Roy I am not going to take any time. I didn't understand Mr. Perez's statement. I didn't understand if he was opposed to what the Bill of Rights has done in the Elections Article or if he is opposed to what is presently proposed by the Executive Committee because it simply provides a person having the greatest number of votes for each office shall be declared elected. And all I am saying is that this does not belong in this particular Section of the Executive Branch Article at all. This is an election matter pure and simple and in the end, the Election Article should be covered by the Bill of Rights Committee, we are going to cover that, we are going to cover all elections of all statewide as well as public officials. And that is the reason I urge the adoption of the amendment.

Questions

Mr. Jenkins Delegate Roy, isn't this just the kind of duplication that has so cluttered up the constitution and aren't any policy questions going to be decided with regards to elections in the Elections Article rather than in the Executive Department?

Mr. Roy You are absolutely right, Mr. Jenkins. What we are doing here is writing apparently...the Executive Committee is attempting to write a specific provision on elections for the officers that we have constitutionalized thus far, that is, those of lieutenant governor, governor, secretary of state, attorney general and treasurer and that doesn't address itself to the whole issue of elections which we are trying to cover elsewhere.

Mr. Stagg Mr. Roy, in preparing this document, we have changed the law for a purpose. The change in the law is to have the returns transmitted to and promulgated by the secretary of state, in order that the election decision can be reached before the legislature meets in May. If your amendment should be adopted, and I trust that it will not, then would your committee also believe that the returns should be transmitted to the secretary of state for promulgation of this, and would you also agree that the drawing of lots in the case of a tie would be considered by your committee?

Mr. Roy Now, Mr. Stagg, that is easily answered because the convention as a whole has now elected or put into the constitution a commissioner of elections.

Mr. Stagg They haven't defined his duties yet?

Mr. Roy That is right and that comes later in the sections on the following pages 4,5,6, and 7 when we are going to have to decide the functions of each of those constitutional offices. So your question really is redundant because you are putting something in here that doesn't need to be in here with respect to elections per se. Later on we will have to define the new duties of the secretary of state and of the commissioner of elections. And in those functions and duties that is where that comes in. But you are attempting to say B and C, to simply double with a problem pertaining to elections as a whole and that ought to go into the general Articles on Elections and Suffrage.

Mr. Stagg Mr. Roy, you have been reading these articles now for a month and a week and you must be able to recognize that this Article III in Sections A,B,C,D, and E constitute a whole train of thought. If you go down to Paragraph D where we state "the term of each elected official shall begin at noon on the second Monday in March" and you take out the provisions in B and C which would permit that to happen by an orderly promulgation of elections, aren't you doing violence to the considerations given by the need to do these things in this order?

Mr. Roy No, I don't think I am, and as a matter of fact in the Legislative Article, we provide that the legislature shall take office on a certain day and they didn't bother to come harass us with a bunch of redundant stuff.

Mr. Lanier Mr. Roy, what are the provisions that Bill of Rights and Elections has come up with for the promulgation of elections and how they would be determined?

Mr. Roy tentively, until of course, there was a change yesterday with respect to the duties that may come about with the new commissioner of elections, we have that the secretary of state shall promulgate the returns. I think that is as it should be. What I thought the notion yesterday was that a commissioner of elections there would be a separation of powers so that you would never have any concentration of power in one office, the commissioner of elections would take care of voting machines, etc., and what have you, but the secretary of state would still promulgate the returns. So we don't do violence to

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any of this, but we just don't think that it is necessary in this particular section of the constitution.

Mr. Quarrisco Mr. Roy, if we should delete B and I, that it not be true you would not do violence to this article if we subsequently adopt D and E because the Elections Committee would have to form the election laws along those guidelines to fit, is that correct?

Mr. Roy That is correct.

[Amendment Numbered 4-1-1 Motion
to Reconsider tabled.]

Amendment

Mr. Poynter We have amendments offered up at this time by Delegate Chatelain, Thistlethwaite, Landry, Juneau, Elkins, McDaniel and Many others.

Amendment NO. 1, on page 2, between lines 12 and 13, insert the following: "B. Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor, running together."

There are several technical amendments changing the paragraph numbers thereafter which now need to be corrected in light of the previous amendment.

Explanation

Mr. Chatelain Mr. Acting Chairman and fellow delegates, this I think is a step forward in Louisiana government. This amendment will permit the governor and the lieutenant governor to run together as a team. They will file their candidacy jointly, they will run together on the same platform. It is very comparable to what the president of the United States and the vice-president do today. You will cast a single vote for both the governor and the lieutenant governor. They will take office together and work together. Eighteen states now have this situation. Seventeen are embedded in the constitution and one in statutes. In the last two years, two of our progressive states have done this, Maryland and Florida. There are some major arguments for this. First, is the compatibility in party affiliations. For instance, you could have a Henry and Broussard ticket, for governor and lieutenant governor, the same party. You could have a Treen and Staggs ticket, same party. I think it would be a good step forward in Louisiana. You would have compatibility in campaign platforms and you would have the same political philosophy. This, I think, would be a great step forward. You would have assurance of continuity in government in the event of a succession. I think this is a real reason that you need a lieutenant governor. It is that awesome thought of a succession in the event of a death or some other reason for losing your governor. I think too, that it would certainly lower the campaign cost of both the governor and the lieutenant governor. I think that it would facilitate also the governor's role in asking this lieutenant governor to do some of the powers and the duties of the governor. I think then we would have a lieutenant governor who would have something to do rather than standing idly by with no great directions. I think too, it would permit the governor to delegate increasingly large numbers of the duties and responsibilities. I think in the final analysis you would have a greater cooperation and responsibilities in the governor's administration. I urge that you would support this. I think it is a great step forward.

Question

Mr. Zervigon Mr. Chatelain, I agree with you in concept but I was just wondering why it is drafted the way it is. You say that they shall file jointly in primary elections. Does that mean that in the general election, would we continue to have the primary and general election systems, that you could

elect a democratic governor and a republican lieutenant governor?

Mr. Chatelain The intent was to have them run together from the very inception of the time they first file, Mary.

Mrs. Zervigon Perhaps it would be worded, say, primary and general elections.

Mr. Chatelain Probably so, that would be all right with me.

Mr. Alexander Mr. Chatelain, you said that there are several states where this system is employed. Do you know if any of those states are southern or one party states?

Mr. Chatelain Southern states, yes. We have two of them, Maryland and Florida.

Mr. Rayburn Mr. Chatelain, I believe they have a track at Evangeline Downs that is not too far from Lafayette. Is that right? Would you call this an entry, and who would get the 1 or the 1A number?

Mr. Chatelain Frankly, I think this would be the third runner perhaps.

Mrs. Warren Going along with the concept, what I am trying to find out is if you have a governor and you have two lieutenant governors who want to run and each one of them wants to run on the ticket with the governor, how would this work?

Mr. Chatelain Let's run it by one more time, Mary. It is very simple. You would have two men, perhaps a man from north Louisiana, perhaps a man from New Orleans or the south Louisiana area, who decide they want to run for governor and lieutenant governor respectively. They would form a political alliance. They would talk philosophy. They would sit down and say look, we are going to run on this platform, we are going to offer these things for the people of Louisiana, and in the final analysis you are going to have two men who will run together in the election, they will be sworn in together and then you will have a true lieutenant governor.

Mr. Stinson Mr. Chatelain, if I want to run for governor and I don't want anyone on my ticket for lieutenant governor, I wouldn't be able to run for governor under this, would I?

Mr. Chatelain Mr. Stinson, the object of this amendment is to create a better situation for the lieutenant governor, to make a stronger office for the lieutenant governor of this state.

Mr. Stinson The next question, suppose I want to run for governor and nobody in the whole state wants to run on my ticket for lieutenant governor, I wouldn't be able to run for governor would I?

Mr. Chatelain I don't think you would be elected, Mr. Stinson.

Mr. Stinson Well it still would be my right as an individual to run, wouldn't it?

Mr. Chatelain You certainly could run.

Mr. Stinson Isn't that what we are supposed to be doing, guaranteeing the rights of individuals?

Mr. Chatelain You would certainly have a right to run, sir.

Mr. Stinson We are not down here guaranteeing the rights of a ticket, are we? Now also suppose I would run for lieutenant governor and no governor would take me, you still say I shouldn't be entitled to run because...

Mr. Chatelain I think you could run, sir.

Mr. Stinson Not under this.

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Mr. Chatelain We are talking about the lieutenant governor and the governor running together, Mr. Stinson.

Mr. Stinson I know, but I couldn't run if a governor candidate wouldn't put me on his ticket.

Mr. Chatelain I can't conceive of a situation, Mr. Stinson, where any man who was qualified to be the governor of this state who could not find someone to run with him. I just can't conceive of that thing happening.

Mr. Stinson It happened last election, didn't it?

Mr. Chatelain I don't want to go into that, sir.

Mr. Stinson Do you think we are the ones who should pass on who is qualified or not? In other words, don't you think it is an inherent right of every elector of Louisiana to run if he only gets one vote?

Mr. Chatelain Well, sir, you are right. I would agree to that.

Mr. Nunez Don't you believe that there has been a trend in this state recently to get away from the ticket concept and let each candidate stand on their own merit and run on their own merit?

Mr. Chatelain Senator Nunez, you are right, but what we are talking about today is writing a new constitution. We have taken away from the lieutenant governor his right to be president of the Senate. We have made a lot of changes in this constitution. We are talking about a new era, sir. An era when you are going to have a new look in Louisiana.

Mr. Nunez Do you believe that era should encompass the concept that the governor should run for two terms and then he picks his lieutenant governor and that lieutenant governor in return runs for two terms as governor, and that lieutenant governor picks his lieutenant governor. Don't you believe you are perpetuating one of the greatest dynasties this state probably would ever have or has had?

Mr. Chatelain The dynasty aspect has come up on both sides before I offered this amendment with about fifteen other coauthors. I, as well as they, discussed both sides of this subject matter. You are certainly right, you could create a dynasty. You can do it today under the present laws of Louisiana. You can do it in the United States government. Today we have a situation where AGnew almost is in a position to be the next president of the United States but I think because of the recent scandals, that you are well aware of, this probably won't happen. Certainly, you always have these possibilities.

Mr. Nunez But you are making the possibility broader when you lock it into the constitution and say the lieutenant governor and the governor shall run together. What I am asking you is should we perpetuate the type of dynasty I think your amendment is going to do, because the governor naturally with his successor in line he picks his successor, the lieutenant governor, that lieutenant governor or maybe the governor will pick the next lieutenant governor and then you have a dynasty going that you just won't be able to control. Don't you think that's a bad...

Mr. Chatelain Senator, in my lifetime I have seen three different governors serve their four years, sit out a few years, come back in, some of them are good the second go-round, some of them weren't. You have all these possibilities and any of this could happen, yes sir.

Mr. Nunez But, isn't it more possible now that we have a two term amendment and the governor can succeed himself. What you were talking about was before the governor could succeed himself. Now he can succeed himself and his lieutenant governor, I

don't think there is any limitation on how many times the lieutenant governor can run. If his lieutenant governor has won twice with him then the natural line of succession would be to go on. In line with all of the political appointments that he has made, I am sure they won't be changed and they dynasty is perpetuated.

Mr. Chatelain You are right, sir. But I will take that since everything you gain in this world, you have to pay a little price for it. I would rather pay the price of having a strong lieutenant governor who is in true fact a lieutenant governor, who has something to do and a man who can help the awesome job that the governor has. I think then you would have a team working together and the Louisianians would wind up with a better government, in my opinion. I urge your support of this amendment.

Mr. Roemer Mr. Delegate, if a man or a woman wanted to run for lieutenant governor and couldn't find a governor on whose ticket to run, what would he do?

Mr. Chatelain I think that obscure person would probably find someone to run with him. I would hope so sir.

Mr. Roemer You mean he would not only have to advance his own candidacy he would have to carry a heavy load with him perhaps.

Mr. Chatelain We can go into all these possibilities, Mr. Roemer. As I said before, for everything you gain you have to pay a little price. I will pay the price of having a good strong lieutenant governor who can in fact do something for his money.

Mr. Roemer I don't know if you would agree with me. I feel like you are in the position of a popular song some years ago: "How does it feel to be alone, like a rolling stone."

Mr. Chatelain Mr. Delegate, I wouldn't know that.

Mr. Roy Mr. Chatelain, they wouldn't have to worry about getting a candidate because...

Mr. Chatelain I beg your pardon. I didn't hear that sir.

Further Discussion

Mr. Thistlethwaite Mr. Chairman, ladies and gentlemen, I think the answer to this dynasty question was given by Senator De Blieux when he asked how many governors in recent Louisiana history have ended up their terms of office popular. I doubt that any governor in recent Louisiana history has been able to transfer any support to anybody, whether it is his lieutenant governor or whoever. In our legislative article we have clipped the wings of the lieutenant governor. He no longer will preside over the Senate. This is almost entirely a standby office now except that the lieutenant governor will serve ex-officio on a number of boards and commissions and will exercise the powers delegated to him by the governor. Now some of these boards he will serve on are very important and the chief executive's representative should reflect his views. Further, the governor could delegate many useful powers to a man of his trust. No longer would we risk having a man sitting over in the corner office out of contact with the chief executive. I am against ticket politics but I consider this an orderly and wise arrangement of our chief executive's office. When the governor leaves the state he should leave it in the hands of a confidant. And finally, this arrangement will be of great value in easing the difficult transitional problem incident to a change in the state's top administrative office in the event of death or disability of the governor. I urge your support of this amendment.

Chairman Henry in the Chair

Further Discussion

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Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I rise in support of this amendment. I want to point out just one thing to the delegates that I think is very important. If you will read Section 6 of the committee proposal that is under consideration, you will see that it was the sense of the committee that the lieutenant governor would serve as a partner with the governor in his office, as a member of each committee, board, agency or commission that the governor serves on. I think that this proposal of Delegate Chatelain carries further into effect the concept of making the governor and the lieutenant governor a working partnership for the benefit of the people of the state. For that reason, I believe that the amendment is good and I hope that it is adopted. Thank you.

Further Discussion

Mr. Avant Mr. Chairman, fellow delegates, I rise to strenuously oppose this amendment. I have heard one or labels put on various amendments in this convention. If you want to put one on this one, you can take your pick. Call it the machine politics amendment. Call it the slap the people in the face amendment. Call it the...with the people amendment, or anything you want, but this amendment kicks the people of the state of Louisiana right square in the teeth. Permit me to call my attention to this podium that they want to do what the people want to do. Well, I ask you to examine your Louisiana history for the last twenty years or twenty-five years and you will see what the people wanted to do. We had Governor Kennon and Lieutenant Governor Barham. They didn't run on the same ticket. They ran on different tickets who had Governor McKeithen and Lieutenant Governor Aycock and I know for the first go round, I don't remember the second, they didn't run on the same ticket. Our most recent governor, if my memory serves me correct, didn't endorse a candidate for lieutenant governor, didn't even have a ticket. If my memory further serves me correct, I think Lieutenant Governor Aycock was elected one time as a candidate for lieutenant governor based on memory but you have to remember that the lieutenant governor of this state is a very, very important position. Not only does he succeed to the office of governor in the event of the death of the governor or other reasons for his inability to serve, but he acts as governor in the place instead of the governor when the governor is outside of the state. Now I think that every voter of this state has a right to look at the candidates for governor and to look at the candidates for lieutenant governor and to decide for himself: I think that candidate A will make the best governor for the state of Louisiana and if some misfortune should occur I think that candidate B who is running for lieutenant governor is the most qualified man to succeed him in that office. This amendment takes that right away from the people of the state of Louisiana. It says you've got to run for a team and you don't have any choice about who is going to be on that team. If you want to pull a wagon with a team of horses, at least you can pick the two best horses that you think are going to be on that team who is going to be in this team. The politicians are going to pick who is going to be on this team. This is strictly political dynasty, machine politics amendment, and it takes away rights from the people that are properly and rightly theirs. I ask you if you think I am wrong, if you think that man doesn't know what he is talking about, go back to the history of this state for the last twenty to twenty-five years and what has actually happened in gubernatorial campaigns and what have the people done. On at least three of those occasions* to my personal knowledge they have selected a candidate for governor from one ticket and a candidate for lieutenant governor from another ticket. I urge you and implore you, do not take the rights of the people of this state away from them to select their own governor and their own lieutenant governor and give that right to the politicians.

Questions

Mr. Bel Mr. Avant, wouldn't this take my constitutional rights away from me of running as a candidate?

Mr. Avant To run as an independent candidate? You couldn't run as an independent candidate for one office. You would have to team up with somebody.

Mr. Bel That wasn't my question. Under the constitution wouldn't I have a right, the United States constitution, wouldn't I have a right to run for office.

Mr. Avant I would certainly hope so, Mr. Bel.

Further Discussion

Mr. Jack Mr. Chairman, ladies and gentlemen, I am against this amendment. We have a governor and I think I should have a right to vote for the candidate of my choice for governor. I think everybody else should. We have a lieutenant governor provided also by the constitution and I think I should have a right to vote for him. Now, this deprives me of that right unless I just happen to want to vote for both of those two. Let's just take this example. Suppose this thing passes and I think the candidate for lieutenant governor is a fine person but I think the person he is running with is a crook. If I want to vote for my candidate for lieutenant governor I have to vote for a man I think is a crook. Now if that isn't against the federal constitution, I don't know what is. Now, let's just take that place where a person wants to be a candidate for lieutenant governor. Suppose a man is a fine man but he can't get on a governor's ballot ticket. Where is he? Let's take in memory Taddy Aycock, one of the best lieutenant governors going. If I remember correctly, he was lieutenant governor three times. Now, suppose I would like for him to run for lieutenant governor and he wanted it but he has got to be on a governor's ticket. Now that is not fair. The whole purpose of this amendment is I figure is bound to be to get a lieutenant governor that can never be at odds with the governor. Now let's just see how ridiculous it could be. Why not provide a law that if a man runs for governor the candidate for lieutenant governor on his ballot ticket is his wife and lets see if we can get a happily married couple. Now if the man is not married to his girl friend or vice versa. Maybe those kind could always or the other be subservient to the other one. To me, that is how ridiculous this amendment is. It may deprive me and other people of their votes. Somebody said they've got it in fourteen states. I have often said what happens in other states a lot of times can be good or bad, I don't know. We can't investigate them all. But if it is in fourteen other states what does that mean numerically? If I remember right there are fifty states so the majority of them don't have it. I say this is a bad amendment and vote it down.

Further Discussion

Mr. Stagg Mr. Chairman and fellow delegates, Mr. Chatelain for whom I have a great deal of respect began his discussion on this amendment by stating that this was a step forward for Louisiana. I could not disagree more strongly. This is a step backwards. While I have a great deal of respect for my friend Mr. Thistlethwaite and my good government friend, Mr. Gravel, and for the Public Affairs Research Council, I have seen enough history in Louisiana to know that ticket politics is not good politics. I find myself in this position associated with Mr. Stinson and with Mr. Nunez and Mr. Roemer and Mr. Avant and Mr. Jack, a position I have seldom enjoyed in these days' discussions that we have had. We spend the better part of the latter part of Wednesday, we spend all day yesterday and the better part of today giving the people back their right to vote for the commissioner of agriculture, the commissioner of insurance, the superintendent of education and the commissioner of elections and now in this late hour on Friday afternoon we are faced with an amendment that wants to take back from the

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people one of their elected officials for whom they may freely vote. I do not understand the apparent inconsistency of these positions and I urge the defeat of the amendment.

Questions

Mr. Chehardy I would like to preface at first that I have no particular feeling for PAR as offering anything worthwhile so when I show anything that favors this amendment, it is not because of PAR, it is despite PAR. Now, the question I want to ask you, you seem to place a lot of, not you, but everyone speaking against this particular amendment, on the proposition that the lieutenant governor would not be elected independent. I would like to believe that this is comparable to the president and the vice-president. Would you say this is so?

Mr. Stagg The amendment has some visible relationship to that circumstance in our national government.

Mr. Chehardy Now wouldn't you admit that the vice-presidents who have succeeded the president who have died in office have been men who have proven themselves to be men of merit generally throughout the entire history of the United States and everyone of those men ran as a running mate of the president?

Mr. Stagg Mr. Chehardy, that is not the problem. The problem that Mr. Chatelain addressed himself to was that these people would be compatible and I don't see that it was anything but politics that chose Truman to run with Roosevelt, or Johnson to run with Kennedy, or some of the rest of the people who have been chosen as vice-presidential candidates. The same is true in Louisiana. You will get a southern governor candidate who will go to north Louisiana to fill out his ticket and that is what we are talking about here today.

Mr. Chehardy One more question, these same vice-presidents you mentioned, Truman and Johnson, neither one of them gave you a Watergate, is that not so?

Mr. Stagg I couldn't care less, Mr. Chehardy.

Mr. Chehardy I am just asking by way of example.

Mr. Stagg There is nothing in this bill that we have before us under debate today that would prevent two candidates who want to run and to give themselves the freedom to run as a ticket. This provision requires it, demands it and makes it mandatory in the constitution, and that is wrong.

Mr. De Blieux Mr. Stagg, isn't the real problem there insofar as the Republicans are concerned that they might not be able to field enough candidates if they had to run as a team?

Mr. Stagg Mr. De Blieux, I hope someday that problem is resolved, but you are not helping it.

Mr. Stinson Mr. Stagg, do you know of any requirement for president and vice-president to have to run on the ticket? In the past haven't we had just people to run for president without a vice-president candidate?

Mr. Stagg We have had that happen. You are correct.

Mr. Stinson So therefore it is not comparable, necessarily.

Mr. Stagg I didn't agree with the question of the gentleman who posed it.

Mr. Roemer Delegate Stagg, don't you agree with the potential problem of a very strong governor, particularly when we have this two consecutive term provision in here, a man running for reelection, he would only do so if he thinks he can get reelected, a very strong man, picking a guy just for ticket balance, geographical or whatever, a man who is

completely incompetent by any measure of reasonable men, and they both get elected. Something happens to the governor and we have this guy now as governor, the lieutenant governor.

Mr. Stagg I feel that that man would have been an appendage on to that popular governor, picked for his politics or for his geographical place of residence and with no other good qualifications.

[Previous question ordered. Referred to vote order. Amendment reprinted; 35-76. Motion on amendments tables.]

Amendment

Mr. Poynter Amendments submitted by Mr. Toomy which affect D as printed, a technical amendment momentarily that renumber the paragraphs. Amendment No. 1, Page 2, line 24 between the words "office" and "and" insert the following: "enumerated in this section".

Explanation

Mr. Toomy Mr. Chairman, fellow delegates, I think this amendment could properly be labeled a technical amendment. It is my understanding from speaking to several of the delegates on the Executive Committee that their intention in this Section D was that it would refer to all the statewide elected candidates referred to in Subsection A. And the purpose of this amendment is only to clarify their intention that the date upon which the officials were to assume office, would be... It is my understanding that the intention of the committee in Subsection D was that this term of office beginning on the second Monday in March would apply only to the statewide elected officials in Subsection A and not to all the elected officials of the state as I am sure you are aware many of the local officials and other officials assume their term of office on dates other than this date mentioned here, and I merely offer this amendment with the intention of clarifying the committee's intention that this applies only to the officials enumerated in Subsection A whichever officials those might be. I would appreciate your acceptance of this amendment.

Question

Mr. Denney Mr. Toomy, I am not arguing with the intent of your amendment, I ask though if you limit it to those enumerated in this section. As I understand it, it is conceivable that somewhere else in this constitution there may be a provision made for another statewide elected official. Now if you... instead of using enumerated in this section say statewide elected officials, wouldn't that cure that problem, should it exist, I don't know that it will exist, but it conceivably could?

Mr. Toomy That would be along the same lines as my intention. I don't believe that would be quite necessary though. I think this would adequately fulfill what the intention of the committee was. Which was just to cover the area in Subsection A.

[Amendment adopted without objection.]

Amendments

Mr. Poynter Offered by Delegate Denney, a technical amendment.

Amendment No. 1, Page 2, line 24 delete the letter D and insert in lieu thereof the letter B.

Amendment No. 2, Page 2, line 27 delete the letter E and insert the letter C.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendments proposed this time by Delegate De Blieux.

Amendment No. 1, Page 3, delete lines 27 and 28 both inclusive in their entirety. If you don't have

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the amendment with Mr. De Blieux's name on it, the identical amendment was prepared by Mr. Anzalone and AssEFF.

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen, the reason that I ask for the deletion of these two particular lines is because this limits the statewide election to those officials contained in this section. And the feeling of the legislature could not if it saw fit create any other statewide elected official. And I just realize that would be putting a hamper on something that you might not want because it would require the constitutional amendment to do that, and I just think it is a bad provision to insert in the constitution. That is the only purpose of the amendment, and if you want it, all right, if you don't it's ok.

[*Previous question ordered. Amendments requested: 25-81. Motion to reconsider tabled. Previous question ordered on the section. Section passed: 107-0. Motion to reconsider tabled.*]

Reading of the Section

Mr. Poynter Section 4. Compensation
Section 4. Paragraph A, the compensation of each elected official within the executive branch shall be fixed by the legislature and shall not be increased or decreased for the term for which the official is elected. No state official shall receive a salary in excess of that paid to the governor.
Paragraph B. The lieutenant governor, when acting as governor shall receive the same salary as the governor and an appointed assistant when acting as an elected official, shall receive the same salary as the elected official.

Explanation

Mr. Stagg Mr. Chairman, fellow delegates, we had considerable discussion in last week's proceedings under the legislative Article, and the Committee on the Executive Department felt that the compensation paid to the elected officials within the executive branch ought to be fixed by the legislature and when fixed, should not be increased or decreased during the term for which they were elected. There is an added provision which is not in the law at this time, which is suggested to the delegates for their consideration, that no state official shall receive a salary in excess that paid to the governor. It was the feeling of the members of the committee that as the chief executive officer of the state, the governor bore responsibilities far in excess of those of any other official of the state and ought to be so compensated. In the Section B we feel that when the lieutenant governor because of the absence of the governor is sitting in his chair and handling his duties, that for that period of time he ought to be paid the salary that the governor will command because he has the duties of the governor for that period of time and the same thing applies to the other statewide elected officials. By way of explanation in a further section in this article in Section 10 we have provided that each statewide official will have a first assistant who will be appointed by that official subject to confirmation by the Senate. In that instance, for instance if the first assistant to the secretary of state occupies his office while the secretary of state is out of the state, he should receive the compensation applicable to the job because he is carrying out the duties of the job. I move the adoption of Section 4, Mr. Chairman.

Questions

Mr. Burns Mr. Stagg, in line 80 on page 2, you refer to the salary of elected officials and on line 1 of page 3 you refer to state officials. May I ask, the heads of a department, the state departmental heads, would they come under the state official category?

Mr. Stagg Mr. Burns, it was the feeling of the committee and of the delegate who sponsored this provision into our article, that no state official ought to be paid any more than the governor. And if for instance there is a state official who is drawing fifty thousand dollars, then the governor ought to receive fifty thousand five hundred dollars and you can magnify that in any way you wish, but that was powerfully lobbied by a member of our committee, we accepted his suggestion and it appears as a part of our committee proposal to this convention.

Mr. Burns But in your answer to my question is that this state official would apply to departmental heads?

Mr. Stagg Yes, Mr. Burns, it would.

Mr. Burns And if a head of a department of hospitals and welfare is drawing fifty-seven thousand or whatever it is then the...governor ought to draw fifty-seven thousand?

Mr. Stagg That was the feeling of the committee, Mr. Burns. Yes.

Mr. Burns Or either the other one ought to come down to the governor's level.

Mr. Stagg Either they got to reduce some of these salaries or raise the governor's, there is an option.

Mr. Burns That's all.

Mr. Fayard Mr. Stagg, was it the feeling of the committee that this provision was necessary to give the legislature the authority to fix these salaries, or would the legislature have this authority if it was not put in the constitution?

Mr. Stagg We think that in the constitutional document that when you state that the legislature shall do it, it leaves it without the discretion of anyone else to change it. We believe that the legislature is the arm of government that ought to fix these salaries, and that is why we made the recommendation.

Mr. Fayard Well, if this provision was deleted, would the legislature still have the authority to fix salaries for the executive department officials?

Mr. Stagg Anything that would not be prohibited them would be permitted them.

Mr. Fayard Now, my next question is addressed to Subsection B, what is meant by when acting as an elected official, when does the salary start to run?

Mr. Stagg We have a provision that requires in the case of the inability of a statewide official to perform the duties of his office and that inability has been certified by the provisions of that article, that then the appointed assistant would take over. Under those conditions, the date he took over would be clearly defined. In the event that for instance the commissioner of insurance was to leave the state for a vacation of thirty days, then his first assistant for that thirty days would receive the salary provision that the legislature will have fixed for the commissioner of insurance.

Mr. Fayard Would this also apply to the lieutenant governor when acting as governor if the governor was out of the state say for two days...

Mr. Stagg That is the way it does now, Mr. Fayard. Unbelievably, that was one of the principle jobs of the comptroller was to figure out how many days the governor was gone so that he could fix the salary payments of the lieutenant governor for whatever days the governor was gone.

Mr. Fayard And it is the feeling of the committee that it should remain as it is now?

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Mr. Stagg Yes, sir.

Mr. LeBreton Mr. Stagg, trying to follow your reasoning, what would be the actual workout, should this pass and become part of the constitution, does the governor's salary automatically go up to the highest paid state official or does the state official's salary come down to the governor's, or do you provide for it?

Mr. Stagg We don't exactly provide for that... the position of the committee was that we ought to state it affirmatively that no state official will receive a salary in excess of that paid by the governor, that is a kind of a backhanded way of saying, the governor shall be the highest paid state official.

Mr. LeBreton I am not particularly for or against your article, it just seems to me it leads to some confusion, does the pay automatically stop the day it is received. I think some thought ought to be given to that or at least to Style and Drafting that maybe this conversation you and I are having could put some sort of a deadline of maybe give the legislators six months for a year to straighten the matter out. My second question is, and I could not follow you. Does this apply to municipal, parochial officers, like superintendent of education of Orleans

Mr. Stagg No, sir, it does not.

Mr. LeBreton How about quasi, like the dock board in New Orleans?

Mr. Stagg No, sir, it does not.

Mr. LeBreton Just state officials...

Mr. Stagg Yes.

Mr. LeBreton I would think then... don't you think then that if we are just going to pick on state officials, why let the man appointed get much more money than the man that is elected, I just suggest that for thought if we are going to cure, let's cure all of the baby.

Mr. Roemer Tom, in the Section B, talking about receiving the same salary as your superior when acting in his or her position. It would be my impression and I would like to hear the reason why it is in here, that we elect a lieutenant governor just for that purpose, he runs for that office for that purpose, he is elected for that purpose, why should we give him special award for doing what he ran for in the first place? Why should we increase his salary?

Mr. Stagg Buddy, I think that the committee felt about it in... felt this way for two reasons. One, that it is in the present system of payment of state officials now and that to make some change of that sort that wasn't necessary to make, that weighed on the committee's mind somewhat. It is, the way it is done in several other states, though I am frank to admit that in some states they dispense with this bookkeeping and simply pay the man the salary that he was fixed by the law when he ran for the office and therefore they agree with you. But the majority sentiment on the committee was, that if a man takes over additional responsibilities other than those for which he ran and was elected to do, that then he ought to be compensated for it.

Mr. Roemer Right. And I wonder if you would agree that in effect the lieutenant governor does run as one of his requirements is to stand ready to serve as governor in the governor's absence, so it is no great undertaking, additional to what he ran.

Mr. Stagg I agree that that is a correct statement.

Mr. Lanier Mr. Stagg, did I understand you correctly when you said that if this article makes no provision for fixing salaries, that in your opinion

the legislature would then have the right to do so?

Mr. Lanier I did say that Mr. Lanier. If you wish to correct me, I am wide open.

Mr. Lanier Well, I just wanted to get your opinion as to what effect you think that the present provisions which I understand will be duplicated on division of powers would have on that. In particular Article 11, Section 11, that says the powers of government of the state of Louisiana are divided into three distinct departments, legislative, executive and judicial. In Section 2 which says no one of these departments nor any person holding office in one of them shall exercise power belonging to either of the others except as otherwise provided in this constitution.

Mr. Stagg And we are here otherwise providing in this constitution for that exception...

Mr. Henry The gentleman has exceeded his time.

Recess

[Quorum call: 85 delegates present and a quorum.]

Amendments

Mr. Poynter Amendments sent up by Delegate O'Neill as follows:

Amendment No. 1. Page 2, delete lines 29 through 32 both inclusive in their entirety.

Amendment No. 2. Page 3, delete lines 1 through 6 both inclusive in their entirety.

Explanation

Mr. O'Neill Mr. Chairman, members of the convention, we will let you in on what our huddle came up with... our discussion came out that my amendment would come first because it took the complete provision out and in case you don't go for that well we have some amendments following. The reasons I think this provision should be taken out, that most of it is excess baggage and I think we have consistently voted to take excess baggage out. I remind you of the discussion during our debate on the Legislative Article, whereby an overwhelming vote, almost 90 votes, we voted to take out almost all matter dealing with salaries of public officials, etc. The question that comes to mind is, if we strike the entire provision, is the executive able to set his own salaries and that of the other members of the executive branch. I believe that power is inherent in the legislature and when you say that they... if you don't say that they can't do it, well they can do it. I have specific objections to the idea that no state official shall receive a salary in excess of that paid to the governor. I think the governor knows what he is going to be paid when he runs, I think even though some of us might feel the salary is low right now we find that there is not a real need for candidates to run for governor at that salary. And I submit to you that the salary increase right now would be nearly thirty thousand dollars and is more than the governor can make in a year. The second section, Section B, states that the lieutenant governor when acting as governor, etc... I think that this is verbiage and I wonder if it is even worthy of statutory nature. I think it would be better if we take this out and rely upon the provision adopted by the legislative article and I refer you to Section 11 of the article. Which says the compensation of elected public officers shall not be reduced during the term for which they are elected. I think this implies that the legislature has the power to set salaries and also to raise salaries. It is only a specific prohibition against reducing salaries. All of us here want a short constitution and action on those good things and maybe I have been guilty, more than some, of wanting to put things back in, so help me take this out, and we might make up for some of that. I move for the adoption of this amendment.

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Questions

Mr. Lanier Are you familiar with the proposal of the Bill of Rights Committee on the three departments of government and the limitations on each department?

Mr. Roemer Right. And I wonder if you would agree that in effect the lieutenant governor does run as one of his requirements is to stand ready to serve as governor in the governor's absence, so it is no great undertaking, additional to what he ran.

Mr. Stagg I agree that that is a correct statement.

Mr. Lanier Mr. Stagg, did I understand you correctly when you said that if this article makes no provision for fixing salaries, that in your opinion, the legislature would then have the right to do so?

Mr. Stagg I did say that Mr. Lanier. If you wish to correct me, I am wide open.

Mr. Lanier Well, I just wanted to get your opinion as to what effect you think that the present provisions which I understand will be duplicated on division of powers would have on that. In particular Article II, Section 1 that says the powers of government of the state of Louisiana are divided into three distinct departments: legislative, executive and judicial. In Section 2 which says no one of these departments nor any person holding office in one of them shall exercise power belonging to either of the others except as otherwise provided in this constitution.

Mr. Stagg And we are here otherwise providing in this constitution for that exception...

Mr. Henry The gentlemen has exceeded his time.

Recess

[Quorum Call: 85 delegates present
and = quorum.]

Mr. O'Neill Yes, sir, I am. I heard you read it awhile ago.

Mr. Lanier In your opinion, would I be correct in saying that you do not feel that the division of powers would not create a situation here where there would be at least some doubt as to who would be setting the salary of the executive if there was no specific provision in this article that it be done by the legislative branch?

Mr. O'Neill I have some doubt Mr. Lanier, but very little.

Mr. Lanier Well, if there is any question at all, don't you think that it would be prudent for us to make sure that there is absolutely no doubt.

Mr. O'Neill Well, Mr. Lanier, my understanding is, that a Mr. Hayes has prepared an amendment to come back which would simply say the compensation of each official within the executive branch shall be fixed by the legislature period. I think that if we take this entire section out right now, come back and insert that here, that it will take care of that doubt and I think any other doubt that anyone else has.

Mr. Denney Mr. O'Neill, would you please reiterate your explanation of why the B portion of this is useless verbiage?

Mr. O'Neill Well, Mr. Denney if the legislature is allowed to set salaries, I feel that they can set the salaries for these people as it should be. I personally disagree with the section anyway. First, let me explain my reason. The lieutenant governor assumes his job and inherent in that job is that in case anything happens to the governor

the lieutenant governor shall take over. When he runs for that job, he knows the salary and he knows the duties and I think he in particular doesn't need this extra provision. Secondly, I think a first assistant shouldn't automatically go up to the salary of the head of that department, just automatically, I think it would create more problems than it would solve.

Mr. Denney Well, I understood you earlier to say that you thought it would even be useless verbiage in the statute and I didn't quite follow why you said that.

Mr. O'Neill Well, I said that because of personal objections, Mr. Denney. I really don't believe that it is constitutional and I would never vote to even put it in a statute.

Mr. Denney Thank you.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, in view of the fact that there are several amendments, I shall defend my position just once. I have one sentence to protect, no state official shall receive a salary in excess of that paid to the governor. Someone wanted to know why it was phrased that way.

Well, I got it out of committee by a five to four vote and I had no intentions of changing even a comma, because I am not sure I would have gotten it out. I cannot agree with the gentleman that this does not do anything but set a salary. It does say, "shall not be increased nor decreased". Now, you may differ with it but it says may not be increased nor decreased, for the term for which the official is elected. Unless this is placed in the constitution then the legislature will be free to do as it pleases, which is all right with me. I am here to defend "no state official shall receive a salary in excess of that paid to the governor". The purpose of the provision is to require that the governor be the highest paid official. Since the governor is responsible for administering the entire

executive branch, surely he should be paid more money than any person beneath him. I am well aware of the fact that the governor has the mansion and all the fringe benefits. But in my opinion he earns every cent that he is paid. It is argued that it is statutory and that it will discourage getting top people. To the first, I say two things. What is statutory and what is not, is a matter of opinion. And much that is statutory has been and will be included in this constitution before we finish. However to me it is fundamental. I watched four governors refuse salary increases. One took a small one. No governor with political ambitions will sign a salary increase bill for himself, it would be political suicide. For it would be said he knew his salary when he ran and he couldn't wait to grease his own palm. Ask them, I have. But haven't others increased their salaries when they knew what they were being paid. I am sorry if it discourages top people. In my book the top person is the governor and he should be paid a salary commensurate with his responsibilities. And his responsibilities exceed those of everyone beneath him, individually and collectively. How can you argue that we must reorganize government and strengthen the governor in the executive branch and yet be unwilling to pay him a salary in accord with that responsibility. You simply cannot do it. He is the top man in government and should be the top man in salary. If we paid our officials for themselves, I expect more from them and minimize outside influences. I am well aware of the fact of the defect in draftsmanship, I have drafted for many, many years but this is the best I could get and so I go along with it and I urge you to consider seriously the fact that the governor is the top official, he cannot sign a salary increase bill for himself, ask him. So if you want to make him top man in responsibility then I suggest you make him top man in salary. Thank you, Mr. Chairman.

Questions

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Mr. O'Neill Dr. Asseff, two questions. First, has there ever been a lack of people aspiring to the governorship?

Mr. Asseff As far as I am concerned, Mr. O'Neill, that is immaterial.

Mr. O'Neill Second question Dr. Asseff, correct me if I am wrong. Wasn't it your notion that deleted entirely or almost entirely the reference to salaries in the legislative department which we adopted overwhelmingly?

Mr. Asseff Mr. O'Neill, I made it perfectly clear that I am in accord with the general principle, however there are exceptions to all rules. I am in agreement that the legislature should fix salaries. I simply say that this is a situation in which no governor will sign a salary increase bill and that consequently this provision will make it possible for him to do so. Of course I agree, under every other circumstance I would be willing to let the legislature do it and I think I have made that position clear.

Mrs. Warren I am not trying to say what the governor should or how much he is worth, but I am concerned about the medical situation today and if I got real sick, the most important thing...

Mr. Asseff Mrs. Warren, I yielded for a question not....

Mrs. Warren Now, I want to ask you this question. Since there is a scarcity of doctors and our health is important. If we can't get a doctor less than we pay the governor, then we are going to have to increase his salary in order to get that extra special thing that we need then.

Mr. Asseff I am willing to pay everyone an adequate salary Mrs. Warren. Now, I simply am saying that the top dog in administration should get the top salary and the only way I know to do it is to make a directive to the legislature. I am well aware of constitutional law. And I am also well aware of the fact that I doubt seriously that we could enforce it if the legislature ignored it.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I want to speak in support of the amendment to delete all of Section 4. Particularly I would like to respond briefly to the statements made by Dr. Asseff who strongly believes that there should be contained in the new constitution a provision to the effect that no state official shall receive a salary in excess of that paid to the governor. I discussed this particular provision with the governor last Saturday afternoon and he authorized me to state that he does not feel that any such provision that relates specifically to salaries and particularly his, should be contained in the constitution. As a footnote to that, of course I am sure all of you realize that the emoluments of office insofar as the office of governor is concerned is substantially more than the salary that he is paid. Now, I do believe that if Mr. O'Neill's amendment is adopted, as I think it should be, that we need to come back with some provision in Section 4, and I propose to do so, if that amendment is adopted, to provide that the compensation of each elected official shall be fixed by the legislature except as otherwise provided in the constitution. And the reason for that is, that I don't believe that as Mr. Triche has pointed out that we adequately handled this particular provision or this type of provision in the Legislative Article. We did say in the Legislative Article, you will recall that the salaries of public officials should not be reduced during their term of office but nowhere have we said that the Legislature should be responsible for fixing the salaries of elected officials and I believe that would need to go in here and then Style and Drafting can determine where it should be placed in the ultimate constitution. But

I feel that the O'Neill amendment is a good one and that the language of Section 4 should be totally deleted from the constitution.

Questions

Mr. Willis Mr. Gravel, don't you agree that in matters of public service the less the profit the greater the honor?

Mr. Gravel I not only agree with it, I am a victim of it.

Mr. Willis Dittoing that for the next question, as far as I am concerned I wouldn't be the thesis to what prompted the governor to delete the section?

Mr. Gravel No, I think what the governor's position was that in addition to the salary that he receives, he gets the use of automobiles, and airplanes, and servants and a mansion and as Earl used to say a lot of free groceries. And I believe that the governor was suggesting that the emoluments of office...for the office of governor were adequate to the needs of anybody who sits in the office.

Mr. Asseff Mr. Gravel, you and I are on the same committee, isn't it a fact that you drafted and included this provision in the constitution...in our proposal except for the last sentence which I included.

Mr. Gravel You mean the part...

Mr. Asseff That is correct, sir. You proposed it and we adopted it sir.

Mr. Gravel Just a moment, you mean the provision that has no state...

You are the author of the sentence that says, no state official shall receive a salary in excess of that paid to the governor. It is entirely possible that he helped draft the provision...I did many other provisions of the article with the full right and reservation that all of us retained at all times to oppose any provision that we wanted to oppose on the floor of this convention.

Mr. Asseff Correct, but that was not my question, Mr. Gravel.

My question was, did you do it, which you did and I did the last sentence.

Mr. Gravel That is probably correct.

Mr. Asseff Which is all right, you may change your mind, that wasn't my question. The governor as I recall at a meeting of the Committee on the Executive Department when I specifically posed the question to him stated that if a salary was specified it should be a minimum one and asked that regardless of what we did, it should be made clear that he knew nothing about it, which of course is true. Now, he did make that statement sir. Now, I don't mind your saying that he didn't change his mind. Thank you.

Mr. Gravel I understand your question.

Mr. Champagne Mr. Gravel, would you agree to the statement that "no state official shall receive a salary in excess of that paid to the governor" might be misinterpreted by some people who are going to vote on this constitution as possibly a hidden means of the governor getting a big salary?

Mr. Gravel I think that is correct.

Mr. Kean Mr. Gravel, I share the concern that Mr. Lanier has expressed here. If we delete this entire section so that there is no provision for the setting of the executive salaries is it your opinion that the legislature would then have the inherent right to set those salaries?

Mr. Gravel I think probably the legislature would

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have that right but as I stated at the outset, if the O'Neill amendment is adopted and if Section 4A is deleted, that I propose to offer an amendment that would provide in essence that except as otherwise provided in this constitution, the compensation of each elected official shall be fixed by the legislature. And I think that we need that although I don't believe that this is necessarily the place where it should be lodged, Style and Drafting can reallocate it to its proper place at the proper time. Thank you.

Mr. Stovall Mr. Gravel, did I understand you to say that you had talked with the governor about this provision?

Mr. Gravel I did...

Mr. Stovall The present governor?

Mr. Gravel The present governor. Saturday afternoon and he authorized me to make the statement that I made, that he did not feel that this kind of provision should be in the constitution nor should any...

Mr. Stovall But, my question, Mr. Gravel...are we writing a constitution to accommodate the present governor or are we writing a constitution which we think will be the best for the future of our state ...

Mr. Henry Mr. Stovall, he's exceeded his time. This kind of tommy-rot is not necessary.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, that last sentence in this Section 4A is of some concern to me because I believe it can be so misconstrued and misleading and I just don't think it's the proper business-like way to fix salaries of the elected state officials or local government or other departmental heads. I think that each salary should be fixed on the basis of the position that they hold and what salary is commensurate with their duties and responsibilities. But to pass this amendment, which would automatically mean that one position, I'm told in the state, pays a salary of \$57,800 while another position, I'm told, the governor would be raised from \$28,000 some \$30,000 just by virtue of passing this amendment. Personally, I think the governor is underpaid. I think that his salary should be higher in view of the present economic situation and his responsibilities, but I certainly don't feel like that this is the way to accomplish that objective. I think perhaps by the passage of this amendment deleting this section altogether, although this sentence is the only one that I find fault with, and then having come back with the passage of Section 1 as Mr. Gravel suggested he's going to do, I think would be the best approach to it, or either pass this present section with the deletion of that last sentence, but I think the last sentence as Mr. Champagne, as we call him over in our section of the country...I think his suggestion has merit, that perhaps it's going to give the public a wrong impression that there's something hidden in this thing, which I'm sure there's not, but I suggest that we either delete this last sentence or delete the whole section and approach it in a different manner.

[Previous question ordered.]

Point of Information

Mr. De Blieux I want to know if we can have a division of that question, Mr. Chairman.

Mr. Henry No, sir. I don't believe the question is divisible because of the way the amendment is drawn.

Can it be divided, Mr. Clerk?

Mr. Poynter No, Mr. Chairman, because, Mr. De Blieux, the first amendment would just take out the

first three lines on page 2, and the second amendment would take the six lines on page 4, so you would be slicing right in the middle of paragraphs.

Mr. De Blieux So, the best way is to defeat the whole thing, I guess.

[Amendment adopted: 55-41. Motion to reconsider tabled.]

Recess

[Roll call: 102 delegates present and unanimous.]

Amendment

Mr. Poynter Amendments offered by Delegate Gravel as follows: Amendment No. 1, on page 2, delete lines 10 through 32 both inclusive in their entirety and insert in lieu thereof the following: "Section 4. Except as otherwise provided in this constitution, the compensation of each elected official shall be fixed by the legislature."

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, this is simply the amendment that I said that I would offer in the event that Mr. O'Neill's amendment passed. It provides that the compensation of each elected official shall be fixed by the legislature.

Questions

Mr. Casey Mr. Gravel, I'd like just a brief explanation as to exactly why this is even necessary. My off-hand opinion is that the legislature would have the right to fix salaries, but you must have, certainly, a good reason for submitting this.

Mr. Gravel Well, I think that the legislature traditionally does fix the salaries of elected officials, but there might be some elected officials for example in the judiciary. There might be some question as to whether or not they can fix the salaries of the clerks of court, and I think that unless there is some other provision in the constitution providing for the fixing of the salaries of elected officials, and I don't know that there would be that we ought to have a catch-all provision to make sure that the legislature performs that function. That's the only reason...I thought it should be made positive, so that there should be no question about it. I don't know whether the local government provision with respect to the fixing of salaries of elected officials in local government will pass. If it does, then it wouldn't be necessary with respect to local governing officials.

Mr. Casey Well, do you feel that if this provision were not in then the legislature might not have the right to fix the salary of, let's say, the attorney general?

Mr. Gravel Well, do you feel that if this provision were not in then the legislature might not have the right to fix the salary of, let's say, the attorney general?

Mr. Gravel I think that the legislature would have the authority to fix the salary but it might be possible that someone else or some other body might try to attempt to exercise such authority, and this would prohibit, really, anybody other than the legislature attempting to exercise such authority unless there were specific provisions therefore elsewhere in the constitution.

Mr. O'Neill Just a technical point, you have an amendment No. 2, and my amendment already deleted what this amendment attempts to delete...just a technical matter...I deleted A and B both in their entirety.

Mr. Gravel Actually this amendment should be just

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set forth what Section 4 will be now since your amendment did delete all of Section 4.

Mr. Poynter Mr. Gravel, if it's acceptable to you, I've just stricken Amendment No. 2 and made Amendment No. 1 read: on page 2 at line 29 insert the following:

Mr. Gravel That would be correct. Thank you very much, Mr. Clerk.

Mr. Lanier Mr. Gravel, would you agree that, of course, with reference to the appropriation of monies to pay salaries that that is the right of the legislature?

Mr. Gravel If the money is coming from state government, yes, sir.

Mr. Lanier However, with reference to the fixing of the salary, would you not agree that with the separation of the different branches and the division of powers and the prohibition against one branch doing actions in the other branch except as provided in the constitution that there could be created here a very serious problem about how to fix the salary and that that is the very definite necessity for your amendment?

Mr. Gravel That's correct. I think so.

Mr. Kean Mr. Gravel, would you have any objection to inserting between the words "elected" and "official" the word "state" so it would read "of each elected state official".

Mr. Gravel Well, I'm afraid that that might be confusing because then it would perhaps not be construed to be applicable to district officials or other officials less than state official who might not otherwise be provided for in the constitution. I think it would leave a hole and a gap that might cause us some problems.

Mr. Kean Was it your intention in inserting the words "except as otherwise provided in this constitution" that if in the local government section, for example, it provides for local government units to provide for the pay, that this would be the exception?

Mr. Gravel That's correct, sir. That's exactly right.

Mr. Sandoz Mr. Gravel, if this is only intended to affect the rights of the legislature to fix the governor's salary shouldn't this be in the legislative section rather than in the executive?

Mr. Gravel I thought that I had made that clear, Mr. Sandoz, and I do agree that this provision will probably have to be placed in the legislative article by Style and Drafting when the ultimate document is composed and put together.

Mr. Willis Mr. Gravel, I have trouble with the word "each". Shouldn't it be "all elected public officials" instead of "each"? I envisage that if you use the word "each" then you could treat them separately and you would have salaries, well you don't use salaries, you use compensation. That was my other question. Couldn't that be interpreted to mean that they'll sort them out.

Mr. Gravel I don't really see the problem. I think that we're referring to the determination by the legislature as to the compensation that each elected official would receive, and that is, in the absence of another provision, I think, would have to be determined mostly on an individual basis. That was the reason for using the word each.

Mr. Willis I fear a lack of uniformity, is all.

Mr. Gravel Well, I think that Style and Drafting can adjust that.

Further Discussion

Mr. DeBlieux Mr. Chairman and ladies and gentlemen, the amendment which Mr. Gravel has said that was necessary we wouldn't even need that. The legislature can do that without this amendment, but it so happens in drafting this amendment, Mr. Gravel let out some very important words that were contained in the original portion of the provision as submitted by the Committee on the Executive. He left out the words "as fixed by the legislature and shall not be increased or decreased for the term which the official was elected." Those words are not contained in Mr. Gravel's proposal. That's the important words in that. That's why they were submitted by the Executive Committee to start with, to show that this was limited to those officials during the term of office for which they were elected. Now, I have an amendment proposed tracking the words as they are contained in the original proposal still leaving off that portion which says that the state official's salary shall not be in excess of that paid by the governor. I just don't feel like that we ought to have that particular provision in the law, because you might not be able to get a state official something that may be an appointed official to have for what you would pay the governor because he doesn't get all the other things which the governor gets. So, I'm going to ask you, if you want to have a realistic provision with reference to salaries in the constitution, you ought to vote down this one and vote for mine. At least, if you don't want my amendment, don't put this one in the constitution because it's just words which actually means nothing insofar as the legislature is concerned. They have the right to fix a salary anyway, and you don't have to tell them that they have that right when they already have it. I just think we ought to take out obsolete words out of the constitution. I am going to vote down this one and vote mine when it comes up.

Questions

Mr. Denny Mr. DeBlieux, Section 11 of Proposal No. 3, which we have already adopted, provides that the compensation of elected public officers shall not be reduced during the term for which they are elected. So, that takes care of part of your problem. Are you also worried about increasing their salary?

Mr. DeBlieux That's right. That's the very reason why I want to put it in there, Mr. Denny.

Mr. Denny In other words, you don't think the legislature should have that power?

Mr. DeBlieux I don't think they should have the power to increase the salary of an elected official ... a statewide elected official during the term for which he is elected. I think that we ought to increase it before he is elected, not after he's elected.

Mr. Denny Well, now I understood you to argue earlier, in connection with Proposal No. 3, that we should be very flexible as far as the legislature is concerned and we should permit them some leeway. Don't you believe that if living costs go way up beyond the ideas of people when they run for office the legislature should have the right to increase those salaries?

Mr. DeBlieux Mr. Denny, you have never heard me argue for the right of legislature to increase the elected official's salary for the term for which he was elected. Never.

Mr. Denny I didn't say that, Mr. DeBlieux. I said that you urged that we be flexible ... let many powers within the legislature not bind the legislature. Now, you're suggesting that we do bind the legislature.

Mr. DeBlieux The whole constitution is to bind

the legislature. If we don't bind the legislature it's no need of passing a constitution, and I am in favor of binding the legislature for certain issues and letting it be flexible on others. One of the things which I don't want the flexibility is the right to increase elected officials' salary during the term for which they are elected. I just don't think that's right. I don't think that the public approves of it.

Mr. Nunez Senator De Blieux, you're very consistent; you've always maintained the position that elected officials should not be increased for the term for which he was elected. I take that it's a little narrow-minded for you to take this opinion but you're consistent in taking it. You don't believe that the economic conditions can change enough that it's justified in giving an elected official a raise in the 4 or 6 or 8 or 10 year period that he's elected for, even though conditions would justify that he get a raise.

Mr. De Blieux Senator Nunez, I've just wanted to keep the salaries the same for a four year period. I just say for more than that, but only for a four year period. I just feel like that that's a short enough period to allow for the increasing of salaries.

[Previous question ordered. Amendment adopted: 8-1-73. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. De Blieux], delete Amendments No. 1 and No. 2, proposed by Delegate O'Neill and adopted by the convention on August 3, 1973. And I would like to add to that to delete the Gravel amendment, now Senator Amendment No. 2, page 2, delete lines 29 through 32 both inclusive in their entirety and insert in lieu thereof the following: "Section 4. Compensation.

Section 4. The compensation of each elected state official within the executive branch shall be fixed by the legislature and shall not be increased nor decreased for the term for which the official is elected."

Explanation

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, the previous amendment as I stated that was adopted actually means nothing because the legislature already has that authority. Now, the real crux of this particular amendment is, and it pertains only to your state officials, it does not pertain to any other elected office, pertains only to elected officials, that their salary shall not be increased or decreased during the term for which they are elected. This does not apply to judges. It does not apply to legislators. It does not apply to assessors, sheriffs, or anybody like that. Only those people named in that particular section, I tell you that. Only those named in that particular section and I think it's a fair amendment and Mr. Chairman, I ask for a record vote.

Questions

Mr. Roy Senator De Blieux, when we were discussing the legislative provisions, didn't you bring up that exact same idea that you couldn't increase salaries in the terms of office of the representatives and we voted that down then?

Mr. De Blieux That pertained to legislators as well as to this. This amendment only pertains to the statewide elected officials contained in this section, Mr. Roy.

Mr. Roy Oh, I see. Then, it's OK for us to have not enjoined or prohibited legislators from raising their salaries in their terms of office, but you're going to by this provision stop us, or the legislature from increasing the salaries of statewide elected officers. Is that true?

Mr. De Blieux It was not OK with me. It might have been with you, but not with me.

Mr. Roy But that's the result isn't it?

Mr. De Blieux Yes, if I can't get what I want, [] take what I can get.

Mr. Roy Why? Why?

Mr. De Blieux Because, I don't have all the votes. If I could control this convention I could get what I wanted.

Mr. Roy Oh, in other words, you can accept the discriminatory practice against one group by a chance on vote but not against the other.

Mr. De Blieux Mr. Roy, this convention has been discriminating in a lot of sections, and I realize that. I wish it would not, and I wish we could get the provision which would apply equally every place, everywhere, to all the people at all the times. But unfortunately, this convention doesn't vote that way all the time.

[Previous question ordered. Amendment adopted: 8-1-73. Motion to reconsider tabled. Previous question ordered in the Section. Section passed: 8-1-73. Motion to reconsider tabled.]

Reading of the Section

Mr. Hardin [Assistant Clerk] Section 5. Powers and Duties of the Governor.

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

Section 8. 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 the state including its complete financial condition.

C. Reports and Information

Any department head shall provide the governor with reports and information in writing or otherwise when requested by him on any subject relating to such department excepting matters relating to investigations of the governor's office.

D. Operating Budget

The governor shall prepare the state's annual operating budget and shall transmit copies thereof to the legislature at least two weeks prior to the first day of each annual session. Upon adoption of the operating budget by the legislature it shall become the official state budget and shall be executed and administered by the governor. Total appropriations for the year shall not exceed anticipated annual revenues, as projected by the governor in the operating budget.

E. Capital Budget

The governor shall prepare annually a five year capital program and shall submit to each regular session of the legislature a proposed capital budget as provided by statutes implementing the first year of the program. All capital projects approved by the legislature shall be made a part of the capital budget and the operating budget of each year shall provide for amortization of the costs of each such capital project.

F. Pardon, Commutation, Reprieve, Remission.

Except in cases of conviction upon impeachment, the governor may reprieve, may grant commutation of sentence, and may pardon those convicted of offenses against the state and may remit fines and forfeitures imposed for such offenses. In addition, the legislature may provide additional methods for the foregoing and other postconviction remedies.

G. Signature of Bills, Veto.

The date and time when each bill passed by the legislature is delivered to the governor shall be

entered thereon. He shall then have 30 calendar days within which to act on it. If he approves, he shall sign it. If he disapproves, he shall veto it giving his reason therefor, and if the legislature is in session he shall return it to the house in which it originated within 24 hours. If he fails to veto such time provision by this constitution it shall become law.

H. Appropriation Bills.

1. The governor may veto any line item in any appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of any other bill over a veto.

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

I. Appointments

1. The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

2. Should the legislature be in session the governor shall submit for confirmation by the Senate, the names of those appointed within 48 hours after the appointment is made. Failure of the Senate to confirm prior to the end of the session shall constitute rejection of the appointment.

3. Should the legislature not be in session the governor may make interim appointments which shall expire at the end of the next session of the legislature unless submitted and confirmed by the Senate during such session.

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

J. Removal

The governor may remove from office those whom he appoints except those appointed for a term fixed by this constitution or as may be fixed by statute.

K. Commander-in-Chief

The governor shall be commander-in-chief of the armed forces of the state, except when they are called into the service of the federal government. He may call out the armed forces of the state to preserve law and order, to suppress insurrection, to repel invasion or in other times of emergency.

L. Extraordinary Session

1. The governor may convene the legislature into extraordinary session by issuance of a proclamation to the legislature at least five days prior to the convening of the session. The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene and the number of days for which the legislature is convened. The subject matter of the session may be amended by proclamation to the legislature until 48 hours prior to the hour at which the legislature convenes. The power to legislate under the penalty of nullity shall be limited to the subjects especially enumerated in the latest proclamation convening such extraordinary session. The session shall be limited to the time name therein and shall not exceed 30 days.

2. The governor may convene the legislature in extraordinary session without prior issuance of proclamation on occasions of public emergency caused by epidemics, attacks by the enemy, or public catastrophe.

Explanation

Mr. Duval: Mr. Chairman, fellow delegates, because this is such a short section, I'll be very brief. The Executive Department Committee is going to attempt to do this in tandem, in that it does have quite a few provisions and I'm going to attempt now to explain A, B, and C, and we'll have other members of the committee come up and explain the other sections.

"A" merely deals with the executive authority and provides that the governor is the chief executive officer of the state, and shall faithfully

support the constitution and laws of the state. The present constitution provides that the governor is the supreme executive power. We deleted that language and put chief executive officer, which, I think, more accurately states what the governor really is, the chief executive officer. It requires him to faithfully support the laws of the constitution, to support the constitution and the laws rather than execute. Execute was in the other constitution and we felt it might be some problem when you require the governor to execute the laws, because in some instances he could not possibly execute a law. He would have to go through the normal processes of government to do that. Section 8 merely requires the governor at the beginning of each regular session of the legislature to make reports and recommendations and to give the legislature a full financial picture of the state. The present constitution requires the governor to make periodic reports to the legislature concerning affairs of the state and to recommend measures for its consideration. This, I think, more clearly requires the governor to give a full report at each legislative session and of course, at any other time can make reports and other recommendations and give information to the legislature. Section C coincides with our reorganization concept and merely gives the governor the right to secure information written or otherwise from his department heads. The department heads to be a part of the reorganization plan, and, of course, it excepts matters related to investigations of the governor's office, because we felt that this protection should be built in. The present constitution now provides that the governor can require written information and financial reports from all statutory and constitutional offices and agencies. So, this really doesn't vary from the present constitution, with the exception that it conforms to our department head language. If there are any questions, I'd be delighted to yield.

Questions

Mr. Tobias: Could you tell me why you left out in Section A, the phrase "and of the United States"? In other words, why are you just making him faithfully support the constitution of this state and not of the United States?

Mr. Duval: I don't remember any conscious deliberation on our part. I may stand corrected, some of the committee members may correct me, but I don't recall any specific reason except that the governor of Louisiana would have a primary obligation to Louisiana.

Mr. Singletary: Mr. Duval, on line 19 under Reports and Information "excepting matters relating to investigations of the governor's office," would you explain that a little, please?

Mr. Duval: Yes sir. With the governor's right to require written reports from all department heads, let's say the attorney general's office was conducting an investigation of the governor's office, the governor could secure this investigation material and I think it would be prejudicial to the investigation. So we thought that this type of thing should be protected in the constitution.

Mr. Burns: Mr. Duval, how does the length of this section in this proposed draft compare to the present section in the constitution? Lengthwise?

Mr. Duval: It's 87 words less. No. The present constitution has different sections on these matters, Mr. Burns, and this merely puts them all together in one section because they all relate to the powers and duties of the governor. It is actually no longer and perhaps it's probably shorter, actually. If you take all the sections and put them together.

Mr. Burns: The reason I asked, it just seemed like to me that there is so much of this that is descriptive. You know it goes into detail.

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Mr. J. Jackson Mr. Duval, you mentioned in your presentation that the committee thought about utilizing the word "execute" but there would possibly be instances where the governor, someone might be confused about whether the governor really had the capacity to execute certain laws. It would seem to me, that in your statement you also said "executive" and it seems to me the word "executive" is a derivative of some part of the word "execute". But could you give me some examples of situations where the governor could not be, or could not really execute?

Mr. Duval In the event someone in the executive some statutory official violated a criminal law, the governor could not execute that criminal law. It would have to be executed via the ordinary criminal process.

Mr. Alario Mr. Duval, on Section E you refer to a capitol budget here, and it says that...

Mr. Duval In the interest of the committee, I'm just explaining "A", "B" and "C".

Mr. Alario All right, then I'll just wait till someone else comes up for that.

Mr. Denney Mr. Duval, isn't it correct that in the present constitution there is no provision requiring the governor to faithfully carry out the constitution and laws of the United States and isn't that why we didn't place it in here because it has never actually been in the constitution?

Mr. Duval Yes. That's correct, the present constitution merely requires that the governor take care that the laws be faithfully executed. It doesn't say what laws.

Mr. Denney And this committee did not specifically reject such a provision.

Mr. Duval That is correct.

Amendment

Mr. Poynter Sent up now by Delegate Stovall.

Amendment No. 1. On page 3, line 9, after the word "shall" delete the word "faithfully" and delete the "to" in its entirety and insert in lieu thereof the following: "cause the constitution and laws of the state to be faithfully executed and enforced."

Explanation

Mr. Stovall My dear Mr. Chairman and ladies and gentlemen of the convention, this is a very simple amendment which is a clarification. I think that it's something in which we will all want to concur. Mr. Duval, in explaining this section, said the governor shall be the chief executive officer and then he made the statement that the governor cannot execute some of the laws. Now, if you notice that my amendment says the governor shall cause the constitution and laws of the state to be faithfully executed and enforced. I think the point is valid that the chief executive officer cannot carry out all of the laws, but the purpose of this amendment is simply to say that it is his responsibility to cause it to be done through whatever administrative channels he finds necessary. I choose the word "execute and enforce" rather than the word "support" because the word "support" is somewhat vague and general. However, the words "execute and enforce" are more definite and I think would be more acceptable in a constitution.

Further Discussion

Mr. Triche Mr. Speaker and ladies and gentlemen of the Convention, I don't rise necessarily in favor or in opposition to this amendment. I'd just like to hear some more discussion about it. The only thing I heard from Reverend Stovall was that the language "faithfully executed and enforced" sounded a little better than "faithfully support the constitution and laws." I'm not sure that I understand

what we mean when we charge the governor and mandate him with the responsibility to faithfully execute and enforce laws. I'd like to hear some discussion on it. The present constitution says something like the governor shall cause the laws to be executed and I searched around for some understanding and definition of that, and I'm not sure that it's ever been defined or explained and I'm not sure I understand what we mean here. Do we say when the governor shall enforce the laws, does that mean that we give the governor the authority, just by way of illustration, to send the State Police into the various municipalities or parishes of the state to enforce criminal laws that may not be enforced at the local level by the local sheriff? Or do we call upon the governor to do other acts in connection with enforcement that he's not doing now? I'm not suggesting that it's good or bad, but I'd like to hear some more explanation of it.

Questions

Ms. Zervigon Mr. Triche, do you suppose that this could be interpreted to hold the governor responsible for everybody way down the line in his office so that if somebody did something wrong way down the line, the governor would be responsible for it because he hasn't caused the laws to be faithfully executed? Is that your reservation about this?

Mr. Triche No, that's not my reservation about it. I'm just concerned here and I'd like to have more explanation of what we mean by "executed and enforced." In answer to your question, Mrs. Zervigon, I'm not concerned with the governor's responsibility. He seeks the office and gets elected, he should meet up to his responsibility and should be answered for the people under his jurisdiction.

Mr. Roy Mr. Triche, I feel somewhat like you and I'm wondering if this is interpreted if the governor could be mandamus to enforce and execute laws that we're not sure of the interpretation of them. That is it may be that he would feel that there is no law there to execute and somebody would be filing mandamus suits on him trying to get him to do it.

Mr. Triche I'm concerned just for the opposite. For example, I recall a case where the legislature provided for the appointment of certain health officers by the state health officer and that was not done by the officer. In a suit to mandamus the health officer to appoint the local health officers, the court said that the power to execute the laws is vested in the governor and it could not mandamus any executive official, that that was the governor's prerogative and the governor's responsibility. Now when you say the governor is not only charged with the responsibility to execute but also enforce, I'm wondering if we are not now taking away some judicial authority from some other offices, probably, maybe the attorney general. I think the Supreme Court to see that laws, to order that laws are enforced. They may be met with the argument that the constitution says this is the responsibility of the governor to enforce the laws and we can't interfere. I'm just not sure, I have any number of reservations and I just would like to hear from the author of the proposal where the language came from, what's the meaning of the language.

Further Discussion

Mr. Denney Mr. Chairman, fellow delegates, I rise in opposition to Reverend Stovall's amendment. The language as shown in the Executive Department's Proposal says that the governor shall faithfully support the constitution and laws of the state. The amendment says that the governor shall cause the constitution and laws of the state to be faithfully executed and enforced. There are other provisions in the executive section which require certain other elected officials to execute and enforce certain laws of the state of Louisiana. I think we are putting a burden on the governor which will be impossible for him to fulfill and could conceiv-

ably give cause to an impeachment when the man, whoever was governor at the time or lady, would not have the power to cause the execution and enforcement of the laws by another elected official. We deliberated this section in the Executive Department Committee at length and we concluded that we should not put the burden on the governor to execute the laws, but merely to faithfully support the constitution and laws of the state and make him the chief executive officer of the state. It seems to me that this amendment could very well create an impossible position, or situation rather, and would be difficult of enforcement and might lead to bad results. I therefore request that you defeat the amendment.

Questions

Mr. J. Jackson Moise, I can understand some of the reservations that you may have about it, but maybe one of the reservations I have about the committee amendment is that you, based on your presentation just now, could you maybe go into some clarity of the word "support." I mean what does it mean for a governor to support the laws. Does that mean that he is void of having, in some cases, to have to execute, or see that certain laws are caused to be executed or be, in effect, adhered to? So could you maybe give us a little more deliberation or clarification as to what the committee meant by "support".

Mr. Denberry Well Mr. Jackson, I think we started off by saying that he is the chief executive officer of the state. That implies that any executive function that can be carried out by him must be carried out by him. There are some executive functions which are deliberately given to other officers. The attorney general has certain duties. The superintendent of education is going to have certain duties. The commissioner of agriculture, the commissioner of insurance, the commissioner of elections all have certain responsibilities to execute the laws. Now I don't see how we can make the chief executive responsible for improper execution, if you will of the laws, by another elected official. I think he should support those laws and in any instance where he has the power of execution, obviously, he will have to execute the laws. But to give him the duty, to burden him with the duty of causing the constitution and laws of the state to be faithfully executed and enforced, I think, creates an impossible situation. Does that answer your question, sir?

Vice Chairman Alexander in the Chair

Mr. Shannon Delegate Denberry, do you not think that this amendment would make more sense to add ... Do you have a copy of the amendment in front of you?

Mr. Denberry Yes sir.

Mr. Shannon To add "support and", to the beginning of his amendment, "support and cause the constitution and laws of the state to be faithfully executed." Leaving out "and enforced."

Mr. Denberry Well, I think it would be better than the way it's worded, Delegate Shannon, but I still think you might create an impossible situation when you give him the burden and duty of causing a law to be executed when he may not even have the power to execute it.

Mr. Shannon But granted that he does have the power, why, then this would be true.

Mr. Denberry Well if he has the power as the chief executive officer, he's not fulfilling his duty if he doesn't carry it out.

Mr. Tobias Mr. Denberry, are you aware that the present 1921 constitution, the Constitutional Oath, Article XIX, Section 1, provides only that the governor would have to support the constitution and laws of the United States and the constitution and

laws of this state? COULD THIS BE THE REASON THAT YOUR COMMITTEE JUST WENT THE WORD "SUPPORT"?

Mr. Denberry I beg your pardon. I didn't quite understand you.

Mr. Tobias Well, the present Constitutional Oath simply provides...

Mr. Denberry Oh, the oath. Yes, yes I'm aware of that. I understood you, yes, the oath does say that.

Mr. Tobias This is probably the reason that you used the word "support" in your...

Mr. Denberry Probably. I wouldn't guarantee that, but I think it may be true.

Mr. Avant Mr. Denberry, in the proposal, Committee Proposal No. 6 of the Committee on the Judiciary, the section dealing with the sheriff. It says, in each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish except as otherwise provided by this constitution. Now I think, I don't want to be speaking for everybody, but that was intended to cover duly... to exclude duly constituted chiefs of police in municipalities where you had a municipal police department, perhaps. But can't you see that under this amendment, "cause the constitution and laws of the state to be faithfully executed and enforced," that the governor could move into parish and supplant the duly elected sheriff and take over the law enforcement duties in that parish, and in that fashion, cause the laws of the state to be enforced.

Mr. Denberry That's very true, Mr. Avant. In addition to that, if he fails to do that, it is conceivable that he has given the legislature grounds to impeach him.

Mr. Derbes Mr. Denberry, isn't it important to distinguish, for purposes of this particular amendment, between an oath, which is essentially a vow of office, and a delegation of responsibility which we are really addressing ourselves to here?

Mr. Denberry Well, I think there is some distinction, Delegate Derbes, but I don't know that that answers the problems I have with the language.

Mr. Derbes So what we're really trying to do here, we're trying to be clear in the delegation of responsibility to the governor and empowering the governor to perform certain functions. We don't wish to delegate to him more responsibility than we feel he should have for actions of others. Isn't that essentially the criticism of the amendment? Thank you.

Mr. Denberry Yes, that's my criticism. Correct.

Mr. J. Jackson Mr. Denberry, just awhile ago Max mentioned that in an oath, that it's possible that the committee got the language that is presently being proposed as that language being support from the oath. But as I look into the book on page 53 where it talks, Subsection 14, under Governor, Execution of Laws, Extraordinary Sessions of Legislature, Restrictions on the Powers to Legislate, Limitation on Time and Proclamation and Notice, it says, "he shall take care that the laws be faithfully executed and make etc., etc." So that the word "execute", it has been used and is used in the 1911 constitution.

Mr. Denberry Oh yes, unquestionably. But it says take care to, and I think that is meaningless.

[TRANScribing QUESTIONS TO THE PUBLIC]

Closing

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Mr. Stovall It's somewhat surprising that questions would be raised concerning an effort to make adequate provisions for the execution and enforcement of the laws of the state. The last speaker recognized that in the 1921 constitution it says that the governor "shall cause the laws to be executed." This is all that this amendment says. It does not place a heavy burden on the governor. Instead, it recognizes that he shall cause, that is, through his administrative channels. Now, I think that in regard to what the attorney from Baton Rouge had to say a moment ago, that we would all recognize that if the laws of the state are being latently violated and are not being enforced in some subdivision, that there should be some channel whereby the enforcement of the laws can be realized. Certainly this power would not be exercised only in such cases. Ladies and gentlemen of the convention, it seems to me that this amendment simply says that the governor shall be responsible for the faithful execution and enforcement of the laws, for fulfilling this constitution which we are working on, and that he might, by appropriate action in the name of the state, see that the laws are enforced and executed and that the constitution is likewise. It seems to me to be a very reasonable amendment which strengthens the position of the constitution. Thank you.

[unrum Call: 95 delegates present and a quorum. Record vote ordered. Amendment rejected: 25-82. Motion to reconsider tabled.]

Amendment

Mr. Poynter Delegates Roy, Vick and Tobias send up amendments at this time. Amendment No. 1. On page 3, line 10, at the end of the line delete the period and insert in lieu thereof the following: "and of the United States."

Explanation

Mr. Vick Mr. Chairman and fellow delegates, I rise to propose what is basically a technical amendment. It just adds "and the United States" after, "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." Unless there are any questions, I move it's adoption.

Questions

Mr. Jenkins Mr. Vick, do you believe that this might someday put a governor in a position of having to support and possibly enforce some edict or mandate from the federal government which he felt to be unconstitutional or contrary to the laws of this state?

Mr. Vick Mr. Jenkins, my answer to your question would be that it is his duty to abide by the constitution and laws of this state and the United States until a court challenge had been pursued through to it's finality. I don't think we've had that sort of thing in the past.

Mr. Jenkins Well, isn't it true, though, that in many instances in order to get a court decision on a particular issue, some act has to be done which sometimes would not be in accord with the letter of the law in order to test the constitutionality of that particular law.

Mr. Vick Are you advocating civil disobedience?

Mr. Jenkins No, I'm asking you a question. Isn't it true that in most...

Mr. Vick A test case is always in order. You must have a justiciable issue which obviously raises a cause or controversy. A test case is always in order and I think one is not in violation of one's oath or one's duty if one tests the law.

Mr. Velazquez Delegate Vick, we still have only one nation, don't we, and 50 states? Not 50 nations over here.

Mr. Vick At last count, Mr. Velazquez, but I understand Hawaii had moved to secede after the other day's comments.

Mr. Velazquez Well, it's very possible, but I think that we better work with the idea that this was tried one time, when it did try to divide the situation up in the north and south, it didn't work then. I don't think we can envision any further civil wars so we ought to go ahead and make the governor of Louisiana obey the laws and the constitution of the United States seeing as every other citizen has to do so.

Mr. Vick Exactly, Mr. Velazquez.

Mr. Anzalone Mr. Vick, isn't this really some kind of an attempt to keep us from seceding from the Union?

Mr. Vick Not on my part.

[Prev. un. Question withdrawn. Amendment adopted: 85-9. Motion to reconsider tabled.]

Amendment

Mr. Poynter The amendment is sent up by Delegates Anzalone and Asseff

Amendment No. 1 On page 3, delete lines 16 through 20, both inclusive in their entirety and insert in lieu thereof the following:

[Amendment withdrawn.]

Chairman Henry in the Chair

[unrum Call: 89 delegates present and a quorum]

Explanation

Mr. Denny Mr. Chairman, delegates, This is an attempt to explain Sections D and E of Committee Proposal 4. The purpose of these committee proposals was to assure first in some manner that the state would operate under a balanced budget. Secondly, that there would be a capital budget provided for in the constitution. Neither of these philosophies are presently embedded in the state constitution. However, most of us on our committee were neophytes in the legislative art and we have been advised by many of the delegates to the constitution and also by many members of the staff of the constitution that the language which we have provided in there would be difficult to comply with. Therefore, although I have not polled all of the members of the Executive, the Committee on the Executive Department, I have spoken to many of them and I believe that the Committee on the Executive Department is now willing to go along with the amendment which you have before you now proposed by Delegates Rayburn, Roemer, and me. I have my understanding that in the section on the Proposal on Revenue and Finance, we are guaranteed in effect a balanced type of budget. The annual appropriations bill has a provision which will prevent or permit the governor to reduce the expenditures in the event that revenues do not come up to anticipated revenues. We have provided in the original draft that the revenues were to be anticipated by the governor, and that the appropriations should not exceed the anticipated revenues. At the suggestion of many delegates and also of many members of the staff, it was determined to leave anticipated state revenues in a rather vague sense so that the legislature in its wisdom each year could take anticipated revenues given to it by various and sundry sources such as the governor's office, the division of administration, L.S.U. New Orleans, L.S.U. Baton Rouge, PAR, the legislative auditor, etc. and try to come up

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with a figure which was a reasonably correct anticipation of the revenues for that year. Accordingly, we recommend that the, or at least I recommend, speaking for myself and I think for most of the members of the Executive Department Committee, the adoption of the amendments submitted by Senator Rayburn, et al which regards the operating budget. I do not have before me the amendments submitted with regards to the capital budget.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Rayburn], on page 3, delete lines 21 through 29 both inclusive in their entirety and insert in lieu thereof the following: "D. The governor shall submit to the legislature at a time fixed by law a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues."

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, This amendment was adopted by the Committee on Revenue, Taxation and Finance and after talking to some of the other committee members, I think we have reached an agreement. The language is very brief and is self-explanatory. It says, "the governor shall submit to the legislature at a time fixed by law"; the original bill says within two weeks. We felt like the legislature might want to fix three weeks or a longer period so we did leave out the two weeks and say by a time fixed by law which means that would be a time fixed by the legislature. A proposed, not necessarily a state budget as the original language provides but a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues, period, and we think that's brief and to the point and I would ask the adoption of the amendment.

Mr. Chairman, just a... when they prepared this amendment they left out at the beginning operating budget and we did write it in pencil and it is in the original. It is not in this one, I just wanted to call this to your attention.

Questions

Mr. Jenkins Senator Rayburn, in the committee's proposal it says "total appropriations for the year shall not exceed anticipated annual revenues as projected by the governor and the operating budget." Will you have some language to that effect in your Article on Revenue and Taxation?

Mr. Rayburn Yes, sir. We have it in our recommendations. I'll read it, Mr. Jenkins. It says total appropriations made by the legislature for any fiscal year shall not be greater than anticipated revenue of the state. We have that covered in another section. We felt like it would be more applicable to another section than it would this section and I move the adoption of the amendments.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Rayburn, et al], on page 3, delete lines 30 through 32 both inclusive in their entirety and insert in lieu thereof the following: "E... And you need to insert on your copy Capital budget... The governor shall submit to each regular session of the legislature a proposed five year capital outlay program with a request for implementation of the first year of the five year program." Page 4, delete lines 1 through 5 both inclusive in their entirety

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, in the original bill that you have before you, the language provided that the governor shall submit at each regular session of the legislature a proposed

capital budget as provided by law implementing the first year of the program. The language in the amendment says the governor shall submit to each regular session of the legislature a proposed five year capital outlay program with a request for implementation of the first of the five year program which means that the governor can request the implementation of the first year if revenues are available, but it does not bind us to have to abide by his capital outlay program and that's why we added the word "request" in place of just a five year capital outlay program. And that are no questions I move the adoption of the amendments.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Sandoz], on page 4, line 10, after the word and punctuation "offences," and before the words "in addition" add the following: "All these powers except the governor's power to grant reprieve of a death sentence may be restricted or limited by law."

Explanation

Mr. Sandoz Mr. Chairman, fellow delegates, the purpose of this amendment is to permit the legislature in proper cases to be able to restrict the governor's right of commutation and also, to permit in certain cases, for example, at the present time our problem is just as brief as this. Sometimes the man that's convicted beats the deputies back home and we're trying to grant to the legislature, which I believe is the responsible body today and apparently improving in that category all along, the right to limit in certain specific cases by statute the powers of the governor except in the case of a reprieve to grant commutation and pardon and this is recommended and sponsored also by our district attorney and I think he has discussed this with a number of the district attorneys throughout the state. We are trying to, in cases where the juries that try these cases recommend a certain sentence without benefit of pardon or parole that the person sentenced under those circumstances by a jury that heard the evidence that that person would serve the sentence as recommended and I'll be glad to answer any questions that any delegate may have.

Questions

Mr. Roy Mr. Sandoz, what juries are deciding what penalties will be imposed on people? I'm not aware of that.

Mr. Sandoz I didn't understand your question.

Mr. Roy What juries are deciding the punishments that will be imposed on people? I thought the judge did that.

Mr. Sandoz Well, I'm saying the sentence... in the event of a jury recommending life sentence without benefit of pardon or parole, if there would be such a statute passed in this state, meaning for life imprisonment, let's say Mr. Roy, you had a third offender convicted three times for aggravated rape, and this was his third offense and the jury that heard him recommended life imprisonment without benefit of parole or pardon and a legislative act was enacted to support that, then the governor, in those circumstances could not commute that sentence or grant parole under those circumstances.

Mr. Roy Well, then what you're saying is that a legislature from session to session may just arbitrarily decide commutation or no commutation, well then how are you going to stop that?

Mr. Sandoz I'm saying by general law Mr. Roy. It's not designed to apply to any particular case. But let's say armed robbery for example, in armed robbery if the legislature, and there's such a statute, provides that there shall be ninety-nine

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years or whatever term it specified and if the legislature in that particular type crime would specify that that sentence would be without benefit of commutation of sentence or parole then under those circumstances the governor's power would be limited.

Mr. Roy I understand what you're saying but you're not addressing yourself to my question. My question is couldn't a subsequent legislature say that that particular crime will be subject to commutation of sentence?

Mr. Sandoz Oh yes, it could be changed.

Mr. Roy Well, that's what I'm saying, so that there is no stability in the law. You are taking away under your amendment the thing that we the people have given to the governor historically you're going to remove it from session to session of a legislature.

Mr. Sandoz No, my point is this, Mr. Roy, that we would place in the discretion of the legislature the right under proper circumstances and conditions to place some limitation on the unlimited power of the governor to grant these pardons and commutations. In other words, I believe that under certain sets of facts that it would be more responsible to have the legislature set certain types of crimes and conditions that would restrict the right of the governor to pardon and commute sentences.

Mr. Roy But that right would still be an arbitrary determination every four years or every year. Every regular session the legislature could change what had been done prior thereto.

Mr. Sandoz That's true of every legislative act.

Mr. Roy But we're dealing with the notion of commutation and reprieves and a constitutional document that was inherent in the right of the governor. Are we not?

Mr. Sandoz Well, that's true and I'm submitting Mr. Roy, that that power has been abused in the past and I would like to put some restriction on that power through the legislature.

Mr. Roy Well then why don't we just take out the idea of commutation and reprieves and pardons all together and just let it be governed by the legislature from session to session?

Mr. Sandoz No, I'm basically in favor of the governor exercising these powers. However, I think that in the past we have been subject to an abuse of these powers in certain instances and I'm recommending that the legislature be in a position to place certain restraints in certain specific crimes.

Mr. Roy Well, I don't take it, or do I take it that you have any statistical data to support what you're talking about other than what your district attorney may feel is necessary?

Mr. Sandoz I think that there are other district attorneys here that may back up the statistics I'm referring to.

Mr. Roy I hadn't heard any...

Mr. Avant Mr. Sandoz, the thing that troubles me and I'd like to have an answer to is this. The legislature has passed a law, a penalty provision regarding armed robbery. Now I'm not defending armed robbers, don't indulge in that assumption, it's a very heinous crime but I can envision a situation where a young man say, 18 or 19 years old convicted of armed robbery and was sentenced to ninety-nine years. He may serve twenty-five years and at that time he may well be the proper recipient of some type of clemency or parole or something like that, on the other hand he may not be but it could be that he would be. Would this prohibit then, if the law at the time he was sentenced, that there would be no parole or pardon or commutation of sentence?

Would this prohibit any relief for that man if he was truly entitled to it at that time?

Mr. Sandoz Mr. Avant, we are leaving the details of the types of crimes and terms and conditions up to the legislature. The legislature may fix these terms and conditions as it deems fit. We are only attempting because of experience which we've had, to provide that in certain cases, in the wisdom of the legislature if it deems necessary it would have that right to pass such a statute.

Mr. Avant Now, question number two. There are many crimes that are today don't carry that limitation. Armed robbery I think is the only one that does. I may be wrong but let's take simple theft, could under this provision the legislature enact laws applying to people who had already been convicted and sentenced of the crime of theft and were presently serving their sentence and eliminate their right to executive clemency?

Mr. Sandoz I don't think they could. I don't think that would be retroactive.

Mr. Avant Well, I'm not at all sure and those things disturb me.

Mr. Champagne Mr. Roy pointed out that it was discretion of the legislature. Isn't it not discretionary now to the governor? In other words would it not limit it to more people than simply one or two or three?

Mr. Sandoz That's true, Mr. Champagne. We're trying to put this power to some extent in the hands of the majority of the elected legislature rather than in one man's hand.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I urge you to reject this amendment. The Committee on the Executive Department worked long and hard in the preparation of this provision dealing with pardons, commutations, reprieves and feels that we have come up with a plan that probably should satisfy most people who are concerned with this most important area of activity in the executive branch of state government. Essentially what has been done here in the proposal by the committee is to make sure that the ultimate and final right to make a determination as to whether a pardon, commutation or reprieve shall be granted will rest with the chief executive officer of the state of Louisiana. The governor retains the ultimate right under this proposal. Now many people thought that in addition to the governor having that right that some other provision should be authorized whereby the legislature by supplementary provisions could also provide other methods and other means by which a pardon, commutation or reprieve could be granted. The upshot of it all is probably going to be that the legislature will devise and will develop a plan which in practically every instance will be utilized for the purpose of granting this kind of relief but I don't think there's any question but that because of the position that he occupies in state government that in the very last analysis that the governor's authority to act in these instances should be retained, so what I think that we should do and hope that we do do, is to stay with the committee proposal which gives the ultimate authority to the governor but also authorizes the legislature to provide supplemental methods whereby post conviction relief can be granted to persons charged with offenses and I strongly urge that you reject this amendment.

Questions

Mr. Lanier Mr. Gravel, would you tell me if I'm correct in reading this. This gives an unlimited right to the governor in any case to grant a commutation or reprieve?

Mr. Gravel It does, sir.

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Mr. Lanier Is this any change from the present law?

Mr. Gravel It is to the extent that the pardon board under present law consists of the lieutenant governor, attorney general and the presiding judge and this would substitute the ultimate and final pardoning power in the office of governor for that particular kind of pardon board. That is correct sir.

Mr. Lanier Then would it be theoretically possible say, for the governor to pardon or relieve all the prisoners in Angola, if that was his wish?

Mr. Gravel Under this provision, yes he could. It would be possible.

Mr. Derbes Mr. Gravel, there is nothing in the original committee proposal as submitted which would preclude the legislature from adopting a law providing for automatic pardon... that is restoration of citizenship for first offenders without the necessity of gubernatorial intervention.

Mr. Gravel That's correct, Mr. Derbes. As a matter of fact the legislature can and should and I suggest will provide some model method by which this kind of release can be considered and will be granted but it would be supplementary or corollary to the same right that the governor as the chief executive officer of the state would have under this proposal.

Mr. Derbes I think that's good. Thank you.

Further Discussion

Mr. Burson Ladies and gentlemen of the convention, I want to lay the issue squarely on the line. Do you believe that you ought to have a meaningful sentence of life imprisonment under our criminal law because that's what the gut issue is in this whole topic? We all know that for all practical purposes the death sentence is a dead letter. I submit to you that the legislature in its last session enacted Act No. 111 which provided among other things that in second degree murder where the capital crime of second degree murder shall be imprisoned at hard labor for life and shall not be eligible for parole, probation or suspension of sentence for a period of twenty years and that is what the legislature passed at the last session. Under the committee proposal, the legislative Act 111, and I advise all of you legislators to take a look at that committee proposal and see if this is not true. Your legislative act would be unconstitutional because this constitutional provision would give to the governor the absolute right to grant a pardon or parole and you could pass legislative acts regarding life imprisonment for murder until you were blue in the face and they would be flatly unconstitutional because you could not limit a constitutional power which is unlimited under the committee proposal and that is the purpose of this amendment to permit the legislature in the proper case to limit it. Now it's been said the legislature would act arbitrarily, what is more arbitrary than one man making the total decision in this case. Remember, under the present law the pardon and parole boards... the pardon cannot be granted unless two out of three of the lieutenant governor, the attorney general and the presiding judge in the case who knows the facts of the case make a recommendation to the governor. Now, when you vote on this and I'm going to ask for a record vote, I want you to be ready, however you vote to grant pardon and explain to your people, how it is that you voted for a provision which would take the presiding judge, who is the only one that knows the facts of the case, off the pardon board and turn around and grant an unlimited grant of authority to the governor without any ability of the legislature to limit it and I submit to you that Mr. Gravel is flatly incorrect when he says that the committee proposal permits the legislature to limit the power. All it says is that the legislature may provide additional methods for the foregoing. Well, the additional meth-

would be simply additional methods for exercising the power but it cannot limit that power unless you adopt this amendment and I submit to you that in order to preserve the integrity of legislation that has been enacted as late as the last session of the Louisiana legislature and I noticed that some of the cosponsors on Act No. 111 Senator Rayburn among them, Representative Ullo. I urge you to think in this case of the people that you're representing. Now I have a great deal of sympathy for people who are in prison but I also have a great deal of sympathy for the helpless victims of brutal crimes and we've seen cases as recently as this year in my parish where a man who was sentenced to twenty-five years in the penitentiary for a brutal crime of manslaughter was back on the street in six months. Now if that's what you want to continue, well you go ahead and vote for the committee proposal and let the governor have the unlimited power of pardon but if you think that your elected representatives in the state legislature ought to be able to pass statutes such as Act No. 111 which would say that if a man was sentenced to life imprisonment for second degree murder that he had to serve at least twenty years then you vote for our amendment. It's as simple as that.

Questions

Mr. Gravel Just to get the record straight, are you under the impression that I said that the legislature could eliminate the power of the governor under this section?

Mr. Burson Mr. Gravel, I wasn't quite sure what you said but I thought that impression might have been left and I wanted to dispel it if it had.

Mr. Gravel Let me dispel the impression because I don't think I said that, if I did certainly didn't intend to. I wanted to make it clear I thought, that the governor did have total and complete power and that the power of the legislature would be supplementary and corollary to that power and I don't think I said that and I certainly don't want to leave that impression with you or with the convention.

Mr. Burson Well, I'm glad we agree on that point because I think that makes the issue clear on the vote on this amendment.

Further Discussion

Mr. Triche Mr. Speaker and ladies and gentlemen of the Convention, I'm not going to have any difficulty at all going back to Assumption Parish and telling the people whom I live with that I voted against this amendment. It's not going to be difficult for me to explain. It reminds me of a song; you don't have to hear and you don't have to see, you can feel it in your ofactory. It's like a dead skunk in the middle of the road, it's sticking to high heaven. That's what I'm going to tell my folks why I voted against this amendment. The power to pardon has been traditionally an executive function. It's got nothing to do with the legislature. The legislature cannot make those kind of decisions. I repeat again and again and again the legislature makes political decisions and I submit to you that the authority to pardon is not one of those decisions the legislature is competent to make nor should it be called on to make because it will not do it responsibly. I guarantee you that, Mr. Burson. What is this amendment about? I'll tell you what it's about. The acts passed in the recent session of the legislature limiting sentence, said that the sentence shall be for twenty years without benefit of parole, probation or suspension of sentence. That's a directive to the district court that renders the sentence. It says nothing about prohibitions against pardon, reprieve or commutation of sentence and the reason for this is pardon, reprieve and commutation of sentence are constitutional authorities granted to the chief executive in the constitution of 1924 and we propose that it be granted again in this constitution. Probation, parole and suspension of

sentence are sentences meted out by the district judge after the defendant has been found guilty and all the legislature has ever said and all it can ever say is that the defendant after found guilty shall be sentenced to X years without benefit of parole, probation and suspension of sentence. That's entirely different from pardon. Parole is after a man has served some time in the penal institution and has been rehabilitated and upon the advice and with the consent of the parole board, the parolee is granted some relief. That's after he has served a portion of the sentence. Probation and suspension of sentence is usually granted at the time of sentence by the district judge because the circumstances warrant some additional mercy in the case and the district judge will say two years probation, ten years sentence suspended in good behavior. Those are the types of things that the laws in the past and the legislature have sought to prohibit the courts from doing. Prescribing a sentence without benefit of parole, probation or suspension of sentence but never has the legislature provided that sentence shall be without pardon. If you pass this amendment, you will allow the legislature to set certain crimes that will be without parole and without benefit of pardon. Now let me tell you about that. Once a sentence is imposed and begins to be served it cannot be changed. I repeat, it cannot be changed and parole doesn't change the sentence. It puts him on the street under certain conditions but the sentence of ten years imprisonment still goes on. The sentence cannot be changed. If a man is convicted of a crime that calls a penalty, if a man is convicted of a crime that calls for a penalty without benefit of pardon and he's sentenced to fifty years in a penitentiary without benefit of pardon and we later find out five or ten years later, somebody makes a deathbed confession, we found out in spite of due process laws, in spite of the sworn testimony of witnesses and the jury of an impartial verdict of an impartial jury, we've convicted the wrong man and there's nothing we can do about it.

There's nothing we can do about it. There are no post conviction remedies that apply to that circumstance and that situation except the remedy of pardon. I've exceeded my time on ladies and gentlemen. This is a very serious matter and I urge you please to vote against this.

Further Discussion

Mr. Burns: Mr. Speaker and fellow delegates, it is true what Mr. Friche has just said about the power of the governor to pardon and the authority and the legal rights of the legislature only to deal with paroles and things of that matter. That is exactly the purpose of this amendment in this new constitution. We're not talking about the constitution of 1921. If we fail to adopt this amendment it will go by to the voters. The thing that impresses me, ladies and gentlemen, is almost everything that has been said not only in connection with this particular amendment, but with reference to the criminal, its reference to the law violator, its reference to those who have been guilty of the atrocious and the mass killings that we experience today, and which, unfortunately, are growing worse and worse all the time. I think in drawing up this new constitution that we should stop a minute and think about those people who have been the victims of these tragedies of these murders, and kidnappings, and rapes and give them a little consideration, or at least their families and their loved ones and not devote all our time for the protection of the public, at this time, is more aroused and more aware about that, particularly since the United States Supreme Court has seen fit to declare the death penalty unconstitutional. The only thing that we have to offer the people of our state now, if that when a man is convicted of a cold blooded murder or particularly a mass killing, that he's sentenced to the penitentiary for life, it means that. I don't mean that he goes up for a year or two years, and under this article that the governor would see fit to pardon him. And what I'm saying,

I want it definitely understood, has no reference to the present governor. We keep on saying which is properly so that we are adopting this constitution to serve for the next 50 years. So what I'm saying applies to all governors in the future. I am not necessarily sold on this particular amendment, but what I'm saying is that we're going to have to put some restrictions on the pardoning and the reprieve powers of the governor. If you don't, then you're going to have the real judges and I'm talking now about these real extreme cases, the ones that get people aroused and disturbed and they are disturbed. I know each and everyone of you know it, as to what we're going to do to stop this. You're not going to do it by always catering to the criminal element. Now Mr. Roy asked Mr. Sandoz a question, did he know of any instances where this authority of the privilege of right of the governor had been abused. Well I've served as District Attorney for 24 years, and luckily I got out before all the present type of crimes came into being. But during those 24 years I could name you instance after instance after instance where this power was politically abused. I'll just give you one instance. I conducted the trial for cattle stealing in Toiyabe Parish and he had good connections, both family wise and political wise. He had contacts down in the Supreme Court when the case was taken upon appeal. When the conviction was upheld by the Supreme Court and the time came for him to be taken to Angola, the people were waiting at the gates of the penitentiary with their wives and that's how they got into the admission office at Angola. Now that's just one instance of what I'm talking about. But what I'm trying to say to you, ladies and gentlemen...

Further Discussion

Mr. Jenkins: Mr. Chairman, delegates to the convention, I must admit dissatisfaction with both the amendment before us and the provision written by the Executive Committee. I think the best alternative is that in the present constitution in which the pardon power is unlimited, but it must go through the Pardon Board made up of the lieutenant governor, the attorney general and the presiding judge. That, to me, is the protection for the public that we need, but also the flexibility that is sometimes necessary in particular cases. I really feel if we adopt this amendment that pardons will no longer exist in many instances because I think the legislature will be quick to take it away in certain extreme cases, because of our emotions, because of our high feeling about the particular case involved. Suppose we have a mandatory life imprisonment with no benefit of parole, probation, commutation or pardon for a certain crime. We may feel very strongly right now that that should be imposed in the year 1973. But there may be someone in his teens or his twenties and in the year 2020, all the principles may be dead and the law that says that that individual who has been in jail. Just as now, we have in some cases people in jail who have been there since the 1920's and the 1930's and everyone involved is long gone. It's a crime which has been forgotten. It's a crime where a penalty, a severe penalty has been paid. There is no way to right the wrong at this point, but the person is in a harmless, helpless condition and there's really no justification for keeping him in prison at this late date. Now if we want to talk about justice, I think we've got to believe in the death penalty and I do. I support it when uniformly applied for certain heinous crimes. But if we can't impose that penalty, we've got to do the best justice we can. And in some cases it's so difficult to do that way that it's the alternative for one man sitting over there in the governor's mansion to review his conscience and the circumstances of the case and make a decision, usually long after the events have occurred. I think between this amendment and the provision by the Executive Committee, we've got to go with their provision in the Executive Department. I'm not for. But I think the real alternative is to retain the present law. Make it go through the Pardon Board. But keep that institution inviolate—the right to pardon. So I urge you to reject this amendment

Further Discussion

Mr. Conroy In the ultimate, in the important part of this, Mr. Jenkins and I are in complete agreement. That is that the correct solution here is to go back to what is presently in the constitution. I understand from Delegate Jack that he has such an amendment proposed and I will certainly support that amendment when it comes up. At the present time, which I hope is virtually irrelevant, I would support the proposed amendment because I think that some restriction is necessary on the governor's authority to grant pardons. I think the better solution to that is the Jack proposal which will come up in just a few minutes, I hope, but in the meanwhile I think it's so important that it's better to adopt the present amendment than to retain the present proposal by the Executive Powers Branch.

Vice Chairman Roy in the Chair

Further Discussion

Mr. Jack Mr. Chairman and members, I'm looking at this watch because with 5 minutes... Now this is a very complicated field. I've dealt in my law practice since 1940, with Pardon Boards and Parole Boards practice among my other practices. Now, I prepared an amendment to hold in emergency which is filed to retain the present, word for word in the constitution, anticipating from reading the material in this proposition No. 4, that the necessary legislature could call it. Now, it's been properly stated by Mr. Triche and others, in my opinion, that the power of pardon, commutation of sentences, reprieves, those are things that belong in the constitution. Not within the power of the legislature that's going to meet every year to be changing them back and forth. The power of parole, rightly, is not in the constitution. That is, of course, the power of the legislature, and parole comes after serving certain time. Now let me tell you this, this amendment of Mr. Burson's here, can completely undo everything the first part of the proposition No. 4, that subsection provides for and leave up everything to the legislature. In other words, it'd take everything out of the constitution. An amendment can have that effect, the legislature could take everything out except that the governor would still have the right to grant a reprieve of a death sentence. So it would take everything out since it looks like you may not even have death sentences. But a reprieve, I don't know whether you know some of these technical things, a reprieve is different from a commutation. A reprieve simply means if it's to a 10 year sentence, it means you don't start that sentence within the time of your reprieve. If it's a reprieve from a death sentence, it means you cannot have the death sentence enforced during the time of the reprieve. Now here is a situation as to regarding the present law. Governors do not like that part of it, of having to pass on Pardon Board recommendations. Your Pardon Board is made up of the trial judge, attorney general and the lieutenant governor. They can only make recommendations to the governor. It takes two out of three, and it's no good unless the governor signs it. Now let me tell you, I sat up and listened, Senator, you talked about like it's easy to get them. There are Pardon Board recommendations sitting over in the governor's office as far back as ten years ago that have not been acted on. I represent a man where it's been over there for four years. They are thoroughly gone into. You can always find some injustice, but we'll get to that in a minute. But if you pass this amendment, you can have a legislature pass the law saying there is no reprieve from a life sentence, ever. No parole, no commutation, no pardon. That man could sit there 50 years, and if he was innocent and could be proved, as the day he was born, there is no post legal trial machinery that assures that he'd ever get out. Now, of course, the legislature would, in effect, have to change the law and say everybody under that same situation is subject to parole. Now, if I had my druthers on a serious subject like this, I would think that, and I'm going to do it at the proper time, if a part

of a section can be referred back to a committee, this thing ought to be referred back and that committee with people, knowing they can consider it, I would like to appear before it and others. I think we ought to, for that committee, if we're not going to keep the present law as the Pardon Board is made up, the attorney general, trial judge and lieutenant governor, we ought to decide and put in the constitution what the new Pardon Board will be made up. It's an unpleasant task for those people to serve on it. But we are the ones ought to pass in this constitution what's going to constitute a new Pardon Board if we don't leave the present law. The procedure, I say, let's kill this amendment and then I'd like to, after that, ask the Speaker if a motion is in order, to refer back to this committee a subsection. Or if I can ask now, I'd like to know. What about it, Mr. Chairman?

Mr. Roy You are out of order, Mr. Jack, at this time.

Mr. Jack Okay, I say let's now defeat this amendment.

Further Discussion

Mr. Hayes Mr. Chairman, ladies and gentlemen of the convention, I would like to say that if we are going to give the governor certain powers in this state that we should not try to stay here today to try to take away all of the powers that we're going to give the governor or whoever that is. I think the right to pardon should be left somewhere. Someone made a pretty good suggestion a few minutes ago that we put it back where it is. I'm for either putting it back where it is or leaving it with the governor. Now, the argument seemed to rest around the fact that someone is going to misuse this authority. Okay, Mr. Burns said somebody had met him at the gate at Angola and they took somebody away. Well whoever did that did wrong. That's the person they would have put in Angola who did that if this was wrong. And when the governor pardons someone...

... But whenever the governor pardons people, if he's going to pardon people and he's going to do this just to be doing it, then the governor is wrong. That what you need to do and every four years we can change the governor or every eight years automatically. So I would encourage everyone to defeat this proposal.

[Quorum call: 92 delegates present and a quorum.]

Further Discussion

Mr. Stinson Mr. Chairman, fellow delegates, most of the points that I wanted to cover have already been covered by the prior speakers. But I would like to point out that I'm certainly in favor of the present provision concerning this matter. I don't think it's been gone into, but I'd like to point out in the present time the Pardon Board, for those of you that don't know, meets in New Orleans. If you have a case that has to be presented, it's advertised in the papers where the crime was committed and the person was tried and sentenced. Those people in favor or opposed to the application have the right to appear before the Pardon Board and be heard. The three gentlemen that preside on that have already been named. It is a fair hearing, it's open to the public. Under this provision of the committee, there is no hearing, no public hearing, left up to one man. The human flesh is weak. One governor, and I've been accused when I was in favor of retaining the sovereignty of the state, that I believed in a king. Well if there ever is a king maker, this is. The old saying, "the king is off with your heads" or your pardon or whatever it is, that's putting the governor in the position of a king. He doesn't have to have any hearings, he doesn't have to have recommendations from anyone. No one knows when he is going to grant that and I think that it's too much power to put in the hands

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of any one human being. Only favorites will be pardoned and not maybe those that should be. Now if there was a requirement saying that the governor would and shall review every case and pass on it, it would be all right. But the only case that is going to get to the governor, he's not going and go through and look for them, are those that someone in jail or the penitentiary that has political pull. Politics will come into this more than anything. It's a chance for graft and payoffs. You're sentenced for 80 or 90 years in the penitentiary. It sure is a big temptation to try to buy the governor and get out instead of staying there that long. I'd like to urge that this amendment, as some others have said, is at least better than what the provision is here. Let's adopt this and then if Mr. Jack's amendment comes up placing it back in it's present context, let's vote for that at that time. At the present time, you noticed on your digest on your table, the governor can only pardon after it has been recommended to him by the present board. The person entitled to be there with his lawyer and whatever may be to the governor is not going to be anything under this committee report. In fairness, let's adopt this resolution leaving it up to the wisdom of the legislature...

Questions

Mr. Burns Do you realize, or do you know that the vast majority of the more serious crimes such as armed robbery, rape, murder are being committed by convicts that are out on parole or reprieve?

Mr. Stinson Yes sir. And not only that, I was on the Drug Committee under the last administration we had hearings there and we had people that were pardoned so fast that they get caught the day they get out and go right back. Most of them committed other crimes when they got out. We've got to...under this, a person from that parish wouldn't even know a man had been pardoned because there is no advertisement, there is no nothing, knowing when this case has even come up. So, ladies and gentlemen, I'd like to urge you, let's adopt this amendment and then when Mr. Jack's comes up or his co-authors come, put it back like it is at the present time. I haven't heard any criticism of the present situation. In fact, if anything, it's too lenient. But under this, the gate is going to be open wide up and politics are going to play the part. I don't care who the governor is...

Mr. Jack Maybe I misunderstood you, I think you said...Mr. Stinson, I think you inadvertently said to please adopt that amendment. You mean please defeat it.

Mr. Stinson No, you misunderstood me. Yours might not pass. As safety, I want to adopt this one and then adopt yours when it comes up. I believe in two shots instead of one, Mr. Jack.

Further Discussion

Mr. Guarisco Ladies and gentlemen of the convention, I know we have a short House right now, but I believe, and I think a lot of people will agree with me, that this is probably the most serious substantial issue we've taken up thus far in the convention. We are speaking about civil liberties, although that was probably not the intent of the Executive Department, we are here now. For an example, a person could be convicted of a crime that was heinous at the time, heinous by legislative standards, but as time passes, those crimes will be reduced and the sentences will be reduced and the person who went to jail for that crime will have to stay there. I have the Code of Civil Procedure of the state of Louisiana and the Code of Civil Procedure of the state of Louisiana. I have the section on habeas corpus. Habeas corpus is the method by which a person who is in jail may possibly be removed other than by a commutation of sentence. Would you believe that nowhere in this book, in the law, can an innocent man who is convicted properly who

is later found to be innocent by possibly the confession of the guilty party, under the amendment, be able to get out of jail. There is no way. There is no new trial for him because the only way he can have a new trial under this statute, under the habeas corpus article, is if there was an error in his trial. We're also talking about the issue of separations of power. What's to stop an emotional legislature from invoking serious, very serious penalties for even minor crimes. Persons going to jail under these sentences and then have no recourse to any other authority. I think we have to have a court of last resort and the executive has to be that person. Well, you say you're going to allow, let a lot of guilty people out. Well at least the governor can't do you in. The legislature can do you in.

Questions

Mr. Singletary Mr. Guarisco, did I understand you to say that under the law there is no right to habeas corpus under this amendment?

Mr. Guarisco There is no right to habeas corpus in the Code of Civil Procedure of the state of Louisiana at this time. If you adopt the amendment, then there is no recourse whatsoever to get out of jail if you are convicted properly, even though you are innocent.

Mr. Singletary How so, sir?

Mr. Guarisco What?

Mr. Singletary Now? How do you draw that conclusion from the amendment?

Mr. Guarisco I'll have to answer your question with a question. How would he get out?

Mr. Singletary This amendment doesn't provide that the man has got to stay in jail after he's found to be innocent.

Mr. Guarisco But you took away the powers of commutation from the governor. Now who is going to commute if the governor doesn't commute?

Mr. Stinson Mr. Guarisco, have you read the case of the State of Louisiana vs. Favor [Favre] from Bossier Parish in which a writ of habeas corpus was filed in the federal court now because of the fact that he said he didn't have a fair trial and he's going to have another trial all over? The federal court ordered that and if they don't do it within 60 days, he's going to be released from the penitentiary.

Mr. Guarisco Mr. Stinson, you're probably talking about a federal case.

Mr. Stinson State of Louisiana vs. Favor [Favre] would be a Louisiana case. It was tried in Bossier Parish and the writ of habeas corpus went to the federal court and he's going to get another trial.

Mr. Guarisco That's exactly what I'm saying, Mr. Stinson. We have no rights under our state law. I want to find these federal rights in our state law and so far the legislature, in its wisdom, hasn't passed it. So we've got to look in the federal courts for these rights. No, I don't agree with that.

Mr. Stinson In other words, you don't think a person should seek his release in the courts. You think one man without any facts or anything should just go ahead and let anybody out he wants to and not be responsible in any way for whom he releases?

Mr. Guarisco Mr. Stinson, if we had these remedies in our state courts I would agree with you, but we do not have them. I'm reading the laws right here.

Mr. Avant Mr. Guarisco, is what you're trying to tell us simply this. That if this amendment passed

and the legislature passed a statute that said the penalty for the crime of murder will be life imprisonment without benefit of pardon, or commutation of sentence or parole, and John Doe was convicted of killing William Roe and 15 years later William Roe showed up and it was found out that he had been lollygagging around in South America all that time, that there is no legal procedure under our law for John Doe to get out of the penitentiary. Isn't that right?

Mr. Guarisco Absolutely right.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I think now is the time we should be having our prayer instead of this morning. I would like to say to say to all of the delegates and especially to the first speakers, I'm not for crime, I'm not for rape, I'm not for murder, I'm not for it in any form whether it's legal or illegal. I'm thinking now of a statement that was made some time ago, that it's not the man that steals that goes to prison, it's the man that gets caught. I'm also reminded of a question that I asked one of our judges in the city of New Orleans when we were discussing this same matter. We were talking about justice, and you know what disturbed me mostly was his answer. That it was nowhere in the law where a man had spent his life in jail for a crime that he did not do and was proven innocent, that he could get any kind of consideration or any kind of leniency for the time that he had spent there. I think we should defeat this amendment, I think we should spend a little more time on it. I'm not saying that I think the governor or one man should have all that authority, but I do think we should have a Pardon Board. I want everybody tonight, and I want Reverend Stoval and his minister, but I want everybody to get up tonight and pray because if God gave us all our just dues, I wonder where all of us would be today. At this time, all of you bow your heads and pray.

Further Discussion

Mr. Kilbourne Mr. Speaker, fellow delegates, I come here as one who believe has been closer to this problem, probably at the moment, than anyone here. For 18 years I served as district attorney of the Felicianas. In my district, I had the Louisiana State Penitentiary. I just completed my last term last December. Now let me make this clear. I didn't get kicked out, I didn't seek reelection. Not to say that I might not have gotten beat, but anyway, that wasn't the reason I didn't run. I just got sick and tired of new rights. New rights all the time for the criminal, and no rights for the majority, law abiding majority of our population. As fast as we could put them in there, they would come in with some federal ruling that gives the criminal's new rights and by which they could get out for. All this stuff about not having any rights, and be put there forever is the most ridiculous thing I ever heard of in my life. When I was district attorney I had the experience a number of times of convicting criminals, murderers at Angola, who committed brutal crimes against their fellow inmates. In several instances they got the death penalty against them. It was never enforced. If the governor didn't stop it, the federal court did. Somebody always stopped it. All the governor had to do after he issued the death warrant was to stay it, to stop it. All the federal judge or any judge had to do, issue a stay order and you're out. And I've had the experience of people who got sentenced to life in prison for murder of other inmates and 10 years later, federal courts come up with a new rule--he didn't have certain rights which they said, via this, the Miranda case, for instance. And so they would file a writ of habeas corpus. Now let me tell you the way they do that. They got the jailhouse lawyers. They got a staff of lawyers up there, jailhouse lawyers at Angola. They've got a law library at Angola. In fact, they just

had a case down here where the convicts were suing the warden up there cause they said he didn't keep the law library open at the right time. And they file one writ right after another. And they now and then they'll get a good one where the federal courts have made a new rule and I've had the experience of the federal judge ordering me to retry that man. Maybe he was convicted 10 years ago, and he said you've got to retry them within 60 days or let him go. Well can you imagine, no you can't, cause you've never had the experience of trying now and dig up witnesses in a murder case that happened 10 years ago. When the Supreme Court threw out the death penalty I think we lost a great deterrent. Even though we couldn't enforce it, there was a possibility we might be able to. Now the legislature has come along and said, in some cases, that you can't grant pardons, paroles, reprieves in certain kinds of very bad crimes, heinous crimes. I say this, under the present constitution...

Mr. Roy Will you yield to a question from Delegate...?

Mr. Kilbourne No, I won't yield. Under the present constitution, I don't think those laws are constitutional because the present constitution says that it will have the right to parole, to pardon by the Pardon Board. So those laws, in my estimate, are ineffective. Now in a desperate attempt to protect our people from these murderers, these rapists...

Mr. Roy Wind it up, Mr. Kilbourne. You've got about 30 seconds left.

Mr. Kilbourne Well, I can't say much in 30 seconds, but all I want to say right here and now, you just let the folks know whose side you are on, the criminals or the law abiding majority of our society. I know which side I'm on.

[Previous Question Order.]

Closing

Mr. Burson I agree with all the speakers that say this is the most serious matter that you've considered thus far. You know, it's amazing to me that the same speakers who've been up here for a month telling us how responsible the legislature is going to be under this governmental system are the same speakers that are up here today telling us that the legislature is going to pass laws and make away all of the rights of the people. Now, I don't believe that people like Mr. Riche, for whom I have great respect, would vote for laws like that, do you? If you'll read this amendment it says the legislature shall provide by law. The legislature can provide by law for all of these horror stories that we've heard up here including the innocent man who's found out after 10 years in prison. The legislature can provide by law and don't you believe that the legislature will provide by law. I have to feel that, I remind you when we're talking about pardon, commutation of sentence and reprieve we're talking about remedies that are applicable after a grand jury has found an indictment, after there has been a conviction by a jury of twelve men and after a judge has exercised his discretionary power in the sentencing. I would also remind you that this committee proposal radically changes the present system wherein the trial court judge who knows more about the case than anybody else would be part of the body that would rule on this question of pardon. I submit to you, I don't care what you do after, if you do after, if you do not adopt Mr. Jack's amendment, that might be all right, but I think somewhere in here we should maintain for the legislature the discretion to limit or restrict this power of pardon and parole, I don't care who exercises it, because that is the only way through the elected representatives of the people, that the will of the will of the majority of the people in this country who are fed up and sick and tired of permissiveness will be heard. You can be

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lieve that because it's proven every day. Now, you know, I can understand the concern of certain delegates to this convention about law enforcement procedures in general and about justice because history has shown that they have not been fairly treated, but I ask you to remember two things here. First of all, one of the greatest injustices that has been done to minorities in my view, in the United States, is a failure to prosecute people and convict people for crimes committed against individual members of minority groups. That's one of the greatest injustices that's been done, and I submit to you that individuals who are members of minorities are probably percentage-wise the victims of serious crime in this country more than anybody else. I would like to make a second point in that regard. I wonder how much some of you here as delegates today would like to have had to depend on for your freedom the whim and the will of a single man, the governor. Now, you're all thinking about Governor Edwards, but let your mind drift back if you will and think about some other governors we've had and consider whether or not you want to give a future governor, because you don't know what he's going to be like, all of this power to decide as one man without any hearing as required under the present law whether a pardon, parole or commutation of sentence will be granted. I point out to you, Mr. Triche made a distinction between parole and commutation of sentence, the practical effect of granting a man a parole after serving five years and commuting his sentence to five years is the same. He's out on the street. If he's an armed robber and he's committed ten before, he'll go back for number 11. I think that we're all grown men and women and we know that the issue to society today is "have we gone so far in our regard for individual rights" which I am for. I'm for the Miranda decision on confessions. I think it's good law, but you reach a point in time where you have to think about the overwhelming majority of law abiding citizens, and I submit to you that their will; the instrument of their will under our system, is the law. I submit to you that I have confidence in the legislature in the passage of criminal laws just as I have confidence in the jury of 12 men of your peers to decide whether you're innocent or guilty. That's our system and that's all I'm asking to be employed in this case.

Chairman Henry in the Chair

Question

Mr. Roy Mr. Burson, I noticed that everyone who talked was a D.A. or an assistant D.A. in favor of this absurd result, but in any event is it your statement to this body of delegates that it takes a grand jury indictment for any crime other than murder or capital crime? Cannot the D.A. or his assistant bill for armed robbery and require a 99 year sentence in certain cases?

Mr. Burson Yes, sir. But I understand under the proposal coming out of your Bill of Rights Committee we'd do away with that and have to have a grand jury indictment for every burglary we would have.

[Personal privilege. Amendment tabled. 45-50. Motion to reconsider tabled.]

Personal Privilege

Mr. Stinson It will be very short. Mr. Chairman and delegates, I resent Mr. Roy deliberately accusing all of us being district attorneys. I'm a defense counsel and the rest of those were. There was no...as far as I know...a district attorney or assistant that spoke in behalf of that amendment. I resent...

[Motion to take up other orders of the day withdrawn without objection.]

Announcement
[10:00-11:00 a.m.]

Personal Privilege

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I'm getting somewhat concerned about our committee meetings. I don't know when we're going to be able to finish. If we have any more committee work to be done, but as I see this thing, if we're not going to have some time to cover the work in these committees, we're going to be in a worse jam than ever. I just wondered if we can't find some way or some schedule to where we can have an orderly meeting of the committees rather than trying to do it after adjournment and on days other than when the convention is in session. I just ask that in hopes that maybe the Executive Committee in its meeting Thursday can work that out.

Mr. Henry Senator De Blieux, let me assure you that you can feel free for your committee to meet on Mondays and Tuesdays or Saturdays afternoons or Sundays, but we have some business in this full convention to take care of, too.

[Adjournment postponed 1:00 a.m., Saturday, August 4, 1973.]

